

SENATE JOURNAL

OF THE

TWELFTH LEGISLATURE

OF THE

STATE OF WASHINGTON

BEGUN AND HELD AT

OLYMPIA, THE STATE CAPITAL

JANUARY 9, 1911

Adjourned Sine Die, March 9, 1911

W. H. PAULHAMUS, PRESIDENT
WM. T. LAUBE, SECRETARY

OLYMPIA, WASH.:
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COMPILED, ARRANGED AND INDEXED BY

WM. T. LAUBE

SECRETARY OF THE SENATE .

JOURNAL OF THE SENATE.

TWELFTH SESSION.

FIRST DAY.

SENATE CHAMBER,
OLYMPIA, WASHINGTON, Monday, January 9, 1911.

12 o'clock, noon.

The Twelfth Senate of the State of Washington assembled at the Senate chamber in the state capitol, pursuant to law, at 12 o'clock noon this day. Senator A. S. Ruth, president of the last Senate, called the Senate to order.

Prayer was offered by Rev. G. R. Messias, rector of St. John's Episcopal church, of Olympia.

The following certificate from the secretary of state, I. M. Howell, was read:

UNITED STATES OF AMERICA, STATE OF WASHINGTON,
DEPARTMENT OF STATE.

I, I. M. Howell, secretary of state of the State of Washington, do hereby certify that the following is a full, true and correct list of the persons elected at the general election held on the 8th day of November, A. D. 1910, from the several senatorial districts, as shown by the official returns on said election on file in this office, and are entitled to seats in the Senate of the legislature of the State of Washington, at its twelfth biennial session, commencing on Monday, January 9th, 1911; and also the list of the "holdover" senators from the eleventh session of said legislature:

HOLD-OVER SENATORS.

	<i>Name.</i>	<i>Counties Represented.</i>
District No. 1.....	Evan C. Davis.....	Grant, Douglas, Ferry, Okanogan
District No. 3.....	Jesse Huxtable.....	Spokane
District No. 4.....	R. A. Hutchinson.....	Spokane

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	<i>Name</i>	<i>Counties Represented.</i>
District No. 5.....	E. C. Whitney.....	Spokane
District No. 9.....	Joseph Arrasmith.....	Whitman
District No. 10.....	John R. Stevenson.....	Asotin, Columbia, Garfield
District No. 11.....	John D. Bassett.....	Adams, Franklin, Walla Walla
District No. 12.....	D. H. Cox.....	Walla Walla
District No. 13.....	John H. Smithson.....	Chelan, Kittitas
District No. 14.....	Charles E. Myers.....	Lincoln
District No. 17.....	A. B. Eastham.....	Clarke
District No. 18.....	F. L. Stewart.....	Cowlitz
District No. 20.....	H. O. Fishback.....	Lewis
District No. 22.....	A. S. Ruth.....	Thurston
District No. 23.....	James W. Bryan.....	Island, Kitsap, Mason
District No. 25.....	W. H. Paulhamus.....	Pierce
District No. 27.....	John L. Roberts.....	Pierce
District No. 28.....	Arvid Rydstrom.....	Pierce
District No. 38.....	J. A. Falconer.....	Snohomish
District No. 41.....	Ed Brown.....	Whatcom

LIST OF SENATORS ELECTED IN 1910.

	<i>Name.</i>	<i>Counties Represented.</i>
District No. 2.....	A. W. Anderson.....	Stevens
District No. 6.....	George W. Shaefer.....	Spokane
District No. 7.....	Harry Rosenhaupt.....	Spokane
District No. 8.....	Oliver Hall.....	Whitman
District No. 15.....	Frank J. Allen.....	Benton, Yakima
District No. 16.....	John E. Chappell.....	Klickitat, Skamania
District No. 19.....	H. A. Espy.....	Pacific, Wahkiakum
District No. 21.....	H. B. Hewitt.....	Chehalis
District No. 24.....	David S. Troy.....	Jefferson, Clallam, San Juan
District No. 26.....	Ralph Metcalf.....	Pierce
District No. 29.....	Peder Jensen.....	Pierce
District No. 30.....	B. A. Bowen.....	King
District No. 31.....	Ralph D. Nichols.....	King
District No. 32.....	Daniel Landon.....	King
District No. 33.....	Pliny L. Allen.....	King
District No. 34.....	George U. Piper.....	King
District No. 35.....	Josiah Collins.....	King
District No. 36.....	John A. Whalley.....	King

	<i>Name</i>	<i>Counties Represented.</i>
District No. 37.....	Frank C. Jackson.....	King
District No. 39.....	E. Milton Stephens.....	Snohomish
District No. 40.....	Emerson Hammer.....	Skagit
District No. 42.....	Henry M. White.....	Whatcom

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at Olympia, this 9th day of January, 1911.

[SEAL]

I. M. HOWELL, *Secretary of State.*

Chief Justice R. O. Dunbar of the supreme court administered the oath of office to the following senators-elect: A. W. Anderson, George W. Shaefer, Harry Rosenhaupt, Oliver Hall, Frank J. Allen, John E. Chappell, H. A. Espy, H. B. Hewitt, David S. Troy, Ralph Metcalf, Peder Jensen, B. A. Bowen, Ralph D. Nichols, Daniel Landon, Pliny L. Allen, George U. Piper, Josiah Collins, John A. Whalley, Frank C. Jackson, E. Milton Stephens, Emerson Hammer, Henry M. White.

The roll was called by the secretary of the last Senate, Wm. T. Laube, and all members were present.

Senator Falconer nominated for president *pro tempore* of the Senate, Senator W. H. Paulhamus, of Pierce county, and Senator Paulhamus was elected president *pro tempore* by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney—41.

Not voting: Senator Paulhamus—1.

Senator Paulhamus took the president's chair.

Senator Cox nominated Wm. T. Laube for secretary of the Senate and he was elected secretary by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fish-

back, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—42.

Senator Davis nominated for sergeant-at-arms John D. Logan and he was elected by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—42.

Senator Huxtable nominated for postmaster of the Senate, Arthur Prague, and he was elected by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—42.

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

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—42.

Senator Anderson nominated A. J. Hoskin for Senate bill clerk, and he was elected by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—42.

Wm. T. Laube and John D. Logan were sworn in, by the president, as secretary and sergeant-at-arms, respectively.

The secretary read the following communications from the secretary of state:

STATE OF WASHINGTON, DEPARTMENT OF STATE.
OLYMPIA, January 9, 1911.

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

GENTLEMEN—Pursuant to section 36, chapter 209, Laws of 1907, I hereby certify that Miles Poindexter, republican, and George F. Cotterill, democrat, were regularly nominated and received the highest number of votes cast by their respective parties for preference for United States senator for the State of Washington, at the primary election held on the thirteenth day of September, 1910, as shown by the official returns and canvass of said primary election now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at Olympia, this 9th day of January, A. D. 1911.

[SEAL]

I. M. HOWELL, *Secretary of State.*

STATE OF WASHINGTON, DEPARTMENT OF STATE.
OLYMPIA, January 9, 1911.

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

SIR—I have the honor to transmit herewith for the consideration of the Senate the following certified copy of a bill, passed by the Senate and House and vetoed in part by the governor, together with his veto message:

Certified copy of Senate bill No. 24:

"An act relating to materialmen's liens, and the enforcement thereof, and declaring an emergency."

Respectfully submitted.

I. M. HOWELL, *Secretary of State.*

STATE OF WASHINGTON, DEPARTMENT OF STATE.

To All to Whom These Presents Shall Come:

I, I. M. Howell, secretary of state of the State of Washington and custodian of the seal of said state, do hereby certify that I have carefully compared the annexed copy of Senate bill No. 24, entitled "An act relating to materialmen's liens, and the enforcement thereof, and declaring an emergency," the same being chapter 30 of the Laws of 1909 passed at the extraordinary session of the legislative session of 1909, showing sections 1 to 4 inclusive, as vetoed by the governor, with the original copy of said law as enrolled, now on file in this office, and find the same to be a full, true and correct copy of said original, and of the whole thereof, together with all official endorsements thereon.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at the capitol, at Olympia, this 9th day of January, A. D. 1911.

[SEAL]

I. M. HOWELL, *Secretary of State.*

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT.

OLYMPIA, August 28, 1909.

The Honorable, the Secretary of State, Olympia, Washington:

SIR—Senate bill No. 24 is transmitted herewith with sections 1, 2, 3 and 4 disapproved and sections 5 and 6 approved.

The objectionable part of this bill is section 2, which provides: "But notice provided in section 1 of this act shall be given at or before the time of the first delivery."

This provision certainly gives to the dishonest contractor or builder too much of a loophole and places a premium on dishonesty. The courts have always placed a very strict construction upon our lien laws and under the objectionable feature of this bill, if the materialman failed to notify the owner or his agent at or before the time of the first delivery he would be barred from filing a lien for second or future deliveries, although the first delivery be of small value and the subsequent deliveries of much value.

As the lien law passed at the regular session (chapter 45, Session Laws 1909) has given much dissatisfaction, I believe it better to get back to the lien law in force prior to the approval of the act on March 4, 1909.

Yours respectfully,

M. E. HAY, *Governor.*

CHAPTER 30.

EXTRAORDINARY SESSION 1909.

Senate Bill No. 24.

AN ACT relating to materialmen's liens, and the enforcement thereof, and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. [Disapproved] Every person furnishing material or supplies to be used in the construction, alteration or repair on any mining claim, building, wharf, steamer, vessel, boat, bridge, ditch, dike, flume, tunnel, well, fence, machinery, railroad, street railway, wagon

road, aqueduct to create hydraulic power, or any other building, or any other structure, or mining claim, or stone quarry, shall, at or before the time such material or supplies are delivered to any person or contractor, deliver or mail to the owner, agent of the owner, if the owner be a non-resident of the State of Washington and have an agent therein, or reputed owner of the property on, upon, or about which said material or supplies are to be used, a notice, in writing, stating in substance and effect, that materials and supplies have been delivered or ordered, as the case may be, for use therein or thereon, and a lien may be claimed therefor.

SEC. 2. [Disapproved] It shall not be necessary, under the terms of this act, for the person furnishing materials, or supplies, to give the owner a notice each time a delivery is made, but the notice provided for in section 1 of this act shall be given at or before the time of the first delivery.

SEC. 3. [Disapproved] The notice provided for in section 1 of this act shall be delivered or mailed to the owner, agent of the owner, if said owner be a non-resident of this state and have an agent therein, or reputed owner of the property on, upon, or about which said materials or supplies are to be used, at his last known postoffice address: *Provided, however,* That if the address of the owner, agent of the owner, or reputed owner is not known, or cannot, by the exercise of reasonable diligence be ascertained, then the notice shall be mailed to the owner, agent of the owner, or reputed owner, direct to a postoffice nearest the place where the materials and supplies are to be used.

SEC. 4. [Disapproved] No lien shall be enforced unless the provisions of this act have been substantially complied with.

SEC. 5. Chapter 45, found on pages 71 and 72 of Laws 1909, be and the same is hereby repealed.

SEC. 6. An emergency exists, and this act shall take effect immediately.

Passed by the Senate July 2, 1909.

A. S. RUTH, *President of the Senate.*

Passed by the House August 13, 1909.

LEO. O. MEIGS, *Speaker of the House.*

Approved as to sections five and six, the balance are vetoed.

August 28, 1909.

M. E. HAY, *Governor.*

STATE OF WASHINGTON, DEPARTMENT OF STATE.
OLYMPIA, January 9, 1911.

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

GENTLEMEN—Pursuant to section 12, article 3 of the constitution of the State of Washington, I have the honor to transmit herewith for the consideration of the Senate, Senate bills Nos. 37, 267 and Senate substitute bill No. 66, which were passed at the eleventh session of the legislature, vetoed by the governor and filed in this office with his reasons for so vetoing attached thereto.

Very respectfully,

I. M. HOWELL, *Secretary of State.*

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT.
OLYMPIA, March 20, 1909.

Hon. Sam H. Nichols, Secretary of State:

SIR—I transmit herewith Senate bill No. 37, "An act providing for the issuance of a state Sunday liquor license to hotels of fifty rooms or more in cities of the first class," unapproved.

I cannot approve this bill for I see no reason why a hotel keeper who conducts a fifty-room hotel should have privileges not accorded the proprietor of a forty-nine-room, or smaller hotel. Neither do I perceive justice in a bill which permits hotels in cities of the first class to sell liquor on Sunday, but denies the same privilege in cities of the second and third class. A man's thirst is not regulated by the size of the town in which he happens to be Sundaying.

In granting licenses in some of our cities we would probably come into conflict with their ordinances, as all cities clearly have the right to regulate the hours during which liquors may be sold. Furthermore, I believe the sale of liquor on Sunday to the privileged class would not only be a discrimination against those who are not members of that class, but would establish a precedent in legislation at variance with the best interests of our people.

Respectfully submitted.

M. E. HAY, *Acting Governor.*

SENATE BILL NO. 37.

AN ACT providing for the issuance of a state Sunday liquor license, permitting the sale of liquors on Sunday to guests by hotels holding such licenses, and providing certain penalties for the violation of the terms of this act.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. The governor, the state treasurer, and the state auditor are hereby constituted and shall be known as the state liquor license board.

SEC. 2. The said state liquor license board is hereby given the authority to issue yearly a license in the name of the State of Washington to certain classes of hotels hereinafter enumerated authorizing the holder of said license to dispense to *bona fide* guests of such hotels spirituous and malt liquors on Sunday.

SEC. 3. All hotels containing more than fifty rooms in cities of the first class, shall be entitled to the privileges of this act: *Provided*, That such hotels are *bona fide* hotels, with dining room under the same management of the hotel, and holding a city liquor license in the city in which said hotel is situated, authorizing said hotel to sell liquor on days other than Sunday.

SEC. 4. Before the issuance of such license, the applicant shall pay to the state treasurer a license fee of \$300.00: *Provided*, That said state liquor license board shall be satisfied that the applicant is a suitable person to have such license issued, and that the privileges granted therein will be properly exercised by said licensee, and discretion is hereby given to said board to either grant or refuse such license.

SEC. 5. The license issued under the authority of this act shall operate as a permit only and the said board shall have the authority at any time upon a vote of two members of said board, to revoke the license given to any hotel under the terms of this act.

SEC. 6. Hotels holding the license provided for in this act shall not dispense liquors over a bar on Sunday, nor dispense liquors on said day to any but *bona fide* guests with meals served in regular dining room only in said hotel, and shall not serve liquor to any guest or guests in such quantity as to cause intoxication; and any

violation of the provisions of this section shall authorize the said board to forthwith cancel the license issued for one year from the date of such cancellation and the license money paid shall be forfeited to the State of Washington.

SEC. 7. In addition to the amount paid to the State of Washington as a yearly license fee, the applicant shall pay all expenses of investigation by said board in the event said board shall desire to investigate conditions surrounding the hotel of the applicant, which amount shall include only actual traveling expenses and the sum of five dollars per day to be paid to the agent of the board while actually engaged in making such investigation.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT.
OLYMPIA, March 18, 1909.

Senate bill No. 267 is disapproved for the following reasons:

As will be noticed, this bill amends section 1 of chapter 55 of the Session Laws of 1905. Chapter 55 of the Session Laws of 1905 was expressly repealed by chapter 153 of the Session Laws of 1907, and section 1 of the act of 1907, enumerating the purposes for which cities may exercise the right of eminent domain, covers additional subjects than those for which the power of eminent domain was authorized by the act of 1905. This bill, therefore, does not authorize the condemnation of land for all the purposes included in the act of 1907 and, being the latest expression of the legislative will, it would probably be held that lands might not be condemned by cities for any purpose other than those enumerated in Senate bill No. 267, if the same became a law.

It might be added that said Senate bill No. 267 purports to amend an act which has been repealed and there might be some question as to its validity.

Respectfully submitted,

M. E. HAY, *Acting Governor.*

SENATE BILL NO 267.

AN ACT to amend section 1 of chapter 55 of the Session Laws of 1905 and approved March 3, 1905, being an act entitled "An act to enable cities of the first, second and third classes and other cities and towns working under special charter having sufficient population to authorize them to reincorporate under the laws of the State of Washington, as cities of the first, second or third classes, to exercise the right of eminent domain for the taking and damaging of land and property for public purposes, providing a method for making compensation therefor and providing for special assessments in certain cases upon property benefited and declaring an emergency."

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 1 of chapter 55 of the Laws of 1905, approved March 3, 1905, be and the same is hereby amended to read as follows:

Section 1. Every city of the first, second and third classes, within the State of Washington, and every city and town within the State of Washington, working under special charters, having sufficient population to authorize them to reincorporate as cities of the first, second or third class, under the laws of the State of Washington, is hereby authorized and empowered to condemn land and property for streets,

avenues, alleys, highways, bridges, approaches, culverts, drains, ditches, public squares and public markets, city and town halls, jails and other public buildings and for the opening, widening, extending, altering and straightening of any street, avenue, alley or highway, and to damage any land or other property for any such purpose or for the purpose of making changes in the grade of any street, avenue, alley or highway, or for the construction of slopes or retaining walls for cuts and fills upon real property abutting on any street, avenue, alley or highway now ordered to be, or such as shall hereafter be ordered to be opened, extended, altered, straightened or graded, or for the purpose of draining swamps, marshes or ponds, or filling the same, within the limits of such city, and to condemn land or property, or to damage the same, either within or without the limits of such city for public parks, drives and boulevards, hospitals, pest houses, drains and sewers, and for aqueducts, reservoirs, pumping stations and other structures for conveying into and through such a city a supply of fresh water, and for the purpose of protecting such supply of fresh water from pollution, and to condemn land and other property and damage the same for any other public use within the authority of such city after just compensation having been first made or paid into court for the owner in the manner prescribed by this act: *Provided*, That no street shall be condemned or laid out wholly or partially through any private property in any city of the third class unless the same has been petitioned for and the petition signed by a majority of the property owners residing within the territory whose property will or may be liable to special assessment as provided for in this act, or unless the same shall be ordered by the votes of at least six councilmen.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT.
OLYMPIA.

I herewith transmit Senate substitute bill No. 66, entitled "An act relating to the qualifications of members of the legislature, supervisors, school directors or members of any legislative body," with my disapproval for the reason that, in my judgment, the harm which would result therefrom would be greater than the evils which it apparently seeks to overcome. It would act as a protection for those who lack the courage to refuse to sign a pledge upon solicitation, and would prevent the giving of written pledges by those who were willing to give and stand by such pledge. The public is in many instances entitled to know whether a candidate, if elected, will be in favor of or opposed to some particular bill or measure, and to require his pledge in that regard in tangible form.

It will be observed that the bill prohibits simply the signing of a pledge but does not prohibit a candidate from giving a pledge in any other manner than over his signature.

If any candidate secures votes by giving a pledge it can work no hardship on him to sign such a pledge.

Such an act would encourage insincerity and perhaps dishonesty, rather than accomplish any real good.

Respectfully submitted.

M. E. HAY, *Acting Governor*.

SENATE SUBSTITUTE BILL NO. 66.

AN ACT relating to the qualifications of members of the legislature, supervisors, school directors or members of any legislative body.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Any candidate for the legislature, for supervisor, school director, or for any legislative body who signs any pledge that he will vote for or against any particular bill or measure that may be brought before any such body, is disqualified from holding the office to which he may have been elected. The provisions of this section shall not apply to any pledge or promise that any such candidate may give to a convention by which he may be nominated for any such office, or to those who sign a certificate for his nomination.

SEC. 2. Any person, firm, corporation or organization who shall solicit any pledge from any such candidate to vote for or against any measure which may come before any such body shall be guilty of a misdemeanor.

On motion of Senator Ruth, the vetoes and veto messages of the governor on Senate bills Nos. 24, 37, 267 and Senate substitute bill No. 66 were made a special order for 2 o'clock p. m., Tuesday, January 17, 1911.

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

Resolved. That the president appoint a committee of three senators who shall select pages and janitors for the coming session.

As a committee under the above resolution, the president named Senators Bassett, Cox and Allen (P. L.).

Senator Anderson moved that the president appoint a committee of three senators which committee shall designate chairs to be held by the members during this session.

Senators Nichols moved as an amendment that holdover and re-elected senators take the same seats as held by them at last session and that the new members take the chairs of their predecessors.

Senator Rosenhaupt moved as a substitute that the names of the members be placed in a hat and as each name is drawn from the hat that the senator whose name is drawn make his selection of a chair.

Senator Falconer moved that the motion with its amendments and substitute be laid on the table.

The motion of Senator Falconer carried.

On motion of Senator Allen (P. L.), the following resolution was adopted:

Resolved, That the president appoint a committee of three who shall fix the salaries of the various employes and report to the Senate for approval.

The following resolution was adopted, on motion of Senator Jackson:

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

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

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

The president appointed as a committee under the above resolution, Senators Stevenson, Collins and Huxtable.

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

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

Senator Ruth moved the adoption of the following resolution:

WHEREAS, Senator W. H. Paulhamus has been elected president of the Senate for the eleventh regular session, and

WHEREAS, It is necessary to meet the additional expense imposed upon him by virtue of his office, that he should be allowed additional compensation; therefore be it

Resolved, By the Senate of the State of Washington for the eleventh regular session, that W. H. Paulhamus, as president of the Senate for this session, be paid the sum of five dollars extra per day for his services as such.

The president called Senator Metcalf to the chair.

At the request of the president, the resolution was withdrawn by Senator Ruth.

The president resumed the chair.

A committee from the House, consisting of Messrs. Ghent, Farnsworth and W. E. Stephens, was received and announced that the House was organized and ready for the transaction of business.

The secretary read the following:

SENATE CONCURRENT RESOLUTION NO. 1.

By Senator Collins:

WHEREAS, It is proposed in 1915 to hold an international exposition to celebrate the completion of the Panama canal, and

WHEREAS, Such exposition, held upon the Pacific coast, will be of inestimable benefit in directing attention to the progress of the entire west and in promoting trade among the countries bordering on the Pacific ocean, and

WHEREAS, California was the first state to pledge its support by appropriation to the Alaska-Yukon-Pacific Exposition, later presenting the University of Washington with the magnificent structure which it erected on its grounds, and

WHEREAS, San Francisco, by reason of its climate, magnificent hotels, transportation facilities, the tremendous energy and resourcefulness of her people, has advantages which no other city possesses, and has already pledged the sum of \$17,000,000 in support of the project, therefore, be it

Resolved, By the Senate, the House of Representatives concurring, That we do pledge the State of Washington to participation therein and hereby request our United States senators and our representatives in congress to put forth their best efforts and undivided energies to secure indorsement at the hands of congress to the end that San Francisco be designated as the city in which the exposition celebrating the completion of the Panama canal shall be held; be it further

Resolved, That the secretary of the Senate and chief clerk of the House be directed to transmit by telegraph the text of this resolution to our senators and representatives in congress.

Senator Collins moved that the resolution be ordered printed, that the rules be suspended and that it be placed on final passage.

The motion carried.

The secretary called the roll and Senate concurrent resolution No. 1 passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Chappell,

Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Robers, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—41.

Voting nay: Senator Bryan—1.

On motion of Senator Collins, the rules were suspended and Senate concurrent resolution No. 1 was ordered immediately transmitted to the House.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 9, 1911.

MR. PRESIDENT:

The House has passed House concurrent resolution No. 1, providing for the appointment of a joint committee to notify the governor that the legislature is organized and is ready to receive messages; and the speaker has appointed as the House members of the said committee Messrs. Megler, Buchanan (R. E.), and Shutt, and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

INTRODUCTION OF BILLS.

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

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

On motion of Senator Bassett, the Senate resolved itself into a committee of the whole for the purpose of considering Senate bill No. 1.

The bill was considered in committee of the whole, Senator Huxtable in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Huxtable, the report of the committee was adopted, the rules were suspended, the reading of the bill

had in committee of the whole was considered the third reading of the bill and the bill placed on final passage.

The secretary called the roll on final passage of Senate bill No. 1 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—42.

There being no objection, the title of the bill was ordered to stand as the title of the act.

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

The secretary read the following resolution:

HOUSE CONCURRENT RESOLUTION NO. 1.

Be It Resolved, by the House, the Senate concurring, that a committee, consisting of two members of the Senate, and three members of the House, be appointed by the president and the speaker, respectively, to notify the governor that the legislature is organized and ready to receive messages.

On motion of Senator Bryan, House concurrent resolution No. 1 was placed on final passage and passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—42.

The president appointed Senators Fishback and Jackson as

a committee on the part of the Senate under House concurrent resolution No. 1.

Senator Collins moved the adoption of the following resolution:

Resolved, That the assignment of seats made by the board of control be accepted.

Senator Nichols moved as an amendment that the holdover and re-elected senators have first choice of seats and that the new members select their seats by lot from those remaining.

Senator Shaefer moved that the motion and amendment be laid on the table.

The motion to table was lost.

The amendment of Senator Nichols carried and the motion carried as amended.

Senator Ruth moved that a committee of three members be appointed to list the seats taken by old members.

Senator Ruth withdrew his motion.

On motion of Senator Jackson, Senator Hall was given first choice of seats.

Senator Jackson moved that the names of the new members be placed in a hat by the secretary and that a page be instructed to draw one name at a time, (the new members to retire), and that they choose seats from among those remaining in the order in which their names are drawn.

Senator Jackson's motion carried.

The secretary read the following resolution:

SENATE CONCURRENT RESOLUTION NO. 2.

By Senator Frank J. Allen:

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

WHEREAS, It is desired to pay a special and fitting tribute to the memory of Senator Cameron, because of his recognized honesty and high integrity, his strong devotion to duty, his many other admirable qualities, and to express our sympathy to his bereaved family;

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

Resolved, By the Senate, the House of Representatives concurring, that in recognition of the valued services rendered his constituents by Senator Samuel J. Cameron, appropriate services be held in the House Chamber Monday, January 23, at 2 p. m., 1911, and that an opportunity be then given for a tribute to his memory;

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

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

Senator Allen (F. J.) moved that the rules be suspended and that the resolution be placed on final passage. The motion carried.

The secretary called the roll and Senate concurrent resolution No. 2 passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—42.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 9, 1911.

The speaker has appointed as members of the joint committee of House and Senate under House concurrent resolution No. 1, Messrs. Megler, R. E. Buchanan, and Shutt;

Also the House has passed Senate bill No. 1, relating to an appropriation of \$75,000.00 to defray the expenses of the twelfth session of the legislature;

Also the House has passed Senate concurrent resolution No. 1, relative to holding an international exposition at San Francisco to celebrate the completion of the Panama canal.

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The committee appointed by the president to notify the governor that the Senate was in session and ready to receive any message from him, announced that the governor desired to de-

liver his message to the legislature at 2:30 o'clock tomorrow afternoon.

At 2:30 o'clock p. m., the Senate, on motion of Senator Allen (F. J.), as a mark of respect to the late Governor Samuel G. Cosgrove, Senators S. J. Cameron and J. J. Smith, adjourned until tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

W. H. PAULHAMUS,
President of the Senate.

SECOND DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASH., Tuesday, January 10, 1911.

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

Rev. G. R. Messias, rector of St. John's Episcopal church, of Olympia, offered prayer.

The secretary called the roll, all members being present.

Senator Stevenson moved that the reading of yesterday's journal be dispensed with and that it be approved.

Senator Falconer moved to amend that there be expunged from the journal the proceedings relative to the assignment of chairs in the Senate chamber.

The amendment was lost and the motion of Senator Stevenson carried.

The secretary read:

SENATE JOINT MEMORIAL NO. 1.

By Senator Espy:

WHEREAS, There is pending in the United States House of Representatives Senate bill No. 5677, "To promote the efficiency of the life saving service," and,

WHEREAS, The State of Washington is peculiarly acquainted with,

and indebted to the valiant work of the members of this service, owing to the large number of stations along her shores, and

WHEREAS, The relief afforded by Senate bill No. 5677 is the minimum called for by simple justice and fairness as compared with similar though less arduous and dangerous duties in the army, navy and revenue cutter service, therefore, be it

Resolved, That the Legislature of the State of Washington, in session assembled, do most earnestly urge upon the House of Representatives to pass Senate bill No. 5677 during its present short session; and be it further

Resolved, That this resolution be wired to the speaker of the House of Representatives and to the state's representatives in congress.

On motion of Senator Espy the rules were suspended, the memorial read the second and third times, ordered printed, and placed on final passage.

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

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—42.

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

The secretary read:

SENATE CONCURRENT RESOLUTION NO. 3.

By Senator Rosenhaupt:

Resolved, By the Senate, the House concurring, that the Senate meet the House in joint session in the House Chamber on January 10, 1911, at 2:30 p. m. for the purpose of hearing the governor's message.

On motion of Senator Rosenhaupt, the secretary called the roll and the resolution was adopted by the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan,

Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—42.

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

Senator Huxtable moved the adoption of the following resolution:

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

Senator Piper moved as an amendment to make the amount twenty cents' worth of postage stamps.

Senator Falconer moved as an amendment to the amendment that postage be furnished only to the secretary.

The amendment of Senator Falconer was accepted by Senator Piper as a part of the amendment proposed by him.

Senator Rosenhaupt moved as a substitute that the sergeant-at-arms be directed to purchase \$200 worth of postage and that the sergeant-at-arms place same on the official postage of the members.

The substitute motion failed to carry, as did also the amendment to the original motion.

The original motion as introduced by Senator Huxtable carried.

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

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

M. M. Mattison and W. H. Curry, Seattle Times; H. L. Hindley, Spokane Spokesman-Review; J. W. Gilbert and W. E. Hassler, Seattle Post-Intelligencer; Arthur Wonsetler, Spokane Inland Herald; D. F. McKenna, Portland Oregonian and Olympia Olympian; E. B. Fussell, Spokane Chronicle; C. A. Anderson, Bellingham Herald; W. S. Zim-

merman and George K. Aiken, Tacoma Ledger; Abe Hurwitz, Seattle Star, Tacoma Times and Spokane Press; H. L. Lewis and Nat Brown, Olympia Recorder; J. H. Brown, Portland Telegram and J. D. K. Brown, Tacoma Tribune; C. W. Myers, Portland Oregonian.

REPORT OF SPECIAL COMMITTEE.

SENATE CHAMBER,

OLYMPIA, WASH., January 10, 1911.

MR. PRESIDENT: •

The committee to whom was referred the selection of janitors and pages for the Senate during the coming session respectfully recommend the following appointments:

Janitors—A. F. Haynes, W. T. Jordan. Pages—Lawrence Mack, Edgar Strock, Hubert Scully. Respectfully submitted,

J. D. BASSETT, *Chairman.*

We concur in this report: D. H. Cox, P. L. Allen.

Senator Bassett moved the adoption of the report.

Senator Ruth moved that the name of A. L. Springer be substituted for that of Hubert Scully in the committee's report.

The motion of Senator Ruth carried.

On motion of Senator Bassett, the report of the committee as amended was adopted.

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

Resolved, That the secretary of the Senate be and he is hereby authorized to select such persons, as he may desire, to carry on the clerical business of the Senate, subject to the approval of the Senate.

The secretary read the following appointments:

SENATE CHAMBER,

OLYMPIA, WASH., January 10, 1911.

To the Honorable Senate:

Pursuant to instructions, I beg to announce the following appointments:

George Gregory, minute clerk; Attwood A. Kirby, reading clerk; H. B. La Monte, docket clerk; C. S. Sapp, enrolling clerk; Roy Rudio, engrossing clerk; A. J. Laughon, clerk of the judiciary committee; Edward J. Elsele, stenographer; Robert W. Kelsey, stenographer.

Senator Piper moved the adoption of the following resolution:

Be It Resolved by the Senate, That the secretary of the Senate be instructed to employ women and men in equal numbers as nearly as practicable as stenographers and clerks.

Senator Bryan moved that the resolution be laid on the table.

The following senators demanded a roll call on the motion to lay on the table: Piper, Hutchinson, Allen (F. J.), Ruth, Nichols, Landon and Stevenson.

The secretary called the roll and Senator Bryan's motion carried by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hewitt, Jackson, Metcalf, Myers, Nichols, Rosenhaupt, Rydstrom, Shaefer, Stephens, Troy, Whalley, White, Mr. President—29.

Those voting nay were: Senators Allen (F. J.), Hammer, Hutchinson, Huxtable, Jensen, Landon, Piper, Roberts, Ruth, Stevenson, Stewart—11.

Absent or not voting: Senators Smithson, Whitney—2.

Senator Fishback moved that the Senate proceed to elect the employes named in the secretary's list. The motion carried.

The secretary called the roll and George Gregory was elected minute clerk of the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—42.

The secretary called the roll and A. A. Kirby was elected reading clerk of the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Ste-

venson, Stewart, Troy, Whalley, White, Whitney, Mr. President—42.

The secretary called the roll and H. B. LaMonte was elected docket clerk of the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—42.

The secretary called the roll and C. S. Sapp was elected enrolling clerk of the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—42.

The secretary called the roll and Roy Rudio was elected engrossing clerk by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—42.

The secretary called the roll and A. J. Laughon was elected clerk to the judiciary committee by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan,

Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—42.

The secretary called the roll and E. J. Eisele was elected a stenographer to the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—42.

The secretary called the roll and Robert W. Kelsey was elected a stenographer to the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—42.

The president announced the appointment of standing committees as follows:

STANDING COMMITTEES OF THE SENATE, 1911.

Agriculture.—Senators Arrasmith (chairman), Chappell, Troy, Stephens, Fishback, Whitney, Hall.

Appropriations.—Senators Falconer (chairman), Bassett, Landon, Hall, Smithson, Anderson, Hammer, Roberts, Myers, Fishback, Troy, Stevenson, Jackson, Cox, Eastham, Brown, Rosenhaupt, Stewart, Ruth, Allen (F. J.), Bryan.

Banks and Banking.—Senators Davis (chairman), Smithson, Stephens, Bassett, Stewart, Fishback, Bowen, Hammer, Troy.

Cities of the First Class.—Senators Nichols (chairman), White, Shaefer, Metcalf, Falconer, Piper, Hutchinson.

Claims and Auditing.—Senators Huxtable (chairman), Arrasmith, Brown, Chappell, Jackson.

Commerce and Manufactures.—Senators Stevenson (chairman), Myers, Roberts, Hewitt, Stewart, Hammer, Whalley.

Constitution and Constitutional Revision.—Senators Huxtable (chairman), Piper, Hutchinson, Rosenhaupt, Landon, Collins, Davis.

Corporations Other Than Municipal.—Senators Piper (chairman), Stephens, Roberts, Hammer, Jackson.

County and County Boundaries.—Senators Whitney (chairman), Anderson, Hall, Eastham, Shaefer, Roberts, Piper, Rosenhaupt.

Dairy and Livestock.—Senators Troy (chairman), Arrasmith, Whitney, Smithson, Stephens.

Dikes and Drains.—Senators White (chairman), Hammer, Allen (F. J.).

Education.—Senators Bassett (chairman), Myers, Stevenson, Jensen, Hall, Whalley, Espy.

Educational Institutions.—Senators Landon (chairman), White, Hall, Smithson, Whitney, Troy, Jensen.

Elections and Privileges.—Senators Bryan (chairman), White, Allen (P. L.), Metcalf, Shaefer.

Engrossed Bills.—Senators Chappell (chairman), Allen (F. J.), Landon, Troy, Collins.

Enrolled Bills.—Senators Shaefer (chairman), Jensen, Bowen, Espy, Whalley.

Fisheries.—Senators Hammer (chairman), Stewart, White, Troy, Collins, Jensen, Espy, Chappell, Ruth.

Game.—Senators Collins (chairman), Rydstrom, Brown, Myers, Stewart, Chappell, Eastham.

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

Harbor and Harbor Lines.—Senators Hewitt (chairman), Whalley, Rydstrom, White, Ruth, Falconer, Bryan.

Horticulture and Forestry.—Senators Hall (chairman), Fishback, Espy, Troy, Allen (F. J.).

Insurance.—Senators Whalley (chairman), Bassett, Bowen, Stephens, Allen (P. L.), Hall, Metcalf.

Irrigation and Arid Lands.—Senators Smithson (chairman), White, Allen (F. J.), Hutchinson, Chappell, Jensen, Whitney.

Judiciary.—Senators Rosenhaupt (chairman), Landon, White, Bryan, Allen (F. J.), Shaefer, Nichols, Metcalf, Collins.

Labor and Labor Statistics.—Senators Metcalf (chairman), Huxtable, Landon, Roberts, Hewitt, Jackson, Falconer.

Medicine, Dentistry, Surgery and Hygiene.—Senators Eastham (chairman), Jensen, Whitney.

Memorials.—Senators Shaefer (chairman), Stewart, Piper.

Military.—Senators Brown (chairman), Falconer, Allen (F. J.), Piper, Hutchinson, Cox, Roberts, Hewitt, Bryan.

Mines and Mining.—Senators Bowen (chairman), Roberts, Smithson, Fishback, Brown, Anderson, Davis.

Municipal Corporations.—Senators Allen, F. J. (chairman), Stevenson, Eastham, Ruth, Bryan, Chappell, Hall.

Printing.—Senators Anderson (chairman), Allen (P. L.), Whalley, Metcalf, Ruth, Bryan, Cox.

Public Buildings and Grounds.—Senators Ruth (chairman), Arrasmith, Davis, Stephens, Bowen.

Public Morals.—Senators Myers (chairman), Anderson, Hall, Hammer, Allen (F. J.), Collins, Eastham.

Public Revenues and Taxation.—Senators Roberts (chairman), Jackson, Huxtable, Hall, Stephens, Jensen, Piper, Bassett, Hewitt, Brown.

Railroads and Transportation.—Senators Cox (chairman), Huxtable, Anderson, Smithson, Arrasmith, Rydstrom, Stevenson, Myers, Allen (F. J.), Jensen, Hewitt, Bowen, Nichols.

Roads and Bridges.—Senators Fishback (chairman), Brown, Rydstrom, Stewart, Nichols, Chappell, Arrasmith, Anderson, Bowen, Stevenson, Hutchinson, Espy, Stephens.

Rules and Joint Rules.—Senators Paulhamus (chairman), Collins, Ruth, Bassett, Metcalf.

Salaries and Mileage.—Senators Jensen (chairman), Brown, Hall, Myers, Cox.

State Granted, School and Tide Lands.—Senators Allen, P. L. (chairman), Fishback, Falconer, Hammer, Jensen, Espy, Bassett, Anderson, Shaefer.

State Library.—Senators Espy (chairman), Metcalf, Fishback.

State Penal and Reformatory Institutions.—Senators Stephens (chairman), Jackson, Cox, Fishback, Hutchinson, Davis, Huxtable.

State Charitable Institutions.—Senators Hutchinson (chairman), Jensen, Hammer, Whitney, Eastham, Chappell, Piper.

Senate Employes Other Than Regular.—Senators Myers (chairman), Falconer, Jackson, White, Fishback.

Legislative Apportionment.—Senators Jackson (chairman), Metcalf, Huxtable, Hall, Stephens, Eastham, Cox, Allen (F. J.), Stewart, Espy, Piper.

Congressional Apportionment.—Senators Rydstrom (chairman), Allen (P. L.), Rosenhaupt, Falconer, Hewitt, Anderson, Stevenson, Myers, Bryan, Brown, Fishback.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 10, 1911.

MR. PRESIDENT:

The House has passed Senate concurrent resolution No. 3, relating to a joint meeting for the purpose of hearing the governor's message, and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senator Metcalf moved that the rules be suspended and that the Senate do now confirm the committee appointments made by the president.

Senator Metcalf withdrew his motion.

On motion of Senator Allen (P. L.), the list of standing committee appointments made by the president was ordered printed.

The following employes were sworn in by the president: George Gregory, C. S. Sapp, A. A. Kirby, R. D. Rudio, E. J. Eisele, Robert Kelsey, H. B. LaMonte, A. L. Springer, E. Strock, Lawrence Mack, A. J. Hoskin, A. J. Laughon, A. F. Haynes, W. W. Swing, Arthur Prague.

At 11:35 a. m., on motion of Senator Stevenson, the Senate took a recess until 2:15 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 2:15 p. m. by President Paulhamus.

The secretary read the following report:

To the Honorable Senate and House of Representatives of the State of Washington, in Legislative Session Assembled:

GENTLEMEN: The Washington Insurance Code Commission, created pursuant to the provisions of chapter 164, Session Laws of the State of Washington in the year 1909, having completed its work, herewith reports and submits to your honorable body a proposed act, entitled:

"An act to provide an insurance code for the State of Washington, to regulate the organization and government of insurance companies and insurance business, to provide for an insurance commissioner and define his duties, and to repeal all existing laws in relation thereto,

and declaring an emergency," and respectfully recommends that it be passed."

Respectfully submitted,

January 7, 1911.

WASHINGTON INSURANCE CODE COMMISSION,
J. D. BASSETT, *Chairman*.
C. SUMNER BEST, *Secretary*.
A. C. GAILLAC.
E. W. EVENSON.
JOHN B. VANDYKE.

On motion of Senator Bassett, the report of the committee was referred to the Senate committee on insurance.

INTRODUCTION OF BILLS.

Senate bill No. 2, by Senator Landon, entitled "An act relating to contempts and their punishments and amending section 5798 of Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency."

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

Senate bill No. 3, by Senator Metcalf, entitled "An act relating to the nomination of superior and supreme judges, and amending section 4842, Remington & Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Metcalf the rules were suspended, the bill was read the second time by title, and referred to the committee on election and privileges when appointed.

Senate bill No. 4, by Senator Landon, entitled "An act relating to the power of counties to engage or aid in the construction, enlargement, modification and repair or operation of harbors, canals, waterways, slips, docks, wharves, and other facilities and public improvements for purposes of commerce, navigation, sanitation and drainage, or any thereof, and acquisition of wharf sites, dock sites, and other property, rights and interests necessary or proper to be acquired for public enjoy-

ment of any such improvements, and incur such indebtedness therefor, and to issue bonds for payment of moneys from sale of the same, and validating elections and other proceedings heretofore had or held for incurring such indebtedness or issue of such bonds; and declaring an emergency."

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

Senate bill No. 5, by Senator Metcalf, entitled "An act to adopt Remington & Ballinger's Annotated Codes and Statutes of Washington as an official compilation, and declaring an emergency."

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

Senate bill No. 6, by Senator Bassett, entitled "An act to provide an insurance code for the State of Washington, to regulate the organization and government of insurance companies and insurance business, to provide for an insurance commissioner and define his duties, and to repeal all existing laws in relation thereto; and declaring an emergency."

The bill was read the first time, and on motion of Senator Bassett, the rules were suspended, the bill was read the second time by title, 1,000 copies ordered printed and referred to the committee on insurance when appointed.

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

The hour of 2:30 o'clock p. m. having arrived, on motion of Senator Metcalf the Senate repaired to the House chamber to meet the House in joint session, for the purpose of hearing the governor's message.

JOINT SESSION.

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

The joint session was called to order at 2:30 o'clock p. m. The president of the Senate presided.

The secretary of the Senate called the roll of the senate, all senators being present.

The chief clerk of the House called the House roll, all members being present except Mr. Drissler (excused).

On motion of Mr. Beach the president appointed a committee of two senators and three members of the House to notify the governor that the Senate and House of Representatives in joint session awaited his pleasure.

The president appointed as such a committee Senators Allen (F. J.) and Chappell and Messrs. Rich, Megler and Hubbell.

The governor appeared before the joint session and delivered the following message:

Gentlemen of the Senate and of the House of Representatives:

The period intervening between the adjournment of the Eleventh session and the convening of this, the Twelfth session of the Legislature, presents a record of substantial development and wide-spread prosperity in all branches of commercial and industrial activities that is conspicuous in the annals of the state.

The result of the recent federal census is highly gratifying. It shows that Washington has grown at a more rapid rate than any other state in the Union, the population having more than doubled in the past decade, increasing from 518,103 in 1900 to 1,141,990 in 1910. This is a remarkable record and the future holds forth promise of an even greater development during the next ten-year period, for the tide of immigration is just fairly setting toward this state. Never were conditions more healthful or our material welfare on a firmer foundation. Opportunities are abundant here for profitable investment and certain reward follows earnest endeavor and honest toil. These opportunities exist because of the abundance and variety of our natural resources, the possibilities of which were advertised to the world through the agency of the Alaska-Yukon-Pacific Exposition, held in Seattle during the summer of 1909. That ambitious undertaking, so worthy of the spirit and indicative of the genius of the people of this state, was in every respect a crowning and complete success.

On a much smaller scale, but fully as important in its sphere, the National Apple Show at Spokane has proved an effective medium for

the exploitation of the marvelous results obtained in Washington and the Pacific Northwest from apple culture. This annual exposition of the king of horticultural products is becoming an institution of such value that its permanent maintenance is assured.

In addition to the material prosperity enjoyed by the people of this state, Washington has taken an advanced position politically and morally by adopting at the recent election a constitutional amendment extending the right of suffrage to all citizens regardless of sex.

The finances of the state are in a healthy and highly satisfactory condition. As the result of careful and economical administration of the several departments and institutions, it has been possible to reduce the state's bonded indebtedness from \$1,200,00 on January 1, 1909, to \$700,000 on October 1, 1910, a total reduction of \$500,000. While retiring so large a proportion of the bonded debt, care has been exercised to retain a sufficient balance in the general fund to meet all demands likely to arise from current obligations.

In this connection, the following comparative statement of cash in the general fund and the bonded indebtedness is interesting:

	<i>Cash.</i>	<i>Bonds.</i>
January 1, 1903.....	\$2,835 12	\$1,300,000
January 1, 1905.....	2,362 77	1,250,000
January 1, 1907.....	76,781 78	1,340,000
January 1, 1909.....	198,036 38	1,200,000
January 1, 1911.....	223,196 26	700,000

On January 1, 1911, the amounts in the various permanent funds, which have been growing steadily, were as follows:

	<i>Cash and Bonds.</i>
Permanent School	\$7,661,358 12
University permanent	86,753 81
Scientific School, permanent	203,817 66
Agricultural School, permanent	150,859 18
C., E., P. and R. I., permanent	229,418 28
Normal School, permanent	114,289 85

The state board of finance, as required by law, has invested these permanent funds as rapidly as they accumulated in county, municipal and school district bonds, and now has \$8,060,646.62 drawing slightly more than 4½% interest, which represents an average income to the state of over \$1,000 per day.

The following sums have been received by me and transmitted to the state treasurer, from January 27, 1909, to January 1, 1910:

Notary fees from 2,432 applicants.....	\$24,320 00
Commissioner of Deeds, from 10 applicants.....	50 00
From Federal Government, as national aid to Soldiers' and Veterans' Homes.....	76,389 10
From Federal Government on 5 per cent. refund of sales of public land.....	32,321 62
From Federal Government for refund on forest reserve revenue.....	53,544 76
From states requiring of other states extradition fees	155 00

2—S Total

\$186,780 48

The several eleemosynary institutions of the state have been so efficiently and conservatively managed that, instead of applying for appropriations to cover the usual deficit, each will complete the biennium with a healthy balance in its maintenance fund.

I am in full accord with the well considered recommendations of the board of control covering the requirements of the state charitable, penal and reformatory institutions, and urge upon you a careful consideration of the painstaking and comprehensive report submitted by that department. I particularly desire to direct your attention to that portion of the board's report that deals with the Soldiers' Home at Orting and the Veterans' Home at Port Orchard, together with the suggestions made for meeting the peculiarly difficult problem resulting from the growing demands upon these institutions. Owing to the pleasant location of these homes and the inviting conditions of climate, environment and considerate administration, they have proved exceptionally attractive domiciles to disabled and enfeebled veterans. This has resulted in attracting increasing numbers of applicants for admission from all parts of the country until the quarters have been taxed beyond their capacities and a steadily augmented waiting list created that calls for an extensive expansion or enlargement of the institutions, if the demand upon them is to be met. This is adding a serious burden to the taxpayers that promises to increase at an alarming ratio with the recurrence of each biennium. The proper care of the veterans of our wars is not looked upon as an act of charity, but as an obligation that every patriotic citizen is glad to discharge. This is a young state, however, and the growth of our other public institutions is imposing such a heavy drain upon our resources that we are forced to consider methods of lessening the charge. Since the homes for veterans here have proved so attractive that old soldiers are removing from other states to Washington, the distribution of the expense is becoming disproportionate, and I am fully persuaded that the wisest plan is to induce the Federal government to take over the institution at Port Orchard and convert it into a national home. Accordingly, I urge upon you the recommendation of the board of control that the governor be authorized to deed the Port Orchard property to the Federal government, in the event that congress decides to found in the State of Washington an institution similar to the home at Santa Monica, California.

HIGHWAYS.

A propaganda of education in the economy of good roads has been carried on in this state during the past few years by many leading citizens and journals, until now the people are thoroughly awakened to the advantages of properly constructed highways. This is strongly evidenced by the large attendance at the annual state good roads conventions, and there can be no question that the people demand progressive legislation on this subject. They are advocating a forward movement in the state policy with the one chief aim of securing more

and better roads, at the same time insisting on the strictest economy consistent with good work.

Under the present road laws of the state, the highway department has prosecuted vigorously the construction of highways throughout the state, firmly adhering to the policy of building for permanency. In the economy of construction, the greatest difficulty has resulted from the conditions that have made it impossible to let contracts of sufficient size to attract contractors with large outfits, and the cost of short stretches of road often seem excessive because of this. In view of the criticism directed against the highway department, I appointed a commission composed of Messrs. J. J. Donovan of Bellingham, E. E. Beard of Vancouver, and H. P. Gillett of New York, to investigate the expenditures of that office. The report of that commission, signed by one of the leading engineering authorities in the United States, Mr. H. P. Gillett, shows much of the criticism to have been wholly unfounded. It would be surprising if the highway department had made no mistakes, but there can be little question that whatever errors have been made were those incident to the organization of any new undertaking and no more serious in their nature than would occur in the establishment of any other public or private enterprise of like proportions.

Many critics of the state highway department argue that the state has not been able to make as good a showing with the money expended as have the local authorities, little realizing that the state handles but a small proportion of the total amount of money for road and bridge purposes. In the years 1908 and 1909 (figures for 1910 not available) there was levied by county commissioners or township officers for road and bridge purposes, \$6,315,326.32, and for the same years by the state, \$1,165,303.52. For every dollar the taxpayer has paid in the last biennium, 84.42 cents has been expended through the county commissioners or township officers, and 15.58 cents has gone into the state treasury. (The year 1910 will show in the neighborhood of 83 cents to 17 cents). It is apparent from these figures, therefore, that it is just as important to scrutinize the expenditure of the funds at the disposal of the local officers as the appropriation available for the state highway department.

The policy of the administration has been rather to build a few miles of first-class, permanent road that will not have to be rebuilt every season than to make a showing by the number of miles of poorly constructed roads it could point to at the end of the biennium. There may have been a time when it was policy for the state to put money into temporary structures or makeshifts, but that day is past. The state must now build with an eye to permanency, and a policy of this kind carried out, I believe to be true economy.

I believe the following amendments to the present highway laws and changes in the administration thereof would prove beneficial:

First. I recommend that you require that a county engineer must be a graduate of a reputable school of engineering, or have had a certain number of years' experience in engineering and highway con-

struction. Also that the relations between the county engineer and the state highway commissioner be placed on the same footing as that existing between county school superintendents and the superintendent of public instruction, with a view to harmonizing and standardizing state and county road construction.

The board of county commissioners or township officers should be relieved of the supervision of construction, placing the same in the hands of the county engineer, leaving the general location of the roads and auditing of bills to the county commissioners or township supervisors.

Second. I recommend that the law now known as the state aid road law, which is a misnomer, be renamed, but otherwise re-enacted and called county aid.

Third. I recommend that a new section be added, which would in truth be a state aid, providing that where the county or township desires to construct a road and, if the same is built according to the plans and specifications and subject to the approval of the state highway department, the state then contribute a certain percentage of cost; that for a dirt road of not less than sixteen feet in width with a certain gradient and drainage, as per specifications of the highway department, the state pay 15% of the estimated cost; that, if the county or district builds the road with crushed rock, surface well rolled in, to a depth prescribed by the state's engineer, the state pay 30%; and if built metal-faced or macadamized, the state pay 40% of construction, the work to be done under the supervision of the county engineer and subject to the approval of the highway department.

My reason for recommending this clause is that in many localities the farmers assert that they would be willing to contribute work in the building of roads to reduce the cost where they are not in a position to stand a heavy cash assessment.

Fourth. I recommend and urge that a tax of twenty-five cents per horse-power per annum be levied on each motor vehicle in the state. This will yield a revenue in excess of \$50,000 for the biennium, the same to be used in the maintenance of state, state aid or county aid roads after they have been constructed. I further recommend that the office of "Road Patrol" be created and that road patrolmen, with proper equipment, be kept on the road the year through for the purpose of proper maintenance.

Fifth. I recommend that the state highway commission, now composed of the state auditor, state treasurer and state highway commissioner, be increased by adding thereto the governor and a member of the railroad commission. The duties of the state auditor and state treasurer require their presence at the capital constantly, and they have little opportunity to visit the state road work. The governor and railroad commission, of necessity, visit many portions of the state each year and are thereby given an opportunity to inspect various roads under construction and keep in close touch with what is being done.

Sixth. The use of convicts in highway construction and in rock-

crushing plants has proved highly successful. I recommend that, after a convict has served his minimum sentence on either road work or in the crushing plants or six months after he has been transferred from the penitentiary to road camp or rock-crushing plant, the state place to the convict's credit fifty cents for each day's work; that, if the convict has a family or others dependent upon him for support, this money be remitted quarterly to those dependent upon him; and that, if he has no one dependent upon him, this money be placed to his credit and paid to him upon his final discharge. This should be made a charge against the road appropriation for prisoners employed on highway construction, and against the revolving fund when employed on crushing plants.

ROCK-CRUSHING PLANTS.

The legislature of 1909 directed the establishment of four or more rock-crushing plants in the state, and authorized the employment of convicts to operate them. One hundred and twenty-four thousand dollars was appropriated to carry into effect the provisions of this act. Because of unforeseen difficulties, the sum has proved inadequate for placing the plants in successful operation. Prior to their establishment the highway department estimated that the three new plants on the railroads could be installed for between \$15,000 and \$20,000, while the one at Deception Pass was expected to cost more on account of peculiar local conditions.

The state had a plant at Meskill, in Lewis county, which had been placed in operation some years before, and this was re-established at a small cost. The Deception Pass plant has cost in excess of seventy-three thousand dollars and is now in operation, but is running at a loss on account of unexpected difficulties in handling rock. These difficulties will be overcome and the cost of rock reduced to a minimum as soon as the quarry is opened up a little further.

The plants at Selah and Marshall are about 80 per cent. completed.

The plant at Dixie has not advanced beyond placing a part of the crushing machinery on the ground.

I am satisfied that these plants, when completed, will prove successful and aid largely in reducing the cost of highway construction, and they should be placed in operation at the earliest possible time. I believe better results can be obtained by creating an administrative bureau to superintend the maintenance and operation of these plants and the marketing of their products. At least two persons will be required to do this work properly. I recommend the creation of a department for this purpose, with a superintendent at a salary of \$3,000 per annum, and one assistant at a salary of \$1,200 per year. I further recommend that you appropriate \$115,000 out of the state highway fund for the purpose of establishing this department and completing the plants. I trust this may be given your early attention, that plans may be made and the plants completed in time for the coming spring work.

LOCAL OPTION.

Discussion of the present local option law occupied a large portion of the time of the regular legislative session of 1909. The bitterness engendered in that contest was apparent throughout that session and affected the deliberation of the special session as well. As a result of the feeling thus aroused, the vote on many other important measures was influenced less by the merits of the measures than by the position taken on the local option question by those who fathered the bills. I am satisfied that further legislation on the liquor question will be initiated in the present session, and I trust that the bitterness of the previous session will not manifest itself in the discussions of such measures. I believe that the disagreement of the members on this question in most cases arises from a divergence of views as to the methods of minimizing the evils inherent in the liquor traffic as now conducted, and not because of the sympathy of any number of legislators for the saloon as an institution. By keeping this in mind, the debates ought to be conducted in a friendly spirit of mutual respect, and the animosity aroused by insinuations of bad faith and improper motives avoided.

The people have displayed admirable patience in their attitude toward the liquor traffic. They have long recognized the evils growing out of the traffic and deplored the corrupting influence of the saloon on the moral and political development of the country. Every opportunity has been afforded the better element in the saloon business to effect the necessary reforms from within, but, since they have utterly failed to achieve any substantial betterment, the people are determined that further reliance upon them is futile and that the reforms must come from without. This conviction is so firmly fixed that the people are determined to go to any length in order to wipe out the abuses of the traffic, even to absolute prohibition of the manufacture and sale of all manner of intoxicants, if necessary.

At the present time I believe a great majority of the people of this state favor the principle of the present local option law, but desire its amendment as to the number of units and made a county unit law. I recommend that the law be amended in this respect and further strengthened in the clauses providing for the enforcement of its provisions. I also recommend as a further regulative measure that from and after January 1, 1912, the sale of liquor in licensed territory be confined to the hours between sunrise and sunset, on the lines of the well known Nebraska Daylight Saloon Law.

EMPLOYES' COMPENSATION.

A proper system of insuring prompt and adequate compensation to injured workmen and their families is a subject that is receiving serious consideration in many of the states of the Union. The present laws and practice commonly followed in this country which place the great burden of risk upon the employe, are a reproach to our civiliza-

tion. Every consideration of justice and humanity demands that the burden now so unequally distributed, falling as it does on those least able to bear it, be charged to the industry responsible for the injuries. Last July the Tacoma Commercial Club called a conference of employers and employes to consider this subject. At that conference a resolution was passed requesting the governor to appoint a commission of ten to study the question of employes' compensation and draft a bill embodying their conclusions for submission to this session of the legislature. Acting upon this request, I appointed a commission composed of five well known employers of labor and five representative employes. The members of this commission have devoted much time and careful study to the subject in hand and the draft of the bill that they submit to your honorable body represents a most earnest and conscientious effort on their part to arrive at an equitable solution of the problem. I commend it to your serious consideration and trust that it will meet with favorable action at this session.

The enactment of an employes' compensation law will necessitate additional administrative machinery, and in that event I recommend that the office of labor commissioner be abolished and the work of that department be united with the administration of the employes' compensation law under a "bureau of labor and industrial insurance."

INVESTIGATING COMMITTEE'S REPORT.

The legislative investigating committee, authorized by the regular session and continued by the extraordinary session of the eleventh legislature, closed its labors and filed its report on April 1, 1910, as provided by the resolution that gave it life. The report of that committee will come before you for consideration, and I believe you will feel that its creation was fully justified by the result of its labors as embodied in that document. Because of the magnitude of the transactions conducted through the state land office and the great interests of the state involved in those transactions, the committee devoted a major portion of its activities to an examination of the records of that department. The wisdom of this course is made manifest by the disclosures of startling irregularities and gross fraud in the practices by which the state has been induced to part with vast areas of land and timber of immense value for shamefully inadequate considerations.

An analysis of the report must lead to the conclusion that the present system of handling the state's patrimony in land and timber and other resources is wholly lacking in sufficient safeguards to protect the interests of the state and insure that it receive full value for its property.

It is apparent that the chief weakness in the system provided by our present laws is in the absence of a satisfactory check upon the reports of the state cruisers. It is principally through collusion with dishonest cruisers and appraisers that applicants for land and timber have been enabled to defraud the state. The board of land commissioners, as now constituted, have neither the time nor the legal au-

thority to check cruisers and are forced to rely upon the reports presented to them in making appraisements. Reforms in the method of conducting this most important department appear so mandatory that it would seem unnecessary for me to urge upon you consideration of this subject.

PUBLIC SERVICE AND OTHER COMMISSIONS. . .

I recommend that you abolish the offices of railroad commission, tax commission and insurance commissioner, the latter at the end of the term of the present commissioner, and in the place of these create the two following commissions:

First. A public service commission, to perform the duties now exercised by the railroad commission as relates to transportation, telegraph and telephone companies, with the added powers of supervision and regulative control over light, power, gas, water and irrigation companies or corporations doing business in the state.

Second. A public revenue commission, whose duties will include those now imposed on the tax commission and in addition thereto shall administer the insurance department, the collection of the motor vehicle tax, game licenses and such other indirect taxes as are not collected through established departments.

BANKING.

The present cumbersome and expensive system of administering the affairs of insolvent banking institutions consumes a very large share of their already depleted assets and should no longer be permitted to stand. I believe a large saving to creditors can be effected by requiring that the liquidating of defunct banks be administered through the state bank examiner's department under the direction of the courts. This department is now rendering excellent service by protecting depositors, and its duties can be extended as suggested without in the least impairing its efficiency or placing an additional burden upon the taxpayers. The employes of the department are thoroughly familiar with all the details of the banking business, and, accordingly, are far better equipped to adjust the affairs of insolvent banks than is often the case with receivers selected under the present system. So far as I am advised, New York is the only state in the Union which requires that the assets of insolvent banking and trust companies be administered through its banking department. In that state, under the old system of receivers, it cost the depositors 20 per cent. and over of the assets of the bank for liquidation. While the law in New York has been in effect but a short time, the showing so far made is phenomenal. The superintendent of banks of the state of New York in his 1910 annual report makes the following comparison of cost under the two systems:

"The collection and distribution of approximately a million dollars in the case of the Lafayette Trust Company at a cost of only about one per centum, and the collection and distribution of a million and a half dollars within a period of five months in the Binghampton

Trust Company at a cost of only two-thirds of one per centum are signal evidence of the economical efficiency and wisdom of the system, * * * as against a cost under the old system of receiverships often amounting to twenty or even thirty per centum. In this connection it is interesting to note that the cost of liquidation in the case of about forty national banks in this state (New York) has averaged 8.7 per cent."

I believe as good a showing and as great a saving to depositors can be made in this state under a system similar to that now in operation in New York, and I urge upon you the desirability of instituting such a reform in the banking laws of this state.

I recommend that the present charge of 1-200 of one per centum on deposits for examinations by the state bank examiner be increased to 1-100 of one per centum; that two examinations each year be required, and that the bank examiner may make four examinations if deemed necessary.

PUBLIC SCHOOLS.

In a decade the number of districts maintaining high school grades has increased from 65 to 307 and the number of high school pupils from 4,830 to 19,928. There should be systematic inspection and supervision of these schools by expert high school inspectors. The teachers of the state have repeatedly asked for such uniform supervision. Accordingly, I recommend that an appropriation be made for this purpose.

INSTITUTION FOR FEEBLE-MINDED.

It is the refinement of cruelty to keep the patients in our charitable institutions, who are able to do outdoor work, housed up and idle. They are far better off, both physically and mentally, if given a reasonable amount of outdoor work to perform each day.

All recognized authorities on institutional work agree that at least one acre of land per inhabitant is necessary for the most economical maintenance of state institutions. The Institution for Feeble-Minded at Medical Lake can accommodate 232 inmates and is now filled to its capacity. There are over one hundred more defective youths in the state awaiting admission, while several hundred who cannot be admitted by reason of the age limit are at large throughout the state and in the hospitals for the insane, all of whom should be transferred to this institution. The demands for admission are certain to increase in proportion to the increase of population. This institution has all told but twenty acres of land, a condition that should no longer be allowed to exist. Because of the small area of land available for cultivation, the maintenance of this institution is costing the state too much, a condition unfair alike to the management and to the inmates. I recommend that an appropriation be made to secure for this institution at least 800 to 1,000 acres of farm and pasture land adjoining the present site, if possible, or else move the institution to where the land can be had. In the event the latter

alternative is decided upon, the present buildings can be used to good advantage for special classes of patients by the Eastern Washington Hospital for Insane. Should it be found necessary to move the Institution for Feeble-Minded, an appropriation will have to be made for the erection of a new building as well as the purchase of the desired amount of land, unless it can be located upon some of the state's own land, which would seem feasible and would certainly be more economical.

Under the present law, when an inmate of the Institution for Feeble-Minded has attained his or her majority it is mandatory upon the superintendent to discharge the patient. When released from restraint the tendency of these unfortunates to procreate is well known, and, as like begets like, the offspring becomes a public charge. If this is permitted to continue, far greater appropriations for the maintenance of these unfortunates will have to be made each biennium. Recently my attention was called to a case where a mother of clouded faculties, who should have been protected by the state from infancy, has already sent two children to this institution and now has another in arms. It would be true economy for the state to remove the age limit and provide for these unfortunates as long as they live, and, accordingly, I recommend that the second and third lines of section 2, sub-chapter 6, chapter 97, Session Laws of 1909, be amended to read: "Who are six years of age or over, and who are idiotic or feeble-minded."

FISHERIES.

The State of Washington leads all other states of the Union in the value and volume of its fisheries product. This commanding position is due in no small measure to the wisdom of the early legislators in enacting laws regulating fishing and establishing hatcheries to perpetuate the supply. The legislature has failed, however, to give the same aid to the shell-fish industry that it has to the balance of the fishing industry. As a consequence the 14,000 acres of oyster reserves and large areas of clam and crab grounds not reserved but owned by the state are deteriorating because of poaching, parasites and lack of care. It is largely from the reserves, or natural oyster beds, that seed is secured for planting less favorable ground. While there is no available commercial method of transplanting clams and crabs, as is done with oysters, it is just as important that they be protected.

A fixed and continuing policy of developing these grounds should be adopted, or else they should be disposed of to those who will bring them up to the highest state of production. If the shell-fish industry was properly encouraged through propagation and protection, it would add greatly to the wealth and commerce of the state. It requires as much care and scientific application of labor to develop shell-fish ground up to its capacity as it does to grow a commercial orchard.

I recommend that you provide for the improvement, protection and supervision of the oyster reserves and all state lands producing clams:

and crabs; that the fish commissioner and oyster board be given the assistance of a deputy, with such salary and traveling expenses as you deem proper, to perform this work; that you make an appropriation for investigating and experimenting with methods of propagating clams and crabs, and that the necessary revenue to carry out these provisions be created by placing a small tax on each sack of oysters, and each dozen of crabs produced, and on each case of clams packed.

GAME AND GAME FISH.

Owing to the general dissatisfaction with the game laws of the state, I appointed two commissions composed of citizens deeply interested in matters of this nature to redraft the game and game fish laws to meet the distinctive requirements of Eastern and Western Washington. These commissions have devoted much time and studious care to the preparation of a bill that will meet the demands of sportsmen and at the same time insure the perpetuation of game and game fish in this state. I unhesitatingly recommend that the bill prepared by the commissions be enacted into law.

PUBLIC DOCKS AND WHARVES.

The people of this state are in favor of public docks and wharfs and such harbor improvements as will aid commerce and navigation for the benefit of all. This state, in the past, has not kept pace in these matters with the neighboring states of California and Oregon, on the south, or with the city of Vancouver, on the north. San Francisco, Los Angeles, Portland, and Vancouver, British Columbia, have already expended very large sums to give their citizens the benefit of public docks and wharfs, and the consequent advantages of better commerce and navigation.

King county has recently voted to issue bonds in the sum of \$1,750,000.00 for certain harbor improvements, \$350,000.00 of which is to be used in the acquisition of sites for public wharfs and docks, and the balance for the excavation of the Lake Washington canal from Lake Washington to the Sound, through Lake Union, where the State of Washington and city of Seattle own considerable waterfront, and also the straightening and widening of the Duwamish river, and the improvement of Cedar river. The city of Tacoma has recently voted \$880,000.00 in bonds for the purchase of sites for docks in aid of commerce and navigation, and other cities of the coast, I am informed, are contemplating the development of their harbors.

The plan under which the King county bonds was voted, among other things, contemplates the lowering of Lake Washington eight feet, more or less, below its present mean level, according to plans and specifications of the United States government, and the widening and improvement of the Duwamish river. It is well known that the flood waters of Lake Washington annually cause great damage on account of the surplus waters passing into the valleys surrounding this lake, and it is believed that the lowering of the level of the lake

and the improvement of the Duwamish river will largely relieve these flood conditions, in addition to aiding commerce and navigation.

It is important to the citizens of the state at large that our harbors should be the best and most commodious, in order that the state's shipping and commercial interest may not suffer in comparison with that of her neighbors on the Pacific coast. The benefits of harbor improvements made by any of our cities or communities, naturally, will be shared by the entire state.

I believe that the legislature should encourage all improvements of harbors and the acquisition of public docks and wharfs, and to this end I recommend the passage of such ratifying and remedial legislation as may make any bonds proposed and voted for these purposes effective.

PUBLIC LANDS.

Six hundred and thirty-six thousand acres of the common school land granted the state by the federal government in the enabling act is tied up in the federal reserves, and is of no value to the state in its present location. I am led to believe that arrangements can be made with the federal government whereby, if sections 16 and 36 in the reserves be released back to the government, the federal government will patent to us in lieu thereof an equal acreage in a body along the lower reaches of the present forest reserves. An exchange of lands along these lines, I believe, would be advantageous to the state as well as to the federal government. It would be advantageous to Washington, especially, in the timber sections, for that would make the timber accessible and more easily transported to market.

I recommend that you pass a bill authorizing the governor to relinquish the state's interest in sections 16 and 36 (where located in forest reserves) to the federal government upon receipt of patent or conveyance of lands in the present reserves that have been approved by the state land commission, and that you make an appropriation for carrying out this work.

NAVAL MILITIA.

Within the past year a purely volunteer naval militia has been organized in the state. The federal government has assigned to the organization for training purposes the monitor Cheyenne and the cruiser Concord for armory purposes. Much interest has been taken in the organization of a naval militia by the citizens of the seaport towns, and I recommend that you enact a naval code, conforming to or as part of the present military code of this state, and authorize the mustering in and equipping of not to exceed four divisions of naval militia of the State of Washington, and make appropriations therefor.

COMMISSIONS.

During the past biennium I have appointed several commissions to study certain subjects of exceptional importance with the view of recommending well-considered legislation to your honorable body that

is calculated to materially improve conditions. The work of these commissions has been purely voluntary and the expense involved has been borne by the members without thought of remuneration.

The subjects that have been under consideration, and concerning which remedial legislation is suggested, are: Employes' compensation; forestry and reforestation; state ownership of docks and wharfs; revised water code; conditions of country life, and game and game fish laws.

The reports of the commissions, with the exception of the docks and wharfs and country life commission, which have not yet been submitted, are transmitted herewith. These reports and the suggested bills accompanying them represent much careful study upon the part of the members of the commissions, and I desire to take this opportunity to thank these gentlemen who have so generously devoted their time and abilities to the public welfare.

CONSERVATIONS.

The conservation of natural resources is a question that is agitating the entire nation. Those states in which the public domain is situated, notably among them the State of Washington, must face the issue of state or federal control of natural resources. The principles involved in this issue are vital to our form of government. If we supinely give over complete control of our natural resources to the national government, we acquiesce in and become accessories to the immolation of local self-government.

If the states are to maintain their integrity and efficiency they must retain control of their own affairs. Federal control of our natural resources means the weakening of state governments, the curtailment of their activities and the deprivation of a big source of state and local revenue. National conservation, as advanced by its most ardent advocates, is designed less to benefit the consumer of the products of those resources than as a new means of obtaining increased revenue for the national treasury. This proposition is the acme of injustice, as it will lay a discriminatory and unequal burden upon the people of those states in which the natural resources are situated, and the State of Washington will be one of the chief sufferers from such a system.

National conservationists propose to collect a royalty from developed water power and from coal mined for the federal government. This royalty will be paid by the consumers of coal and the consumers of power and light, together with all the products thereof. These commodities of necessity are consumed locally and, therefore, the extra tax represented in the royalty will fall upon the citizens of the localities where coal mines and water power are developed.

I feel that the state would be inexcusably derelict if it failed to protest against such a proposition and at the same time failed to make immediate provisions for exercising its own prerogatives in controlling, administering and preserving its natural resources. With this end in view, I appointed several commissions to deal with the different phases

of the conservation problem, and I recommend their reports to your earnest consideration.

COUNTRY LIFE.

The growing economic necessity for readjustment of our rural and urban population has given rise to the country life movement. This movement is in no sense one of "uplift" for the farmer; it is especially one of co-operation among the business men, professional men and farmers, all pulling together or suggesting methods of sifting out the practical from the impractical. The problem is being studied in our state with the help of the granges, the farmers' unions, educators, commercial clubs and public-spirited citizens generally.

The recent census shows that the State of Washington made a more rapid growth in population in the past decade than any other state in the Union. It also shows that growth of the agricultural districts, the very basis upon which the prosperity of the country rests, has not kept pace with city increases. By reason of the vast amount of hydro-electric power in this state, which can be easily and cheaply developed, the great quantities of cheap raw material, coupled with cheap transportation, the hundreds of miles of coast line with almost innumerable safe anchorages, and an equitable climate, Washington is destined in time to become a thickly populated manufacturing, commercial and maritime commonwealth. If the products of the soil have to be shipped in from long distances or from foreign countries, it will lay a heavy burden upon the urban population, which should have the products of the farm, garden, orchard and dairy at the lowest cost consistent with proper returns to the country producer. That our soils are fertile and crops bountiful is beyond question, but for various reasons the trend of population has been toward the cities. The reasons attributed for this are numerous, chiefly the lack of religious facilities, schools, society, transportation and good roads, and the scarcity and high cost of help. These are some of the many reasons given by the farmers themselves for leaving the country and removing to the cities. This is a very serious question, and there are few problems that warrant a more careful study on the part of your body.

With a view to improving the conditions complained of, I recommend that the directors of school districts in the state, or if desired two or more districts jointly, be authorized to acquire by purchase or donation tracts of land adjacent to public school buildings sufficiently large to be used for experimental farming purposes, forestry, picnic, playgrounds, etc., and to erect a community hall to be used for holding public meetings, social gatherings, lectures and such other uses as the requirements of the people of that locality may demand.

The inability to secure suitable dwellings for their families in country districts has driven many of the better class of married male teachers to the cities or into other lines of work, thereby depriving the country districts from securing permanent resident teachers who would become closely identified with the community. I recommend

that the board of school directors be authorized to erect residences with modern conveniences for the principals of their schools, the plans first to be approved by the superintendent of public instruction, or by the state architect, if such an office is created. As an incentive to starting this work, I suggest that for a few years a certain portion of the cost of the residence be borne by the state.

GENERAL RECOMMENDATIONS.

Section 45, chapter 178, Session Laws 1895, and section 34, chapter 89, Session Laws 1897, give persons, firms, corporations or associations engaged in the business of logging a right-of-way over public lands when necessary for the purpose of hauling or removing timber from other lands, providing permission has been obtained from the state board of land commissioners, and provides that all timber on said right-of-way shall be purchased and paid for in cash before the granting of such right-of-way.

In its present form this law works an injustice to other purchasers of state timber along the right-of-way of a logging road, as the owner of the road can cross state land by simply paying actual damages and is under no obligation to transport timber other than his own.

In all cases where tracts of state timber have been isolated by logging operations, or where by reason of their location in relation to logging roads are difficult of access for others than the logging company owning the road, the state is at the mercy of the owners of the road when disposing of such timber.

I recommend that this section be amended, in that any railroad, tramway or electric road built across state lands shall be a common carrier so far as the timber is concerned on the state land, or from any state land that may be within a mile of the road anywhere throughout its length, and that the rates to be charged for hauling logs or other material from state lands be subject to regulation by the state railroad commission.

Section 13, chapter 62, Laws of 1886, which directs prosecuting attorneys to file a report each year with the governor, giving a statement of the business transacted by them and making recommendations for legislation that seems necessary, is "more honored in the breach than the observance." While I made two separate requests for these reports, but thirteen of the thirty-eight prosecuting attorneys of the state responded.

From the reports submitted, I find two recommendations that I desire particularly to present for your serious consideration. One suggests that section 61, chapter 73, of the Session Laws of 1909, be amended so as to give the judges of the superior court authority to issue an open venire when it is necessary to have extra jurors to fill the panel without the necessity of securing the consent of the attorneys on both sides of the case. The other suggests that the present law, which makes the issuing of a no-fund check for a sum under

§25.00 a misdemeanor only, be amended so that the issuance of a no-fund check for any sum be made a felony.

I recommend that section 3, chapter 155, of the Session Laws of 1907, repealed in the session of 1909, be re-enacted.

This was a law providing that it is the "duty of the judge, before whom a prisoner is tried, and the prosecuting attorney to furnish the prison board, together with warrant of commitment, all the information in their possession regarding the career of the prisoner before the commission of the crime for which he was sentenced; whether he was industrious or not; of good character; what his associations were; his disposition, and all the other facts and circumstances that might tend to throw any light on the character of the prisoner and his capacity for becoming a good citizen; and the state prison board shall have power to call upon any other officer or person for similar information, and where practicable shall procure such information from the people who have known the prisoner."

If these statements are made at the time of the conviction and while the facts are still fresh in the minds of the court and prosecuting attorney—facts which are almost indispensable under the indeterminate sentence law—the prison board has something beside the prisoner's word to act upon. If the statements are not made at the time of conviction, and the court or prosecuting attorney is called upon two or three years later, the officials often have gone out of office and many facts in the case are completely lost or forgotten.

An unfortunate inharmony among several statutes enacted at different sessions of the legislature, dealing with incorrigible and delinquent youths between the ages of 16 and 18 years, prevents the authorities from committing them to a proper institution for their care and correction. Under the present law, a boy over 16 years of age cannot be received at the State Training School, while only male criminals of 18 years or over can be committed to the reformatory at Monroe. Another section provides that when any child under the age of 18 years shall be found to be delinquent or neglected within the meaning of the juvenile delinquent statute the court may make an order committing the child to some suitable institution or to the care of some training school or industrial school as provided by law. This cannot be done at present because of the age limit fixed for commitment to the Training School, and the institution at Monroe cannot receive him because in most cases such boys have committed no crime. There are no local associations to receive him; therefore, the authorities have practically but one alternative and that the undesirable necessity of committing him to the county jail. In the absence of local regulations in the various cities, it would seem that the state ought to give this matter attention.

Citizens of this state are often importuned by traveling solicitors to contribute to charitable institutions and undertakings located in various portions of the state. Having no ready means of ascertaining whether the contribution will reach the institution or object for which

It is intended, the public has frequently been imposed upon, much to the detriment of those institutions that are doing a laudible work.

I recommend that the institutions which are supported wholly or in part by solicited public contributions be brought under state supervision to the extent that their accounts be audited and certified to by the state bureau of inspection and supervision of public offices; that a commission, or board, be created to visit these institutions, investigate the management thereof, publish its findings, and authorize under its seal persons to solicit contributions for them.

Under existing conditions it appears that the attorney general is considerably hampered in the enforcement of the law, and for that reason in many places the law is not being enforced at all, or in a very lax manner. If the attorney general had specific authority to file informations in *quo warranto* and criminal proceedings, to appear before grand juries in their deliberations, and to direct prosecuting attorneys in the performance of their duties, it is my opinion that the laws could be more efficiently and uniformly administered.

Some of the largest taxpayers and especially some public service corporations have refused to pay taxes, and, through court proceedings, have been able to restrain local collectors from enforcing collections. I recommend that the state protect itself from such a condition as this by the enactment of a law directing that no suit shall be brought in any court enjoining the collection of taxes, but that any person, firm or corporation feeling he or it is unjustly taxed, may pay under protest, after which action may be brought to recover, with interest at the legal rate from the time payment was made, for what sum, if any, was improperly exacted.

CONSTITUTIONAL AMENDMENTS.

Much dissatisfaction is expressed by the people of the state with the constitutional provision that makes it impossible for a county officer to hold office longer than two terms in succession. This works an especial hardship upon the schools of the state, because of the necessity imposed to change county superintendents so frequently. The voters are quite competent to decide that point and should have a chance to re-elect an officer as many times as they deem his services needed. I, therefore, recommend that section 169, of article 11, of the state constitution be re-submitted to the voters of the state for their action.

It has been pointed out that disputants often submit their differences to arbitration and it is seldom in such cases that more than three persons are invited to render a decision. Therefore, why would it not be just as satisfactory to require that all civil actions be tried before a jury of five, with the verdict of four made controlling, instead of compelling the state to provide the expense of twelve jurors as at present? I am informed that a change such as this would save the taxpayers of one county in this state in excess of \$25,000.00 annually.

Court procedure could be further expedited with a corresponding reduction of expense if the present method of empaneling juries were altered by requiring the judge to ascertain the qualifications of a juror to serve in a case.

As these changes would require a constitutional amendment, I recommend that you pass a resolution authorizing the appointment of a commission composed of eminent jurists of the state to prepare a bill submitting such amendments as may be necessary to effect these and other desired reforms in court procedure in time for your action at this session.

SHORT BALLOT AND RECALL.

Former Governor Charles E. Hughes, in his message to the New York legislature last January, advocated the adoption of the short ballot in the following clear and convincing language:

"There is just and widespread demand for improvement in election methods. As I stated in my last annual message, progress in solving the problems of state government would seem to involve the concentration of responsibility with regard to executive powers. To accomplish this there should be a reduction in the number of elective offices. The ends of democracy will be better attained to the extent that the attention of the voters may be focused upon comparatively few offices, the incumbents of which can be held strictly accountable for administration. This will tend to promote efficiency in public office by increasing the effectiveness of the voter and diminishing the opportunities of political manipulators who take advantage of the multiplicity of elective offices to perfect their schemes at the public expense. I am in favor of as few elective offices as may be consistent with proper accountability to the people, and a short ballot. * * *

"It would be an improvement, I believe, in state administration if the executive responsibility were centered in the governor, who should appoint a cabinet of administrative heads accountable to him and charged with the duties now imposed upon elected state officers."

Further argument in favor of the short ballot would be surplusage. I believe that it is a necessary reform if we are to secure through the direct primary those beneficial results aimed at in its enactment; providing it is supplemented by conferring upon the voters the power of recall over elective officers. With these ends in view, I recommend the submission to the people of the following constitutional amendments:

First. An amendment giving the voters the power of recall over all municipal, county and state elective officers.

Second. An amendment providing for the election of the governor and lieutenant governor only on the state ticket; giving to the governor the appointive power to fill all other state positions, subject to confirmation by the Senate, and in case this amendment is adopted that its provisions shall not become effective until after the expiration of the

terms of office of those who may be elected at the general election in 1912.

Third. An amendment providing for the appointment of the supreme court judges by the governor; for the extension of their terms to twelve years, three terms to expire each four years; and with the further provision for service age limit and retirement pensions.

PANAMA-PACIFIC EXPOSITION.

In the year 1915, the people of California expect to hold in the city of San Francisco a world's international exposition which, in magnitude and display, promises to excel anything of the kind yet attempted.

Knowing the people of California, the wonderful natural resources of the state, its beautiful scenery, salubrious climate, coupled with that optimistic conviction so firmly fixed in the minds of all the people of the western states that the Pacific slope is the only country worth while, I am convinced that the success of their exposition, or anything else they undertake, is an assured fact.

It is our bounden duty to join in this great undertaking, and I recommend that you, by resolution or in other suitable manner, make it known that the people of this state endorse the actions of the citizens of California, and that you take such other action as may seem advisable to insure substantial co-operation in this laudable undertaking.

You have been commissioned by the people of the state to protect and conserve their interests, and in discharging the grave responsibility with which you are clothed I trust that you will exercise the strictest economy consistent with practical achievement. By adopting this as your guiding motive, I believe you will render the greatest possible service to your constituents and to the state. I trust that your deliberations will prove harmonious and the record that you make will stand conspicuous for the utility, the wisdom and the excellence of the measures you enact into law.

M. E. HAY, *Governor of Washington.*

At 3:35 p. m., on motion of Senator Huxtable, the joint session dissolved.

The Senate was called to order in the Senate chamber at 3:40 p. m.

At 3:45 p. m., on motion of Senator Allen (P. L.), the Senate adjourned until 10 o'clock tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

W. H. PAULHAMUS,
President of the Senate.

THIRD DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASH., Wednesday, January 11, 1911.

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

Rev. G. R. Messias, rector of St. John's Episcopal church, of Olympia, offered prayer.

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

On motion of Senator Falconer, Senator Hewitt was excused from attendance at today's session.

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

The following resolution was adopted on motion of Senator Bassett:

Be it resolved, By the Senate that the president of the Senate be, and he hereby is instructed, to refer the different portions of the governor's message to the various committees who have charge of the subjects discussed, and that said committees be hereby instructed to prepare such legislation on the subjects referred to as in their judgment is needed.

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

Resolved, That the Rev. G. R. Messias, rector of St. John's Episcopal church of Olympia, Wash., be selected as chaplain of the Senate for the ensuing session.

The secretary read:

SENATE JOINT RESOLUTION NO. 1.

By Senator Bryan:

Be it resolved, By the Senate and the House of Representatives of the legislature of the State of Washington, That the following amendment to the constitution of the United States, submitted to the several states by congress, pursuant to article five (5) of said constitution be

and the same is hereby ratified as follows, to-wit: "Article XVI. The congress shall have power to lay and collect taxes on income, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration."

Senator Bryan moved that the rules be suspended, the resolution read the second time, ordered printed and made a special order for 2 o'clock p. m., Wednesday, January 18, 1911.

Senator Falconer moved as a substitute that the resolution be read the second time, ordered printed and referred to the committee on revenue and taxation, when appointed.

The substitute motion carried.

The secretary read the following communications:

STATE OF WASHINGTON, DEPARTMENT OF STATE,
OLYMPIA, January 9, 1911.

Hon. State Senate, State of Washington, Senate Chamber, Olympia, Washington:

GENTLEMEN—Permit me to submit for your consideration a copy of letter from the Hon. W. P. Bell, attorney general, relative to keeping the legislative journals and enrolling the bills, with the book typewriters.

Very truly yours,

I. M. HOWELL, *Secretary of State.*

OPINION No. 1.

January 9, 1911.

Hon. I. M. Howell, Secretary of State, Olympia, Washington:

DEAR SIR—Yours of this date received, which reads as follows:

"As it is thought by some advisable to enroll the bills and keep the legislative journals of this session with a book typewriter, I will thank you for an immediate opinion of legality and advisability of this step."

Section 11, article II, of the constitution, reads in part as follows:

"Each house shall keep a journal of its proceedings and publish the same, except such parts as require secrecy * * *."

Section 9, article II, of the constitution, provides:

"Each house may determine the rules of its own proceedings * * *."

Each house has prepared rules in which they provide that enrolled and engrossed bills shall be presented to the governor and filed with the secretary of state; but the rules do not prescribe whether said bills shall be prepared upon the typewriter or written with pen and ink.

As the constitution does not prescribe in what manner the journals shall be kept, and as there is no law providing that said bills shall be written with pen and ink, it is my opinion that they may be prepared on the typewriter, and that the journals may be kept with a book typewriter. Further than this, it is my opinion that it would

be advisable to make this change, as the work can be done much more rapidly and economically, and compared much more readily and easily if so kept.

Yours very respectfully,

W. P. BELL, *Attorney General.*

On motion of Senator Bryan, the communication was referred to the committee on enrolled bills.

Senator Piper moved that Mrs. Emma DeVoe be invited to address the Senate.

Senator Nichols moved as an amendment that the Senate take a recess for the purpose of hearing Mrs. DeVoe.

Senator Rosenhaupt moved at a substitute that Senator Piper be a committee of one on behalf of the Senate and that he be authorized to receive and report to the Senate any message Mrs. DeVoe may desire to deliver.

Senator Rosenhaupt's substitute motion carried.

On motion of Senator Allen (P. L.), the special order set for 2:30 o'clock this afternoon for the purpose of considering the standing committee appointments made by the president, was put over until 10:30 o'clock tomorrow morning, the rules being suspended.

INTRODUCTION OF BILLS.

Senate bill No. 7, by Senator Falconer, entitled "An act relating to the compensation of injured workmen in our industries, creating an industrial insurance department, making an appropriation for its administration, providing for the creation and disbursement of funds for the compensation and care of workmen injured in hazardous employment, providing penalties for the non-observance of regulations for the prevention of such injuries and for violations of its provisions, asserting and exercising the police power in such cases, and, except in certain specified cases, abolishing the doctrine of negligence as a ground for recovery of damages against employers, and depriving the courts of jurisdiction of such controversies."

The bill was read the first time, and on motion of Senator Falconer, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committees on labor and labor statistics, and appropriations, when appointed.

Senate bill No. 8, by Senator Falconer, entitled "An act providing for the descent and distribution of community property and regulating the probate practice and procedure with reference thereto."

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

Senate bill No. 9, by Senator Cox, entitled "An act relating to the construction of an armory for the use of the National Guard of Washington, at Walla Walla, appropriating money from the military fund therefor, creating a board to superintend the construction thereof."

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

Senate bill No. 10, by Senator Bryan, entitled "An act prohibiting courts or judges from issuing restraining orders, temporary injunctions or injunctions preventing public officers performing the duties enjoined upon them by law, and making all restraining orders, temporary injunctions, or injunctions now existing in such cases, null and void, and declaring an emergency."

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

Senate bill No. 11, by Senator Brown, entitled "An act providing for the improvement of certain highways in Whatcom county and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Brown the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on roads and bridges, when appointed.

Senate bill No. 12, by Senator Brown, entitled "An act creating a state highway, to be known as 'The Pacific Highway,' or state road No. 6, and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Brown the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on roads and bridges, when appointed.

Senate bill No. 13, by Senator Brown, entitled "An act amending section 4 of chapter 247, Session Laws of 1907, entitled an act relating to the taking of food fishes, providing penalties therefor, amending section 2 of chapter 117 of Session Laws of 1889, also amending section 2 of chapter 170 of Session Laws of 1905, and repealing section 4 of chapter 170, Session Laws of 1905 and declaring an emergency."

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

Senate bill No. 14, by Senator Shaefer, entitled "An act repealing all of section 4, in chapter 39 of the Session Laws of 1909, relating, respectively, to police relief, health and insurance fund in incorporated cities of the first class, providing for the disbursement thereof and creating a board of police fund commissioners, and declaring an emergency."

The bill was read the first time, and on motion of Senator Shaefer the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on cities of the first class, when appointed.

Senate bill No. 15, by Senator Shaefer, entitled "An act to provide for the public investigation of industrial disputes and for the prevention and settlement of strikes and lockouts. Providing for its enforcement and fixing a penalty for the violations of the provisions thereof, and declaring an emergency."

The bill was read the first time, and on motion of Senator Shaefer the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on commerce and manufactures, when appointed.

Senate bill No. 16, by Senator Shaefer, entitled "An act repealing all of section 4, in chapter 50, of the Session Laws of 1909, relating respectively to fireman's relief and pension fund in the several incorporated cities and towns of the State of Washington, and making provisions for the maintenance and distribution thereof, and declaring an emergency."

The bill was read the first time, and on motion of Senator Shaefer the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on cities of the first class, when appointed.

Senate bill No. 17, by Senator Falconer, entitled "An act relating to the construction of an armory for the use of the National Guard of Washington, at Everett, appropriating money from the military fund therefor, creating a board to superintend the construction thereof."

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

Senate bill No. 18, by Senator Bassett, entitled "An act to amend chapter 97 of the Session Laws of 1909, being an act establishing, providing for the maintenance of, and relating to, a general and uniform public school system for the State of Washington, providing penalties for the violation of the provisions of this act, and repealing all acts and parts of acts in conflict with the provisions of this act."

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

The president announced the appointment of Senators Myers, Eastham and Cox as a committee to fix the salaries of employes.

At 10:35 a. m., on motion of Senator Allen (P. L.), the Senate adjourned until 10 o'clock tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

W. H. PAULHAMUS,
President of the Senate.

FOURTH DAY

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASH., Thursday, January 12, 1911.

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

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present.

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

The secretary read communications from United States Senator Piles and Representative Poindexter, acknowledging receipt of copies of Senate concurrent resolution No. 1, relating to the proposed exposition at San Francisco, California, and the communications were ordered placed on file.

The following committee report was read by the secretary:

REPORT OF SPECIAL COMMITTEE.

We, your special committee, to whom was referred the appointment of janitors and pages, respectfully beg leave to submit the following report:

In addition to the janitors previously appointed, we recommend the appointment of Robert Taylor as janitor and also recommend that the janitors fulfill the duties of watchmen.

Dated Olympia, Washington, January 11, 1911.

J. D. BASSETT, *Chairman.*

We concur in this report: D. H. Cox, P. L. Allen.

On motion of Senator Allen (P. L.), the report of the committee was adopted.

The secretary read the following report:

SENATE CHAMBER,
OLYMPIA, WASH., January 12, 1911.

MR. PRESIDENT:

We, your committee on rules and joint rules, respectfully recom-

mend to the Senate the adoption of the following as the permanent rules for the Senate for the twelfth session.

Respectfully submitted.

W. H. PAULHAMUS, *Chairman.*

We concur in this report: Ralph Metcalf, J. D. Bassett, A. S. Ruth, Josiah Collins.

RULES OF THE SENATE.

SESSION OF 1911.

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

QUORUM.

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

DUTIES OF THE PRESIDENT.

Rule 3. The president shall take the chair and call the Senate to order precisely at the hour appointed for meeting, and, if a quorum be present, shall cause the journal of the preceding day to be read. He shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber, shall order the sergeant-at-arms to suppress the same, and may order the arrest of any person creating any disturbance within the Senate chamber. He may speak to points of order in preference to members, arising from his seat for that purpose, and shall decide all questions of order without debate, subject to an appeal to the Senate by any three members, on which appeal no member shall speak more than once without leave of the Senate. He shall have charge of and see that all officers, attaches and clerks perform their respective duties, and shall, in open session, sign all acts, addresses and joint resolutions. He shall sign all writs, warrants and subpoenas issued by order of the Senate; all of which shall be attested by the secretary. He shall have general control of the Senate chamber and lobby, and have the right to name any senator to perform the duties of the chair, but such substitution shall not extend beyond an adjournment, nor authorize the senator so substituted to sign any document requiring the signature of the president.

PRESIDENT PRO TEM.

Rule 4. Upon the organization of the Senate the members shall select one of their number as president *pro tem*, who shall have all the power and authority, and who shall discharge all the duties of the lieutenant-governor acting as president during his absence or inability to discharge the duties of his office. In the event that the lieutenant-governor is acting as governor the Senate shall also elect one of its members temporary president, who in the absence or disability of the

president elected by the Senate shall have all the power and authority and who shall discharge the duties of such president.

SUBORDINATE OFFICERS.

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

STANDING COMMITTEES.

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

<i>Committee.</i>	<i>No. of Members.</i>
1. Agriculture	7
2. Appropriations	21
3. Banks and Banking.....	9
4. Cities of the First Class.....	7
5. Claims and Auditing.....	5
6. Commerce and Manufactures.....	7
7. Congressional Apportionment	11
8. Constitution and Constitutional Revision	7
9. Corporations other than Municipal.....	5
10. Counties and County Boundaries.....	8
11. Dairy and Live Stock.....	5
12. Dikes, Drains and Drainage.....	3
13. Education	7
14. Educational Institutions	7
15. Elections and Privileges.....	5
16. Engrossed Bills	5
17. Enrolled Bills	5
18. Fisheries	9
19. Game	7
20. Game Fish	5
21. Harbor and Harbor Lines.....	7
22. Horticulture and Forestry.....	5

<i>Committee.</i>	<i>No. of Members.</i>
23. Insurance	7
24. Irrigation and Arid Lands.....	7
25. Judiciary	9
26. Labor and Labor Statistics.....	7
27. Legislative Apportionment	11
28. Medicine, Dentistry, Surgery and Hygiene.....	3
29. Memorials	3
30. Military	9
31. Mines and Mining.....	7
32. Municipal Corporations	7
33. Printing	7
34. Public Buildings and Grounds.....	5
35. Public Morals	7
36. Public Revenues and Taxation.....	10
37. Railroads and Transportation.....	13
38. Roads and Bridges.....	13
39. Rules and Joint Rules.....	5
40. Salaries and Mileage.....	5
41. State, Granted, School and Tide Lands.....	9
42. State Library	3
43. State Penal and Reformatory Institutions.....	7
44. State Charitable Institutions.....	7
45. Senate Employes other than Regular.....	5

COMMITTEE REFERENCE.

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

First—The committee of the whole Senate.

Second—A standing committee.

Third—A select committee.

DUTIES OF COMMITTEES.

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

The committees shall acquaint themselves with the interest of the state specially represented by the committee, and from time to time present such bills and reports as in their judgment will advance the interests and promote the welfare of the people of the state.

The committee on rules and joint rules shall have charge of the daily calendar of the Senate and shall direct the secretary the order in which the business of the Senate shall be transacted: *Provided*,

however, That by a vote of the majority of the Senate any bill may be advanced to any place on the calendar, and any bill may be withdrawn from the committee by a like majority of the Senate and placed upon the calendar in such position as may be ordered. No committee shall sit during the daily session of the Senate unless by special leave.

COMMITTEE REPORTS.

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

SENATE EMPLOYES.

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

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

The Senate shall elect a secretary who shall perform the usual duties pertaining to such office. He shall appoint, subject to the approval of the Senate, the necessary clerks and stenographers, whose hours of duty and assignments shall be under his direction and instructions and who may be dismissed by him at his discretion.

All other employes shall report to the sergeant-at-arms and be under his supervision and direction.

All Senate employes shall remain on duty daily during the hours designated by the secretary and sergeant-at-arms, respectively.

COMMITTEE OF THE WHOLE.

Rule 11. In forming the committee of the whole, the president shall name a chairman to preside, and all bills considered shall be read by sections and the chairman shall call for amendments and debates thereon at the conclusion of the reading of each section. The body of the bill shall not be defaced or interlined, but all amendments (noting the page and line) shall be duly entered by the secretary on a separate paper as the same shall be agreed to by the committee, and so reported to the Senate for action.

Rule 12. The rules of the Senate shall apply to proceedings in committee of the whole, except that the previous question shall not be ordered nor the ayes and noes demanded, but the committee may

limit the number of times that any member may speak at any stage of the proceedings during its sitting.

MESSAGES RECEIVED.

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

REPORT OF COMMITTEE OF THE WHOLE.

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

SUSPEND RULES FOR COMMITTEE OF THE WHOLE.

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

ENROLLED AND ENGROSSED BILLS.

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

ORDER OF BUSINESS.

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

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

Second—Reports of standing committees.

Third—Reports of select committees.

Fourth—Messages from the governor and other state officers.

Fifth—Messages from the House of Representatives.

Sixth—Introduction and first reading of bills.

Seventh—Second reading and reference of bills.

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

Ninth—Business lying on the table.

Tenth—The orders of the day.

Eleventh—Unfinished business.

BUSINESS TO BE ANNOUNCED.

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

UNFINISHED BUSINESS.

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

READING OF BILLS.

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

GENERAL FILE.

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

ENGROSSED BILLS.

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

BILLS MAY BE COMMITTED.

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

ONLY ONE SUBJECT.

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

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

INTRODUCTION OF BILLS.

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

LIMIT TO AMENDMENTS.

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

Rule 28. After the final vote on any bill, before the adjournment of that day's session and at such times only, any member who voted with the prevailing side may give notice of reconsideration. Such

motion to reconsider shall be in order only on the first or second day after such final vote. A motion to reconsider shall have precedence over every other motion, except a motion to adjourn; and when the Senate adjourns while a motion to reconsider is pending or before passing the order of motions, resolutions and notices, the right to move a reconsideration shall continue to the next day of sitting. No notice of reconsideration of any final vote shall be in order on the day preceding the last day of the session. Motions to reconsider a vote upon amendments to any pending question may be made and decided at once.

APPROPRIATION BILLS.

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

PRINTING OF BILLS, ETC.

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

SPECIAL ORDER.

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

WORDS TO BE UNDERLINED.

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

JOINT RESOLUTIONS AND MEMORIALS.

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

SENATE RESOLUTIONS.

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

MOTIONS.

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

MOTION TO ADJOURN.

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

PRECEDENCE OF MOTIONS.

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

First—To fix the time to which to adjourn.

Second—To adjourn.

Third—For a call of the Senate.

Fourth—To lay on the table.

Fifth—For the previous question.

Sixth—To postpone to a day certain.

Seventh—To commit.

Eighth—To amend.

Ninth—To postpone indefinitely.

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

CALL FOR DIVISION.

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

PREVIOUS QUESTION.

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

PRIORITY OF BUSINESS.

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

TIE VOTE.

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

YEAS AND NAYS.

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

READING OF PAPERS.

Rule 43. When the reading of any paper is called for, and is objected to by any senator, it shall be determined by a vote of the Senate, without debate.

MESSAGES.

Rule 44. Messages from the governor, other state officers, and from the House of Representatives may be considered at any time by consent of the Senate.

RULES OF DEBATE.

Rule 45. When any senator is about to speak in debate, or submit any matter to the Senate, he shall rise from his seat, and standing in his place, respectfully address himself to "Mr. President," and when recognized shall, in a courteous manner, confine himself to the question under debate, avoiding personalities, and when finished shall resume his seat. No senator shall impeach the motives of any other member, nor speak more than twice (except for explanation) during the consideration of any one question, on the same day, nor a second time without leave, when others who have not spoken desire the floor; but incidental and subsidiary questions arising during the debate shall not be considered the same question.

MAY CALL SENATOR TO ORDER.

Rule 46. If any senator in speaking, or otherwise, transgresses the rules of the Senate, the president shall, or any senator may, call him to order, and when a senator shall be so called to order he shall resume his seat and not proceed without leave of the Senate, which leave, if granted, shall be upon motion "that he be allowed to proceed in order," when, if carried, he shall confine himself to the question under consideration.

POINTS OF ORDER.

Rule 47. Every decision of points of order by the president shall be subject to appeal, and no discussion of a question of order shall

be allowed except on appeal of three senators, and in all cases of appeal the question shall be, "Shall the decision of the chair stand as the judgment of the Senate?"

BREACH OF DECORUM.

Rule 48. In cases of breach of decorum or propriety, any senator, officer or other person shall be liable to such censure or punishment as the Senate may deem proper, and if any senator be called to order for offensive or indecorous language or conduct, the person calling him to order shall report the language excepted to, which shall be taken down or noted at the secretary's desk, and no member shall be held to answer for any language used upon the floor of the Senate if business has intervened before exception to the language was thus taken and noted.

RECOGNITION BY THE PRESIDENT.

Rule 49. When two or more senators rise at the same time to address the chair, the president shall name the one who shall speak first, giving preference, when practicable, to the mover or introducer of the subject under consideration.

OPENING AND CLOSING DEBATE.

Rule 50. The author of a bill, motion or resolution shall have the privilege of opening and closing debate upon the same, unless the previous question has been moved and sustained.

PROTEST MAY BE ENTERED.

Rule 51. Any senator or senators may protest against the action of the Senate upon any question, and have such protest entered upon the journal.

QUESTION OF PRIVILEGE.

Rule 52. Any senator may rise to a question of privilege and explain a matter personal to himself by leave of the president, but he shall not discuss any pending question in such explanation.

ABSENCE FROM SESSION.

Rule 53. No senator shall absent himself from the service of the Senate without leave, except in case of accident or sickness, and if any senator or officer shall absent himself his per diem shall not be allowed or paid him, and no senator, officer or attache shall obtain leave of absence or be excused from attendance without the consent of two-thirds of the members present.

CALL OF THE SENATE.

Rule 54. A call of the Senate may be moved by three senators, whose names shall be entered upon the journal, and if carried by a majority of all present the secretary shall call the roll and note the absentees, after which the names of the absentees shall again be called. The doors shall then be closed and the sergeant-at-arms

directed to take into custody all who may be absent without leave, and all the senators so taken into custody shall be presented at the bar of the Senate for such action as the Senate may deem proper.

ABSENCE DURING ROLL CALL.

Rule 55. A senator having been absent during roll call may ask to have his name called.

ELECTION BY ROLL CALL.

Rule 56. In all cases of election by the Senate the votes shall be taken *viva voce*, and no senator or other person shall remain by the secretary's desk while the roll is being called or the votes are being counted. No senator shall be allowed to vote except when within the bar of the Senate, nor upon any question in which he is in any way personally or directly interested, nor be allowed to explain his vote or discuss the question while the yeas and nays are being called, nor change his vote after the result has been announced.

ANNOUNCEMENT OF VOTE.

Rule 57. The announcement of all votes shall be made by the president, and the announcement of the result of any vote shall not be postponed.

WITNESSES BEFORE THE SENATE.

Rule 58. Witnesses summoned by or on behalf of the Senate to appear before the Senate, or any of its committees, shall be paid for each day's attendance three dollars. For each mile traveled in coming to the place of examination, ten cents; and nothing shall be paid for travel where the witness was served at the place of examination, and no mileage shall be paid except where the witness actually traveled for the purpose of giving testimony.

Rule 59. The Senate chamber shall not be used for any but legislative business during the session, except by permission of the Senate given by two-thirds vote.

Rule 60. The sergeant-at-arms and doorkeepers shall not admit to the floor of the Senate during the session any person other than a member of the Senate, except:

The governor;

Members of the House of Representatives;

State officers;

Officers and employes of the Senate;

Representatives of the press or other persons designated by name by resolution of the Senate and holding cards of admission signed by the president.

SENATE GALLERY.

Rule 61. The gallery back of the president's desk is reserved for the use of the governor and state officers and their families, for the families of senators, and for members of the House of Representatives and their families.

SMOKING NOT ALLOWED.

Rule 62. Smoking shall not be allowed in the Senate chamber during the session of the Senate, nor shall indecorous conduct, boastful or unbecoming language be permitted there at any time.

REED'S PARLIAMENTARY RULES.

Rule 63. The rules of parliamentary practice as contained in Reed's Parliamentary Rules shall govern the Senate in all cases to which they are applicable, and in which they are not inconsistent with the rules and orders of this Senate and the joint rules of this Senate and the House of Representatives.

SUSPENSION OF RULES.

Rule 64. No standing rule or order of this Senate shall be rescinded or changed without a vote of two-thirds of the members, and one day's notice of the motion thereof; but a rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present. When the suspension of a rule is called, and after due notice from the president, no objection is offered, he may announce the rule suspended, and the Senate may proceed accordingly; but this shall not apply to that portion of rule 20 relating to the third reading of bills, which cannot be suspended.

PURCHASE OF SUPPLIES.

Rule 65. The board of control shall furnish all necessary supplies for the Senate upon the requisition of the sergeant-at-arms, when signed by the president of the Senate.

Rule 66. Any senator shall have the right to compare an enrolled bill with the engrossed bill before the president signs the same.

JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.**REGULAR SESSION OF 1911.****CONFERENCE AND FREE CONFERENCE, COMMITTEES ON.**

Rule 1. In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one house, dissented from in the other and not receded from by the one making the same, such house shall appoint a committee to confer with a like committee to be appointed by the other, and the committee so appointed shall meet at a convenient hour, to be agreed upon by their respective chairmen, and shall confer upon the differences between the two houses as indicated by the amendment made in one and rejected in the other, and report as early as convenient the result of their conference to their respective houses. If after such a report the two houses shall disagree upon the recommendations of the reporting committees as to their differences between the two houses, a committee of free conference shall be appointed to whom the whole subject matter embraced in the bill or

resolution shall be committed, and the committee of free conference may report by new bill or resolution, or otherwise, and bills or resolutions so reported shall be treated as amendments, unless such bills or resolutions are comprised entirely of original matter, in which case they shall receive the treatment required in the respective houses for original bills or resolutions, as the case may be.

MESSAGES, SENATE TO HOUSE.

Rule 2. Messages from the Senate to the House of Representatives shall be delivered by the secretary or assistant secretary, and messages from the House of Representatives to the Senate shall be delivered by the chief clerk or assistant clerk, who shall be announced by the door-keeper, enter within the bar, announce or deliver his message.

BILLS, FINAL ACTION ON, COMMUNICATED.

Rule 3. Each house shall communicate its final action on any bill, or resolution, or matter in which the other may be entrusted, in writing, signed by the secretary or clerk of the house from which such notice is sent.

ENROLLED AFTER PASSING BOTH HOUSES.

Rule 4. After a bill shall have passed both houses, it shall be duly enrolled by the enrolling clerk of the house in which it originated, and shall be examined by the enrolling committee of such house, who shall carefully compare the enrollment with the engrossed bill, as passed, correcting any errors that may be discovered in the enrolled bill, procure in open session the signature thereto of the necessary officers of the two houses, present the same to the governor, and forthwith report to such house the time when such presentation to the governor was made. The enrolling clerk shall endorse upon the back of each bill the house in which said bill originated.

JOINT TO TAKE SAME COURSE AS BILLS.

Rule 5. All joint resolutions to be presented to the governor, excepting such as may be addressed to him, shall take the usual course of bills.

TO BE TRANSMITTED WITH BILLS.

Rule 6. Each house shall transmit to the other papers on which any bill or resolution may be founded.

PRINTING, AUTHORITY OF JOINT COMMITTEE ON.

Rule 7. The standing committees on printing of the two houses shall be a joint standing committee, who shall examine all matters proposed to be printed by concurrent order, and shall report what part of such matter is needful to print. Each house may order the printing of bills introduced, reports of its own committees, and other matters pertaining to such house only; but no other printing shall be ordered except by a concurrent resolution passed by both houses. It shall be the duty of the secretary of the Senate and the clerk of the House to

compare the bills introduced in each house and such bills as are introduced in both houses and are of the same wording shall only be printed in one house.

RESOLUTIONS, JOINT TO TAKE SAME COURSE AS BILLS.

Rule 8. Joint resolutions and memorials addressed to congress, or either house thereof, or to the president of the United States, or to the head of any of the national departments, or proposing amendments to the state constitution, shall be treated in all respects as bills.

VETOES, TO BE MADE SPECIAL ORDER.

Rule 9. Bills which have passed a previous legislature, and which are transmitted to the legislature next sitting, accompanied by a message or statement of the governor's disapproval, or veto of the same shall become the subject of a special order; and when the special order for their consideration is reached and called, the said message or statement shall be read, together with the bill or bills so disapproved or vetoed, and the message and bill shall be read by the clerk without interruption, consecutively, one following the other, and not upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon, save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the speaker is, "Shall the bill pass, notwithstanding the objections of the governor?" It shall not be in order, any time, to vote upon such vetoed bill without the same shall have first been read, from the first word of its title to and including the last word of its final section; and no motion shall be entertained after the chair has stated the question save a motion for the "previous question," but the merits of the bill itself may be debated.

SPECIAL ORDER WEDNESDAYS.

Rule 10. That the Senate bills in the House, and House bills in the Senate be the special order on Wednesday of each week during the session.

BILLS FOR AMENDMENT SHALL REFER TO TITLE.

Rule 11. All amendatory acts shall refer to the title of the act amended in full and date of approval. Committees shall amend or substitute all titles to conform to this rule.

Senator Piper moved that the report of the committee be amended by inserting after the word "Senate" in rule 6, line three, of the committee's report, the following: "The rules and joint rules committee shall be elected by the Senate, the committee to consist of seven members, three from east of the Cascade mountains and four from west of the Cascade mountains."

SPECIAL ORDER.

The hour of 10:30 having arrived, the Senate proceeded to consider the matter of confirming the appointment of standing committees as made by the president.

Senator Metcalf moved that the standing committee appointments made by the president be confirmed.

Senator Nichols moved to amend by excepting the committee on rules and joint rules.

Senator Bassett moved as a substitute that the special order be advanced and taken up after the Senate disposed of the question of the adoption of the report of the committee on rules and joint rules, and the motion carried.

The Senate again took up the consideration of the question of the motion of Senator Piper to amend the rules.

Senator Hall moved as a substitute for the amendment of Senator Piper that rule 6 be amended by inserting after the said word "Senate" the following: "The committee on rules and joint rules shall be appointed by the president of the Senate and shall consist of seven members, four of whom shall be from Western Washington and three from Eastern Washington."

Senator Huxtable moved as an amendment to the substitute motion that there be added the words "one member to be from Spokane county."

Senator Huxtable withdrew his amendment.

Senator Nichols moved to amend the substitute motion by adding immediately following the amendment proposed by Senator Hall the words "of which the president shall not be a member."

Senator Nichols withdrew his amendment.

The substitute motion of Senator Hall was put.

A roll call on the adoption of the amendment was demanded by the following senators: Allen (P. L.), Collins, Piper, Falconer, Nichols, Metcalf and Eastham.

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

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox; Da-

vis, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Jackson, Jensen, Metcalf, Myers, Nichols, Roberts, Rosenhaupt, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White—32.

Those voting nay were: Senators Allen (F. J.), Collins, Eastham, Hutchinson, Huxtable, Landon, Piper, Ruth, Whitney—9.

Not voting: Mr. President—1.

Senator Nichols moved to further amend rule 6 of the committee report by adding just following the said amendment adopted the words "of which the president shall not be a member."

Senator Stevenson moved to amend the amendment by striking therefrom the word "not."

A roll call on Senator Stevenson's amendment to the amendment was demanded by Senators Huxtable, Espy, Whitney, Eastham, Ruth, Smithson, Nichols.

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

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Jackson, Jensen, Landon, Metcalf, Myers, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney—36.

Those voting nay were: Senators Eastham, Hutchinson, Huxtable, Nichols, Piper—5.

Not voting: Mr. President—1.

The amendment as amended carried.

On motion of Senator Jensen, the report of the committee on rules and joint rules was amended by adding to the list of committees enumerated in rule No. 6, a committee on pure food and drugs, to consist of five members to be appointed as other committees.

On motion of Senator Espy the report of the committee was

amended by increasing the number of members of the committee on dairy and live stock from five members to seven members.

On motion of Senator Nichols, rule No. 28 of the committee's report was amended by inserting after the word "session" the words "or during the session of the following day."

Senator Piper moved to amend the committee's report by striking the words "state officers" in rule No. 60 and inserting in lieu thereof the words "persons in the exercise of official duty directly connected with the business of the Senate."

Senator Falconer moved as a substitute that the rule be adopted as given in the committee's report.

The president ruled Senator Falconer's motion out of order.

The motion of Senator Piper was put and failed to carry.

Senator Rosenhaupt moved that Rule No. 61 of the rules and joint rules of the session of 1909 be substituted for rule No. 60 of the committee report.

The motion failed to carry.

On motion of Senator Metcalf the report of the committee as amended was adopted.

Senator Steveneson moved the adoption of the rules and joint rules as amended.

The secretary called the roll and they were adopted in the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stewart, Troy, Whalley, White, Whitney—38.

Absent or not voting were: Senators Allen (P. L.), Collins, Stevenson, Mr. President—4.

On motion of Senator Stevenson there was ordered printed 250 copies of the rules and joint rules of this session.

Senator Piper gave notice of a motion to reconsider the vote by which the rules and joint rules were adopted in the Senate.

SPECIAL ORDER.

Senator Metcalf moved that the standing committee appointments made by the president be confirmed by the Senate with the exception of the appointments made on the committee on rules and joint rules.

The secretary called the roll and the appointments were confirmed by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen, (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney—41.

Not voting: Mr. President—1.

The secretary read the following message from the governor:

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA.

Gentlemen of the Senate and the House of Representatives:

On the evening of January 6, 1911, John T. Sullivan, captain of police of Spokane, while sitting in his home was fatally shot by an unknown assassin. It was doubtless as the result of the discharge of his official duties that Captain Sullivan fell victim to the murderous bullet fired by some revengeful criminal. For the protection of society, swift and certain justice should be meted out to the assassin. The city of Spokane has offered a reward of \$7,500.00 for the apprehension of the murderer, and I recommend that you appropriate \$1,000.00 to become immediately available for the same purpose to supplement the reward offered by Spokane.

Owing to the large increase in requisitions for the extradition of fugitive criminals from other states and foreign countries during the present biennium, the fund appropriated by the legislature of 1909 for paying the expenses incurred in extraditing fugitives has been exhausted. In order that the course of justice be not interfered with, I recommend an emergency appropriation of \$2,500.00 to cover the expenses in extradition cases now pending and which will arise between this time and the close of the present biennium.

Respectfully submitted.

M. E. HAY, *Governor of Washington.*

On motion of Senator Bassett, the message was ordered referred to the committee on appropriations.

The secretary read the following resolution:

SENATE JOINT RESOLUTION NO. 2.

By Senator Cox:

WHEREAS, House bill No. 378, "An act to confirm title and character of conveyances of certain oyster lands heretofore sold in the State of Washington," passed by the legislature of 1909, was vetoed by the governor; and

WHEREAS, The governor expressed a doubt as to the wisdom of his veto of that bill and has asked that a commission named from the members of this legislature further investigate this subject and report thereon; and

WHEREAS, Some time before the convening of this legislature the governor requested the hereinafter named members of this legislature to act as a commission to make such an investigation, but no such investigation has as yet been made, and as the legislature is now in session this commission should be clothed with authority from the legislature itself to make such investigation; therefore,

Be it resolved, By the Senate and the House of Representatives of the legislature of the State of Washington, That there is hereby appointed by the legislature a commission to be known as the Oyster Land Title Commission, consisting on the part of the Senate of Senators Stevenson, Myers and Metcalf, and on the part of the House of Representatives, Carlyon, Farnsworth and Buchanan, to fully investigate the claims, rights and desires of the oyster land owners as attempted to be corrected by House bill 378 of the legislature of 1909 and to report thereon to the governor and to this legislature with such findings and with such recommendations as may by said commission be deemed for the best interests of the state.

Senator Cox moved that the rules be suspended and that the resolution be placed on final passage.

Senator Hall moved as an amendment that the resolution be ordered referred to the committee on judiciary.

Senator Espy moved as a substitute that the resolution be ordered referred to the committee on fisheries.

Senator Espy withdrew his substitute motion.

Senator Espy moved that the members mentioned in the resolution be excused from attendance at the sessions of the Senate and be permitted to perform the duties set out in the resolution as the committee of the governor but do not represent the Senate.

The president ruled the motion of Senator Espy out of order as it was neither an amendment nor a substitute for the motions before the Senate.

The previous question was demanded by Senators Allen (P. L.), Rydstrom and Falconer.

The motion for the previous question carried.

The secretary called the roll on Senator Hall's motion that the resolution be referred to the committee on judiciary and it failed to carry by the following vote:

Those voting aye were: Senators Brown, Bryan, Davis, Falconer, Hall, Landon, Nichols, Rosenhaupt, White—9.

Those voting nay were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowne, Chappell Collins, Cox, Eastham, Espy, Fishback, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Metcalf, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, Mr. President—31.

Absent or not voting were: Senators Myers, Whitney—2.

On motion of Senator Cox the rules were suspended and the resolution read second and third times and placed on final passage.

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

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Bassett, Bowen, Chappell, Collins, Cox, Eastham, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Troy, Whalley, Mr. President—30.

Those voting nay were: Senators Anderson, Arrasmith, Brown, Bryan, Davis, Espy, Nichols, Rosenhaupt, White—9.

Absent or not voting were: Senators Myers, Stephens, Whitney—3.

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

REPORT ON ENROLLED BILL.

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., JANUARY 12, 1911.

I have compared the enrolled Senate bill No. 1 with the original bill and find it correctly enrolled.

WM. T. LAUBE, *Secretary of Senate.*

The president signed Senate bill No. 1.

At his request, Senator Hammer was, on motion of Senator Stevenson, excused from attendance at sessions until Monday afternoon.

The secretary read

SENATE JOINT RESOLUTION NO. 3.

By Senator Fishback:

Be it resolved, By the Senate and the House of Representatives of the legislature of the State of Washington, That a committee of five consisting of three members of the roads and bridges committee of the House, and two members of the roads and bridges committee of the Senate, be appointed by the speaker of the House and the president of the Senate respectively, to investigate, at their earliest convenience, the conditions at the Fidalgo and Meskill rock quarries, and to report their findings back to the joint roads and bridges committee.

On motion of Senator Fishback, the rules were suspended, the resolution was read second time by title, ordered printed, and referred to the committee on appropriations.

The secretary read the following resolution:

SENATE JOINT RESOLUTION NO. 4.

By Senator Stewart:

Be it resolved, By the Senate and the House of Representatives of the legislature of the State of Washington, That a joint committee of four members of the Senate and four members of the House be appointed to meet and confer with a like committee from the Oregon legislature for the purpose of considering changes and improvements in the joint fishing laws enacted by the legislatures of the two states during the sessions of 1909, in order that all conflict of authority between the two states may be avoided and the present friendly and economic conditions continued.

On motion of Senator Stewart, the rules were suspended, the resolution read second and third times, and placed on final passage.

The resolution was adopted by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Huxtable, Jackson, Jensen, Landon, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stewart, Troy, Whalley, White—35.

Absent or not voting were: Senators Hewitt, Hutchinson, Metcalf, Myers, Stevenson, Whitney, Mr. President—7.

On motion of Senator Stewart, the rules were suspended and the resolution ordered immediately transmitted to the House.

INTRODUCTION OF BILLS.

Senate bill No. 19, by Judiciary Committee, entitled "An act relative to wills executed without this state and to promote uniformity among the states in that respect."

The bill was read the first time, and on motion of Senator Nichols, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 20, by Senator Rydstrom, entitled "An act certain designated territory of the State of Washington, and for the protection of game birds, deer, and gray squirrels in providing a punishment for the violation thereof."

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

Senate bill No. 21, by Senator Rosenhaupt, entitled "An act relating to the registration of voters, and amending sections 1445, 1450 and 1459, of Ballinger's Annotated Codes and Statutes of Washington."

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

Senate bill No. 22, by Senator Rosenhaupt, entitled "An act making a deficiency appropriation for extradition expenses and the rewards offered by the governor."

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

Senate bill No. 23, by Senator Nichols, entitled "An act relating to elections, and amending section 1916 of Ballinger's Annotated Codes and Statutes of Washington."

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

Senate bill No. 24 by Senator Myers, entitled "An act providing for the sanitation of bakeries, canneries, packing houses, slaughter houses, dairy depots, creameries, ice cream manufactories, cheese factories, milk condensers, confectioneries, restaurants, hotels, groceries, meat markets, and all other food producing and food distributing establishments, manufactories or other places where food is prepared, manufactured, packed, stored, sold or distributed, and vehicles in which food is placed for transportation, regulating the health of operatives, employes, clerks, drivers, and all other persons working on the premises who handle the material from which food is prepared or the finished product; defining food; regulating the wholesomeness of food manufactured, prepared, packed, stored, sold, distributed or transported, and defining the duties of dairy and food commissioner, and providing penalties for the violation thereof."

The bill was read the first time, and on motion of Senator Myers, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on dairy and livestock.

Senate bill No. 25, by Senator Bassett, entitled "An act to amend section 1 of article 1, chapter 13, title III, Code of Pub-

lic Instruction, being chapter 97 of the Session Laws of 1909, approved by the governor March 11, 1909."

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

Senate bill No. 26, by Senator Bowen, entitled "An act amending sections 1 and 2 of chapter 130 of the Session Laws of 1907."

The bill was read the first time, and on motion of Senator Bowen, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on municipal corporations.

Senate bill No. 27, by Senator Bowen, entitled "An act to amend section 3 of an act, entitled 'An act authorizing cities of the third class to provide for the drainage and sewerage of such cities and provide for the cost and maintenance thereof, and declaring an emergency,' approved by the governor of Washington, on the 6th day of March A. D. 1909, and declaring an emergency."

The bill was read the first time, and on motion of Senator Bowen, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on municipal corporations.

Senate bill No. 28, by Senator Allen (F. J.), entitled "An act relating to the construction of an armory for the use of the National Guard of Washington, at North Yakima, appropriating money from the military fund therefor, creating a board to superintend the construction thereof."

The bill was read the first time, and on motion of Senator Allen (F. J.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committees on appropriations and military.

The president swore in the following employes: W. T. Jordan and R. H. Taylor.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 12, 1911.

MR. PRESIDENT:

The House has passed Senate joint resolution No. 4, entitled "An act relating to the appointment of a joint committee to confer with a similar committee of the Oregon legislature concerning fishing laws;"

Also House bill No. 27, entitled "An act appropriating the sum of ten thousand dollars or so much thereof, as may be necessary to pay for such printing as may be ordered by the twelfth legislature or either branch thereof."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

At 12:55 p. m., on motion of Senator Stevenson, the Senate adjourned until 10 o'clock tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

W. H. PAULHAMUS,
President of the Senate.

FIFTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASH., Friday, January 13, 1911.

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

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

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

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

A communication from certain attorneys-at-law of Stevens county, addressed to Senator Anderson, praying for changes in the law relative to admission to practice law in this state, was read by the secretary, and, on motion of Senator Anderson, was ordered referred to the committee on judiciary.

The president announced the following additional standing committee assignments:

Committee on Rules and Joint Rules—Senators Paulhamus, Collins, Bassett, Shaefer, Anderson, Metcalf, Ruth.

Committee on Dairy and Live Stock—Senators Espy, Brown.

Committee on Pure Food and Drugs—Senators Jensen (chairman), White, Huxtable, Chappell, Bowen.

The secretary read the following:

REPORT OF THE COLUMBIA RIVER IMPROVEMENT COMMISSION

To His Excellency, Governor M. E. Hay, and the Legislature of the State of Washington, for the period beginning July 4, 1909, and ending January 1, 1911, in accordance with chapter 234 of the Session Laws of 1909.

Hon. M. E. Hay, Governor of Washington, Olympia, Washington:

DEAR SIR—The Columbia River Improvement Commission, authorized by chapter 234 of the Session Laws of 1909, making an appropriation of fifty thousand (\$50,000) dollars, for the improvement of the Columbia river, approved March 23, 1909, begs to submit herewith a report covering the operations of the commission up to January 1, 1911.

As soon as possible, after their appointment, the members of the commission, on July 3, 1909, met at Wenatchee, Washington, to organize and devise plans for the carrying on of the work outlined, the improvement of the Columbia river, between Bridgeport and Kettle Falls. At this preliminary meeting, Senator A. W. Anderson, of Stevens county, was chosen permanent chairman, Capt. Fred McDermott, executive commissioner, and J. V. Harvey, secretary.

In order to undertake the work of improving the river, the commission found it necessary to have a steamer adapted to the work. Bids for such a boat were advertised for, but found too high. Later, the steamer Yakima, the largest boat plying the upper Columbia, was purchased for fourteen thousand (\$14,000) dollars. Special work was done on the boat by the commission, in order to better equip her for the work contemplated, and steam drills and other equipment were installed, the total cost of boat and equipment being nineteen thousand nine hundred two and 91-100 (\$19,902.91) dollars.

ACTUAL WORK STARTS.

The boat left Wenatchee November 13, 1909, under command of Captain Fred McDermott, executive commissioner, and work was prosecuted continuously until March 18, 1910, when the Yakima reached the foot of Rickey Rapids, having established a channel which, at certain stages of water, makes the entire upper river navigable. Operations were conducted at ten (10) principal points on the river, including Foster Creek Rapids, Eagle Rapids, Canyon Wall, Intake, Kalichan,

Eddy Rock, Whitecap, Hellgate, Spokane, Gerome and Gifford, and some points of lesser importance. Of these ten principal obstructions, five were impassable for large steamers at low water, while the remainder presented such difficulties as to make navigation impracticable at any stage.

With the limited amount of money at its disposal, it was clearly impossible for the commission to blow out a channel which would render the river navigable at all stages of water, so it was decided to remove the worst obstructions, so that a narrow belt or channel would be available at certain stages of water, thus giving an outlet to the upper river from Rickey Rapids to Bridgeport, which has for years been the head of navigation.

CHANNEL IS ESTABLISHED.

After making an outlay of twenty thousand (\$20,000) dollars, for boat and equipment, with an unexpended balance of thirteen thousand three hundred twenty-two and 78-100 (\$13,322.78) dollars on hand, the commission has succeeded in its plan of establishing a narrow channel, so that the river is navigable at low or medium stages of water. This does not, however, mean that work on the river is complete, or that it is navigable at any other than the stages of water mentioned.

When the steamer Yakima passed Bridgeport, the head of navigation, the first obstruction met was at Foster Creek Rapids, where a number of boulders in the river bed, for a distance of several hundred feet, caused a swift and turbulent current, making the river impassable, except at extreme high water. At this point, approximately, 6,000 cubic yards of rock were removed, a narrow channel was established and the river made navigable at medium stages of water. Further improvement work at this point might be advantageously done at extreme low water, so that the fullest benefit might be derived from the work already done.

WORK AT EAGLE RAPIDS.

At Eagle Rapids, one mile below Box Canyon, difficulties similar to those at Foster Creek were encountered. At this point, a number of large rocks, some submerged and some partially so, were removed and a channel opened. Box Canyon, the next point worked, was chiefly a high-water difficulty. At this point numerous rocks were blown and the improvement now makes navigation possible at medium stages of water. At Canyon Wall, Intake, Kalichan, Eddy Rock and Eddy Point, submerged rocks were blown and projecting reefs and points cut away. Eddy Rock, one of the barriers removed, alone contained 1,000 cubic yards.

Hellgate was the next point attacked. This has always been impassable at extreme high or extreme low water. As at points previously mentioned, a channel was blown and the river made navigable for low and medium low stages of water. Further work at this point will consist of removing obstructions which hamper navigation at high stages of water.

GEROME ROCK REMOVED.

The next point of operations was Gerome Rock, fifty by seventy feet across. This was removed. At Gifford Rapids, 25 miles below Kettle Falls, large ledges of rock extended from the west bank almost entirely across the river. The central ledge, consisting of submerged and partially submerged rocks, was blown and a narrow belt established. On March 21, 1910, the Yakima returned to Spokane Rapids, where rock projecting into the river from the west bank was removed. Much additional work is, however, necessary at this point, and in this the co-operation of the national government is expected.

The extreme low water prevailing at this time would make the cost of further operations out of all proportion to the benefits to be derived, and the boat was taken to a point below Rickey Rapids and tied up for the summer.

The work, so far, as done by the state, it may be safely asserted, will compare most favorably as to costs, time required and results gained, with any work ever before done with public money on the river. Furthermore, some of this state work, while preliminary to other work which is expected to follow, has at certain points constituted the first absolutely necessary, most expensive and most difficult work.

FEDERAL APPROPRIATION.

On June 25, 1910, the rivers and harbor bill, containing a federal appropriation of one hundred thousand (\$100,000.00) dollars, for the improvement of the Columbia, between Bridgeport and Kettle Falls, was approved. According to the terms of the appropriation, the money was available only in the event that the state would loan to the government the state equipment then operating on the river. On September 22, 1910, a meeting of the commission was called to take up the matter with the government engineers.

At this meeting, it was the sense and desire of the commission that a contract should be entered into with the federal government, insuring a given amount of work within a given time, stipulating that work should be started at the first favorable stage of water, after the receipt by the government of the state equipment, and that said equipment should be returned to the state within twenty-four months, and further, that such money as may have been saved by reason of the work done by the state should be expended at Rickey Rapids.

AGREEMENT IS MADE.

On the afternoon of the same day, the commission met in conference with Captain Arthur Williams, corps of United States engineers, representing the federal government. Captain Williams at this time explained the only conditions under which the state equipment could be accepted and the federal appropriation expended. As the government refused to make any such contract as outlined by the commission, considering the necessity of the work still to be done, and with

the understanding that work of the federal government would be immediate and continuous, the commission instructed its executive officer to at once turn over to the accredited agent of the government the entire state equipment. This was later done and receipts in the manner and form approved by the war department were given to the commission.

WILL PROSECUTE WORK.

At a meeting of the commission, December 22, 1910, it was decided that the state should prosecute further work on the river by reducing shore rock at the several points of dangerous shore, the steamer Charles Bureau to be chartered for this purpose. This work will be started immediately.

Up to the present time, the state has expended for administration and incidental expenses, the sum of eleven hundred thirty-three and 1-100 (\$1,133.01) dollars. For material, supplies and equipment, the sum of twenty-five thousand six hundred thirty-seven and 88-100 (\$25,637.88) dollars, has been spent, while nine thousand nine hundred six and 33-100 (\$9,906.33) dollars has been paid out for labor, a total of thirty-six thousand six hundred seventy-seven and 22-100 (\$36,677.22) dollars. From this, it may be seen that the cost of supervision has been approximately three (3%) per cent. of the total cost of the work.

In view of the fact that the state equipment, of which the commission is the custodian, has been loaned to the federal government, the commission recommends to the legislature that the life of the commission be extended for a period of two years, and that an appropriation of five thousand (\$5,000) dollars, sufficient to cover emergency expenses and to care for the steamer Yakima and equipment when the federal government shall return it to the state, be made.

Respectfully submitted.

(Signed) A. W. ANDERSON, *President.*
FRED McDERMOTT, *Executive Commissioner.*
J. V. HARVEY, *Secretary.*
J. B. VALENTINE.
HERMAN CORNEHL.
W. W. BRYANT.

On motion of Senator Anderson, the report was ordered referred to the committee on appropriations.

A communication from State Librarian J. M. Hitt relative to requests received by him for copies of the bills introduced at this session, was read, and, on motion of Senator Anderson, ordered referred to the committee on printing.

The secretary read the following report:

We, your special committee on salaries of regular employes, beg to submit the following report:

W. T. Laube, secretary.....	\$10 00
J. D. Logan, sergeant-at-arms.....	5 00
George Gregory, minute clerk.....	5 00
C. S. Sapp, enrolling clerk.....	5 00
A. A. Kirby, reading clerk.....	5 00
R. D. Rudlo, engrossing clerk.....	5 00
H. B. LaMonte, docket clerk.....	5 00
A. J. Hoskin, bill clerk.....	5 00
Robert Pitchforth, journal clerk.....	5 00
A. J. Laughon, judiciary clerk.....	6 00
A. F. Haynes, chief janitor, per month.....	85 00
W. J. Jordan, assistant janitor, per month.....	75 00
Bob Taylor, assistant janitor, per month.....	75 00
W. W. Swing, doorkeeper.....	4 00
Arthur Prague, postmaster.....	4 50
Stenographers	5 00
Pages	2 00

We also recommend that all said employes receive salaries from the commencement of work.

CHAS. E. MYERS,
D. H. COX,
A. B. EASTHAM.

Senator Myers moved the adoption of the report.

Senator Nichols moved as an amendment that the clerk of the judiciary receive a salary of \$7.50 per diem.

The amendment carried.

Senator Davis moved as an amendment that the sergeant-at-arms' per diem be changed from \$5 to \$6.

The amendment was lost.

Senator Ruth moved as an amendment that the salary of janitors be increased to \$4 per diem.

Senator Falconer moved that the amendment proposed by Senator Ruth be laid on the table.

The motion of Senator Falconer carried.

Senator Nichols moved that the salary of the postmaster be reduced to \$4.

On motion of Senator Huxtable, the motion made by Senator Nichols was laid on the table.

Senator Espy moved as a substitute for all motions and amendments now before the Senate, that the original report of the committee be adopted.

Senator Piper raised the point of order that the motion to lay the amendments on the table, which had carried, carried with them the report of the committee and that the report of the committee could not be considered.

The president ruled that Senator Piper's point of order was not well taken.

Senators Piper, Nichols, Ruth, Whitney and Eastham appealed from the decision of the president.

A roll call on the decision of the president was demanded by Senators Piper, Nichols, Eastham, Ruth and Whitney.

The president announced that not a sufficient number of Senators had demanded a roll call.

The decision of the president was sustained.

Senator Espy moved that the vote of the Senate by which the per diem of the clerk to the judiciary committee was increased be now reconsidered.

The motion was lost.

The president announced that the question before the Senate was the motion to adopt the report of the committee on salaries of employes, as amended.

The motion was put and carried.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 13, 1911.

MR. PRESIDENT:

The speaker has signed Senate bill No. 1, entitled "An act appropriating the sum of seventy-five thousand dollars, or so much thereof as may be necessary, for the expenses of the twelfth legislature;"

Also the House has passed Senate joint resolution No. 2, relating to the appointment of a commission to investigate the character of conveyance of certain lands heretofore sold in the State of Washington;

Also the House has passed Senate joint resolution No. 3, relating to the appointment of a joint committee to investigate rock quarries;

Also Senate joint memorial relating to holding memorial exercises in honor of the late Samuel J. Cameron;

Also Senate bill No. 22, entitled "An act making a deficiency ap-

appropriation for extradition expenses and the rewards offered by the governor.

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,
OLYMPIA, WASH., January 13, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred Senate joint resolution No. 3, relating to the appointment of a joint committee to investigate rock quarries at Fidalgo and Meskill, have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman.*

We concur in this report: D. S. Troy, J. D. Bassett, J. H. Smithson, A. B. Eastham, A. W. Anderson, H. O. Fishback, A. S. Ruth, John L. Roberts, Daniel Landon, Frank C. Jackson.

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

On motion of Senator Fishback, the rules were suspended and Senate joint resolution No. 3 was read second and third time and placed on final passage.

The secretary called the roll and Senate joint resolution No. 3, relating to the appointment of a committee to investigate rock quarries at Fidalgo and Maskill, passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—40.

Absent or not voting were: Senators Hammer, Whitney—2.

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

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,
OLYMPIA, WASH., January 13, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred Senate bill No. 22, entitled "An act making a deficiency appropriation for extradition expenses and the rewards offered by the governor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman.*

We concur in this report: D. S. Troy, J. D. Bassett, J. H. Smithson, A. B. Eastham, A. W. Anderson, H. O. Fishback, A. S. Ruth, John L. Roberts, Daniel Landon, Frank C. Jackson.

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

On motion of Senator Rosenhaupt, the rules were suspended and the Senate resolved itself into a committee of the whole for the purpose of considering Senate bill No. 22.

The bill was considered in committee of the whole, Senator Stevenson in the chair, and was reported back to the Senate with the recommendation that it do pass.

On motion of Senator Stevenson, the report of the committee was adopted, the rules suspended, the reading of the bill had in committee of the whole was considered the third reading of the bill, and it was placed on final passage.

The secretary called the roll on final passage of Senate bill No. 22 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydestrom, Shaefer, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—39.

Absent or not voting were: Senators Hammer, Smithson, Whitney—3.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Rosenhaupt, the rules were suspended and Senate bill No. 22 was ordered immediately transmitted to the House.

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., January 12, 1911.

We, your committee on judiciary, to whom was referred Senate bill No. 4, entitled "An act relating to the power of counties to engage or aid in the construction, enlargement, modification and repair or operation of harbors, canals, waterways, slips, docks, wharves, and other facilities and public improvements for purposes of commerce, navigation, sanitation and drainage, or any thereof, and acquisition of wharf sites, dock sites, and other properties, rights and interests necessary or proper to be acquired, for public enjoyment of any such improvement, and to incur such indebtedness therefor, and to issue bonds for payment of moneys from sale of the same, and validating elections and other proceedings heretofore had or held for incurring such indebtedness or issue of such bonds; and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 1 of the title of the original bill, the same being line 1 of the title of the printed bill, after the word "counties" insert "of the first class."

In line 2 of the title of the original bill, the same being line 1 of the title of the printed bill, after the word "enlargement" insert the word "improvement."

In line 2 of section 1 of the original bill, the same being line 1 of section 1 of the printed bill, after the word "county" insert "of the first class."

In line 5 of section 1 of the original bill, the same being line 4 of section 1 of the printed bill, after the word "enlargement" insert the word "improvement."

In line 30 of section 1 of the original bill, the same being line 21 of section 1 of the printed bill, strike the word "electors" and insert the word "voters" therefor.

In line 25, section 1 of the original bill, the same being line 17, section 1 of the printed bill, strike the following: "(1st edition)."

In line 31, section 1 of the original bill, the same being line 21 of section 1 of the printed bill, after the word "election" strike the remainder of the section and substitute therefor the following: "and three-fifths of the voters voting upon the question shall have voted in favor of incurring the same." HARRY ROSENHAUPT, *Chairman*.

We concur in this report: J. W. Bryan, Ralph Metcalf, Henry M. White, Ralph D. Nichols, Daniel Landon, Josiah Collins, Geo. W. Shaefer.

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

On motion of Senator Rosenhaupt, the bill was amended by inserting between the words "any" and "country" in line 1 of section 3 of the printed bill, the word "such."

The secretary read the House amendments to Senate joint resolution No. 4.

Senator Stewart moved that the Senate concur in the House amendments to the resolution.

The secretary called the roll and the Senate concurred in the House amendments by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—39.

Absent or not voting were: Senators Allen (P. L.), Hammer, Smithson—3.

The secretary read the following:

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA.

To the Honorable the Senate of the State of Washington:

GENTLEMEN—I have the honor to submit herewith a list of appointments, subject to your confirmation, made by me since the adjournment of the legislative session of 1909:

BOARD OF CONTROL.

H. T. Jones, of Spokane; appointed April 1, 1909, for the term ending June 11, 1915, succeeding himself, term expired.

E. D. Cowen, of Seattle; appointed January 31, 1910, for the term ending June 11, 1918, succeeding H. E. Gilham, removed.

A. E. Cagwin, of Kelso; appointed July 15, 1909, for the term ending June 11, 1911, succeeding Eugene Lorton, resigned.

TAX COMMISSION.

J. E. Frost, of Ellensburg; appointed June 16, 1909, for the term ending June 8, 1913, succeeding himself, term expired.

T. D. Rockwell, of Spokane; appointed June 16, 1909, for the term ending June 8, 1913, succeeding himself, term expired.

Thomas A. Parish, of Seattle; appointed July 12, 1909, for the term ending June 8, 1913, succeeding A. E. Cagwin, resigned.

RAILROAD COMMISSIONER.

Jesse S. Jones, of Tacoma; appointed June 12, 1909, for the term ending June 16, 1915, succeeding himself, term expired.

STATE DAIRY AND FOOD COMMISSIONER.

L. Davies, of Davenport; appointed February 26, 1910, for the term ending the first Monday in April, 1914; succeeding himself, term expired.

COMMISSIONER OF HORTICULTURE.

F. A. Huntley, of North Yakima; appointed March 29, 1909, for the term ending March 31, 1913, succeeding himself, term expired.

STATE INSPECTOR OF OILS.

A. A. Tozer, of Everett; appointed April 15, 1910, for the term ending June 11, 1911, succeeding F. A. Clark, removed.

CHAPLAIN OF THE STATE PENITENTIARY.

John L. LeCornu, of Walla Walla; appointed May 1, 1909, for the term ending June 7, 1911, succeeding himself, term expired.

REGENTS OF THE UNIVERSITY OF WASHINGTON.

Howard G. Cosgrove, of Seattle; appointed May 10, 1909, for the term ending the second Monday in March, 1915, succeeding John P. Hartman, term expired.

John C. Higgins, of Seattle; appointed March 27, 1909, for the term ending the second Monday in March, 1914, succeeding J. T. Ronald, resigned.

M. F. Backus, of Seattle; appointed June 30, 1909, for the term ending the second Monday in March, 1914, succeeding A. P. Sawyer, resigned.

Alexander F. McEwan, of Ballard; appointed August 21, 1909, for the term ending the second Monday in March, 1911, succeeding John H. Powell, resigned.

John A. Rea, of Tacoma; appointed March 15, 1910, for the term ending the second Monday in March, 1916, succeeding Frank D. Nash, term expired.

A. L. Rogers, of Waterville; appointed January 11, 1911, for the term ending the second Monday in March, 1916, succeeding himself, term expired.

REGENTS OF THE STATE COLLEGE OF WASHINGTON.

R. C. McCroskey, of Garfield; appointed October 18, 1909, for the term ending March 9, 1913, succeeding Dr. J. S. Anderson, term expired.

D. S. Troy, of Chimacum; appointed February 2, 1910, for the term ending March 9, 1913, succeeding Frank J. Barnard, deceased.

BOARD OF TRUSTEES STATE NORMAL SCHOOL AT CHENEY.

Charles P. Lund, of Spokane; appointed April 27, 1910, for the term ending July 29, 1914, succeeding R. L. Rutter, resigned.

STATE BOARD OF EDUCATION.

H. M. Hart, of Spokane; appointed June 23, 1909, for the term ending the first Monday in March, 1911, succeeding J. W. Shepard, term expired.

Frank B. Cooper, of Seattle; appointed April 13, 1909, for the term ending the first Monday in March, 1911, succeeding J. A. Torney, term expired.

C. E. Beach, of Port Orchard; appointed April 13, 1909, for the term ending the first Monday in March, 1911, succeeding Thomas A. Stiger, term expired.

BOARD OF MANAGERS OF THE WASHINGTON STATE REFORMATORY.

John Hansen, of Everett; appointed September 20, 1910, for the term ending July 7, 1915, succeeding himself, term expired.

Fred Reeves, of Wenatchee; appointed April 22, 1910, for the term ending July 7, 1914, succeeding himself, term expired.

BOARD OF FOREST COMMISSIONERS.

F. M. Broadbent, of Horton; appointed June 6, 1909, for the term ending June 7, 1913, succeeding J. A. Vaness, term expired.

Joseph Irving, of Everett; appointed June 16, 1909, for the term ending June 7, 1913, succeeding himself, term expired.

STATE FAIR COMMISSION.

C. H. Hauser, of North Yakima; appointed July 1, 1909, for the term ending March 22, 1911, succeeding G. W. Dickinson, resigned.

Dr. J. F. Kloeber, of Green River; appointed September 21, 1909, for the term ending March 27, 1913, succeeding J. O. Janeck, term expired.

Charles Heath, of North Yakima; appointed September 21, 1909, for the term ending March 27, 1911, succeeding Edward Remy, resigned.

T. N. Henry, of Prosser; appointed November 18, 1909, for the term ending March 27, 1911, succeeding S. J. Cameron, deceased.

Respectfully submitted.

M. E. HAY, *Governor.*

On motion of Senator Metcalf, the matter of confirming the list of appointments submitted by the governor in the foregoing message was made a special order for 2 o'clock p. m., Tuesday, January 17, 1911, and the list of appointments was ordered printed.

INTRODUCTION OF BILLS.

Senate bill No. 29, by Senator Jackson, entitled "An act providing for the payment of salary or wages of public officers and employes, and of employes upon public work, at not exceeding semi-monthly intervals."

The bill was read the first time, and on motion of Senator Jackson, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on labor and labor statistics.

Senate bill No. 30, by Committee on Elections and Privileges, entitled "An act providing for the nomination of candidates at elections held under city charter recall provisions in cities of the first class, and declaring an emergency."

The bill was read the first time, and on motion of Senator Bryan, the rules were suspended, the bill read the second time by title, ordered printed and made a special order for 11:30 o'clock a. m., Monday, January 16, 1911.

Senate bill No. 31, by Senator Fishback (by request), entitled "An act providing for the establishment of certain roads, making an appropriation for the construction and maintenance thereof, authorizing county co-operation therein and appropriations therefor and providing for construction and maintenance of said roads under the supervision of the state highway commissioner and the state highway board, providing for the use of prison labor thereon under certain prescribed conditions, and for the use of road materials from state quarries, and declaring an emergency.

The bill was read the first time, and on motion of Senator Fishback, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on roads and bridges.

Senate bill No. 32, by Senator Fishback (by request), entitled "An act providing for a system of rewards for diligence and good behavior of state prisoners, and the payment and accounting of the same."

The bill was read the first time, and on motion of Senator

Fishback, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on roads and bridges.

Senate bill No. 33, by Senator Fishback (by request), entitled "An act providing for the transfer, custody and labor of person convicted of offenses and sentenced to confinement in the county jail, at state road detention camps and upon state roads, under the direction of the state highway commissioner, and declaring an emergency."

The bill was read the first time, and on motion of Senator Fishback, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on roads and bridges.

Senate bill No. 34, by Senator Fishback (by request), entitled "An act providing for the appointment and prescribing the duties of the Washington good roads commission, making appropriation therefor, and declaring an emergency."

The bill was read the first time, and on motion of Senator Fishback, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on roads and bridges.

Senate bill No. 35, by Senator Fishback (by request), entitled "An act limiting and prescribing the operation of the state aid road law as set forth in chapter 150 of the Laws of 1907, and making an appropriation for the construction and completion of state aid roads already initiated under said law."

The bill was read the first time, and on motion of Senator Fishback, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on roads and bridges.

Senate bill No. 36, by Senator Myers, entitled "An act relating to the use of preservatives and coloring matter in meats and meat food products, prohibiting their use, and providing a penalty."

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

time by title, ordered printed and referred to the committee on pure foods and drugs.

Senate bill No. 37, by Senator Stewart, entitled "An act for the protection of black bass and perch in Silver lake, in Cowlitz county."

The bill was read the first time, and on motion of Senator Stewart, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on game fish.

Senate bill No. 38, by Appropriations Committee, entitled "An act appropriating from the military fund the sum of twelve thousand, six hundred dollars for maintenance of the National Guard of Washington for the biennial period ending March 31, 1911."

The bill was read the first time, and on motion of Senator Falconer, the rules were suspended, the bill was read the second time by title, ordered printed and placed on file.

Senate bill No. 39, by Senator Landon, entitled "An act continuing the appropriation of \$250,000 for the construction and improving of what is known as the Lake Washington canal in King county, Washington, made by an act entitled 'An act creating the state shore land improvement fund, providing for certain warrants to be drawn upon said fund, making such warrants preferential, and appropriating for the expenditure and disbursement thereof,' approved March 17, 1909."

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

Senate bill No. 40, by Senator Schaefer, entitled "An act providing for co-owners to pay delinquent assessments on undivided real property. When any of them refuses to pay their portion thereof. Authorizing an action to recover the amount thereof, including attorney's fees. A lien upon the co-owner's interest of the undivided portion thereof."

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

Senate bill No. 41, by Senator Shaefer, entitled "An act requiring railway companies cleaning passenger car en route with vacuum cleaner, and making the violation thereof a misdemeanor and providing a penalty, and declaring an emergency."

The bill was read the first time, and on motion of Senator Shaefer, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on railroads and transportation.

Senate bill No. 42, by Senator Nichols, entitled "An act relating to the offices of lieutenant governor, state auditor, commissioner of public lands and state insurance commissioner, and abolishing the same."

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

House bill No. 27, by Mr. Haroldson, entitled "An act appropriating the sum of ten thousand dollars, or so much thereof as may be necessary to pay for such printing as may be ordered by the twelfth legislature or either branch thereof."

The bill was read the first time, and on motion of Senator Allen, (P. L.), the rules were suspended, the bill read second time by title, and referred to the committee on appropriations.

At 10:55 a. m., on motion of Senator Falconer, the Senate adjourned until 10:45 a. m., Monday, January 16, 1911.

WM. T. LAUBE,
Secretary of the Senate.

W. H. PAULHAMUS,
President of the Senate.

EIGHTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASH., Monday, January 16, 1911.

The Senate was called to order at 10:45 a. m., by President Paulhamus, pursuant to adjournment.

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present.

Senator Stevenson moved that the reading of yesterday's journal be dispensed with and that it be approved.

At the request of Senator Piper, that portion of yesterday's journal pertaining to the report of the committee to fix the salaries of employes and the adoption of said report, was read.

The motion of Senator Stevenson was put and carried.

The secretary read the list of additional appointments of clerical help made by him, as follows:

OLYMPIA, WASH., January 13, 1911.

To the Honorable Senate, Senate Chamber:

GENTLEMEN—I beg to submit the following list of additional appointments:

Journal clerk—Robert Pitchforth.

Stenographers—F. M. Garland, H. R. Lindley, John A. Homer, Roger W. Watts, Jessie D. McKinney, Minnie M. Hyde, Annie Mook.

Respectfully submitted.

WM. T. LAUBE, *Secretary of the Senate.*

On motion of Senator Metcalf, the list of appointments was approved.

The secretary read:

SENATE CONCURRENT RESOLUTION NO. 4.

By Senator Stevenson:

WHEREAS, In His infinite wisdom, Divine Providence has seen fit to remove from among us Samuel G. Cosgrove, who at the time of his death was governor of the State of Washington;

WHEREAS, It is desired to pay special tribute to the memory of Governor Cosgrove, on account of his recognized integrity, statesman-

ship and admirable qualities of heart and mind, and to express our sympathy to the family of our dear friend and governor,

Resolved, That in the death of Governor Cosgrove the State of Washington, as well as the nation, has sustained a great loss;

Resolved, by the Senate, the House of Representatives concurring, That in recognition of his high character, his splendid patriotism and the services he has rendered to the state, that in connection with memorial services to be held in the House of Representatives Monday, January 23, at 8 p. m., as provided in concurrent resolution No. 2, that appropriate services to the memory of our late Governor be held, and an opportunity be given for a tribute to his memory;

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

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

On motion of Senator Stevenson that the resolution be adopted by the Senate, the secretary called the roll and it was adopted by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—41.

Absent or not voting: Senator Hewitt—1.

On motion of Senator Stevenson, the rules were suspended and Senate concurrent resolution No. 4 was ordered immediately transmitted to the House.

Hon. Stanton Warburton, United States congressman for the second district of Washington, appeared in the Senate chamber, and, on invitation of the president, took a seat at the president's desk.

The secretary read:

SENATE JOINT MEMORIAL NO. 2.

By Senator Collins:

Praying that a grant of the land and buildings of the Fort Walla Walla military reservation be made to Whitman College.

To the President and Congress of the United States of America:

Your memorialist, the legislature of the State of Washington, prays that the land and buildings comprising the Fort Walla Walla military reservation and barracks may be granted to Whitman College. The reasons deemed sufficient to justify this memorial are set forth in the following statement:

The war department has determined that the military service does not require the maintenance of a military post at Fort Walla Walla, and the troops have been withdrawn except a few necessary caretakers, so that in future the preservation of the property will be a burden upon the government, without any compensating benefit.

The property is, by reason of its situation and character, adapted to the needs of Whitman College, its use by the college will be the best use to which it can be devoted, and the nation will derive the greatest benefit from the property by entrusting it to an institution in every way worthy, and capable of using it in the cause of higher education.

There is within the boundaries of the reservation, a soldiers' cemetery containing the graves of a number of men who died while in the military service of the United States. This cemetery has been well kept by the officers and soldiers heretofore stationed at Fort Walla Walla, and if the prayer of your memorialist shall be granted, the trustees of Whitman College will assume an obligation to so care for this soldiers' cemetery as to show, perpetually, the respect due to our country's defenders.

Texas and Hawaii became annexed to the United States, without contributing anything to the wealth of the nation as a land proprietor and other acquisitions of territory except the Oregon country, were purchased and paid for out of the national treasury, but more than 300,000 square miles of country, comprising the states of Oregon, Washington, Idaho, and parts of Montana and Wyoming, became part of our national domain through the instrumentality of patriotic pioneers, of whom Dr. Marcus Whitman was a type and a leader. They penetrated the wilderness and wrested that country with its wealth of land, forests, mines, waters and fisheries from the grasp of a foreign corporation and held it until the growth of public sentiment forced the government to bring to a conclusion the diplomatic controversy with respect to its ownership by the treaty with Great Britain of 1846, whereby the American title was finally recognized and established.

The scene of one of the tragedies of American history is in the immediate vicinity of Fort Walla Walla. There a monument commemorates the lives of Dr. Whitman and his wife and a dozen of their associates, part of the vanguard of American civilization who were massacred by the aboriginal inhabitants. Our nation loves to honor those whose names illuminate the pages of its history. For that purpose the government has willingly expended liberal appropriations in payment for statuary, monuments and paintings produced by the most talented artists of the world, and the granting of Fort Walla Walla as a contribution to the college founded by an intimate friend of Whitman to honor his memory, and which has appealed to the sentiment of public-spirited, patriotic citizens, bringing responses in liberal contributions to its endowment, will be heartily approved by the people at large. In return for the national aggrandizement resulting directly from the exertion, privations and sacrifices of the Oregon pioneers, the nation can well afford to bestow one section of land and the buildings which it does not require for use, as a gift to an institution of learning which the people of the three northwestern states have adopted as an object of their solicitude and pride.

Whitman College is a privately endowed non-sectarian Christian college intended to supply the need of those states for such an institution of higher education. It commands the respect and has the earnest sympathy of learned people and good people in every section of the United States and its destiny is to grow in importance, as the country surrounding it shall advance in all the ways that mark the development of arts and sciences.

The State of Washington and its citizens have paid for and donated to the United States, the land comprised within two military posts, viz.: Fort Lawton, near Seattle; and Fort Wright, near Spokane, each including more than 1,000 acres. These lands were purchased after they had become valuable and after they had been selected for military use, and the acquisition thereof for the use of the government, involved labor and patience on the part of public-spirited citizens in soliciting contributions of land and money and in overcoming objections of owners, and their present value is many times greater than the highest estimate of the value of Fort Walla Walla.

Senator Collins moved that the rules be suspended, the memorial be read the second and third times and placed on final passage.

At the request of Senators Stevenson and Roberts, the Senate by unanimous consent listened to the reading of the following telegrams:

WALLA WALLA, WASH., January 10, 1911.

Hon. John Stevenson, Olympia, Washington:

The laboring people of Walla Walla have petitioned congress to sell Fort Walla Walla lands in acre tracts. Have received favorable

letters from a large number of congressmen. Understand that Whitman College will try to have legislature memorialize congress to grant fort lands to it. Whitman College is a private institution, pays no taxes. Only one child in two hundred attends colleges. Would ask you to vote to memorialize congress to divide it into acre tracts in accordance with the laboring people's petition, so that the working classes will have a chance to buy a home. Vote for the 199 children out of the 200 children who do not go to college. If you cannot vote for us and our proposition let us have a fair field and do not vote to memorialize congress to give it to anyone. We pay taxes, the college does not.

John M. Hill, Dr. U. B. Shantz, Louis Kan, N. B. Fishback, M. McGrail, E. S. Hennessy, R. H. Johnson, Geo. G. Hedger, N. Sell, Ralph E. Guichard Co., B. F. Lutcher, Fritz Lehn, L. W. Spencer, C. E. Nye, E. G. Stanley, F. M. Lowden, Jr., Dan. Gainey, M. E. Crosson, E. W. Olson, C. A. Tompkins, J. W. Willett.

WALLA WALLA, WASH., January 13, 1911.

Senator John L. Roberts, Olympia, Washington:

Myself and others placed to the credit of the postmaster as trustee, ninety-two thousand five hundred dollars for the purchase of Fort Walla Walla lands and buildings at three hundred dollars per acre, as requested by the chairman of committee at Washington, D. C. Understand the resolution that Whitman College is trying to pass the Senate and House says this is not the truth. Wire First National Bank of Walla Walla for confirmation as the money was deposited in that bank. Do not make any compromise with Whitman.

R. H. JOHNSON.

Senator Stevenson moved as an amendment to the motion of Senator Collins, that the memorial be ordered referred to the committee on memorials.

Senator Nichols rose to a point of order, viz.: That the motion before the Senate is that Senate joint memorial be referred to the committee on memorials and on the motion to refer, the merits of the memorial can not be discussed.

The president held that the argument was being properly confined to the motion.

On motion of Senator Falconer, the special order set for 11:30 a. m. today for the purpose of considering Senate bill No. 30, was advanced to such a time as the Senate shall have disposed of the matter now under discussion.

Senator Stevenson's amendment that Senate joint memorial be referred to the committee on memorials was put and lost.

Senator Collins' motion carried.

The memorial was read the second and third times. The secretary called the roll on final passage and Senate joint memorial No. 2 passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Chappell, Collins, Cox, Davis, Espy, Falconer, Hall, Hammer, Hewitt, Hutchinson, Jackson, Landon, Metcalf, Myers, Nichols, Piper, Rosenhaupt, Ruth, Smithson, Stephens, Stewart, Troy, Whalley, White, Whitney, Mr. President—33.

Voting nay were: Senators Bryan, Huxtable, Jensen, Roberts, Rydstrom, Shaefer, Stevenson—7.

Absent or not voting were: Senators Eastham, Fishback—2.

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

At 12:25 p. m., on motion of Senator Falconer, the Senate took a recess until 2 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 2 o'clock p. m., by President Paulhamus.

SPECIAL ORDER.

The Senate took up the consideration of Senate bill No. 30, by Committee on Privileges and Elections, entitled "An act providing for the nomination of candidates at elections held under city charter recall provisions in cities of the first class, and declaring an emergency."

The bill was read the third time.

On motion of Senator Whalley, the bill was amended as follows: In section 1, line 7, of the printed bill, the same being in lines 9 and 10 of the original bill, by striking the words "at least one thousand electors residing within said city" and substituting therefor the following: "electors of said city equally in number not less than five per cent of the total vote cast for the incumbent against whom the recall is directed."

On motion of Senator Bryan, the bill was amended as follows: By striking the word "elction" and substituting the word "election," in line 24 of the printed bill, the same being in line 32 of the original bill, and by striking the word "anmes" and substituting the word "names" in line 29 of the printed bill, the same being in line 38 of the original bill.

On motion of Senator Metcalf, the word "of" in line 30 of the printed bill and line 39 of the original bill was stricken and the word "or" substituted therefor.

On motion of Senator Nichols, the bill was amended by striking the word "non-partisan" in line 32 of section 1 of the printed bill, the same being in line 43 of the original bill,

On motion of Senator Nichols, the word "an" after the word "as" in line 13 of section 1 of the printed bill, the same being in line 17 of the original bill, was stricken.

The secretary called the roll on final passage of Senate bill No. 30, as amended, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—41.

Absent or not voting: Senator Bassett—1.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P.

L.), Anderson, Arrasmith, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—41.

Absent or not voting: Senator Bassett—1.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Whalley, the rules were suspended and Senate bill No. 30 was ordered immediately transmitted to the House.

INTRODUCTION OF BILLS.

Senate bill No. 43, by Senator Cox, entitled "An act to amend section 1214 of Remington and Ballinger's Annotated Codes and Statutes of Washington, the same being section 5994 of Ballinger's Codes and Statutes of Washington, relating to the competency of witnesses."

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

Senate bill No. 44, by Senator Rosenhaupt, entitled "An act authorizing the state auditor to give Spokane county, Washington, credit on the tax rolls for the year 1909."

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

Senate bill No. 45, by Senator Allen (F. J.), entitled "An act for the organization, classification, incorporation and government of municipal corporations, under a commission, and declaring an emergency."

The bill was read the first time, and on motion of Senator Allen (F. J.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on municipal corporations.

Senate bill No. 46, by Senator Bassett, entitled "An act making an appropriation for and directing the payment of the principal and interest due on the purchase of fractional section 16 in township 25 north, range 4 east Willamette meridian, made under the provisions of chapter 122, Laws of Washington, 1893, and providing for the execution of a deed for said lands."

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

Senate bill No. 47, by Senator Landon, entitled "An act relating to state institutions of higher education and providing for the levying of a tax for the maintenance thereof."

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

Senate bill No. 48, by Senator Davis, entitled "An act creating a branch of the Agricultural College Experiment Station at Hartline, Grant county, Washington, and appropriating a suitable sum therefor, and declaring an emergency."

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

Senate bill No. 49, by Senator Metcalf, entitled "An act relating to the compensation of injured workmen in dangerous employments, asserting the police power of the state and changing the basis of compensation from negligence or fault of the employer, to that of a risk of the industry, providing for a board of arbitration and for payment of salaries and expenses, and authorizing insurance by employers."

The bill was read the first time, and on motion of Senator Metcalf, the rules were suspended, the bill was read the second time by title, 900 copies ordered printed and referred to the committee on labor and labor statistics.

Senate bill No. 50, by Senator Allen (P. L.), entitled "An act to amend sections 1 and 2 of an act, entitled 'An act to provide for the issuance of licenses to honorably discharged soldiers, sailors and marines of the military and naval service of the United States, in the late war of the rebellion, who desire to carry on the business of peddler, and repealing all acts in conflict therewith,' approved March 12, 1903, being chapter 69 of the Laws of 1903."

The bill was read the first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on military.

Senate bill No. 51, by Senator Collins, entitled "An act appropriating money to defray the expenses of establishing and maintaining an exhibit of the products of the State of Washington at the Panama-Pacific International Exposition to be held in the city of San Francisco, California, in 1915, and providing for the appointment of a commission to prepare and manage said exhibit."

The bill was read the first time, and on motion of Senator Collins, the rules were suspended, the bill was read the second time by title, and referred to the committee on appropriations.

SPECIAL ORDER.

The hour of 2:30 p. m. having arrived, the Senate took up the consideration of the confirmation of the additional appointments to standing committees as announced by the president at yesterday's session.

The secretary read the list as announced by the president.

On motion of Senator Falconer that the appointments be confirmed, the secretary called the roll and they were confirmed by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jensen, Landon, Metcalf, Myers, Nichols, Roberts, Rosenhaupt, Ruth,

Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney—39.

Absent or not voting were: Senators Jackson, Piper, Mr. President—3.

GENERAL FILE.

Senate bill No. 4, by Senator Landon, entitled "An act relating to the power of counties of the first class to engage or aid in the construction, enlargement, modification and repair or operation of harbors, canals, waterways, slips, docks, wharves, and other facilities and public improvements for purposes of commerce, navigation, sanitation and drainage, or any thereof, and acquisition of wharf sites, dock sites, and other properties, rights and interests necessary or proper to be acquired for public enjoyment of any such improvement, and to incur such indebtedness therefor, and to issue bonds for payment of moneys from sale of the same, and validating elections and other proceedings heretofore had or held for incurring such indebtedness or issue of such bonds, and declaring an emergency," was read third time.

On motion of Senator Metcalf, the bill was amended by substituting the word "voters" for the word "electors" in line 2 of section 3 of the printed bill, line 3 of section 3 of the original bill.

On motion of Senator Jackson, the bill was amended by striking the word "That" being the first word of section 4 and making the first letter of the word "an" following it a capital letter "A."

The secretary called the roll on final passage of Senate bill No. 4 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—41.

Absent or not voting: Senator Huxtable—1.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—41.

Absent or not voting: Senator Huxtable—1.

There being no objection the title of the bill was ordered to stand as the title of the act.

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

Senate bill No. 19, by the judiciary committee, entitled "An act relative to wills executed without this state, and to promote uniformity among the states in that respect," was read third time.

The secretary called the roll on final passage of Senate bill No. 19 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—41.

Absent or not voting: Senator Huxtable—1.

On motion of Senator Rosenhaupt, the word "relative" was stricken from the title of the bill and the word "relating" substituted therefor.

On motion of Senator Rosenhaupt, the title was further amended by striking therefrom the words "and to promote uniformity among the states in that respect."

On motion of Senator White, the title of the bill was amended

by striking the words "this state" and inserting in lieu thereof the words "the State of Washington."

There being no objection the title of the bill, as amended, was ordered to stand as the title of the act.

Senate bill No. 38 was next taken up.

On motion of Senator Falconer, the Senate resolved itself into a committee of the whole for the purpose of considering Senate bill No. 38.

The bill was considered in committee of the whole, Senator Stevenson in the chair, and was reported back to the Senate with the recommendation that it be referred to the committee on military.

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

The president announced the appointment of Senators Fishback and Rydstrom as a committee on the part of the Senate under Senate joint resolution No. 3.

At 3:00 o'clock p. m., on motion of Senator Allen (P. L.), the Senate adjourned until 10:00 o'clock tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

W. H. PAULHAMUS,
President of the Senate.

NINTH DAY.

MORNING SESSION.

**SENATE CHAMBER,
OLYMPIA, WASH., Tuesday, January 17, 1911.**

The Senate was called to order at 10:00 o'clock a. m. by President Paulhamus, pursuant to adjournment.

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present.

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

A communication from the Pacific Highway Association, extending an invitation to the members of the Senate to attend a Good Roads Convention in Olympia on the evening of January 18th, was read and ordered placed on file.

The secretary read a communication from Congressman W. W. McCredie acknowledging receipt of a telegram from the Senate concerning the passage of Senate concurrent resolution No. 1, relative to the Panama Canal Exposition, which it is proposed to hold at San Francisco.

Senator Collins moved the adoption of the following resolution:

Resolved, That sergeant-at-arms instruct the doorkeeper to remain at the door of the Senate from the hours of 10 a. m. to 5 p. m. and that he admit no one to the floor of the Senate save as provided by the rules of the Senate, unless the party desiring admission shall have important business with some senator.

Senator Rosenhaupt moved to amend by adding to the resolution "save and except the officials of the attorney general's office and the law librarian."

Senator Rosenhaupt withdrew his amendment.

Senator Collins' motion was put and the resolution was adopted.

On motion of Senator Rosenhaupt the law librarian and of-

officials from the attorney general's office were granted the privilege of the floor at all times.

Senator Bassett moved the adoption of the following resolution:

Resolved, by the Senate of the State of Washington, That the sergeant-at-arms be instructed to purchase \$25.00 worth of postage stamps and use same through the bill clerk in mailing bills to residents of the state at the application of the members of the Senate.

A roll call on the adoption of the resolution was demanded by Senators Roberts, Rydstrom, Nichols, Ruth, Piper, Whitney, Eastham, Whalley.

The secretary called the roll and the resolution failed to carry by the following vote:

Those voting aye were: Senators Bassett, Bryan, Collins, Davis, Espy, Falconer, Hewitt, Hutchinson, Huxtable, Landon, Metcalf, Myers, Rosenhaupt, Ruth, Stephens, Stewart, Troy, Mr. President—18.

Those voting nay were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bowen, Brown, Chappell, Cox, Eastham, Fishback, Hall, Hammer, Jensen, Nichols, Piper, Roberts, Rydstrom, Shaefer, Smithson, Stevenson, Whalley, White, Whitney—23.

Absent or not voting: Senator Jackson—1.

Senator Anderson moved the adoption of the following resolution:

Resolved, That the bill clerk furnish the state librarian with copies of bills for the list of the various chambers of commerce and other clubs, as submitted by him and amended by the printing committee.

Senator Falconer moved as a substitute that the matter be referred to the committee on printing.

Senator Falconer withdrew his motion.

On motion of Senator Falconer, the resolution submitted by Senator Anderson was laid on the table.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,

MR. PRESIDENT:

OLYMPIA, WASH., January 16, 1911.

The House has passed Senate joint memorial No. 2, "relating to the granting of the land and buildings of the Fort Walla Walla military reservation to Whitman College;"

Also House joint memorial No. 6, "relating to the growth and development of the territory of Alaska."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senator Allen (F. J.), moved the adoption of the following resolution:

Resolved, That the sergeant-at-arms be and is hereby empowered to select an assistant, whose duties, aside from those pursuant to assistant sergeant-at-arms, shall be to secure copies of committee amendments to all Senate and House bills and paste them daily in the members' files.

On motion of Senator Falconer, the resolution was ordered laid on the table.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

OLYMPIA, WASH., January 16, 1911.

MR. PRESIDENT:

We, your committee on military, to whom was referred Senate bill No. 38, entitled "An act appropriating from the military fund the sum of twelve thousand six hundred dollars for maintenance of the National Guard of Washington for the period ending March 31, 1911," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

ED BROWN, *Chairman.*

We concur in this report: F. J. Allen, John L. Roberts, J. A. Falconer, J. W. Bryan, D. H. Cox, H. B. Hewitt.

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

SENATE CHAMBER,

OLYMPIA, WASH., January 16, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 23, entitled "An act relating to elections, and amending section 1361 of Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: J. W. Bryan, Geo. W. Shaefer, Henry M. White, Ralph Metcalf, Josiah Collins, Ralph D. Nichols.

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

SENATE CHAMBER,
OLYMPIA, WASH., January 17, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred Senate bill No. 46, entitled "An act making an appropriation for and directing the payment of the principal and interest due on the purchase of fractional section 16 in township 25 north, range 4 east Willamette Meridian, made under the provisions of chapter 122, Laws of Washington, 1893, and providing for the execution of a deed to said lands," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

Strike section 4.

J. A. FALCONER, *Chairman.*

We concur in this report: D. S. Troy, F. J. Allen, Ed Brown, Oliver Hall, J. D. Bassett, John L. Roberts, J. H. Smithson, Frank C. Jackson, Daniel Landon, D. H. Cox, A. W. Anderson.

On motion of Senator Falconer, the bill was ordered re-referred to the committee on appropriations.

SENATE CHAMBER,
OLYMPIA, WASH., January 17, 1911.

MR. PRESIDENT:

We, your committee on engrossed bills, to whom was referred Senate bill No. 4, entitled "An act relating to the power of counties to engage or aid in the construction, enlargement, modification, repair or operation of harbors, canals, waterways, slips, docks, wharves and other facilities, etc., and to incur such indebtedness therefor, etc., and declaring an emergency;"

Also Senate bill No. 30, entitled "An act providing for the nomination of candidates at elections held under city charter recall provision in cities of the first class, and declaring an emergency,"—have compared same with the original bills and find them correctly engrossed.

JOHN E. CHAPPELL, *Chairman.*

We concur in this report: D. S. Troy, Daniel Landon.

SENATE CHAMBER,
OLYMPIA, WASH., January 17, 1911.

MR. PRESIDENT:

We, the committee on salaries and mileage, beg leave to report the following number of miles of travel and the amount due each member

as mileage in coming to and going from this session of the legislature and recommend that these several amounts be allowed:

NAME.	POSTOFFICE.	COUNTY.	MILES.	AMOUNT
Allen, F. J.	North Yakima	Yakima	386	38 60
Allen, P. L.	Seattle	King	147	14 70
Anderson, A. W.	Colville	Stevens	1,001	100 10
Arrasmith, Joseph	Palouse	Whitman, via Spokane	1,009	100 90
Bassett, John D.	Ritzville	Adams, Franklin, Walla Walla	728	72 80
Bowen, B. A.	Kent	King	56	5 60
Brown, Ed.	Custer	Whatcom	368	36 80
Bryan, James	Bremerton	Island, Kitsap, Mason	180	18 00
Chappell, John E.	Goldendale	Klickitat	466	46 60
Collins, Josiah	Seattle	King	147	14 70
Cox, D. H.	Walla Walla	Walla Walla	694	69 40
Davis, Evan C.	Ephrata	Douglas, Okanogan, Ferry	780	78 00
Eastham, A. B.	Vancouver	Clarke	232	23 20
Espy, H. A.	Oysterville	Pacific	263	26 30
Falconer, J. A.	Everett	Snohomish	210	21 00
Fishback, H. O.	Adna	Lewis	84	8 40
Hall, Oliver	Colfax	Whitman	1,015	101 50
Hammer, Emerson	Sedro Woolley	Skagit	318	31 80
Hewitt, H. B.	Hoquiam	Chehalis	126	12 60
Hutchinson, R. A.	Spokane	Spokane	858	85 80
Huxtable, Jesse	Spokane	Spokane	858	85 80
Jackson, F. C.	Seattle	King	147	14 70
Landon, Daniel	Fernhill	Pierce	67	6 70
Jensen, Peder	Seattle	King	147	14 70
Metcalf, Ralph	Tacoma	Pierce	67	6 70
Myers, Charles E.	Davenport	Lincoln	908	90 80
Nichols, Ralph D.	Seattle	King	147	14 70
Paulhamus, W. H.	Sumner	Pierce	90	9 00
Piper, Geo. U.	Seattle	King	147	14 70
Roberts, John L.	Tacoma	Pierce	67	6 70
Rosenhaupt, Harry	Spokane	Spokane	858	85 80
Ruth, A. S.	Olympia	Thurston	.....	.....
Rydstrom, Arvid	Tacoma	Pierce	67	6 70
Shaefer, Geo. W.	Spokane	Spokane	858	85 80
Smithson, John H.	Ellensburg	Chelan, Kittitas	313	31 30
Stephens, E. M.	Monroe	Snohomish	244	24 40
Stevenson, J. R.	Pomeroy	Asotin, Garfield, Columbia	878	87 80
Stewart, F. L.	Kelso	Cowlitz	154	15 40
Troy, David S.	Chimacum	Jefferson, Clallam, San Juan	240	24 00
Whalley, John A.	Seattle	King	147	14 70
White, Henry M.	Bellingham	Whatcom	340	34 00
Whitney, E. L.	Foothills	Spokane	898	89 80
Laube, Wm. T.	Seattle	King	147	14 70

PEDER JENSEN, *Chairman.*

We concur in this report: D. H. Cox, Oliver Hall, Chas. E. Myers, Ed. Brown.

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

INTRODUCTION OF BILLS.

Senate bill No. 52, by Senator Nichols, entitled "An act to legalize and validate the organization, establishment and creation of commercial waterway districts organized, or established, or created, or attempted to be organized or established or created under an act approved August 23d, 1909, entitled 'An

act relating to the establishment and creation of commercial waterway districts, and the construction and maintenance of a system of commercial waterways, including the straightening, deepening and widening of rivers, watercourses and streams and the protection of the banks thereof, and disposing of the interests of the state in the beds and shores of navigable waters, and to provide for the means of payment thereof, and declaring an emergency,' and to legalize and validate existing contracts and obligations of such districts and bonds and other obligations executed or incurred in connection with or in pursuance of such attempted organization or establishment, and declaring an emergency."

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

Senate bill No. 53, by Senator Bryan, entitled "An act relating to paroling of inmates of penal and reformatory institutions."

The bill was read the first time, and on motion of Senator Bryan, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on state penal and reformatory institutions.

Senate bill No. 54, by Senator Bassett, entitled "An act relating to commitment of persons to the insane hospitals of the state, and amending section twenty-six hundred and sixty of Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency."

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

Senate bill No. 55, by Senator Anderson, entitled "An act relating to the state institutions of higher education, creating a fund to be known as the University fund; a fund to be known as the Washington State College fund; a fund to be known

as the Cheney Normal School fund; a fund to be known as the Ellensburg Normal School fund; a fund to be known as the Bellingham Normal School fund, and making provision for the annual levy of a tax to produce revenue therein for the maintenance, construction and repair of buildings, and the equipment of said institutions, and appropriating the sums of money of said several funds to the institutions provided for herein."

The bill was read the first time, and on motion of Senator Anderson, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on educational institutions.

Senate bill No. 56, by Senator Allen (F. J.), (by request), entitled "An act to amend section one of an act entitled 'An act to prohibit the sale or disposal of intoxicating drinks to Indians or mixed bloods, and providing penalties for the violation thereof, and repealing section 7316, Ballinger's Annotated Codes and Statutes of Washington,' as approved March 11, 1909, being chapter 140 of the Session Laws of 1909."

The bill was read the first time, and on motion of Senator Allen (F. J.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on judiciary.

VOTE FOR UNITED STATES SENATOR.

The president announced that in accordance with the United States statutes, the Senate would proceed to nominate and vote for United States senator for the State of Washington.

Senator Hutchinson nominated Miles C. Poindexter, and the nomination was seconded by Senators Davis, Myers, Bassett, Rosenhaupt, Bryan, Falconer, Stevenson, Smithson, Piper, Arrasmith, Jackson, Anderson, Jensen, Chappell, Brown, Landon, Collins, Espy, Cox and Metcalf.

Senator White nominated George F. Cotterill.

The secretary called the roll with the following result:

Miles C. Poindexter received 40 votes as follows:

Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis,

Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, Whitney, Mr. President—40.

George F. Cotterill received one vote, that of Senator White.

Absent or not voting: Senator Ruth—1.

At 12:05 a. m., on motion of Senator Stevenson, a recess was taken until 2:00 o'clock this afternoon.

AFTERNOON SESSION.

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

On motion of Senator Espy, there was ordered expunged from the journal all matters pertaining to the special orders set for this afternoon.

SPECIAL ORDER.

The hour of 2:00 o'clock p. m. having arrived, the Senate proceeded to consider the confirmation of the recess appointments as submitted by the governor.

Senator Falconer moved that the appointments made by the governor be approved.

Senator Nichols moved to amend by excepting the appointments made on the board of regents of the University of Washington.

Senator Espy moved as a substitute that the Senate now go into executive session to consider the recess appointments made by the governor.

The substitute motion failed to carry.

Senator Allen (P. L.), moved as a substitute that the matter of confirming the recess appointments made by the governor go over until 2:00 o'clock tomorrow afternoon and be made a special order for that time.

The substitute motion of Senator Allen carried.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 17, 1911.

MR. PRESIDENT:

The House has passed House joint memorial No. 3, "relating to the creation of a legislative body in Alaska," and the same is herewith transmitted.

LOBEN GRINGSTEAD, *Chief Clerk.*

SPECIAL ORDER.

The secretary read Senate bill No. 37, of the Session of 1909, together with the governor's veto message on the same.

On the question "Shall the bill pass notwithstanding the objections of the governor," the secretary called the roll and the bill failed to pass by the following vote:

Those voting nay were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—41.

Absent or not voting: Senator Ruth—1.

The secretary read Senate bill No. 267, of the Session of 1909, together with the governor's veto message on same.

On the question "Shall the bill pass notwithstanding the objections of the governor," the secretary called the roll and the bill failed to pass by the following vote:

Those voting nay were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Roberts, Rosenhaupt, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—40.

Absent or not voting: Senators Piper, Ruth—2.

The secretary read substitute Senate bill No. 66, of the

Session of 1909, together with the governor's veto message on same.

On the question "Shall the bill pass notwithstanding the objections of the governor," the secretary called the roll and the bill failed to pass by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Eastham, Jensen, Nichols, Roberts, Rydstrom, Smithson, Whitney—9.

Those voting nay were: Senators Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Metcalf, Myers, Piper, Rosenhaupt, Shafer, Stephens, Stevenson, Stewart, Troy, Whalley White, Mr. President—31.

Absent or not voting: Senators Landon, Ruth—2.

The secretary read Senate bill No. 24, of the Extraordinary Session of 1909, together with the governor's veto message on same.

On motion of Senator Rosenhaupt, the further consideration of vetoed Senate bill No. 24 was made a special order to be taken up by the Senate tomorrow immediately following the special order already set for 2:00 o'clock p. m.

The following employees were sworn in by the president: Robert Pitchforth, F. M. Garland, John A. Homer, Minnie M. Hyde, Jessie McKinney, H. R. Lindley, Amie L. Mook, and R. W. Watts.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 17, 1911.

MR. PRESIDENT:

The House has passed Senate concurrent resolution No. 4, "relating to memorial services to the late Governor Samuel G. Cosgrove," and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

At 2:45 p. m., on motion of Senator Allen (P. L.), the Senate adjourned until 10 o'clock tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

W. H. PAULHAMUS,
President of the Senate.

TENTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASH., Wednesday, January 18, 1911.

The Senate was called to order at 10:00 o'clock a. m. by President Paulhamus, pursuant to adjournment.

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

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

On motion of Senator Eastham, Senator Ruth was excused from attendance on today's sessions.

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

The following petitions were read and ordered placed on file: A petition from the Rainier Beach Purity club, praying the enactment of anti-cigarette legislation; a petition from certain churches at Aberdeen, Hoquiam and Cosmopolis, praying the enactment of a county unit local option law; a petition from certain voters of Whitman county in favor of the initiative and referendum.

A communication was read from the State Federation of Labor to the effect that the delegates to the state convention of that body, which is now in session in Olympia, would visit the legislative sessions at 2:00 o'clock this afternoon.

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

Resolved. That the secretary be and is hereby authorized to make requisition on the public printer for any printing necessary to efficiently carry on the business of the Senate, and

Resolved, further. That the secretary be and is hereby instructed to have as many additional copies of any bills printed as is required to meet the public demand.

Senator Anderson moved the adoption of the following resolution:

Be it resolved, That the printing committee furnish the state librarian such bills requested by him for transmission to commercial and other bodies as shall be recommended by the printing committee.

Senator Falconer moved as an amendment that the resolution covering this same subject and which was laid on the table yesterday, be now taken from the table.

The president ruled the amendment to be out of order.

The motion of Senator Anderson that the resolution be adopted was put and lost.

Senator Anderson moved to take from the table the resolution tabled yesterday on this same subject.

The motion was put and failed to carry.

The secretary read:

REPORT OF ENROLLING COMMITTEE.

SENATE CHAMBER.

OLYMPIA, WASH., January 18, 1911.

MR. PRESIDENT:

We, your committee on enrolled bills, to whom was referred communications from I. M. Howell, secretary of state, and W. P. Bell, attorney general, relative to writing the Senate Journal and enrolling Senate bills with book typewriters, beg to report that your committee believes it advisable and recommends that the journal and the enrolling be done with book typewriters.

The attorney general in his letter to the secretary of state writes as follows:

"It is my opinion that it would be advisable to make this change, as the work can be done more rapidly and economically, and compared more readily and easily if so kept."

GEO. W. SHAEFER, *Chairman*.

We concur in this report: H. A. Espy, John A. Whalley, Peder Jensen, B. H. Bowen.

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

House joint memorial No. 3, by Mr. Goss, "Praying congress of the United States to pass an enabling act creating a territorial legislature, etc.," was read first time, and on motion of Senator Falconer, the memorial was read second time and ordered referred to the committee on memorials.

House joint memorial No. 6, by Mr. Beach, "Memorializing Congress of the United States that the coal lands of Alaska be opened for exploitation, etc.," was read first time.

Senator Bryan moved that the memorial be indefinitely postponed.

Senator Falconer moved as a substitute that it be read second time and ordered referred to the committee on memorials.

The motion of Senator Falconer carried.

Senator Rosenhaupt moved the adoption of the following resolution:

Resolved. That the sergeant-at-arms be authorized to purchase fifty dollars worth of postage stamps for the purpose of mailing bills for the members.

The president ruled the resolution out of order.

On motion of Senator Rosenhaupt, Senate bill No. 5 was ordered rereferred to the committee on judiciary.

The secretary announced the following committee assignments and committee groupings:

Judiciary.	GROUP 1.	
		A. J. LAUGHON, Clerk.
Appropriations; Engrossed Bills.	GROUP 2.	
		R. D. RUDIO, Clerk.
	GROUP 3.	
Military; Agriculture; County and County Boundaries; Horticulture and Forestry; Enrolled Bills.		C. S. SAPP, Clerk.
	GROUP 4.	
Commerce and Manufacture; Memorials; Printing; Salaries and Mileage.		A. A. KIRBY, Clerk.
	GROUP 5.	
State, Granted, School and Tide Lands; Corporations other than Municipal; Legislative Apportionment; Constitution and Constitutional Revision.		JESSIE MCKINNEY, Clerk.
	GROUP 6.	
Insurance; Game; Labor and Labor Statistics; Banks and Banking.		J. A. HOMER, Clerk.
	GROUP 7.	
Roads and Bridges; Dikes and Drains; Congressional Apportionment; Public Buildings and Grounds.		H. R. LINDLEY, Clerk.
	GROUP 8.	
Cities of the First Class; Dairy and Livestock; Fisheries; Irrigation and Arid Lands.		E. J. EISELE, Clerk.
	GROUP 9.	
Public Revenues and Taxation; State Library.		R. W. WATTS, Clerk.

GROUP 10.

Elections and Privileges; Harbor and Harbor Lines; Mines and Mining; State Penal and Reformatory Institutions.

F. M. GARLAND, Clerk.

GROUP 11.

Municipal Corporations; Public Morals; Education.

AMIE L. MOOK, Clerk.

GROUP 12.

Educational Institutions; Rules and Joint Rules; Employees other than Regular; Medicine, Dentistry, Surgery and Hygiene.

R. W. KELSEY, Clerk.

GROUP 13.

Railroads and Transportation; State Charitable Institutions; Game Fish; Claims and Auditing.

MINNIE M. HYDE, Clerk.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER.

OLYMPIA, WASH., January 17, 1911.

MR. PRESIDENT:

We, your committee on public revenues and taxation, to whom was referred Senate joint resolution No. 1, "relating to an amendment to the constitution of the United States," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

JOHN L. ROBERTS, *Chairman*.

We concur in this report: Jesse Huxtable, Oliver Hall, George U. Piper, Peder Jensen, J. D. Bassett, H. B. Hewitt, Ed. Brown, F. C. Jackson.

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

SENATE CHAMBER,

OLYMPIA, WASH., January 18, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred House bill No. 27, entitled "An act appropriating the sum of ten thousand dollars, or so much thereof, as may be necessary to pay for such printing as may be ordered by the twelfth legislature or either branch thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman*.

We concur in this report: J. W. Bryan, Oliver Hall, E. Hammer, A. B. Eastham, A. W. Anderson, Chas. E. Myers, Ed. Brown, D. S. Troy, J. H. Smithson.

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

SENATE CHAMBER,
OLYMPIA, WASH., January 18, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was re-referred Senate bill No. 46, entitled "An act making an appropriation for and directing the payment of the principal and interest due on the purchase of fractional section 16 in township 25 north, range 4 east Willamette Meridian, made under the provisions of chapter 122, Laws of Washington, 1893, and providing for the execution of a deed for said lands," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

Strike section 4.

J. A. FALCONER, *Chairman.*

We concur in this report: J. W. Bryan, Oliver Hall, E. Hammer, A. B. Eastham, Chas. E. Myers, Ed. Brown, A. W. Anderson, D. S. Troy, J. H. Smithson.

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

SENATE CHAMBER,
OLYMPIA, WASH., January 17, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 40, entitled "An act providing for co-owners to pay delinquent assessment on undivided real property, when any of them refuse to pay their portion thereof, authorizing an action to recover the amount thereof, including attorney's fees, a lien upon the co-owners' interest of the undivided portion thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Strike the title of the act and substitute therefor the following: "An act relating to delinquent assessments on undivided real property, authorizing an action to recover the amount thereof and creating a lien therefor upon the co-owners' interest of the undivided portion."

In section 1, line 2, of the original bill, the same being section 1, line 1, of the printed bill, strike the word "an."

In section 1, line 2, of the original bill, the same being section 1, line 2, of the printed bill, strike the word "all" and substitute therefor the word "any."

In section 1, lines 4 and 5, of the original bill, the same being section 1, line 3, of the printed bill, strike the words "and ought to have been jointly paid."

In section 1, line 8, of the original bill, the same being section 1, line 6, of the printed bill, strike the word "of" and substitute therefor the word "for."

In section 1, line 13, of the original bill, the same being section 1,

line 9, of the printed bill, after the word "co-owner" strike the word "that" and substitute therefor the words "or owners who."

In section 1, line 13, of the original bill, the same being section 1, line 9, of the printed bill, after the word "neglected" strike the word "and" and substitute therefor the word "or."

In section 1, line 13, of the original bill, the same being section 1, line 9, of the printed bill, strike the word "his" and substitute therefor the word "the."

In section 1, line 14, of the original bill, the same being section 1, line 9, of the printed bill, after the word "assessment" strike the remainder of the section.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: J. W. Bryan, Geo. W. Shaefer, Henry M. White, Ralph Metcalf, Ralph D. Nichols.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., January 18, 1911.

Your committee on enrolled bills, to whom was referred Senate joint memorial No. 1, "relating to the efficiency of the life saving service;"

Also joint memorial No. 2, "relating to a prayer for a grant of the land and buildings of the Fort Walla Walla military reservation to Whitman College"

—have compared same with the original memorials and find them correctly enrolled.

Respectfully submitted.

GEO. W. SHAEFER, *Chairman.*

We concur in this report: Peder Jensen, John A. Whalley, B. A. Bowen, H. A. Espy.

The president signed Senate joint memorials Nos. 1 and 2.

INTRODUCTION OF BILLS.

Senate bill No. 57, by Senator Falconer, entitled "An act relating to and regulating the filing and approval of plats of land within and without cities of the first, second and third class and other cities and towns having a population of ten thousand or more persons, and prescribing public places, parks, commons and playgrounds therein."

The bill was read the first time, and on motion of Senator Falconer the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on cities of the first class.

Senate bill No. 58, by joint roads and bridges committee, entitled "An act repealing an act entitled 'An act for the purchase of the highway bridge across the Columbia river at Wenatchee, Washington, by the state of Washington, from the Washington Bridge Company, providing means, method and time of payment therefor and the manner of future maintenance and supervision thereof, and making an appropriation for said purchase,' approved March 11, 1909, and declaring an emergency."

The bill was read the first time, and on motion of Senator Fishback, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 59, by Senator Collins, entitled "An act providing for the amendment of section 33 of article II of the constitution of the State of Washington relating to the ownership of lands by aliens."

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

Senate bill No. 60, by Senator Stephens, entitled "An act to provide for the formation of banking corporations, and to regulate the business of banking and securing state supervision thereof; for the appointment of a state examiner, defining his duties, fixing his compensation and making an appropriation therefor; and prohibiting the use of the words 'bank,' 'banker,' 'bankers,' 'trust,' and 'savings,' in advertising business by persons, firms and associations not hereby brought under state supervision, and fixing a penalty for its violation."

The bill was read the first time, and on motion of Senator Stephens, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on banks and banking.

Senate bill No. 61, by Senator Jensen, entitled "An act abolishing the doctrine of fellow servant and assumption of risk."

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

Senator Bryan moved that the following named officers of the Washington State Federation of Labor be extended the courtesy of the floor of the Senate, and be invited to seats with the senators on the occasion of the visit of the Washington State Federation of Labor to the Senate this afternoon as per communication from that body this morning: Charles R. Case, president; Fred Hudson, vice-president; Wm. J. Coates, second vice-president; L. F. Clarke, third vice-president; F. E. Hite, fourth vice-president; W. J. Bradford, fifth vice president; Jas. Durham, sixth vice-president; J. E. Campbell, seventh vice-president; C. O. Young, organizer; Charles Perry Taylor, secretary-treasurer.

The motion carried.

At 11:05 a. m., on motion of Senator Stevenson, a recess was taken until 11:55 a. m.

The Senate reassembled at 11:55 a. m.

At 12:00 o'clock noon, the Senate, on motion of Senator Allen (P. L.), repaired to the House chamber to meet the House in joint session for the purpose of electing a United States senator.

JOINT SESSION.

The seargeant-at-arms of the House announced the arrival of the Senate at the door of the House and the speaker invited the senators to seats within the House.

At the request of the speaker, Senator Paulhamus, president of the Senate, presided over the joint session.

The secretary called the roll of the Senate, all members being present except Senator Ruth.

The chief clerk of the House called the House roll, all members being present except Messrs. Davis, Eshleman and Ward, all excused.

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

The clerk of the House read that portion of the House journal of the preceding day pertaining to the ballot for United States senator.

From the reading of the journals of each house it appeared that Miles C. Poindexter had received a majority of the votes in each house and was therefore elected United States senator for the State of Washington.

The president of the Senate announced the election of Miles Poindexter as United States senator for the State of Washington, for the term commencing March 4th, 1911.

On motion of Representative Dow, the following telegram was ordered forwarded to Congressman Miles C. Poindexter, at Washington, D. C. :

"Senate and House of Representatives of the legislature of the State of Washington in joint session have this day elected you United States senator. Congratulations on your election. Hope you may be of great service to our state and nation."

At 12:07 p. m., on motion of Senator Nichols, the joint session dissolved.

The Senate re-assembled in the Senate chamber at 12-10 p. m. and on motion of Senator Falconer, a recess was taken until 2:00 o'clock this afternoon.

AFTERNOON SESSION.

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

SPECIAL ORDER.

The matter of the confirmation of the recess appointments made by the governor was taken up.

Senator Falconer moved that all the recess appointments in the list submitted by the governor in his message to the Senate be now confirmed.

Senator Nichols moved as an amendment that there be accepted the names of M. F. Backus as a member of the Board of Regents of the State University, and of H. T. Jones, as a member of the Board of Control.

Senator Bryan moved as a substitute that the Senate do now take up the matter of the confirmation of the appointment of M. F. Mackus as a member of the board of regents of the University of Washington.

The substitute motion of Senator Bryan carried.

Senator Falconer moved that the appointment of M. F. Backus as a member of the board of regents of the State University be confirmed by the Senate.

At the request of Senator Davis, the following telegrams were read:

SEATTLE, WASH., January 17th.

Hon. E. C. Davis, Senate Chamber, Olympia, Washington:

Am informed my confirmation as regent is opposed because of my supposed interest in Metropolitan Building Company. Will you kindly inform your friends that I have no interest whatever in that company, financially or otherwise. Governor Hay investigated this question before appointing me. I sold my stock before accepting appointment as regent and have always refused to vote on any question in which interests of the Metropolitan Company were involved.

M. F. BACKUS.

SEATTLE, WASH., January 18th.

Hon. E. C. Davis, Senate Chamber, Olympia, Washington:

Am told you wish to know when and to whom I sold my stock in the Metropolitan Building Company. In answer will say the stock was sold to N. H. Groesbeck of New York about June 30, 1909. Certainly prior to my qualifying as a regent.

M. F. BACKUS.

Senator Jackson moved as an amendment that the matter of the confirmation of the appointment of M. F. Backus go over until 2:00 o'clock tomorrow afternoon.

Senator Allen (F. J.), moved as a substitute that a committee of three senators be appointed by the president to make a thorough investigation of the matter and make a report to this Senate at 4 p. m. Monday, January 23, 1911.

Senator Falconer moved that the matter be referred to the committee on educational institutions.

The president ruled the motion of Senator Falconer out of order.

On a point of order made by Senator Espy, the president ruled Senator Allen's motion to be in order.

The substitute motion of Senator Allen (F. J.), was put and carried.

On motion of Senator Bryan, the matter of confirming the appointment of H. T. Jones as a member of the board of control was taken up.

Senator Stevenson moved that the appointment of H. T. Jones as a member of the board of control be now confirmed.

The secretary called the roll and it was confirmed by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy(Falconer, Fishback, Hall, Hammer, Hewitt, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—38.

Voting nay: Senator Hutchinson—1.

Absent or not voting: Senators Ruth, Roberts, Rosenhaupt—3.

Senator Bryan moved that the remaining appointments made by the governor be now confirmed.

The secretary called the roll and they were confirmed by the following vote:

Those voting aye yere: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Basset, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Shaefer, Smithson, Stephens, Stevenson, Stewart, Whalley, White, Whitney, Mr. President—34.

Voting nay: Senator Hutchinson—1.

Absent or not voting: Senators Anderson, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Troy—7.

The secretary read the following telegram :

WASHINGTON, D. C., Jan. 18th.

The Honorable the Legislature of Washington, Olympia, Washington:

I appreciate the great honor you have done me in electing me to the Senate and realize its responsibilities. I shall endeavor to merit your confidence to represent all sections of the state alike and to cast my votes in the interest of the general public of the state and nation.

MILES POINDEXTER.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., January 18, 1911.

MR. PRESIDENT:

The speaker has signed Senate joint memorial No. 1, "relating to the efficiency of life saving service;"

Also Senate joint memorial No. 2, "relating to the military post at Fort Walla Walla;"

Also the House has passed engrossed Senate bill No. 4, entitled "An act relating to the power of counties to engage or aid in the construction, etc., of harbors, canals, waterways, slips, docks, wharves, and other public facilities and public improvements for purposes of commerce, navigation, sanitation and drainage," etc.;

Also engrossed Senate bill No. 30, entitled "An act providing for the nomination of candidates at elections held under city charter recall provisions," etc.

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

SPECIAL ORDER.

The secretary read Senate bill No. 24 (Session of 1909), together with the governor's veto message on same.

The secretary called the roll on the question "Shall the bill pass notwithstanding the objections of the governor," and the bill failed to pass by the following vote:

Those voting nay were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Rosenhaupt, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—38.

Absent or not voting were: Senators Anderson, Hewitt, Roberts, Ruth—4.

At 8:45 p. m., on motion of Senator Allen (P. L.), the Senate adjourned until 10:00 o'clock tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

W. H. PAULHAMUS,
President of the Senate.

ELEVENTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASH., Thursday, January 19, 1911.

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

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present.

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

A petition from certain voters of Okanogan county praying the enactment of the initiative and referendum was read and ordered placed on file.

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

Resolved, That the state librarian be instructed to mail Senate bills to the state libraries that send bills of their respective legislatures to the state library of Washington; also to mail copies to the Interstate Law Reporting Company, of New York City.

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

Resolved, That the sergeant-at-arms be instructed to purchase two sets of Remington & Ballinger's Annotated Codes and Statutes of Washington to be placed on the secretary's desk for the use and benefit of senators.

The secretary read

SENATE JOINT MEMORIAL NO. 3.

By Senator Hutchinson:

To the President and Senate of the United States:

WHEREAS, It has been currently reported in the press that a new treaty between the government of the United States and the government of Japan is in contemplation by the two countries and will in the near future be promulgated and ratified; and

WHEREAS, The Pacific coast states will be more directly affected by any such treaty than any other section of the United States; and

WHEREAS, The antecedent press comments are to the effect that the proposed treaty will be more liberal than the present treaties in permitting the cheap labor of Japan admission to this country; and

WHEREAS, The introduction of such labor cheapens the wage of our own white labor, lowers the standard of living of our laboring people, and interferes with the general prosperity and happiness of all the people in the Pacific coast states; and

WHEREAS, In other respects, under proper limitations, the freest intercourse in trade and commerce between the people of the two great nations is a proper subject for negotiation between the two countries but not to the extent of the further importation or immigration of the cheap coolie labor into this country;

Therefore, The representatives of the people of the State of Washington, in legislature assembled, most earnestly urge upon you the necessity of continuing the bar to the influx of coolie labor from the Orient and that we do now enter our protest against the aforesaid proposed liberal terms admitting Japanese common laborers to this country in the before mentioned alleged treaty or any other new compact to be entered into between this country and the nation of Japan; but on the other hand, for the benefit of our deserving white laborers; for the general welfare and prosperity of this whole country; and for the peace, happiness and contentment of our people, especially of the Pacific coast states, and for the general, harmonious and friendly commercial relations between the peoples of these two great nations we, your memorialists, most respectfully urge further restrictions on the immigration of the cheap, unskilled labor from that country to this, and thus we, your memorialists, will ever pray.

On motion of Senator Hutchinson, the memorial was read second time, ordered printed and referred to the committee on memorials.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., January 19, 1911.

MR. PRESIDENT:

We, your committee on memorials, to whom was referred House joint memorial No. 3, "relating to the creation of a legislative body in Alaska," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

GEO. W. SHAEFER, *Chairman.*

We concur in this report: George U. Piper, F. L. Stewart.

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

SENATE CHAMBER,
OLYMPIA, WASH., January 19, 1911.

MR. PRESIDENT:

We, your committee on memorials, to whom was referred House joint memorial No. 6, "relating to the growth and development of the territory of Alaska," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

GEO. W. SHAEFER, *Chairman.*

We concur in this report: George U. Piper, F. L. Stewart.

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

SENATE CHAMBER,
OLYMPIA, WASH., January 19, 1911.

MR. PRESIDENT:

We, your committee on municipal corporations, to whom was referred Senate bill No. 26, entitled "An act amending sections 1 and 2 of chapter 130 of the Session Laws of 1907," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

FRANK J. ALLEN, *Chairman.*

We concur in this report: A. B. Eastham, J. W. Bryan, J. R. Stevenson, Oliver Hall, John E. Chappell.

On motion of Senator Allen (F. J.), the report of the committee was adopted.

INTRODUCTION OF BILLS.

Senate bill No. 62, by Senator Stewart, entitled "An act pertaining to the making or use of false statements to obtain property or credit, and providing a penalty therefor."

The bill was read the first time, and on motion of Senator Stewart, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on banks and banking.

Senate bill No. 63, by Senators Rosenhaupt and Huxtable, entitled "An act relating to elections and primary elections, and providing that certain electors may cast their ballots in precincts other than those in which they reside."

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

Senate bill No. 64, by Senator Stewart, entitled "An act regulating notaries public who are stockholders, directors, officers or employes of banks or other corporations."

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

Senate bill No. 65, by Senator Rosenhaupt, entitled "An act relating to the conduct of judges of courts not of record."

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

Senate bill No. 66, by Appropriations Committee, entitled "An act making appropriations for certain deficiencies for the fiscal period ending March 31, 1911."

The bill was read the first time, and on motion of Senator Roberts, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 67, by Senator Collins, entitled "An act to amend sections 3 and 4 of an act, entitled 'An act creating the state shore land improvement fund, providing for certain warrants to be drawn upon said fund, making such warrants preferential and appropriating and providing for the expenditure and

disbursement thereof,' approved March 17, 1909, making an appropriation and declaring an emergency."

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

Senate bill No. 68, by Senators Landon and White, entitled "An act to amend section 1, of article XXIII of the constitution of the State of Washington relating to amendments, and providing for the amendment of the constitution by the initiative."

The bill was read the first time, and on motion of Senator Landon, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on constitution and constitutional revision.

Senate bill No. 69, by Senators Landon and White, entitled "An act to amend section 1 of article II of the constitution of the State of Washington relating to legislative powers, providing for the initiative and referendum, and striking section 31 of said article II relating to the time when laws take effect."

The bill was read the first time, and on motion of Senator Landon, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on constitution and constitutional revision.

Senate bill No. 70, by Senator Stewart, entitled "An act relating to the taking of smelt in the Columbia river, and its tributaries within the State of Washington, and fixing penalties for the violation thereof."

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

Senate bill No. 71, by Senators Landon and White, entitled "An act to amend article one (1) of the constitution of the State of Washington, authorizing and empowering the voters to call a special election at any time to recall and discharge any

elective public officer and to elect his successor, by adding thereto at the end of said article one (1) two new sections which shall be numbered sections 33 and 34 of said article one (1)."

The bill was read the first time, and on motion of Senator Landon, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on constitution and constitutional revision.

Senate bill No. 72, by Senator Jackson, entitled "An act appropriating the sum of nine thousand dollars for the use and benefit of the Florence Crittendon and the White Shield Home rescue work for the State of Washington."

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

Senate bill No. 73, by Senator White, entitled "An act providing that whenever in any action, suit, or other proceeding before any court, judicial, legislative or executive tribunal, or before any commission or other authority, any pleading, notice, exception, motion for new trial, notice of appeal, statement of facts, or other document or written instrument, whether of similar import to those herein enumerated or not, is required to be filed and served, or served and filed, it shall be sufficient if each of such acts be performed within the time required, irrespective of the order in which the same shall be done."

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

Senate bill No. 74, by Senator Huxtable, entitled "An act to regulate and limit the hours of employment of females in any mechanical or mercantile establishment, laundry, hotel or restaurant; to provide for its enforcement and a penalty for its violation."

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

time by title, ordered printed and referred to the committee on labor and labor statistics.

Senator Bassett moved that Senate bill No. 58 be referred to the committee on appropriations.

Senator Nichols moved as an amendment that the bill be ordered referred to the committee on roads and bridges with instructions to report the bill back to the Senate at 11:30 o'clock Wednesday morning.

Senator Bassett withdrew his motion.

The motion of Senator Nichols carried.

On motion of Senator Myers, Senate bill No. 24 was taken from the committee on dairy and live stock and referred to the committee on pure food and drugs.

GENERAL FILE.

House bill No. 27, by Mr. Haroldson, of King county, entitled "An act appropriating the sum of ten thousand dollars or so much thereof as may be necessary to pay for such printing as may be ordered by the twelfth legislature or either branch thereof," was read third time.

On motion of Senator Allen (P. L.), the Senate resolved itself into a committee of the whole for the purpose of considering House bill No. 27.

The bill was considered in committee of the whole, Senator Allen (P. L.), in the chair and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Allen (P. L.), the report of the committee was adopted.

The secretary called the roll on final passage of House bill No. 27 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Rosenhaupt, Ruth, Rydstrom, Shaefer, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—39.

Absent or not voting were: Senators Roberts, Smithson, Whitney—3.

There being no objection the title of the bill was ordered to stand as the title of the act.

Senate bill No. 23, by Senator Nichols, entitled "An act relating to elections, and amending section 1361 of Ballinger's Annotated Codes and Statutes of Washington," was read third time.

The secretary called the roll on final passage of Senate bill No. 23 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Espy, Falconer, Fishback, Hammer, Hewitt, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—37.

Absent or not voting were: Senators Davis, Hall, Huxtable, Roberts, Whitney—5.

On motion of Senator Metcalf, the title of the act was amended by striking therefrom the comma.

There being no objection the title of the bill as amended was ordered to stand as the title of the act.

Senator Ruth gave notice that at the proper time he would move to reconsider the vote by which Senate bill No. 23 passed the Senate.

Senate bill No. 38, by the Appropriations Committee, entitled "An act appropriating from the military fund the sum of twelve thousand six hundred dollars for maintenance of the National Guard of Washington for the biennial period ending March 31, 1911," was taken up.

On motion of Senator Bryan, the Senate resolved itself into a committee of the whole for the purpose of considering Senate bill No. 38.

The bill was considered in committee of the whole, Senator Bryan in the chair and reported back to the Senate with the recommendation that it do pass.

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

On motion of Senator Bryan, the rules were suspended and the reading of the bill had in committee of the whole considered the third reading of the bill.

The secretary called the roll on final passage of Senate bill No. 38 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Collins, Cox, Eastham, Falconer, Fishback, Hall, Hammer, Hewitt, Huxtable, Jackson, Landon, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy—32.

Those voting nay were: Senators Chappell, Espy, Hutchinson, Jensen, Nichols, Whalley, White, Whitney, Mr. President—9.

Absent or not voting: Senator Davis—1.

There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,

OLYMPIA, WASH., January 19, 1911.

MR. PRESIDENT:

Your committee on enrolled bills, to whom was referred Senate bill No. 30, "providing for the nomination of candidates at elections held under city charter recall provisions in cities of the first class, and declaring an emergency," have compared same with the engrossed bill and find it correctly enrolled.

Respectfully submitted.

GEO. W. SHAEFER, *Chairman.*

We concur in this report: John A. Whalley, H. A. Espy, Peder Jensen, B. H. Bowen.

In accordance with rule No. 66, Senator Whalley announced that he had examined enrolled Senate bill No. 30 and found it to be correctly enrolled.

The president signed Senate bill No. 30.

Senate bill No. 46, by Senator Bassett, entitled "An act making an appropriation for and directing the payment of

principal and interest due on the purchase of fractional section 16, in township 25 north, range 4 east, Willamette meridian, made under the provisions of chapter 122, Laws of Washington, 1893, and providing for the execution of a deed for said lands," was taken up.

On motion of Senator Bassett, the Senate resolved itself into a committee of the whole for the purpose of considering Senate bill No. 46.

The bill was considered in committee of the whole, Senator Anderson in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Anderson, the report of the committee was adopted, the rules were suspended and the reading of the bill had in committee of the whole was considered the third reading of the bill.

The secretary called the roll on final passage of Senate bill No. 46 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—38.

Absent or not voting were: Senators Davis, Hewitt, Huxtable, Whitney—4

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 66, by Committee on Appropriations, entitled "An act making appropriations for certain deficiencies for the fiscal period ending March 31, 1911," was read third time.

On motion of Senator Falconer, the Senate resolved itself into a committee of the whole for the purpose of considering Senate bill No. 66.

The bill was considered in committee of the whole, Senator Cox in the chair, and reported back to the Senate with the rec-

ommendation that it be amended by adding thereto an appropriation of \$400 for the oil inspector's office, and be placed on general file.

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

The president announced the appointment of committees as follows:

Under Senate concurrent resolution No. 2: Senators Allen (F. J.) and Smithson.

Under Senate concurrent resolution No. 4: Senators Stevenson, Bassett and Rosenhaupt.

On the matter of the confirmation of Mr. M. F. Backus as a member of the board of regents of the State University of Washington: Senator Allen (F. J.), Metcalf and Troy.

At 12:25 p. m., on motion of Senator Allen (P. L.), the Senate adjourned until 10 o'clock tomorrow morning.

WM. T. LAUBE,

Secretary of the Senate.

W. H. PAULHAMUS,

President of the Senate.

TWELFTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASH., Friday, January 20, 1911.

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

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present except Senators Allen (F. J.), Fishback, Metcalf, Rydstrom and Troy, all of whom as members of Senate committees were absent on legislative business, and Senator Nichols, excused.

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

The following communications were read by the secretary and ordered placed on file: A petition from certain citizens of Bayview, Skagit county, praying the enactment of the initiative and referendum; a resolution from the Washington Equal Suffrage Association protesting against the exemption of women from jury duty; a petition from certain citizens of Thurston county praying the enactment of the initiative and referendum; a communication from the Columbia River Conference of the Methodist Episcopal Church praying the enactment of a county unit local option law; a telegram from the Seattle Suffrage Club protesting against exempting women from jury duty; a letter from United States Senator Wesley L. Jones acknowledging receipt of Senate concurrent resolution No. 1, *in re* proposed Panama Canal Exposition at San Francisco, Cal.; a letter from Congressman Wm. E. Humphrey acknowledging receipt of telegraphic advice urging the passage of Senate bill No. 5677 of the United States Senate, "To promote the efficiency of the life saving service."

INTRODUCTION OF BILLS.

Senate bill No. 75, by Senator Smithson, entitled "An act to make uniform the law of warehouse receipts."

The bill was read the first time, and on motion of Senator Smithson, the rules were suspended, the bill was read the second time by title and referred to the committee on banks and banking.

Senate bill No. 76, by Senator Davis, entitled "An act to prevent the firing of guns or the killing, entrapping, shooting, ensnaring, maiming, or molesting any of the wild birds at any season of the year upon the waters of Moses lake, or within one-fourth of a mile of the meander lines thereof, and providing a penalty for the punishment of the violation of this act."

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

Senate bill No. 77, by Senators Nichols and Metcalf, entitled "An act relating to all commercial waterway districts, providing for their establishment, organization and creation, prescribing the powers, duties and authority of all commercial waterway districts, whether organized or validated under this act or organized or validated by virtue of any other act, authorizing all steps and proceedings or organizations which may have been had or taken under the commercial waterway act of 1909, approved August 17, 1909, to be continued and carried out under the provisions hereof, providing for the construction and maintenance of and means of payment for a system of commercial waterways, including the straightening, deepening and widening of rivers, water courses and streams, providing for the protection of the banks thereof, and disposing of the interests of the state in the beds and shores of navigable waters, authorizing municipal corporations to advance funds in aid of commercial waterway districts, validating and legalizing the organization and establishment of commercial waterway districts organized or established, or attempted to be organized or established under the act of the legislature approved August 17, 1909, on the subject of commercial waterways, and legalizing and validating existing contracts and obligations of such districts, and official bonds and other obligations executed in connection with, or in pursuance of, such attempted organization, and declaring an emergency."

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

Senate bill No. 78, by Senator Collins (by request), entitled "An act to regulate the purchase, sale and transfer and encumbrance of stocks of goods, wares or merchandise in bulk, and fixtures or equipment used, or to be used, in the sale, display, manufacture, care or delivery of said goods, wares or merchandise, and prescribing penalties for the violation thereof, and to amend sections 1, 2, 3 and 4 of an act entitled "An act,

entitled 'An act to regulate the purchase, sale, transfer and encumbrance of stocks of goods, wares or merchandise in bulk, and prescribing penalties for the violation thereof,' being chapter CIX of the Session Laws of 1901."

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

Senate bill No. 79, by Senators Stephens, entitled "An act relating to railroad crossings, cattle-guards and fences, and amending section 8730 of Remington & Ballinger's Annotated Codes and Statutes of Washington."

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

GENERAL FILE.

House joint memorial No. 3, "Memorializing congress of the United States, for the establishment of a territorial legislature in Alaska," was read third time.

The secretary called the roll on final passage of House joint memorial No. 3 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryant, Chappell, Collins, Cox, Davis, Falconer, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jensen, Landon, Myers, Piper, Roberts, Rosenhaupt, Ruth, Shaefer, Smithson, Stephens, Stevenson, Stewart, White, Whitney, Mr. President—32.

Voting nay were: Senators Eastham, Espy—2.

Absent or not voting were: Senators Allen (F. J.), Fishback, Jackson, Metcalf, Nichols, Rydstrom, Troy, Whalley—8.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 19, 1911.

MR. PRESIDENT:

The speaker has signed Senate bill No. 30, entitled "An act providing for the nomination of candidates at elections held under the city charter

recall provisions in cities of the first class, and declaring an emergency," and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., January 20, 1911.

MR. PRESIDENT:

Your committee on enrolled bills, to whom was referred Senate bill No. 22, entitled "An act making a deficiency appropriation for extradition expenses and rewards offered by the governor:"

Also engrossed Senate bill No. 4, entitled "An act relating to the power of counties to engage or aid in the construction, etc., of harbors, canals, waterways, slips, docks, wharves, and other public facilities and public improvements for purposes of commerce, navigation, sanitation and drainage, etc.,"

—have compared same with the original and engrossed bills and find them correctly enrolled.

GEO. W. SHAEFER, *Chairman.*

We concur in this report: B. A. Bowen, John A. Whalley, H. A. Espy.

In accordance with rule No. 66, Senator Landon announced that he had examined enrolled Senate bill No. 4 and found it to be correctly enrolled.

Senator Rosenhaupt made the same statement with reference to Senate bill No. 22.

The president signed Senate bills Nos. 4 and 22.

On motion of Senator Collins, the sergeant-at-arms was instructed to make certain changes in the entrance way to the Senate chamber.

Senator Piper moved that when the Senate do adjourn at the close of today's session it be until 10 o'clock tomorrow morning.

Senator Collins moved as an amendment that when the Senate adjourns today, that it adjourn until 10 o'clock Monday morning, January 23, 1911.

A roll call on the amendment of Senator Collins was demanded by Senators Hutchinson, Falconer, Whitney, Piper, Ruth, Allen (P. L.), and Davis.

The secretary called the roll and the amendment of Senator Collins carried by the following vote:

Those voting aye were: Senators Allen (P. L.), Bassett,

Bowen, Bryan, Collins, Eastham, Falconer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Myers, Roberts, Ruth, Shaefer, Smithson, Stephens, Stevenson, Stewart, Whalley, White, Whitney, Mr. President—25.

Those voting nay were: Senators Anderson, Arrasmith, Brown, Chappell, Cox, Davis, Espy, Hall, Hammer, Piper, Rosenhaupt—11.

Absent or not voting were: Senators Allen (F. J.), Fishback, Metcalf, Nichols, Rydstrom, Troy—6.

At 10:45 a. m., on motion of Senator Stevenson, the Senate adjourned.

WM. T. LAUBE,
Secretary of the Senate.

W. H. PAULHAMUS,
President of the Senate.

FIFTEENTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASH., Monday, January 23, 1911.

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

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present except Senators Fishback and Hewitt, excused.

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

The secretary read the following communications and they were ordered placed on file: Communications from United States Senators Piles and Jones, acknowledging receipt of telegrams with reference to Senate bill No. 5677 of the United States Senate, "relative to promoting the efficiency of the life saving service;" a resolution of the Washington State Horticultural Association urging an adequate appropriation for the

Washington State Fair; a communication from the Washington State Federation of Labor urging an eight-hour day for women; a telegram from James Wickersham, delegate to United States congress from the Territory of Alaska, thanking the legislature of this state for having passed the memorial urging home rule for Alaska; petitions urging the passage of initiative and recall legislation from citizens of San Juan county, Klickitat county, Yakima county, and Hill precinct of Walla Walla county.

The secretary read

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,

OLYMPIA, WASH., January 19, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was re-referred Senate bill No. 5, entitled "An act to adopt Remington & Ballinger's Annotated Codes and Statutes of Washington as an official compilation and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: J. W. Bryan, Geo. W. Shaefer, Henry M. White, Josiah Collins.

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

MESSAGES FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT.
OLYMPIA, January 13, 1911.

To the Senate:

I am directed by the governor to inform you that he has this day approved Senate bill No. 1, entitled "An act appropriating the sum of seventy-five thousand dollars, or so much thereof as may be necessary, for the expenses of the twelfth legislature."

FRANK M. DALLAM, JR., *Private Secretary.*

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT.
OLYMPIA, January 20, 1911.

To the Senate:

I am directed by the governor to inform you that he has this day approved Senate bill No. 30, entitled "An act providing for the nomination of candidates at elections held under city charter recall provisions in cities of the first class, and declaring an emergency."

FRANK M. DALLAM, JR., *Private Secretary.*

INTRODUCTION OF BILLS.

Senate bill No. 80, by Senator Troy, entitled "An act relating to the registration and licensing of stallions and jacks, providing for the fees therefor and fixing the penalties for a violation of the provisions hereof."

The bill was read the first time, and on motion of Senator Troy, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on dairy and live stock.

Senate bill No. 81, by Senator Jackson, entitled "An act ceding to the United States exclusive jurisdiction over tide lands in front of the McNeil's island penitentiary site."

The bill was read the first time, and on motion of Senator Jackson, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on state, granted, school and tide lands.

Senate bill No. 82, by Senator Collins (by request), entitled "An act for the securing of claims, and creating and providing for the enforcement of liens for labor and material, and repealing certain laws in relation thereto."

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

Senate bill No. 83, by Senator Rosenhaupt, entitled "An act relating to the compensation of judges of the supreme court."

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

Senate bill No. 84, by Judiciary Committee, entitled "An act to adopt Pierce's Washington Code as an official compilation, and declaring an emergency."

The bill was read the first time, and on motion of Senator Rosenhaupt, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 85, by Judiciary Committee, entitled "An act amending section 2 of an act entitled 'An act amending sections 3, 5, 11, and 12 of an act, entitled "An act defining forcible entry, forcible detainer and unlawful detainer of real property, and providing remedies therefor by summary proceedings," approved March 7, 1891,' approved March 6, 1905, and declaring an emergency."

The bill was read the first time, and on motion of Senator Rosenhaupt, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 86, by Senator Bassett, entitled "An act relating to the charitable and correctional institutions of the state, counties and municipalities, and those of a public and private nature, and creating a state charities and corrections commission, prescribing its duties and powers with respect to both public and private charitable and correctional institutions, and appropriating money therefor and prescribing penalties."

The bill was read the first time, and on motion of Senator Bassett, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on public morals.

Senate bill No. 87, by Senator Bassett, entitled "An act providing for an annual levy for public highway purposes and amending chapter 246 of the Session Laws of 1909."

The bill was read the first time, and on motion of Senator Bassett, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on public revenue and taxation.

Senate bill No. 88, by Senator Cox, entitled "An act to validate deeds, authorized by county commissioners, of real property acquired by the county through tax sales, and declaring an emergency."

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

GENERAL FILE.

The secretary read House joint memorial No. 6.

Senator Nichols moved that the memorial be printed and that further consideration of same be deferred until the members were supplied with copies of the memorial.

Senator Bryan moved as a substitute that the memorial be indefinitely postponed.

Senator Byran withdrew his substitute motion.

The motion of Senator Nichols carried.

Senate bill No. 66, entitled "An act making appropriations for certain deficiencies for the fiscal period ending March 31, 1911," was placed on its third reading.

On motion of Senator Bassett, the Senate resolved itself into a committee of the whole for the purpose of considering Senate bill No. 66.

The bill was considered in committee of the whole, Senator Ruth in the chair, and reported back to the Senate with the recommendation that it do pass with the following amendments: Strike from the title of the bill the words "for certain deficiencies" and from section 1 the words "to cover deficiencies."

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

On motion of Senator Anderson, the rules were suspended and the reading of the bill had in committee of the whole was considered the third reading of the bill.

The secretary called the roll on final passage of Senate bill No. 66 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Bassett, Bowen, Brown, Bryan, Collins, Cox, Davis, Eastham, Espy, Falconer, Hall, Hammer, Jackson, Landon, Metcalf, Myers, Roberts, Rosenhaupt, Ruth, Rydstrom, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley—29.

Those voting nay were: Senators Arrasmith, Chappell, Hutchinson, Huxtable, Jensen, Nichols, Piper, Shaefer, White, Whitney, Mr. President—11.

Absent or not voting were: Senators Fishback, Hewitt—2.

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 23, 1911.

MR. PRESIDENT:

The speaker has signed Senate bill No. 4, "relating to the powers of the counties of the first class to engage or aid in the construction, enlargement, improvement, modification and repair, etc., of harbors, canals, etc.;"

Also Senate bill No. 22, entitled "An act making a deficiency appropriation for extradition expenses and the rewards offered by the governor."

Also the House has passed House joint resolution No. 2, "relating to protest to the federal government concerning jurisdiction and control of fisheries in the territorial limits of the State of Washington;"

Also House joint memorial No. 2, "memorializing Senate and House of Representatives of Washington regarding restrictive legislation;"

Also the House has passed House bill No. 2, entitled "An act to amend an act entitled, 'An act in relation to garnishment in justice courts in the State of Washington,' etc.;"

Also, House concurrent resolution No. 5, "relating to the printing of the legislative manuals for the session of 1911."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The secretary read Senate joint resolution No. 1, relative to the levying of a tax on incomes by the United States.

On motion of Senator Bryan the resolution was amended by striking the comma after the word "States" in line 4 of the resolution and by striking the letter "s" from the word "incomes" in line 8.

On motion of Senator Falconer, the further consideration of Senate joint resolution No. 1 was made a special order for 2 o'clock in the afternoon of Wednesday, January 25th.

In connection with the joint memorial services to be held this afternoon in the House chamber the president announced that Senators Bowen, Hammer and Hall would have charge of the services in memory of the late Senator J. J. Smith; Senators Collins, Roberts and Anderson for the late Governor John H. McGraw; and Senators Whalley and Nichols for the late Senator Joseph Foster.

On motion of Senator Bowen, Senate bill No. 26 was ordered re-referred to the committee on judiciary.

The president appointed as a committee on the part of the Senate under Senate joint resolution No. 4, Senators Stewart, Espy, Eastham, Chappell.

At 11:35 a. m., on motion of Senator Eastham, a recess was taken until 2 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 2 o'clock p. m., by President Paulhamus.

Senators Hewitt and Fishback were marked present.

The president announced that the hour of 2 o'clock had arrived, the time set for the holding of joint memorial services in the House chamber.

The sergeant-at-arms of the House notified the Senate that the House was ready to receive the Senate, and the Senate repaired to the House chamber to meet that body in joint session.

JOINT SESSION.

The sergeant-at-arms of the House announced the arrival of the Senate at the door of the House and the Senate was invited to seats within the bar of the House.

The joint session was called to order at 2 o'clock p. m. At the request of the speaker, Senator Paulhamus, president of the Senate, presided.

The secretary of the Senate called the Senate roll, all senators being present.

The chief clerk of the House called the House roll, all members being present except Messrs. Byerly (excused), Megler (excused), Miller (J. A.) (excused), and Zednick.

The president appointed a committee consisting of Senators Collins and Roberts, and Messrs. Eshleman, Laube and Bird to invite the governor to participate in the memorial exercises.

The governor, escorted by the committee, appeared before the joint session and at the request of the president took a seat at the desk and presided over the joint session.

Prayer was offered by Rev. James H. Edgar of the United Presbyterian church, of Olympia.

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

WHEREAS, Honorable John Harte McGraw, the second governor of the State of Washington and one of its most useful citizens, died at his home in Seattle on the 23d day of June, 1910, and the state thereby suffered the loss of an intrepid and wise leader of its patriotic citizens, therefore in order that a just tribute of respect for his character may be preserved in the archives of the state, be it

Resolved, by the legislature of the State of Washington, That, by his election to the office of governor the people evinced wisdom in recognizing the well-earned reputation of Honorable John Harte McGraw, as a faithful public servant, obedient to the law and steadfast in its enforcement without discrimination as to the persons affected; that, during his term as chief executive of the state, from 1893 to 1897, Governor McGraw merited the approbation of all good citizens and the gratitude of the state by his wise and firm exercise of the power of his office and by his endeavors to promote the public welfare, and that having served his country well as governor, he afterwards during the remainder of his life, from choice, occupied the station of a private citizen and as a citizen he continued with unabated zeal to devote his energy to the accomplishment of tasks voluntarily undertaking to enhance the prosperity and happiness of all the people.

The governor announced that the memorial services were as a mark of respect to ex-Governor John H. McGraw, ex-Governor Samuel G. Cosgrove, ex-Senator J. J. Smith, Senator Cameron and ex-Senator Joseph Foster.

Eulogies on the life of ex-Governor John H. McGraw were delivered by Senators Collins, Anderson and Allen (P. L.), and on the life of Governor Samuel G. Cosgrove by Senators Stevenson, Bassett, Rosenhaupt, Myers and Messrs. Halsey and Garrecht.

Addresses in memoriam were made by Senators Bowen and Hammer and Messrs. Tonkin, Dickinson and McNeely on the life of former Senator J. J. Smith, and by Senator Allen (F. J.) and Mr. Moren on the life of Senator Samuel J. Cameron.

Senator Nichols delivered an eulogy on the life of former Senator Joseph Foster.

Senator Collins spoke as follows:

Mr. Chairman and Gentlemen of the Senate and House of Representatives of the State of Washington: I esteem it a privilege to be allowed, on this occasion, to say a few simple words by way of sincere eulogy of the late Governor John H. McGraw. Governor McGraw was my personal friend. I knew him twenty-five years ago and it seems to me, gentlemen, that, as I look back upon that time, it was a long, long ways off. I had gone to the State of Washington as a young man to make my home out here in this great state on the shores of this beautiful inland sea. I was young and full of the romance, sentiment and ideals of youth, and Governor McGraw, on account of his viril personality, force and natural qualities of leadership, immediately attracted my attention and caught my boyish admiration. Governor McGraw was a man who knew neither physical nor moral fear. He was a prince of good fellows and yet withal a keen politician, but not so much of a politician or a good fellow, but that he put his duty as a public official always before his good fellowship and his obligations as a statesman before his politics or expediency.

Governor McGraw believed that the office of governor of a great state like this should be the reward of the highest citizenship and should only be successfully sought after by men who had the highest ideals of what was due the people from a public official. Having such ideals of what was required in that exalted position, he brought to the office of governor the best and sincerest energies of his mind, body and conscience, and his career as governor of the State of Washington will show that he honored that high position and was in turn honored by the office of governor, as few of the chief executives of this state have been.

Governor McGraw was not a strict church man, but he was a man of high principles and, I believe I can say of him truthfully, what can be said of but few men—that he was a just man. Just to his friends, seeing their faults but yet always, notwithstanding their faults, true and loyal to those who had once obtained his friendship. Just to his enemies, seeing their good characteristics and giving them credit for the honesty of their opinions, and yet always a hard, and sometimes a bitter fighter, but he always fought honorably and in the open and if it is true, as has been said by a great poet, "That only the actions of the just smell sweet and blossom in the dust," then the name of Governor McGraw will always be held, by those whose privilege it was to know him and by their children, in sweet and fragrant memory.

Senator Anderson spoke as follows:

Mr. President: To be requested by you to say a few words in tribute of the memory and character of a distinguished son of Washington, is

a privilege and an honor which I deeply appreciate, and it is with a feeling of peculiar reverence that I approach to the sad duty of this occasion.

I never personally knew, nor had I ever met Governor John H. McGraw, but not necessary is it that personal knowledge should be had to pay tribute to great men whose lives are interwoven in the progressive history of a great commonwealth.

The interlining of the illumined pages of the history of our state during his life, and wherein he had a part in the making, show him to have been a man of utmost loyalty to friends, mayhap to a fault and to the causes he espoused. He was a man of convictions with the courage to promulgate and defend them; a man of absolute integrity and honesty; a pioneer, always foremost in all movements in the upbuilding and progression of our state, he made his influence felt and left his mark.

Governor McGraw's career has been altogether admirable and eventful. He was by nature endowed as a leader among men and the story of his life is one, in deed, which we all might be proud to emulate. Every lineament of his inspiring countenance was an index of the strong character and personality of the man who has often brought victory, honor and achievement out of chaos and conflict, and whose life, character and success is a prominent part of the history of this state.

Mr. President: It is not my purpose to attempt in this effort to adequately portray to your minds a true picture of this grand man and statesman, for I am deeply sensible of my inability to do justice to his memory. You will, therefore, bear with me in this feeble effort. Whose memory can you call to mind bespeaking a career more worthy of reverence and praise? We have here an honest man, a man of signal ability, a man of untiring energy; a man who, by his unselfish efforts, has arisen from a life of obscurity and abject poverty to the highest place in the confidence of the people of this great state.

Governor McGraw was born at Barker Plantation, Penobscot county, Maine. He left home to battle with life for himself at the early age of fourteen years. He went bravely forth unequipped by education, but undaunted, notwithstanding, and relying solely upon his own sterling qualities for success, which sooner or later was sure to be his. In spite of all disadvantages under which he labored, he succeeded, not only in maintaining himself, but soon, by his perseverance, became manager of a general merchandise store. It seems, however, that he was oft destined to be overtaken by fate. He suffered business reverses, as a result of business depression, and then came to Seattle for a new start. He arrived there in December of 1876, a total stranger, but soon counted among his warm friends and supporters the men highest in the private and political life of that city and of this state. He was modest and unassuming, but his friends appreciated his worth and urged him to become their servant in many important positions. He served them and the state well until finally he was called by his

countrymen to take over the reins at the helm of state. Every step in the splendid career of this man is known as an achievement, whereby he has builded for himself a lasting monument which will ever adorn the pages of the history of our fair state.

Senator Allen (P. L.) spoke as follows :

Governor Hay and Members of the Twelfth Legislature: I consider myself particularly fortunate in having enjoyed a close personal friendship with Governor McGraw during the last ten years of his life.

For the previous ten or more years, through his terms of office as sheriff of King county and Governor of the State of Washington, I was an admirer of his indomitable nerve and splendid fighting qualities.

But it was only after his return from the frozen north that our intimate friendship began and I grew to admire and love the genial kind-hearted man; the man who, having fought the troublous battles of politics and braved the rigorous winters of Alaska and won over all contenders, seemed to desire nothing but the peace and quiet due to the successful man of his years.

While his eye would flash and the old fighting spirit show itself at the hint of opposition, whether personal or political, the desire for the rest he was entitled to usually prevailed and oftentimes has he remarked to me:

"As I grow older, I become mellow; the desire of conflict becomes less and my one aim is to end my days in peace and quiet, in the knowledge that I have wronged no man and in the hope that I may merit the respect and friendship of the people of the State of Washington."

And in that frame of mind he passed away; but he will always live in the hearts of his friends and in the minds of the people of the state as one of Washington's greatest citizens.

Senator Stevenson spoke as follows :

It is well that we pause at times in the rush of business and the stress of political strife to reflect upon the lives of those men who are with us no more, but whose influence has left its impress indelibly stamped upon the state and nation. Our judgments and opinions of men, particularly of those of strong character and strenuous careers, are apt to be influenced more or less by our likes and dislikes. There is nothing so calculated to warp our judgment and estimate of such men as feelings of personal friendship or political prejudice. Men of that type receive their just dues after they have passed from the scene of action and time has healed the wounds of political battle.

But as we stand today, as it were by the river that marks the border of the unknown shore, all feelings of resentment and all prejudice disappear and we are influenced, for the time being at least, only by the higher and nobler sentiments of our nature. Today we come to this chamber to pay our tribute of respect to the memory of those

with whom we once associated and mingled in life, but who have now passed the great beyond.

I desire to direct your attention for a few moments to the life and achievements of our late governor, Samuel G. Cosgrove. I deem it an honored privilege to thus pay a tribute of respect to his memory, and express the appreciation of myself and my constituents for his sterling worth and the service he has rendered to the state, both in his private and in his public life. It was a fortunate privilege of mine to know Governor Cosgrove intimately. We were neighbors for more than eighteen years. I knew him well, both as a private citizen and as a public official. No man of my acquaintance possessed stronger traits of character or more distinctive personality. Unflinching in the performance of every duty, uncompromising in his opposition to everything of a dishonest or reprehensible character, he was truly great from every standpoint, but above and beyond all he was a truly good man. His private life was without a blemish. Amid his triumphs and defeats, whether struggling in poverty or bowing to the plaudits of an admiring constituency, amid all the temptations and allurements of political struggle and of position and fame he steadfastly and proudly bore aloft the white plume of a spotless character. The record of his life should be an inspiration to every American boy.

He was born in Tuscarawasa county, Ohio, April 10, 1847; amidst the pioneer environments, Sam Cosgrove laid the foundation of a life of usefulness. As a boy he was energetic and industrious. He loved and respected his parents and contributed his energies to the advancement of the interests and happiness of the family. He early manifested great interest in matters of public weal, entering into the study and discussion of questions affecting the body politic.

When the war clouds of '61 darkened our land and the call to arms was sounded young Cosgrove, then a mere boy of fourteen years, was fired with a patriotic desire to rush to the defense of the flag he so dearly loved, but his age would not permit. Two years later in 1863, when but sixteen years old, young Cosgrove could no longer be restrained and he laid aside his school books and took up the musket in defense of the Union, enlisting in Company E, Fourteenth Ohio Volunteers. The record of that famous regiment and the part young Cosgrove took in its varied operations are matters of history and no doubt familiar to the old soldiers present here today. Mr. Cosgrove served with the regiment until the surrender of Johnson at Holly Springs, North Carolina, and marched with his gallant regiment in the grand review at Washington in July, 1865, where his regiment was mustered out under an order releasing the oldest veteran regiments. He returned to the task of completing his education, entering the Ohio Wesleyan University at Delaware, Ohio, graduating with honors in 1873.

Mr. Cosgrove came to the Pacific coast, settling in Washington in 1883, since which time until the date of his death two years ago, he had been identified with the history and advancement of our great

state. He was a member of the constitutional convention and his keen mind and legal training found ready recognition in that gathering of wise and great men, and his wisdom and foresight are stamped upon our constitution and the early history of our state. In 1900, Mr. Cosgrove was a McKinley and Roosevelt elector. In 1984 he was a Roosevelt elector and received 72,000 majority, his personal vote being so large as to unmistakably indicate his popularity.

In 1908 he was elected governor of the state, attaining at last the ambition of a lifetime, but as he stood there at the speaker's desk and repeated what he characterized as "that mysterious oath that no man could explain, but which he knew would make him governor of the State of Washington." Many of you will recall that scene, which drew forth tears of sympathy and thrills of admiration—sympathy for the emaciated form withering beneath the touch of death, and admiration for the dauntless courage with which he hurried from sunny Paso Robles to this capital, braving snow and ice and storm to wear the laurels won in a race so intense as to shorten his life.

The same unquenchable spirit that characterized his closing days served him through his life. The word "defeat" was not in his vocabulary. Even while suffering from physical weakness that would have prostrated many a man of less bravery he battled on with courage and hope. Death was the only obstacle he could not surmount.

On occasions of this character we are brought face to face with that final foe to which all must ultimately surrender. Death makes no distinction between the prince and the pauper. He knocks alike at the palace and hovel. The splendor of place and power cannot ward off his fatal blow.

Just before the battle of Quebec while General Wolfe and his staff were gliding down the River St. Lawrence the general, with that prophetic vision that oftentimes precedes the hour of dissolution, repeated amid the plashing of the oars those beautiful lines from the poet, Gray:

"The boast of heraldry, the pomp of power,

"And all that beauty, all that wealth e'er gave,

"Await alike the inevitable hour—

"The paths of glory lead but to the grave."

The general achieved a remarkable victory, but gave up his life on the field of glory.

Governor Cosgrove, according to his own testimony, was fired with an ambition in early life to become the governor of one of the great states of the Union. For twenty years or more he had directed his energies towards securing that coveted prize, not solely for the purpose of achieving the object of his ambition, but to be of service to his state and to his fellow citizens. He sacrificed his life in the tremendous struggle and like Wolfe never lived to enjoy the fruits of his victory. Though the great State of Washington was deprived of his services and of his courage and patriotism the great work has been

carried on by others upon whose shoulders his mantle has fallen. Though he has left no record of extensive executive achievement he has left the everlasting impress of a clean, noble, upright, and courageous life.

As these occasions arise and as one by one our friends and companions pass over the great divide we feel a loosening of the ties that bind us here as a strengthening of the golden cord that links us to the great beyond.

Senator Bassett spoke as follows:

Mr. Chairman and Gentlemen of the Twelfth Legislature: Ready as I always am to give my word of appreciation for a good citizen, whether with us or passed away, I feel that I am out of place in a gathering like this. I cannot, as can others, lay a garland of eloquence upon the bier of the deceased, nor can I offer the tribute of an intimate friend. I can only say a few plain words and mention some of the inspirations which come to the heart of every true citizen on an occasion like this. My acquaintance with Governor Cosgrove was but brief. It comprised a comparatively few interviews, a little correspondence, a night or two at my home—no more than thousands of citizens have been privileged to have had with him. But, as Robert Ingersoll said of one of his friends, "He made me his friend by being himself mine." I do not think in my entire Washington experience I have met a man who, without a selfish or personal thought of his own, became so quickly and so heartily a helper, and treated all he met in such a spirit of kindness and optimism. This, I am told, was a characteristic of the man. In every walk in life he made it his business to help all in every way possible. Every good deed is a seed which hastens the harvest of universal good. How much can such a life do!

I wish to speak of but two phases of his public life—as a patriot and an educator. Governor Cosgrove entered the army in 1863 at 16 years of age. He postponed his cherished plans for education and incurred the dangers and tolls of army life, led on, not only by his love of excitement, but as his future life shows, by a deep-felt desire to serve his country. He served bravely. The war over, he turned his attention to preparation for life, but all through his life he maintained, as perhaps no one in this state did, the spirit of patriotism. The grand army, which he loved so much, and to which he gave so much time and thought, was not with him a social organization of comrades, but the expression of the organized patriotism of the country. He promoted its interests at great expense of time and labor. He contended against his mistakes. He saw in the yearly thinning ranks the imperative need of young recruits to the cause of patriotism. I haven't one word to say against our military service, against our National Guard, against military training in our schools, but should trouble come, the great national protection will be, as to a great extent

it was in 1861, the spirit of patriotism in our citizens for which Samuel G. Cosgrove labored, rather than organized military effort.

His other phase of public life which appeals to me most was as an educator. His own education, although more complete than most men can enjoy, came by hard knocks, and was carried on through life. After leaving school he became principal of a high school and carried his love of knowledge there. For years one of the leading men of the state, he found time to serve at the head of his local school board. The school system of the town of Pomeroy is said to be one of the best school systems in any city of that size in the state, and it is his monument. He always helped the education of others, and for the last four or five years of his life was a regent of the state university. He found the university unworthy of a state with a smaller population than we had at that time. At his death he left it fully up to the standard of a state of larger population. Many men strive for positions of honor and emolument. Few are content to fill the useful, unpaid, much criticised positions on our charitable and educational boards. I know of no class of public men in the state who are doing more in quantity and in effect for the good of our state without compensation than our regents of our university. It will never outgrow the impress of the loving and faithful work of Governor Cosgrove.

While others who knew him better can speak of his personal life, I wish to depart from the custom of these occasions and speak briefly of one or two of his traits which we can imitate.

I think his life shows the value of well directed ambition. He started as a young man, with no heritage but his education and his principles and resolved to be somebody. I understand he many years ago fixed his eyes on the goal he attained. A long journey truly it was from ideal to achievement, but a journey straightforward, unmoved by fear or favor, by waves of popular clamor or by well appearing sophistries. Truly a great inspiration, still fresh in mind, for our young men. Without unduly pushing his own claims to office he acknowledged in his life that the public have a claim upon our best men. Too many say, as is true, they cannot afford to give their time to the public. We cannot adopt surer means to give leadership to the unworthy. The man whose career we are considering gave the best he had to the public. The consideration was not money, for politics cost him more than he gained. It was the bringing into later life of the principle that carried him earlier into the battlefield. Let every citizen who has been called to serve his state give pure, disinterested, faithful service, if he would follow in the footprints of Governor Cosgrove.

He magnified the community in which he lived; fitted himself for a higher position and greater surroundings. He clung to his earlier home and helped to make his town influential. We hear much of the exclusive prominence of the city in public affairs. Here was a citizen of a small community in a quiet county, removed from sources of

influence, confining his business life to narrow limits, at once actively interested in his own town, and a power in the affairs of state. The small town lacks influence because its citizens narrow their own horizon. The state is hospitable to men of honor and ideas from wherever they come. The path that he trod is open to all. Small towns, small counties, small people even, can have their influence felt. It is not so much what we are, or what we have, as the use we make of the opportunities given us.

The question comes before every candidate for office to what extent should moral forces be considered. Governor Cosgrove's success two years ago showed that moral forces counted. He did not win success by exceptional ability, by the arts of an orator, by subservience to corporations or to demagogues, by compromise of principle. The people knew him as one of themselves. His election was the victory of the highest moral forces of the state. His weapons were the accumulated power of twenty-five years of faithful and honest life and service, and our citizens showed they were effective. The election of 1908, like every election of its kind, added immensely to the strength of the better elements of popular government in Washington. Every such man in power adds a little to the seed which will sometime bear fruit in a harvest of universal good.

I remember, as do the other speakers, most distinctly the tragic inauguration of two years ago. I hope I am not breaking confidence if I mention my interview with him during the same day. Summoned by the governor to his private car, which seemed almost like a death chamber, he told me he had summoned me to see him perform an act as governor as he signed his name with his trembling hand. He spoke of one or two reforms which he longed to accomplish, and pledged me, as he doubtless did others of his friends, to help carry them on in his absence. The thought of that hour will always be with me, and the influence be as powerful as almost any in life. I saw then, as I had never appreciated before, that this man longed for office, not for its value to himself, but for the service which he could render to the state and the forces of good morals everywhere.

His life work is over; nothing more can be initiated by him. His monument is before us in work that he has accomplished and the young men and young women whom he has aided to lives of usefulness.

Floating within our reach is the mystic bond of his influence, which we can grasp today and in the future for the benefit of others and the uplift of ourselves.

As we loved our departed friend, as we honor our state, as we desire to be true to ourselves, I call upon each member of this legislature during the coming session and their future public life, to be a little more faithful to trust, a little truer to the interests of the individual and the morals of our state than they would be had this leader of us all never lived and died among us.

Senator Rosenhaupt spoke as follows:

In time-honored custom we meet today to pay our humble tribute of respect to him who was a soldier and a man. Samuel G. Cosgrove in earnest ambition had aspired all through life to drain his cup of nectar and it touched his lips in the entrance of death. The people of this great commonwealth, appreciating his splendid qualities and sterling manhood, elected him to that position which had been his great desire and named him governor. But as he took the oath of office the scepter fell from his nerveless grasp, the power with which he was vested departed and Cosgrove was no more.

I had the pleasure of his acquaintance for many years, and had enjoyed many an occasion with him, made pleasant by his scintillating humor. To know him was to love him. His was a rugged character. Within that wall of human flesh virtue was so entrenched that wrong and viciousness never found a welcome. He had fought his country's battles upon the field of war. When the nation appealed for men in the dark days of the rebellion he heard the cry and carried his gun and knapsack to the front. The civil war was over and peace spread its wings, but the battles of a country are never over and Governor Cosgrove always fought for his country. He never fought under cover. He had nothing to hide. His views, strong and virile, were known and in his views the people were his constant solace and his care. He sought for truth, he sought for righteousness, and ever as he found them he sent them forth and tempered them with justice. His was a kindly nature. He had a smile of gladness and a word of welcome for all. His heart and mind went hand in hand. As he traveled upon the highways and byways of life he paused at the resting places to meet and greet his fellow men, grasp each by the hand and call him brother. He was a statesman. Before the primary election which named him as the candidate he delivered a speech in the city of Seattle which was the best political speech ever made in the state. In it he portrayed his character, his ideals, his purpose and his hopes, and to those who, students of public affairs, desire a masterly presentation of political fact, this address must always stand a model.

He was a hero. We are a nation of hero worshippers. We love the deeds of the daring and the brave. I recall as if but yesterday when he returned from California to take his oath of office. In fancy I again see the joint session of the legislature to meet their chief. He had made the trip in response to the call of duty with the knowledge that it meant almost certain death. I see a man small in stature, frail in physique but strong in purpose, come walking down the aisle of this same house, supported by the sturdy arms of his loving friends. I hear the rounds of applause and then a sea of heads are bowed in silence. I hear him take the oath—that strange thing, he says, which makes him in truth and in fact governor of the state. Then I see him take his leave and every eye was wet with tears. Taken all in all, it was the saddest sight I ever saw. He had said that he had looked

over the valley of the shadow of death and peeped beyond, and as he left he bid all Godspeed and then he wended his own way to that faraway land of which we know not and of which in silence we hope and dream, then hope again. His was that strange blend of character which always remains with you. To those who knew him he has not gone, but resting and feeling that his precepts are always with us, we say to him, dear friend:

Good night, good night;
Until the shadows in their endless flight
Kiss morning's dawn—until then,
Good night.

Senator Myers spoke as follows:

Fresh in our memories and, as it were yesterday, to our vision, we saw the form of an emaciated man totter up this aisle, upon whose thin throat were clutched the cold, bony fingers of death. In the presence of his countrymen, with the chief justice of the supreme court of Washington, he held aloft his wasted right hand, and with hollow voice, like one coming forth from the tombs of death, promised under oath to his God and ours to support the constitution of the United States and the constitution of the State of Washington.

The goal of a life's effort had been reached; step by step the summit of the mountain climb of life had been conquered. The climax to boyhood's dream had been realized. Samuel G. Cosgrove, of Pomeroy, Garfield county, was now governor of the State of Washington, the framing of whose constitution (the charter of our liberties) had his wisdom and the help of his hand.

We have here the most remarkable example of political perseverance and tenacity of purpose that can be cited in the Pacific northwest. Samuel G. Cosgrove had a political ambition with which he had wrestled for a lifetime. He was often compelled to retire with defeated hopes, but each time accepted the cruel decrees of fate with philosophic cheerfulness and remained loyal and true to his party and the powers that had unmanned his fondest plans. In politics, then as now, men were not always true to him, but with that charity that Burns had when he said, "To step aside is human," he forgot and forgave their perfidies. The world admires a self-made man, and especially a man who has clung to a purpose or ideal—a man who has by indomitable pluck battered down all opposition and carried his purpose to a successful conclusion.

Like Jacob of old, who wrestled with an adversary all night long, and at the breaking of day would not let him go unless he receive a blessing, "Henceforth thou shalt not be called Jacob, but Israel. As a prince thou hast had power with God and man and hast prevailed."

Like Columbus, who had applied for aid in his theory of a western passage to India, applied to Italy, Portugal, England and Spain, and would not be put off by temporary defeat, but pursued his purpose

until aid was given and he was proclaimed discoverer and viceroy of a new world.

Like Marconi in 1890 advanced the theory that the electric current would readily pass through any substance and when started in a given direction would continue without any sort of conductor. He wrestled with that problem until now the world's news is heralded headlong through space and is recorded hundreds of miles away, as a carbon copy.

Like Edison, who wrestled with the application of electricity until, as a grand climax, the incandescent light, which now is a slave to our convenience and touch, was produced.

By mathematics we may be able to measure volume and space and find unknown quantities, but who can measure the value of example. That comes from a life devoted to a high purpose and the *summum bonum* of a commonwealth—a life like that of Samuel G. Cosgrove. Although the remains of Samuel G. Cosgrove rest in the silent city of the dead on yonder hill—to go back and resolve themselves again into elements of earth—the memory and example of his pure and unselfish life will remain upon the hearts of his countrymen. The teeth of time may gnaw away the foundation of the marble shaft that marks his grave, but it cannot destroy the salutary effect of a lofty character, of a life devoted to the highest and noblest purpose, a life like that of Samuel G. Cosgrove.

“Twilight and evening bell,
 And after that the dark;
 And may there be no sadness of farewell,
 When I embark.
 For though, far from out the bourne of time and place,
 The flood may bear me far,
 I hope to see my pilot face to face,
 When I have crossed the bar.”

Mr. Halsey spoke as follows:

Mr. Speaker: An occasion like this is fraught with sadness, especially so, when we recall the pathetic scene enacted in this chamber two years ago, when with tear-dimmed eyes we saw the central figure pale and emaciated, bravely defying death to take the oath that made him governor of Washington.

It reminds us, also, that we, too
 “Are drifting, slowly drifting
 With the changing wares of time,
 Every scene around us shifting
 And each moment more sublime,
 As we near the great eternal
 Passing on to the supernal
 Through the grave.”

And more than this it brings to mind the two great mysteries of man's sojourn on earth, "whence he comes, and whither he goes." Here rocks the cradle, there yawns the grave. We know what lies between; before and after is a sealed book, the key to which is lost in the mists of the Infinite. Between those shadowy goal posts that we pass by unheeding, we see

"An infant on its mother's breast,
 A sturdy boy at play,
 A youth by maiden fair caressed,
 A stalwart man by care oppressed,
 An old man silver gray.
 "Yes, all of life we know."

Infancy is but a struggle for physical existence. Then comes the happy, careless freedom of childhood, the halcyon days of life. The horizon of youth is spanned by the rainbow of promise with its dreams of worldly honor and fame. As we reach the stage of manhood, the rainbow is beginning to fade, as we realize that the world is chary of its honors and bestows the laurel wreaths on but the few, and if perchance we reach the sunny plateau of the winter of life, we grasp the fact that the hope that has beckoned us through the years has nothing to give but the apples of Sodom that turn to ashes on the lips. We have learned by

"Experience taught by suffering
 The lesson dark and drear,
 That each sparkling joy has its sad alloy
 And hope is chilled by fear."

The rainbow has vanished, the shadows deepen and night comes; but not rayless night, for adient the gloom there flashes a gleam; the last great hope of all, the hope of immortality.

The desire to be remembered is inherent in the human mind. Solon, the great law giver of Athens, expressed this desire when he wrote:

"Let not a death unwept, unhonored,
 Be the melancholy fate allotted me,
 But those who love me living, when I die
 Still keep some cherished memory."

It is love for the living that remembers the dead, and, Mr. President, it is the love that Samuel G. Cosgrove inspired in the hearts of those who knew him that will keep his memory green; for, sir, he was possessed of those manly traits that demanded respect and inspired love. In point of time, my acquaintance with him was limited; living in the county adjoining my own, he was a frequent and welcome visitor in our courts, where I knew him as an able lawyer. The last conversation I had with him was shortly after the direct primary law was passed, when he said to me, "I am going to run for governor; the direct primary gives me a chance and I believe I will be nominated and

electd." I did not see him again until he was inaugurated in this chamber, where, weak as he was, and standing in the very shadow of death, he showed some of his old humor. His success in the campaign proved that he possessed the trust and confidence of the people; and when he was stricken, the great heart of the people responded and went out to him, and stayed with him during his heroic struggle with death, and helped him to ward off the dread angel until he had reached the goal of his ambitions. He tasted the cup of triumph, but death robbed him of the fruits of his victory.

Governor Cosgrove was a man in the true sense of the word; a man loved by his family, his neighbors and his friends. His influence was felt in the formative period of our state.

"He needs not the praise of the love-written record,
The name and the epitaph graven on stone;
The things that he lived for, let them tell the story,
Only remembered by what he has done."

Mr. Garrecht spoke as follows:

When the immortal and incomparable bard of Avon penned the lines:

"The evil that men do lives after them,
The good is oft interred with their bones."

he doubtless gave expression to the sentiments with which his day and generation viewed the passing of contemporaries. It is a far cry back to Shakespeare and the sixteenth century and times have changed since then. Now the pleasing eulogist in speaking of the departed keeps uppermost in mind the thought suggested by the funeral service of a popular lodge of the day:

"We write their faults upon the sand, their virtues upon the tablets of love and memory."

Thus does the pendulum of assertion swing ever past the truth and man's memory is either distorted by flattery or by calumny defamed.

However, when we come to speak of the life and character of Samuel Goodlove Cosgrove, there is no occasion to depart from statements of plain and simple fact, for he himself would not have had it otherwise. He was not one of those unapproachable figures wrapped in the solitude of their own magnificence, but a man of artless manner and simple, honorable worth. Besides, of what avail are titles and distinctions after man's career is closed?

Can storied urn or animated bust,
Back to its mansion call the fleeting breath?
Can honor's voice provoke the silent dust,
Or flattery soothe the dull, cold ear of death?

Although Governor Cosgrove combatted with force, power and ability, political beliefs and opinions which have won my adherence, he, nevertheless, accorded to opponents the same candor and sincerity that he claimed for himself, and while it has been said, and truly said, that

he was an intense partisan, in such hour as this all bitterness is forgotten.

After all, what do we care what were the political beliefs of Washington, or Hamilton, of Jefferson, or Jackson? Nothing. We revere their memories and honor them simply because they loved their country and in their own way, according to their own theories, tried to better its condition. Not because of their party affiliations, but because of their record and services do we pay them homage.

I feel that, at this time, it would be presumptuous in me even to attempt to place any estimate of the character and services of Governor Cosgrove side by side with the eloquent eulogies which have fallen from the lips of his personal and political associates, and I shall not try to do so. But to one single characteristic of his nature I do wish for a moment to refer. Others have alluded to it, but it will bear well the emphasis of repetition.

The poet has so aptly expressed the thought:

As in a song there is one note
To which all others lead,
One chord on which the longing soul
Would fain forever feed,
So in each pure, harmonious life,
That longs to do and be,
Some thought, or word, or act shall set
The everlasting key.

So it was with the life of Governor Cosgrove. When but a young man, scarcely of age, and just out of the Union army, he registered in his heart the high resolve to be the chief executive of one of the great states of this nation.

The fulfillment of this design became the dream and hope of his ambitious life and his subsequent career furnishes a splendid example of brilliant success won by persistent determination and a strict adherence to a fixed purpose.

His tremendous determination and iron will nerved him through the tedious journey from Paso Robles to Olympia, where in this room, in the presence of a tear-stained, sympathetic people, he took the oath of office that fulfilled the ambition of his life.

While it is pathetic to consider that the scepter of office should pass from his hand almost at the moment it was grasped, still it is a pleasure to think that he was spared for this supreme moment.

Who can fathom the plan of Divine Providence? And who shall say that it was not for the best? Better thus to die, while yet upon the hilltop of hope, glittering with the vistas of anticipated triumph, than to live on and go down into the dark valley of humiliation and defeat.

Governor Cosgrove died at a time that left his fame secure; his name is linked with that of a state destined to wield an important influence in the future of the republic. He was one of the constitutional fathers that helped to fashion for it the garments of statehood. He

was the first governor chosen after the inauguration of the primary ballot system. The notable part he took at important epochs will associate his name forever with the history of the great State of Washington.

And finally, what a subject for meditation is death.

There is a sound like a sob when the ripe fruit falls to the sod beneath the tree, and that is all. The sun shines and the shadows fall, and the winds whisper through the branches as before. The time of bud and blossom comes again and again, and the snow's white mantle covers the graves of those we love. This awful indifference of nature to change and death chills us with mystery, as with drooping spirits we strive to unravel the query of the ages:

"If a man die, shall he live again?"

Generations upon generations of the sons and daughters of men have come and gone since that soul-stirring question was first propounded. Science has been appealed to in vain for an answer, and all the longings of love win no response. But as we stand beside the grave of buried love, when the overwhelming burst of grief is calmed into pensive meditation as we listen in the silence which surrounds the tomb, we cannot fail to hear the voice of Faith in accents clear proclaim:

"There is no death!"

Senator Hammer spoke as follows:

Mr. President: As one of only three members of the present Senate who sat in the Senate of the State of Washington with the late Senator J. J. Smith, I beg your indulgence for a moment while we turn back the pages of time and hurriedly scan the record of our late brother legislator and friend.

My first acquaintance with Senator Smith was at the session of 1899, he being a member of the House and I of the Senate. During this session a strong friendship sprang up between us which was never broken until the day of his death.

In 1901 he was a member of the Senate and we were seat mates. During this session, one of the most memorable legislative contests was inaugurated in the history of the state, viz.: Railroad rate legislation, which was fiercely waged during this session and the sessions of 1903 and 1905, resulting in the passage of a railroad commission bill.

This contest lasted long and at times waxed bitter, and while we were on opposite sides of this paramount issue, I favoring a railway commission and he opposed, still during all of these troublous times our personal friendship continued, each crediting the other with the same high ideals he claimed for himself. He believing that he was, and no doubt was, representing the sentiments of his constituency, as I was representing the sentiments of my constituency. Senator Smith was president of the Senate during the session of 1903, and I am frank to say that his rulings were fair and impartial, notwithstanding the stress of feeling displayed on the floor of the Senate.

His sudden death was especially sad and untimely, as he was yet young and in the full vigor of his manhood, with the goal of his ambition set high, and had he attained to that ripe age that we all hope to reach, no doubt he would have realized the dreams of his ambition.

He was firm in his convictions, yet most tolerant, which to my mind is at least a symptom of greatness, as he who would be truly great can never be intolerant. A man of strong personality. Uncompromising, yet most courteous, and as a friend and companion, most lovable. He was ambitious, yet not inclined to ride rough shod over the rights and ambitions of others, but in that friendly spirit of contention which takes away the stings common to intense rivalry.

As one who knew the senator well and who had many times taken his measure as a legislator and citizen, I am proud to give his memory that highest and noblest encomium: *He was a man.*

Mr. Dickson spoke as follows:

Mr. Speaker: To the beautiful tributes paid to the memory of the late Dr. J. J. Smith, I desire to add only a few words.

It was with great pleasure that I served in the session of 1903 with him. Dr. Smith had the honor during that session of presiding as president of the Senate, and my acquaintance with him was only in the nature and as a member of the lower house. He had a very attractive and winning personality; his acquaintances speedily became his friends, and the best test of success in this world is the ability to win and hold personal friends. Kindliness of manner, simplicity of speech, sympathy of feeling, were the ordinary traits of his character. His sincerity of character was best demonstrated by his loyalty to his friends and the high estimate which he placed in that characteristic in a man. Personally he was courteous, kind, and generous; a man that success seemed not to have spoiled. By nature he was sunny and cheerful, and the atmosphere about him was always warm, bright and genial. Although possessed of great dignity, he had no frills, and needed no starch to sustain that dignity. Those of us who came to know him best not only respected him, but learned to love him. Of robust physique, it would seem that he had crossed the threshold of a long and useful life. His life work is finished, his pleasant voice is hushed, his feet no longer press the sands along the shores of time; but those of us with whom he mingled will, until our last day be grateful for having known such a character; and I believe we are all broader, truer, and better men because our friend for a time sojourned with us.

Let us hope that his spirit abides 'neath fairer skies where sweeter flowers bloom and gentler breezes blow and where strains of heavenly music thrill the soul.

Mr. McNeely spoke as follows:

I am called upon today to speak briefly in memory of my late friend and neighbor, Dr. J. J. Smith. The gentlemen from King and Kittitas

have covered the history of his life so fully that it leaves little for me to add. However, I wish to touch upon one or two characteristics of Dr. Smith, that are not as familiar to the general public as to we, who were his friends and neighbors.

Dr. Smith lived in Enumclaw from 1901 to the date of his death. And as a citizen of that young and growing community, was looked up to as the leading citizen in that part of King county. And in all public enterprises for the upbuilding or improvements in the southern portion of King county it was with one accord that all of the citizens turned to him for leadership and accomplishment of the desired object. His standing, his influence, and his labor invariably produced results. And while the entire State of Washington has suffered a great loss in the death of Dr. Smith, yet the particular community that will miss him most, and suffer the greatest loss, is his home city; his life however filled with affairs that contributed to the general welfare of the community, yet left him time to be a kind, loving, considerate husband and father. His home life was ideal; and to the members of his family who are left to mourn his departure from the fireside, the knowledge of his sterling worth while in life to his city, county and state, in a measure will be their consolation.

Dr. Smith has gone to the bourne from whence no traveler returns; and we shall know him no more forever. Yet his ability, his honesty, his kindness, has made the world better and brighter for those he came in contact with. Peace be to his ashes.

Mr. Tonkin spoke as follows:

Mr. Speaker: I rise to the performance of the duty devolving upon me with but the single desire to say a word that may in some slight sense be worthy of him in whose memory this service is held. Dr. Smith was my friend in all the word implies, and I would that the power were mine to write my eulogy of him in letters of living light that all the world might know him as my ideal of the manly man and loyal friend.

Dr. James J. Smith was born at Salt Sulphur Springs, Union county, West Virginia, June 5, 1869. He was educated in Concord, West Virginia, and at the Long Island College and hospital in Brooklyn, and moved to the State of Washington during the year 1891. For the past fifteen years he has been a prominent and influential figure in commercial and political life, and by his untiring zeal and energy and years of service in the people's interest has written his name deep on the pages of the state's history.

Dr. Smith served as a member of the House of Representatives during the legislature of 1899. In 1900 he was elected to fill the unexpired term of the Hon. John Wooding, and served in the state Senate in the session of 1901. In 1902 he was re-elected to the Senate and served in the sessions of 1903 and 1905, being elected president of the Senate in the session of 1903, a vacancy in the presidency of the Senate

having occurred through the death of Governor John R. Rogers and the elevation of Lieutenant Governor McBride to the office of governor.

Dr. Smith entertained the laudable ambition of filling the position of governor of the State of Washington, and it is to be said to his credit that he was preeminently qualified to discharge the duties of this high office. During the campaign of 1904 there was every prospect that this ambition would be gratified, and ardent friends and admirers from every section of the state tendered him their earnest and loyal support. During this campaign, however, the commercial interests of King county were asking for the election of a King county man to the United States senate, and, as it was deemed inadvisable for the county to ask for both a governor and United States senator. Dr. Smith very generously, and without hesitation, buried his personal ambitions in the interests of harmony and withdrew from the race, loyally supporting King county in her desire for a United States senator, the result being the election of the Honorable Sam H. Piles, of Seattle, to a seat in the senate.

During the year 1891 Dr. Smith accepted the position of resident physician at Franklin for the Pacific Coast Company's mines, a position in which he demonstrated great skill and performed his duties in so kindly an able a manner as to win the undying affection of the people in that section of the state.

Dr. Smith moved to Enumclaw in the year 1901, where he subsequently married Miss Selma Hanson. Nearly every man in public life in Washington took part, either in bidding him goodbye when he started on his honeymoon trip to southern Europe seven years ago, or welcomed him home upon his return; for despite the fact that he was a man of firm decision and active participation in politics, he had few enemies, and countless friends.

In his legislative conduct Dr. Smith was a follower of his conscience and thoughtful more of the permanent good of the people than to receive the temporary plaudits of his fellow members or constituency. It sometimes occurs to you and to me, in the pressure of a present and temporary influence, to overlook the future needs of the people whose interests we are sent to conserve. In our inexperience, or desire to please a friend, or through carelessness, and sometimes perhaps in a momentary weakness, we yield to the persuasive voice at hand and forget the larger interests of the morrow. It was not so with Senator Smith. Whether seated with his colleagues on the floor of the Senate, or presiding over the deliberations of that august body, he was always the patriotic and conscientious legislator, always the fearless leader, always the impartial and fair-minded presiding officer.

Clean in his conceptions of manliness and honor, firm in the performance of duty, undaunted in courage, dependable as the stars in his loyalty to the demands of friendship, kingly in his kindness, royal in his devotion to truth, knightly in his respect for woman, gentle as

a mother in his ministrations to the sick, a dutiful son, a devoted husband, an upright citizen, a patriotic lover of his country—I call upon you, my friends, and all who knew him, to join with me in paying to him the tribute of King David over the death of his friend Abner when he said, "A prince and a great man has fallen this day in Israel."

Dr. Smith died at his home in Enumclaw on November 12, 1910, at the age of forty-one years, in the strength and prime of his manhood. Like the blotting out of the full-orbed sun in the splendor of its noontide glory was the untimely taking off of our friend and brother, and yet, perhaps, I mistake in the use of the word untimely, for what seems out of place to us with the limited visions of earth and time, may be but the perfected wisdom of the great Father who, in the boundlessness of His love and with all eternity comprised in His plans, sometimes calls our loved ones away when the cry of our hearts is that they remain at our sides to cheer and inspire us with their presence.

Gentlemen, I can offer but one explanation to you, and one word of cheer and comfort to the bereaved loved ones of our absent friend, and that word springs out of faith and confidence in God. I believe that he who stands sacred and sainted in our memories today, and in whose honor we dedicate these services, has gone to perform a higher, broader, and nobler work than was possible in the environment of time and the limitations of a mortal body. The prow of his vessel has but turned from the narrow channels of life here, to the broad oceans of a boundless eternity.

Since the first moment when the first mother looked into the face of her dead child, and the first widow mourned the absence of her husband, has the sorrowful cry of lonely hearts beat against the throne of God and hungry and unsatisfied souls have craved an explanation of death; and no answer comes back save that of inspiration and the promise that sometime, somewhere, we shall know that the Master has done all things well. Until then, I can only say that you and I, and all who feel the loss of our friend and brother, must bow in submission to the Father's will, and with patience and courage, with self denial and manly fortitude, fight well the battle of life, and to the measure of our ability follow the worthy example of such noble men as Senator Smith; that when the call for us is heard we may look unflinchingly into the face of death's herald untroubled by the sting of conscience over unperformed duties, and confident in the belief that out in the future there lies a path that leads unto the perfect day.

The good and true who precede us in the journey to the grave always leave the imperishable influence of a noble and worthy example, and as I review in grateful memory today the many kindly deeds and unselfish life of Doctor Smith, I am fully persuaded that of him it may be truthfully said that, "being dead, he yet speaketh."

Dr. Smith, as his title implies, was a practicing physician. Though well skilled in his profession, and the peer in medical knowledge of

any of his calling, he did not seek the walks of life where wealth gave promise of large rewards for his services. He thought not of himself nor of personal ambitions in the line of advancement, or the social pleasures and advantages of a large city. Though well endowed by birth and education to grace the highest circles of social life and culture, he none the less followed the dictates of a kindly and loving heart and cheerfully, gladly, willingly, gave his talent and service to the working classes in a mining town where he could not hope for large returns in material wealth, or the higher and fuller enjoyments incident to city life. These to him were not the end and aim of life. To him came the call to minister unto the poor and needy, and bravely and cheerfully as ever knight rode to victory did he enter the lists and seek and find his reward in the joy of service.

And gentlemen of the legislature, will you allow me to say that it is not the ordinary, average man of the medical profession who can always adequately and fully supply the needs of a mining town; for it is not only the ordinary ills of the body he is called upon to cure, but also at times the unspeakable agony of soul and spirit; when the loved ones who left their firesides so cheerfully in the morning lie torn and bleeding in the bowels of the earth, and the power of man is helpless to send relief or to go to the rescue. At such times it is not so much the skill of the physician to cure bodily ills that is needed, as the man of heart, with deep love and wise words of brotherly sympathy. I live in that community; I know Doctor Smith's life and works among that people, and my heart goes out in grateful love to his memory as I say for the people whom I represent and for myself that never was any demand put upon him, either as a physician or as a man, that he did not obey with ready love and with consummate skill in relieving distress. The name of Dr. Smith is precious to us up yonder in the hills, and so long as memory abides, whether in time or eternity, shall we thank God for the blessings bestowed upon us and our children in the priceless services rendered us by our departed friend and brother.

Mr. Moren spoke as follows:

Mr. Speaker and Gentlemen of the Twelfth Legislature: We have met today to speak of the dead. I am to say a few words for Senator Sam Cameron.

A scene or occasion of this sort is always fraught with a mystery and a sadness when we regard and contemplate the loss of such a man as Sam Cameron, and it is a matter of general regret that this great state should suffer the loss of such a man; and when we think of his death, and of how frail and precarious are our best holds upon human life; how like the grass that grows, then is gone again; and, like the dewdrop on the grass, is met and kissed away by the sun into nothing; we are forced to stop and reconsider; but that seems to be the law of life, and that law we must accept; but, fellow members of this House, there is a consolation in the fact that we are living in the best age

of the history of this world. This is the best time in which to live; and it is likewise the best time in the history of the whole world in which to die. Creeds and doctrines and dogmas and eternal damnation, have given way to love, philosophy and hope. We no longer consign the dead with whom we may have differed, to a life of eternal torment, but the worst that can be said of them is that they have gone into an eternal sloop, or that they have returned to the earth and become a part of the elemental wealth of the world; that their goodness has returned to us the bosom of the flowers, and their sighs and music are heard in the rippling of the waters, and their manhood, strength and courage in the lashing of the waves; that is the worst that this age consigns to the dead.

It gives me great pleasure to speak just a word about Sam Cameron. I know very little of his history, except that he was a Scotchman, and came to the Yakima valley when it was a vast wilderness. His energetic hands and fertile brain were in every movement that converted that valley into a smiling garden; the fittest abode for man.

I came to the State of Washington a little over three years ago, and when I landed in the little city of North Yakima the man that was most discussed at that time was Sam Cameron. They were meeting at the various places in that little city, those who differed with him as to what his duty was as a representative of that county in the Senate, discussing plans by which they might secure his resignation, might induce him to change his mind upon certain policies he had been advocating; and so bitter was the attack made upon the man that my attention was especially drawn to him, and I began to make some investigations. From what I could see and hear I decided he must be a bad man; but as I proceeded with my investigation I found that he had only been following the dictates of his own conscience and had voted as he thought he should vote. I found further that this man had a beautiful home, not especially in its physical structure, but a home void of domestic infelicity; a wife who loved him and children who adored him. Then I knew that Sam Cameron was not a bad man. I made further investigation into Sam Cameron's life, and I found that his neighbors loved him; that every man said that Sam Cameron was an honest man; and I remember upon one occasion of having a conversation with him following the attack that was made upon him, and knowing how broad and liberal hearted he was, I could well sympathize with him when he said to me that he did not care for what his fellow-men said of him personally, but that when he returned to his home and found his wife and daughter in tears, he said, "it broke my heart;" and it is said by those who knew Sam Cameron best that he never fully recovered from the attack that was made upon him; and I apprehend, gentlemen, and I believe I knew him well enough to say, that his heart was big enough and broad enough to take the burdens that were heaped upon him and make a pillow, and upon that pillow he laid his weary, feeble and fevered head, and fell into that dreamless sleep, embarking upon that mysterious sea, whose waves have never borne a homeward

sall, with those who knew him best saying he was a kind and loving father, husband, and friend; an honest man, loved by his fellow men.

When that is said of a man—when that is written on the hand of the tombstone, nothing can be added.

Senator Nichols spoke as follows:

Honorable Governor and Gentlemen of the Twelfth Legislature: I arise to pay a tribute to one of the sterling pioneers of the State of Washington, Honorable Joseph Foster, of Foster, Washington; who served the state longer in its legislative halls than any other man, being elected a member in 1859 and serving until 1887, three terms in the upper house.

He was born in Hamilton, Ontario, April 10, 1828. At the age of six he moved to the state of Ohio, where he grew to manhood, being apprenticed to and learning the tailor's trade. In 1851 he crossed the plains and arrived at Portland, Oregon, and spent that year in the mining country of the Rogue river and Mount Shasta.

The following year he claim to Puget Sound and took up a donation claim nine miles from Seattle, upon which he resided until death. His most noted legislative service was in the location of the University of Washington at Seattle, and being responsible for its large land grant.

He was a man of large physical structure, clear of eye and uncompromising principles, but of such a kindly disposition that he earned the nickname with all who knew him of Uncle Joe.

It is to him and to the men of his type we owe our greatest debt of gratitude. They were the ones who faced the privations and hardships of pioneer life, fought back the savage Indians, built up our productive industries, called from the east the means of transportation, that we who now reside in the places they have left may enjoy the blessings of this magnificent heritage.

He is gone, but we who occupy the places which he once filled may well stop and here pay a last tribute to his memory, and express our gratitude for the sterling worth of his character and fortitude in framing this greatest state of the Northwest.

At 4:20 p. m., on motion of Senator Rosenhaupt, the joint session dissolved.

The Senate reassembled in the Senate chamber at 4:25 p. m.

SPECIAL ORDER.

The secretary read the following report:

REPORT OF SPECIAL COMMITTEE.

OLYMPIA, WASH., January 23, 1911.

MR. PRESIDENT:

Your committee appointed to investigate the relations now or formerly existing between M. F. Backus, a regent of the University of

Washington, and the Metropolitan Building Company, a corporation, met at Seattle on January 19, and held a hearing at 8 p. m., and continuing until midnight in the office of the Metropolitan Building Company, at which time we adjourned until the following morning at 10 o'clock, and a third hearing was held in the afternoon at the National Bank of Commerce building in Seattle, at which time the following witnesses were examined under oath: J. F. Douglas, secretary of the Metropolitan Building Company; M. F. Backus; William Markham, secretary, board of regents; Howard Cosgrove, regent, State University, Washington; J. W. Clise; Lawrence J. Colman; J. Edgar Brown. The committee also examined the books and the records of the Metropolitan Building Company, a corporation; the records and proceedings of the board of regents of the State University of Washington from June 30, 1909, up to the present time; and the books of the National Bank of Commerce, of Seattle.

From the evidence submitted and the records your committee finds:

That the Metropolitan Building Company is a corporation, organized in 1907 to take over the lease granted by the board of regents of the State University of Washington to J. A. Moore, of a certain tract of land in the city of Seattle, known as the "old University grant." This corporation issued stock and bonds to its original incorporators.

That M. F. Backus was one of the original bond and stockholders of said company; that he contributed \$20,000.00 for which he received \$20,000.00 in bonds, which have a guaranteed interest of 6 per cent., and receiving 200 shares of stock in said company as a bonus; that these are all the securities ever held by Mr. Backus in said corporation.

That while M. F. Backus was out of the city of Seattle he was elected treasurer of the Metropolitan Building Company in 1908, but that M. F. Backus has never at any time acted officially as treasurer of said corporation, and in no way performed duties as such; that on June 30, 1909, in writing, he tendered his resignation as treasurer of said company to the Metropolitan Building Company; that at the first regular meeting of the board of trustees after June 30, 1909, the resignation of M. F. Backus was accepted by the board of trustees on October 4, 1909.

That on June 30, 1909, M. F. Backus was appointed a member of the board of regents of the State University of Washington. On that day on the advice of John H. Powell, an attorney, and former regent, M. F. Backus transferred \$10,000.00 in bonds, and the 200 shares of stock in the Metropolitan Building Company to one N. H. Groesbeck, of New York. That \$10,000.00 of said bonds had been given by Mr. Backus to his granddaughter previous to the time of his appointment.

That N. H. Groesbeck, of New York, is an old friend and financial associate of Mr. Backus, who has given to Mr. Backus his power of attorney to act for him to make investments, collect dividends, sign checks and vote stock; that on June 30, 1909, Mr. Backus transferred to Mr. Groesbeck's account \$10,000.00 in bonds of said corporation, and

his 200 shares of stock in the Metropolitan Building Company. That he had no talk or communication with Mr. Groesbeck in regard to this transfer or transaction, but made this assignment to Mr. Groesbeck under his general power of attorney.

That Mr. Groesbeck, upon being notified, declined to accept the bonds, and Mr. Backus thereupon told his son that being a regent he could not take back these bonds, and his son then took these bonds from Mr. Groesbeck on July 15, 1909, trading to Mr. Groesbeck therefor 25 shares of stock of the National Bank of Commerce of Seattle, of which Mr. M. F. Backus was president. That the 25 shares of stock of the National Bank of Commerce was worth at that time about \$8,000.00; that the difference between \$8,000.00 and the \$10,000.00 charged against N. H. Groesbeck for these bonds is represented in the 200 shares of stock of the Metropolitan Building Company transferred by Mr. Backus to N. H. Groesbeck.

That the original and only holdings in said company by Mr. Backus are therefor now held as follows:

\$10,000.00 in bonds by his granddaughter;

\$10,000.00 in bonds by Mr. Backus' son;

200 shares stock, so far as the records show, is still held by N. H. Groesbeck of New York.

That Mr. Backus has declined to vote on any question before the board of regents relating to or affecting the lease to the Metropolitan Building Company; and also declining to attend any of the committee meetings at which said lease was under discussion. Although Mr. Backus has a general power of attorney to vote such stock as is held by Mr. Groesbeck in the Metropolitan Building Company, he has never at any time since he was appointed a member of the board of regents attended any of the stockholders' meetings or in any way voted these 200 shares of stock held by Mr. Groesbeck. He has always been considered by Metropolitan Building Company the agent of Mr. N. H. Groesbeck.

That there had been two changes made in the lease now held by the Metropolitan Building Company; one to allow the construction of a group of one-story buildings to remain on the grounds not to exceed seven years, and the other to permit the construction of the new Klaw & Erlanger theater—the former change having been made prior to Mr. Backus' appointment as regent. That a proposition from the Metropolitan Building Company for an extension of the lease on a portion of the tract was refused by the board of regents since Mr. Backus has been a member of said board; and that the building committee of the board of regents has been authorized either to make a counter proposition to the Metropolitan Building Company or to secure a modification of their proposition. That this building committee is composed of the Seattle regents of the board of regents, of which Mr. Backus is a member. That the question of extension of time is still pending between the Metropolitan Building Company and the board of regents.

That Mr. Backus is a man of high standing in Seattle and in the financial circles of this state, whose business ability, training and experience should be of great value to the board of regents.

No other member of the board of regents is interested either directly or indirectly in the Metropolitan Building Company, a corporation.

That this tract of land known as the "old University grant," owned by the State of Washington, under the system of improvement provided for by the terms of the lease granted by the board of regents is increasing greatly in value, and upon the expiration of the lease the state will have not only the land but improvements of immense value. That under the present lease to the Metropolitan Building Company which expires in 1954 the state will receive in rentals an average of \$90,000.00 per annum, and all the improvements placed upon said tract of land during the period of this lease. Already three class "A" buildings of eleven stories, constructed of concrete and steel, have been erected at a total cost of \$1,500,000.00 by the lessee, and there is now under construction the Klaw & Erlanger theater building which is to cost not less than \$275,000.00.

Respectfully submitted,

FRANK. J. ALLEN,

RALPH METCALF,

D. S. TROY.

Testimony taken before Senators Allen (F. J.), Troy and Metcalf, the Senate committee appointed to investigate the charges against Mr. M. F. Backus, a member of the board of regents of the State University, January 19, 1911.

J. F. DOUGLAS, being duly sworn by Senator Allen, testified as follows:

Senator Allen: What official capacity do you hold in the Metropolitan Building Company?

A. I am a trustee of the Metropolitan Building Company and the secretary and treasurer of the company. I have been secretary since the organization of the company.

Q. When was that? At what time?

A. July or August, 1907.

Q. You have been actively associated with the company as its secretary ever since?

A. I have been active in the management ever since the company was organized.

Q. Did one M. F. Backus ever hold stock and was it issued to him in this corporation?

A. Yes.

Q. What is the number and how many shares did he have?

A. He has two certificates of 100 shares each, of the face value of \$10,000 each. The first shares were represented by certificate No. 96 for 100 shares.

Q. When was that issued?

A. This certificate was issued to him under date of July 25, 1908, about a year after the organization of the company.

Q. Was that certificate of stock ever transferred by Mr. Backus?

A. Yes. That certificate of stock was transferred on June 30, 1909, by Mr. Backus to N. H. Grosbeck. The second amount of \$10,000 was represented by certificate No. 191 for 100 shares and this certificate was also transferred to Mr. Grosbeck on June 30, 1909. This second certificate was issued to him under date of January 5, 1909.

Q. Did Mr. Backus ever have any other stock in this corporation?

A. No, sir.

Q. That is the only stock that was ever issued to him?

A. Yes, sir.

Q. What official position did Mr. Backus ever occupy in this corporation?

A. On March 30, 1908, M. F. Backus was elected treasurer of the Metropolitan Building Company and the record shows that he held that office until June 30, 1909, when he presented his resignation to the company.

(Copy.)

THE
NATIONAL BANK OF COMMERCE
SEATTLE

M. F. Backus, President.

June 30, 1909.

To the
President and Board of Trustees
Metropolitan Building Co.
White Building,
City.

GENTLEMEN:

I herewith render my resignation as treasurer of the Metropolitan Building Company to take effect immediately.

Yours respectfully,

(Signed) M. F. BACKUS.

Accepted October 4, 1909.

J.F.D.

Q. Did Mr. Backus ever actively act as treasurer of this corporation?

A. No, sir. My recollection is that Mr. Backus was absent from the city of Seattle when he was elected treasurer. He never performed any of the duties of the office or held any of the funds of the company, never signed any checks or papers as treasurer or in any capacity for the Metropolitan Building Company and about the time he resigned he had a conversation with me to the effect that since he had not qualified nor performed any of the duties of the office, he did not think it was necessary to resign from the office. I informed him that it was my understanding that a treasurer did not need to qualify and that

he held the office legally and that a resignation from him would be necessary and I think that was the occasion for sending in a written resignation.

Q. Do you remember what date you received his official resignation?

A. We received his official resignation June 30, 1909.

Q. When was it accepted by the corporation?

A. It was accepted at the first meeting of directors held after June 30, which meeting was not held until October 4, 1909.

Q. Did he enclose any certificates of stock in that letter?

A. I think probably in the same envelope. At least the same date he wrote us the other letter, sending the two certificates of stock and stating in the letter that he had sold them to Mr. N. H. Grosbeck and asking us to transfer the stock, which we did.

Q. Where did Mr. Grosbeck live, do you know?

A. I have no further knowledge than what this letter said and what Mr. Backus told me, that he lived in New York.

Q. You forwarded this stock issued to Mr. Grosbeck to him, did you?

A. No, we returned the stock in the letter to Mr. Backus to be forwarded by him to Mr. Grosbeck.

Senator Metcalf: Did you ever have any acknowledgment from Mr. Grosbeck of the receipt of the stock certificates?

A. I don't think we did.

Senator Allen: Did Mr. Grosbeck ever write you as to the standing of the Metropolitan Building Company?

A. No, sir.

Q. Did he ever write you in reference to his business in any way, shape or form?

A. So far as I know we have never had any communication with Mr. Grosbeck except that we sent him formal notices, or I presume we did. We send out formal notices from time to time.

Q. You have formal notices of your standing and condition, do you?

A. No, we don't send out any statements of that kind, but we send out notices of annual meetings.

Q. You have notified him of your annual meetings, have you?

A. I think so. I don't attend to that business myself; our by-laws do not require sending any notices.

Q. Can you furnish us with his address?

A. The address of Mr. Grosbeck?

Q. Yes?

A. We have no address for him. We sent his notices, if we sent them at all, I presume, in care of Mr. Backus or in care of the National Bank of Commerce.

Senator Metcalf: Does Mr. Grosbeck still hold this stock?

A. I think so.

Q. So far as your records show, he does?

A. Yes.

Q. This is your ledger?

A. Yes, sir.

Senator Allen: Does this stock ledger show any transfer of certificates No. 339 and 340, which were issued to Mr. Grosbeck to any other person or party?

A. These certificates have never been transferred and still held on our books in the name of Mr. N. H. Grosbeck.

Senator Metcalf: You have never had any communication with Mr. Grosbeck in regard to the affairs of this company?

A. No, sir.

Q. You have consulted with Mr. Backus in regard to the affairs of the company in any way?

A. I do not know that we ever consulted him. We have done some banking business with the National Bank of Commerce.

Q. I mean Mr. Backus personally?

A. No, I do not think we have. I think we have told him what our policy was and what we were trying to do from time to time.

Q. Up to the present time?

A. Yes, sir.

Senator Troy: You say you mailed these notices of the annual meeting in care of Mr. Backus?

A. Yes; National Bank of Commerce.

Q. Have you any knowledge as to whether Mr. Backus was acting as agent for Mr. Grosbeck?

A. No, I presume he acts as his agent but we have never had any communication with him in regard to Mr. Grosbeck.

Senator Allen: You have taken up matters with Mr. Backus presuming that he was the agent of Mr. Grosbeck?

A. No, we have never taken up any matters with him. We have a good many stockholders and a good many I have never seen. He is just one of them. With the exception of two or three we never had any stockholders ask for a statement. They came into the company but we never heard from them.

Q. You are one of the original incorporators, are you?

A. Yes.

Q. Didn't a few gentlemen get together and agree to form this company and take so much stock?

A. Yes.

Q. Mr. Backus was one of them?

A. Mr. Backus was not in the crowd that promoted the company. I think I might say that Mr. C. F. White and I were the men who organized the company. A little later, after the organization had been completed and we were ready to do business we got Mr. Backus to take an interest in the company.

Q. At the time the company was organized Mr. Backus hadn't any stock or bonds or any connection with the company?

A. No, sir.

Q. The stock was not issued all at one time then?

A. Oh, no. It has been issued from time to time ever since. You will notice the stock record there; you will see that the stock has been sold and issued from time to time.

A. Do you remember Lawrence Coleman coming up here and having a conversation with you about the manner in which the Metropolitan Building Company was doing business with the University?

A. No. I do not. I saw in the paper that Mr. Coleman had reported that I had a conversation with him but I have no recollection of such a conversation.

Q. You have no recollection of the conversation?

A. No. Mr. Coleman has been in our office a good many times and we have talked over a good many matters with him but I do not have any recollection of having any conversation with him about Mr. Backus. I might have had such a conversation but I am certain of this that no people came to us and protested about Mr. Backus being on the board of regents.

Q. Did Mr. Coleman ever protest?

A. No, I never understood that he made any protest. Mr. Coleman has told us on several occasions that he thought the lease on the University tract ought to be taxed but he never to my recollection made any protest about the way we did business with the board of regents.

Q. Do you remember a conversation in which you made remarks substantially to the effect that many had come to protest, that seeing what a fine proposition you have they remained as investors?

A. That is a new one on me.

Q. Nothing of that kind occurred?

A. No.

Q. Do you remember of having a conversation with Mr. Lawrence Coleman wherein you said that you would be able to hold your business relations with the board of regents in view of the fact that you had the principal men of the town with you?

A. No, I do not remember of any such statement.

Q. Or words to that effect?

A. No.

Senator Metcalf: You have more or less of a bond issue?

A. Yes.

Q. You have quite a bond issue?

A. Yes.

Q. Does Mr. Backus hold any of these bonds?

A. I don't know whether Mr. Backus holds any of the bonds now or not because our bond record does not show the owner. The only record I have is a statement of interest that we sent out, in which he states that he no longer holds any bonds in our company. That statement is dated July 27, 1909.

(Statement produced before the committee.)

Senator Metcalf: You have no record of your bondholders?

A. We have a record of the persons to whom bonds are issued

when first given out, but the bonds are transferred without being registered.

Q. Were any bonds issued to Mr. Backus?

A. Yes.

Q. What amount?

A. \$20,000.

Q. Was that about the time he subscribed for stock?

A. I don't know what time the bonds were issued but I presume they were issued about the same time. I can easily find out from the record if you would like to know.

Senator Allen: The Metropolitan Building Company, a corporation, has a lease from the board of regents to their ground?

A. The way the lease runs is from the State of Washington. It was made by the regents to James A. Moore. We have never had a lease from the state directly. We bought the lease from Jas. A. Moore. It was assigned to us December 1, 1907.

Q. Is it still in the same condition as when it was assigned to you?

A. Yes.

Q. Has it been changed or modified since?

A. No. I would like to qualify that by a couple of things. After we took possession of the property we obtained a temporary permit from the board of regents allowing us to build one-story structures upon University tract. I do not know whether this is construed as a modification of the lease or not. We subsequently leased a portion of the ground to Klaw & Erlanger for a theatre and we were not clear as to whether it permitted, under the lease, the erection of a theatre building. In order to cover that point we got the consent of the regents to the erection of a theatre building. With these two exceptions, so far as I know, the lease is just as it was when we took it over.

Q. Have you a copy of the lease?

A. Yes.

Lease produced.

A. I want to make this statement; that that permit for the construction of one-story buildings was granted to the Metropolitan Building Company before Mr. Backus became a regent. I think that is correct. It permitted us to erect one-story buildings on a part of the ground which might not remain longer than seven years from the date of the permit.

Q. That permit was in writing, was it not?

A. Yes.

Q. Were these two modifications made at the same time?

A. No, they were made at different times.

Q. State the dates, if you remember.

A. The permit allowing us to erect one-story buildings was granted to us on the 24th day of June, 1908.

Senator Metcalf: What was the object of that?

A. We had found that there was a lot of vacant property around the permanent buildings we were building and that it was going to

be hard to draw the business up with so much vacant ground around the permanent buildings and we thought the one-story buildings would tend to bring a lot of business around the permanent buildings, which it has.

Q. What was the other modification? Have you another agreement as to that modification?

A. No. We have a resolution of the board of regents.

Q. Have you got that?

A. Mr. Markham has it.

(Mr. Markham produced the resolution, which was in the form of a committee report.)

Senator Allen: Mr. Douglas, these are the only two modifications or supplemental leases which you have had from the board of regents since the lease was assigned to you?

A. Yes, sir.

Q. Has the Metropolitan Building Company, since the lease was assigned to it from James A. Moore, attempted through the board of regents to secure modifications or any changes whatsoever in this lease other than these two?

A. Yes.

Q. What were they?

A. We have contended with the board of regents right from the time we took the land, that the lease was all right in its present form for the character of buildings that the lease required the lessee to build, but that the leased time was not long enough for permanent structures, such as we wanted to build, and our requests have been merely along the line that the board of regents give us 50 years use of the ground where we build buildings of the character of the White, Henry and Cobb buildings.

Q. Do you mean 50 years from the time the building was completed.

A. Yes. We have never asked to have the rent raised or changed or the lease modified between the time we took it over and the date of the expiration of the lease in 1954. After a good deal of discussion with the regents we have settled on this proposition; that they grant us about seven years longer use of one site in order to allow us to build one large permanent building and thus complete a block now about two-thirds done. We offered to pay as rent for this seven years, a rental based upon the appraised value of the ground, the ground to be appraised in 1954 on this one site when our present lease expires.

Q. That was the first proposition which you made to the board of regents?

A. No.

Senator Metcalf: When was this submitted to the regents; this last proposition?

A. I could not state the exact date but I should judge it was about four months ago.

Q. Since Mr. Backus has been a regent?

A. Yes, sir.

Q. Did the regents accept this proposition?

A. The regents appointed a committee and the committee met with us, all of them except Mr. Backus, and we discussed it and that is as far as we ever got with it.

Senator Troy: Do you know why Mr. Backus did not meet with the regents at that time?

A. I don't know whether Mr. Backus was ever a member—I do not know whether we met here or at the club. I supposed Mr. Backus was a member of the committee. If he was not we met with all of the committee. I ought to state this: our reason for asking this extension was, we found the people were willing to put in money on buildings on leased ground but they seemed to think that we ought to have a lease at least 50 years in length.

M. F. BACKUS, being duly sworn, testified as follows:

Senator Allen: You are a member of the board of regents, Mr. Backus?

A. Yes, sir, I am.

Q. When were you appointed?

A. My commission is dated June 30, 1909. I received it somewhere about the 15th to 20th of July, 1909.

Q. Were you in Seattle at that time?

A. Yes, sir.

Q. You have occupied that position ever since that time?

A. I have.

Q. How often do they meet?

A. Regular meetings are held each month but we frequently have special meetings.

Q. Do they transact official business at those special meetings?

A. Sometimes.

Q. Contracts entered into?

A. Yes.

Q. You have attended these meetings have you; regular monthly meetings?

A. When I have been at home and been well.

Q. Since you were a member of the board of regents have you met with them at any time when they had under discussion or consideration a lease of what is known as the old University grounds, which was assigned to the Metropolitan Building Company, a corporation?

A. Some phases of the lease have been under consideration at times.

Q. What phases.

A. Applications have been made from the Metropolitan Building Company for modification of the lease which they hold.

Q. Do you remember about what time that was?

A. No, I do not.

Q. Do you remember the character of the modifications requested by them?

A. To the best of my recollection the only modification applied for at any meeting when I was present, was an extension of time.

Q. For the entire grounds?

A. I cannot remember about that, Mr. Allen. It was, I should think, nearly a year ago.

Q. You do not remember the character of the application that they sent in to the board of regents.

A. I know it was for an extension of time, but whether it covered the entire ground or not, I do not remember.

Q. Do you remember whether their request was granted or not?

A. It was not.

Q. Have they made any requests for a change, modification or otherwise to the board of regents that has been accepted since your appointment?

A. Yes.

Q. What?

A. The permission to put up the theatre building referred to by Mr. Douglas.

Senator Metcalf: That was simply because the company was not sure that under the terms of the lease they were allowed to construct the theatre?

A. I think that is true. I do not remember that I was present at the meeting. I will make this explanation. I often talked with the other regents about things that had occurred at meetings when I had not been present myself, hence my memory is somewhat confused as to whether I was present or not. The matter of this modification of the style of construction of this theatre building was referred to a committee of which I was not a member and that committee considered the matter and recommended it and I do not know but the committee had power to act and granted the consent.

Senator Allen: What modification or changing of the lease have you under consideration at the present time?

A. Mr. Douglas states that we have one under consideration, although that came up at a meeting at which I was not present. The company, as I understand it, has made application to have the term of the lease extended to a full 50 years on two lots adjoining the Henry building between the Henry building and the corner of University streets. I don't think I was present at that meeting.

Q. All you know is what other members of the board have told you?

A. As I say, my mind is not clear on this subject.

Q. How long ago was this last request made for the extension of 50 years?

A. I should say 3 or 4 months ago.

Q. Has that been decided upon?

A. Not to my knowledge.

Senator Metcalf: It is still pending?

A. I think so. I was not present when that came up I am sure.

There was a committee appointed and I was not a member of that committee.

Senator Troy: You were not a member of that committee to consider this matter?

A. No, sir.

Senator Allen: Where were you at the time you disposed of your holdings in the Metropolitan Building Company, a corporation?

A. Here in Seattle.

Q. Do you remember what time that was?

A. Well, I disposed of part of my bonds sometime before I knew that I was to be appointed or had reason to believe I would be appointed regent.

Q. Do you remember the time that you disposed of your stock?

A. On June 30, 1909.

Q. These bonds that you speak of, to whom did you transfer those?

A. Transferred them to my granddaughter.

Senator Metcalf: A portion of them?

A. A portion of them, yes. If you will allow me I will explain how that happened.

Q. Go ahead. Give the name of the granddaughter.

A. This granddaughter, named Emma Helen Backus, was born while I was on the tour around the world. I was much gratified when I returned to find that I had a granddaughter and I concluded that I would give her the \$10,000 of the Metropolitan Building Company bonds which I held. I do not think I had subscribed for the second \$10,000 at that time. I did give them to her. I delivered them to my son to be held in trust for her. When I learned through the press that I was named as regent I immediately said to my son "I must divest myself of all interest in the Metropolitan Building Company, and in order that it may be made clear that I am not the owner of those bonds and that it may be a matter of record, I want you to go to the Washington Trust Company, the trustee for the Metropolitan Building Company, and have those bonds registered in her name," which he did. Since that time he has always collected the coupons and deposited the proceeds in the savings bank to the credit of the little granddaughter.

Q. What became of the other portion?

A. The stock and the other \$10,000 of bonds I sold to Mr. Grosbeck, a resident of New York, on or about June 30, 1909.

Senator Metcalf: Was he here at the time?

A. No.

Q. Had you had any previous correspondence or talk with him about this purchase?

A. No. He is a very intimate friend of mine. I had his power of attorney and made many investments for him and sold things for him and I had charge of his business.

Q. And acting as his attorney in fact you transferred these bonds and this stock to his account?

A. Not exactly acting as his attorney in fact. That is a legal phase of our relations. Acting on the general power that I had from him for years to do business, for him.

Senator Allen: You had a written power of attorney?

A. Yes, sir.

Q. Is it of record?

A. Yes, sir.

Senator Metcalf: Mr. Backus we do not want to be too personal, but we just want to ask another question or two. You notified him of this when it was done?

A. Yes, sir.

Q. And you did not send him the certificates, you retained them as his representative?

A. The certificates were subsequently delivered to him.

Q. And the bonds?

A. Yes.

Q. And he is now the owner of them; of the stock certificates and the bonds?

A. No, he is the owner of the certificates but not of the bonds.

Q. Do you know where the bonds are held?

A. Yes.

Q. Are they held here or in New York or elsewhere?

A. They are held here.

Q. May I ask by whom?

A. My son.

Q. As a purchaser from Mr. Grosbeck?

A. Yes.

Q. Do you know about the date of that transfer?

A. It was in July, 1909.

Senator Allen: That your son got them from him?

A. Yes. As a matter of fact Mr. Grosbeck objected to the bonds and wanted me to take them back. I told him I could not do it; I could not become a holder of any security in the Metropolitan Company and an arrangement was consummated whereby my son sold him certain stock in the National Bank of Commerce and took in payment therefor these \$10,000 bonds of the Metropolitan Building Company. I will say, by the way, that my son was one of the original subscribers to the stock of the Metropolitan Building Company and has always held that stock.

Q. You are president of the National Bank of Commerce in this city?

A. I am.

Q. And it was the stock of the National Bank of Commerce of this city that your son traded to Grosbeck for these bonds?

A. Yes.

Senator Metcalf: Was this Mr. Grosbeck that was interested in the bonds the same Mr. Grosbeck interested in the gas companies at Tacoma, Olympia, and other places?

A. No.

Q. Has no connection with them?

A. No.

Senator Troy: Mr. Backus, since you have been a member of the board of regents have you voted on matters coming up between the board of regents and the Metropolitan Building Company?

A. I have not.

Q. Why did you not vote on such matters?

A. When I came onto the board Mr. John H. Powell was one of the leading members and when certain questions arose in which he had been interested through having been attorney for some one, he always refrained from voting. That seemed to me to be a pretty good policy where one had had any interest or might be biased, therefore I adopted it with reference to all matters pertaining to the Metropolitan Building Company.

Senator Allen: About what time did you forward the stock to Mr. Grosbeck?

A. I cannot remember now.

Q. Do you know where that stock is now?

A. No.

Senator Metcalf: Did you mail it to him?

A. Yes.

Q. At the same time that you mailed the bonds?

A. No, the bonds were never mailed.

Senator Allen: What was the amount of the bonds that you transferred to Mr. Grosbeck and subsequently to your son?

A. \$10,000.

Q. Your son was previous to that time a bondholder in the Metropolitan Building Company?

A. Yes.

Q. And also a stockholder?

A. Yes.

Q. And is at the present time?

A. Yes.

Senator Metcalf: Is he a director or trustee?

A. No.

Q. Simply a small stockholder?

A. That is all.

Senator Troy: Have you ever attended any meetings of the board of directors of the Metropolitan Building Company as agent for Mr. Grosbeck?

A. No, sir, I have never attended but one meeting of the stockholders of the Metropolitan Building Company and that was a banquet that was given by the company a couple of years ago.

Senator Allen: Did I understand you to say that this power of attorney that you had was sufficient to permit you to vote his stock should you wish to do so?

A. I think so. It was a broad general power of attorney.

Q. In your deal with Mr. Grosbeck for these bonds and this stock did you in any way guarantee any dividends or interest on the money?

A. Absolutely nothing.

Senator Troy: As a matter of fact you never represented his interest with the Metropolitan Building Company in any way?

A. No, sir, not at all.

Senator Metcalf: You thought it was a good investment for him?

A. I thought it was a good investment for myself when I took it and therefore a good investment for him and I turned it over to him. As a matter of fact he got a better investment than I did. He received 200 shares of stock with ten bonds while I received only 100 shares with the ten bonds when I subscribed for them.

Senator Allen: Is Mr. Grosbeck interested with you in the National Bank of Commerce?

A. Let me think. I do not think he has any stock whatever now. He has at times had small amounts.

Senator Metcalf: Has he that stock that your son sold him?

A. No. He afterwards sold that.

Senator Allen: Now, tracing that bank stock, Mr. Backus; you say Mr. Grosbeck sold it?

A. Yes.

Q. Is it held here in Seattle?

A. No, it is held in Montana.

Q. Who holds it?

A. A man named Warr.

Q. What relation is Mr. Warr to you?

A. None whatever.

WILLIAM MARKHAM, being duly sworn, testified as follows:

Senator Allen: You are the secretary of the board of regents of the State of Washington?

A. Yes, sir.

Senator Troy: This is the record book of the board of regents?

A. It is. Yes, sir.

Senator Allen: What is this book that you have here?

A. It is the record of the meetings of the board of regents of the State of Washington.

Q. When does your record show that Mr. Backus was appointed a member of the board of regents?

A. My record does not show when he was appointed. They show the record I made when I first learned that he was appointed.

Senator Metcalf: When does your record first contain the name of Mr. Backus as a regent?

A. June 29, 1909.

Senator Allen: Was there a meeting at that time?

A. No, sir.

Q. When was the next meeting?

A. July 27th, 1909.

Q. Was Mr. Backus present at that time?

A. He was.

Q. Was there any consideration of the lease held by the Metropolitan Building Company at that time?

A. Not at that meeting.

Q. Any other business between the board of regents and the Metropolitan Building Company at that time?

A. None whatever.

Q. The next meeting?

A. August 3rd, 1909, was a special meeting.

Q. Was Mr. Backus present at that time?

A. Yes.

Q. Was there any consideration of the lease held by the Metropolitan Building Company?

A. No, sir.

Q. Any other business between the Metropolitan and the board of regents?

A. No, sir.

Q. When was your next meeting?

A. August 24, 1909, the regular meeting.

Q. Mr. Backus present at that time?

A. He was.

Q. Any consideration at that meeting of the lease held by the Metropolitan Building Company?

A. No, sir, none whatever.

Q. Any other business between the Metropolitan Building Company and the board of regents?

A. No, sir.

Q. When was your next meeting?

A. There was none at the next meeting, which was September 21.

Q. When was the next meeting?

Senator Metcalf: When was the first meeting at which you transacted any business relating to the Metropolitan Building Company?

A. October 26, 1909.

Q. Was Mr. Backus present?

A. Yes, sir.

Senator Allen: What was the nature of the business?

A. The communication from the Metropolitan Building Company, lessee of the old University site, asking for a modification of the lease by an extension of time in consideration of the erection by the lessee of more expensive buildings, was read and duly considered, and on motion of Regent Nash, regularly seconded and carried, the secretary was directed to notify said lessee that it is the sense of the board of

regents that the proposition made by the Metropolitan Building Company in their letter of October 22, 1909, be not considered.

Senator Metcalf: Did Mr. Backus take any part in that discussion?

A. I do not know. I cannot say as to that. I remember that he expressed himself that he would not vote on any proposition concerning the Metropolitan Building Company.

Senator Allen: Does your record there show the votes?

A. No. Not unless it was called for.

Senator Metcalf: When was the next meeting when any business connected with the Metropolitan Company was transacted?

A. January 7, 1910, at a special meeting of the board.

Senator Allen: Read the nature of it?

A. Regent Backus was present. After the preliminaries, the president then stated that the meeting was called for the purpose of hearing and considering the request of the Metropolitan Building Company, lessee of the old University tract, for a modification of the lease which it holds for said tract from the University. Mr. C. F. White, president, and Mr. J. F. Douglas, secretary, of the Metropolitan Building Company, being present, were invited to present their request, which they did verbally, which was to the effect that the company desires an extension of the lease to the full term of 50 years for such portions of the ground as are not yet covered with buildings and on which buildings of the type of the White, Henry and Cobb buildings are to be erected. After a long discussion, Regent Nash moved that a committee, consisting of Regents Cosgrove, McEwan, Backus and Higgins, be appointed to confer with the Metropolitan Building Company as to details, terms, etc., and report to the board at the next meeting. The motion being seconded by Regent Rogers, was put to vote and carried. Regent Backus moved that when this board adjourns it adjourn to meet Tuesday, January 25, at 10 a. m., and that the above committee meet January 24th at 10 a. m., the motion being seconded, voted upon and carried.

Senator Troy: Did you act as secretary of these meetings?

A. Yes, sir.

Q. I mean these committee meetings?

A. No, not the committee meetings.

Q. You were not present at that meeting?

A. No.

Senator Allen: When was your next meeting?

A. January 25th, Mr. Backus was absent.

Q. What came up at that time?

A. "By mutual consent of the board and the lessee, the Metropolitan Building Company, the matter of the proposed modification of the lease on the old University tract was postponed until the next meeting." That is all pertaining to that.

Q. The next one?

A. February 23d, 1910; Regent Backus was absent at that meeting. A communication from the Metropolitan Building Company relative to a proposed modification of the lease of the old University ground was then read as follows:

To the Honorable Board of Regents of the University of Washington.

GENTLEMEN: The committee of your board appointed to confer with the officers of our company relative to a modification of the University lease, has suggested that we submit you a written proposition for such modifications. Accordingly we submit you the following proposition:

1. We do not ask any extension of the lease time on any ground already covered by permanent structures.
2. We do not ask any extension of time on any ground that we may improve in the manner specified in the present lease.
3. If we build any buildings within the next ten years of the same character as the White, Henry and Cobb buildings and conforming to the same sky-line, we want 50 years' use of each such building.
4. For such additional leased time as we would get the ground covered by new buildings of the type specified, we would be willing to pay a rental amounting to 4% per annum on the value of the ground covered by the buildings, the ground to be appraised in 1954, when our present lease expires.

The above is a brief outline for a modification of the lease. This plan has been developed as a result of conferences with the members of your board. In order to improve the University tract with the best type of improvements some modification of the lease must be made. We are not committed to any particular plan of modification. We are willing to agree to any plan that will make it possible to proceed with our present type of development.

From a financial standpoint it makes no difference to us whether you make any change in the lease or not. Since we have to improve the property in some manner we would prefer to improve it in a manner that would be harmonious with the present buildings that we have already erected. If the lease is modified in any way that makes it good business for us to improve the property in the best manner we believe that we can improve a large portion of the property and perhaps the whole of it in that manner and we would take great pleasure in doing the work. If you feel that it is best to make modifications of the lease we will be satisfied with that decision.

Yours very respectfully,

METROPOLITAN BUILDING COMPANY.

J. F. Douglas, Secretary.

By C. F. White, President.

After some discussion, Regent Higgins moved that the proposition to modify the lease as embraced in the foregoing letter be rejected and that the present committee, consisting of Regents Backus, Cosgrove, Higgins and McEwan be continued and directed to confer as to whether or not the board shall submit a counter-proposition or invite another proposition from the lessee and make such recommendation as it thinks necessary. The motion being duly seconded, was put to vote and carried, Regent Backus not voting. I think that was all of that.

The next was April 26, 1910. Regent Backus was absent on account of illness. In the matter of the proposed modification of the lease of

the Metropolitan Building Company, Regent Higgins made the following report: "The building committee which was instructed at the last meeting of the board, held on the 23rd day of February, 1910, to collect data and information relating to the proposal of the Metropolitan Building Company for a modification of its lease on the old University grounds and to report to the board its recommendations as to whether or not any modification of the lease was desirable, and if so, to suggest the terms of such modification, reports that it has made an investigation of the matter and has secured what data and information it considered material and necessary to a decision in regard thereto, and it is the opinion of your committee that no modification of the lease is expedient at this time." On motion the report was received, adopted and ordered filed and the secretary was directed to notify the Metropolitan Building Company to this effect. That is all that I know of about that.

Senator Metcalf: Are there any further meetings?

A. Yes. August 23, 1910; Backus was present. At the request of the Metropolitan Building Company, lessee of the old University site, the following resolution was introduced by Regent Ray:

"Resolved, That the board of regents of the University of Washington authorize Mr. John C. Higgins of this city to endorse the checks received from the insurance companies by reason of certain loss from fire over in the Post-Intelligencer building, southwest corner of 4th avenue and University street, August 8, 1910, over to the Metropolitan Building Company and that the board of regents release all claim to any moneys due the Metropolitan Building Company under said insurance policies by virtue of said lease."

The resolution being duly seconded, was put to vote and carried.

Again on September 27, 1910. Regent Backus was absent. "A request from the Metropolitan Building Company that the board appoint a committee to consult with them in relation to the erection of certain new buildings on the old University site was read and on motion the matter was referred to the committee of the four local members heretofore appointed on such matters with power to act in case of emergency."

October 25, 1910. Regent Backus present. "The committee heretofore appointed to negotiate certain matters with the Metropolitan Building Company, lessee of the old University tract, made a verbal report through Regent McEwan in regard to the request of said company to sublet ground on the University tract for the erection of a theater, which as a building would not strictly conform to the requirements of the company's lease from the University and also for permission to widen University street between 4th and 5th avenues, and on motion of Regent Ray, seconded by Regent Rogers, and duly carried, the committee was continued with power to act."

(Records show report of committee permitting Metropolitan Building Company to construct Klaw & Erlanger theater and is signed by

Regents Alexander F. McEwan, John C. Higgins and Howard Cosgrove.)

Q. Is that all?

A. Yes, sir.

Q. Have you been the secretary of the board of regents since June 30, 1909?

A. I have.

Q. Have you been present at all their monthly meetings since then?

A. I have.

Q. And you have taken all the minutes?

A. I have.

Q. And custodian of this book?

A. Yes, sir.

Q. Have there been any other meetings at which you have been present where business has been transacted between Metropolitan Building Company and the board of regents?

A. No, sir.

Q. What you have read to us, the dates given, from your minute book, are those the only meetings since June 30, 1909?

A. Except committee meetings which I have not attended.

Q. Where business has been transacted with the Metropolitan Building Company?

A. Yes, sir.

HOWARD COSGROVE, being first duly sworn, testified as follows:

Senator Allen: Please state what you know about the committee meetings of the building committee of the board of regents at which the Metropolitan Building Company was discussed?

A. There was a committee of the board of regents known as the building committee, which was in existence prior to the time I became a member of the board, which has always been made up of those members of the board residing in the city of Seattle. Upon my becoming a member of the board I became a member of that committee and I have attended all of its meetings since that time. Any and all matters pertaining to proposed modifications of the Metropolitan Building Company's lease, when not taken up at a meeting of the full board, are referred to this committee. Mr. Backus has never attended any of the meetings at which any of the business pertaining to the Metropolitan Building Company was discussed. I personally never considered him a member of the committee so far as that lease was concerned and I do not believe the other members did.

Q. Have you ever consulted him in reference to the modification of this lease?

A. I do not remember having ever talked with him about it or heard it discussed by him.

Q. Has Mr. M. F. Backus ever talked to you or mentioned in your presence the fact of his having disposed of his stock and interest in the Metropolitan Building Company?

A. Shortly after Mr. Backus became a member of the board and at the first regular meeting thereafter at which the lease of the Metropolitan Building Company was discussed, Mr. Backus announced to the board that he had disposed of all of his interests in that company prior to his appointment as regent and that he wished to be excused from voting upon any matters pertaining to said company or its lease.

At the conclusion of Mr. Cosgrove's testimony hearing adjourned until 10 o'clock, January 20, 1911, at which time the following testimony was taken:

J. W. CLISE, being first duly sworn, testified as follows:

Senator Allen: Did you ever have any conversation with Mr. M. F. Backus in reference to his holdings in the Metropolitan Building Company, a corporation?

A. Yes, I was one of a number.

Q. When was that?

A. Could not give the date. Sometime last year.

Q. Could you approximately fix the month, Mr. Clise?

A. No, I could not. I can only fix it in this way; that I have been absent; I left in March of last year and was absent six months and it was prior to my absence.

Q. It was in the year 1910?

A. You are asking me to determine something which I can't determine. It was a conversation with a number of people—it was within a reasonable time prior to my departure.

Senator Metcalf: It was after Mr. Backus became a member of the board of regents?

A. Yes, it was a conversation in relation to that fact.

Senator Allen: Where did that conversation take place?

A. Rainier Club.

Q. If you will give us just what Mr. Backus said?

A. I can't give you the preliminary words, but Mr. Backus made the statement that he was no longer interested in the Metropolitan Building Company, that he had transferred his interests to his son.

Q. Do you remember who was present at that time?

A. The only other person I remember is Mr. C. J. Smith.

Q. Did you ever have any other conversation besides this one?

A. No.

Senator Metcalf: Nothing further was said at that time?

A. No, nothing further on that subject.

LAWRENCE J. COLEMAN, being first duly sworn, testified as follows:

Senator Allen: You are acquainted with Mr. M. F. Backus, are you?

A. Yes.

Q. A member of the board of regents?

A. Yes.

Q. Do you know anything about the preliminary steps and parties interested in securing the first lease on what is known as the old University ground from the board of regents?

A. No, I do not.

Q. Do you know the parties interested and the steps taken to take advantage of the lease secured by J. C. LeVold?

A. While the lease was in that stage Mr. LeVold was having difficulty to handle it and Messrs. Stirrat & Goetz acquired an interest and attempted to finance it and during that period, the date I do not remember, Messrs. Stirrat & Goetz came to me several times to ask that our people be interested in the lease and to develop the property and stated at that time that Mr. Backus was financing it and gave that as an evidence that they would be successful that he has occupied himself with it and I verified that through conversation with several business men with whom I talked in deciding the question whether our people would identify themselves with the lease in any way. That is the extent of my information about Mr. Backus' connection with it.

Q. About what time was this?

A. I cannot give the date.

Q. Do you remember how many years ago?

A. About the time the present P-I. building was being constructed.

Q. How long ago was that?

A. I do not know.

Q. Ten years ago?

A. No.

Q. Eight years?

A. I should say about seven years ago.

Q. Since that time do you know whether the interests of these parties in that lease have been sold or not?

A. I do not know about Mr. Backus' interest. I know that Stirrat & Goetz still have interests. They stated that they had an interest quite recently.

Q. Since that time that lease has been given up and a new lease granted to these grounds, has it not?

A. Yes. It amounted to this: At the earnest solicitation of parties to go and investigate, I went over but found when ready to commence to develop these people who are interested approached the regents and secured a lease under the present terms and I did nothing further. The only knowledge I have about the lease is that I read the lease

and at the time and right after protested to the conditions put in the lease, protested to some of the regents who framed it, because they were framed by attorneys rather than men who were trained in leasehold affairs.

Q. Are the principal parties who were interested in that old lease still interested in this new lease?

A. The parties who obtained it; you can tell by the lease. He has no interest.

Q. You do not know?

A. I know two or three who are interested; Messrs. Stirrat & Goetz who made the lease are still interested.

Q. Outside of them you do not know?

A. I don't know who were in it.

Senator Metcalf: You called the governor's attention to the fact that Mr. Backus was interested in this company at the time the governor was considering appointing him a regent?

A. I called his attention that he had been interested. I did not know of his severance.

J. EDGAR BROWN, being first duly sworn, testified as follows:

Senator Allen: What is your business, Mr. Brown?

A. I am secretary of the Hanim-Schmitz Land Company.

Q. Do you remember about 18 months ago a bankruptcy proceeding of the Chicago Clothing Company?

A. I do.

Q. Were you personally acquainted with the affairs with reference to the bankruptcy proceeding?

A. I am to a certain extent.

Q. How did you happen to become acquainted with them?

A. Through the successful bidder. The person who took the lease and the stock over.

Q. Who purchased the stock and the lease?

A. It was purchased by the National Bank of Commerce. At least we had our dealings with the National Bank of Commerce.

Q. With whom personally did you have your dealings?

A. Mr. Backus.

Q. M. F. Backus?

A. Yes, sir.

Q. To whom were the goods sold?

A. I think the name of the bidder was a gentleman by the name of Grosbeck of New York.

Q. Did you ever see him?

A. No, I did not.

Q. Did you ever have any correspondence with him?

A. No, I never had.

Senator Metcalf: Was this a written or a verbal bid?

A. It was through the referee in bankruptcy, Judge White. I should imagine it would be a written bid.

Q. Don't know who submitted the bid?

A. I don't know. I understood it was Mr. Grosbeck.

Q. In person or in writing?

A. The bids were to be submitted in writing so I suppose it was in writing.

Senator Allen: Did you purchase the stock, sell it or what?

A. We owned the building in which the store was located. It was our building and the lease was bought by the National Bank of Commerce and we had our dealings with them and they disposed of the stock and made arrangements with us about the transfer of the lease. That is all.

Q. Did you understand them to be agent for Grosbeck?

A. They stated that Mr. Grosbeck had bid; that he was the successful bidder; that he had bid the stock. I don't know what their connection with Grosbeck was.

Senator Metcalf: If Mr. Grosbeck bought the stock, how did the National Bank of Commerce come to get possession of it?

A. I think Mr. Backus had a power of attorney.

Q. Did he use that power of attorney in making the bid for Mr. Grosbeck?

A. That I could not say. I did not see the bid.

Senator Allen: Were there any papers signed up between you and Mr. Backus, where he used the name of Mr. Grosbeck, as attorney in fact?

A. No, I think not.

Q. They simply took over the existing lease; they purchased it at a price; the lease was bid in at a separate figure and the stock separate?

A. Yes.

Senator Metcalf: That was all bid in by Mr. Grosbeck?

A. Yes.

Senator Allen: Did you make an assignment of this lease to Mr. Grosbeck?

A. No, we did not. It was not necessary to do it. Without any action on our part the bid was taken as an assignment as well as of the stock of goods.

Q. Do you know who handled the affairs of the lease after that time?

A. I know who bought the goods and the lease, which had I think about a year to run from the time it was bid in.

Q. Do you know who sold it? Who was interested in making the sale?

A. I do not know who was interested in making the sale.

Q. Do you know whether Mr. Backus was interested in making that sale of the lease and goods or not?

A. I know that he handled the proposition and I was not present when the sale was made, but undoubtedly he sold the goods. I would not testify that he sold the goods or that he sold the lease, but they bought it from the successful bidder.

Senator Metcalf: Has this lease expired?

A. That lease has expired.

J. F. DOUGLAS, recalled, testified:

Senator Metcalf: Mr. Backus was one of a little group who originally organized this company and purchased \$20,000 in bonds, also receiving stock in the company?

A. The promoters of the enterprise offered a small group of men, of which Mr. Backus was one, a certain amount of stock and bonds for a given amount of money. Mr. Backus was one of the contributors among this first group and as a result of his contribution he received \$20,000 stock and \$20,000 bonds. No stock in the company has ever been sold other than to this original group and which was sold with the bonds as above mentioned. In effect when Mr. Backus took \$20,000 worth of bonds in the Metropolitan Building Company, he got with it \$20,000 worth of stock as a bonus.

Q. This stock was pooled at the organization of the company and has it remained so?

A. It has never been pooled.

Q. Never has?

A. Yes.

Q. Then as a matter of fact the security that represented the money that Mr. Backus invested was the bonds?

A. That is correct.

Q. And these bonds, representing the money Mr. Backus invested, we have traced through Mr. Grosbeck, a portion of them, back to Mr. Backus' son and the remaining part as a gift from Mr. Backus to his granddaughter?

A. Yes.

Q. Has Mr. McEwan, one of the regents of the University, any interest in the Metropolitan Building Company?

A. No. So far as I know Mr. McEwan has never been interested in the Metropolitan Building Company.

Q. Have any of the other members of the board of regents been connected with the Metropolitan Building Company or owned any of the stock or bonds?

A. No, so far as I know no regent of the University other than Mr. Backus has had any interest in the Metropolitan Building Company.

M. F. BACKUS, recalled, testified as follows:

Senator Allen: What book is that?

A. This is the stock certificate book of the National Bank of Commerce.

Q. What does certificate No. 1958 show?

A. It shows that it was issued July 15, 1909, to N. H. Grosbeck for 25 shares of the National Bank of Commerce of Seattle transferred from Leroy Backus.

Q. For what purpose did he transfer the stock to N. H. Grosbeck? For what consideration?

A. In consideration of ten of the bonds of the Metropolitan Building Company, which Mr. Grosbeck held at the time and which he had received from me and which he transferred to Leroy Backus in consideration of the 25 shares of stock in the National Bank of Commerce.

Q. What are the 25 shares of stock of the National Bank of Commerce worth; what are they selling for on the market?

A. The value of the stock at that time was about \$8,000, while the value of the bonds was \$10,000. This difference is represented by the 200 shares of stock in the Metropolitan Building Company which Grosbeck retained.

Q. Does Mr. Grosbeck still hold that stock?

A. No, he does not.

Q. When did he sell it and to whom?

A. He sold it on November 5, 1909, to Austin W. Warr, who still retains the stock.

Copy.

THE
NATIONAL BANK OF COMMERCE,
SEATTLE.

M. F. Backus, President.

June 30, 1909.

J. F. Douglas, Esq.,

*Secretary, Metropolitan Building Co.,
White Building, City.*

DEAR SIR: Herewith I hand you certificates Nos. 96 and 191 for 100 shares each stock of the Metropolitan Building Company. This stock I have sold to Mr. N. H. Grosbeck, a friend of mine residing in New York. Kindly transfer the same to his name and issue two new certificates for 100 shares each and return them to me by the bearer, if convenient.

The newspapers announce that Governor Hay has appointed me a member of the board of regents and under the circumstances I cannot consistently remain a stockholder in the Metropolitan Building Company. I therefore also enclose herewith my resignation as treasurer of the company, although if my memory serves me I have never qualified for that office.

A. Enc.

Very truly yours,

(Signed) M. F. BACKUS.

On motion of Senator Allen (F. J.), the further consideration of the report was made a special order for 2 o'clock tomorrow afternoon.

At 4:30 p. m., on motion of Senator Eastham, the Senate adjourned until 10 o'clock tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

W. H. PAULHAMUS,
President of the Senate.

SIXTEENTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASH., Tuesday, January 24, 1911.

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

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present.

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

The secretary read

HOUSE CONCURRENT RESOLUTION NO. 5.

By the Committee on Printing and Supplies:

Resolved, by the House, the Senate concurring, That the secretary of the Senate and chief clerk of the House be authorized and directed to cause to be printed six hundred copies of the legislative manual for the session of 1911, said manuals to be published on a page 5½x2¾ inches, printed in 13 ems pica nonpareil solid, with head notes only; and that said secretary and chief clerk be authorized and instructed to cause a sufficient number of said manuals to be bound in limp leather to supply all members of the Senate and House of Representatives and the desk clerks of said Houses; the remainder of the total addition of six hundred copies to be in paper binding.

Senator Anderson moved the adoption of the resolution.

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

Those voting aye were: Senators Allen (F. J.), Allen (P.

L.), Anderson, Arrasmith, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Huxtable, Jackson, Landon, Metcalf, Myers, Nichols, Piper, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mrs. President—36.

Absent or not voting were: Senators Bassett, Davis, Hutchinson, Jensen, Roberts, Whitney—6.

The secretary read

HOUSE JOINT RESOLUTION NO. 2.

Be it resolved, by the House, the Senate concurring, That the people of the State of Washington, through their legislature now assembled, most emphatically and earnestly protest against the federal government of the United States assuming or attempting to assume the jurisdiction and control of any of the fisheries within the territorial limits of the State of Washington, and we particularly protest against the joint control of any part of said fisheries by the United States federal government and the Dominion of Canada, as proposed by a treaty convention between the United States and Great Britain signed at Washington on April 11, 1908.

The State of Washington hereby reaffirms its title to all the public fisheries within its territorial limits, and insists that it has the exclusive right, by virtue of its sovereignty, to keep, control and regulate all the fisheries within its borders without federal interference.

Be it resolved further, That a copy of this resolution be forthwith transmitted to the United States senators and representatives from the State of Washington, and that they be thereby requested to use all honorable means within their power to prevent any action of the congress tending to ratify or make said treaty effective.

On motion of Senator Brown, the resolution was read second time and referred to the committee on fisheries.

The secretary read House joint memorial No. 2 first and second times as follows:

HOUSE JOINT MEMORIAL NO. 2.

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

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

WHEREAS, During the year ending June 30, 1910, government sta-

tistics show that more than one million aliens landed in the United States, of which number more than six hundred thousand came from southern and eastern Europe and western Asia, the poorest and most undesirable immigrants known, and

WHEREAS, The effect of this alien deluge is to depress the wages and destroy the employment of thousands of American workingmen, therefore be it

Resolved, by the House and Senate of the State of Washington, That the congress of the United States be requested to pass such restrictive legislation as will put a stop to this enormous influx of the poorest and most undesirable foreigners whose presence tends to destroy American standards of living, and

Be it further resolved, That a copy of this resolution be forthwith transmitted to each senator and congressman from the State of Washington for their use in endeavoring to secure the passage of such restrictive legislation.

Senator Falconer moved that the rules be suspended, that the memorial be read third time and placed on final passage.

Senator Nichols moved as a substitute that the memorial be ordered referred to the committee on judiciary.

The substitute motion failed to carry.

On motion of Senator Shaefer the memorial was amended by striking the words "poorest and" from the two places where the said words occur in the memorial.

The motion of Senator Falconer was put and carried. The memorial was read third time.

The secretary called the roll on final passage of House joint memorial No. 2, as amended, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hammer, Hewitt, Hutchinson, Huxtable, Jensen, Landon, Myers, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Whalley, White, Whitney, Mr. President—35.

Voting nay: Senator Nichols—1.

Absent or not voting were: Senators Bowen, Hall, Jackson, Metcalf, Stephens, Troy—6.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 24, 1911.

MR. PRESIDENT:

The speaker has signed House joint memorial No. 3, "Relating to the territory of Alaska, etc.";

Also House bill No. 27, entitled "An act appropriating ten thousand dollars or so much thereof as may be necessary for legislative printing of the twelfth legislature."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., January 20, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 65, entitled "An act relating to the conduct of judges of courts not of record," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: Geo. W. Shaefer, Henry M. White, Ralph Metcalf, Daniel Landon, J. W. Bryan, F. J. Allen.

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

SENATE CHAMBER,
OLYMPIA, WASH., January 24, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred Senate bill No. 40, entitled "An act relating to delinquent assessments on undivided real property, authorizing an action to recover the amount thereof and creating a lien therefor upon the co-owners' interest of the undivided portion," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman.*

We concur in this report: Daniel Landon, F. J. Allen, Josiah Collins.

INTRODUCTION OF BILLS.

Senate bill No. 89, by Senator Falconer, entitled "An act to enable counties, cities and towns to validate certain warrants and other obligations and evidences of indebtedness on the part of such counties, cities and towns, issued by the corporate au-

thorities thereof in excess of their legal authority, and declaring an emergency.”

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

Senate bill No. 90, by Senator Bassett, entitled “An act authorizing school districts of the first class to create and maintain a permanent insurance fund, to be used to meet losses by fire, if any, to the school property of the district, and providing for the investment of said fund.”

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

Senate bill No. 91, by Senator Cox, entitled “An act to provide for the qualification of the judges of the supreme court and the superior courts of the State of Washington.”

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

Senate bill No. 92, by Senator Landon (by request), entitled “An act providing when plaintiff may sue as a poor person.”

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

Senate bill No. 93, by Senator Landon (by request), entitled “An act providing for the relief of Julius Eidner and making an appropriation.”

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

Senate bill No. 94, by Senator Collins, entitled “An act declaring certain animals, birds and fishes the property of the

people of the state; providing for the protection of certain classes and varieties thereof; providing for the destruction of certain classes and varieties thereof; providing for a method of enforcement hereof; providing penalties for violating the provisions hereof and repealing all laws in conflict herewith."

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

Senate bill No. 95, by Senator Huxtable, entitled "An act to amend sections twelve (12) and twenty-three (23) of article two (2) of the constitution of the State of Washington relating to time of meeting of the legislature and fixing the compensation of members thereof."

The bill was read the first time, and on motion of Senator Huxtable, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on constitution and constitutional revision.

Senate bill No. 96, by Senator Stephens, entitled "An act repealing section 19 of an act approved March 14, 1907, entitled 'An act creating the Washington State Reformatory, providing for the erection and management thereof, and making an appropriation therefor.'"

The bill was read the first time, and on motion of Senator Stephens, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on state penal and reformatory institutions.

Senate bill No. 97, by Senator Troy, entitled "An act relating to the leasing of harbor areas and lands of the State of Washington for booming purposes, and amending section 1, chapter 233 of the Laws of 1907."

The bill was read the first time, and on motion of Senator Troy, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on state, school, granted and tide lands.

Senate bill No. 98, by Senator Collins, entitled "An act to amend sections 7, 10 and 16 of chapter 190 of an act of the legislature of the State of Washington approved March 17, 1909, entitled 'An act in aid of children, providing for the custody, control, treatment, maintenance and adoption of neglected and delinquent children, under the direction and by the order of the superior court, repealing chapter 18, Laws of 1905, also chapter 110, Laws of 1907, relating to delinquent children, and all acts and parts of acts inconsistent herewith.'"

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

Senate bill No. 99, by Senator Brown, entitled "An act making an appropriation for the relief of the State Normal School at Bellingham."

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

Senate bill No. 100, by Senator Bryan, entitled "An act providing for the labeling of all convict made goods offered for sale in this state and providing penalties for the violation thereof."

The bill was read the first time, and on motion of Senator Bryan, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on labor and labor statistics.

Senate bill No. 101, by Senators Hutchinson and White, entitled "An act to provide for a general system of township organization and providing a method of choosing township officers in counties which may adopt or have adopted township organization; prescribing the powers and duties of such boards and the powers of the electors at town meetings; providing a method of determining what roads and bridges shall be county charges; and for the assessment and collection of the revenue in such counties; repealing conflicting laws and declaring an emergency."

The bill was read the first time, and on motion of Senator White, the rules were suspended, the bill was read the second time by title, ordered printed and referred to a special committee consisting of the senators from Spokane and Whatcom counties.

Senate bill No. 102, by Senator Cox, entitled "An act for the regulation of public service corporations, providing penalties for the violation thereof, and repealing certain acts.

The bill was read the first time, and on motion of Senator Cox, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the joint committee on railroads and transportation.

House engrossed bill No. 2, by Mr. Wray, entitled "An act to amend an act entitled 'An act in relation to garnishments in justice courts in the State of Washnigton,' approved March 17, 1909 (Laws of 1909, chapter 160), and declaring an emergency," was read first time.

On motion of Senator Allen (P. L.), the rules were suspended, the bill read second time by title and referred to the committee on judiciary.

GENERAL FILE.

Senate bill No. 5, by Senator Metcalf, entitled "An act to adopt Remington & Ballinger's Annotated Codes and Statutes of Washington as an official compilation, and declaring an emergency," was read third time.

The secretary called the roll on final passage of Senate bill No. 5 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—41.

Absent or not voting—Senator Bowen—1.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P.

L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Rydstrom, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—38.

Voting nay: Senator Nichols—1.

Absent or not voting were: Senators Bowen, Ruth, Shaefer—3.

There being no objection, the title of the bill was ordered to stand as the title of the act.

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

Senate bill No. 84, by Judiciary Committee, entitled "An act to adopt Pierce's Washington Code as an official compilation, and declaring an emergency," was read third time.

On motion of Senator Whalley, the bill was amending by substituting the words "courts" for the word "court" in line 2 of section 2.

The secretary called the roll on final passage of Senate bill No. 84 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Troy, Whalley, White, Whitney, Mr. President—37.

Voting nay were: Senators Allen (F. J.), Eastham—2.

Absent or not voting were: Senators Bowen, Stevenson, Stewart—3.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall,

Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Troy, Whalley, White, Whitney, Mr. President—38.

Voting nay: Senator Nichols—1.

Absent or not voting were: Senators Bowen, Stevenson, Stewart—3.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed Senate bill No. 40, by Senator Shaefer, entitled "An act relating to delinquent assessments on undivided real property, authorizing an action to recover the amount thereof and creating a lien therefor upon the co-owner's interest of the undivided portion," was read third time.

On motion of Senator Landon, the bill was amended by striking from line 7 of section 1 of the printed bill, the words "including reasonable attorney's fees as a part of the costs of such action."

Senator Espy moved to amend the bill by adding after the word "may" at the end of line 4, section 1, of the printed bill, the words "after six months' written notice to delinquent co-owner."

Senator Hutchinson moved as an amendment to the amendment that the time be changed from six months to read "thirty days." The amendment was accepted by Senator Espy as a part of his motion.

Senator Allen (F. J.) moved as a substitute that the bill be ordered recommitted to the judiciary committee.

Senator Piper moved that the bill be laid on the table.

The motion of Senator Piper was put and lost.

The substitute motion of Senator Allen (F. J.) was put and failed to carry.

Senators Collins, Hutchinson and Allen (F. J.) moved the previous question.

The motion for the previous question was put and carried.

The amendment proposed by Senator Espy, including the amendment of Senator Hutchinson, was put and carried.

The secretary called the roll on final passage of Senate bill No. 40 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Bassett, Brown, Collins, Cox, Eeastham, Espy, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Rosenhaupt, Shaefer, Stevenson, Stewart, Whalley, White, Mr. President—25.

Those voting nay were: Senators Allen (P. L.), Bryan, Chappell, Davis, Falconer, Fishback, Piper, Roberts, Ruth, Rydstrom, Smithson, Stephens, Troy, Whitney—14.

Absent or not voting were: Senators Anderson, Arrasmith, Bowen—3.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Espy gave notice that he would move to reconsider the vote by which Senate bill No. 40 passed the Senate.

At 12 o'clock noon, on motion of Senator Allen (P. L.), a recess was taken until 2 o'clock this afternoon.

AFTERNOON SESSION.

The senate was called to order at 2 o'clock p. m. by President Paulhamus.

SPECIAL ORDER.

The Senate considered the confirmation of the appointment by the governor of M. F. Backus as a member of the board of regents of the state university, together with the report of the special committee thereon, which was a special order for this hour.

The secretary read the testimony taken by the committee.

Senator Jackson moved that the appointment be confirmed by the Senate.

The secretary called the roll and the appointment of M. F. Backus was confirmed by the following vote:

Those voting aye were: Senators Bassett, Chappell, Collins,

Cox, Davis, Espy, Falconer, Fishback, Hewitt, Huxtable, Jackson, Metcalf, Myers, Piper, Ruth, Rydstrom, Shaefer, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—25.

Those voting nay were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Brown, Bryan, Eastham, Hall, Hammer, Hutchinson, Jensen, Landon, Nichols, Roberts, Rosenhaupt, Smithson—16.

Absent or not voting: Senator Bowen.

Senator Hammer moved that the judiciary committee be instructed by the Senate to draw a bill to the effect that any changing or modifying of a lease, or the selling of any real property belonging to any of the state institutions of this state, must, before its becomes effective, be confirmed by the Senate of the State of Washington.

Senator Falconer moved to lay the motion on the table.

The motion of Senator Falconer failed to carry.

The motion of Senator Hammer carried.

At 4 o'clock p. m., on motion of Senator Allen (P. L.), the Senate adjourned until 11:30 o'clock tomorrow forenoon.

WM. T. LAUBE,

Secretary of the Senate.

W. H. PAULHAMUS,

President of the Senate.

SEVENTEENTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASH., Wednesday, January 25, 1911.

The Senate was called to order at 11:30 o'clock a. m. by President Paulhamus, pursuant to adjournment.

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present except Senator Bowen, who was excused.

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

SPECIAL ORDER.

The Senate proceeded to consider Senate bill No. 58 which was a special order for this hour.

On motion of Senator Espy, the special order for the consideration of Senate bill No. 58 was advanced to 2 o'clock p. m. tomorrow.

Senator Jackson moved the adoption of the following resolution:

WHEREAS, John L. Logan, sergeant-at-arms of the Senate, has been subpoenaed as a witness in a certain cause pending in Douglas county, and,

WHEREAS, It is necessary that he be excused until January 30th.; now, therefore, be it

Resolved. That said sergeant-at-arms be excused from attendance until said date and that he be permitted to appoint an assistant who shall perform the duties of sergeant-at-arms during his absence.

Senator Bryan moved to amend the resolution by striking therefrom the following: "Whereas, It is necessary that he be excused until January 30th."

Senator Collins moved as a substitute that the sergeant-at-arms be excused by the Senate to and including January 30th, and that during his absence, he supply a substitute to serve as sergeant-at-arms.

The substitute motion of Senator Collins carried.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

OLYMPIA, WASH., January 24, 1911.

MR. PRESIDENT:

We, your committee on memorials, to whom was referred Senate joint memorial No. 3, "relating to a treaty between the United States and Japan and urging the president and congress of the United States to bar coolie labor from this country," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

GEO. W. SHAEFER, *Chairman.*

We concur in this report: F. L. Stewart, Geo. U. Piper.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., JANUARY 25, 1911.

We, your committee on municipal corporations, to whom was referred Senate bill No. 27, entitled "An act to amend section 3 of an act entitled 'An act authorizing cities of the third class to provide for the drainage and sewerage of such cities and provide for the cost and maintenance thereof, and declaring an emergency,' approved by the governor of Washington, on the 6th day of March, A. D. 1909, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

F. J. ALLEN, *Chairman*.

We concur in this report: John E. Chappell, J. R. Stevenson, J. W. Bryan, Oliver Hall.

On motion of Senator Allen (F. J.), the report of the committee was adopted.

INTRODUCTION OF BILLS.

Senate bill No. 103, by Senator Cox, entitled "An act to amend section 785 of Remington & Ballinger's Annotated Codes and Statutes of Washington, being section 5500 of Remington's Codes and Statutes of Washington, relating to actions for the possession of and to quiet title to real property."

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

Senate bill No. 104, by Senator Anderson, entitled "An act to amend section 2 of chapter 234, Session Laws of 1909, relating to the improvement of the Columbia river, and making an appropriation."

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

Senate bill No. 105, by Senator Collins, entitled "An act to repeal section 284 of chapter 249 of the Session Laws of 1909, relating to the sale or possession of cigarettes and cigarette materials, the same being section 2536 of Remington & Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Collins, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on public morals.

Senate bill No. 106, by Senator Allen (P. L.), entitled "An act classifying the counties according to population, enumerating the county officers and fixing their salaries and compensation and repealing all acts and parts of acts in conflict therewith."

The bill was read the first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill was read the second time by title, ordered printed, and referred to the committee on elections and privileges.

Senate bill No. 107, by Senator Bassett, entitled "An act relating to the operation of and requiring the registration of all motor vehicles, providing for an annual registration or license fee, making a violation of the provisions of this act a misdemeanor and providing a punishment."

The bill was read the first time, and on motion of Senator Bassett, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on public revenue and taxation.

Senate bill No. 108, by Senator Bassett, entitled "An act in relation to persons accused of crime and pleading insanity as a defense or justification, and prescribing the method of procedure therein."

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

GENERAL FILE.

House joint memorial No. 6 was read third time.

Senator Bryan moved that the memorial be indefinitely postponed.

Senator Hall moved that the memorial be amended to read as follows:

HOUSE JOINT MEMORIAL NO. 6.

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

Your memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, would respectfully pray for the speedy passage of such legislation as will permit of the determination by the courts of the rights and claims of the locators of coal and other lands in Alaska, to the end that either those claims, if fraudulent, be cancelled and the land restored to the public domain to be entered and developed by other people under the laws of congress; or that patents issue thereto, in case no fraud appears, so that the locators may themselves open the mines.

Further, your memorialists pray for the immediate passage by congress of some act permitting the leasing of coal land in Alaska under such terms as will invite the investment of the large capital necessary to open those mines and to construct transportation lines to them; and which at the same time will protect the country against any possible monopolization and the people of Alaska against any extortion in the charge made for coal.

Further, your memorialists pray that on the passage of such an act and as part thereof, provision be made for the immediate opening to entry under its terms of all of the coal and other lands in Alaska, now withheld from the possibility of utilization by executive order.

Senator Bryan rose to a point of order, that a motion to indefinitely postpone could not be amended.

The president ruled that the point of order was not well taken, and held that under rule No. 37, the motion of Senator Hall to amend the bill took precedence over the motion to indefinitely postpone.

Senators Collins, Bryan and Stewart appealed from the decision of the president.

The president put the question: "Shall the decision of the chair stand as the judgment of the Senate?" and the decision of the president was sustained by the Senate.

Senator Espy moved as a substitute for the amendment of Senator Hall that the memorial be amended to read as follows:

HOUSE JOINT MEMORIAL NO. 6.

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

Your memorialists, the Senate and House of Representatives of the

State of Washington, in legislative session assembled, would respectfully pray for the immediate passage by congress of some act permitting the leasing of coal land in Alaska under such terms as will best conserve the interests of the people of Alaska and the United States.

Senator Brown moved that the substitute be laid on the table.

A roll call on the motion to table was demanded by Senators Piper, Nichols, Collins, Rydstrom, Brown, Allen (P. L.), and Ruth.

Senator Piper moved that a call of the Senate be ordered and was supported by Senators Eastham, Hutchinson and Whitney.

The motion for a call of the Senate failed to carry.

The secretary called the roll on the motion of Senator Brown that the resolution be laid on the table and the motion was lost by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Cox, Espy, Jackson, Jensen, Metcalf, Nichols, Rosenhaupt, Stevenson, White, Mr. President—17.

Those voting nay were: Senators Allen (F. J.), Collins, Davis, Eastham, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Landon, Myers, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stewart, Troy, Whalley, Whitney—24.

Absent or not voting: Senator Bowen—1.

The previous question was demanded by Senators Rydstrom, Myers, Falconer and Ruth.

The motion for the previous question carried.

The substitute motion of Senator Espy was put and failed to carry.

The proposed amendment of Senator Hall carried and the memorial was amended to read as proposed in said motion.

The motion of Senator Bryan that the memorial be indefinitely postponed being before the Senate, the following Senators demanded a roll call on the motion: Senators Nichols, Landon, Falconer, Piper, Ruth, Eastham, Whitney, Hutchinson.

The secretary called the roll and the motion failed to carry by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Cox, Espy, Jackson, Jensen, Metcalf, Nichols, Rosenhaupt, White, Mr. President—16.

Those voting nay were: Senators Allen (F. J.), Collins, Davis, Eastham, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Landon, Myers, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, Whitney—25.

Absent or not voting: Senator Bowen—1.

Senator White moved that the Senate do now adjourn.

The motion was lost.

Senator Falconer moved the previous question and was supported by Senators Ruth, Myers, Whitney, and Roberts.

The motion for the previous question carried.

Senator Bryan announced that he desired to submit an amendment to the memorial.

The president ruled Senator Bryan out of order in offering an amendment after the previous question had been ordered.

The secretary called the roll on final passage of House joint memorial No. 6 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Collins, Davis, Eastham, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Landon, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, Whitney—26.

Those voting nay were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Cox, Espy, Jackson, Jensen, Metcalf, Rosenhaupt, White, Mr. President—15.

Absent or not voting: Senator Bowen—1.

On motion of Senator Jackson, the special order set for 2 o'clock this afternoon to consider Senate joint resolution No. 1 was advanced to 10:30 o'clock tomorrow morning.

The president signed House joint memorial No. 3 and House bill No. 27.

At 1:35 p. m., on motion of Senator Allen (P. L.), the Senate adjourned until 10 o'clock tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

W. H. PAULHAMUS,
President of the Senate.

EIGHTEENTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASH., Thursday, January 26, 1911.

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

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present except Senators Allen (P. L.), Bowen, Hall, Metcalf.

A telegram advising the Senate of the illness of Senator Bowen was read, and on motion of Senator Stevenson, Senator Bowen was excused from attendance at the sessions until Monday.

On motion of Senator Rydstrom, Senators Metcalf, Hall and Allen (P. L.), were excused from attendance on today's sessions.

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

Senator Allen (F. J.) by unanimous consent, withdrew Senate bill No. 56.

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, January 25, 1911.

To the Senate:

I am directed by the governor to inform you that he has this day approved the following measures:

Senate bill No. 4, "An act relating to the power of counties of the first class to engage or aid in the construction, enlargement, improve-

ment, modification and repair or operation of harbors, canals, waterways, slips, docks, wharves, and other facilities and public improvements for purposes of commerce, navigation, sanitation and drainage, or any thereof, and acquisition of wharf sites, dock sites, and other properties, rights and interests necessary or proper to be acquired, for public enjoyment of any such improvement, and to incur such indebtedness therefor, and to issue bonds for payment of moneys from sale of the same, and validating elections and other proceedings heretofore had or held for incurring such indebtedness or issue of such bonds; and declaring an emergency."

Senate bill No. 22, "An act making a deficiency appropriation for extradition expenses and the rewards offered by the governor."

FRANK M. DALLAM, JR., *Private Secretary.*

INTRODUCTION OF BILLS.

Senate bill No. 109, by Senator Stewart, entitled "An act relating to false statements, and making the same a gross misdemeanor."

The bill was read the first time, and on motion of Senator Stewart, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on banks and banking.

Senate bill No. 110, by Senator Hewitt, entitled "An act relating to and providing for the election of the city attorney and police judge in cities of the second class, repealing all laws or parts of laws in conflict with the provisions of this act."

The bill was read the first time, and on motion of Senator Hewitt, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on municipal corporations.

Senate bill No. 111, by Committee on Education, entitled "An act to amend section 1, of chapter 19, of title 3, of the Code of Public Instruction, being chapter 97 of the Session Laws of 1909."

The bill was read the first time, and on motion of Senator Bassett, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 112, by Senator Falconer, entitled "An act creating a commission to investigate the operation of coal mines

in the State of Washington, to revise the coal mining laws of the state, to report their conclusions to the next legislature, and providing an appropriation therefor."

The bill was read the first time, and on motion of Senator Falconer, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on labor and labor statistics.

Senate bill No. 113, by Senator Jackson, entitled "An act amending section 18 of an act, entitled 'An act to provide for the submission to the qualified electors of the question whether the sale of intoxicating liquors shall be licensed or prohibited, providing for the enforcement of the result of the elections hereunder, defining offenses hereunder and providing penalties therefor,' approved March 12, 1909, the same being chapter 81 of the Laws of 1909."

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

Senate bill No. 114, by Judiciary Committee, entitled "An act relating to legal holidays and declaring an emergency."

The bill was read the first time, and on motion of Senator Nichols, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 115, by Senators Brown and White, entitled "An act relating to and providing for the payment of obligations existing against road districts in counties which have heretofore, or which shall hereafter, adopt township organization government, and declaring an emergency."

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

Senate bill No. 116, by Senator Allen (F. J.), entitled "An act authorizing cities and towns to acquire by purchase or con-

tract, water for irrigation and domestic purposes, providing for the construction of a piping system, to levy and collect special assessments and taxes to pay for the same, providing for modes of payment therefor, making the annual rental for the use of such water a charge and lien against the property furnished, and declaring an emergency."

The bill was read the first time, and on motion of Senator Allen (F. J.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on municipal corporations.

Senate bill No. 117, by Senator Brown, entitled "An act to establish and regulate the salaries of county commissioners in counties having a township organization, other than counties of the first class."

The bill was read the first time, and on motion of Senator Brown, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on counties and county boundaries.

GENERAL FILE.

Senate joint memorial No. 3, by Senator Hutchinson, memorializing the President and Senate of the United States "to bar the influx of coolie labor to the United States," was read third time.

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

Those voting aye were: Senators Allen (F. J.), Arrasmith, Bassett, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Falconer, Fishback, Hammer, Hewitt, Hutchinson, Huxtable, Jensen, Landon, Myers, Nichols, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—34.

Those voting nay were: Senators Anderson, Espy—2.

Absent or not voting were: Senators Allen (P. L.), Bowen, Hall, Jackson, Metcalf, Piper—6.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 26, 1911.

MR. PRESIDENT:

The House has passed House joint memorial No. 7, "Relating to the extension of time and the relief of desert land owners in the counties of Benton, Yakima and Klickitat;"

House joint memorial No. 5, "Relating to State road No. 5."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senate bill No. 65, by Senator Rosenhaupt, entitled "An act relating to the conduct of judges of courts not of record," was read third time.

On motion of Senator Nichols, the bill was amended by striking the word "gross" in line 1 of section 1.

Senator Espy moved to amend the bill by striking therefrom the words "not of record" in lines 1 and 2 of the printed bill.

Senator Collins moved as a substitute that the bill be laid on the table.

The substitute motion was put and lost.

On motion of Senator Bryan, the special order for the consideration of Senate joint resolution No. 1 set for 10:30 this morning, was advanced to be taken up by the Senate after Senate bill No. 65 has been disposed of.

The motion of Senator Espy to amend Senate bill No. 65 was put and failed to carry.

The secretary called the roll on final passage of Senate bill No. 65 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bryan, Chappell, Collins, Cox, Davis, Fishback, Hammer, Hewitt, Huxtable, Jensen, Landon, Myers, Nichols, Piper, Rosenhaupt, Shaefer, Stephens, Stevenson, Stewart, Troy, White, Whitney, Mr. President—27.

Those voting nay were: Senators Brown, Eastham, Espy, Falconer, Hutchinson, Jackson, Roberts, Ruth, Rydstrom, Smithson, Whalley—11.

Absent or not voting were: Senators Allen (P. L.), Bowen, Hall, Metcalf—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER.

Senate joint resolution No. 1, by Senator Bryan, "Relating to the ratification of amendment giving congress power to levy an income tax," was read third time.

The previous question on final passage of the bill was moved by Senators Falconer, Brown, Landon and Ruth.

The motion for the previous question carried.

The secretary called the roll and Senate joint resolution No. 1 passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hammer, Hewitt, Hutchinson, Jackson, Jensen, Landon, Myers, Piper, Rosenhaupt, Ruth, Shaefer, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—32.

Those voting nay were: Senators Eastham, Nichols, Roberts, Rydstrom, Smithson—5.

Absent or not voting were: Senators Allen (P. L.), Bowen, Hall, Huxtable, Metcalf—5.

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

Senate bill No. 85, by Judiciary Committee, entitled "An act amending section 2 of an act, entitled 'An act amending sections 3, 5, 11 and 12 of an act, entitled "An act defining forcible entry, forcible detainer and unlawful detainer of real property, and providing remedies therefore by summary proceedings," approved March 7, 1891,' approved March 6, 1905, and declaring an emergency," was read third time.

Senator Whalley moved to amend the bill by inserting after the word "situated" in line 29 of section 1 of the printed bill, the words "registered and."

Senator Jackson moved as a substitute, that the word "with" in line 2, page 3 of section 1 of the bill, be stricken and the

words "and registered" inserted in lieu therefor, and in the same line that word "being" be inserted after the word "postage."

Senator Troy moved the previous question and was supported by Senators Collins and Cox.

The motion for the previous question was put and carried.

The substitute amendment proposed by Senator Jackson was put and failed to carry.

The amendment of Senator Whalley was put and failed to carry.

The secretary called the roll on final passage of Senate bill No. 85, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Collins, Cox, Eastham, Falconer, Fishback, Hammer, Hewitt, Huxtable, Jackson, Landon, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, White, Mr. President—31.

Those voting nay were: Senators Hutchinson, Jensen, Whalley, Whitney—4.

Absent or not voting were: Senators Allen (P. L.), Bowen, Davis, Espy, Hall, Metcalf, Rosenhaupt—7.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Collins, Cox, Eastham, Falconer, Fishback, Hammer, Hewitt, Huxtable, Jackson, Landon, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, White, Mr. President—31.

Those voting nay were: Senators Hutchinson, Jensen, Whalley, Whitney—4.

Absent or not voting were: Senators Allen (P. L.), Bowen, Davis, Espy, Hall, Metcalf, Rosenhaupt—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The president administered the oath to R. E. Darling as ser-

geant-at-arms to serve as such during the absence of Sergeant-at-Arms John D. Logan.

At 11:30 a. m., on motion of Senator Stevenson, a recess was taken until 2 o'clock this afternoon.

AFTERNOON SESSION:

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

SPECIAL ORDER.

On motion of Senator Fishback, the consideration of Senate bill No. 58, which was a special order for this hour, was advanced to 2 o'clock tomorrow afternoon.

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

The secretary read Senate joint resolution No. 5, by Senator Fishback, as follows:

WHEREAS, The legislature of 1909, by chapter seventy-eight of the Session Laws, provided for the purchase of the bridge across the Columbia river, known as the "Wenatchee bridge," and,

WHEREAS, The highway board refused to make said purchase upon the terms therein stated, and,

WHEREAS, A joint committee of the Senate and the House of this legislature have recommended that said bridge be purchased upon the following terms, to-wit:

That the state pay for said bridge the sum of one hundred and twenty-five thousand dollars;

That the Washington Bridge Company, the owner of said bridge, transfer the same to the State of Washington by warranty deed, free and clear from all encumbrances;

That the State of Washington grant to the Wenatchee Canal Company an easement, to continue during the maintenance of said bridge, for the purpose of carrying the two pipe lines now over or suspended from said bridge, for the purpose of carrying water for irrigating lands on the east side of the Columbia river, in Douglas county, the said easement to be granted upon the following conditions:

1. That said canal company pay all expense of maintaining and repairing all pipes and brackets or supports used exclusively for the purpose of holding in place said pipe lines across and along said bridge.

2. That in addition thereto the said canal company to pay one-third of the maintenance of said bridge.

3. That when the present pipes now upon said bridge become so deteriorated that it will be necessary in the judgment of the board of highway commissioners that the same should be replaced with new pipe, the canal company shall replace said pipe at its own cost the entire length of said bridge with new steel pipe, of approved manufacture and quality; said installation to be approved by the state highway board.

4. That the failure of the canal company to comply with any condition herein stated shall work a forfeiture of said easement.

All suits now pending concerning the purchase of said bridge shall be dismissed, with prejudice, and without costs to either party.

Now, therefore, be it resolved, by the twelfth legislature of the State of Washington, That the board of highway commissioners be, and they are hereby authorized and directed to purchase said bridge upon the terms and conditions above set forth, and to pay for the same the sum of \$125,000.00, as provided in said chapter 78 of the Session Laws of 1909; and be it further

Resolved, That all acts and things done by the said state highway board or to be done by them in the completion of the purchase of said bridge be, and the same is in all matters and things fully approved, ratified and confirmed.

Senator Fishback moved that the rules be suspended, that the resolution be read second and third times and placed on final passage.

The motion carried.

The resolution was read second and third times.

Senator Shaefer moved to amend the resolution by adding to the end of same the following, "that the judiciary committee be, and it is hereby instructed to draft a bill embodying the subject matters in this resolution."

Senator Shaefer withdrew his amendment.

The secretary called the roll on final passage of Senate joint resolution No. 5 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Bassett, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hammer, Hewitt, Hutchinson, Jackson, Landon, Myers, Piper, Rosenhaupt, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Whalley, Whitney, Mr. President—28.

Those voting nay were: Senators Anderosn, Arrasmith, Eastham, Jensen, Nichols, Roberts, Ruth, Troy, White—9.

Absent or not voting were: Senators Allen (P. L.), Bowen, Hall, Huxtable, Metcalf—5.

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

By unanimous consent, the Senate returned to the order of business, "report of standing committees."

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,
OLYMPIA, WASH., January 26, 1911.

MR. PRESIDENT:

We, your committee on fisheries, to whom was referred House joint resolution No. 2, "Relating to the federal government assuming jurisdiction and control of the fisheries within the territorial limits of the State of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

E. HAMMER, *Chairman.*

We concur in this report: Josiah Collins, John E. Chappell, Henry M. White, F. L. Stewart, D. S. Troy, A. S. Ruth, H. A. Espy.

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

Senator Hammer moved that the rules be suspended and House joint resolution No. 2 be read second and third times and placed on final passage.

Senator White moved as an amendment that House joint resolution No. 2 be made a special order for consideration at 2 o'clock Monday afternoon.

The amendment failed to carry.

Senator Hammer's motion was put and carried.

The resolution was read second and third times.

Senator Bryan moved to amend the resolution by striking therefrom in line 4 of the resolution, the word "against," and the balance of said line, and all of lines 5 to 12 inclusive, and all of the second paragraph.

Senator Troy moved the previous question and was supported by Senators Stephens and Ruth.

The motion for the previous question carried.

The amendment proposed by Senator Bryan was put and failed to carry.

The secretary called the roll on final passage of House joint resolution No. 2, "Relating to the control of fisheries by the federal government," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hammer, Huxtable, Jackson, Landon, Myers, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney—31.

Those voting nay were: Senators Brown, Jensen, Nichols, Mr. President—4.

Absent or not voting were: Senators Allen (P. L.), Bowen, Hall, Hewitt, Hutchinson, Metcalf, Rosenhaupt—7.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., January 26, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 83, entitled "An act relating to the compensation of judges of the supreme court," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

In line 3 of section 1 of the original bill, the same being line 2 of section 1 of the printed bill, after the word "sixty" insert the word "five."

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: J. W. Bryan, Ralph D. Nichols, Daniel Landon, Josiah Collins, F. J. Allen.

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

SENATE CHAMBER,
OLYMPIA, WASH., January 26, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 77, entitled "An act relating to all commercial waterway districts,

providing for their establishment, organization and creation, prescribing the powers, duties and authority of all commercial waterway districts, whether organized or validated under this act or organized or validated by virtue of any other act, authorizing all steps and proceedings or organizations which may have been had or taken under the commercial waterway act of 1909, approved August 17, 1909, to be continued and carried out under the provisions hereof, providing for the construction and maintenance of and means of payment for a system of commercial waterways, including the straightening, deepening and widening of rivers, water courses and streams, providing for the protection of the banks thereof, and disposing of the interests of the state in the beds and shores of navigable waters, authorizing municipal corporations to advance funds in aid of commercial waterway districts, validating and legalizing the organization and establishment of commercial waterway districts organized or established, or attempted to be organized or established under the act of the legislature approved August 17, 1909, on the subject of commercial waterways, and legalizing and validating existing contracts and obligations of such districts, and official bonds and other obligations executed in connection with, or in pursuance of, such attempted organization, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass, with the following amendments:

That section 51 of said bill be stricken;

That section 52 of said bill be stricken and the following substituted therefor: Sec. 51. An emergency exists and this act shall take effect immediately.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: Ralph D. Nichols, J. W. Bryan, Geo. W. Shafer, H. M. White, Josiah Collins, F. J. Allen.

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

Senator Nichols moved that Senate bill No. 77 be made a special order for 2 o'clock Monday afternoon.

Senator Rosenhaupt moved as an amendment that it be made a special order for 11 o'clock tomorrow morning.

Senator Falconer moved as a substitute that the bill take its regular place on the calendar.

Senator Falconer withdrew his substitute motion.

Senator Jackson moved as a substitute that the bill take its regular place on the calendar.

The substitute motion of Senator Jackson prevailed.

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,
OLYMPIA, WASH., January 26, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 52, entitled "An act to legalize and validate the organization, establishment and creation of commercial waterway districts organized, or established, or created under an act approved August 23, 1909, entitled 'An act relating to the establishment and creation of commercial waterway districts, and the construction and maintenance of a system of commercial waterways, including the straightening, deepening and widening of rivers, watercourses and streams and the protection of the banks thereof, and disposing of the interests of the state in the beds and shores of navigable waters, and to provide for the means of payment thereof, and declaring an emergency,' and to legalize and validate existing contracts and obligations of such districts and bonds and other obligations executed or incurred in connection with or in pursuance of such attempted organization or establishment, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 5 of the title of the original bill, being line 3 of the title of the printed bill, after the word "August" strike "23rd" and substitute therefor "17th."

In line 5 of section 1 of the original bill, being line 3 of section 1 of the printed bill, after the word "August," strike "23rd" and substitute therefor "17th."

In line 8, page 2 of section 1 of the original bill, being line 11 of section 1 of the printed bill, after the word "all" and before the word "contracts," insert the word "debts."

In line 9, page 2 of section 1 of the original bill, being line 12 of section 1 of the printed bill, strike the words "entered into."

In line 9, page 2 of section 1 of the original bill, being line 12 of section 1 of the printed bill, after the word "by" insert "or in favor of."

In line 11, page 2 of section 1 of the original bill, being line 13 of section 1 of the printed bill, between the words "all" and "bonds" insert the word "official."

In line 12, page 2 of section 1 of the original bill, being line 14 of section 1 of the printed bill, strike the words "or incurred."

In lines 16 and 17, page 2 of section 1 of the original bill, being line 16 of section 1 of the printed bill, following the word "assessment" and the word "condemnation," strike the word "proceedings."

In line 17, page 2 of section 1 of the original bill, being line 17 of section 1 of the printed bill, after the word "had" insert "or initiated."

In line 1, section 2 of the original and printed bill, following the

word "emergency" strike the remainder of the section and substitute therefor "exists and this act shall take effect immediately."

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: Ralph D. Nichols, J. W. Bryan, Geo. W. Shaefer, Daniel Landon, H. M. White, Josiah Collins, F. J. Allen.

On motion of Senator Rosenhaupt the report of the committee was adopted.

At 9:45 p. m., on motion of Senator Ruth, the Senate adjourned until 11 o'clock tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

W. H. PAULHAMUS,
President of the Senate.

NINETEENTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASH., Friday, January 27, 1911.

The Senate was called to order at 11 o'clock a. m. by President Paulhamus, pursuant to adjournment.

Rev. F. W. Bateson, pastor of the Central Baptist church, of Olympia, offered prayer.

The secretary called the roll, all members being present except Senators Bowen, Eastham and Espy, all of whom were excused.

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

A petition from certain salmon fishermen of Snohomish county, praying for the enactment of laws removing all restrictions from trout fishing in the Snohomish river, was read and on motion of Senator Falconer, was ordered referred to the committee on fisheries.

On motion of Senator Allen (P. L.), the following resolution was adopted:

Resolved, by the Senate, That there be printed 1,000 copies of the Report of the State Board of Health on the establishment of a state sanatorium for the prevention, treatment and cure of tuberculosis.

A communication from Arthur Prague, postmaster of the Senate, requesting that he be granted an indefinite leave of absence and recommending that F. G. Flower be selected to fill the position of postmaster during his absence was read.

Senator Hutchinson moved that Postmaster Arthur Prague be granted leave of absence until February 25, 1911, and that F. G. Flower be named to fill the position of postmaster during his absence.

Senator Nichols moved as an amendment that the name of A. L. Rosby be substituted for that of F. G. Flower.

Senator Ruth moved as a substitute that the name of W. P. Jordan be substituted for those of Rosby and Flower.

Senator Hutchinson announced that he withdrew his motion, and also the request of Postmaster Prague for leave of absence.

The president ruled that the request of Postmaster Prague could not be withdrawn.

Senator Collins moved as a substitute for all motions now pending that the postmaster be granted a leave of absence until February 6th and that the postmaster be permitted to employ a substitute in his place during that time.

The substitute motion of Senator Collins carried.

At his request, Senator Bryan was excused from further attendance upon today's session.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 26, 1911.

MR. PRESIDENT:

The House has passed Senate bill No. 19, entitled "An act relating to wills executed without the State of Washington;"

Also House bill No. 36, entitled "An act to authorize certain officers and persons to solemnize marriages;"

Also House bill No. 80, "Relating to a uniform public school system for the State of Washington;"

Also House bill No. 100, "Relating to fraud and misrepresentation in the selling and serving of oysters;"

Also the House has concurred in the Senate amendments to House joint memorial No. 2.

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

OLYMPIA, WASH., January 26, 1911.

MR. PRESIDENT:

We, a majority of your committee on judiciary, to whom was referred Senate bill No. 42, entitled "An act relating to the offices of lieutenant governor, state auditor, commissioner of public lands and state insurance commissioner and abolishing the same," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In lines 1 and 2 of the title of the original bill, being line 1 of the title of the printed bill, strike "state auditor."

In lines 1 and 2 of section 1 of the original bill, being line 1 of section 1 of the printed bill, strike "state auditor."

In lines 1 and 2 of section 2 of the original bill, being line 1 of section 2 of the printed bill, strike "by the state auditor and."

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: Geo. W. Shaefer, Josiah Collins, J. W. Bryan, Dan. Landon, H. M. White.

MR. PRESIDENT:

I, a minority of your committee on judiciary, to whom was referred Senate bill No. 42, entitled "An act relating to the offices of lieutenant governor, state auditor, commissioner of public lands and state insurance commissioner and abolishing the same," have had the same under consideration, and I respectfully report the same back to the Senate with the recommendation that it do pass.

RALPH D. NICHOLS.

On motion of Senator Rosenhaupt, the bill was ordered placed on general file with both majority and minority reports.

SENATE CHAMBER,

OLYMPIA, WASH., January 27, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 78, entitled "An act relating to the purchase, sale, transfer and encumbrance of stocks of goods, wares or merchandise in bulk, and to fixtures or equipment used, or to be used, in the sale, display, manufacture, care or delivery of said goods, wares or merchandise, and pre-

scribing penalties for the violation thereof, and amending sections 1, 2, 3 and 4 of an act entitled 'An act to regulate the purchase, sale, transfer and encumbrance of stocks of goods, wares or merchandise in bulk, and prescribing penalties for the violation thereof,' being chapter CIX of the Session Laws of 1901," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In the first line of the title of the bill, strike the words "to regulate" and substitute therefor, "relating to."

In the fifth line of the title of the original bill, being the fourth line of the title of the printed bill, strike the words "to amend" and substitute therefor "amending."

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: Geo. W. Shaefer, Josiah Collins, J. W. Bryan, H. M. White, Ralph D. Nichols, Daniel Landon, F. J. Allen.

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

INTRODUCTION OF BILLS.

Senate bill No. 118, by Senator Stephens, entitled "An act amending section 4 of an act, entitled 'An act relating to attorneys and counsellors-at-law,' approved March 15, 1909."

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

Senate bill No. 119, by Senator Stephens, entitled "An act appropriating \$15,000 for the improvement of the north fork of the Skykomish river in Snohomish county, Washington, providing for the appointment of a commission to expend the same, and conferring upon such commission the power of eminent domain."

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

Senate bill No. 120, by Senator Jensen, entitled "An act amending section 140 of chapter 249 of the Session Laws of 1909, and abolishing the infliction of death as a penalty for the crime of murder in the first degree and substituting therefor imprisonment in the state penitentiary for life."

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

Senate bill No. 121, by Senator Falconer *et al.*, entitled "An act to amend sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 16, 18, 19, 20 and 23 of 'An act to provide for the submission to the qualified electors of the question whether the sale of intoxicating liquors shall be licensed or prohibited, providing for the enforcement of the result of the elections hereunder, defining offenses hereunder, and providing penalties therefor,' said act being chapter 81 of the Session Laws of 1909, approved March 12, 1909, and by adding section 18A to said act."

The bill was read the first time, and on motion of Senator Falconer, the rules were suspended, the bill was read the second time by title, 1,000 copies ordered printed and referred to the committee on public morals.

Senate bill No. 122, by Senator Jackson, entitled "An act relating to weights and measures; establishing standards therefor; providing for the enforcement thereof; providing penalties for the violation of this act, and repealing sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 of an act, entitled 'An act to establish a uniform standard of weights and measures, and to provide for a state sealer and inspector of the same,' approved March 20, 1890."

The bill was read the first time, and on motion of Senator Jackson, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on labor and labor statistics.

GENERAL FILE.

Senate bill No. 83, by Senator Rosenhaupt, entitled "An act relating to the compensation of judges of the supreme court," was read third time.

The secretary called the roll on final passage of Senate bill No. 83, and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Bassett, Chappell, Collins, Davis, Hammer, Huxtable, Jackson,

Jensen, Landon, Metcalf, Nichols, Piper, Ruth, Stevenson, White, Mr. President—18.

Those voting nay were: Senators Arrasmith, Brown, Cox, Falconer, Hall, Hewitt, Hutchinson, Myers, Rosenhaupt, Smithson, Stewart, Troy, Whalley, Whitney—14.

Absent or not voting were: Senators Allen (P. L.), Bowen, Bryan, Eastham, Espy, Fishback, Roberts, Rydstrom, Shaefer, Stephens—10.

Senator Rosenhaupt gave notice of a motion to reconsider the vote by which Senate bill No. 83 failed to pass the Senate.

Senate bill No. 77, by Senators Nichols and Metcalf, entitled "An act relating to all commercial waterway districts, providing for their establishment, organization and creation, prescribing the powers, duties and authority of all commercial waterway districts, whether organized or validated under this act or organized or validated by virtue of any other act, authorizing all steps and proceedings or organizations which may have been had or taken under the commercial waterway act of 1909, approved August 17, 1909, to be continued and carried out under the provisions hereof, providing for the construction and maintenance of and means of payment for a system of commercial waterways, including the straightening, deepening and widening of rivers, water courses and streams, providing for the protection of the banks thereof, and disposing of the interests of the state in the beds and shores of navigable waters, authorizing municipal corporations to advance funds in aid of commercial waterway districts, validating and legalizing the organization and establishment of commercial waterway districts organized or established, or attempted to be organized or established under the act of the legislature approved August 17, 1909, on the subject of commercial waterways, and legalizing and validating existing contracts and obligations of such districts, and official bonds and other obligations executed in connection with, or in pursuance of, such attempted organization, and declaring an emergency." was read third time.

The president called Senator Cox to the chair.

Senator Nichols moved that Senate bill No. 77 be made a special order for 2 o'clock Monday afternoon.

Senator Nichols withdrew his motion.

The president resumed the chair.

Senator Stewart moved that Senate bill No. 77 be made a special order for 2 o'clock Tuesday afternoon.

The motion was lost.

On motion of Senator Nichols, the further consideration of Senate bill No. 77 was made a special order for 2 o'clock Monday afternoon, January 30th.

On motion of Senator Nichols, the special order set for 2 o'clock this afternoon for the consideration of Senate bill No. 58 was advanced to 3 o'clock Monday afternoon, January 30th.

At 12:30 p. m., on motion of Senator Jackson, the Senate adjourned until 10:30 o'clock Monday morning, January 30th.

WM. T. LAUBE,

Secretary of the Senate.

W. H. PAULHAMUS,

President of the Senate.

TWENTY-SECOND DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASH., Monday, January 30, 1911.

The Senate was called to order at 10:30 o'clock a. m., by President Paulhamus, pursuant to adjournment.

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present except Senators Eastham and Piper, both of whom were excused.

On motion of Senator Stevenson, the reading of the journal of Friday's session was dispensed with and it was approved.

The secretary read a communication from the Toppenish Commercial Club, relative to a commission form of government for cities of 2,000 population, and it was placed on file, as was

also a communication from the Western Washington Women's Christian Temperance Union relating to jury service.

Petitions from certain voters of Clarke, Stevens, Chelan, Lewis, Ferry and Lincoln counties, praying the enactment of the initiative and referendum, were read and placed on file.

Senator Ruth moved the adoption of the following resolution :

Resolved. That from and after Monday, January 30, 1911, the compensation of the janitors of the Senate shall be \$4.00 per day.

A roll call on the resolution was demanded by Senators Ruth, Hutchinson, Whalley, Huxtable, Jensen, Whitney, Bowen, Brown.

The secretary called the roll and the resolution failed to pass by the following vote:

Those voting aye were: Senators Allen (F. J.), Davis, Hutchinson, Huxtable, Roberts, Rosenhaupt, Ruth, Rydstrom, Smithson, Stewart, Whitney—11.

Those voting nay were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Espy, Falconer, Fishback, Hall, Hammer, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Shaefer, Stephens, Stevenson, Troy, Whalley, White, Mr. President—28.

Those absent or not voting were: Senators Eastham, Hewitt, Piper—3.

On motion of Senator Rosenhaupt, the vote by which Senate bill No. 83 failed to pass the Senate was reconsidered and the bill was ordered placed on general file.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

OLYMPIA, WASH., January 26, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 2, entitled "An act relating to contempts and their punishments, and amending section 5798 of Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on the general file with the following amendment:

In the 20th line from the top of page 2 of the original bill, being

the 29th line of section 1 of the printed bill, beginning with the word "provided," strike the remainder of section 1 of the act and substitute therefor:

"13. The provisions of paragraphs 1, 2 and 9 of section 1 of this act shall not be construed to extend to any cases except misbehavior of any person or persons in the presence of the court or so near thereto as to obstruct the administration of justice."

Strike section 2 of the bill.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Geo. W. Shaefer, Josiah Collins, J. W. Bryan, H. M. White, Daniel Landon, F. J. Allen.

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

On motion of Senator Ruth, typewritten copies of the committee amendment to Senate bill No. 2 were ordered prepared and placed on the members' desks.

SENATE CHAMBER,
OLYMPIA, WASH., January 27, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 115, entitled "An act relating to and providing for the payment of obligations existing against road districts in counties which have heretofore, or which shall hereafter, adopt township organization government, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Josiah Collins, Henry M. White, Daniel Landon, Ralph D. Nichols.

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

SENATE CHAMBER,
OLYMPIA, WASH., January 30, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred engrossed Senate bill No. 78, entitled "An act relating to the purchase, sale, transfer and encumbrance of stocks of goods, wares or merchandise in bulk, and fixtures or equipment used, or to be used, in the sale, display, manufacture, care or delivery of said goods, wares or merchandise, and prescribing penalties for the violation thereof, and amending sections 1, 2, 3 and 4 of an act entitled 'An act to regulate the purchase, sale, transfer and encumbrance of stocks of goods, wares or merchandise in bulk, and prescribing penalties for the violation thereof,'

being chapter CIX of the Session Laws of 1901," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman.*

We concur in this report: F. J. Allen, Daniel Landon, D. S. Troy.

SENATE CHAMBER,
OLYMPIA, WASH., January 30, 1911.

MR. PRESIDENT:

Your committee on engrossed bills to whom was referred engrossed Senate bill No. 52, entitled "An act to legalize and validate the organization, establishment and creation of commercial waterway districts organized, or established, or created, or attempted to be organized or established, or created under an act approved August 17, 1909, entitled 'An act relating to the establishment and creation of commercial waterway districts, . . . and declaring an emergency,' and to legalize and validate existing contracts and obligations of such districts and bonds and other obligations . . . and declaring an emergency," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman.*

We concur in this report: Daniel Landon, F. J. Allen, Josiah Collins.

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, January 26, 1911.

To the Senate:

In submitting the names of R. C. McCroskey and D. S. Troy for confirmation as regents of the State College the date of expiration of their terms was given as March 9, 1913, whereas the date should be March 9, 1915, and I desire to resubmit the names of these gentlemen for confirmation with the amended dates, at this time.

Respectfully submitted,

M. E. HAY, *Governor.*

Senator Allen (P. L.) moved that the rules be suspended and that the Senate do now confirm the appointments as set forth in the message from the governor.

The motion carried.

The secretary called the roll and the appointments were confirmed by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall,

Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Whalley, White, Whitney, Mr. President—37.

Absent or not voting were: Senators Eastham, Hewitt, Piper, Stephens, Troy—5.

INTRODUCTION OF BILLS.

The secretary read House joint memorial No. 5, by Mr. Leonard: "Relating to state road No. 5."

On motion of Senator Fishback, the memorial was read second time and referred to the committee on roads and bridges.

The secretary read House joint memorial No. 7, by Mr. Ghent: Memorializing congress of the United States for the relief of desert land owners in the counties of Benton, Yakima and Klickitat.

On motion of Senator Smithson, the memorial was read second time and referred to the committee on memorials.

Senate bill No. 123, by the Committee on Judiciary, entitled "An act relating to elections held under city charter recall provisions, providing for challengers thereat, and declaring an emergency," was read first time.

On motion of Senator Rosenhaupt, the rules were suspended, the bill was read second time by title, ordered printed and placed on general file.

Senate bill No. 124, by Senter Shaefer (by request), entitled "An act to amend section 6255 of Remington & Ballinger's Annotated Codes and Statutes of title XLVI, entitled An act to establish the legal interest in the State of Washington, to prevent usury, and to provide for the establishment of the rate of interest on public warrants, effect of legal interest rate, when suit brought thereon."

The bill was read the first time, and on motion of Senator Shaefer, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on banks and banking.

Senate bill No. 125, by Senator Stephens, entitled "An act to amend chapter 60 of the Session Laws of 1909, relating to drainage and sewerage in cities of the third class, and declaring an emergency."

The bill was read the first time, and on motion of Senator Stephens, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on dikes and drainage.

Senate bill No. 126, by Senator Arrasmith, entitled "An act permitting the formation of special road districts, providing for a special tax levy within such districts, the election of road foreman, and relating to the construction and repair of roads within such districts."

The bill was read the first time, and on motion of Senator Arrasmith, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on roads and bridges.

Senate bill No. 127, by Senator Allen (P. L.), entitled "An act relating to or affecting the leasing of what is known as the 'Old University Tract' in the city of Seattle."

The bill was read the first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on state, granted, school and tidelands.

Senate bill No. 128, by Senator Allen (F. J.), entitled "An act appropriating two thousand, nine hundred and twenty-three (\$2,923.00) dollars to pay witness fees and mileage to persons summoned before the state board of tax commissioners to testify as to valuation of property."

The bill was read the first time, and on motion of Senator Allen (F. J.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on appropriations.

Senate bill No. 129, by Senator Bassett, entitled "An act relating to the classification of counties, naming the officers

thereof, fixing the compensation and office hours, and repealing all acts in conflict herewith."

The bill was read the first time, and on motion of Senator Bassett, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on elections and privileges.

Senate bill No. 130, by Senator Bassett, entitled "An act amending section 4504, Remington & Ballinger's Annotated Codes and Statutes, relating to the duties of school directors of districts of the first class."

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

Senate bill No. 131, by Senator Bassett, entitled "An act amending section 4558, Remington & Ballinger's Annotated Codes and Statutes, relating to the duties of county treasurers as treasurers of school districts."

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

Senate bill No. 132, by Senator Bassett, entitled "An act amending article 8, chapter 4, title 3, chapter 97, Session Laws, 1909, by adding certain new sections thereto and relating to the duties of county auditors in connection with the work of the school districts of the county."

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

Senate bill No. 133, by Senator Bassett, entitled "An act amending sections 4554, 4555, 4556 and 4557, Remington & Ballinger's Annotated Codes and Statutes, relating to the duties of county auditors in auditing the accounts of school districts."

The bill was read the first time, and on motion of Senator

Bassett, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on education.

Senate bill No. 134, by Senator Bassett, entitled "An act amending sections 4610, 4613, 4615 and 4621, Remington & Ballinger's Annotated Codes and Statutes, relating to the bonds of school districts."

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

Senate bill No. 135, by Senator Bassett, entitled "An act to provide for the selection and purchase of a site, construction of buildings for the State Institution for Feeble Minded, making an appropriation therefor, and declaring an emergency."

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

Senate bill No. 136, by Senator Cox, entitled "An act to repeal section 1643 of Remington & Ballinger's Annotated Codes and Statutes of Washington, relating to the appointment of guardians by will."

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

Senate bill No. 137, by Senator Bryan, entitled "An act prohibiting any corporation from subscribing for, acquiring, holding, owning, selling or voting any shares of stock in any other corporation and repealing chapter 27 of the Session Laws of 1905."

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

Senate bill No. 138, by Senator Nichols, entitled "An act re-

lating to private corporations and allowing minority stockholders representation on the board of trustees."

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

Engrossed House bill No. 80, by Committee on Education, entitled "An act to amend sections 5, 7 and 9 of article I, chapter 12, title III, and section 1 of article IV, chapter 12, title III, and section 1 of article VII, chapter 12, title III of 'An act establishing, providing for the maintenance of, and relating to, a general and uniform public school system for the State of Washington, providing penalties for the violation of the provisions of this act, and repealing all acts and parts of acts in conflict with the provisions of this act,' being chapter 97, Session Laws of 1909, approved by the governor March 11, 1909."

The bill was read first time, and on motion of Senator Bassett, the rules were suspended, the bill was read second time by title and referred to the committee on education.

Engrossed House bill No. 36, by Mr. French, entitled "An act amending an act, entitled 'An act to authorize certain officers and persons to solemnize marriages,' approved December 12, 1889."

The bill was read first time, and on motion of Senator Landon, the rules were suspended, the bill read second time by title and ordered referred to the committee on judiciary.

Engrossed House bill No. 100, by Mr. Carlyon, entitled "An act to prevent fraud and misrepresentation in the selling and serving of oysters, and providing for a punishment therefor."

The bill was read first time, and on motion of Senator Ruth, the rules were suspended, the bill read second time by title and ordered referred to the committee on pure food and drugs.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,

MR. PRESIDENT:

OLYMPIA, WASH., January 30, 1911.

The speaker has signed House concurrent resolution No. 5, authorizing the secretary of the Senate and chief clerk of the House to order

printed six hundred copies of the Legislative Manual for the Session of 1911, etc.

Also, the House has passed engrossed House bill No. 5, entitled "An act to amend sections 1, 4, 5, 8, 11, 13 and 14, chapter 39, Session Laws of 1909, relating to police relief," etc.;

Also engrossed House bill No. 118, entitled "An act relating to the selection, exemption and service of jurors in the superior courts of the State of Washington;"

Also engrossed House concurrent resolution No. 2, "Relating to investigation of the National Guard;"

Also engrossed House joint memorial No. 4, "Relating to the opening for settlement a part of Columbia forest reserve;"

Also House joint memorial No. 10, "Relating to the pensioning of the blind soldiers and sailors of the Mexican and Civil wars;"

Also Senate joint resolution No. 1, "Relating to the ratification of amendment to constitution of the United States providing for an income tax."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

On motion of Senator Collins, the rules were suspended and the Senate proceeded to consider Senate bill No. 123.

Senate bill No. 123, by Judiciary Committee, entitled "An act relating to elections held under city charter recall provisions," etc., was read second and third times.

The secretary called the roll on final passage of Senate bill No. 123 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—38.

Absent or not voting were: Senators Eastham, Hewitt, Piper, Stephens—4.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senator Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Met-

calf, Myers, Nichols, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—38.

Absent or not voting were: Senators Eastham, Hewitt, Piper, Stephens—4

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Collins, the rules were suspended and Senate bill No. 123 was ordered immediately transmitted to the House.

GENERAL FILE.

Senate bill No. 114, by Judiciary Committee, entitled "An act relating to legal holidays and declaring an emergency," was read third time.

The secretary called the roll on final passage of Senate bill No. 114 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Roberts, Rosenhaupt, Rydstrom, Shaefer, Smithson, Stewart, Troy, Whalley, White, Whitney, Mr. President—36.

Voting nay: Senator Ruth—1.

Absent or not voting were: Senators Eastham, Hewitt, Piper, Stephens, Stevenson—5.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stewart, Troy, Whalley, White, Whitney, Mr. President—35.

Absent or not voting were: Senators Bassett, Eastham, Hewitt, Piper, Roberts, Stephens, Stevenson—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed Senate bill No. 52, by Senator Nichols, entitled "An act to legalize and validate the organization, establishment and creation of commercial waterway districts, organized, or established, or created, or attempted to be organized or established or created under an act approved August 17, 1909, entitled 'An act relating to the establishment and creation of commercial waterway districts, and the construction and maintenance of a system of commercial waterways, including the straightening, deepening and widening of rivers, watercourses and streams and the protection of the banks thereof, and disposing of the interests of the state in the beds and shores of navigable waters, and to provide for the means of payment thereof, and declaring an emergency,' and to legalize and validate existing contracts and obligations of such districts and bonds and other obligations executed or incurred in connection with or in pursuance of such attempted organization or establishment, and declaring an emergency," was read third time.

The secretary called the roll on final passage of Senate bill No. 52 and it passed the Senate by the following vote:

Those voting aye were: Senator Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stewart, Troy, Whalley, White, Whitney, Mr. President—36.

Absent or not voting were: Senators Davis, Eastham, Hewitt, Piper, Stephens, Stevenson—6.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bowen, Brown, Bryan, Chappell, Collins, Cox, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols,

Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—36.

Absent or not voting were: Senators Bassett, Davis, Eastham, Hewitt, Piper, Stephens—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 111 was read third time.

On motion of Senator Fishback, the bill was amended by inserting after the word "district" in line 4 of section 1 of the bill, the words "of the first and second classes."

On motion of Senator Allen (P. L.), Senate bill No. 111 was made a special order for 2 o'clock tomorrow afternoon.

Senate bill No. 27 was read third time.

On motion of Senator White, Senate bill No. 27 was re-referred to the committee on municipal corporations.

Engrossed Senate bill No. 78, by Senator Collins, entitled "An act relating to the purchase, sale, transfer and encumbrance of stocks of goods, wares or merchandise in bulk, and fixtures or equipment used, or to be used, in the sale, display, manufacture, care or delivery of said goods, wares or merchandise, and prescribing penalties for the violation thereof, and amending sections 1, 2, 3 and 4 of an act, entitled 'An act to regulate the purchase, sale, transfer and encumbrance of stocks of goods, wares or merchandise in bulk, and prescribing penalties for the violation thereof,' being chapter CIX of the Session Laws of 1901," was read third time.

On motion of Senator Fishback, the bill was amended by striking the word "king" in line 25 of section 1 of the bill.

Senator Bryan moved to amend the bill by striking therefrom the following, commencing with the word "that" in line 29 of section 1 of the bill, strike to and including the word "respectively" in line 35 of section 1 of the bill.

The motion failed to carry.

Senator Espy moved to amend by inserting after the word "respectively" in line 35, section 1, of the bill, the words "on account of the said business."

The motion was lost.

Senator Bryan moved to amend the bill by striking out the word "registered" in line 20, section 2, of the bill.

The amendment was lost.

The previous question was demanded by Senators Fishback, Allen (F. J.), Bowen.

The motion for the previous question was put and prevailed.

The secretary called the roll on final passage of Senate bill No. 78 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Collins, Cox, Falconer, Fishback, Hall, Hammer, Hewitt, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—33.

Those voting nay were: Senators Brown, Bryan, Chappell, Espy—4.

Absent or not voting were: Senators Davis, Eastham, Hutchinson, Piper, Whitney—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Allen (P. L.), the special order set for 2 o'clock this afternoon was advanced to 2 o'clock tomorrow afternoon and the special order set for 3 o'clock this afternoon was set to follow that set for 2 o'clock tomorrow.

At the request of Senator Ruth, the Senate, by unanimous consent, took up at this time the consideration of House joint memorial No. 10.

Under suspension of rules, the secretary read House joint memorial No. 10 first, second and third times, as follows:

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

We, your memorialists, the Senate and House of Representatives of the State of Washington, feeling grateful for the services rendered our country by our soldiers and sailors bravely and heroically risking their lives in the defense and preservation of this country, and realizing that those who took part in the war with Mexico and in the Civil war are

reaching that time in life when they should especially receive our tender solicitude and care,

We, therefore, urge upon you the passage of what is known as Senate Bill 9476, providing for a pension of not less than fifty dollars per month to any soldier or sailor of the Mexican war or the Civil war, who is now or may hereafter become totally blind, or some such similar bill to Senate Bill 9476, granting such relief, and

We would further urge that the proposed act be amended so that "totally blind" should be defined as including "blindness depriving a person of any practical usefulness of his eyes, and beyond any aid or optical assistance."

Be it resolved, A copy of this resolution be forthwith transmitted to the secretary of the senate of the United States and to the clerk of the house of representatives of the United States, and a copy to Senator Penrose of the senate of the United States, and a copy each to senators and representatives in congress of the State of Washington.

The secretary called the roll on final passage of House joint memorial No. 10 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Roberts, Rosenhaupt, Ruth, Smithson, Stephens, Stevenson, Stewart, Troy, White, Mr. President—33.

Absent or not voting were: Senators Anderson, Eastham, Hewitt, Nichols, Piper, Rydstrom, Shaefer, Whalley, Whitney—9.

On motion of Senator Ruth, the rules were suspended and House joint memorial No. 10 was ordered immediately transmitted to the House.

At the request of Senator Brown, the Senate by unanimous consent returned to the order of business "resolutions."

The secretary read House concurrent resolution No. 2, as follows:

HOUSE CONCURRENT RESOLUTION NO. 2.

WHEREAS, It has been charged that the National Guard of the State of Washington is now, and has been for the past year and a half in a disrupted, disorganized and unsettled state owing to factions within

the organization, thereby causing the resignation of some of the best officers and men of the organization, and through personal prejudice others have been removed arbitrarily, without just cause, therefore,

Be it resolved, by the House, the Senate concurring, That the president of the Senate shall appoint two members of the Senate, and that the speaker of the House shall appoint three members of the House, subject to the confirmation of the House and Senate, respectively, such appointees to constitute a committee to investigate the affairs and business management in every part of the National Guard of the State of Washington. Said committee shall fully investigate the books, records and accounts of each and every department of the National Guard in Washington, including individual company records if necessary, together with any other suggestions, data, and conditions coming to its notice affecting any department of the State National Guard, and shall report the result of said investigation to the Senate and House at a date to be hereinafter determined by the Senate and House on or before the 15th day of February, 1911, and said committee is hereby vested with all the powers and authority of the legislature to regulate the mode and manner of making such investigations within the said period, prior to February 15, 1911, to require of the officers and officials all books and records as they may deem necessary to be investigated, to appear before them at hearings and are authorized within such time to subpoena witnesses and the production of files, books, documents, accounts and data relating to or in any way concerning or connected with the National Guard of Washington and in its discretion may employ stenographers, expert accountants and may call to its assistance the attorney general at any time it may deem necessary in the furtherance of such investigation; such committee shall elect one of its members chairman. The committee shall hold its meetings at the city of Olympia, or elsewhere, and at such times as it may desire and deem expedient prior to date aforesaid. Any member of the committee is authorized to administer oaths. The members of the committee shall receive no extra per diem for their services in conducting this investigation except their actual travelling expenses to be paid out of money appropriated. All expenses of witnesses appearing before the committee shall be audited by the committee and such expenses shall be paid as other expenses according to the twelfth legislature are paid.

On motion of Senator Brown, House concurrent resolution No. 2 was referred to the committee on military.

Senator Allen (P. L.) moved that the Senate adjourn until 1:30 o'clock tomorrow afternoon.

Senator Nichols moved as a substitute that the Senate adjourn until 10 o'clock tomorrow morning.

The substitute motion prevailed and the Senate adjourned at 12:40 o'clock p. m.

WM. T. LAUBE,
Secretary of the Senate.

W. H. PAULHAMUS,
President of the Senate.

TWENTY-THIRD DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASH., Tuesday, January 31, 1911.

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

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

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

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

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
MR. PRESIDENT: OLYMPIA, WASH., January 30, 1911.

We, your committee on military, to whom was referred House concurrent resolution No. 2, "Relating to the investigation of the National Guard," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

ED. BROWN, *Chairman.*

We concur in this report: D. H. Cox, J. W. Bryan, F. J. Allen, John L. Roberts, H. B. Hewitt, R. A. Hutchinson, J. A. Falconer.

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

SENATE CHAMBER,
OLYMPIA, WASH., January 30, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 59, entitled "An act providing for the amendment of section 33

of article II of the constitution of the State of Washington relating to the ownership of lands by aliens," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: Josiah Collins, Henry M. White, Frank J. Allen, Ralph D. Nichols, Daniel Landon.

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

SENATE CHAMBER,
OLYMPIA, WASH., January 30, 1911.

MR. PRESIDENT:

We, your committee on public revenue and taxation, to whom was referred Senate bill No. 87, entitled "An act providing for an annual levy for public highway purposes and amending chapter 246 of the Session Laws of 1909," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

JOHN L. ROBERTS, *Chairman.*

We concur in this report: J. D. Bassett, Peder Jensen, Oliver Hall, Frank C. Jackson, H. B. Hewitt.

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

SENATE CHAMBER,
OLYMPIA, WASH., January 31, 1911.

MR. PRESIDENT:

Your committee on enrolled bills, to whom was referred enrolled Senate joint resolution No. 2, "Relating to the appointment of a legislative committee to investigate the title of certain oyster lands;"

Also enrolled Senate joint resolution No. 4, "Relating to the appointment of a joint committee to confer with a similar committee from the state of Oregon concerning changes in the fishing laws;"

Also enrolled Senate joint resolution No. 3, "Relating to the appointment of a joint committee of the House and Senate committees on roads and bridges to investigate conditions at Fidalgo and Meskill rock quarries;"

—have compared same with the original joint resolutions and find them correctly enrolled.

GEO. W. SHAEFER, *Chairman.*

We concur in this report: John A. Whalley, H. A. Espy, P. Jensen.

SENATE CHAMBER,
OLYMPIA, WASH., January 31, 1911.

MR. PRESIDENT:

We, your committee on education, to whom was referred Senate bill No. 18, entitled "An act to amend chapter 97 of the Session Laws

of 1909, being an act establishing, providing for the maintenance of, and relating to, a general and uniform public school system for the State of Washington, providing penalties for the violation of the provisions of this act, and repealing all acts and parts of acts in conflict with the provisions of this act," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Add to the title the words, "and declaring an emergency."

Add at the close of section 1 the following: "Inmates shall be detained in said institution until the superintendent and board of control shall be satisfied that they are in normal condition, or that they can receive proper care and education at the home of a relative or friend, and in case any relative or friend shall make application to the board of control for the discharge of any inmate and shall make sufficient showing to said board of control that said inmate is a proper person to be discharged, and that said relative or friend will properly care for such person, then the board of control may permit such inmate to go to such relative or friend upon parole for the period not to exceed one year, and if at the expiration of said year said board of control shall be satisfied that such inmate is a fit and proper person to be discharged, they shall order his or her discharge, and if they are not satisfied that such person is a fit and proper person to be discharged, they shall order the return of such person to said institution, subject to all the rules and regulations thereof and the laws relative thereto in the State of Washington."

Add section 2: "An emergency exists and this act shall take effect immediately."

J. D. BASSETT, *Chairman.*

We concur in this report: J. R. Stevenson, Chas. E. Myers, Peder Jensen, H. A. Espy, John A. Whalley.

Senator Bassett moved that the report of the committee be adopted.

Senator Ruth moved as a substitute that the bill be re-referred to the committee on education with instructions to amend the bill so that the parents of idiotic children, if they are wealthy, can be made to pay for their maintenance in the institution.

The substitute motion carried and the bill was ordered re-referred to the committee on education.

The secretary read the following resolution by Senator Hutchinson:

Be it resolved. by the Senate, That W. T. Jordan be employed as assistant doorkeeper of the Senate at a salary of \$4.00 per day.

Senator Hutchinson moved that the resolution be adopted.

Senator Falconer moved as a substitute that the resolution be referred to the committee on employes other than regular.

A roll call on Senator Falconer's motion was demanded by Senators Falconer, Ruth, Hutchinson, Bassett, Nichols, Stevenson, Rydstrom, Huxtable.

The secretary called the roll and the substitute motion of Senator Falconer was lost by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Cox, Falconer, Hall, Jackson, Jensen, Landon, Nichols, Shaefer, Whalley, Mr. President—16.

Those voting nay were: Senators Allen (F. J.), Allen (P. L.), Chappell, Collins, Eastham, Espy, Fishback, Hammer, Hewitt, Hutchinson, Huxtable, Metcalf, Myers, Roberts, Rosenhaupt, Ruth, Rydstrom, Smithson, Stephens, Stevenson, Stewart, Troy, White, Whitney—24.

Those absent or not voting were: Senators Davis, Piper—2.

Senator Allen (P. L.), offered the following resolution as a substitute for the resolution of Senator Hutchinson:

Resolved, That W. T. Jordan be transferred from janitor to door-keeper at no change in salary.

Senator Allen's (P. L.) resolution failed to pass.

A roll call on Senator Hutchinson's resolution was demanded by Senators Bassett, Brown, Bryan, Collins, Falconer, Hutchinson, Jensen, Landon.

The secretary called the roll, and the resolution failed to pass by the following vote:

Those voting aye were: Senators Collins, Eastham, Hutchinson, Huxtable, Roberts, Ruth, Stewart, Whitney—8.

Those voting nay were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Rosenhaupt, Rydstrom, Shaefer, Stevenson, Troy, Whalley, White, Mr. President—30.

Those absent or not voting were: Senators Davis, Piper, Smithson, Stephens—4.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 31, 1911.

MR. PRESIDENT:

The House has passed Senate bill No. 5, entitled "An act to adopt Remington & Ballinger's Annotated Codes and Statutes of Washington as an official compilation, etc."

Also the speaker has signed House joint memorial No. 2, "Relating to restrictive legislation for undesirable immigrants."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

REPORT OF SPECIAL COMMITTEE.

SENATE CHAMBER,
OLYMPIA, WASH., January 25, 1911.

MR. PRESIDENT:

We, your special committee appointed to investigate the record of Mr. M. F. Backus, a regent of the University of Washington, beg leave to report the following expense accounts.

F. J. ALLEN, *Chairman.*
Ralph Metcalf, D. S. Troy.

STATE OF WASHINGTON, in account with FRANK J. ALLEN, Dr.
Expenses on trip to Seattle in the matter of the Backus investigation.

Railroad fare to Seattle and return.....	\$4 40
Telephone	40
Telegram	57
Room, three nights.....	6 00
Total	\$11 37

FRANK J. ALLEN.

STATE OF WASHINGTON, in account with RALPH METCALF, Dr.
Expenses on trip to Seattle in the matter of the Backus investigation.

Railroad fare to Seattle and return.....	\$4 40
Hotel, two nights.....	4 00
Total	\$8 40

RALPH METCALF.

Approved: F. J. ALLEN, *Chairman Backus Investigating Committee.*

STATE OF WASHINGTON, in account with DAVID S. TROY, Dr.
Expenses on trip to Seattle in the matter of the Backus investigation.

Railroad fare to Seattle and return.....	\$4 40
Room, two nights.....	4 00
Total	\$8 40

D. S. TROY.

Approved: F. J. ALLEN, *Chairman Backus Investigating Committee.*

STATE OF WASHINGTON, in account with AMIE L. MOOK, Dr.
Expenses on trip to Seattle in the matter of the Backus investigation.

Railroad fare to Seattle and return.....	\$4 40
Cab from office of Metropolitan Building Co. to hotel	50
Carbon and typewriting paper.....	1 00
Room, two nights.....	3 00
Meals, January 19, 20 and 21.....	4 50
Total	\$13 40

AMIE L. MOOK.

Approved: F. J. ALLEN, *Chairman Backus Investigating Committee.*

Senator Ruth moved that the report of the committee be referred to the committee on salaries and mileage, and that when said committee has reported and approved the expense accounts, the president and secretary of the Senate be authorized to execute the proper vouchers.

The motion carried.

The president signed Senate joint resolutions Nos. 2, 3 and 4, also House joint memorial No. 2 and House concurrent resolution No. 5.

INTRODUCTION OF BILLS.

Senate joint resolution No. 6, by Senator Jensen, "Relating to the investigation of conditions existing at the State Industrial School at Chehalis."

The resolution was read the first time, and on motion of Senator Jensen, the rules were suspended, the resolution was read the second time, ordered printed and referred to the committee on state penal and reformatory institutions.

Senate joint memorial No. 4, by Senator Allen (F. J.), "Relating to appeals to circuit court of District of Columbia from decisions rendered by the secretary of the interior."

The resolution was read the first time, and on motion of Senator Allen (F. J.), the rules were suspended, the resolution was read the second time, ordered printed and referred to the committee on public morals.

Senate bill No. 139, by Senator Bassett, entitled "An act amending section 3954, Remington & Ballinger's Annotated Codes and Statutes, relating to the settlements of county treasurers with county commissioners."

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

Senate bill No. 140, by Senator Bassett, entitled "An act amending section 3930, Remington & Ballinger's Annotated Codes and Statutes, relating to the counting of moneys in the county treasury by county commissioners."

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

Senate bill No. 141, by Senator Metcalf, entitled "An act relating to corporations and amending sections 3679, 3685, and 3686 of Remington & Ballinger's Annotated Codes and Statutes of Washington."

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

Senate bill No. 142, by Senator Davis, entitled "An act to provide for the making a survey to locate canals, flumes, aqueducts and watercourses of Lake Wenatchee and certain lands lying in Grant county, Washington; also to investigate the water supply for the purposes of irrigation."

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

Senate bill No. 143, by Senator Davis, entitled "An act to amend section 4266 of Ballinger's Annotated Codes and Statutes of the State of Washington, relating to the issuance of bonds and notes by corporations."

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

time by title, ordered printed and referred to the committee on banks and banking.

Senate bill No. 144, by Senator Allen (F. J.), entitled "An act providing for a lien in favor of nurserymen upon the sale of nursery stock and for the filing of notice of lien and for the foreclosure of the same."

The bill was read the first time, and on motion of Senator Allen (F. J.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on judiciary.

Senate bill No. 145, by Senator Bassett, entitled "An act creating a state library commission, providing for the management of the state library and the state traveling libraries, the appointment of a state librarian and assistants, fixing the salary of the state librarian, prescribing the duties of the state library commission and repealing certain laws in conflict therewith."

The bill was read the first time, and on motion of Senator Bassett, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on state libraries.

Senate bill No. 146, by Senator Bassett, entitled "An act amending section 4541, Remington & Ballinger's Annotated Codes and Statutes, relating to the duties of school district clerks."

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

House joint memorial No. 4, by Mr. Christensen, "Relating to the opening for settlement a part of Columbia forest reserve."

House joint memorial No. 4 was read the first time, and on motion of Senator Bassett, the rules were suspended, the memorial read second time and referred to the committee on memorials.

House bill No. 5, by Mr. Hastings, entitled "An act to amend sections 1, 4, 5, 8, 11, 13 and 14, of chapter 39, Session

Laws of 1909, relating to police relief, and health and insurance fund in incorporated cities of the first class," etc.

The bill was read the first time, and on motion of Senator Rosenhaupt, the rules were suspended, the bill was read the second time by title, and referred to the committee on judiciary.

House bill No. 118, by Mr. Webster, entitled "An act relating to the selection, exemption and service of jurors in the superior courts of the State of Washington, and repealing chapter 73 of the Session Laws of 1909."

The bill was read the first time, and on motion of Senator Rosenhaupt, the rules were suspended, the bill was read the second time by title and referred to the committee on judiciary.

GENERAL FILE.

House concurrent resolution No. 2, relating to an investigation of the National Guard of the State of Washington, was read the third time.

The secretary called the roll on final passage of House concurrent resolution No. 2, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—41.

Absent or not voting: Senator Piper—1.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 31, 1911.

MR. PRESIDENT:

The House has passed Senate bill No. 123, entitled "An act relating to elections held under city charter, recall provisions, providing for challengers thereat, and declaring an emergency."

Also the speaker has signed Senate joint resolution No. 2, "Relating to the appointment by the legislature of a commission to be known as the Oyster Land Title Commission;"

Also Senate joint resolution No. 3, "Relating to the appointment of a committee of roads and bridges to investigate conditions at the Fidalgo and Meskill rock quarry;"

Also Senate joint resolution No. 4, "Relating to the appointment of a committee to confer with a like committee from the Oregon legislature for the improvements of the joint fishing laws."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senate bill No. 42, by Senator Nichols, entitled "An act relating to the offices of lieutenant governor, state auditor, commissioner of public lands and state insurance commissioner and abolishing the same."

The secretary read the report of the majority of the judiciary committee on said bill, recommending that the bill do pass with amendments, also the report of the minority of the committee recommending that the bill do pass.

Senator Nichols moved the adoption of the minority report.

Senator Collins moved as a substitute the adoption of the majority report.

Senator Ruth moved that the reports of the committee be laid on the table.

A roll call on the motion of Senator Ruth was demanded by Senators Falconer, Whitney, Troy, Rydstrom, Nichols, Metcalf, Huxtable, Collins.

The secretary called the roll and the motion of Senator Ruth failed to carry by the following vote:

Those voting aye were: Senators Allen (F. J.), Bassett, Bowen, Brown, Chappell, Eastham, Hewitt, Hutchinson, Huxtable, Jensen, Myers, Roberts, Ruth, Rydstrom, Smithson, Stephens, Stewart, Troy, Whitney—19.

Those voting nay were: Senators Allen (P. L.), Anderson, Arrasmith, Bryan, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Jackson, Metcalf, Nichols, Rosenhaupt, Shaefer, Stevenson, Whalley, White, Mr. President—21.

Those absent or not voting were: Senators Landon, Piper—2.

A roll call was demanded on the motion of Senator Collins

that the majority report be adopted by Senators Nichols, Ruth, Falconer, Davis, Whitney, Hammer, White, Jackson.

The secretary called the roll, and the motion of Senator Collins that the majority report of the committee be adopted carried by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Fishback, Hall, Hammer, Hewitt, Hutchinson, Jackson, Rosenhaupt, Shaefer, Stevenson, Whalley—23.

Those voting nay were: Senators Eastham, Falconer, Huxtable, Jensen, Metcalf, Myers, Nichols, Roberts, Ruth, Rydstrom, Smithson, Stephens, Stewart, Troy, White, Whitney, Mr. President—17.

Those absent or not voting were: Senators Landon, Piper—2.

Senator Jackson moved that Senate bill No. 42 be made a special order for 10 a. m., Thursday, February 9, 1911.

Senator Ruth moved as an amendment that the bill be made a special order for 10 a. m., March 15, 1911.

Senator Falconer moved as a substitute that the bill be re-referred to the committee on judiciary.

Senator Hutchinson moved that the bill be indefinitely postponed.

The president ruled Senator Hutchinson's motion to be out of order.

The substitute motion of Senator Falconer carried and the bill was re-referred to the committee on judiciary.

Senate bill No. 115, by Senators Brown and White, entitled "An act relating to and providing for the payment of obligations existing against road districts in counties which have heretofore, or which shall hereafter, adopt township organization government, and declaring an emergency," was read third time.

Senator Anderson moved that the title of the bill be amended by striking therefrom the words "or which shall hereafter."

Senator Anderson withdrew his motion to amend.

Senator Falconer moved the previous question and was seconded by Senators Landon and Metcalf.

The motion for the previous question was put and carried.

The secretary called the roll on final passage of Senate bill No. 115 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jensen, Landon, Metcalf, Myers, Nichols, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—38.

Absent or not voting were: Senators Cox, Hewitt, Jackson, Piper—4.

The secretary called the roll on the emergency clause and it passed by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jensen, Landon, Metcalf, Myers, Nichols, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—37.

Absent or not voting were: Senators Cox, Hewitt, Jackson, Piper, Stephens—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., JANUARY 31, 1911.

MR. PRESIDENT:

The House has concurred in the Senate amendments to House joint memorial No. 6, "Relating to legislation regarding coal lands in the territory of Alaska."

LOREN GRINSTEAD, *Chief Clerk.*

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., January 31, 1911.

MR. PRESIDENT:

Your committee on enrolled bills, to whom was referred Senate bill No. 123, "An act relating to elections held under city charter recall provisions, providing for challengers thereat, and declaring an emergency," have compared same with the engrossed bill and find it correctly enrolled.

GEO. W. SHAEFER, *Chairman.*

We concur in this report: John A. Whalley, H. A. Espy, Peder Jensen, B. A. Bowen.

The president signed Senate bill No. 123.

At 11:45 a. m., on motion of Senator Allen (P. L.), a recess was taken until 2 o'clock this afternoon.

AFTERNOON SESSION.

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

SPECIAL ORDER.

The Senate took up the consideration of Senate bill No. 58, which was a special order for this hour.

On motion of Senator Fishback, the bill was ordered referred to the committee on roads and bridges.

SPECIAL ORDER.

The Senate next considered Senate bill No. 77, which was a special order for this time.

The secretary called the roll on final passage of Senate bill No. 77 by Senators Nichols and Metcalf, entitled "An act relating to all commercial waterway districts, providing for their establishment, organization and creation, prescribing the powers, duties and authority of all commercial waterway districts, whether organized or validated under this act or organized or validated by virtue of any other act, authorizing all steps and proceedings or organizations which may have been

had or taken under the commercial waterway act of 1909 approved August 17, 1909, to be continued and carried out under the provisions hereof, providing for the construction and maintenance of and means of payment for a system of commercial waterways, including the straightening, deepening and widening of rivers, water courses and streams, providing for the protection of the banks thereof, and disposing of the interests of the state in the beds and shores of navigable waters, authorizing municipal corporations to advance funds in aid of commercial waterway districts, validating and legalizing the organization and establishment of commercial waterway districts organized or established, or attempted to be organized or established under the act of the legislature approved August 17, 1909, on the subject of commercial waterways, and legalizing and validating existing contracts and obligations of such districts, and official bonds and other obligations executed in connection with, or in pursuance of, such attempted organization, and declaring an emergency," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Collins, Cox, Davis, Eastham, Falconer, Fishback, Hammer, Hewitt, Hutchinson, Huxtable, Jensen, Metcalf, Myers, Nichols, Roberts, Rosenhaupt, Ruth, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—35.

Absent or not voting were: Senators Chappell, Espy, Jackson, Landon, Piper, Rydstrom, Hall—7.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Falconer, Fishback, Hammer, Hewitt, Hutchinson, Huxtable, Jensen, Landon, Metcalf, Myers, Nichols, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—36.

Absent or not voting were: Senators Arrasmith, Eastham, Espy, Hall, Jackson, Piper—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Nichols, the rules were suspended and Senate bills Nos. 52 and 77 were ordered immediately transmitted to the House.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 31, 1911.

MR. PRESIDENT:

The speaker has signed Senate bill No. 123, entitled "An act relating to elections held under city charter," etc., and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senate bill No. 111, by committee on education, entitled "An act to amend section 1 of chapter 19 of title 3, of the Code of Public Instruction, being chapter 97 of the Session Laws of 1909" was read third time.

The secretary called the roll on final passage of Senate bill No. 111 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Bryan, Chappell, Collins, Cox, Davis, Hall, Hammer, Huxtable, Jackson, Jensen, Landon, Nichols, Roberts, Stephens, Stewart, Troy, Whalley, Ruth, White, Mr. President—25.

Those voting nay were: Senators Allen (F. J.), Brown, Eastham, Falconer, Hewitt, Metcalf, Myers, Rosenhaupt, Rydstrom, Shaefer, Smithson, Stevenson, Whitney—13.

Absent or not voting were: Senators Fishback, Hutchinson, Piper, Espy—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Ruth gave notice of a motion to reconsider the vote by which Senate bill No. 111 passed the Senate.

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, January 31, 1911.

To the Senate:

I am directed by the governor to inform you that he has this day approved Senate bill No. 123, entitled "An act relating to elections held under city charter recall provisions, providing for challengers thereat, and declaring an emergency."

FRANK M. DALLAM, JR., *Private Secretary.*

A communication from the Washington State Historical Society inviting the Senate to be present at the laying of the corner-stone of their new building in Tacoma on Saturday, February 4th, and a communication from the Chamber of Commerce and Commercial Club of Tacoma, inviting the Senate to a dinner at the Commercial Club room in Tacoma on the same date, were read and ordered placed on file.

At 2:30 p. m., on motion of Allen (P. L.), the Senate adjourned until 10 o'clock tomorrow morning.

WM. T. LAUBE,

Secretary of the Senate.

W. H. PAULHAMUS,

President of the Senate.

TWENTY-FOURTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASH., Wednesday, February 1, 1911.

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

Rev. G. R. Messiah, chaplain of the Senate, offered prayer. The secretary called the roll, all members being present.

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

On motion of Senator Smithson, there was ordered printed 650 copies of Senate bill No. 75.

A communication from the Progressive Thought Club, of Seattle, endorsing an eight-hour day for working women; a petition from members of Mt. Corbin Grange, Patrons of Husbandry, praying that a bounty be placed on ground squirrels, and petitions from certain citizens of Snohomish and Kitsap counties, praying the enactment of the initiative and referendum, were read and ordered placed on file.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., January 30, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 104, entitled "An act to amend section 2 of chapter 234, Session Laws of 1909, relating to the improvement of the Columbia river, and making an appropriation," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be amended as follows, and referred to committee on appropriations:

Strike the title of the bill and substitute therefor: "An act relating to the improvement of the Columbia river, creating a commission, making an appropriation therefor and amending section 2 of chapter 234, Session Laws 1909.

In line 11 of section 1 of the original bill, being line 7 of the printed bill, after the word "until," insert "relieved or."

In line 12 of section 1 of the original bill, being line 8 of the printed bill, after the word "governor," strike "upon the completion of their duties as provided by law."

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: H. M. White, J. W. Bryan, Geo. W. Shaefer, Ralph Metcalf, Daniel Landon, F. J. Allen.

On motion of Senator Rosenhaupt, the report was adopted and the bill was ordered referred to the committee on appropriations.

SENATE CHAMBER,
OLYMPIA, WASH., January 30, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 89, entitled "An act to enable counties, cities and towns to validate certain warrants and other obligations and evidences of indebtedness on the part of such counties, cities and towns, issued by the corporate authorities thereof in excess of their legal authority, and declaring an emergency," have had the same under consideration, and we respect-

fully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: H. M. White, Ralph Metcalf, Geo. W. Shaefer, Josiah Collins, J. W. Bryan, Daniel Landon, F. J. Allen.

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

SENATE CHAMBER,
OLYMPIA, WASH., January 30, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 109, entitled "An act relating to false statements, and making the same a gross misdemeanor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: H. M. White, J. W. Bryan, Geo. W. Shaefer, Josiah Collins, Ralph Metcalf, Daniel Landon, F. J. Allen.

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

SENATE CHAMBER,
OLYMPIA, WASH., January 31, 1911.

MR. PRESIDENT:

We, your committee on banks and banking, to whom was referred Senate bill No. 109, entitled "An act relating to false statements, and making the same a gross misdemeanor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

E. C. DAVIS, *Chairman.*

We concur in this report: F. L. Stewart, D. S. Troy, E. Hammer, B. A. Bowen, J. H. Smithson.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 1, 1911.

MR. PRESIDENT:

We, your committee on salaries and mileage, to whom was referred the expense account of the special committee appointed to investigate the record of M. F. Backus, a regent of the University of Washington, beg to report that we have carefully examined said accounts and find them true and correct and recommend that the same be allowed and that the president and secretary be authorized to execute the proper vouchers.

PEDER JENSEN, *Chairman.*

We concur in this report: Oliver Hall, Chas. E. Myers, D. H. Cox.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., January 31, 1911.

We, your committee on banks and banking, to whom was referred Senate bill No. 62, entitled "An act pertaining to the making or use of false statements to obtain property or credit, and providing a penalty therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Strike semicolon in line 14 of the printed bill and in line 29 of the original bill, and insert in lieu thereof a colon.

Strike the word "or" in line 14 of the printed bill and in line 29 of the original bill.

Strike all of paragraph 3 except line 22 of the printed bill, and line 12, page 2 of the original bill.

E. C. DAVIS, *Chairman*.

We concur in this report: F. L. Stewart, D. S. Troy, E. Hammer, B. A. Bowen, J. H. Smithson.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., January 30, 1911.

We, your committee on game, to whom was referred Senate bill No. 20, entitled "An act for the protection of game birds, deer, and gray squirrels in certain designated territory in the State of Washington, and providing for the violation thereof," have had the same under consideration and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In the title, in line 3 of the original bill, the same being line 2 of the printed, immediately following the comma after the word "Washington" insert the words "to prevent firing of rifles in said territory."

In section 1, in line 9 of the original bill, the same being line 6 of the printed bill, after the word "thence" insert the word "due."

At the end of the bill add another section as follows: "Sec. 2. Any person who shall discharge any rifle within the above described territory shall be guilty of a misdemeanor: *Provided*, That this section shall not apply to peace officers, officers or enlisted men in the United States army, and officers and enlisted men in the National Guard of Washington, or any other state, while engaged in the performance of their respective duties as such officers or enlisted men: *And provided further*. That this section shall not apply to public or private shooting galleries or rifle ranges."

JOSIAH COLLINS, *Chairman*.

We concur in this report: Arvid Rydstrom, Chas. E. Myers, Ed. Brown, A. B. Eastham, F. L. Stewart.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 1, 1911.

MR. PRESIDENT:

Your committee on enrolled bills, to whom was referred Senate bill No. 5, entitled "An act to adopt Remington & Ballinger's Annotated Codes and Statutes of Washington as an official compilation, and declaring an emergency;"

Also Senate bill No. 19, entitled "An act relating to wills executed without the State of Washington;"

Also Senate joint resolution No. 1, "Relating to an amendment of article XVI of the constitution of the United States in regard to taxes on income;"

—have compared same with the original or engrossed bills and joint resolution, respectively, and find them correctly enrolled.

GEO. W. SHAEFER, *Chairman*.

We concur in this report: H. A. Espy, Peder Jensen, B. A. Bowen.

Senator Bryan stated that he had compared Senate joint resolution No. 1 with the enrolled resolution and found it to be properly enrolled.

Senator Metcalf announced that he had compared enrolled Senate bill No. 5 with the original bill and found it to be correctly enrolled and Senator Rosenhaupt made the same announcement with reference to Senate bill No. 19.

The president signed Senate joint resolution No. 1 and Senate bills Nos. 5 and 19.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., January 31, 1911.

MR. PRESIDENT:

The House has passed engrossed House bill No. 70, entitled "An act regulating advertisements, prohibiting false, fraudulent, misleading, pernicious or objectionable advertisements, etc.;"

Also engrossed House bill No. 85, entitled "An act relating to poll tax in cities of third and fourth classes, etc.;"

Also engrossed House bill No. 113, entitled "An act authorizing boards of county commissioners to create districts in which live stock shall not run at large, etc.;"

Also engrossed House bill No. 130, entitled "An act relating to the registration of voters, etc.;"

Also House bill No. 99, entitled "An act relating to furnishing of supplies or material for public use;"

Also House joint memorial No. 9, "Regarding distribution of battle-ships and cruisers of the United States navy;"

Also Senate joint resolution No. 5, "Relating to the purchase of the Wenatchee bridge from the Washington Bridge Company."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

INTRODUCTION OF BILLS.

Senate bill No. 147, by Senator Metcalf, entitled "An act relative to legal holidays and declaring the 12th day of October of each year to be a legal holiday to be known as 'Columbus Day.'"

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

Senate bill No. 148, by Senator Stevenson, entitled "An act to provide for the incorporation of grand lodges of fraternal societies."

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

Senate bill No. 149, by Senator Espy, entitled "An act to protect the improved highways of the State of Washington, and of the various counties thereof, by regulating the loading of wheeled vehicles according to the width of their tires, and by otherwise restricting traffic injurious to such highways, and providing penalties for the violation thereof."

The bill was read the first time, and on motion of Senator Espy, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on roads and bridges.

Senate bill No. 150, by Senator Whalley, entitled "An act relating to offenses against suffrage, fixing punishments and penalties therefor, and amending sections 4958, 4959, 4960, 4961, 4962, 4963 and 4967 of Remington and Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Whalley, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on elections and privileges.

Engrossed House bill No. 70, by Mr. Minard, entitled "An act regulating advertisements, prohibiting false, fraudulent or misleading, objectionable or pernicious advertisements and providing a penalty."

The bill was read first time, and on motion of Senator Landon, the rules were suspended, the bill read second time by title and ordered referred to the committee on judiciary.

Engrossed House bill No. 85, by Mr. Drissler, entitled "An act relating to poll tax in cities of third and fourth classes, and amending section 1 of chapter 75 of the Session Laws of 1905, the same being section 7766 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency."

The bill was read first time, and on motion of Senator Landon, the rules were suspended, the bill read second time by title and ordered referred to the committee on judiciary.

Engrossed House bill No. 113, by Mr. McQuesten, entitled "An act authorizing boards of county commissioners to create districts in which live stock shall not run at large, repealing chapter 230 of the Session Laws of 1907, providing a penalty for the violation thereof, and declaring an emergency."

The bill was read first time, and on motion of Senator Myers, the rules were suspended, the bill read second time by title and ordered referred to the committee on dairy and live stock.

Engrossed House bill No. 130, by Mr. Gandy, entitled "An act relating to the registration of voters and amending section 1452 of Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency."

The bill was read first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill read second time by title and ordered referred to the committee on elections and privileges.

House bill No. 99, by Mr. Carlyon, entitled "An act relating to furnishing of supplies or materials for public use."

The bill was read first time, and on motion of Senator Stevenson, the rules were suspended, the bill read second time by title, and ordered referred to the committee on commerce and manufactures.

House joint memorial No. 9, by Mr. Conner, was read first time as follows:

HOUSE JOINT MEMORIAL NO. 9.

To His Excellency, William H. Taft, President of the United States of America, and to the Honorable Secretary of the Navy:

We, your memorialists, the Senate and House of Representatives of the State of Washington, assembled in twelfth regular session of the legislature, most respectfully represent as follows:

That of the battleships and cruisers constituting the chief effective element of the American navy, available or capable or being made available for immediate service, less than one-sixth are stationed in the waters of the Pacific coast.

That we most earnestly protest against this unequal distribution of the national defensive strength, and respectfully urge upon your excellencies that the claims of the western seaboard to a more adequate naval armament be accorded the recognition which our circumstances demand.

And thus your memorialists will ever pray.

The secretary of state is instructed to immediately transmit a certified copy hereof to His Excellency, the President of the United States, to the Honorable Secretary of the navy, and as well to the legislatures of each of the states of California, Nevada, Colorado, Oregon and Idaho, to the end that the latter bodies may similarly represent our mutual need.

On motion of Senator Bryan, the memorial was read second time and referred to the committee on memorials.

GENERAL FILE.

The secretary read Senate bill No. 83, by Senator Rosenhaupt, entitled "An act relating to the compensation of judges of the supreme court."

The roll was called on final passage of Senate bill No. 83 and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Bryan, Chappell,

Collins, Davis, Espy, Hewitt, Huxtable, Landon, Metcalf, Piper, Rosenhaupt, Rydstrom, Stevenson, White, Mr. President—21.

Those voting nay were: Senators Brown, Cox, Eastham, Falconer, Fishback, Hall, Hammer, Hutchinson, Jensen, Myers, Roberts, Ruth, Smithson, Stephens, Stewart, Troy, Whalley, Whitney—18.

Absent or not voting were: Senators Jackson, Nichols, Shaefer—3.

Senate bill No. 59 was read third time and on motion of Senator Jackson, the further consideration of Senate bill No. 59 was made a special order for 11 o'clock tomorrow morning.

Senate bill No. 87, by Senator Bassett, entitled "An act providing for an annual levy for public highway purposes and amending chapter 246 of the Session Laws of 1909" was read third time.

Senator Brown moved to amend the bill by striking the words "one-half" in line 9 of the printed bill and inserting in lieu thereof the words "three-fourths."

Senator Stewart moved as an amendment to the amendment that the word "one" be inserted in lieu of the words "three-fourths."

The president called Senator Falconer to take the chair.

A roll call on the amendment to the amendment as proposed by Senator Stewart, was demanded by Senators Nichols, Allen (P. L.), Fishback, Cox, Metcalf, Jackson, Landon.

The president resumed the chair.

The secretary called the roll and the amendment to the amendment proposed by Senator Stewart failed to carry by the following vote:

Those voting aye were: Senators Anderson, Brown, Collins, Eastham, Espy, Fishback, Hewitt, Nichols, Rydstrom, Smithson, Stevenson, Stewart—12.

Those voting nay were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bassett, Bowen, Bryan, Chappell, Cox, Davis, Falconer, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jen-

sen, Landon, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Shaefer, Stephens, Troy, Whalley, White, Whitney, Mr. President—29.

Absent or not voting: Senator Ruth—1.

A roll call on the amendment proposed by Senator Brown was demanded by Senators Allen (P. L.), Eastham, Nichols, Hutchinson, Chappell, Cox, Hammer.

The secretary called the roll and the amendment failed to carry by the following vote:

Those voting aye were: Senators Anderson, Brown, Collins, Eastham, Espy, Fishback, Hewitt, Nichols, Rydstrom, Smithson, Stewart—11.

Those voting nay were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bassett, Bowen, Bryan, Chappell, Cox, Davis, Falconer, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Shaefer, Stephens, Stevenson, Troy, Whalley, White, Whitney, Mr. President—30.

Absent or not voting: Senator Ruth—1.

Senator Myers moved to amend the bill as follows: After the paragraph ending with the word "thereafter" in line 11 of the printed bill, add the following: "*Provided further*, That the amount raised by any levy for any fiscal year shall not exceed \$750,000."

The amendment failed to carry.

The secretary called the roll on final passage of Senate bill No. 87 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Shaefer, Smithson, Stephens, Troy, Whalley, White, Whitney, Mr. President—35.

Those voting nay were: Senators Fishback, Hewitt, Nichols, Rydstrom, Stevenson, Stewart—6.

Absent or not voting: Senator Ruth—1.

On motion of Senator Rosenhaupt, the title was stricken from the bill and the following inserted as the title of the act: "An act relating to the public highway fund and amending section 2, chapter 137 of the Session Laws of 1905."

There being no objection, the title of the bill as amended was ordered to stand as the title of the act.

On motion of Senator Brown, the rules were suspended and Senate bill No. 115 was ordered immediately transmitted to the House.

Senator Espy gave notice that he would move to reconsider the vote by which Senate bill No. 87 passed the Senate.

At 12:35 p. m., on motion of Senator Allen (P. L.), the Senate adjourned until 10:30 tomorrow morning.

WM. T. LAUBE,

Secretary of the Senate.

W. H. PAULHAMUS,

President of the Senate.

TWENTY-FIFTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASH., Thursday, February 2, 1911.

The Senate was called to order at 10:30 o'clock a. m. by President Paulhamus, pursuant to adjournment.

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

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

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

A communication from the Washington State Federation of Labor opposing the passage of Senate bill No. 59, was read and ordered placed on file.

A petition from certain citizens of Spokane praying the enactment of initiative and referendum legislation was read and placed on file.

The secretary read first time:

SENATE JOINT MEMORIAL NO. 5.

By Senator Rydstrom.

WHEREAS, The Rainier National Park, in the State of Washington, containing within its boundaries the noblest of American mountains, with the most important glaciers and some of the most noteworthy examples of glacial action to be found in the United States south of Alaska, is, by reason of government ownership, wholly dependent upon congressional appropriation for the protection of its great forest areas and to make it accessible to students, tourists and the general public; and

WHEREAS, Congress has hitherto appropriated sums aggregating \$225,000 for the survey and construction of a highway from the western boundary to Paradise valley, in said national park, a distance of twenty-four miles, which highway has opened to vehicles a great scenic region that is already visited by many thousands of persons annually; and

WHEREAS, The greater portion of said national park, including the largest glaciers and the most valuable forest, is still inaccessible to tourists and incapable of protection from fires for want of proper roads and trails; and

WHEREAS, A bill is now before congress appropriating \$50,000 for surveys and the beginning of construction of a road continuing the aforesaid highway entirely around said mountain, within the boundaries of said national park; which appropriation would enable the engineer corps not only to locate the route of such road, but to begin construction thereof by building bridle trails on the final grades so established, thereby opening at once all parts of said national park to travel on horseback, and greatly increasing the safety and utility of the park, until such time as said trails may be widened into the proposed permanent road; therefore

Resolved, by the Senate and House of Representatives of the State of Washington, That, in view of the desirability of protecting said national park and making it fully accessible at the earliest practicable date, the congress of the United States is respectfully requested to pass said appropriation at its present session.

On motion of Senator Rydstrom, the rules were suspended, the memorial read second time and ordered referred to the committee on memorials.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., February 1, 1911.

MR. PRESIDENT:

We, your committee on memorials, to whom was referred Senate joint memorial No. 4, "Relating to appeals to circuit court of District of Columbia from decisions rendered by the secretary of the interior," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be referred to committee on judiciary.

GEO. W. SHAEFER, *Chairman*.

I concur in this report: F. L. Stewart.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 2, 1911.

MR. PRESIDENT:

We, your committee on roads and bridges, to whom was referred engrossed House joint memorial No. 5, "Relating to state road No. 5," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. O. FISHBACK, *Chairman*.

We concur in this report: A. W. Anderson, Ed. Brown, Joseph Arrasmith, J. R. Stevenson, F. L. Stewart, Arvid Rydstrom, H. A. Espy, B. A. Bowen.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 1, 1911.

MR. PRESIDENT:

We, your committee on penal and reformatory institutions, to whom was referred Senate bill No. 96, entitled "An act repealing section 19 of an act approved March 14, 1907, entitled 'An act creating the Washington State Reformatory, providing for the erection and management thereof, and making an appropriation therefor,'" have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

E. MILTON STEPHENS, *Chairman*.

We concur in this report: Frank C. Jackson, D. H. Cox, H. O. Fishback, Jesse Huxtable, E. C. Davis.

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

SENATE CHAMBER,
OLYMPIA, WASH., January 30, 1911.

MR. PRESIDENT:

We, your committee on municipal corporations, to whom was referred Senate bill No. 45, entitled "An act providing for the organiza-

tion, classification, incorporation and government of municipal corporations, under a commission, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Section 1, line 1 of the printed bill, being section 1, line 2 of the original bill, strike out the words "three thousand" and insert the words "two thousand five hundred" in place thereof.

Section 3, line 1 of the printed bill, being section 3, line 2 of the original bill, strike out the word "April" and insert in place thereof the word "December."

Section 3, line 7 of the printed bill, being section 3, line 11 of the original bill, strike out the word "April" and insert in place thereof the word "December."

Section 5, line 8 of the printed bill, being section 5, lines 12 and 13 of the original bill, strike out the words "cease and determine" and insert the word "terminate."

Section 7, line 37 of the printed bill, being page 5, line 15 of the original bill, after the word "published" insert the words "over his signature."

Section 7, line 40 of the printed bill, being page 5, line 20 of the original bill, strike out the first comma and the words "and the" and insert a period and the word "The" in place thereof.

Section 7, lines 40 and 41 of the printed bill, being page 5, lines 21 and 22 of the original bill, strike out the words "authenticated with a facsimile of his signature."

Section 7, line 61 of the printed bill, being page 6, line 14 of the original bill, strike out the dotted line and the words "city clerk."

Section 12, lines 8, 9 and 10 of the printed bill, being section 12, lines 12, 13, 14 and 15 of the original bill, strike out all of line 8 after the word "Provided" down to and including the word "further" in line 10.

Section 12, line 12 of the printed bill, being section 12, line 19 of the original bill, strike out the word "still."

That section 14 of the printed bill, being section 14 of the original bill, be stricken and the following substituted therefor:

"Sec. 14. The commission shall have and maintain an office at the city hall, or such other place as the city may provide, and their total compensation shall be as follows: In cities having a population of two thousand five hundred (2,500) and less than five thousand (5,000) the annual salary of the mayor shall be seven hundred fifty dollars (\$750), and that of each of the commissioners five hundred dollars (\$500); in cities having a population of five thousand and less than eight thousand (8,000), the annual salary of the mayor shall be twelve hundred dollars (\$1,200), and that of each of the commissioners one thousand dollars (\$1,000); in cities having a population of eight thousand (8,000) and less than fourteen thousand (14,000), the annual

salary of the mayor shall be two thousand dollars (\$2,000), and that of each of the commissioners eighteen hundred dollars (\$1,800); and in cities having a population of fourteen thousand (14,000) and less than twenty thousand (20,000), the annual salary of the mayor shall be three thousand dollars (\$3,000) and that of each commissioner twenty-seven hundred dollars (\$2,700). Such salaries shall be payable in equal, monthly installments. Every other officer or assistant shall receive such salary or compensation as the commission shall fix by ordinance and shall be payable monthly or at such shorter periods as the commission shall determine.

Section 16, line 2 of the printed bill, being section 16, lines 2 and 3 of the original bill, strike out the words "or making or authorizing the making of any contract."

Section 16, line 4 of the printed bill, being section 16, line 5 of the original bill, strike the letter "d" in the word "completed."

Section 19, line 4 of the printed bill, being section 19, lines 5 and 6 of the original bill, strike the comma after the word "revise" and the balance of line 4 down to and including the word "additional" and insert "said."

Section 20, line 9 of the printed bill, being section 20, line 14 of original bill, strike out the word "such" and insert the word "each" in place thereof.

Section 20, line 14 of the printed bill, being section 20, line 21 of original bill, strike the words "voter's register" and insert in place thereof "registration books and the returns of the preceding municipal election."

Section 20, line 23 of the printed bill, being page 14, line 16 of the original bill, strike out the word "forty" and insert in place thereof the word "sixty."

Section 21, line 4 of the printed bill, being section 21, line 6 of the original bill, after the word "be" insert the word "the."

Section 21, line 20 of the printed bill, being page 16, line 27 of the original bill, strike out the word "repealed" and insert in place thereof the word "repealed."

Section 24, line 4 of the printed bill, being section 24, line 6 of the original bill, change the word "voter" to "voters."

FRANK J. ALLEN, *Chairman.*

We concur in this report: J. R. Stevenson, A. B. Eastham, J. W. Bryan, John E. Chappell, Oliver Hall.

On motion of Senator Allen (F. J.), the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 2, 1911.

MR. PRESIDENT:

We, your committee on salaries and mileage, to whom was referred the expense accounts of Senators Fishback and Rydstrom, incurred in making the rock quarry investigation as provided for under Senate

joint resolution No. 2, beg leave to report that we have audited said accounts and find them true and correct, and recommend that the same be allowed, and the president and secretary be authorized to execute the proper vouchers.

FEDER JENSEN, *Chairman.*

We concur in this report: Chas. E. Myers, Ed. Brown, D. H. Cox, Oliver Hall.

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

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 1, 1911.

MR. PRESIDENT:

The speaker has signed Senate bill No. 5, entitled "An act to adopt Remington & Ballinger's Annotated Codes and Statutes of Washington as an official compilation;"

Also Senate bill No. 19, entitled "An act relating to wills executed without the State of Washington;"

Also Senate joint resolution No. 1, "Relating to the amendment to the constitution of the United States, submitted to the several states by congress, etc."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., February 2, 1911.

MR. PRESIDENT:

The House has passed engrossed House bill No. 137, entitled "An act providing for the amendment of section 7, article II, constitution of the State of Washington, etc.;"

Also engrossed House bill No. 60, entitled "An act to amend section, of article XXIII, constitution of the State of Washington, etc.;"

Also engrossed House bill No. 39, entitled "An act for the relief of Indian war veterans of the wars of 1855 and 1856;"

Also House bill No. 29, entitled "An act for the relief of Stewart E. Smith of King county;"

Also House bill No. 98, entitled "An act for the relief of Mary A. Bradley, Wm. C. Bradley, Jennie Bradley and Florence Bradley;"

Also House bill No. 158, entitled "An act providing for an annual convention of county assessors of the state."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

INTRODUCTION OF BILLS.

Senate bill No. 151, by Senators Espy and Anderson, entitled "An act proposing an amendment to sections 2 and 3 of article 2

of the constitution of the State of Washington, relating to the membership of the legislature."

The bill was read the first time, and on motion of Senator Anderson, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on constitution and constitutional revision.

Senate bill No. 152, by Senator Stevenson, entitled "An act relating to the taking of food fishes, and amending section 5187 of Remington and Ballinger's Annotated Codes and Statutes of Washington."

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

Senate bill No. 153, by Senator Landon, entitled "An act appropriating the sum of one hundred and eighty-six thousand three hundred twenty and 75-100 dollars from the state shore land improvement fund (said sum being the unexpended balance of the two hundred and fifty thousand dollars set apart and appropriated by chapter 218 of the Laws of 1909), and providing for the expenditure thereof in connection with the construction and improvement of the Lake Washington canal in King county, Washington."

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

Senate bill No. 154, by Senator Landon, entitled "An act providing for the sale by common carriers of refused or unclaimed property."

The bill was read the first time, and on motion of Senator Landon, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on railroads and transportation.

Senate bill No. 155, by Judiciary Committee, entitled "An act relating to funds deposited with or paid into the superior

courts, prescribing the duties of county officers with relation thereto, and declaring an emergency."

The bill was read the first time, and on motion of Senator Rosenhaupt, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 156, by Senator Landon, entitled "An act to prevent the keeping or distribution of obligations resembling money, of defunct banks, insurance companies, railroad companies and other corporations, associations or individuals, and to provide a punishment for the violation hereof."

The bill was read the first time, and on motion of Senator Landon, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on banks and banking.

House bill No. 158, by Committee on Revenue and Taxation, entitled "An act providing for an annual convention of the county assessors of the state."

The bill was read the first time, and on motion of Senator Landon, the rules were suspended, the bill was read the second time by title, and referred to the committee on public revenue and taxation.

House bill No. 98, by Mr. Phipps, entitled "An act for the relief of Mary A. Bradley, William O. Bradley, Janie Bradley and Florence Bradley, of Spokane county, and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Falconer, the rules were suspended, the bill was read the second time by title, and referred to the committee on appropriations.

House bill No. 29, by Mr. Buchanan (H. D.), entitled "An act for the relief of Stewart E. Smith, King county, State of Washington, and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Falconer, the rules were suspended, the bill was read the second time by title, and referred to the committee on appropriations.

Engrossed House bill No. 39, by Mr. French, entitled "An

act for the relief of Indian war veterans of the wars of 1855 and 1856, and declaring an emergency."

The bill was read the first time, and on motion of Senator Falconer, the rules were suspended, the bill was read the second time by title, and referred to the committee on appropriations.

Engrossed House bill No. 60, by Messrs. Teats and Todd, entitled "An act to amend section 1, of article XXIII of the constitution of the State of Washington, relating to amendments, and providing for the amendment of the constitution by the initiative."

The bill was read the first time, and on motion of Senator Allen (F. J.), the rules were suspended, the bill was read the second time by title, and referred to the committee on constitution and constitutional revision.

Engrossed House bill No. 137, by Mr. Ward, entitled "An act providing for the amendment of section 7, article XI of the constitution of the State of Washington, relating to county officers, and providing that no county treasurer shall be eligible to hold his office more than two terms in succession."

The bill was read the first time, and on motion of Senator Allen (F. J.), the rules were suspended, the bill was read the second time by title, and referred to the committee on constitution and constitutional revision.

GENERAL FILE.

Senate bill No. 2, by Senator Landon, entitled "An act relating to contempts and their punishments, and amending section 5798 of Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency," was read third time.

Senator Collins moved that the bill be indefinitely postponed.

On motion of Senator Allen (P. L.), the special order for the consideration of Senate bill No. 59 set for 11 o'clock this morning, was advanced to such a time as the Senate shall have disposed of Senate bill No. 2.

A roll call on Senator Collins' motion that Senate bill No. 2

be indefinitely postponed was demanded by Senators Metcalf, Fishback, Landon, Davis, Whitney, Eastham, Falconer.

The secretary called the roll and the bill was indefinitely postponed by the following vote:

Those voting aye were: Senators Allen (F. J.), Bassett, Chappell, Collins, Cox, Davis, Eastham, Fishback, Hall, Hewitt, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Rydstrom, Shaefer, Smithson, Stephens, Stephenson, Stewart, White, Whitney—24.

Those voting nay were: Senators Allen (P. L.), Anderson, Arrasmith, Brown, Bryan, Espy, Falconer, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Nichols, Troy, Whalley, Mr. President—17.

Absent or not voting: Senator Ruth—1.

On motion of Senator Allen (P. L.), the special order for the consideration of Senate bill No. 59 was advanced to 2 o'clock this afternoon.

At 12:15 p. m., on motion of Senator Allen (P. L.), a recess was taken until 2 o'clock this afternoon.

AFTERNOON SESSION.

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

The president announced the appointment of Senators Landon and Stevenson as members of the committee under House concurrent resolution No. 2 relating to the militia.

The secretary called the roll on the confirmation of the appointment of Senators Landon and Stevenson as members of the committee under House concurrent resolution No. 2, and the president's appointments were confirmed by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan,

Chappell, Collins, Cox, Eastham, Espy, Falconer, Fishback, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Myers, Rosenhaupt, Rydstrom, Shaefer, Smithson, Stephens, Stewart, Troy, Whalley, White, Whitney—§1.

Those absent or not voting were: Senators Davis, Hall, Hewitt, Landon, Metcalf, Nichols, Piper, Roberts, Ruth, Stevenson, Mr. President—11.

SPECIAL ORDER.

The Senate took up for consideration Senate bill No. 59, which was a special order for this time.

Senate bill No. 59, by Senator Collins, entitled "An act providing for an amendment to the constitution relating to ownership of lands by aliens, was read the third time.

On motion of Senator Jackson, the bill was amended as follows:

In line 12 of section 1 of the printed bill, by striking the comma after the word "therefrom" and inserting in lieu thereof a colon; and by striking the balance of line 12, and the word "state" in line 13 and inserting the following:

"Provided further. That nothing in this section shall prevent the ownership of lands situate within the corporate limits of any incorporated city or town in the state by such aliens as may now or might hereafter be eligible to citizenship under the laws of this state and of the United States."

On motion of Senator Allen (F. J.), the bill was amended as follows:

In line 2 of section 3, by striking the balance of the line after the word "constitution" and strike line 3 and inserting in lieu thereof the following:

"Providing, That aliens who may now or might hereafter be eligible to citizenship may acquire and own lands situate within the corporate limits of incorporated cities and towns."

In line 4, section 3, after the word "constitution" by striking the balance of the line, and all of line 5 and by inserting in lieu thereof the following:

"Providing, That aliens who may now or might hereafter be eligible to citizenship may acquire and own lands situate within the corporate limits of incorporated cities and towns."

Senator Shaefer moved that the further consideration of Senate bill No. 59 be postponed until 11:00 a. m. tomorrow.

The motion was lost.

The secretary called the roll on final passage of Senate bill No. 59, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Chappell, Collins, Davis, Eastham, Falconer, Fishback, Hammer, Hutchinson, Huxtable, Jackson, Metcalf, Myers, Roberts, Rosenhaupt, Rydstrom, Smithson, Stephens, Stevenson, Stewart, Whalley, White, Whitney—29.

Those voting nay were: Senators Bryan, Cox, Espy, Hewitt, Jensen, Landon, Shaefer, Troy, Mr. President—9.

Absent or not voting were: Senators Hall, Nichols, Piper, Ruth—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 20, by Senator Rydstrom, entitled "An act for the protection of game birds, deer, and gray squirrels in certain designated territory in the State of Washington, to prevent firing of rifles in said territory, and providing a punishment for the violation thereof," was read third time.

The secretary called the roll on final passage of Senate bill No. 20 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Jackson, Jensen, Landon, Metcalf, Myers, Roberts, Rosenhaupt, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—35.

Absent or not voting were: Senators Bryan, Hutchinson, Huxtable, Nichols, Piper, Ruth, Whitney—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 109, by Senator Stewart, entitled "An act relating to false statements and making the same a gross misdemeanor," was read third time.

Senator Eastham moved to amend the bill by striking therefrom the word "gross" in line 5 of section 1 of the printed bill.

The amendment failed to carry.

On motion of Senator Fishback, the bill was amended by substituting the word "and" for the word "or" in line 1 of section 1 of the bill.

The secretary called the roll on final passage of Senate bill No. 109 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hammer, Hewitt, Huxtable, Jackson, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—36.

Those voting nay were: Senators Bryan, Hall, Jensen—3.

Absent or not voting were: Senators Hutchinson, Ruth, Whitney—3.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 62, by Senator Stewart, entitled "An act pertaining to the making or use of false statements to obtain property or credit, and providing a penalty therefor," was read third time.

On motion of Senator Rosenhaupt, the bill was indefinitely postponed.

The president called former Senators Graves and Pogue to take seats beside him at the desk.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 2, 1911.

MR. PRESIDENT:

The House has passed Senate bill No. 77, entitled "An act relating to all commercial waterway districts, providing for their establishment, organization and creation, etc.;"

Also engrossed Senate bill No. 52, entitled "An act to legalize and validate the organization, establishment and creation of commercial waterway districts, etc."

Also, the speaker has signed House concurrent resolution No. 2, "Relating to charges against the National Guard of the State of Washington;"

Also House joint resolution No. 2, "Relating to the title to public fisheries within the territorial limits of the State of Washington;"

Also House joint memorial No. 10, "Relating to the pensioning of the soldiers and sailors of the Mexican and Civil wars becoming totally blind, etc."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senate bill No. 89, by Senator Falconer, entitled "An act to enable counties, cities and towns to validate certain warrants and other obligations and evidences of indebtedness on the part of counties, cities and towns, issued by the corporate authorities thereof in excess of their legal authority and declaring an emergency," was read third time.

The secretary called the roll on final passage of Senate bill No. 89 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Falconer, Fishback, Hall, Hammer, Hewitt, Huxtable, Jackson, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—37.

Those voting nay were: Senators Eastham, Espy, Jensen—3.

Absent or not voting were: Senators Hutchinson, Ruth—2.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Falconer, Fishback, Hall, Hammer, Hewitt, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—38.

Voting nay: Senator Nichols—1.

Absent or not voting were: Senators Espy, Hutchinson, Ruth—3.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The president signed House joint resolution No. 2, House concurrent resolution No. 2 and House joint memorial No. 10.

At 3:00 o'clock p. m., on motion of Senator Allen (P. L.), the Senate adjourned until 10:00 o'clock tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

W. H. PAULHAMUS,
President of the Senate.

TWENTY-SIXTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASH., Friday, February 3, 1911.

The Senate was called to order at 10:00 o'clock a. m., by President Paulhamus, pursuant to adjournment.

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present except Senators Espy, Fishback, Hutchinson, Stephens and Whalley, all of whom were excused.

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

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., February 2, 1911.

MR. PRESIDENT:

We, your committee on military, to whom was referred House joint memorial No. 9, "Relating to the distribution of battleships and cruisers of the United States navy," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

ED. BROWN, *Chairman.*

We concur in this report: J. W. Bryan, J. A. Falconer, D. H. Cox, H. B. Hewitt, John L. Roberts.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 2, 1911.

MR. PRESIDENT:

We, your committee on public morals, to whom was referred Senate bill No. 105, entitled "An act to repeal section 284 of chapter 249 of the Session Laws of 1909, relating to the sale or possession of cigarettes and cigarette materials, the same being section 2536 of Remington & Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

CHAS. E. MYERS, *Chairman*.

We concur in this report: Josiah Collins, E. Hammer, A. B. Eastham, A. W. Anderson.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 2, 1911.

MR. PRESIDENT:

We, your committee on state, granted, school and tide lands, to whom was referred Senate bill No. 81, entitled "An act ceding to the United States exclusive jurisdiction over tide lands in front of the McNeils Island penitentiary site," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

P. L. ALLEN, *Chairman*.

We concur in this report: A. W. Anderson, Peder Jensen, Geo. W. Shaefer, J. D. Bassett, H. O. Fishback, H. A. Espy.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 2, 1911.

MR. PRESIDENT:

We, your committee on education, to whom was referred Senate bill No. 130, entitled "An act amending section 4504, Remington & Ballinger's Annotated Codes and Statutes, relating to the duties of school directors of districts of the first class," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

At the end of section 1 add the following: "Provided, That where there are funds in the treasury to pay such warrants, a certified list thereof shall be deemed sufficient."

J. D. BASSETT, *Chairman*.

We concur in this report: Chas. E. Myers, Peder Jensen, John A. Whalley, H. A. Espy, Oliver Hall.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 2, 1911.

MR. PRESIDENT:

We, your committee on military, to whom was referred Senate bill No. 50, entitled "An act to amend sections 1 and 2 of an act entitled 'An act to provide for the issuance of licenses to honorably discharged soldiers, sailors and marines of the military and naval service of the United States, etc.,'" have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

ED BROWN, *Chairman.*

We concur in this report: J. W. Bryan, J. A. Falconer, D. H. Cox, H. B. Hewitt, John L. Roberts.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 2, 1911.

MR. PRESIDENT:

We, your committee on education, to whom was referred Senate bill No. 131, entitled "An act amending section 4558, Remington & Ballinger's Annotated Codes and Statutes, relating to the duties of county treasurers as treasurers of school districts," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. D. BASSETT, *Chairman.*

We concur in this report: Chas. E. Myers, John A. Whalley, H. A. Espy, Oliver Hall, Peder Jensen.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 2, 1911.

MR. PRESIDENT:

We, your committee on education, to whom was referred Senate bill No. 132, entitled "An act amending article 8, chapter 4, title 3, chapter 97, Session Laws of 1909, by adding certain new sections thereto and relating to the duties of county auditors in connection with the work of the school districts of the county," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Section 7, line 5 of the printed bill, being section 7, line 6 of the original bill, strike out the words "(the county auditor)."

Section 8, line 7 of the printed bill, being section 8, line 9 of the original bill, strike out the words "(the county auditor)."

Section 9, line 10 of the printed bill, being section 9, line 14 of the original bill, strike out the words "(the county auditor)."

Add a new section to the bill to be known as section 10:

"Sec. 10. He shall make an annual report to the county superintendent of schools on or before the fifteenth day of July in such form as may be prescribed by the superintendent of public instruction."

J. D. BASSETT, *Chairman.*

We concur in this report: Chas. E. Myers, John A. Whalley, H. A. Espy, Oliver Hall, Peder Jensen.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 3, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred Senate bill No. 45, "An act providing for the organization, classification, incorporation and government of municipal corporations, under a commission, and declaring an emergency," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman.*

We concur in this report: D. S. Troy, Daniel Landon, F. J. Allen.

SENATE CHAMBER,
OLYMPIA, WASH., February 3, 1911.

MR. PRESIDENT:

We, your committee on dairy and live stock, to whom was referred Senate bill No. 80, entitled "An act relating to the registration and licensing of stallions and jacks, providing for the fees therefor and fixing the penalties for a violation of the provisions hereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In section 1, line 11 of the original bill, the same being section 1, line 7 of the printed bill, after the word "a" and before the word "veterinarian" strike the word "graduate."

In section 1, lines 19, 20, 21, 22 and 23 of the original bill, the same being section 1, lines 13, 14, 15 and 16 of the printed bill, strike all of said lines.

In section 7, line 6 of the original bill, the same being section 7, line 4 of the printed bill, after the word "registered" strike the word "graduate."

In section 8, line 2 of the original bill, the same being section 8, line 1 of the printed bill, after the word "act" strike the word "may" and insert in lieu thereof the word "shall."

In section 8, line 2 of the original bill, the same being section 8, lines 1 and 2 of the printed bill, after the word "expended" strike the words "under the direction of the." and insert in lieu thereof the words "by the."

In section 8, line 3 of the original bill, the same being section 8, line 2 of the printed bill, after the word "husbandry" and before the word "in" strike the comma and insert the words "under the direction of the board of regents."

In section 7, line 8 of the original bill, the same being section 7, line 5 of the printed bill, after the word "registered" strike the word "graduate."

D. S. TROY, *Chairman.*

We concur in this report: Ed Brown, Joseph Arrasmith, J. H. Smithson.

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

MESSAGES FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT.
OLYMPIA, February 1, 1911.

To the Senate:

I am directed by the governor to inform you that he has this day approved Senate bill No. 5, entitled "An act to adopt Remington & Ballinger's Annotated Codes and Statutes of Washington as an official compilation, and declaring an emergency."

FRANK M. DALLAM, JR., *Private Secretary.*

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT.
OLYMPIA, February 1, 1911.

Honorable W. H. Paulhamus, President State Senate, Olympia, Wash.:

DEAR SIR: I beg to hand you herewith report of the state capitol commission.

Respectfully submitted,

M. E. HAY, *Governor.*

REPORT OF STATE CAPITOL COMMISSION.

To the President of the Senate, the Speaker of the House and the Honorable Members of the Washington State Legislature:

We, your commission on the sale of capitol building lands and the erection of a state capitol building, as provided for in chapter 69, Session Laws of 1909, beg to report as follows:

The act creating this commission provides that the governor, state auditor, commissioner of public lands, and one member of the state tax commission, to be named by the governor, as *ex-officio* members thereof, and three qualified electors of the State of Washington to be appointed by the governor. The governor designated the Honorable J. E. Frost of the state tax commission to serve on this commission, and appointed in addition thereto Senator Alex Polson, of Hoquiam, Honorable A. S. Taylor, of Everett, and Colonel F. D. Huestis, of Olympia. Colonel Huestis dying in the fall of 1909, the vacancy was filled by the appointment of Honorable Mitchel Harris, of Olympia.

Your capitol building commission convened and organized April 2, 1909, and elected Governor Hay as chairman of the commission, and your commission has held in all ten meetings.

At the April 2d meeting, after an informal discussion, a resolution was passed inviting certain land and timber cruisers to appear before the commission at a meeting to be held in the governor's office on May 3, 1909. These cruisers were requested to offer suggestions and give this commission advice as to the better way of obtaining a cruise and valuation of the state's capitol building lands.

At a meeting held on May 3d, after due examination of ten or twelve well known cruisers, Mr. H. D. McCool, of Everett, was chosen to take charge of the cruising and appraisal of the state's capitol building lands, timber, etc.; services to begin May 10, 1909, at a salary of \$350.00 per month and expenses

Timber and lands in the following counties were cruised and appraised under the direction of Mr. McCool, namely: Clallam, Chehalis, Clarke, Cowlitz, Kitsap, Mason, Skamania, Stevens, Skagit, Wahkiakum and Jefferson.

The capitol grant lands in the counties of Pierce, King, Lewis and Pacific, as cruised by order of the board of county commissioners for taxation purposes, was accepted by your commission as a correct cruise.

The agricultural lands in Douglas county were appraised by Mr. C. R. Benson, of the state land commissioner's office.

The result of cruise and appraisal by H. D. McCool is as follows:

<i>County</i>	<i>Area</i>	<i>Ft. Timber</i>	<i>Val. Timber</i>	<i>Val. Land</i>	<i>Total Value</i>
Clallam ...	27,584.56	950,218.000	\$971,603 72	\$131,779 33	\$1,103,383 05
Chehalis ..	3,851.40	181,942.000	393,665 75	18,744 69	412,410 44
Clarke	4,823.15	125,007.000	145,701 75	16,162 47	161,864 22
Cowlitz ...	2,078.94	37,992.000	53,700 25	7,394 70	61,094 95
Jefferson ..	8,467.70	280,072.000	337,383 20	44,662 62	382,045 82
Kitsap ...	240.00	4,026.000	3,969 00	600 00	4,569 00
Mason	5,549.03	122,258.000	162,313 53	15,215 82	177,529 35
Skagit	4,615.88	135,411.000	196,879 00	4,484 85	201,363 85
Skamania .	4,713.22	84,343.000	42,171 50	3,050 55	45,222 05
Snohomish .	200.00	7,851.000	9,471 35	520 00	9,991 35
Stevens ...	13,181.56	72,726.000	136,308 75	119,299 80	255,608 55
Wahkiakum	6,053.70	239,279.000	372,812 30	13,157 18	385,969 48
Cruise by C. R. Benson:					
Douglas ...	5,520.00	.....	.....	88,530 00	88,530 00
Cruise by counties:					
King	7,296.57	173,336.500	346,673 00	36,482 85	383,155 85
Lewis	11,676.64	510,826.000	766,239 00	29,191 60	795,430 60
Pacific	2,866.58	82,897.500	165,795 00	7,166 45	172,961 45
Pierce	10,108.49	823,097.500	646,195 00	50,542 45	696,737 45

Totals..118,827.42 3,331,282,500 \$4,750,882 10 \$586,985 36 \$5,337,867 46

(Estimate of values in the counties of King, Lewis, Pacific and Pierce made by state board of land commissioners.)

On May 12, 1909, your commission decided to offer for sale the capitol building lands in the counties of Clarke, Cowlitz, Skamania,

Snohomish and Skagit, on Thursday, August 4, 1910, sealed bids. Said bids to be received by the secretary of the commission up to 12 o'clock noon of that date, each bid to be accompanied by certified check for ten per cent. of the amount offered, and the remaining ten per cent. required to make one-fifth of the purchase price to be paid within thirty days. The commission reserved to itself and the State of Washington such rights-of-way for logging roads, railroads, highways, etc., without particularly describing them, as might be necessary for the removal of timber, timber products, stone or other material over and across any of the state's lands in said counties. The commission also reserved the right to reject any and all bids. As a result, out of 16,430.19 acres offered for sale, 2,358.94 acres with an appraised valuation of \$42,413.00 was sold for \$44,169.52. At this meeting the commission decided to reoffer for sale on November 15, 1910, the lands and timber unsold which were for sale on that date, and in addition thereto to offer the lands and timber situate in Douglas and Kitsap counties. Sale advertised for November 15, 1910. Terms and conditions as in previous sale. As a result of this offer, nine bids were received; 1,035.52 acres were sold, appraised value, \$15,373.10, for \$15,638.53.

The number of bids received and the quantity of land sold have been unsatisfactory. Your commission decided at this meeting (November 15, 1910) not to go to any further expense or offer more lands for sale in the immediate future, awaiting more favorable financial conditions.

The act approved March 8, 1909, creating this commission, requires that the proposed new capitol building be erected upon the old capitol building site, according to the plans heretofore prepared and known as the "Flagg Plans." Your commission begs to state that these plans were prepared something like sixteen years ago; they are now antiquated and are not such plans as would be prepared by architects of the present day. Your commission requests that these restrictions be removed, and that it be permitted to have such plan or plans prepared as in the judgment of the commission would be better adapted to the present and future needs of the state.

Since the cruising and appraisalment of the capitol building lands in 1908, financial conditions have become somewhat unsettled and as a result the demand for products of the forest and the price of land has materially declined. Your commission believes, however, that this is only temporary and that in the not distant future this grant can be disposed of at the values set in 1909.

Therefore, if your honorable body desires the speedy erection of a new state capitol building or buildings, we believe that provision should be made for an issue of bonds to be a lien upon the funds derived from the sale of state capitol lands so as not to compel this commission to dispose of our capitol building grant under the present unfavorable conditions.

STATEMENT

Showing cost per acre of cruising capitol building land:

<i>Cruiser</i>	<i>Acres</i>	<i>Cost per A.</i>	<i>Total Cost</i>
H. D. McCool.....	81,459.88	\$0.2908	\$23,694 08
County	31,847.54 (to state)	.0760	243 85
C. R. Benson.....	5,520.00	.0180	101 50
Totals.....	118,827.42	.....	\$24,040 03

STATE CAPITOL BUILDING FUND WARRANT INDEBTEDNESS.

Old 8% foundation warrants outstanding (238-341, inc.).....	\$35,785 98
Interest estimated to April 1, 1911 (125%).....	44,732 50
Total required to retire Flagg Plan warrants.....	\$80,518 48
Other warrants outstanding.....	509,804 50
Guaranteed interest paid from general fund (to April 1, 1910)...	190,136 93
Guaranteed interest year ending April 1, 1911.....	24,369 87
For state capitol commission, appropriation \$12,000.00, and for cruising state capitol lands, appropriation \$16,000.00 (as per Ch. 69, Laws 1909, and Ch. 20, Ex. Laws 1909), total appropriation \$28,000.00; total expended to date.....	25,656 66
Total debt, capitol building fund.....	\$830,486 44
Less cash on hand January 28, 1911.....	3,455 81
Net indebtedness, capitol building fund, January 28, 1911...	\$827,030 63

Respectfully submitted,

STATE CAPITOL COMMISSION.

M. E. HAY, *Chairman.*E. W. ROSS, *Secretary.*

J. E. FROST.

ALEX POLSON.

C. W. CLAUSEN.

MITCHEL HARRIS.

On motion of Senator Allen (P. L.), 500 copies of the report of the State Capitol Commission were ordered printed.

INTRODUCTION OF BILLS.

Senate bill No. 157, by Senator Allen (P. L.), entitled "An act ceding to the United States certain state school lands whenever the United States shall grant the state forest reserve lands in lieu thereof."

The bill was read the first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on state, granted, school and tide lands.

Senate bill No. 158, by Senator Jensen, entitled "An act for the creation of a tuberculosis commission."

The bill was read the first time, and on motion of Senator Jensen, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on medicine, dentistry, surgery and hygiene.

Senate bill No. 159, by Senator Collins, entitled "An act for the protection of game animals, game birds and song birds in certain designated territory in the State of Washington, to prohibit the firing of firearms therein, and providing a punishment for the violation thereof."

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

Senate bill No. 160, by Senator Collins, entitled "An act authorizing cities of the first class to appropriate money, or incur indebtedness, for the construction of tubercular hospitals upon lands owned by charitable organizations, and to aid in the care of indigent tubercular patients, and ratifying any such appropriations that heretofore may have been made, or indebtedness incurred, either by direct vote of the people, or by the city councils of such cities, and permitting such charitable organizations to have charge of such hospitals."

The bill was read the first time, and on motion of Senator Collins, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on judiciary

Senate bill No. 161, by Senator Myers, entitled "An act prohibiting the sale or offering for sale of poultry, game and fish under certain circumstances, providing for its enforcement, and prescribing a penalty for the violation thereof."

The bill was read the first time, and on motion of Senator Myers, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on pure food and drugs.

Senate bill No. 162, by Senator Hewitt, entitled "An act authorizing cities of the first, second, third and fourth classes

to create a publicity fund, and to levy taxes for that purpose, and providing for the manner of the expenditure of such fund."

The bill was read the first time, and on motion of Senator Hewitt, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on commerce and manufactures.

Senate bill No. 163, by Senator Myers, entitled "An act to provide for the licensing of transient or itinerant merchants, and prescribing a penalty."

The bill was read the first time, and on motion of Senator Myers, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on public revenue and taxation.

Senate bill No. 164, by Senator Allen (P. L.), entitled "An act relating to the liability of surety companies, and to prevent discrimination by such companies."

The bill was read the first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on judiciary

Senate bill No. 165, by Senator Roberts, entitled "An act relating to the expenditure of road and bridge funds in the construction, improvement and repair of public highways and bridges, and amending section 15 of chapter 119 of the Laws of 1903, being section 5585 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency."

The bill was read the first time, and on motion of Senator Roberts, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on public revenue and taxation.

Senate bill No. 166, by Senator Allen (P. L.), entitled "An act to promote the safety of employees and passengers on railroads by prescribing the number of men that shall constitute a train crew; and providing a penalty for the violation of this act."

The bill was read the first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on railroads and transportation.

Senate bill No. 167, by Senator Paulhamus, entitled "An act relating to the state soldiers' home and admission thereto, and amending section 1, of chapter 152, of the Laws of 1905."

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

GENERAL FILE.

House joint memorial No. 5, "Memorializing congress of the United States urging the construction by the federal government of a road through certain forest reserves," was read the third time and placed on final passage.

The secretary called the roll and House joint memorial No. 5 passed the Senate by the following vote:

Those voting aye were: Senators, Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Chappell, Collins, Davis, Falconer, Hall, Hammer, Hewitt, Huxtable, Jackson, Jensen, Landon, Myers, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stewart, Troy, White—29.

Voting nay: Mr. President—1.

Absent or not voting were: Senators Bryan, Cox, Eastham, Espy, Fishback, Hutchinson, Metcalf, Nichols, Stephens, Stevenson, Whalley, Whitney—12.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 3, 1911.

MR. PRESIDENT:

The speaker has appointed as the House members of the committee under Senate joint resolution No. 4. Messrs. Megler, Drissler, French and Christensen (W. P.).

LOREN GRINSTEAD, *Chief Clerk.*

On motion of Senator Stewart, Senators Stewart, Espy, Chappell and Eastham, were excused from attendance on ses-

sions Monday to permit them to meet the committee from the Oregon legislature and discuss the question of fisheries.

House joint memorial No. 9, "Memorializing the president and congress of the United States for a more adequate naval protection to the west coast," was read third time.

On motion of Senator Allen (P. L.), the third paragraph of the memorial was stricken.

On motion of Senator Eastham, the words "upon your excellencies" were stricken from the second paragraph of the memorial.

On motion of Senator Ruth, the memorial was amended by striking from the first line thereof the words "His Excellency, William H. Taft" and substituting therefor the word "The."

The secretary called the roll on final passage of House joint memorial No. 9 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Falconer, Hall, Hammer, Jackson, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Troy, White, Mr. President—33.

Voting nay: Senator Jensen—1.

Absent or not voting were: Senators Espy, Fishback, Hewitt, Hutchinson, Huxtable, Stephens, Whalley, Whitney—8.

On motion of Senator Falconer, Senate bill No. 96 was not considered at this time, the author of the bill Senator Stephens, being absent.

Senate bill No. 45, by Senator Allen (F. J.), entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, under a commission, and declaring an emergency," was read third time.

On motion of Senator Eastham, the bill was amended by substituting the words "two years" for the words "one year" in line 10 of section 2 of the engrossed bill.

Senator Hewitt moved to amend the bill by substituting the

words "fifty-one" for the words "twenty-five" in line 2 of section 2 of the engrossed bill.

The amendment failed to carry.

Senator Shaefer moved to amend by substituting the word "five" for the word "two" in line 10 of section 2 of the engrossed bill.

The amendment was lost.

On motion of Senator Metcalf, the bill was amended as follows:

In section 7, lines 26 and 27 of the engrossed bill strike the second word "the" and eliminate the blank space following it; after the word "Monday" insert a comma and the words "theday;" after the word "of" insert the word "December"; in line 27 of section 7 of the engrossed bill, strike the word "of" and eliminate the blank space following; in line 48 of section 7 of the engrossed bill, strike the word "the" and eliminate the blank space following; after the word "Monday" insert a comma and the words "the.day"; after the word "of" inser the word "December."

Senator Jensen moved that section 13 be stricken from the bill.

The amendment was lost.

On motion of Senator Cox, the bill was amended by striking the words and figures "three thousand (\$3,000.00) dollars" and inserting in lieu thereof the words and figures "twenty-five hundred dollars (\$2,500.00)," and by substituting for the words and figures twenty-seven hundred dollars (\$2,700.00)" the words and figures "two thousand dollars (\$2,000.00)" both amendments being in lines 18 and 19 of section 14 of the engrossed bill.

On motion of Senator Bassett, section 14 of the bill was amended as follows: In line 6 of the engrossed bill, substitute the words and figures "five hundred (500)" for the words and figures "seven hundred and fifty (750)" and in line 7 of section 14 of the engrossed bill, substitute the words and figures "two hundred any fifty (250)" for the words and figures "five hundred (500)."

Senator White moved to amend the bill by striking the remainder of section 16, commencing with the words "and every" in line 10, section 16 of the engrossed bill.

Senator White withdrew his proposed amendment.

On motion of Senator Bassett, the bill was amended by inserting after the word "materials" in line 3 of section 17 of the engrossed bill, the words "or claims or demands of any kind or nature whatsoever."

On motion of Senator Rosenhaupt, the word "daily" in line 5 of section 18 of the engrossed bill was stricken.

Senator Eastham moved that the words "the state library" in line 5 of section 18 of the engrossed bill be stricken.

The motion was lost.

Senator Stewart moved to amend by substituting the word "three" for the word "six" in line 2 of section 23 of the engrossed bill.

The motion failed to carry.

Senator Stevenson moved to amend in line 5 of section 17 of the engrossed bill, by inserting after the word "city" the following; "except from merchants who may be occupying the position of mayor and from whom merchandise may be purchased by the city."

The amendment failed to carry.

The secretary called the roll on final passage of Senate bill No. 45, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Chappell, Collins, Cox, Davis, Eastham, Falconer, Hall, Hammer, Hewitt, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Stevenson, Troy, White, Whitney, Mr. President—32.

Those voting nay were: Senators Shaefer, Stewart—2.

Absent or not voting were: Senators Bryan, Espy, Fishback, Hutchinson, Nichols, Smithson, Stephens, Whalley—8.

The secretary called the roll on the emergency clause and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Chappell, Collins, Cox, Davis, Eastham, Falconer, Hall, Hammer, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Rydstrom, Troy, Whitney, Mr. President—28.

Those voting nay were: Senators: Hewitt, Ruth, Shaefer, Stevenson, Stewart, White—6.

Absent or not voting were: Senators Bryan, Espy, Fishback, Hutchinson, Nichols, Smithson, Stephens, Whalley—8.

On motion of Senator Allen (F. J.), the title of the bill was amended by substituting the words "relating to" for the words "providing for."

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Senate bill No. 105, by Senator Collins, entitled "An act to repeal section 284 of chapter 249 of the Session Laws of 1909, relating to the sale or possession of cigarettes and cigarette materials, the same being section 2536 of Remington and Balingier's Annotated Codes and Statutes of Washington," was read third time.

On motion of Senator Rosenhaupt, the bill was amended by striking therefrom every word, commencing with the word "the" in line 3 of section 1 of the bill, up to and including the word "Washington" in line 4 of section 1 of the bill.

Senator Falconer moved to amend by striking section 1 of the bill and substituting therefor the following: "Section 1. Every person who shall manufacture, sell, give away or distribute or have in his possession for the purpose of sale any cigarettes, cigarette paper or cigarette wrapper, shall be guilty of a misdemeanor."

Senator Jackson moved as a substitute for the above amendment that section 1 of the bill be stricken and the following substituted therefor: "That section 284 of chapter 249 of the Session Laws of 1909, be amended to read as follows:

"Section 284. Every person under the age of eighteen years who shall have in his possession any cigarette, cigarette papers or cigarette wrappers shall be guilty of a misdemeanor."

Senator Rosenhaupt rose to the point of order that the amendment was not germane to the subject of the bill.

The president held the point of order well taken and ruled that the amendment could not be considered.

Senator Jackson offered his substitute motion, as above set forth, as an amendment to the bill.

Senator Rosenhaupt raised the same point of order and was sustained by the president.

Senator Falconer moved that the bill be laid on the table.

A roll call on the motion to table was demanded by Senators Falconer, Landon, Brown, Myers, Piper, Whitney, Davis, Metcalf.

The secretary called the roll, and the motion to lay on the table was lost by the following vote:

Those voting aye were: Senators Arrasmith, Bassett, Brown, Chappell, Davis, Falconer, Hall, Landon, Myers, Rosenhaupt, Stewart, Troy, Mr. President—13.

Those voting nay were: Senators Allen (F. J.), Allen (P. L.), Anderson, Bowen, Collins, Eastham, Hammer, Hewitt, Huxtable, Jackson, Jensen, Metcalf, Piper, Roberts, Ruth, Rydstrom, Stevenson, White, Whitney—20.

Those absent or not voting were: Senators Bryan, Cox, Espy, Fishback, Hutchinson, Nichols, Smithson, Stephens, Whalley—9.

On motion of Senator White, Senate bill No. 105 was ordered re-referred to the committee on judiciary.

At 1:00 o'clock p. m., on motion of Senator Allen (P. L.), the Senate adjourned until 10:30 o'clock Monday morning, February 6, 1911.

WM. T. LAUBE,
Secretary of the Senate.

W. H. PAULHAMUS,
President of the Senate.

TWENTY-NINTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASH., Monday, February 6, 1911.

The Senate was called to order at 10:30 o'clock a. m., by President Paulhamus, pursuant to adjournment.

Prayer was offered by Right Reverend F. W. Keator, Bishop of the Episcopal Diocese of Tacoma.

The secretary called the roll, all members being present, except Senators Chappell, Eastham, Espy, Falconer, Fishback, Hewitt, Landon, Stevenson, and Stewart.

Senators Chappell, Eastham, Espy, Landon, Stevenson and Stewart were excused by the president, as they were absent on legislative business.

On motion of Senator Cox, the reading of the journal of Friday's session was dispensed with and it was approved.

A communication from Hillyard, Washington, requesting that a change be made in the registration law relative to voters declaring their age, was read and placed on file, as was also a communication from Lewis county Pomona grange recommending the passage of House bill No. 153 and Senate bills Nos. 68, 71, 74 and 101 and House bill No. 14.

Petitions from certain voters of Pierce and King counties praying for the enactment of initiative and referendum legislation was read and placed on file.

Communications from the Washington State Historical Association relative to placing state colleges on a dependable financial basis, the enactment of an irrigation code, and favoring an appropriation by the state for the investigation of irrigation matters, were read and ordered placed on file.

The secretary read the following reports :

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., February 6, 1911.

MR. PRESIDENT:

We, your committee on memorials, to whom was referred Senate joint memorial No. 5, "Relating to an appropriation by congress for building of roads in the Rainier National Park," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

GEO. W. SHAEFER, *Chairman.*

I concur in this report: George U. Piper.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 6, 1911.

MR. PRESIDENT:

We, your committee on public revenue and taxation, to whom was referred House bill No. 15, entitled "An act providing for an annual convention of the county assessors of the state," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

JOHN L. ROBERTS, *Chairman.*

We concur in this report: George U. Piper, E. Milton Stephens, Frank C. Jackson, J. D. Bassett, Ed Brown, Oliver Hall, Peder Jensen.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 6, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred Senate bill No. 20, "An act for the protection of game birds, deer, and gray squirrels in certain designated territory in the State of Washington, to prevent firing of rifles in said territory, and providing a punishment for the violation thereof," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman.*

We concur in this report: D. S. Troy, F. J. Allen, Josiah Collins.

SENATE CHAMBER,
OLYMPIA, WASH., February 6, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred Senate bill No. 59, entitled "An act providing for the amendment of section 33 of article II of the constitution of the State of Washington, relating

to the ownership of lands by aliens," have compared same with the original bill and find it correctly engrossed.

JOHN E. CHAPPELL, *Chairman*.

We concur in this report: D. S. Troy, Josiah Collins, F. J. Allen.

SENATE CHAMBER,
OLYMPIA, WASH., February 6, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred engrossed Senate bill No. 45, "An act relating to the organization, classification, incorporation and government of municipal corporations, under a commission, and declaring an emergency," have compared same with the original bill and find it correctly engrossed.

JOHN E. CHAPPELL, *Chairman*.

We concur in this report: D. S. Troy, Josiah Collins, F. J. Allen.

MESSAGES FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT.
OLYMPIA, February 6, 1911.

To the Senate:

I am directed by the governor to inform you that he has this day approved Senate bill No. 19, entitled "An act relating to wills executed without the State of Washington."

FRANK M. DALLAM, JR., *Private Secretary*.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT.
OLYMPIA, February 6, 1911.

To the Honorable, the Senate and the House of Representatives of the State of Washington:

GENTLEMEN—I have the honor to submit herewith a list of the pardons, conditional pardons, commutations and remissions of fines and forfeitures granted by me since assuming the office of governor, January 27, 1909:

Respectfully submitted,

M. E. HAY, *Governor of Washington*.

PARDONS.

C. E. GANDY—Sentenced from Pierce county April 21, 1908, to one year in the county jail for the crime of assault and battery. Pardon granted March 10, 1909, on the recommendations of the trial judge, the prosecuting attorney and the sheriff.

FRED W. WHEELER—Sentenced from Skagit county October 14, 1908, to eleven months in the county jail for the crime of enticement. Pardon granted March 8, 1909, on the recommendations of the trial judge, the prosecuting attorney and the sheriff.

JOHN C. PARKS—Sentenced from Spokane county January 21, 1909, to six months in the county jail for the crime of embezzlement. Pardon

granted April 15, 1909, on the recommendations of the officers of the regular army at Fort George Wright, Spokane.

JOHN DRISCOL—Sentenced from Spokane county June 26, 1908, to a term of two to fourteen years in the penitentiary for the crime of burglary. Pardon granted June 14, 1909, on the recommendations of the prosecuting attorney, the sheriff, the mayor and other officials of the city of Spokane and prominent officials of the state of Minnesota.

L. L. HARRINGTON—Sentenced from Whatcom county November 25, 1907, to a term of one to five years in the penitentiary for the crime of issuing a no-fund check. Pardon granted July 12, 1909, on the recommendation of prison officials.

F. P. DURHAM—Sentenced from Spokane county December 1, 1908, to six months in the county jail for the crime of embezzlement. Pardon granted May 6, 1909, on the recommendation of the prosecuting attorney, the sheriff and other reputable citizens of Spokane.

THEODORE ADAMS—Sentenced from Spokane county July 23, 1909, to a term of one to fourteen years in the penitentiary for the crime of assault to rob. Pardon granted July 26, 1909, on the recommendation of the trial judge, the prosecuting attorney and a large number of other prominent and reputable citizens of Spokane.

BUTLER BOWERS—Sentenced from Columbia county January 2, 1909, to one year in the county jail and \$100 fine and costs for the crime of purchasing stolen property. Pardon granted August 2, 1909, on the recommendation of the trial judge, the prosecuting attorney, a deputy sheriff and the petition of ninety-eight reputable citizens of Columbia county.

ADA FAIRE—Sentenced from King county June 28, 1909, to three months in the county jail for the crime of vagrancy. Pardon granted August 31, 1909, on the recommendation of the trial judge, prosecuting attorney, sheriff and Adjutant William Stacy of American Salvation Army.

WALTER FLIPPIN—Sentenced from Spokane county July 13, 1909, to six months in the county jail for the crime of larceny from the person. Pardon granted August 25, 1909, on the recommendation of the prosecuting attorney and the county physician.

RICHAD JOHNSON—Sentenced from Columbia county June 26, 1909, to six months in the county jail for the crime of assault in third degree. Pardon granted September 11, 1909, on the recommendation of the trial judge, the prosecuting attorney, the sheriff, the county commissioners and other officials.

GUST WALLEN—Sentenced from King county February 17, 1909, to a term of one to fourteen years in the penitentiary for the crime of grand larceny. Pardon granted October 7, 1909, on the recommendation of the trial judge, the prosecuting attorney, the jailer and the county commissioners.

H. E. HELLAR—Sentenced from King county May 29, 1909, to eight months in the county jail for the crime of obtaining money by false pretenses. Pardon granted September 15, 1909, on the recommendation of the trial judge, the prosecuting attorney and the sheriff.

E. E. HUNT—Sentenced from King county September 28, 1909, to a term of six months to twenty years in the penitentiary for the crime of forgery in the first degree. Pardon granted October 18, 1909, on the recommendation of the trial judge, the prosecuting attorney, the sheriff and two of the county commissioners.

THOMAS J. LEWIS—Sentenced from Spokane county August 25, 1909, to a term of six months to fifteen years in the penitentiary for the crime of grand larceny. Pardon granted October 18, 1909, on the recommendation of the prison board because of serious physical condition of the prisoner.

VICTOR ADAMS—Sentenced from Whatcom county April 17, 1908, to an indeterminate term in the reformatory at Monroe for the crime of burglary. Conditional pardon granted January 23, 1909. Pardon granted August 11, 1909, on the recommendation of the trial judge, the prosecuting attorney and several other prominent and reputable citizens of Bellingham.

G. H. GRIMM—Sentenced from King county September 5, 1908, to a term of one to fourteen years in the reformatory at Monroe for the crime of forgery. Pardon granted July 20, 1909, on the recommendation of the trial judge.

JOHN CARNY—Sentenced from Pierce county March 9, 1909, to a term not exceeding five years in the reformatory at Monroe for the crime of larceny from the person. Pardon granted July 20, 1909, on the recommendation of the jurors who heard the case and the sheriff.

JAMES ELSWORTH—Sentenced from Spokane county January 15, 1909, to an indeterminate term in the reformatory at Monroe for the crime of burglary. Pardon granted November 19, 1909.

PATRICK J. DONAHUE—Sentenced from King county April 25, 1908, to nine months in the county jail for the crime of obtaining money by false pretenses. Pardon granted January 22, 1910, on the recommendation of the prosecuting attorney, the sheriff, the county commissioners and numerous other reputable citizens of Seattle.

MICHAEL J. MALLOY—Sentenced from King county July 7, 1909, to one to five years in the penitentiary for the crime of obtaining money by false pretenses. Pardon granted February 2, 1910, on the recommendation of the members of the grand jury and special prosecutor W. H. White.

J. B. OGDEN—Sentenced from King county September 24, 1909, to seven months in the county jail for the crime of issuing a worthless check. Pardon granted February 5, 1910, on the recommendation of the trial judge, the prosecuting attorney, the sheriff and the county commissioners.

W. D. WOODIN—Sentenced from Spokane county March 9, 1909, to an indeterminate term in the reformatory at Monroe for the crime of forgery. Pardon granted February 14, 1910, on the recommendation of the superintendent of the reformatory.

O. C. MATHIS—Sentenced from Whatcom county July 10, 1908, to a term of one to fourteen years in the penitentiary for the crime of forgery. Pardon granted February 19, 1910, on the recommendation of the trial judge and the prosecuting attorney.

JOSEPH KASPER—Sentenced from King county February 19, 1910, to seven months in the county jail for the crime of perjury in the second degree. Pardon granted March 2, 1910, on the recommendation of the trial judge, the prosecuting attorney and deputies, deputy sheriff and county commissioners.

HERBERT DILLEY—Sentenced from Lewis county April 17, 1906, to five years in the penitentiary for the crime of robbery. Pardon granted March 11, 1910, on the recommendation of the prosecuting attorney and seven of the jurors who heard the case.

PETER BELLYC—Sentenced from Lincoln county October 12, 1907, to a term of one to fourteen years in the penitentiary for the crime of burglary. Pardon granted March 11, 1910, on the recommendation of the trial judge and the prosecuting attorney.

RALPH W. CARTER—Sentenced from Whitman county July, 1909, to not less than one year in the reformatory for the crime of grand larceny. Pardon granted March 30, 1910, on the recommendation of the board of managers of the reformatory, the trial judge and a number of reputable citizens of Whitman county.

W. C. MORSE—Sentenced from Walla Walla county October 18, 1909, to eight months in the county jail for the crime of larceny. Pardon granted April 4, 1910, on the recommendation of the trial judge, the prosecuting attorney and the county commissioners.

GEO. DALTON—Sentenced from Chelan county July 8, 1909, to a term of one to fifteen years in the penitentiary for the crime of grand larceny. Pardon granted April 11, 1910, on the recommendation of the superintendent of the penitentiary and the prison physician.

WILLIAM HERMAN—Sentenced from Whatcom county November 18, 1909, to one year in the county jail for the crime of grand larceny. Pardon granted April 2, 1910, on the recommendation of the trial judge, the prosecuting attorney, the sheriff, deputy sheriff, the county commissioners, the county clerk and several other prominent citizens of Bellingham.

A. H. HON—Sentenced from King county January 27, 1910, to six months in the county jail for the crime of indecent assault. Pardon granted May 13, 1910, on the recommendation of the trial judge, the prosecuting attorney and the county commissioners.

PETER GRANT—Sentenced from Okanogan county January 4, 1910, to six months in the county jail for the crime of assault in the third

degree. Pardon granted May 23, 1910, on the recommendation of the trial judge, the prosecuting attorney and the county commissioners.

CHAS. E. HEAD—Sentenced from King county March 7, 1910, to three months and twenty-seven days in the county jail for the crime of larceny by embezzlement. Pardon granted June 23, 1910, on the recommendation of the prosecuting attorney, the acting sheriff, the county clerk, the Carl M. Thygerson Camp No. 11, U. S. W. V.; Seattle Lodge No. 51, K. of P.; Camp No. 1, U. S. W. V.; Queen City Lodge No. 10, K. of P.; Geo. D. Fortson Camp No. 2, U. S. W. V.; Camp No. 2, U. S. W. V., and further because Chas. E. Head had made full restitution to King county for the amount of his shortage and in recognition of his gallant and efficient service during the Spanish-American war.

JACOB M. HELFER—Sentenced from Walla Walla county January 28, 1910, to six months in the county jail for the crime of selling mortgaged property. Pardon granted July 1, 1910, on the recommendation of the trial judge and the prosecuting attorney.

FRANK KNIGHT—Sentenced from Spokane county March 4, 1910, to six months in the county jail for the crime of assault. Pardon granted July 13, 1910, on the recommendation of the trial judge, the deputy prosecuting attorney who conducted the case, the sheriff and the county commissioners.

ARTHUR DANIELS—Sentenced from Skagit county January 27, 1909, to an indeterminate term in the reformatory at Monroe for the crime of statutory rape. Pardon granted July 20, 1910, on the recommendation of the board of managers of the reformatory because of his having faithfully observed the conditions of a conditional pardon granted July 20, 1909.

EARL LITTLE—Sentenced from King county April 25, 1910, to five months in the county jail for the crime of petit larceny. Pardon granted August 4, 1910, on the recommendation of the prosecuting attorney and the three commissioners of King county.

SIM LEWIS—Sentenced from Spokane county April 25, 1910, to six months in the county jail for the crime of manslaughter. Pardon granted September 26, 1910, on the recommendation of the trial judge, the prosecuting attorney and the twelve jurors.

ARCHIBALD ALLISON—Sentenced from Pierce county September 14, 1910, to a term of six months to twenty years in the penitentiary for the crime of forgery. Pardon granted November 29, 1910, on the recommendation of the trial judge, the prosecuting attorney and the prosecuting witness.

CONDITIONAL PARDONS.

GEORGE HOFFMAN—Sentenced from Spokane county February 9, 1909, to a term of six months to fourteen years in the penitentiary at Walla Walla for the crime of burglary. Conditional pardon granted April 20, 1909, on the recommendation of the trial judge and the prosecuting attorney.

HENRY CONROY—Sentenced from Spokane county February 9, 1909, to a term of six months to fourteen years in the penitentiary for the crime of burglary. Conditional pardon granted April 20, 1909, on the recommendation of the trial judge and the prosecuting attorney. Permission to leave the state for one year granted November 27, 1909.

J. R. PIERCE—Sentenced from Douglas county May 14, 1906, to five years in the penitentiary for the crime of manslaughter. Conditional pardon granted April 12, 1909, on the recommendation of the trial judge and a number of reputable citizens of Douglas county. Full pardon granted February 7, 1910, on the showing that the conditions of the conditional pardon had been fully observed.

JAMES E. FINNELL—Sentenced from Adams county February 11, 1909, to the county jail in default of payment of a fine of \$50 and costs amounting to \$564 for the crime of assault and battery. Conditional pardon granted May 17, 1909, on the recommendation of the trial judge, the prosecuting attorney, the sheriff and a number of the reputable citizens of Ritzville. Conditional pardon revoked May 25, 1909, because of violation of its provisions.

HENRY L. THOMPSON—Sentenced from Spokane county January 28, 1909, to a term of five to twenty years in the penitentiary for the crime of robbery. Conditional pardon granted May 19, 1909, on the recommendation of the trial judge, the prosecuting attorney, the sheriff, the jailer and a number of leading and reputable citizens of Spokane.

DAVENPORT SMITH—Sentenced from Spokane county July 7, 1908, to a term of six months to fourteen years in the penitentiary for the crime of grand larceny. Conditional pardon granted July 3, 1909, on the recommendation of the trial judge, the prosecuting attorney and the prison officials.

EARL W. KAIN—Sentenced from Clarke county February 23, 1906, to eighteen years in the penitentiary for the crime of robbery and burglary. Conditional pardon granted July 14, 1909, on the recommendation of the prosecuting attorney who conducted the case. Conditional pardon revoked June 6, 1910, because of violation thereof.

N. J. SULLIVAN—Sentenced from Pierce county January 10, 1908, to a term of five to twenty years in the penitentiary for the crime of robbery. Conditional pardon granted August 21, 1909.

DONALD BOYD—Sentenced from Skagit county April 19, 1909, to a term of three to twenty-one years in the penitentiary for the crime of kidnapping. Conditional pardon granted August 28, 1909, on the recommendation of the superintendent of the penitentiary and the prison physician.

HARRY KELLY—Sentenced from Spokane county October 25, 1902, to twelve years in the penitentiary for the crime of robbery. Conditional

pardon granted July 20, 1909, on the recommendation of the trial judge, the prosecuting attorney and the prison officials.

HARMON STAFFORD—Sentenced from Spokane county July 10, 1905, to seven years in the penitentiary for the crime of forgery. Conditional pardon granted July 20, 1909, on the recommendation of the prison officials.

GERALD SHEA—Sentenced from Spokane county August 7, 1909, to three months in the county jail for the crime of petit larceny. Conditional pardon granted September 15, 1909, on the recommendation of the prosecuting attorney, the deputy prosecuting attorney, the sheriff and the police judge.

R. M. BRANDHAGEN—Sentenced from Spokane county May 13, 1909, to one year in the county jail for the crime of petit larceny. Conditional pardon granted October 18, 1909, on the recommendation of the trial judge, the prosecuting attorney, one county commissioner and several other reputable citizens of Spokane.

BENJAMIN HARRISON LATHROM—Sentenced from Lincoln county June 2, 1909, to a term of six months to five years in the reformatory at Monroe for the crime of statutory rape. Conditional pardon granted October 18, 1909, on the recommendation of the trial judge, the superintendent of the reformatory and seventy-four reputable citizens of Lincoln county.

GORDIE TISHER—Sentenced from King county December 5, 1908, to an indeterminate term in the reformatory at Monroe for the crime of assault to commit rape. Conditional pardon granted July 28, 1909, on the recommendation of the trial judge, the prosecuting attorney, the deputy prosecuting attorney who conducted the case and the superintendent of the reformatory.

ARTHUR DANIELS—Sentenced from Skagit county January 27, 1909, to an indeterminate term in the reformatory at Monroe for the crime of statutory rape. Conditional pardon granted July 20, 1909, on the recommendation of the prosecuting attorney and the sheriff.

W. D. WOODEN—Sentenced from Spokane county March 9, 1909, to an indeterminate term in the reformatory at Monroe for the crime of forgery. Conditional pardon granted July 20, 1909.

JAMES WALTERS—Sentenced from King county April 21, 1909, to a term of one to fourteen years in the penitentiary for the crime of burglary. Conditional pardon granted November 17, 1909, on the recommendation of the trial judge, the prosecuting attorney, ten of the jurors who heard the case, the county commissioners and three deputy sheriffs.

WALTER McDONALD—Sentenced from Pierce county September 18, 1908, to a term of one to fourteen years in the reformatory at Monroe for the crime of receiving stolen property. Conditional pardon granted November 26, 1909.

JOSEPH SWEENEY—Sentenced from Spokane county September 20, 1909, to six months in the county jail for the crime of vagrancy. Conditional pardon granted December 2, 1909, on the recommendation of the trial judge, the deputy prosecuting attorney who tried the case, the sheriff, two of the county commissioners and numerous other reputable citizens of Spokane.

JOHN D. PETERS—Sentenced from Spokane county September 22, 1909, to the county jail in default of a fine of \$500 for the crime of accessory to grand larceny. Conditional pardon granted December 17, 1909, on the recommendation of the trial judge, the prosecuting attorney, the acting chief of police and the three county commissioners.

P. J. McANALLY—Sentenced from Spokane county September 22, 1909, to the county jail in default of fine of \$500 for the crime of accessory to grand larceny. Conditional pardon granted December 17, 1909, on the recommendation of the trial judge, the prosecuting attorney, the acting chief of police and the three county commissioners.

JAMES O'CONNOR alias **JAMES OSTRANDER**—Sentenced from Chehalis county May 18, 1909, to imprisonment in the reformatory at Monroe for the crime of robbery. Conditional pardon granted December 30, 1909, on the recommendation of the trial judge and the prosecuting attorney.

JOHN A. JOHNSON—Sentenced from Spokane county November 7, 1908, to a term of five to twenty years in the penitentiary for the crime of robbery. Conditional pardon granted February 15, 1910, on the recommendation of the trial judge, the sheriff and several other reputable citizens of Spokane.

SANFORD HAROLDSON—Sentenced from Spokane county August 31, 1909, to an indeterminate term in the reformatory at Monroe for the crime of grand larceny. Conditional pardon granted January 5, 1910, on the recommendation of the trial judge, the prosecuting attorney and the sheriff.

J. P. HUBRICK—Sentenced from Franklin county March 3, 1909, to a term of one to fourteen years in the penitentiary for the crime of larceny. Conditional pardon granted January 7, 1910, on the recommendation of the trial judge and the prosecuting attorney.

JAMES DUVAL—Sentenced from Yakima county October 8, 1909, to a term of one to two years in the penitentiary for the crime of selling intoxicant to an Indian. Conditional pardon granted January 10, 1910.

GEO. BEAMEN—Sentenced from Walla Walla county March 25, 1909, to a term of one to fourteen years in the penitentiary for the crime of burglary. Conditional pardon granted January 10, 1910, on the recommendation of the superintendent of the penitentiary and eight of the jurors who heard the case.

FRANK DAVIS—Sentenced from Spokane county October 15, 1908, to one year in the penitentiary for the crime of assault with intent to commit great bodily harm. Conditional pardon granted January 24,

1910, on the recommendation of the trial judge, the prosecuting attorney, the chairman of the board of county commissioners and numerous other reputable citizens of Spokane.

EMORY HOFF—Sentenced from Franklin county April 24, 1909, to an indeterminate term in the reformatory at Monroe for the crime of burglary. Conditional pardon granted January 31, 1910, on the recommendation of the trial judge, the prosecuting attorney, the sheriff, the clerk of court and numerous other reputable citizens of Franklin county.

A. P. LEONARD—Sentenced from Pacific county November 21, 1908, to a term of one to three years in the penitentiary for the crime of embezzlement. Conditional pardon granted February 18, 1910, on the recommendation of the trial judge, the prosecuting attorney, the sheriff, the county commissioners, many prominent citizens of the state and a petition bearing the signatures of 1200 residents of Pacific county.

GEORGE WHITE—Sentenced from Snohomish county May 1, 1909, to an indeterminate term in the reformatory at Monroe for the crime of forgery. Conditional pardon granted February 21, 1910, on the recommendation of the board of managers of the reformatory and the superintendent of that institution.

CHAS. AINSWORTH—Sentenced from Pierce county February 15, 1910, to ninety days in the county jail for the crime of malicious trespass. Conditional pardon granted March 2, 1910, on the recommendation of the trial judge, the deputy prosecuting attorney, a deputy sheriff, the county commissioners and several reputable citizens of Olympia.

FRED FLETCHER—Sentenced from Pierce county February 15, 1910, to ninety days in the county jail for the crime of malicious trespass. Conditional pardon granted March 11, 1910, on the recommendation of the trial judge, the prosecuting attorney, the county commissioners, the mayor of Olympia and many prominent citizens of Thurston county.

MICHAEL ISLING—Sentenced from Adams county November 15, 1909, to a term of six months to ten years in the reformatory at Monroe for the crime of rape. Conditional pardon granted March 26, 1910, on the recommendation of the board of managers of the reformatory and the prosecuting attorney of Adams county.

RICHARD BRAZIER—Sentenced from Spokane county January 11, 1910, to five months in the county jail for the crime of conspiracy. Conditional pardon granted April 11, 1910, on the recommendation of the trial judge, the prosecuting attorney and the county commissioners.

JOHN M. FOSS—Sentenced from Spokane county January 22, 1910, to six months in the county jail for the crime of conspiracy. Conditional pardon granted April 11, 1910, on the recommendation of the trial judge, the prosecuting attorney and the county commissioners.

E. J. FOOTE—Sentenced from Spokane county December 3, 1909, to six months in the county jail for the crime of conspiracy. Conditional

pardon granted April 11, 1910, on the recommendation of the trial judge, the prosecuting attorney and the county commissioners.

G. H. SPEED—Sentenced from Spokane county January 22, 1910, to six months in the county jail for the crime of conspiracy. Conditional pardon granted April 11, 1910, on the recommendation of the trial judge, the prosecuting attorney and the county commissioners.

LOUIS GATEWOOD—Sentenced from Spokane county January 11, 1910, to four months in the county jail for the crime of conspiracy. Conditional pardon granted April 11, 1910, on the recommendation of the trial judge, the prosecuting attorney and the county commissioners.

JOHN PANCHER—Sentenced from Spokane county November 29, 1909, to six months in the county jail for the crime of conspiracy. Conditional pardon granted April 11, 1910, on the recommendation of the trial judge, the prosecuting attorney and the county commissioners.

JAMES WILSON—Sentenced from Spokane county December 3, 1909, to six months in the county jail for the crime of conspiracy. Conditional pardon granted April 11, 1910, on the recommendation of the trial judge, the prosecuting attorney and the county commissioners.

RICHARD QUINN—Sentenced from Snohomish county to suffer the death penalty for murder in the first degree. Respite for 30 days granted April 13, 1910, at the request of the attorney for the condemned man.

VIRGIL FITZGERALD—Sentenced from Spokane county March 3, 1909, to a term of five to twenty years in the penitentiary for the crime of robbery. Conditional pardon granted April 15, 1910, on the recommendation of numerous reputable citizens of Spokane.

ASA TRIBER—Sentenced from Snohomish county November 9, 1909, to an indeterminate term in the reformatory at Monroe for the crime of rape. Conditional pardon granted April 2, 1910, on the recommendation of the board of managers and the superintendent of the reformatory.

THOMAS WHITEHEAD—Sentenced from Spokane county January 22, 1910, to six months in the county jail for the crime of conspiracy. Conditional pardon granted May 3, 1910, on the recommendation of the trial judge, the prosecuting attorney and the county commissioners.

OTTO JUSTH—Sentenced from Spokane county January 22, 1910, to six months in the county jail for the crime of conspiracy. Conditional pardon granted May 3, 1910, on the recommendation of the trial judge, the prosecuting attorney and the county commissioners.

HARTWELL SHIPPEY—Sentenced from Spokane county January 22, 1910, to six months in the county jail for the crime of conspiracy. Conditional pardon granted May 3, 1910, on the recommendation of the trial judge, the prosecuting attorney and the county commissioners.

A. P. MITCHELL—Sentenced from Spokane county August 30, 1909, to an indeterminate term in the reformatory at Monroe for the crime

of grand larceny. Conditional pardon granted July 10, 1910, on the recommendation of the board of managers of the reformatory.

A. A. PARTELO—Sentenced from Yakima county October 8, 1909, to a term of two to fifteen years in the reformatory at Monroe for the crime of grand larceny. Conditional pardon granted July 20, 1910, on the recommendation of the board of managers of the reformatory.

HARVEY H. W. HARRISON—Sentenced from Spokane county December 16, 1909, to a term of six months to twenty years in the penitentiary for the crime of forgery. Conditional pardon granted July 25, 1910, on the recommendation of the prison board and of numerous reputable citizens of the state.

GEO. SHURDUK—Sentenced from Spokane county October 8, 1906, to a term of seven years in the penitentiary for the crime of burglary. Conditional pardon granted July 25, 1910, on the recommendation of the prison board.

THOMAS TYRER—Sentenced from King county April 9, 1910, to a term of one to ten years in the penitentiary for the crime of larceny. Conditional pardon granted August 9, 1910, on the recommendation of the prosecuting attorney and the county commissioners.

JAMES HEATH—Sentenced from Benton county March 15, 1910, to eight months in the county jail for the crime of assault in third degree. Conditional pardon granted October 11, 1910, on the recommendation of the trial judge, the sheriff, the county commissioners and many reputable citizens of Benton county and the State of Washington.

CLYDE EGAN—Sentenced from King county March 12, 1909, to a term of one to ten years in the reformatory at Monroe for the crime of rape. Conditional pardon granted November 3, 1910, on the recommendation of the board of managers and the superintendent of the reformatory.

M. J. MURFICH—Sentenced from Pierce county February 25, 1910, to a term of one to ten years in the reformatory at Monroe for the crime of larceny by embezzlement. Conditional pardon granted November 3, 1910, on the recommendation of the board of managers and the superintendent of the reformatory.

JOHN D. WHEELER—Sentenced from Yakima county September 7, 1909, to a term of four to twenty years in the reformatory at Monroe for the crime of forgery in the first degree. Conditional pardon granted November 3, 1910, on the recommendation of the board of managers and the superintendent of the reformatory.

IRENE WILSON—Sentenced from Spokane county May 1, 1909, to a term of five to twenty years in the penitentiary for the crime of robbery. Conditional pardon granted November 3, 1910, on the recommendation of the prison board, a number of court officials of Spokane county and many other leading citizens of the states of Washington and Kansas.

R. W. McCAMMON—Sentenced from Spokane county May 1, 1908, to a term of one to fourteen years in the penitentiary for the crime of burglary. Conditional pardon granted November 3, 1910, on the recommendation of the prison board and prison officials.

BERT WAREHEIM—Sentenced from Lincoln county September 16, 1908, to a term of one to ten years in the penitentiary for the crime of horse stealing. Conditional pardon granted November 9, 1910, on the recommendation of the prison board and the superintendent of state road camp No. 4.

ERNEST CARTER—Sentenced from Yakima county November 2, 1909, to a term of three to twenty years in the reformatory at Monroe for the crime of forgery in the first degree. Conditional pardon granted December 7, 1910, on the recommendation of the board of managers of the reformatory.

W. S. HUNTER—Sentenced from Columbia county September 27, 1909, to a term of one to fifteen years in the penitentiary for the crime of grand larceny. Conditional pardon granted December 5, 1910, on the recommendation of the prison board.

BERT A. MOORE—Sentenced from Yakima county December 3, 1909, to a term of two to fifteen years in the reformatory at Monroe for the crime of burglary in the second degree. Conditional pardon granted December 7, 1910, on the recommendation of the board of managers of the reformatory.

DEENY GRAVES—Sentenced from Pierce county September 19, 1908, to a term of five to twenty years in the penitentiary for the crime of robbery. Conditional pardon granted January 9, 1911, on the recommendation of the prosecuting attorney, the police officials of Tacoma and the prison board.

C. B. STEWART—Sentenced from Spokane county October 15, 1909, to a term of one to twenty years in the penitentiary for the crime of forgery in the first degree. Conditional pardon granted January 9, 1911, on the recommendation of the prison board.

LEWIS GRAY—Sentenced from Spokane county October 9, 1909, to a term of not less than two years in the penitentiary for the crime of assault with a deadly weapon. Conditional pardon granted January 9, 1911, on the recommendation of the prison board.

KNUTE B. AKER—Sentenced from Whatcom county December 6, 1909, to a term of five to twenty years in the penitentiary for the crime of incest. Conditional pardon granted January 9, 1911, on the recommendation of the trial judge, the prosecuting attorney and the prison board.

OTTO PAHL—Sentenced from Spokane county July 27, 1909, to a term of one to fourteen years in the penitentiary for the crime of assault to commit murder. Conditional pardon granted January 9, 1911, on the recommendation of the prison board.

IRENE EVANS—Sentenced from King county November 7, 1910, to a term of two to fifteen years in the penitentiary for the crime of grand larceny. Conditional pardon granted January 26, 1911, on the recommendation of the trial judge.

ANNA WILSON—Sentenced from King county November 7, 1910, to a term of two to fifteen years in the penitentiary for the crime of grand larceny. Conditional pardon granted January 26, 1911, on the recommendation of the trial judge.

J. P. HUBRICK—Conditionally pardoned January 7, 1910, from the penitentiary. Conditional pardon cancelled December 23, 1910, because of violation of conditions. Hubrick sentenced from Franklin county March 3, 1909, to a term of one to fourteen years for the crime of larceny.

COMMUTATIONS.

NICK PETTRICH—Sentenced from King county October 31, 1908, to suffer the death penalty for the crime of murder in the first degree. Commuted to imprisonment for life April 2, 1909, on the recommendation of the trial judge, the prosecuting attorney who prosecuted the case, the trial jurors and on the intervention of the minister of foreign affairs of Montenegro, transmitted through the state department at Washington, D. C.

FRANK A. BRIDGHAM—Sentenced from Lewis county March 10, 1908, to suffer the death penalty for the crime of murder in the first degree. Commuted to imprisonment for life March 23, 1909, on the recommendation of the jurors who heard the case and county officers of Lewis county.

RALPH AND LEOPOLD MAYER—Sentenced from Spokane county March 27, 1909, to six months in the county jail and a fine of \$500 each for the crime of receiving stolen property. Commuted to one month in jail and \$100 fine each April 23, 1909, on the recommendation of the jurors who heard the case and a number of other reputable citizens of Spokane.

CHARLES FILLPOT—Sentenced from Spokane county to suffer the death penalty August 2, 1909, for the crime of murder in the first degree. Respite granted July 28, 1909, and sentence commuted to imprisonment in the penitentiary at Walla Walla for life September 14, 1909, on the recommendation of the trial judge, nine of the jurors who heard the case, petitions bearing the signatures of 749 citizens of Spokane, Stevens and Douglas counties, and on statements in letters from many prominent attorneys of Spokane and leading and reputable citizens of the state of Missouri.

CLAUDE TURNER—Sentenced from King county April 24, 1909, to a term of one to fourteen years in the penitentiary for the crime of grand larceny. Commuted to one year in jail August 23, 1909, on the recommendation of the trial judge, the prosecuting attorney, the sheriff, a deputy sheriff and several prominent citizens of Seattle.

F. C. WILLIAMS—Sentenced from King county July 2, 1909, to a term of one to fourteen years in the penitentiary for the crime of larceny by embezzlement. Commuted to four months and eighteen days in the county jail November 19, 1909, on the recommendation of the trial judge, the prosecuting attorney, a deputy prosecuting attorney, the sheriff and several leading citizens of Seattle.

REMISSION OF FINES AND FORFEITURES.

(JAMES) GEO. U. POTTS—Sentenced from Spokane county January 10, 1910, to pay a fine of \$500 for the crime of lewdness. Fine remitted February 19, 1910, on the recommendation of the trial judge, the prosecuting attorney, the sheriff, the county commissioners and several other reputable citizens of Spokane.

ALEX AND WM. JOYCE—Sentenced from Kittitas county March 31, 1909, to forfeiture of bond. Forfeiture remitted February 21, 1910, on the recommendation of the prosecuting attorney and the county commissioners.

L. ENIARSON—Sentenced from Thurston county February 10, 1910, to pay a fine of \$250 and costs for unlawfully taking fish on Saturday. Fine remitted March 11, 1910, on the recommendation of the prosecuting attorney, the sheriff and the county commissioners.

J. LEWIS—Sentenced from Thurston county February 10, 1910, to pay a fine of \$250 and costs for the crime of unlawfully taking fish on Saturday. Fine remitted March 11, 1910, on the recommendation of the prosecuting attorney, the sheriff and the county commissioners.

ERIC ANDERSON—Sentenced from Thurston county February 10, 1910, to pay a fine of \$250 and costs for the crime of unlawfully taking fish on Saturday. Fine remitted March 11, 1910, on the recommendation of the prosecuting attorney, the sheriff and the county commissioners.

ALVA NICHOLSON—Sentenced from Garfield county October 8, 1909, to six months in the county jail and a fine of \$300 for the crime of seduction. Fine remitted May 9, 1910, on the recommendation of the trial judge, the prosecuting attorney, the jurors who heard the case and many reputable citizens of Garfield county.

GLADYS—Sentenced from King county April 20, 1910, to pay a fine of \$400 and costs amounting to \$222 for the crime of assault in third degree. Fine and \$100 of costs remitted May 25, 1910, on the recommendation of the trial judge, the deputy prosecuting attorney and the county commissioners.

LEOPOLD SCHADE—Sentenced from Spokane county January 12, 1910, to a term of one year in the county jail and a fine of \$1,000 for the crime of seduction. Fine remitted January 3, 1911, on the recommendation of the prosecuting attorney, the county commissioners and a large number of other reputable citizens of Spokane.

Senator Allen (P. L.), moved that the list of pardons submitted by the governor be ordered printed and made a special order for consideration at 2:00 o'clock Thursday, February 9th.

Senator Rosenhaupt moved as a substitute that the list of pardons be printed and referred to the committee on state penal and reformatory institutions.

The substitute motion prevailed.

INTRODUCTION OF BILLS.

Senate bill No. 168, by Senator Falconer, entitled "An act making legal and valid all ordinances or towns of the fourth class, heretofore typewritten and posted in three public places.

The bill was read the first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on judiciary.

Senate bill No. 169, by Senator Falconer, entitled "An act to amend section 155 of 'An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency.' "

The bill was read the first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on municipal corporations.

Senate bill No. 170, by committee on state, granted, school and tide lands, entitled "An act relating to the deposit of moneys received by the commissioner of public lands, and declaring an emergency."

The bill was read the first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 171, by committee on state, granted, school and tide lands; entitled "An act creating a board of state land commissioners, defining its duties, and declaring an emergency."

The bill was read the first time, and on motion of Senator

Allen (P. L.), the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 172, by Senator Bassett, entitled "An act to provide for the transferring of certain county territory and the annexation of the same to a contiguous county."

The bill was read the first time, and on motion of Senator Bassett, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on county and county boundaries.

Senate bill No. 173, by Senator Allen (P. L.), entitled "An act for the relief of the suffering and starving victims of the famine in China, and making an appropriation therefor, and declaring an emergency."

The bill was read the first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on appropriations.

Senate bill No. 174, by Senator Nichols, entitled "An act relating to the establishment and widening of county roads and to the exercise of the right of eminent domain by counties in condemning land and other property for county roads and to secure property containing gravel, stone or other road building materials and rights of way in and to such property and repealing all acts in conflict herewith."

The bill was read the first time, and on motion of Senator Nichols, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on roads and bridges.

Senate bill No. 175, by Senator Collins, entitled "An act providing for the abandonment or dismissal of condemnation proceedings begun by corporations, other than municipal, and for the allowance of a reasonable attorneys' fees to the owner of the property sought to be condemned."

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

time by title, ordered printed and referred to the committee on judiciary.

GENERAL FILE.

Senate bill No. 81, by Senator Jackson, entitled "An act ceding to the United States exclusive jurisdiction over tidelands in front of McNeils Island penitentiary site," was read third time.

The secretary called the roll on final passage of Senate bill No. 81, and it passed the Senate by the following vote:

Those voting aye were Senators: Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Collins, Cox, Davis, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Metcalf, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Troy, Whalley, Mr. President—29.

Absent or not voting were: Senators Chappell, Eastham, Espy, Falconer, Hewitt, Landon, Myers, Rosenhaupt, Stephens, Stevenson, Stewart, White, Whitney—13.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Bassett, Senate bills Nos. 130, 131, and 132 went over until tomorrow and retained their places on the calendar.

Senate bill No. 50, by Senator Allen (P. L.), entitled "An act to amend sections 1 and 2 of an act entitled 'An act to provide for the issuance of licenses to honorably discharged soldiers, sailors and marines of the military and naval service of the United States, in the late war of the rebellion, who desire to carry on the business of peddler, and repealing all acts in conflict therewith,' approved March 12, 1903, being chapter 69 of the Laws of 1903," was read third time.

The secretary called the roll on final passage of Senate bill No. 50 and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Fishback, Hutchinson, Huxtable, Jackson, Jensen, Metcalf, Piper, Rosenhaupt, Shaefer, Stephens, Troy, Mr. President—14.

Those voting nay were: Senators Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Collins, Cox, Davis, Hall, Hammer, Myers, Nichols, Roberts, Ruth, Rydstrom, Smithson, Whalley, White—19.

Those absent or not voting were: Senators Chappell, Eastham, Espy, Falconer, Hewitt, Landon, Stevenson, Stewart, Whitney—9.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,

MR. PRESIDENT:

OLYMPIA, WASH., February 6, 1911.

The speaker has signed House joint memorial No. 6, "Relating to the rights and claims of locators of coal and other lands in Alaska and the permitting of the leasing thereof," and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senator Fishback was marked present.

Senate bill No. 155, by the judiciary committee, entitled "An act relating to funds deposited with or paid into the superior courts, prescribing the duties of county officers with relation thereto, and declaring an emergency," was read third time.

Senator Jackson moved to amend the bill by striking the word "clerk" being the last word in section 3, and inserting in lieu thereof the words "court having jurisdiction."

The amendment failed to carry.

The secretary called the roll on final passage of Senate bill No. 155, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Collins, Cox, Fishback, Hall, Hammer, Huchinson, Huxtable, Jackson, Jensen, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Rydstrom, Shaefer, Smithson, Stephens, Troy, Whalley, White, Whitney, Mr. President—32.

Those voting nay were: Senators Davis, Ruth—2.

Absent or not voting were: Senators Chappell, Eastham, Espy, Falconer, Hewitt, Landon, Stevenson, Stewart—8.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bowen, Brown, Bryan, Collins, Cox,

Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Metcalf, Myers, Nichols, Roberts, Rosenhaupt, Rydstrom, Shaefer, Smithson, Stephens, Troy, Whalley, White, Whitney, Mr. President—30.

Those voting nay were: Senators Bassett, Davis, Piper, Ruth—4.

Absent or not voting were: Senators Chappell, Eastham, Espy, Falconer, Hewitt, Landon, Stevenson, Stewart—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senators Hewitt and Falconer were recorded present.

Senate bill No. 96, by Senator Stephens, entitled "An act repealing section 19 of an act approved March 14, 1907, entitled 'An act creating the Washington State Reformatory, providing for the erection and management thereof, and making appropriation therefor,'" was read third time.

Senator Ruth moved to amend the bill by striking the words and figures "section 19," in line 1 of section 1 of the bill.

A roll call on the motion to amend was demanded by Senators Rydstrom, Nichols, Troy, Cox, Whitney, Ruth, Allen (P. L.).

Senator Ruth, by unanimous consent, withdrew his motion to amend.

The secretary called the roll on final passage of Senate bill No. 96, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Arrasmith, Bassett, Bowen, Bryan, Collins, Cox, Davis, Falconer, Fishback, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Metcalf, Roberts, Stephens, Troy, Whalley, Mr. President—22.

Those voting nay were: Senators Allen (F. J.), Anderson, Brown, Hall, Myers, Nichols, Piper, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, White, Whitney—14.

Those absent or not voting were: Senators Chappell, Eastham, Espy, Landon, Stevenson, Stewart—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Troy, the consideration of Senate bill

No. 80 was put over until tomorrow and it was placed at the head of the calendar for that day.

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,

OLYMPIA, WASH., February 6, 1911.

MR. PRESIDENT:

Your committee on enrolled bills, to whom was referred Senate bill No. 52, entitled "An act to legalize and validate the organization, establishment and creation of commercial waterway districts * * * and declaring an emergency;"

Also Senate bill No. 77, entitled "An act relating to all commercial waterway districts * * * and declaring an emergency;"

Also Senate joint resolution No. 5, "Relating to the purchase of the Wenatchee bridge;"

—have compared same with the engrossed and original bills and the original joint resolution, respectively, and find them correctly enrolled.

Respectfully submitted.

GEO. W. SHAEFER, *Chairman.*

We concur in this report: Peder Jensen, John A. Whalley, B. A. Bowen.

Senator Nichols reported that Senate bills Nos. 77 and 52 were correctly enrolled, and Senator Fishback made the same announcement concerning Senate joint resolution No. 5.

The president signed Senate bills Nos. 52 and 77 and Senate joint resolution No. 5, and House joint memorial No. 6.

At 12:35 p. m., on motion of Senator Allen (P. L.), the Senate adjourned until 10:00 o'clock tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

W. H. PAULHAMUS,
President of the Senate.

THIRTIETH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASH., Tuesday, February 7, 1911.

The Senate was called to order at 10:00 o'clock a. m., by President Paulhamus, pursuant to adjournment.

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present.

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

Petitions from certain citizens of Snohomish and Okanogan counties praying for the enactment of the initiative and referendum were read and ordered placed on file.

A communication from Scotch Creek Grange of Hudson, Washington, opposing the passage of any laws relative to county division was read and placed on file, as was also a petition from Greenwood Grange, patrons of husbandry, of Meyer's Falls, Wash., praying that a bounty be placed on ground squirrels.

Senator Falconer moved the adoption of the following resolution:

Be It Resolved by the Senate, That, with the exception of appropriation bills, no Senate bills shall be introduced in the Senate after the fortieth day, viz: February 17, 1911, unless by unanimous consent.

A roll call on the adoption of the resolution was demanded by Senators Cox, Falconer, Nichols, Ruth, Brown, Whitney, Jensen and Huxtable.

The secretary called the roll and the resolution failed to carry by the following vote:

Those voting aye were: Senators Allen (P. L.), Cox, Falconer, Jackson, Shaefer, Smithson, Stephens, Mr. President—8.

Those voting nay were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Collins, Davis, Fish-

back, Hall, Hewitt, Hutchinson, Huxtable, Jensen, Metcalf, Myers, Nichols, Roberts, Ruth, Rydstrom, Troy, Whalley, White, Whitney—25.

Absent or not voting were: Senators Chappell, Eastham, Espy, Landon, Hammer, Piper, Rosenhaupt, Stevenson, Stewart—9.

The secretary read the following resolution:

Resolved by the Senate, That the per diem of the minute clerk be increased from five dollars to seven dollars per day from this date.

On motion of Senator Ruth, the resolution was referred to the committee on salaries and mileage.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., February 7, 1911.

MR. PRESIDENT:

We, a majority of your committee on constitution and constitutional revision, to whom was referred House bill No. 137, entitled "An act providing for the amendment of section 7, article 11, of the constitution of the State of Washington, relating to county officers, and providing that no county treasurer shall be eligible to hold his office more than two terms in succession," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

JESSE HUXTABLE, *Chairman.*

We concur in this report: Josiah Collins, E. C. Davis.

SENATE CHAMBER,
OLYMPIA, WASH., February 7, 1911.

MR. PRESIDENT:

I, a minority of your committee on constitution and constitutional revision, to whom was referred House bill No. 137, entitled "An act providing for the amendment of section 7, article 11, of the constitution of the State of Washington, relating to county officers, and providing that no county treasurer shall be eligible to hold his office more than two terms in succession," have had the same under consideration, and I respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

R. A. HUTCHINSON.

At the request of Senator Hutchinson, the bill was ordered referred to the committee on constitution and constitutional revision.

SENATE CHAMBER,
OLYMPIA, WASH., February 7, 1911.

MR. PRESIDENT:

We, your committee on constitution and constitutional revision, to whom was referred Senate bill No. 151, entitled "An act proposing an amendment to sections 2 and 3 of article 2 of the constitution of the State of Washington, relating to the membership of the legislature," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

JESSE HUXTABLE, *Chairman.*

We concur in this report: Josiah Collins, R. A. Hutchinson.

At the request of Senator Davis, the consideration of the report of the committee was laid over on account of the absence of Senator Espy, who was one of the authors of the bill.

SENATE CHAMBER,
OLYMPIA, WASH., February 7, 1911.

MR. PRESIDENT:

We, your committee on game, to whom was referred Senate bill No. 76, entitled "An act to prevent the firing of guns or the killing, entrapping, shooting, ensnaring, maiming, or molesting of any of the wild birds at any season of the year upon the waters of Moses lake, or within one-fourth of a mile of the meander lines thereof, and providing a penalty for the punishment of the violation of this act," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the bill submitted herewith be substituted therefor, and do pass.

JOSIAH COLLINS, *Chairman.*

We concur in this report: Chas. E. Myers, Arvid Rydstrom, Ed Brown.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 7, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 120, entitled "An act amending section 140 of chapter 249 of the Session Laws of 1909, and abolishing the infliction of death as a penalty for the crime of murder in the first degree and substituting therefor imprisonment in the state penitentiary for life," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on the general file.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: J. W. Bryan, Geo. W. Shafer, Ralph Metcalf, H. M. White, Josiah Collins, Ralph D. Nichols.

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

Senator Espy being present, the Senate proceeded to consider the report of the committee on constitution and constitutional revision on Senate bill No. 151.

Senator Huxtable moved the adoption of the report of the committee.

Senator Falconer moved as an amendment that the bill be referred to the committee on judiciary.

The amendment was lost.

Senator Espy moved as an amendment that the bill be referred to the committee on legislative apportionment.

The amendment failed to carry.

The previous question was demanded by Senators Falconer, Collins and Landon.

The motion for the previous question was put and carried.

A roll call on the motion of Senator Huxtable, that the report of the committee be adopted, was demanded by Senators Falconer, Nichols, Landon, Troy, Ruth, Davis, Hutchinson and Metcalf.

The secretary called the roll and the report of the committee was adopted by the following vote:

Those voting aye were: Senators Allen (P. L.), Bassett, Bowen, Brown, Collins, Cox, Falconer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Nichols, Piper, Roberts, Rydstrom, Shaefer, Stephens, Whalley, White, Whitney, Mr. President—24.

Those voting nay were: Senators Anderson, Arrasmith, Bryan, Chappell, Davis, Eastham, Espy, Fishback, Hall, Hammer, Myers, Rosenhaupt, Ruth, Smithson, Stevenson, Stewart, Troy—17.

Voting nay: Senator Allen (F. J.)—1.

The Senate at this time took up the consideration of the majority and minority reports on House bill No. 137.

On motion of Senator Huxtable, the majority report was adopted.

MESSAGES TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 7, 1911.

MR. PRESIDENT:

The House has passed House engrossed bill No. 197, entitled "An act fixing the salaries of the officers and employes in the adjutant general's department," etc.;

Also House engrossed bill No. 155, entitled "An act relating to criminal proceedings against corporations;"

Also House engrossed bill No. 156, entitled "An act amending section 2, chapter 217, Session Laws of 1907, relating to the taxation of inheritancies;"

Also House engrossed bill No. 159, entitled "An act to amend section 12, of chapter 78, Session Laws of 1907, relating to the assessment of the operating property of railroads," etc.;

Also House bill No. 165, entitled "An act to provide for the construction, deepening and widening of public waterways for the floatage of vessels," etc.;

Also the House has passed House joint memorial No. 14, "Relating to the Sulloway pension bill now before the Senate of the United States;"

Also House joint memorial No. 15, "Relating to the revision of the tariff on Washington products."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

On motion of Senator Hutchinson, the rules were suspended, and House joint memorial No. 14, was read first, second, and third times. The memorial follows:

HOUSE JOINT MEMORIAL NO. 14.

To the Honorable Senators of the United States in Congress Assembled:

We, your memorialists, the legislature of the State of Washington, in regular session assembled, believing that the time has come for the showing of every consideration to the old soldiers of the Mexican and Civil war, and

Believing that the bill that recently passed the house of representatives of the United States congress and known as the Sulloway Bill, providing for a flat pension for all soldiers over sixty-two years of age of \$15 per month, and those over sixty-five years of age of \$20 per month and those over seventy years of age of \$25 per month, and those over seventy-five years of age of \$36 a month, comes more nearly adjusting the inequalities in the various pensions heretofore allowed and more adequately and more justly shows a due appreciation for the gallant services rendered in times of need to our surviving soldiers and sailors of the Mexican and Civil war;

Therefore, We most respectfully urge that the said Sulloway Bill be immediately enacted into law and thus we, your memorialists, will ever pray.

Resolved, That a copy of this memorial be transmitted to the secretary of the senate of the congress of the United States, and a copy also be sent to each of the United States senators from this state.

On motion of Senator Allen (P. L.), the memorial was amended by striking therefrom the last paragraph.

The secretary called the roll on final passage of House joint memorial No. 14, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Davis, Eastham, Falconer, Fishback, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—35.

Those voting nay were: Senators Hall, Hewitt—2.

Absent or not voting were: Senators Allen (F. J.), Cox, Espy, Nichols, Rosenhaupt—5.

Senator Falconer gave notice of a motion to reconsider the vote by which House joint memorial No. 14 passed the Senate.

INTRODUCTION OF BILLS.

Senate bill No. 176, by Senator Ruth, entitled "An act to amend section 16 of an act entitled 'An act in relation to the insane of the State of Washington and making appropriations for the maintenance thereof, and declaring an emergency,' approved March 13, 1890, the same being section 5953 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and to repeal section 33 of said act, the same being section 5962 of Remington and Ballinger's Annotated Codes and statutes of Washington."

The bill was read the first time, and on motion of Senator Ruth, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on state charitable institutions.

Senate bill No. 177, by Senator Rosenhaupt, entitled "An act providing for the amendment of section 23 of article 2 of the constitution of the State of Washington, relating to sessions of the state legislature and the compensation and mileage for the members thereof."

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

Senate bill No. 178, by committee on banks and banking, entitled "An act amending chapter 76, Session Laws, 1909, relating to the creating of a bureau of inspection and supervision of public offices, and establishing a uniform system of public accounting by adding thereto an additional section, permitting the state auditor to call together annually for instruction, certain county officers and state examiners, and providing for the payment of the expense thereof."

The bill was read the first time, and on motion of Senator Davis, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 179, by Senator Whitney, entitled "An act to create the county of Cosgrove, subject to the requirements of the state constitution, and the statutes in respect to the establishment of new counties, and declaring an emergency."

The bill was read the first time, and on motion of Senator Whitney, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on county and county boundaries.

Senate bill No. 180, by committee on game, entitled "An act relating to the carrying of firearms, requiring licenses of certain persons, and fixing a penalty for the violation thereof."

The bill was read the first time, and on motion of Senator Collins, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 181, by Senators Troy, Chappell, Jensen, and White, entitled "An act to amend sections thirty-six (36) and

thirty-seven (37) of chapter 209 of the Session Laws of 1907, being an act entitled 'An act relating to regulating and providing for the nomination of candidates for public office in the State of Washington, and providing penalties for the violation thereof, and declaring an emergency,' approved March 15th, 1907."

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

Senate bill No. 182, by Senator White (by request), entitled "An act relating to a public administrator and to provide for the administration of certain estates, and to change the fees of probate applicable thereto."

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

Senate bill No. 183, by committee on banks and banking, entitled "An act amending sections 8351, 8352, 8355 and 8356, Remington and Ballinger's Annotated Codes and Statutes, relating to the inspection and supervision of public offices and the bureau of inspection and supervision of public offices."

The bill was read the first time, and on motion of Senator Davis, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Substitute Senate bill No. 76, by committee on game, entitled "An act creating a game preserve of Moses Lake, Grant county, Washington, prohibiting the killing of game or wild birds thereon, and providing penalties for the violation thereof."

The bill was read the first time, and on motion of Senator Collins, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

House bill No. 165, by Mr. Ennis, entitled "An act to provide for the construction, deepening and widening of public waterways for the floatage of vessels and the drainage of swamps

and overflowed lands, by assessments upon property benefited thereby; for the organization of waterway districts; for the exercise of the right of eminent domain in furtherance thereof; for the issuance of bonds to provide funds therefor pending the collection of assessments, and to provide for the care and control of such waterways; and declaring an emergency."

The bill was read the first time, and on motion of Senator Landon, the rules were suspended, the bill was read the second time by title, and referred to the committee on harbor and harbor lines.

Engrossed House bill No. 155, by the judiciary committee, entitled "An act relating to procedure in criminal actions against corporations."

The bill was read the first time, and on motion of Senator White, the rules were suspended, the bill was read the second time by title, and referred to the committee on judiciary.

Engrossed House bill No. 156, by committee on revenue and taxation, entitled "An act amending section 2 of chapter 217, Session Laws of 1907, relating to the taxation of inheritances, by striking from said section the proviso."

The bill was read the first time, and on motion of Senator Bassett, the rules were suspended, the bill was read the second time by title, and referred to the committee on public revenue and taxation.

Engrossed House bill No. 159, by committee on revenue and taxation, entitled "An act to amend section 12 of chapter 78, Session Laws of 1907, relating to the assessment of the operating property of railroads, approved March 6, 1907, and declaring an emergency."

The bill was read the first time, and on motion of Senator Bassett, the rules were suspended, the bill was read the second time by title, and referred to the committee on public revenue and taxation.

Engrossed House bill No. 197, by appropriations committee, entitled "An act fixing the salaries of the officers and employes in

adjutant general's department of the state militia, and declaring an emergency."

The bill was read the first time, and on motion of Senator Falconer, the rules were suspended, the bill was read the second time by title, and referred to the committee on appropriations.

The secretary read:

HOUSE JOINT MEMORIAL NO. 15.

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

Your memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, would most respectfully represent:

WHEREAS, Congressional action with reference to the revision of the tariff seems more or less probable; and

WHEREAS, Contemplated congressional action with reference to the tariff involves and concerns certain industries of the Pacific coast and the State of Washington; and

WHEREAS, The continued prosperity and well-being of the State of Washington is to a large extent involved by the contemplated tariff revision;

Now, therefore, Your memorialists, in the name of the people of the State of Washington, and speaking in behalf of the state and the entire Pacific slope, earnestly and respectfully petition and urge that no congressional action be taken with reference to the revision of the tariff without careful consideration of the industries of the western portion of the United States, and particularly of the northwestern portion.

Your memorialists further urgently and earnestly petition and urge that the interests so vital to the welfare of the State of Washington and the Pacific Northwest are entitled to the same full consideration and thorough review by a non-partisan, unbiased tariff board as are all other industries of the nation, and for that reason and in that behalf your memorialists urge congressional action accordingly, and that no action be taken without such consideration and review

The secretary of state is hereby directed to transmit a copy of this memorial by telegraph to His Excellency the President of the United States of America, and to each of the senators and representatives in congress from the State of Washington, and also to each member of the ways and means committee of the house of representatives for their use and action in accordance with the purpose of this memorial.

On motion of Senator Metcalf, the rules were suspended and House joint memorial No. 15 was read second and third times.

On motion of Senator Ruth the last paragraph of the memorial was stricken.

Senator Rosenhaupt moved to amend the memorial by adding at the end of the fifth paragraph the following "save and except that we favor a downward revision of the tariff and favor trade reciprocity with Canada."

On motion of Senator Falconer, the memorial, together with the proposed amendment, were referred to the committee on memorials.

GENERAL FILE.

The secretary read Senate joint memorial No. 5 third time, as follows:

SENATE JOINT MEMORIAL NO. 5.

By Senator Rydstrom:

WHEREAS, The Rainier National Park, in the State of Washington, containing within its boundaries the noblest of American mountains, with the most important glaciers and some of the most noteworthy examples of glacial action to be found in the United States south of Alaska, is, by reason of government ownership, wholly dependent upon congressional appropriation for the protection of its great forest areas and to make it accessible to students, tourists and the general public; and

WHEREAS, Congress has hitherto appropriated sums aggregating \$225,000 for the survey and construction of a highway from the western boundary to Paradise valley, in said National Park, a distance of twenty-four miles, which highway has opened to vehicles a great scenic region that is already visited by many thousands of persons annually; and

WHEREAS, The greater portion of said National Park, including the largest glaciers and the most valuable forest, is still inaccessible to tourists and incapable of protection from fires for want of proper roads and trails; and

WHEREAS, A bill is now before congress appropriating \$50,000 for surveys and the beginning of construction of a road continuing the aforesaid highway entirely around said mountain, within the boundaries of said National Park; which appropriation would enable the engineer corps not only to locate the route of such road, but to begin construction thereof by building bridle trails on the final grades so established, thereby opening at once all parts of said National Park to travel on horseback, and greatly increasing the safety and utility of the park, until such time as said trails may be widened into the proposed permanent road; therefore

Resolved, By the Senate and House of Representatives of the State of Washington, That, in view of the desirability of protecting said

National Park and making it fully accessible at the earliest practicable date, the congress of the United States is respectfully requested to pass said appropriation at its present session.

On motion of Senator Piper, the memorial was amended by striking the words "said mountain," in line 2 of paragraph 4 of the printed memorial, and inserting in lieu therefor the words "Mount Rainier."

The secretary called the roll on final passage of Senate joint memorial No. 5 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Chappell, Collins, Cox, Eastham, Falconer, Fishback, Hall, Hammer, Huchinson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rydstrom, Shaefer, Smithson, Stephens, Stewart, Troy, Whalley, White, Whitney, Mr. President—32.

Those voting nay were: Senators Ruth Stevenson—2.

Absent or not voting were: Senators Allen (F. J.), Bryan, Davis, Espy, Hewitt, Huxtable, Jackson, Rosenhaupt—8.

On motion of Senator Rydstrom, the rules were suspended and Senate joint memorial No. 5 was ordered immediately transmitted to the House.

The president called Senator Anderson to the chair.

Senate bill No. 80, by Senator Troy, entitled "An act relating to the registration and licensing of stallions and jacks, providing for the fees therefor, and fixing the penalties for a violation of the provisions hereof," was read third time.

On motion of Senator Fishback, the bill was amended by striking the period at the end of line 2 in section 6 of the printed bill, the same being line 4 of the original bill, and adding the following: "and for each and every subsequent violation of any of the provisions of this act shall be guilty of a misdemeanor and subject to a fine of not less than fifty dollars."

On motion of Senator Troy, the bill was amended by adding to the end of section 8 the following: "If, at the expiration of any fiscal year, there shall be on hand moneys in excess of the disbursements made under the provisions of this act for the pre-

ceding year, such moneys shall be transmitted to the state treasurer and placed in the general fund."

The president resumed the chair.

The secretary called the roll on final passage of Senate bill No. 80, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jensen, Landon, Metcalf, Myers, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, White, Mr. President—35.

Absent or not voting were: Senators Allen (F. J.), Jackson, Nichols, Piper, Roberts, Whalley, Whitney—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 158, entitled "An act providing for an annual convention of the county assessors of the state," was read third time.

On motion of Senator Bassett, the bill was amended by striking therefrom section 2.

The secretary called the roll on final passage of House bill No. 158 in the Senate, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Jensen, Landon, Metcalf, Myers, Rosenhaupt, Ruth, Rydstrom, Shaefer, Stephens, Stevenson, Stewart, Troy, White, Whitney, Mr. President—34.

Absent or not voting were: Senators Allen (F. J.), Huxtable, Jackson, Nichols, Piper, Roberts, Smithson, Whalley—8.

On motion of Senator Rosenhaupt, the title of the bill was amended by striking therefrom the words "providing for" and inserting in lieu thereof the words "relating to" and by adding to the end of the title the words "and providing for the expense of same."

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

On motion of Senator Bassett, the consideration of Senate bills Nos. 130, 131 and 132, which bills were next on the calendar, went over until tomorrow..

Senator Falconer withdrew his notice of a motion to reconsider the vote by which House joint memorial No. 14 passed the Senate.

On motion of Senator Bryan, the rules were suspended and House joint memorial No. 14 was ordered immediately transmitted to the House.

By unanimous consent, the Senate, at the request of Senator Bryan, returned to the order of business "Resolutions and Memorials."

The secretary read:

SENATE JOINT RESOLUTION NO. 7.

By Senator Bryan:

WHEREAS, The legislature of the State of Washington in its eighth biennial session in the year 1903 duly passed a resolution making application to congress to amend the constitution of the United States relative to the election of United States senators as shown by chapter 61 of the Session Laws of 1903; and,

WHEREAS, It appears that the said resolution has not been officially addressed or forwarded to the congress of the United States; now, therefore, be it

Resolved, by the Senate and House of Representatives of the legislature of the State of Washington, That the secretary of state be and he is hereby instructed to forward to the president of the United States senate and to the speaker of the house of representatives at Washington, D. C., a certified copy of chapter 61 of the Session Laws of the State of Washington of the year 1903.

On motion of Senator Falconer, the resolution was referred to the committee on memorials.

At 11:45 a. m., on motion of Senator Allen (P. L.), the Senate adjourned until 11:00 o'clock tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

W. H. PAULHAMUS,
President of the Senate.

THIRTY-FIRST DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASH., Wednesday, February 8, 1911.

The Senate was called to order at 11:00 o'clock a. m. by President Paulhamus, pursuant to adjournment.

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present except Senators Piper and Stevenson, both excused.

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

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., February 8, 1911.

MR. PRESIDENT:

We, your committee on medicine, dentistry, surgery and hygiene, to whom was referred Senate bill No. 158, entitled "An act for the creation of a tuberculosis commission," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Section 1, strike the word "devise" in line 7 of the original bill, the same being line 5 in the printed bill, and insert in lieu thereof the word "suggest."

Section 1, strike the word "and" immediately preceding the word "controlling" in line 8 in the original bill, the same being line 5 in the printed bill, and insert in lieu thereof a comma; also insert immediately after said word "controlling" the words "and treating."

Section 2, strike all after the word "investigations," in line 8 in the original bill, the same being line 5 in the printed bill, and insert in lieu of the part so stricken the following: "to the legislature not later than January 15, 1913."

Section 4, strike the word "comptroller" in line 5 in the original bill, the same being line 3 in the printed bill, and insert in lieu thereof the words "state auditor."

A. B. EASTHAM, *Chairman.*

We concur in this report: Peder Jensen, E. C. Whitney.

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

On motion of Senator Eastham, Senate bill No. 158 was ordered re-referred to the committee on appropriations.

SENATE CHAMBER,

MR. PRESIDENT: OLYMPIA, WASH., February 8, 1911.

We, your committee on memorials, to whom was referred Senate joint resolution No. 7, "Relating to an amendment to the constitution of the United States, relative to the election of United States senators," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

GEO. W. SHAEFER, *Chairman.*

I concur in this report: F. L. Stewart.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 8, 1911.

MR. PRESIDENT:

We, your committee on election and privileges, to whom was referred Senate bill No. 150, entitled "An act relating to offenses against suffrage, fixing punishments and penalties therefor, and amending sections 4958, 4959, 4960, 4961, 4962, 4963 and 4967 of Remington and Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Section 1, line 3, of the printed bill, being line 4 of the original bill, strike the word "elector" and insert in lieu thereof the word "person."

Section 6, line 3 of the printed bill, being lines 3 and 4 of the original bill, strike the letter "s" in the words "menaces" and "threats." Also the word "any" where it occurs the second and third times in said line.

Section 6, beginning with the word "contrary" in line 6 of the printed bill, being line 8 of the original bill, strike the balance of the paragraph and insert in lieu thereof the following: "For or against any person, or proposition, or shall authorize any person so to do, such person shall be guilty of a felony."

Section 7, lines 5 and 6 of the printed bill, being lines 8 and 9 of the original bill, strike out "acts in contravention or violation of" and insert in lieu thereof the word "violate."

J. W. BRYAN, *Chairman.*

We concur in this report: Geo. W. Shaefer, H. M. White, Ralph Metcalf.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., February 7, 1911.

We, your committee on pure food and drugs, to whom was referred Senate bill No. 36, entitled "An act relating to the use of preservatives and coloring matter in meats, and providing a penalty," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

Section 1, line 4 of the printed bill, same being line 6 of the original bill, insert after the word "spices" the word "vinegar."

PEDER JENSEN, *Chairman.*

We concur in this report: John E. Chappell, Jesse Huxtable, B. H. Bowen.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., February 7, 1911.

We, your committee on judiciary, to whom was referred Senate bill No. 79, entitled "An act relating to railroad crossings, cattle guards and fences, and amending section 8730 of Remington and Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

In the last line on the first page of the original bill, the same being line 20 of section 1 of the printed bill, following the word "penalty" strike "of not greater than two hundred and fifty dollars," and substitute therefor, "of five dollars per day for each day's continuance of such failure."

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: Geo. W. Shaefer, H. M. White, Ralph Metcalf, Daniel Landon, J. W. Bryan, F. J. Allen.

Senator Rosenhaupt moved the adoption of the report of the committee.

Senator Stephens moved to amend that the bill be re-referred to the committee on judiciary.

The amendment carried and the bill was re-referred.

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., February 7, 1911.

We, your committee on judiciary, to whom was referred Senate bill No. 113, entitled "An act amending section 18 of an act entitled 'An

act to provide for the submission to the qualified electors of the question whether the sale of intoxicating liquors shall be licensed or prohibited, providing for the enforcement of the result of the elections hereunder, defining offenses hereunder, and providing penalties therefor,' approved March 12, 1909, the same being chapter 81 of the Laws of 1909," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

Strike the title of the act and substitute therefor, "An act relating to intoxicating liquors, and amending section 18 of chapter 81 of the Session Laws of 1909."

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Ralph Metcalf, Geo. W. Shaefer, H. M. White, Ralph D. Nichols.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., February 7, 1911.

We, your committee on judiciary, to whom was referred Senate bill No. 73, entitled "An act providing that whenever in any action, suit or other proceeding before any court, judicial, legislative or executive tribunal, or before any commission or other authority, any pleading, notice, exception, motion for new trial, notice of appeal, statement of facts, or other document or written instrument, whether of similar import to those herein enumerated or not, is required to be filed and served, or served and filed, it shall be sufficient if each of such acts be performed within the time required, irrespective of the order in which the same shall be done," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Strike the title of the bill and substitute therefor, "An act relating to the filing and serving of written instruments in judicial, administrative, legislative and executive actions and proceedings."

In line 2 of the original bill, being line 1 of the printed bill, after the word "any" strike the word "court."

In line 3 of the original bill, being line 2 of the printed bill, strike the words "or before any."

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Ralph Metcalf, Geo. W. Shaefer, H. M. White, Daniel Landon, F. J. Allen, J. W. Bryan.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., February 7, 1911.

We, your committee on judiciary, to whom was referred Senate bill No. 56, entitled "An act to amend section 1 of an act entitled 'An act

to prohibit the sale or disposal of intoxicating drinks to Indians and mixed bloods, and providing penalties for the violation thereof, and repealing section 7316, Ballinger's Annotated Codes and Statutes of Washington,' as approved March 11, 1909, being chapter 140 of the Session Laws of 1909," have had the same under consideration, and we respectfully report the same back to the Senate that the bill having been introduced by mistake and withdrawn before any action taken thereon by this committee, that it be indefinitely postponed.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Geo. W. Shaefer, H. M. White, Ralph Metcalf, J. W. Bryan, F. J. Allen, Ralph D. Nichols.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 8, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred engrossed Senate bill No. 80, entitled "An act relating to the registration and licensing of stallions and jacks, providing for the fees therefor and fixing the penalties for a violation of the provisions hereof," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman*.

We concur in this report: Josiah Collins, Daniel Landon, D. S. Troy.

SENATE CHAMBER,
OLYMPIA, WASH., February 7, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 147, entitled "An act relative to legal holidays and declaring the 12th day of October of each year to be a legal holiday to be known as 'Columbus Day'," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Geo. W. Shaefer, J. W. Bryan, Ralph Metcalf, Daniel Landon, H. M. White.

Senator Rosenhaupt moved the adoption of the report.

Senator Nichols moved as a substitute that the bill be indefinitely postponed.

A roll call on the substitute motion was demanded by Senators Espy, Eastham, Ruth, Chappell, Collins, Fishback, Allen (P. L.), Metcalf.

The secretary called the roll and the motion to indefinitely postpone Senate bill No. 147 failed to carry by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Eastham, Espy, Fishback, Nichols, Roberts, Ruth, Troy, Whalley, Whitney—15.

Those voting nay were: Senators Allen (F. J.), Chappell, Collins, Cox, Davis, Falconer, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jensen, Landon, Metcalf, Myers, Rosenhaupt, Rydstrom, Shaefer, Smithson, White, Mr. President—21.

Absent or not voting were: Senators Allen (P. L.), Jackson, Piper, Stephens, Stevenson, Stewart—6.

The motion of Senator Rosenhaupt, that the report of the committee on Senate bill No. 147 be adopted, was put and carried.

REPORT OF STANDING COMMITTEES.

SENATE CHAMBER,

OLYMPIA, WASH., February 8, 1911.

MR. PRESIDENT:

We, your committee on insurance, to whom was referred Senate bill No. 6, entitled "An act to provide an insurance code for the State of Washington, to regulate the organization and government of insurance companies and insurance business, to provide for an insurance commissioner and define his duties, and to repeal all existing laws in relation thereto; and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments and that the amended bill be ordered printed:

In line 3 of the title of the original bill, same being line 2 of the title of the printed bill, after the word "business" insert "providing penalties for the violation of the provisions of this act."

In line 5 of the title of the original bill, same being line 3 of the title of the printed bill, after the word "thereto" strike "and declaring an emergency."

In line 23, page 8 of the original bill, same being line 21, section 8 of the printed bill, after the word "days" insert "after the receipt of said notice."

On page 14 of the original bill, following section 13, insert as follows: "Sec. 13½. Venue of Action on Insurance Policy. Any insurance company may be sued upon a policy of insurance in any county within this state where the cause of action arose, by serving the summons and a copy of the complaint upon the company, if a domestic

company, or upon the commissioner as attorney-in-fact of the company, if an alien or foreign company, or upon any duly licensed agent of the company residing in the county where the cause of action arose."

In line 24, page 16 of the original bill, same being line 12, section 17 of the printed bill, after the word "license" strike "(fire and marine)."

In line 25, page 16 of original bill, same being line 13, section 17 of printed bill, strike entire line.

In line 26, page 16 of original bill, same being line 14, section 17 of printed bill, after the word "license" strike figure "5" and insert in lieu thereof "2."

In line 29, page 16 of original bill, same being line 16, section 17 in printed bill, after the word "companies" strike "per annum in advance."

Strike all of lines 2, 3, 4, 5 and 6, page 17 of the original bill, same being lines 21, 22, 23 and 24 of section 17 of the printed bill, and insert in lieu thereof "Licenses issued to copartnerships or corporations to act as insurance agents or brokers shall permit each member of the copartnership or officer of the corporation to solicit or effect insurance, and the names of such members or officers shall be specified and appear in the license."

In line 8, page 17 of original bill, same being line 2, section 18 of printed bill, after the word "law" strike the word "relative" and insert in lieu thereof "relating."

In line 12, page 17 of original bill, same being line 4, section 18 of the printed bill, after the word "law" strike the word "relative" and insert in lieu thereof "relating."

In line 17, page 17 of the original bill, same being in line 3 of section 19 of the printed bill, after the word "that" strike balance of section and insert in lieu thereof "on and after the first day of January, 1913, no insurance company or companies shall issue an underwriter's policy covering any risk in this state."

In line 29, page 18 of original bill, same being line 18, section 21 of printed bill, after the word "manage" strike the word "the" and insert in lieu thereof "its."

In line 31, page 21 of the original bill, same being line 64, section 22 of the printed bill, after the word "state" insert "or states."

In line 26, page 25 of the original bill, same being line 80, section 23 of the printed bill, after the words "exceeding the" strike the word "lawful" and insert in lieu thereof the word "legal."

In line 10, page 26 of the original bill, same being line 91, section 23 of the printed bill, beginning with the word "whenever" strike everything down to and including the word "deposits" in line 13 on said page 26 of the original bill, same being line 93, section 23 of the printed bill.

Strike lines 7, 8, 9, 10, 11, 12, 13, 14 and 15, page 29 of the original bill, same being lines 1, 2, 3, 4, 5 and 6, section 24 of the printed bill, and insert in lieu thereof the following: "Sec. 24. Deposit of Securities. Every foreign insurance company doing business in this state

and required by this act to have a cash capital, shall deposit and keep on deposit with the state treasurer, through the office of the insurance commissioner of this state, the same amount and character of securities which a like domestic company is required to deposit with the depository for securities of insurance companies of the state by whose laws such insurance company is incorporated.

"When any state shall require insurance companies of other states to deposit with some officer of such other state securities in trust for policy-holders of such company as a prerequisite to their transacting business in such state, the treasurer of this state shall receive on deposit from any domestic insurance company the securities required by the laws of such other state.

"Every domestic insurance company required by this act to deposit securities to the amount as provided by this act shall deposit such securities with the state treasurer, and any domestic insurance company may deposit such securities with the state treasurer for the protection of all policy-holders of such company. Every domestic insurance company hereafter organized shall deposit with the state treasurer authorized securities in the sum of fifty thousand dollars at or prior to the time it receives a certificate of authority to commence affecting insurance, and the commissioner shall within one year thereafter require such company to make further deposits of such securities sufficient to equal in the aggregate the amount of the minimum capital required by this act of such company."

In line 4, page 32 of the original bill, same being line 12, section 26 of the printed bill, after the word "of" insert "re-insurance accepted from admitted companies and the."

In line 5, page 32 of the original bill, same being line 13, section 26 of the printed bill, after the words "of the" strike "policy-holder" and insert in lieu thereof "companies."

In line 13, page 32 of the original bill, same being line 18, section 26 of the printed bill, after the word "companies" strike the period and insert in lieu thereof a colon, and add thereafter "*Provided*, That if any such company, corporation or association shall have fifty per centum or more of its assets invested in any bonds or warrants of this state, or bonds or warrants of any county, city, or district within this state, or in taxable property within this state, or in first mortgages upon improved real estate within this state, then the tax shall be but one per centum on the amount so collected."

In line 10, page 33 of the original bill, same being line 5, section 27 of the printed bill, after the word "of" strike "three-fourths" and insert in lieu thereof "two-thirds."

In line 17, page 33 of the original bill, same being line 9, section 27 of the printed bill, after the words "period of" strike the word "three" and insert in lieu thereof "five."

In line 24, page 35 of the original bill, same being line 10, section 33 of the printed bill, immediately preceding the words "other thing" strike the word "on" and insert in lieu thereof "or."

In line 25, 26 and 27, page 36 of the original bill, same being lines 5 and 6 of section 34 of the printed bill, after the word "deceive" strike the comma and insert a period in lieu thereof, and strike the balance of the section and insert in lieu thereof "The breach of a warranty or condition contained in any contract or policy of insurance shall not avoid the policy nor avail the insurer to avoid liability, unless such breach shall exist at the time of the loss, nor unless the matter misrepresented or failure to keep such warranty increased the risk of loss, anything in the policy or contract of insurance to the contrary notwithstanding. This section shall be liberally construed."

In line 16, page 38 of the original bill, same being line 13, section 38 of the printed bill, after the word "imprisonment" strike the word "of" and insert in lieu thereof the word "for."

In line 2, page 43 of the original bill, same being line 15, section 52 of the printed bill, after the words "guilty of" insert "a."

In line 9, page 44 of original bill, same being line 14, section 53 of the printed bill, after the word "company" strike "except surplus profits."

In line 3, page 46 of the original bill, same being line 3, section 57 of the printed bill, after the word "life" insert "accident or health."

In line 5, page 48 of the original bill, same being line 2, section 63 of the printed bill, after the word "January" insert "or February."

In line 15, page 49 of the original bill, same being line 5, section 69 of the printed bill, strike the period after the word "whatsoever" and insert in lieu thereof a comma, and add thereafter "not specified in the policy. When collected the same shall be reported as premium."

In lines 20 and 21, page 53 of the original bill, same being lines 48 and 49, section 75 of the printed bill, after the word "state" strike "on as favorable terms as such risk can be placed in unlicensed companies."

In line 30, page 54 of the original bill, same being line 2, section 76 of the printed bill, after the words "provisions of" strike the word "this" and substitute therefor "the preceding."

In line 3, page 55 of the original bill, same being line 7, section 76 of the printed bill, after the word "whose" insert "cash."

In line 16, page 56 of the original bill, same being line 7, section 79 of the printed bill, after the word "thereto" strike the period and insert a colon in lieu thereof, and add thereafter "Provided further, That any such company whose charter or articles of incorporation permit it to make life, accident, health, and liability insurance, and shall have been licensed to transact such business in this state prior to the first day of February, 1911, having a capital of not less than three hundred and fifty thousand dollars, shall be permitted to continue to transact such kinds of business under the provisions of this act."

In line 31, page 59 of the original bill, same being line 6, section 84 of the printed bill, after the word "company" insert "hereafter organized," and after the word "shall" insert the words "be admitted to."

In line 4, page 60 of the original bill, same being lines 10 and 11,

section 84 of the printed bill, after the word "surplus" strike "equal to at least fifty per centum of the paid up capital" and insert in lieu thereof "of not less than fifty thousand dollars."

In line 14 of page 60 of the original bill, same being line 17, section 84 of the printed bill, after the word "company" insert "hereafter organized," and after the word "shall" insert the words "be admitted to."

In line 17, page 60 of the original bill, same being line 19, section 84 of the printed bill, after the word "than" strike "one hundred" and insert in lieu thereof "fifty."

In line 26, page 60 of the original bill, same being line 26, section 84 of the printed bill, after the word "company" insert "hereafter organized," and after the word "shall" insert "be admitted to."

In line 28, page 60 of the original bill, same being line 28, section 84 of the printed bill, after the word "least" strike the word "two" and insert in lieu thereof "one."

In line 29, page 60 of the original bill, same being line 28, section 84 of the printed bill, after the word "than" strike the words "one hundred" and insert in lieu thereof "fifty."

In line 32, page 60 of the original bill, same being line 31, section 84 of the printed bill, after the word "dollars" strike the semicolon and insert in lieu thereof a comma, and add thereafter "except as provided in section 79 of this act."

In line 9, page 62 of the original bill, same being lines 60 and 61 of section 84 of the printed bill, after the word "company" insert "hereafter organized" and after the word "shall" insert "be admitted to."

In line 26, page 62 of the original bill, same being line 72, section 84 of the printed bill, after the word "classes" insert "four."

In lines 29 and 30, page 62 of the original bill, same being line 74, section 84 of the printed bill, after the word "in" strike "either class" and insert in lieu thereof "one or all of the following classes: Four."

In line 31, page 62 of the original bill, same being line 75, section 84 of the printed bill, after the word "dollars" strike the period and insert in lieu thereof a comma, and add thereafter "except as provided in section 79 of this act."

In line 33, page 62 of the original bill, same being line 76, section 84 of the printed bill, after the word "company" insert "hereafter organized" and after the word "shall" insert "be admitted to."

In line 27, page 65 of the original bill, same being line 58, section 85 of the printed bill, add after the word "misleading" the following: "The expenses of incorporation and organization, including the placing of the capital stock of any such company incorporated after January 1, 1911, shall not exceed seven and one-half per centum of the par value of the stock actually sold."

In line 2, page 68 of the original bill, same being line 48, section 86 of the printed bill, after the word "company" strike the period and insert in lieu thereof a colon and add thereafter, "Provided. That any domestic fire insurance company doing business on the assessment plan

and composed exclusively of members of a specified fraternal society, which conducts its business and secures its membership on the lodge system, having ritualistic form of work and ceremonies in such society shall be exempt from the provisions of this act governing the amount of insurance a company may carry on a single risk, financial qualifications, annual meeting, taxes, fees, and licenses, except that it shall pay for its annual license and filing its annual statement the sum of ten dollars."

In lines 4 and 5, page 71 of the original bill, same being line 3, section 88 of the printed bill, after the word "earnings" strike "surplus" and insert in lieu thereof "cash."

In line 5, page 71 of the original bill, same being line 4, section 88 of the printed bill, after the word "dollars" strike the comma and insert "of which amount not less than fifty thousand dollars shall be surplus assets."

In line 7, page 71 of the original bill, same being line 5, section 88 of the printed bill, after the word "assets" insert "if an alien company" and after the word "depository" insert "or depositories."

In line 8, page 71 of the original bill, same being line 6, section 88 of the printed bill, after the word "state" insert "or states."

In line 10, page 71 of the original bill, same being line 7, section 88 of the printed bill, after the word "assets" strike "on deposit" and insert in lieu thereof "as shown by its last report to the insurance commissioner."

In line 11, page 71 of the original bill, same being line 8, section 88 of the printed bill, after the word "company" insert "excepting, however, on sprinklered risks a company may carry on a single risk an amount not in excess of twenty-five per centum of its surplus assets."

In line 31, page 73 of the original bill, same being line 18, section 92 of the printed bill, after the word "'Annuitants,'" insert "or the 'American Experience Table of Mortality'."

In line 12, page 75 of the original bill, same being line 4, section 94 of the printed bill, after the word "eighty" insert "or the 'Manchester Unity Friendly Society Tables, eighteen hundred and ninety three to eighteen hundred and ninety-seven'."

In lines 17 and 18, page 75 of the original bill, same being lines 7 and 8 of section 94 of the printed bill, after the word "insuring" strike "against specified diseases only."

In line 7, page 79 of the original bill, same being line 5, section 98 of the printed bill, after the word "in" strike "this state" and insert in lieu thereof "the United States and having a deposit in some state in the United States."

In line 6, page 79 of the original bill, same being line 4, section 93 of the printed bill, after the word "state" insert "except marine risks."

In line 21, page 83 of the original bill, same being line 33, section 106 of the printed bill, immediately preceding the word "upon" strike the words "long primer" and insert in lieu thereof "nonpareil" and

following the word "upon" strike the words "separate slips or riders" and in lieu thereof insert "a slip, slips, rider, or riders."

In line 23, page 84 of the original bill, same being line 4, section 108 of the printed bill, after the word "and" insert "if the premium has been actually paid, by."

Strike section 110, same being on page 85 of the original bill, and insert in lieu thereof: "Sec. 110. Foreign Inter-insurers. Associations of individuals, citizens of the United States, organized within the United States to transact business as inter-insurers only between the parties forming the association and all parties who shall become members and inter-insurers therein, may be authorized to transact insurance in this state in like manner and upon the same terms and conditions as are required of domestic inter-insurance associations."

In line 11, page 90 of the original bill, same being line 3, section 130 of the printed bill, after the word "that" strike the word "if" and insert in lieu thereof "it."

In line 19, page 101 of the original bill, same being line 4, section 182 of the printed bill, after the word "or" strike word "paid" and insert in lieu thereof "payable."

In line 26, page 101 of original bill, same being line x, section 183 of printed bill, after the word "form" strike the word "thereon" and insert in lieu thereof "thereof."

In line 19, page 103 of the original bill, same being line 35, section 184 of the printed bill, after the word "provision" strike the word "will" and insert in lieu thereof "may."

In line 26, page 105 of the original bill, same being line 10, section 187 of the printed bill, after the word "portion" insert "except the questions and answers in the application."

In lines 12 and 13, page 106 of the original bill, same being line 24, section 187 of the printed bill, after the word "company" strike "or any one of its duly authorized agents."

In line 12, page 108 of the original bill, same being line 8, section 189 of the printed bill, after the word "in" insert "sections 187 and 188 of."

In line 14, page 113 of the original bill, same being line 9, section 197 of the printed bill, after the word "fourth" strike the period and insert in lieu thereof a colon, and add thereafter, "Provided, That every such company must, before it may issue any policy of title insurance or guaranteed certificates of title, and for so long a time as it may continue to issue any policies of title insurance or guaranteed certificates of title, own and maintain a complete set of tract indexes of the county in which its principal office within this state is located."

In line 22, page 118 of the original bill, same being line 8, section 203 of the printed bill, after the word "company" strike the word "remains" and insert in lieu thereof "remain."

In line 9, page 121 of the original bill, same being line 4, section 204 of the printed bill, after the word "purpose" add "and no law here-

inafter enacted shall apply to them unless they be expressly designated therein."

In line 2, page 127 of the original bill, same being line 39, section 217 of the printed bill, after the word "have" insert the word "been."

In line 21, page 140 of the original bill, same being line 5, section 235 of the printed bill, after the word "degree" strike the word "of" and insert in lieu thereof "or."

In lines 10, 13, 15 and 26, page 141 of the original bill, same being lines 19, 21, 22 and 30 of section 235 of the printed bill, strike the word "act" where it occurs in said line and insert in lieu of said word "article."

In line 21, page 141 of the original bill, same being line 27, section 235 of the printed bill, after the word "for" strike the word "the."

Strike section 239, same being lines 22, 23 and 24, page 142 of the original bill.

JOHN A. WHALLEY, *Chairman.*

We concur in this report: E. Milton Stephens, J. D. Bassett, B. A. Bowen, Ralph Metcalf.

On motion of Senator Whalley, the report of the committee was adopted, and the amended bill was ordered printed.

SENATE CHAMBER,

OLYMPIA, WASH., February 7, 1911.

MR. PRESIDENT:

We, your committee on dairy and livestock, to whom was referred House bill No. 113, entitled "An act authorizing boards of county commissioners to create districts in which livestock shall not run at large, repealing chapter 230 of the Session Laws of 1907 and providing a penalty for violation thereof and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass, with the following amendment:

Section 4, line 4 of the printed bill, being section 4, line 6 of the original bill, change the word "ten" to "two," and in section 4, line 4 of the printed bill, being section 4, line 7 of the original bill, change the words "one hundred" to "ten."

D. S. TROY, *Chairman.*

We concur in this report: Joseph Arrasmith, E. Milton Stephens, H. A. Espy.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 7, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred engrossed House bill No. 5, entitled "An act to amend sections 1, 4, 5, 8, 11, 13

and 14 of an act entitled 'An act to create a police relief, health and insurance fund in incorporated cities of the first class, providing for the disbursement thereof, and creating a board of police fund commissioners,' approved March 2, 1909, and being chapter 39 of the Session Laws of 1909," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

In line 11 of section 3 of the engrossed bill, strike "good of said police force" and substitute therefor "benefit of the public."

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: Geo. W. Shaefer, J. W. Bryan, Ralph Metcalf, Daniel Landon, H. M. White.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 8, 1911.

MR. PRESIDENT:

We, your committee on education, to whom was referred engrossed House bill No. 80, entitled "An act to amend sections 5, 7 and 9 of article I, chapter 12, title III, and section 1 of article IV, chapter 12, title III, and section 1 of article VII, chapter 12, title III, of 'An act establishing, providing for the maintenance of, and relating to, a general and uniform public school system for the State of Washington, providing penalties for the violation of the provisions of this act, and repealing all acts and parts of acts in conflict with the provisions of this act,' being chapter 97, Session Laws of 1909, approved by the governor March 11, 1909," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. D. BASSETT, *Chairman.*

We concur in this report: Oliver Hall, John A. Whalley, Chas. E. Myers, H. A. Espy.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 8, 1911.

MR. PRESIDENT:

We, your committee on memorials, to whom was referred engrossed House joint memorial No. 4, "Relating to opening for settlement of certain lands in Mt. Rainier and Columbia forest reserve," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 1 of the engrossed memorial, being line 1 of the printed memorial, strike the words "His Excellency, William H. Taft" and insert the word "the."

In line 2 of the engrossed memorial, being line 1 of the printed memorial, strike the colon and insert a comma after the word "America"; also strike the words "to" and "honorable."

In line 3 of the engrossed memorial, being line 2 of the printed memorial, after the word "states" strike the colon and insert a comma; also strike the words "to" and "honorable."

In line 4 of the engrossed memorial, being lines 2 and 3 of the printed memorial, insert a comma after the word "interior" and strike the words "and the honorable."

In line 5 of the engrossed memorial, being line 3 of the printed memorial, strike the word "honorable."

In line 6 of the engrossed memorial, strike the period after the word "Washington" and insert a colon.

In line 17 of the engrossed memorial, strike the word "and" and insert the word "which"; also strike the comma after the word "financially" and insert a semicolon and the word "and" and a comma.

In line 20 of the engrossed memorial, being line 16 of the printed memorial, after the word "purposes" strike the comma and insert a semicolon; also after the word "and" at end of line 20 insert a comma.

In line 21 of the engrossed memorial, being line 16 of the printed memorial, strike the word "furthermore" and insert the word "whereas," and make the word "whereas" the beginning of a new paragraph.

In line 22 of the engrossed memorial, being line 17 of the printed memorial, strike the words "thereby giving" and insert the words "in order to give."

In line 24 of the engrossed memorial, being line 18 of the printed memorial, strike the word "most."

In line 25 of the engrossed memorial, being line 18 of the printed memorial, strike the words "His Excellency, William H. Taft" and insert the word "the."

In line 33 of the engrossed memorial, being line 24 of the printed memorial, strike the word "honorable"; also strike the word "will" and insert the word "shall."

In line 34 of the engrossed memorial, being line 24 of the printed memorial, after the word "when" insert the word "so."

In line 35 of the engrossed memorial, being line 25 of the printed memorial, strike the words "at" and "a date."

GEO. W. SHAEFER, *Chairman*.

I concur in this report: F. L. Stewart.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 8, 1911.

MR. PRESIDENT:

We, your committee on banks and banking, to whom was referred Senate bill No. 143, entitled "An act to amend section 4266 of Ballinger's Annotated Codes and Statutes of the State of Washington, re-

lating to the issuance of bonds and notes by corporations," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be re-referred to the committee on judiciary.

E. C. DAVIS, *Chairman*.

We concur in this report: B. H. Bowen, J. H. Smithson, E. Hammer, F. L. Stewart.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 7, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate joint memorial No. 4, "Relating to appeals to circuit court of District of Columbia from decisions rendered by the secretary of the interior," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Geo. W. Shaefer, J. W. Bryan, Ralph Metcalf, Daniel Landon, H. M. White.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 7, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 136, entitled "An act to repeal section 1643 of Remington & Ballinger's Annotated Codes and Statutes of Washington, relating to the appointment of guardians by will," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Geo. W. Shaefer, Ralph Metcalf, H. M. White, Daniel Landon.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 7, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 91, entitled "An act to provide for the qualification of the judges of the supreme and the superior courts of the State of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Strike the title of the bill and substitute therefor, "An act relating to the qualification of judges of the supreme and superior courts of the State of Washington."

In line 13 of the original bill, being line 4 of section 1 of the printed bill, and in line 15 of the original bill, being line 5 of the printed bill, strike the word "six" and substitute therefor "three."

In lines 13 and 14 of the original bill, being line 4 of section 1 of the printed bill, strike "and continuously."

In line 15 of the original bill, being line 5 of the printed bill, strike "immediately."

In line 19 of the original bill, being lines 7 and 8 of the printed bill, strike "and continuous."

Strike section 2 of the bill.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: Ralph Metcalf, Geo. W. Shaefer, H. M. White, F. J. Allen, J. W. Bryan, Ralph D. Nichols.

Senator Rosenhaupt moved the adoption of the report of the committee.

Senator Falconer moved as a substitute that the bill be indefinitely postponed.

The substitute motion failed to carry.

The motion of Senator Rosenhaupt prevailed and the report was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., February 7, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 63, entitled "An act relating to elections and primary elections, and providing that certain electors may cast their ballots in precincts other than those in which they reside," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 3 of section 1 of the original bill, being line 2 of section 1 of the printed bill, strike "or the wife of any such officer or employee residing with her husband."

In the first line of section 2 of the bill strike "voter" and substitute therefor "elector."

In lines 3, 4, 10 and 15 of the original bill, from the top of the third page thereof, being lines 27, 28, 31 and 34 of section 2 of the printed bill, strike the word "voter" and substitute therefor the word "elector."

In line 6 of section 3 of the original bill, being line 4 of section 3 of the printed bill, strike the word "voters" and substitute therefor the word "electors."

In the second and last lines of section 4 of the original bill, being

the first and last lines of section 4 of the printed bill, strike the word "voter" and substitute therefor the word "elector."

In the second line on the last page of the original bill, being line 7 of section 4 of the printed bill, strike the word "voters" and substitute therefor the word "electors."

In lines 3 and 10 of section 5 of the original bill, being lines 2 and 6 of section 5 of the printed bill, strike the word "voter" and substitute therefor the word "elector."

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: Geo. W. Shaefer, J. W. Bryan, Ralph Metcalf, Daniel Landon, Ralph D. Nichols, H. M. White.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 8, 1911.

MR. PRESIDENT:

We, your committee on memorials, to whom was referred House joint memorial No. 15, "Relating to a revision of the tariff on Washington products," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

GEO. W. SHAEFER, *Chairman.*

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

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 8, 1911.

MR. PRESIDENT:

The House has passed engrossed House bill No. 190, entitled "An act controlling the sanitation of shell fish grounds and premises where shell fish are opened, etc.;"

Also, House joint resolution No. 3, "Relating to the appointment of a committee to investigate the Bellingham armory."

Also, the speaker has signed House joint memorial No. 5, "Relating to the construction of state roads through forest reserves at the expense of the government of the United States."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president signed House joint memorial No. 5.

Senator Allen (P. L.), moved that the Senate take a recess until 1:30 o'clock this afternoon.

Senator Ruth moved as a substitute that the Senate do now adjourn.

The substitute motion failed to carry.

The motion of Senator Allen (P. L.), prevailed.

At 12:20 p. m., the Senate took a recess until 1:30 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order by President Paulhamus at 1:30 o'clock p. m.

The secretary read the following:

To the Legislatures of the States of Oregon and Washington:

GENTLEMEN—We, your joint committees appointed by resolution, met in the city of Portland, Oregon, on February 6, 1911, in the parlors of the Imperial hotel in that city, where we held a public hearing for all parties interested in fishing legislation for the two states.

After taking the evidence of all parties who desired to speak on this subject and giving the remarks our careful attention, we met in executive session and decided by ballot to recommend to our respective legislatures the following:

First. That the concurrent laws governing fishing on the Columbia river which were enacted at the sessions of 1909, be continued in force, and that no change be made at the present sessions of our respective legislatures;

Second. We recommend that the legislature of the state of Oregon enact a similar law in reference to the Willamette and Clackamas rivers, said laws to have the effect of closing said streams at all times when the closed season is in effect on the Columbia river;

Third. That proper fishways and fish ladders be provided on all streams where fish are now prevented by natural or artificial obstructions from ascending the streams;

Fourth. That during the closed season all persons be prohibited from in any way holding or restraining fish in fish wheel leads, traps or other fishing appliances.

Respectfully submitted.

A. B. EASTHAM, *Chairman Joint Convention.*

E. L. FRENCH,
JOHN E. CHAPPELL,
H. A. ESPY,
F. L. STEWART,
J. C. SMITH.

F. M. GILL, *Secretary.*
M. E. MILLER,
N. J. SINNOTT,
H. D. NORTON.

On motion of Senator Eastham, the report of the committee was adopted and ordered made a part of the records.

REPORT OF THE PROCEEDINGS OF THE JOINT COMMITTEES
APPOINTED BY THE LEGISLATURES OF OREGON AND WASH-
INGTON TO INVESTIGATE THE CONDITION REGARDING THE
FISHING INDUSTRY AND TO MAKE RECOMMENDATION AS
TO FISHING LEGISLATION.

HELD IN THE PARLORS OF THE IMPERIAL HOTEL, PORTLAND, OREGON,
SUNDAY, FEBRUARY 6, 1911, 2 O'CLOCK P. M.

Following are the names of the joint committee, all of whom were present except Drissler, who was excused: Eastham, Espy, Stewart, Chappell, Megler, Christensen, French, Drissler, Norton, Sinnott, Lester, Smith, Magone, Gill, Miller, Belland.

The meeting was called to order by Chairman Eastham, Mr. Gill acting as secretary.

THE CHAIRMAN: I have no program outlined, and I am ready to entertain any speaker or any motion that may be offered at this time. You gentlemen who have been invited here understand that this is an open meeting, and you are at perfect liberty to express your views in regard to the matter in question.

MR. FRENCH: Simply to get the matter before the body, that we may have something to talk about, I move that it be the sense of this joint conference that the present laws relative to fishing on the Columbia river stand as they are.

MR. SINNOTT: I will second that motion.

MR. STEWART: That the laws as now enacted remain as they are.

MR. STEWART: Before putting that motion, I would like to have ex-Senator Watson of my county extended the privilege of the floor to express his views, and I believe that we should limit the speeches to about three minutes each.

MR. MEGLER: I move an amendment to that motion that we take up House bill No. 26, which changes the law from the 1st of May to the 15th of April, and discuss that.

THE CHAIRMAN: Ex-Senator and Representative Megler offers an amendment that the spring season commence the 15th of April instead of May 1st. Are you ready for the question?

MR. SINNOTT: I seconded the motion of Senator Stewart to limit the debate to three minutes.

THE CHAIRMAN: There is as yet no second to Mr. Megler's amendment.

MR. BELLAND: I think the committee should sit here as a jury. There are a few here that are dissatisfied with the law as it is and I think they should be called on to express their dissatisfaction with the present laws. After all sides have done talking, we should go through the evidence and see what conclusions we can come to. As far as

limiting these talks to three minutes, it is simply ridiculous and nonsense, and cutting the people who are interested in the matter out.

THE CHAIRMAN: That question is not up for discussion at this time. The question before the house is the amendment by Senator Megler.

MR. ESPY: I will second the amendment of Mr. Megler that the open season for fishing commence fifteen days earlier than it does at this time; that the law be so amended; that it commence fifteen days earlier than at this time on the Columbia river.

MR. STEWART: I would like to move an amendment to the amendment to the effect that we take this question up as a public hearing, say for one hour or any other time you may see fit to mention in your discretion, to hear from parties who have decided views on this subject, limiting the time of debate to three minutes.

MR. SINNOTT: I will second that motion.

THE CHAIRMAN: I suggest the time be extended a little if necessary.

MR. STEWART: But not to exceed three minutes for individual discussion.

THE CHAIRMAN: It is moved and seconded that this motion be taken up and debated in three-minute speeches; I think perhaps it should be about five minutes.

MR. STEWART: I think that most of us can say all we know about this in three minutes.

MR. LESTER: While Mr. Stewart may be able to tell what he knows in three minutes, I think it would take longer than that for me to tell all I know. (Laughter)

THE CHAIRMAN: Are you ready for the question?

Whereupon, the amendment to the amendment was put by the chair and regularly carried.

MR. MEGLER: The purpose of my amendment is that the fish run early and for the last two years the principal runs of fish have gone up in April and we have lost the benefit of these runs. The old law in former years was that the closed season was from the 15th of March to the 15th of April. Two years ago, it was changed from the 1st of March to the 1st of May. I don't care to close up too much of it, but I have put in a bill, changing the law to the 15th of April for the open season and I hope the committee will recommend that.

THE CHAIRMAN: Has anyone anything farther to say on this subject?

MR. MILLER: Just for information, does that bill change the time for the closing season too?

MR. MEGLER: It leaves it the same as it is; no change except for the change of time provided now for the open season.

THE CHAIRMAN: Are you ready for the question on this amendment?

MR. LESTER: As a matter of information, is it not understood now that the general public are invited to take part in this discussion?

THE CHAIRMAN: Those interested, as I understand it, are invited here for that purpose. Is that the intention of your motion?

MR. STEWART: Yes.

MR. LESTER: There are a good many here present who wish to take part in this discussion, as I understand it, and others whose faces I do not see here, who undoubtedly wish to express their views in regard to the present laws, and I would like to see this matter got in good shape, that a full and free discussion of the entire situation and proposition will be taken advantage of, and I hope that this question which Mr. Megler has brought before us will not be settled without sufficient hearing.

THE CHAIRMAN (to people standing in the hall): Gentlemen, there are several seats in here unoccupied, if you wish to occupy them. There is plenty of room and you are welcome to come in and hear what is being said and take part in these proceedings.

MR. NORTON: Mr. Chairman, as I understand this, any person can discuss this question whether he is a member of the joint committee or an outside party. I understand all there is to it is to get in and go ahead.

THE CHAIRMAN: That is right, the matter is open for discussion. For the benefit of anybody that might not have heard, I will state that the original motion was that the dates for the opening and closing of the salmon season remain as they are; those affecting the Columbia river, and that is all we are interested in at this time. The amendment was that the open season occur fifteen days earlier than the present law provides.

MR. NORTON: Inasmuch as there may be in attendance those downstairs who do not know that this is an open meeting, or have not been advised of that fact, and who may be here awaiting an opportunity to be heard on some of these questions, if I am not out of order, I would move you now that a committee of three be appointed to formally wait on those who may be waiting here with a desire to be heard and invite them in here, and let them know they have an opportunity to present their proposition.

THE CHAIRMAN: If there is no objection.

MR. STEWART: I second the motion.

THE CHAIRMAN: If there is no objection, I will put this motion. Are you ready for the question? The motion is to have a committee appointed to invite those in who are perhaps not aware that this is an open meeting.

Whereupon the motion was duly by the chair put, and unanimously carried.

THE CHAIRMAN: I will appoint Senator Norton, Senator Stewart and Representative Magone as members of that committee and request

them to proceed to the lobby of the hotel and look up any persons who may perhaps be interested in these proceedings. In the meantime, if anyone has anything to say on this subject, we will be pleased to hear from them. That is what we are here for and we want to get at this matter in the fullest sense, I hope.

MR. ESPY: Mr. Chairman, it seems to me that we could get at this thing in better shape by giving a hearing to all outside parties, either on this motion of Mr. Megler's or on any other feature of this question which is likely to come before us, as to whether they are satisfied with the present laws, or whatever they may wish to discuss. Let them have three minutes to five minutes, whichever is agreed on, and then stop the public hearing, and before any voting is done, let us talk the thing over among ourselves.

THE CHAIRMAN: I think that is practically what we are at now.

MR. LESTER: No, begging your pardon, as I understand it, Mr. Megler made a motion here which we were considering and then we were going to put it here in open meeting. I think whatever action this committee takes on the question should be taken after the entire public hearing, and done in secret session.

THE CHAIRMAN: I will state that that is the way I understand it. We are now here to listen to what anyone may have to say on this subject for or against Mr. Megler's motion. We are not necessarily acting on it in this meeting, but the question can be postponed until the committee is by itself for that purpose.

MR. MEGLER: What Mr. Lester means is this: A great many of these people want to talk on different subjects not in line with my amendment that I made, but to other changes to be made in the fishing law.

THE CHAIRMAN: That is what I was attempting to bring out.

MR. MEGLER: And he hopes the chairman will not shut it out.

THE CHAIRMAN: There is no disposition on the part of the chair to shut out anything. We want to get at the proposition in the best and fullest way.

MR. SINNOTT: It seems to me that Mr. Megler's amendment may take a very wide range and latitude unless the chair feels inclined to restrict them if they are not talking on that particular amendment.

THE CHAIRMAN: The chair is inclined to give a wide latitude, and unless a speaker is called down, the chair will probably not interfere. Anybody can go into a very free and wide discussion, in the time provided for at any rate.

MR. BELLAND: The present fish law enacted two years ago is far from satisfactory to me. As you all know, there has been years and years that the fishing has been protected only in the spring, and two years ago there was a law enacted for closing it two months in the spring, and at that time, the best quality of fish comes in, fine fish, and I do not see why people should not be allowed to take the fish

while they are in good condition instead of holding them to the latter part of the year when they are not good. The cannery men on the lower Columbia tell me, several have said to me that the catch after the 15th or 20th of April is not as good and that they have lost money and are ruining their reputation of the raw Chinook salmon and that they make second quality for canning because the fish are so far advanced. So, why not allow the people to take the fish when they are good, just like you would kill a fine heifer when it is good; you would not kill a cow when it is ready to have a calf, and it is the same way with the fish. Then they got to closing on Sunday; there was a law tried here in 1901 in Oregon. There was a law enacted in Oregon closing Sundays like it is now, and in Washington a similar law was to be enacted, but it was lost in the shuffle. The law has been on the statute books and was in force in Oregon and there was no law in the State of Washington in that respect.

THE CHAIRMAN: Did I understand you to say there was a law closing on Sunday that wasn't enacted in Washington?

MR. BELAND: Not at that time. Now, two years ago, there was a committee at Seattle that agreed to close on Sunday and was to be the same in both states. This law cannot be enforced without the assistance of the fish warden. There are hundreds of boats out Saturday night, fishing on the lower Columbia river and you cannot stop them. What is the use of having a law on the statute books that you can't enforce, that you know is being violated? The officers can't enforce it; if you put fifty boats on there, you can't stop them. The Columbia river is seven miles wide down there; and every Saturday night the boats are so thick that you couldn't get a net out. Then what is the use of having a law on the statute books that we can't enforce. Only nonsense. For the protection of these fish, they are every day bringing up this question, this fish question, to see if it can't be stopped. We have a good river that is broad, and the fish—who is to protect them, especially at that time? They are going in the fall. After the salmon go through thousands of traps, nets and seines on the lower river, don't you think it will be right to have them left alone when they come to their natural spawning grounds? Another man at Celilo Falls well knows in the lower water in the fall that the fish is just the same as the deer. They have a certain place to go. The man who is fishing there, he places the wheel just near where the fish go. The wheel is fastened to the shore and he has leads on both sides; the leads they have out on the other side in the river, and they pass in there, into the leads, and when he has to close his wheel on the upper river, the fish will accumulate in the lead and behind the wheels and they will stay there and rest over something and when they open up the wheel on Sunday night, he makes two days' catch instead of one. The fish will be there, they have no road to go back. Those that are not taken in the wheels, they wait for them on the gravel bars with seines and are taken in there. Why not let the fish alone on their natural spawning ground? Gentlemen, if you will stop fishing

at these gravel bars, you will do more to increase salmon in the Columbia than all the hatcheries put together. The people who have investigated this will tell you that this is the biggest spawning ground on the Columbia river, and those close up there have seen the spawn lain. They seine there—they pull them out with horses and they are so full of fish that they roll over and over and they squeeze the fish and squeeze the spawn out of them. But, if you give the fish a chance to spawn on the gravel bars, then they will start up the rocks again. The fish must have a chance. Whatever you do, gentlemen, if you expect to maintain this industry, you should stop fishing on these natural spawning grounds; otherwise, you cannot keep up the supply—you are up against it.

THE CHAIRMAN: I would suggest, gentlemen, that in speaking about other matters than that before the house, that the first subject be disposed of, if possible, and then take up the next matter. The motion before the house is the amendment of Senator Megler's motion, that the open season be set forward fifteen days from the present law.

MR. LORNTSEN: For information, I would like to ask is anybody allowed to make a motion or second them?

THE CHAIRMAN: Not necessarily.

MR. LORNTSEN: Can I take the floor on one point; and then on the next point, take the floor again?

THE CHAIRMAN: That is the only way to arrive at anything.

MR. SINNOTT: We will probably want to vote on both these motions in an executive session; why not let them discuss all matters?

THE CHAIRMAN: I am perfectly willing that they should do so, if it is put in such shape that it can be taken up and referred to later. We can use whatever information they impart in executive session.

MR. STEWART: The intent of my motion was to *involve* everybody who has anything to say in regard to this present law, to say it as briefly as possible, and as soon as they are through, we will go into executive session. This is intended to be a public hearing for the states of Washington and Oregon, and if the gentlemen will all speak briefly and boil their sentiments down, we will get through.

THE CHAIRMAN: That is my idea, that all outside persons let us have their views and then when they get through, we will go into executive session and consider it.

MR. KANKKONEN: I am for opening the season the 15th of April and closing the season August 20th, and stopping fishing above the Cascade Locks, above the falls and after August 20th, and keep the season closed until the next spring, which is April 15th, opening of the spring season. While going over the old law and the new law just suggested, there is a good deal said about how the old law that we now have has been satisfactory to all parties; that means the cannery men.

I feel that when making a law, it is not the intention to satisfy the cannery men or anybody else, but it is intended more to protect the fish industry than anything else, for future generations. One gentleman asked me whether I would be willing to meet with the cannery men and stick to the old law. I told him that the old law let us all fish as long as there is any fish in the river and then quit. He said, "Yes, let us fish as long as there is any fish in the river and then quit." That is what it means really. I told him I could not agree with him, but that any time you meet with the intention of ever getting a law which will protect the fishing industries, I will be with you; and no meeting was held as far as I know. They may have held one themselves, but I have never heard of it. Now, with the law we now have, there is no protection for the fish industry. I can show, if anybody would like to ask me, that it doesn't benefit the fishing industry in general in such a way that it can benefit the industry at all. Now, there have been adopted laws all along the coast and almost every state all over the United States, and all the European states too, for the protection of spawning grounds. Of course the entries will do good, but there is nothing to show that they protect the place of the natural spawning ground. Now, if these natural spawning grounds are owned by some individual, I can't help that, nor can anybody else help it; but fishing should be stopped on natural spawning grounds. Now, there have some individuals bought natural spawning grounds and they are now individual traffic. I cannot help that, for they bought the spawning grounds with the full knowledge of what they were doing, and they should be stopped fishing on those spawning grounds; and the main spawning grounds start above the Cascade Falls. There are some smaller spawning grounds, but not to speak of at all. On the Washington side, there is what is called Little White Salmon; there is Mt. Rood River, then the spawning grounds start again about three miles above The Dalles. Now, there are gravel banks on both sides and there are some cliffs sticking out into the river on both sides, having a point forming an eddy below these points and the salmon swimming up the stream up the current and especially the female salmon with big spawn, they try to follow the eddy as much as possible; and if anybody has a good eddy, I suppose the fish commissioner finds out that he likes to keep that. The salmon have a tendency to swim in that eddy. Now, when the salmon are swimming in that eddy and the cliff is pointing out toward the channel, at that point there is a wheel. When the salmon try to swim in that eddy to get by the point and are caught by the wheel. Then on coming to Celilo Falls, there is a fence or ladder across the whole river stopping the salmon except in big freshets. Up there, you caught the fish the first year; after, they improved the fishing appliances below and we couldn't get any fish above there and now, I suppose it is for sale. I see by the paper, they intend to sell the hatchery. That proves that they improved the fishing appliances below so that the fish can't get up there very much above the falls even in freshet time. When the

freshet time is over and the Celilo Falls are dry, there is a high fence at the beginning of the north channel and the south channel and in the middle channel. There is another channel on the south side where Mr. ——— used to have a fence over there and the fish could get up there, but he had a wheel lead to a wheel from that channel, but after these improvements of the lower wheels and the fish were so late getting up there, it didn't hardly pay to run those two wheels, but he has a small wheel in the artificial channel blasted out through the rocks and there he gets them. Practically the ten miles back from Mr. Seufert's cannery to Celilo is a great run for the Chinook salmon.

THE CHAIRMAN: You have read the law that is on the statute book now. State as briefly as possible what your amendment would be; what it is you wish to have changed. What we wish to get at is what point in the law you wish to have amended and to what.

MR. KANKKONEN: I understood the way it was stated here that a man should state what he wants and then explain some of the things, what his own views are. I thought in the first part of my talk what I wanted was stated. I am for the open season from the 15th of April in the spring and closing the 20th of August, as I already testified; and then stop the fishing above the Cascade Locks from July 31st. I want the closed season August 20th, all other places to close the season July 31st—the new bill which is now before the people, before the legislature, I am in favor of that bill, except I want the line for stopping the fishing after July 31st, people, above the Cascade Locks, instead of the Sandy River. That is the only change I wish to have in the new bill before the legislature, to change the line from Sandy River to above the Cascade Locks; otherwise, I am in favor of the new bill.

MR. NORTON: Let me ask what bill it is he refers to.

THE CHAIRMAN: He refers to the Oregon bill, I think. Can we have that bill read?

Whereupon the secretary read the house bill, No. 281.

MR. BRAME: I am in the fishing business at Rainier and I represent forty or fifty fishermen there. What I want to speak on is about the closing of the fishing in the spring. There is two months in the spring that the fishermen can't get any work outside of fishing; they have to lay up two months and can't fish. They think it is too long. They would like to have it back to the same old way, one month in the spring. It used to be from the 15th of March to the 15th of April. Now it is the 1st of March to the 1st of May, so being in favor of the 15th of April, I am in favor of the 15th of March also. People, I think that would be beneficial to all men from Astoria to Portland.

MR. CHAPPELL: What benefit would that be from Portland to Celilo Falls? They would have the fifteen days in March and I don't think the fishermen of the Upper Columbia would stand for the fishing down there.

MR. STARR: I understood this meeting was for the benefit of the fishing industry instead of the fishermen. A few years ago I thought to try and prohibit the Sunday law, and I am taking my medicine with the rest. I believe if we want to continue to protect the fishing industry, it is better to legislate in a way to protect the salmon and not for any particular fishermen regardless of where he lives, Rainier, Cascade Locks, or anywhere else. I believe we could not do better than to continue the present law as it is.

MR. LORNTSEN: How to preserve the salmon is the question and also to preserve it for the people, never mind the packers. So far as the fishing law goes, it is a full protection for the packers and not the salmon industry or the public. The state has never been taken into consideration. As I understand it, the fish are the property of the citizens of the state in which they are taken or in which you find the fish. If that is so, then surely the fish should be for the benefit of the citizens. In the enactment of fishing laws, the citizens have not been taken into consideration. When the effort was made two years ago, when they cut out two months of the fishing and took the time, the time that the fish was said, in the best condition, for the people. It was done for the protection of the salmon and the protection was used exactly as I said at that time, for a few of the men on the upper river. Now, if we are going to protect the salmon on the Columbia river, you could do the same as they are doing on other rivers. We are then given the same protection. The same condition was on the Coos streams in 1909 and we got a law through taking away the stationary appliances in 1901. They stopped fishing for a certain time and the result is now they have more salmon in the Coos streams than they have ever had before. The same thing has been applied to the streams on the Puget Sound, the same thing has been applied in Alaska, and the laws went so far as to cut out fishing, for the preservation of the salmon industry. If you protect the salmon industry, you will have to get the same thing here. If I had my way, I would cut out the stationary appliances and regulate those streams. I see some of you are laughing at me. It is my old hobby, I know; but it is the only thing that will save the salmon in this river. As far as the law is, if we cannot get any better, we should surely be willing to fish from the 15th of March to the 15th of April. We had that for years and why shouldn't that continue; it didn't hurt the salmon industry any for we had more salmon the first part of April than we have had for years. After the fishing was stopped at Oregon City Falls with wheels, the wheels were taken out and the salmon had a chance to get up. Since that, early fishing has been increasing. The present law is benefiting a couple of men up the river; Mr. Seuferts is one of them, and I wouldn't wonder if he tells you that he is satisfied, but I tell you that we are not satisfied and the salmon are not satisfied and I don't think the people of Oregon are satisfied either. Gentlemen, I think you ought to do the same thing for the

Columbia river as any other river where we have done anything for salmon, regardless of the packers. Take the salmon and the public into consideration and that will settle it, and we will have a good law.

MR. FARRELL: Our company are interested in salmon fishing. It was my privilege heretofore to be on the committee that drafted the present law. We went over to Seattle and then up to Salem and drafted the present law, which I think is nearly satisfactory to nearly all concerned. While I admit it is not absolutely perfect, having no better law, we all sacrifice something. We are interested in a number of canneries in Washington and operate a number of seining grounds. We tread on our own toes some in eliminating the fifteen days in the fore part of the season and possibly more on the Sunday closing because our seiners go away Saturday night and they get fairly "loaded," returning Monday not able to work; and I think every cannery sacrificed something, some more than others, but taking all in all, we thought we had drafted a very good law, and the papers upheld and substantiated our law in various editorials, and I think the people of both states were thoroughly well satisfied and it is my wish and ambition that the present law remain where it is, although it is not perfect. The United States are helping us out at the present time. Representative Hawley states that the appropriation of fifty thousand dollars has just passed the house of representatives for the Columbia river hatcheries. I think by properly maintaining the hatcheries and maintaining the supply of salmon fry and keeping it up the interest, that the industry will be good twenty years from now as it is now. If not, I should say catch the fish all the time, if I was looking for the immediate benefit only, but I look to the future and I believe it can be protected and continued. It might be better for one or two to eliminate fishing at one end or the other, but for all concerned, and I think inasmuch as the United States is doing so much for us and will do more. I have also a letter from Senator Bourne and Senator Chamberlain stating that they are doing all they can for the creation of fine hatcheries in Idaho. Both senators are working at that, tooth and toe-nail, and Senator Bourne is chairman of that committee and that will do a great deal to stimulate the industry.

THE CHAIRMAN: I will take the liberty of calling on some to make statements. The first I will call on is Senator Watson.

MR. WATSON: Mr. Chairman and Gentlemen. I am not here representing any cannery interest or any other fish interest whatever further than the interest I have in my own state. I will try to be as brief as possible. The present law, if I were able to change it, would be something on this line: I think I would leave the Sunday law as it is; possibly extend it into the fall season as well; I would shorten the spring season somewhat, fifteen or twenty days, and onto that I would add ten or fifteen days of the closed season in the fall, making the closed season from the 20th of August to the 15th of September. We have heard a considerable here about cutting out fishing in certain

districts. I don't believe in that. I believe every man is entitled to his rights. I believe it is no more injurious to fish on the upper river than it is to fish on the lower river. On the lower river, they fish up to the 25th of August, or otherwise, from the 20th of August or the 25th of August. They are hurting the industry when they fish the lower river from the 10th of September to the 15th of September. The lower river is doing the upper river a great deal of harm. They are taking a great amount of fish, that is, in a commercial sense, and are hurtful to our hatcheries. It has been said that all of the spawning grounds are on the upper river. I would like to call attention to the fact that we have the Lewis river, the Kalama river, which is turning out annually from four to twelve million a year, and the Lewis river with proper protection to the hatcheries established there, in my judgment will turn out half that number; and I believe that other streams with proper protection, will turn out one million every year. It seems to me that the tendency has been in late years to shorten the closing season in July and August. I cannot see much benefit to a longer closed season in the spring. I may be wrong in that; probably some of our firms up the river will not agree with me, but that is what I stand for. But for the benefit of the industry, I believe you gentlemen should change the law in that particular and have a little longer closed season in the summer.

THE CHAIRMAN: I would like to hear from ex-Representative Burke, who is in the fishing industry on the lower river, and I think was a factor in establishing the present law.

MR BURKE: Mr. Chairman and Gentlemen. I admit I was a factor to a certain extent in the formation of that law. If you recall about two years ago the condition on the Columbia river, there was no law; as it stood, there was practically no law. Washington had a law covering fishing on their side, and Oregon had a law covering fishing on their side. Between the two, we were looked upon as being between the devil and the deep blue sea. If we started out fishing from the Washington side, the Oregon men pinched us and if we started out from the Oregon side, the Washington men pinched us. The result was that the fishing industry on the Columbia river had to appeal to the federal courts; and that tided them over until such times as the legislature could take action. At that time, the governors of the states of Washington and Oregon appointed a fish and conservation committee. I was on the Washington committee. We held a meeting at Portland. We had officers in Seattle and Portland. I recall one day at the Cornelius hotel; we had an all-day session, and I venture to say that nine-tenths of the fishing industry of the Columbia river was there. The cannery industry was represented and, in fact, every phase of the industry was represented at that meeting. It seemed then the consensus of opinion that something must be done. There had been considerable said about the laws in the past, and most every one seemed to realize that a law should be enacted, fair and equitable to all, but

not in any way to be such that would put any part of the river out of business. This committee met in Seattle two years ago and took up the matter with the result of the present laws. As for myself, personally, I may say, I think I had as much as any other man on the Columbia river to do with it and I am perfectly willing to leave it as it is. Like Mr. Starr, I am willing to take my medicine and leave it as it is. I think you will notice a great absence of representatives of the fishing industry who are here asking for a change. All the canneries, packers, and so forth, here present, are perfectly satisfied with the law. We felt in our meeting, two years ago, that it was not how many dollars the cannery could make. It was a matter of closing the season. The last two years has shown greater results for the hatcheries than any years previous. I don't think you will find many residents, practically speaking, of the Columbia river that want any change; they are perfectly willing to leave the law as it is.

MR. NORRON: I understand that Mr. O'Malley, who is connected with the government fishing department, is present and I think the committee would like to hear from him.

MR. O'MALLEY: Chairman and Gentlemen. I am very sorry at this time to hear the remarks leading to wanting to open the Columbia river during the spring and change the laws which we have at the present time. The appropriation just spoken of has been settled on my recommendation to Commissioner Bowers. Last fall the bureau wanted to do some more work in this section of the country and Senator Bourne took it up with the commissioners and they requested me to make recommendations. My recommendations were based for stations on the Santiam river, the Molalla, the Salmon river, Payette, Clear Water, in Idaho, Oregon and Washington, and the Snake river. These streams are early spring salmon streams and the intent of that law two years ago was to build up the early spring run of Chinook salmon, which for many years has been famous to the Columbia river. It was on the strength of that law being enforced that I made my recommendations. That fifty thousand dollar appropriation has been passed by the senate and favorably recommended by the house. The bill will hardly pass, I think, if a change is made in this law, because really it would not be of any use. At the present time, we are propagating all the small fish we can get hold of. If I was going to recommend any changes, I would recommend that the Columbia river and tributaries be closed instead of the main Columbia. As you all know, the quarrel was owing to the fact that these two streams were left open from March 1st to April 1st. I don't believe it is any protection to close the main Columbia and leave the tributaries open. Therefore, I would recommend that the Clackamas and Willamette, the Columbia tributaries, close to conform to the present spring season, and in that recommendation, I would also like to state that there should be steps made to fix the fishway from Oregon City Falls, which today is simply the semblance of a fishway. Also I would like to see ten days cut off the fall fishing; if we can't get ten, take five. I have heard the remark

about the spawn fishing in the fall months. If Mr. Seufert catches them or Mr. Lorntsen catches them or anybody else catches them, they are violating the law. It is unlawful to have in your possession spawning fish. I know they can be found on the lower river as well as the upper river. Those would be my sentiments to close the Columbia river and its tributaries to conform with the present law and add five days to the fall season.

THE CHAIRMAN: The law specifies the Columbia and its tributaries, does it not?

MR. O'MALLEY: It leaves the Clackamas and the Willamette open.

THE CHAIRMAN: In order to get a further closed season in the fall, if it came to a matter of compromise, do you think it would be wise to open up earlier in the spring an equal amount?

MR. O'MALLEY: I don't think you would gain anything by that. The two runs are separate and distinct; the fall fish is not as valuable as the spring fish. I wouldn't like to give off anything in the spring, but I would like to have five days added onto the fall, if no more.

THE CHAIRMAN: You would rather have it as it is now than to have it changed.

MR. O'MALLEY: Yes sir, I would.

MR. NORTON: What has been the effect or the result of the hatcheries in the number of fish in the upper river?

MR. O'MALLEY: This last year is the best we ever had. We took over eleven million cases from the Little White Salmon; the year before eight million, eight hundred thousand. I think the last year was better than for years heretofore that I have been here.

MR. NORTON: Under the present laws, are there enough fish passing these grounds for hatchery purposes?

MR. O'MALLEY: We would like a few more. I think if we had five days on the fall season, we could get enough to maintain the rivers. The idea of this appropriation was this: That on a basis of five years, there has been an average of seven hundred thousand cases of salmon of all kinds turned out of the Columbia river. The output of fry on the Columbia was an average of thirty-five to forty million. The idea was to get the fry up to ninety or a hundred millions, and it is fair to suppose that the returns will increase with the output.

MR. LESTER: I would like to know if you have made any investigation as to how many salmon you are going to take on the upper river for these proposed hatcheries.

MR. O'MALLEY: Roughly. The state has abandoned the hatchery at Ontario. It was my intention, if I had anything to do with it, to go out to Swan Falls. Ontario has some sort of a proposition that is almost impracticable. My recommendation was to go to Swan Falls and operate below that power plant, because it is hard to maintain reservoirs, because the water is eight to twelve feet deep. The Snake

river used to produce upwards of twenty-five million. There is no reason why, at the present time, they should not produce that with this additional spring season.

MR. LORNTSEN: Do these early fish go up as high as that, to spawn.

MR. O'MALLEY: The early spring runs go up as high as that or higher; they go to the upper stretches of the river. The later runs spawn in the lower streams. The same is true of silver salmon and the same is true of chinooks.

MR. LORNTSEN: You say they took eight million in 1909?

MR. O'MALLEY: Eight and a half million in 1909 and this year eleven million.

MR. LORNTSEN: And the year before that?

MR. O'MALLEY: The year before that, we took a round nine million; and before when we had ten days off the fall season on the Little White Salmon and the Big Salmon, we took all the way from eight to ten million.

MR. LORNTSEN: Then that proves to me that the spring closing season for 1909 didn't have the effect that it should, because you had less spawn in 1909 than in 1908. And in 1910 you got more, because of the high water; there is the whole secret of it. There is no benefit except that the freshet came down early enough to bring them over.

MR. O'MALLEY: Do you appreciate the fact that when I speak of salmon, I refer to the fall salmon. We get the early spring run at Cazadero and our take has averaged the last three years. One reason that we have not done better the last two years, the high water conditions have been against us and the fish have gone up the main Willamette river, and the people seining the fish and Willamette Falls have seined more fish on an average than ever before, or at least, the five years I have been here.

MR. KANKKONEN: Have you seen any early spring fishing below the Celilo Falls during the open season?

MR. O'MALLEY: I think this Celilo Falls proposition, to be frank, could be easily remedied; a little dynamite and good head works would open up that place so they can go up if it is as bad as they claim for it.

MR. KANKKONEN: How much of the dynamite would be used for the fish?

MR. O'MALLEY: I think I made my meaning clear; I meant to blast the channel out. I want to say one thing about the mesh proposition. I want to say that the mesh in connection with the salmon is absolutely rot because the salmon goes into fresh water and either spawns or dies. If it spawns, we probably get a chance at it. They are matured fish; these small fish coming in are two years old and it is thoroughly demonstrated that salmon die after spawning.

MR. SEUFERT: As I am the chief fire words for Astoria, I would like to state to the committee that I have been on the fish rack for

quite a while. I think this is the fourteenth biennial vacation I have enjoyed in the state of Oregon. (Laughter) As a rule I have to appear alone; the rest stay at home in Celilo and The Dalles and I have to stand off the whole bunch. In order to give you a little fish history, I started fishing on the Columbia river in 1880. When a lot of these conservation patriots were still in foreign lands studying the map to see if there was such a place on God's green earth as Oregon and the Columbia river. Along in the seventies I think, there was a law passed equally binding upon the state of Oregon and the territory of Washington, that the fishing should commence the first day of April and should cease on the first day of August, and Sundays closed, and no more fishing for the balance of the year. They went along until along in the latter part of the eighties, a great many men came up from Astoria and said that the fishing industry was running down, so that in 1889, there was two hundred and eighty thousand cases of fish canned on the Columbia river. By doing good work and keeping Astoria from destroying the salmon industry, a few of us have brought the salmon industry upon its feet. I want to tell you the history of the Sunday closing law that these gentlemen juggled with. The state of Washington did not break the Sunday closing law, but the state of Oregon was blessed with a fish warden from the isolated island called Astoria, who refused to enforce the fish law because they wanted to repeal the fish laws, because the warden wouldn't enforce it. Matters went on from bad to worse until two years ago, the state government of Washington appointed a commission to spend two months investigating the river. The governor of Oregon appointed a conservation committee. They wrestled here in and out for two months, and the state of Washington and the state of Oregon at their biennial meeting appointed a fish committee from both states; and they got all the testimony and all the recommendations that these men have made and they framed up the present law under which we are operating. That the law is not exactly as I would make it, is true, because if I were making a law, not one man would catch a fish in the Columbia river or its tributaries during the month of August. I would rather take ten days in August than fifteen days in April any time. These men from Astoria, all they see is Celilo and The Dalles. They are a good deal like the Germans who went to Bismarck and asked him to stop the Hollanders from fishing at the mouth of the Rhine. Bismarck said, "I can't go and jump on those people; you let those people fish at the mouth of the river and tell them the time will come when they will have no salmon and they will demand that everybody be stopped clear to the head of the river." Major Jones, as early as 1886, went down there and showed them eight hundred miles of web. You can sew that web together and strain every drop of water through that two hundred times. One of our legislatures asked me in that session what was the trouble that we didn't get fish to the hatcheries. There it was—Major Jones. There is only one of them today in existence. These people come before you and say, "Give us more days and we

can proceed better." I don't deny that. If you will give me the whole season without restriction, I think I can do a great deal better than having my men lying idle. I am satisfied to give Mr. Megler fifteen days and all the lower interests, fifteen days in April, if they will give us fifteen days in August. The history of the hatchery is not a failure, it is simply a mistake. Today we have gone after the department in Washington and they have recommended an appropriation of fifty thousand dollars. That has been passed by the senate, and as Mr. Farrell says, he has a telegram advising him that it will pass the house and that has to be expended for the upper river and Ontario is the right place. I do not think it would show good faith on the part of the two states after we have gone to Washington and asked for an appropriation of fifty thousand dollars to increase our hatcheries and that request was made and based on the laws that are now in effect, I say, we would not show good faith by going before the first body that comes along and ask to have those laws set aside.

THE CHAIRMAN: I would be glad to hear from Mr. Magone. Have you anything to say, Mr. Magone?

MR. MAGONE: Mr. Chairman and Gentlemen. This fish matter has been the bone of contention for a long time. It is one of those things which appeals to the gambling instinct of mankind. When a man thinks he can get something for nothing, naturally he tries to get it. A fellow always has an idea that he can reach out and get something that belongs to the other fellow, but frequently it develops that such is not the case. As for legislation, it was in a chaotic state in the states of Oregon and Washington with regard to the United States Bureau up to three or four years ago. Up to two years ago, they had not agreed. Then the two states and the United States Bureau were working very much at cross purposes, instead of working together for the purpose of harmonizing the interests of the entire people. A great many efforts have been made and they had all failed in an effort for harmony, and it was not until two years ago that anything like real harmony was secured. That resulted from an investigation of this matter from all sides and from all points of view. Every man that had anything to say was allowed to say it, say it as long and loud as he desired. The commission that was appointed by Governor Mead went through that matter and formulated a report and made its recommendation, and afterwards, the legislatures of Washington and Oregon established a joint committee which met and passed on the same proposition, a good deal along the same line, although we didn't have the time or opportunity to go into it as extensively as the government commission, but they came to the same result practically in every instance. They made their recommendations, and I cannot say that those recommendations met the individual views of every particular man, but they were composite views of all the interests before the commission, and that is the basis of your present law—the judgment had to be their judgment of what the public interest was; and after it has

been enforced for two years, I can say that in my judgment it is impossible to get a better law for the Columbia river than the one we now have; and I think you will find by studying into the matter that any movement toward any substantial change in it is apt to come from the direction of taking more fish out of the river than are being taken out at the present time; but I don't believe that the results of your conservation, of your hatchery, your propagation and your caring for young fish will justify coming to that result. It is true, we are proceeding much better than we did before. We are getting more spawning fish than we got before, but far more than that, we are taking better care of what we got. It is a good deal like making money; it is not the amount of money that a man makes that makes him prosperous, it is the amount of money he saves; the same with your fish. It is not the amount of salmon you refrain from catching, but it is the use you make of these things. We are making good use of that today. Mr. O'Malley can tell you that; Mr. Clayton can tell you that; Mr. Riser can tell you that. We had a hard fight to upset the old practice, which was bound to destroy all the salmon spawn after it had been taken. That has been changed. There was a time when they talked of taking forty or fifty million eggs on the Columbia river and turn them out as soon as they were hatched, but the result simply a miracle, and it looks like stretching common sense that on a river like the Columbia we are annually taking adult salmon at the rate of approximately one million a year, but when you turn out fifty to ninety millions of young salmon, and only get back one million adult salmon, there was an opportunity for common sense to get in its work, when one million is the result of all the artificial propagation that has been going on in the Columbia river in addition to all the natural propagation that goes on. Now, the natural propagation is being cut down by dams, down on the coast for the purpose of logging and slow improvement. On the upper stream, it is more in the nature of power dams, irrigation purposes, electric light, things of that sort. You are cutting off the natural spawning grounds and you want to take care of that situation and when your adequate spawning grounds are being cut off, you want to see to it that you save enough more of your fish for propagating by artificial means and make good these laws. It has been found necessary to make a closed season. There is no other remedy in that direction so far as I can discover and I have given some time to that. We found by conserving these young fish and not allowing them to be eaten by trout and otherwise destroyed, and we have concluded to take care of them by conserving them in the nurseries, and that has been done to a considerable extent, and the experience of gentlemen who know of these things, like Mr. Clandon and Mr. O'Malley, will tell you that their best judgment is that a comparatively small amount of young salmon cared for are more valuable and will bring larger returns than a larger amount not cared for. The great question is to get harmony between the two states and

the United States Bureau of Fisheries in taking care of this industry. So far as I am individually concerned, I am a good deal like other men in the fish business. I would like it if conditions were such that no law were necessary and we could fish every month in the year, and everybody would be pleased if that were possible, but it is not possible. The future must be looked to and the public interest must be looked to instead of private interest, and today and tomorrow and the next year, the matter of public opinion must be looked to, especially in a state like Oregon, where the public is doing its own legislation at a considerable expense. You will find that any movement that cuts down the protection we have for the fish at the present time will be strenuously resented by public opinion, and while that may not be considered of any great importance at the present time, you will find out that if you have public opinion on your side, it will be of advantage and will be more advantageous as time goes on; and I don't think you can safely throw down any of the bars you have at the present time, and especially from the fact that you are now in a position where the United States government is prepared to assist you in a large way and open up new territory to the propagation and conservation of your fish in waters that have never been touched before, waters which the states of Washington and Oregon can touch—these waters of Idaho. They have reservoirs to take care of the early runs of fish, the salmon that reach the clear waters of Idaho, and that reach the Swan Falls in Idaho; the government will take hold of that if you offer any reasonable guarantee that you will supply them with fish to utilize them. And all they can utilize are the early runs of fish and if you cut down the early runs of fish, the government will have nothing to work on, they will have nothing to use the fifty thousand dollars for. These things must be considered and taken into account. The early runs of fish on the Columbia river. The last year was an exception to that rule, but you will find on investigation, that through the portion of the river where there is a call made for a change in this law that the returns to the fisherman have been for the last season, during the months of May, June and July, the returns have been larger than they have been for a great many years, and so far as the amount of money and the opportunity of taking fish is concerned, I don't think they have suffered to the extent that some of their remarks might indicate. I don't believe that you can safely change the law because it will be disturbing the general harmony of the situation, which has taken a great many years of hard work and long study to try to get together. Gentlemen, I thank you.

MR. NORTON: I would like to inquire of Mr. O'Malley if there has enough time elapsed since that legislation of two years ago to demonstrate the results of the legislation?

MR. O'MALLEY: It would require four or five years to get full results from that legislation. It requires at least four years for the fish

to come back after this spawning season, and five years would be a better test perhaps than even four years.

MR. RUCKLES: I would like to have a little more closed season in the fall and a little less in the spring, divide it up as to the year. We have very little protection in the fall and a great deal of protection in the spring, when we have the natural resources to protect them. In the fall, they have no protection from the traps, seines, or anything else; in the spring we have the high waters and other protection for them and I think for that reason we should have more protection in the fall and not so much in the spring and not figure alone on protecting the fishermen and the canneries and the packers.

THE CHAIRMAN: I would like to call on Mr. Warren to say a few words.

MR. WARREN: Gentlemen, I thank you for this privilege. I think that Senator Magone has admirably stated the situation. I would second his views on that subject and call attention to the fact that this is the best law, I think, which we have ever had. This law, I presume, was obtained by compromise and I want to call attention to the fact that the United States seems to think so and are willing to give us fifty thousand dollars if we don't open the season to any greater extent than it now is and under these circumstances it seems to me it would be better to leave it just as it is.

THE CHAIRMAN: I have called upon these gentlemen that have spoken here because I knew some of them and knew them to be in the fishing business and serving that industry, or wishing to serve the industry and there may be, of course, others here whom I do not know and I would be glad to hear from and I assume the committee would be glad to hear from them, anyone who has not been heard; and anyone whom I do not personally know who may wish to be heard, I shall be glad to hear from now. There may be some of the gentlemen not known to me, and if they have anything to offer, that may be a suggestion to the committee as to conditions or amendments of the present law, I shall be glad to hear from them now.

MR. ESPY: I would suggest that we go around the room and ask each one; there may be some here who have some timidity about coming forward. I think there is a row right back here that has not been heard from that would like to say a few words.

MR. NORTON: If no one else cares to talk on the subject that is before us, I move that the committee now go into executive session and that we allow the other gentlemen to retire so that we may settle this matter.

MR. LORNTSEN: I would like to have the privilege of the floor once more.

THE CHAIRMAN: Very well, Mr. Lorntsen, proceed.

MR. LORNTSEN: There has been a great deal said here about the great struggle to get the present law on the statute books, and also

the benefit derived from it. Now, it is a fact and the report of the committee that formulated the last law will bear me out that it was not as stated, that the recommendation will pass on the evidence presented at a meeting. Everything was cut and dried before the meeting came together there, and the report proves it. The report proves that the report of the fish warden was not taken into consideration at all. That is a fact and this report will prove it, that during the time the evidence was taken on which they were going to base recommendations, that there was a committee in an adjoining room making up the recommendations. Don't take my word for it; you can see the report and as to the benefit of the law, it is absolutely of no benefit except to the men on the upper river.

MR. STEWART: Was that the Seattle conference you speak about?

MR. LORNSTEN: Yes sir, and I have got a report of it here, costing twenty dollars, but there is good dope in it. It also proves, from this report, that men were paid salaries from Oregon and Washington to look out for the fishing industry and they didn't have one recommendation for the protection of the salmon. They recommended this closed season and that closed season. This was a very good law, and nothing would have suited me better provided they had cut down fishing from Sandy river up. This law was carried by the people by twenty-six thousand majority. It wasn't the law and it wasn't the governor and it wasn't the fish warden that caused the trouble. Instead of enforcing the law in Oregon, they didn't do that, but they went over and arrested a man in the state of Washington for violating the Oregon law. That threw the whole business into the federal laws. That is what they wanted; I am sure the court would have decided that a law enacted by twenty six thousand majority would be the law. Now the people were working for protection in Oregon and had often tried to get this: they had been after a law to stop fishing above tide waters, but they couldn't get it into the legislature, but it went before the people and carried by twenty-six thousand majority. That law should have been tried out and if you will go before the people with it again, you will find that it will carry now. Why should the legislature, what right has the legislature to go and repeal laws enacted by the people? This whole business, as the report will show, was cut and dried. These were men who didn't want protection for the salmon and made up a committee to suit themselves and got up the report—a committee that the governor of the state of Washington appointed to look into the fishing industries. There was two reports presented, but the minority report was not allowed to be presented to the governor, because the majority of the committee would not tolerate it, because the minority report was for the protection of salmon; and that the committee didn't want it proved that it was a packed committee of special private interests.

MR. STEWART (addressing Mr. Lorntsen): Are you being paid now for this lobbying?

MR. LORNTSEN: I am secretary of the Columbia Rivermen's Association.

MR. STEWART: Are you paid a salary?

MR. LORNTSEN: The fishermen and citizens of Astoria put up a certain amount of money to pay for expenses; when I get back, I return the balance of the money to the subscribers.

THE CHAIRMAN: If the law were placed before the people recommending the cutting out of seining at the mouth of the river, would it pass or not?

MR. LORNTSEN: It would not pass; people are not quite as foolish as that. In the state of California they have got a reasonable law. You don't see any tomfoolery or spring closing. In the Sacramento river, they close from September 15th to November 15th; they open up in tide water November 23d. Through the rest of the year they fish all they want to. The result of that law is that the salmon industry which was down to nothing has gradually improved and they are now getting plenty of salmon, but they don't use any stationary appliances.

MR. SEUFERT: How many salmon were packed on the Sacramento river last year?

MR. LORNTSEN: They don't pack salmon there.

MR. SEUFERT: The salmon industry has grown so that they have—

MR. LORNTSEN: No, the amount consumed goes to the cold storage. They ship them up to the Columbia and they are shipped out as Columbia river catch. You can see that during the season when every steamer has pickled salmon and frozen salmon also. I believe if you do anything, you ought to cut out fishing above tide water from the 31st of July and leave the salmon alone, because there is good spawning grounds from right along Celilo Falls down and the fact is that in the fall when the salmon is coming up the river and late in the fall in the daytime, and falling back in the evening to rest, then Mr. Seufert gets out his seines—then he gets them. He don't want the fish to stop there and I don't blame him, but I blame the people of Oregon for tolerating such a thing.

THE CHAIRMAN: I overlooked the matter of calling upon Captain John Reislund, state fish commissioner of Washington.

MR. REISLAND: Mr. Chairman, Gentlemen. I think it is pretty much useless; I have long been convinced that you can't make laws to satisfy all the people. That has been demonstrated and it is demonstrated in this meeting today. I will say further that whenever it is necessary for the fish warden or the commissioner, whatever he may be called, to make recommendations for the benefit of the whole industry, not for any particular locality, here, there or elsewhere, but for the benefit of the whole industry, the whole state then does duty of the fish commissioner or warden to make recommendations. But when they reflect friction and local feeling between the different classes

and localities from one end of the river to the other, I don't believe the fish commissioner is justifiable to take any particular stand on it, for the reason that I may take a stand in favor of one person against another, and I don't believe that the fish commissioner is justifiable to butt in under these conditions. I will say further that the law that is on the statute books today is practically what I recommended four years ago, two years prior to the time it was enacted. I believe I recommended five days longer in the fall season and I think I also recommended thirty-six hours Sunday closing; that was cut down to twenty-four. Those are some of the recommendations that I made four years ago.

THE CHAIRMAN: Is the Oregon fish warden present? Have you anything to offer the committee on the law for fishing on the Columbia river and tributaries?

OREGON FISH WARDEN: I have no suggestions to make, thank you. I recommended in my report that no change be made on the Columbia river under the present law and to make the spring closing season on the tributaries to the Columbia to conform to the closed season on the Columbia. Further than that, I don't care to enter into the discussion, but simply say that any laws you may see fit to recommend and pass by the respective state legislatures I will do my best to enforce them.

D. H. WELCH (of Astoria): There has been an impression going out that the people of the entire lower Columbia river want a change in this law, which is not the fact. There has been for a great many years a lobby at Salem on fish legislation, and in selecting our members from Clatsop county I don't think the matter of fish legislation came up at all. We were in hopes that we would not have any fish legislation asked for at this time and we are disappointed. Now there is a fund made up down there—not all, of those heaviest interested in Clatsop county—a fund to send parties to Salem to lobby to amend the state laws every year. I am one of this kind: I think every man has a right to operate the kind of gear he sees fit. This is a free country. I am interested in a certain kind of gear; that is fish. Others are interested in other kind of gear and we have been trying to get a law satisfactory to both states. We accomplished it two years ago. We have not had a trial of it; why not let us have a trial of that for four to six years and see what the results are? I don't believe you can make any change in that law that is going to better the situation at this time, and for that reason I hope that you folks will pay no attention to any amendment to the present law. Let it stand as it is because we have gotten Oregon and Washington, that is, they are both together, and we had a hard fight to get it. We don't think it is right to have the fish legislation coming up every two years and the people of Clatsop county held to blame for it. The people of Clatsop county don't want it. They want a rest.

MR. BELLAND: I just want to make a correction. He said there was no such thing as that came up. Now, they raised three thousand dollars for that fund and on their platform, I was elected by a four hundred majority, so it was plain that if the people didn't want any change they would have defeated me.

MR. SINNOTT: Didn't Albert Abens run on a platform for governor of this state that, in case he was elected, he would close fishing on the upper river? That was his platform, his party platform as I received it from him.

MR. BELLAND: Mr. Aben had a meeting and I was there too. He had a meeting to speak to the fishermen; I was the only fisherman there. There was eleven more men there, carpenters, bricklayers and one thing and another, and he advocated a policy not agreeable to anybody except him.

MR. SINNOTT: His platform didn't meet with a great degree of success with the people throughout the state. In Clatsop county and Astoria, he wanted to close fishing above tide water for canning purposes and the fishermen didn't want cheap salmon, consequently they voted it out of business.

THE FISH WARDEN: I want to reinforce my recommendation of two years ago. That recommendation was to close the Willamette, Clackamas rivers in conformity with the rest. As you failed to do that at that time, now you have an opportunity; it is absolutely necessary that you do that. Unless you do that, you will find it absolutely impossible to enforce the law on the lower river, and the people will not stand to have the fish caught to the spawning grounds and hatcheries unless they are protected. I know the feeling on that matter and it is important.

MR. STEWART: Mr. Lorntsen made a statement a few minutes ago that the June committee at Seattle two years ago was a packed committee of the special interests, and their resolutions and minutes that they drew up here were drawn up in an adjoining room while the public hearing was going on. He is mistaken about that. I was there and we didn't draw up our findings until after it was all over, and we kept stenographers busy taking down what was said. There are a number of men here who were there and they will substantiate what I say. He stated that they were all special interest men, but he is mistaken. I, myself, didn't own a dollar's worth of fishing interest of any kind, and just in a mild, good-natured way, I want to resent that statement; most of us were working for what we thought was the best interest of the two states, and Mr. Lorntsen must not run away with the idea that we were there to run something down the throats of the people that they did not want, because most of us were working for what we thought was just and right and not for what any lobbyist wanted in Astoria.

THE CHAIRMAN: I will say that I was a member of that committee and I wish to say a word as to how that committee was selected. It is sufficient to say that there was no such thing as a put-up job, as has been intimated here. That committee was composed entirely of the people who represented the Columbia River country, without reference to what their beliefs or feelings were, and without reference to anything except the fact that they represented the fish counties and industry of the counties from where they came, so anyone can see, I think, there is some mistake.

MR. SINNOTT: Lest we get into actual recrimination, I move that we go into executive session.

Whereupon the motion was duly seconded and carried.

EXECUTIVE SESSION OF THE JOINT COMMITTEE OF THE LEGISLATURES OF
THE STATES OF OREGON AND WASHINGTON ON THE SUBJECT OF
FISH LEGISLATION.

THE CHAIRMAN: Gentlemen, what is the pleasure of the meeting? The meeting is in your hands. That motion that was made during the talkfest may be renewed, or any other.

MR. LESTER: I have some letters here or documents that I did not place before the open meeting, which are all from outside resources and I have asked an *Oregonian* reporter to stay because I have nothing at all to conceal. I would like to present them at this time in order to explain my attitude later on. If there is no objections, I will read the communications from different parties.

THE CHAIRMAN: No objection.

MR. LESTER: Part of this is information that Mr. Belland, my colleague, has gathered and read to me and part of it came to me. The first communication I wish to read is an extract of President Roosevelt's annual message to congress in 1907.

"President Roosevelt in his annual message to congress, in 1907, said:

"One of the great industries of Alaska, as of Puget Sound and the Columbia, is salmon fishing. Gradually, by reason of lack of proper laws, this industry is being ruined; it should now be taken in charge, and effectvely protected by the United States government."

I would say in this connection that a bill has been introduced and appointing a fish commission in the state of Oregon, and has passed the house and I believe it will pass the Senate. It is along the line suggested by the governor, but instead of the president of the agricultural college, the selection of the fifth member is left to the other four.

Here is what Governor West says in regard to the matter:

"Governor West says: Salmon industry menaced. The salmon fishing industry has been in the past and should be in the future one of the greatest of the industries of the state. Once the streams of

the state ran full with fish, but inadequate laws have permitted the hand of greed to dip deep into the waters until the great salmon runs have begun to disappear. To save this once great industry from extinction, it now becomes necessary to call on the state for funds to establish hatcheries for purpose of propagation. There is but one way in which the fish industry can be saved from extinction and that is through the adoption of a definite and sensible policy of regulation and propagation, and as being in line with such a policy I would suggest: The passage of laws which will enable a fair proportion of the fish to reach and use their natural spawning grounds; second, liberal appropriation for hatchery purposes; third, take the office of master fish warden out of politics and keep it out.

The first two propositions speak for themselves, and to accomplish the third I would suggest the following: Provide for the appointment of a board to be known as the Oregon state board for the protection of fish and game. This board to consist of five members, one of whom should be the president of the Oregon state agricultural college, and of the other four, no more than two should be chosen from the same political party. The members should be men who would be influenced in no manner by politics or self-interest and should serve without pay except when attending board meetings. The board should have the power to appoint both the master fish warden and the state game warden and all necessary deputies and should be required to advise the legislature as to needed legislation and to see that the fish and game laws were enforced.

I hope that this proposal will find favor with the legislature and that some action will be taken along these lines."

Here is a letter from David Starr Jordan, a man recognized as the greatest living authority or was, as long as he agreed with the lower river.

"Leland Stanford Junior University, Office of the President,
Stanford University, California, January 3, 1911.

"Mr. C. F. Lester, Warrenton, Oregon.

"Dear Sir: I am very greatly interested in your proposition to help the salmon industry on the Columbia river. Artificial propagation will do considerable, is doing it, but it is necessary to very much reduce the fishing in the river if the industry is to be preserved. The run of fish is now about one-sixth of what it was when I first visited the Columbia in 1880.

"I should be pleased to receive a copy of your bill, and will make any suggestions which occur to me. I, however, agree with you that it is desirable to stop fishing at the head of tide water, to provide a close season sufficient to allow a large number of salmon every week to reach the upper river, and then to arrange with Washington, and if possible Idaho, to co-operate with you in this matter. By the time the fishes have reached Idaho, they are not fit for human food, * * * The different kinds of gear are destructive, just in proportion to the

number of fish they catch. The great objection to the fish wheel is that it practically takes everything which has escaped the enormous thicket of nets lower down.

Yours very truly,

"DAVID S. JORDAN.

"Dictated: Signed in Dr. Jordan's absence."

Sofus Jensen, secretary of the Columbia Fishermen's Union, in a letter to James Gordon, Agency Marine and Fishery Department, Victoria, British Columbia, asked these questions:

"First. Why does your government forbid fishing above tidewater?"

"Second. What are the reasons for prohibiting traps and wheels in the rivers and streams?"

Answer—

"Agency Marine and Fisheries Department,
"Victoria, B. C., December 16, 1896.

"Sofus Jensen, Secretary.

"Dear Sir: I have yours of the 12th, which I have submitted to John McNab, Esq., Inspector of Fisheries, at New Westminster, B. C., who will answer your questions. As far as I understand the restrictions in fishing in our waters were made in view of protecting the industry and to prevent the depletion of our streams, which would surely occur if the destructive appliances mentioned in your letter were allowed. I remain,

Yours very truly,

"JAMES GAUDIN, Agent."

"Inspector of Fisheries for British Columbia,
"New Westminster, B. C., December 18, 1896."

"Sofus Jensen, Secretary.

"Dear Sir: Captain Gaudin, Agent of Marine Department, Victoria, B. C., enclosed to me a letter from you, asking for information on certain points in connection with the fisheries regulations of Canada, at present enforced in British Columbia. Your first question is: What is the reason for prohibiting fishing above tide water. Our government considers that the inland and other fisheries are a valuable asset to the country, and that they should be so protected as to be as valuable to the next generation as to the present and to this end, upper reaches of the river are not allowed to be fished: the salmon are out of condition and full of ova, which they should be allowed to plant undisturbed in the creeks where they spawn, as otherwise the excessive amount of fishing in the estuaries and lower reaches of the river must in time deplete them of salmon.

Your second question is: Why do the laws prohibit fishing for salmon with traps and wheels. Because they are so destructive to young and immature fish and also to varieties of fish which are valuable, but are not to any extent utilized by the canneries, or salmon fishermen, and are thus a very destructive agency.

Yours truly,

"JOHN McNABB."

On December 31st, 1910, this letter was received by Mr. Belland from the office of the inspector of fisheries at New Westminster, B. C.:

"Office of the Inspector of Fisheries,
"New Westminster, December 31, 1910.

"Mr. L. O. Belland, Esq., 2238 Commercial St., Astoria, Oregon.

"Dear Sir: Yours of the 26th received. Enclosed is a copy of our present regulations. No fishing or traps of any kind is allowed above tidal limits except as regards Indians who are allowed to take salmon for their own food solely. There is no restriction in angling with rod and line but with the exception of the steelhead and to some extent the Coho, our Pacific Coast salmon will not take a fly in fresh water.

"The object of the restriction is to allow the salmon to reach their spawning grounds unmolested.

"The prohibition of net fishing in the lakes of the interior is with a view to protect the trout fishing for anglers. Yours truly,

"C. B. SWORD, Inspector of Fisheries."

Here is a communication to me from the British Columbia Packers' Association, dated December 17, 1910:

"British Columbia Packers' Association,
"Vancouver, B. C., December 17, 1910.

"Mr. C. F. Lester, Warrenton, Oregon.

"Dear Mr. Lester: I beg to acknowledge your favor of the 15th inst., and say in reply that I agree with you as to the need of some legislation to even keep up the supply of salmon in your river, and personally, I think that to confine fishing to tide water would be the best possible thing to do.

"I enclose herewith statistics you ask for, having gotten them out for Mr. M. J. Kinney, who seems very much interested in getting the government to do more in the way of artificial propagation.

"I have said to Mr. McKinney that I have not the same faith in artificial propagation as I had formerly, and think that the fish should be given a chance.

"You will pardon me for saying that there has been too much legislation on the fisheries; that all concerned have been very much harassed thereby, making it difficult to do a profitable business, both as fishermen and packers. You will find, however, that to prohibit all fishing above tide water will be a considerable job; at the same time, I think it is the only salvation for the river.

"I expect to be down in Oregon toward the end of next month and will take a great deal of pleasure in talking this over with you if I should happen to see you at that time. Yours respectfully,

"WM. H. BARKER."

Now, gentlemen, Mr. Belland and I took the position we do that we want legislation which will enable a larger portion of salmon to reach the upper river, their natural spawning grounds; this is the information on which we have arrived at our judgment, and I want in

this connection to make a statement in regard to the Ontario hatchery. That hatchery has been pronounced a failure; it has been too expensive to operate. I think that is true, but in spite of that, it was the greatest success of any hatchery on the river as long as the salmon were allowed to reach the hatchery. The first year of operation, in 1901, there were twenty-one million eggs hatched at that place. The next year, twenty-five million. After that, there were some new wheels put in at The Dalles and Colilo with the result that the next year, there were about five million eggs; the next year, one million, and the next year, two million, and the next year, half a million, and that was the end of the Ontario hatchery, just simply because the fish were captured before reaching the hatchery in Ontario.

MR. SINNOTT: Any increase of the nets you spoke of on the lower river during the year you refer to?

MR. LESTER: I judge not, because in 1903, the year after the large number of fish were hatched at Ontario, the twenty-five million, Mr. Seufert put on the largest pack he ever made and still only five million were taken at Ontario.

MR. SINNOTT: You have no information as to any increase of nets on the lower river?

MR. LESTER: I don't think there is any room for an increase in the twenty years that I have lived down there, but I want to say one thing; that we can only fish there two or three hours out of the twenty-four; the natural conditions are such that we can't fish any longer than that except by trap.

MR. BELLAND: I have been fishing some on the Columbia river since 1884, more or less, and I said then and I say now that if you don't close fishing above tide water, it will be just a matter of time when you will have no fish to protect. The last two or three years I have been investigating this very carefully and I find from Mexico to Alaska the Columbia river is the only river on the Pacific Coast where salmon fishing is permitted on the spawning grounds or above tide water. Columbia river is the greatest river in the world; we have got the best salmon in the world; it is recognized as the best salmon all over the world, still we permit the greedy man to fish on the spawning grounds, which no other river allows. Three years ago, I appeared before a committee at Washington, D. C., and tried to close up Wood river, Alaska, a stream the same as the Columbia river. We were met with opposition by the Alaska packers. We had a hearing there and we plainly convinced Secretary Strauss that if something was not done, we wouldn't have any fish to catch in Alaska. After that, we went to see President Roosevelt and the first question he asked was: "Are you married men?" We said, "Yes." He says, "Are you people trying to protect this industry for your children and your grandchildren?" "Do you know what you are talking about?" We said yes, we told him we were fishing there for twenty-four years. He said, "What do you want?" We told him we wanted the same thing that the commis-

sion recommended in 1905. It didn't take him long to act; he sent for his stenographer and he dictated a message to the secretary of commerce, Mr. Strauss, who has power to close any stream in Alaska, telling him he wanted the Wood river closed at once, and we got it closed. He looked out for the future interests of the United States, the same as I think we ought to do here. If we are going to do that, we will have to close the streams and spawning grounds, which they have done on every other river on the coast.

MR. SINNOTT: Wasn't the result of your trip to Washington that you got too much closed up, the entire bay and the entire river and that the very people that sent you to Washington repudiated you afterwards?

MR. BELLAND: No, that is not so; they were very thankful. The Alaska packers tried to run a bluff on us, and asked if we were satisfied and I told him "yes." Then he craw-fished and said, "We don't want to close anything." We closed the river and when we came back, the Northwest Fish Company, who helped to send me there, they were well pleased and they are well pleased today. This is the protection of salmon which means the protection of salmon for years to come.

MR. SINNOTT: But your trip resulted in putting the people out of business that sent you there.

MR. BELLAND: It put no one out of business.

MR. SINNOTT: That is my understanding.

MR. BELLAND: You have a wrong understanding.

MR. SINNOTT: The very people who sent you there, as a result of that trip have been prohibited from fishing.

MR. BELLAND: They sent me there because they didn't want to fish there; they believed in having fish in the future.

MR. CHAIRMAN: We have nothing to do with the laws of Alaska; we are here for the purpose of seeing if any amendment to the present laws covering fishing on the Columbia river is desirable or necessary, or to arrive at some agreement to submit to the respective legislatures of the different states; we have but a short time to do that today and we have a good deal of business. That is something outside of the jurisdiction of this committee.

MR. BELLAND: I know that, but salmon are salmon; the same breed existed up there as here. I say that if you don't stop fishing on the spawning grounds, what is to become of the future. They said, "To hell with the future." Our duty as legislators is to look out for the future.

MR. SINNOTT: It seems to me that they occupy a rather harmless fish gear, when they wish to conserve fishing by stopping fishing on the upper river. That is like stopping the leak of a barrel by stopping up the small bung hole and leaving the water run out of the large bung hole, or, a granary where there are two leaks, one large leak

and one small leak; their position is to stop the small leak and let the grain run out of the large one. It seems to me their position is ridiculous, and the mere statement of it is sufficient to refute its soundness.

MR. BELLAND: Do you know of any spawning grounds on the lower river?

MR. SINNOTT: I am not acquainted with the lower river, but I am to a certain extent with the upper river. This very bar that you say is a spawning ground, I have been on that bar repeatedly, and if you will examine the court records, you will find that a number of witnesses have testified that in four feet of the shore, the water is so swift and turbulent that it is impossible to hold a pole or an oar upright in that water, and I know that to be true, because I have been there repeatedly myself, and on that bar, I have never seen a salmon spawn. and I don't think it is possible for them to spawn there, because the water is too swift and turbulent, it is never still; there is a tremendous current passing down there; it is worth a man's life to get out in a boat there.

MR. BELLAND: What bar is that?

MR. SINNOTT: The Celilo Bar.

MR. BELLAND: I claim the salmon spawn above the Cascade Locks.

MR. SINNOTT: All I know about the spawning on the lower river is from the statements made by Mr. O'Malley, the fish commissioner, who said they spawned on the lower river.

MR. NORTON: I understand there is a motion before the house, which the committee recommends that the laws remain as they are at the present time. Is that correct?

MR. CHAIRMAN: That was the motion made in the early part of the meeting, and was amended by Senator Megler to the effect that the dates be changed fifteen days, changed from the 1st of March to the 15th day of April.

MR. NORTON: I think perhaps that as the motion stands, it does not get the full matter before the committee. I move a further amendment to add that the laws be also made to apply to the tributaries of the Columbia river, for the reason that I understand there is some question in Oregon, and it was supposed the laws were to apply to the tributaries as well as to the main rivers.

THE CHAIRMAN: You have heard the amendment, are you ready for the question on the amendment; I didn't hear a second.

MR. SINNOTT: I think it would be better to take that up in the legislature, because that might bring up another matter here, that is, the Snake river, that the members from Washington would not want to bring up, and the legislature had better deal with that than this joint committee.

MR. NORTON: Of course if there is any reason, I will withdraw the amendment.

MR. STEWART: I don't wish to second the motion, but I may suggest, in order to arrive at this thing that we can eliminate from the discussion, first the old theory of the down-river people that the upper-river people must be shut up. I would like, if we can, to take a vote on that, so that the gentlemen can go on record, as surely they want to represent their constituents and they are not alone. I don't think we want to put the people of the upper river out of business. Let us say that it is not the sense of this joint committee at this time that we are attempting to put out fishing above tide water. I don't know whether I am in order or not, but I would like to have that question settled in that way—that a resolution be offered that it is not the sense of this committee to attempt at this time, to abolish fishing above tide water. Then, after that is settled, let us come to the point where we take up Mr. Megler's proposition, of whether we shall attempt to change the open season in the spring. I find that some of my constituents agree with him, and I want to vote to please my constituents. I believe we are in a minority, but I want to vote on that to put myself right on that point with my own people. I believe that Mr. Megler and I are practically alone on this subject. After that, we can get to the point of whether we are going to report back to our respective legislatures, as to whether we are going to advocate a change in the law or adopt the law as it stands at the present time.

MR. CHAIRMAN: The motion as it stands was by Mr. French, who moved that we recommend that the law remain as it is at the present time. Mr. Megler then offered an amendment to that motion. Mr. Megler's amendment is now in order to be voted on.

MR. STEWART: I will simply leave the other proposition until we vote on Mr. Megler's motion.

THE CHAIRMAN: This is your bill, Senator Megler; the only change that Senator Megler desires is in the time of the closed season. Mr. Secretary, please read what the law is at the present time, as enacted in 1909.

(Secretary reads said law.)

THE CHAIRMAN: That is the present law; you wish that closed season changed from the 15th day of April until the first day of May?

MR. MEGLER: No, from the 15th of April until the 15th of August for the open season—the open season. If there was any question at all in regard to opening and closing the seasons that we could accomplish anything, some of the gentlemen here would be willing to make it the 20th of April to the 20th of August, but knowing the feeling of this committee, there is no use talking on that matter, and there is no use putting in the amendment and you might just as well vote on the original motion.

MR. BELLAND: I move that the open season will be from the 20th of April to the 20th of August.

MR. MEGLER: There is not a cannery on the river that would not be willing to close on the 15th of August, because the fish get so poor after the 15th that they can't use them for first class fish, still they have to pay first class prices. There is not a cannery on the river that has the courage to cut the price down or that will refuse to take them, but if the law was changed so that the season was closed on the 15th, we would be glad of it. When you change that, you run against Mr. Burke, a trap man, who gets most of his fish from the 1st of August to the 25th of August, and that is the reason he is not in favor of fall fishing. There is a wheel within a wheel. Mr. Magone has got a cannery down on the lower river where he can't catch fish on the 1st of May because it is too stormy. He has another one on the upper river and he catches them going and coming. I think it would be satisfactory if you made it the 20th.

MR. SINNOTT: Mr. Megler has withdrawn his motion.

MR. MEGLER: No, I do not; I asked for a vote.

MR. STEWART: I suggest that we take a roll call and then our constituents will know where we stand. I am going to always vote to comply with the wishes of my constituents; and I find at this time that they agree with Mr. Megler on that question and I will vote with him. I suggest a roll call.

MR. MEGLER: Let us take a vote on the amendment to the amendment.

MR. SINNOTT: I am rather afraid of changing saddle horses in mid-stream, and trying to get a new law, especially in face of what Mr. O'Malley said, that it might prejudice the obtaining of this fifty thousand dollars that he has recommended on the strength of the present closed season in the spring.

MR. ESPY: Referring to what Mr. O'Malley said, I believe that he remarked very decidedly that he would rather see a longer closed season in August and would be willing to give us part of the closed season in April, in order to have a longer season in August; I believe that was Mr. O'Malley's statement. In view of his being so very decided in that I am going to move at this time a substitute in the matter before us, to the effect that we cut off ten days in August, making it the 15th of August, as well as ten days in April, cutting off as much on the last end as you give them on the first end.

MR. STEWART: Making it ten days earlier in the spring?

MR. ESPY: Yes, ten days earlier in the spring and ten days earlier in the fall.

THE CHAIRMAN: Do I hear a second? There being no second, the question will be the amendment to the amendment. Those voting aye will carry with it the amendment; no, will oppose.

MR. SINNOTT: What change will that make?

MR. BELLAND: I will tell you; that law will change the present open season from the 1st of May to the 15th of April; from the 25th of August to the 15th of August.

MR. STEWART: This is only a test vote, and it seems to me that the question is whether we will open up that present law at all.

MR. MEGLER: What is the question?

THE CHAIRMAN: The question is on the amendment to the amendment, that will be the 20th of April to the 20th of August.

MR. SINNOTT: You are extending it ten days in the spring and extending it ten days in the fall?

MR. BELLAND: Ten days in the spring and five days in the fall.

THE CHAIRMAN: Let the secretary call the roll.

Whereupon the roll call resulted as follows:

Those voting aye were: Messrs. Megler, Lester, Belland.

Those voting no were: Messrs. Espy, Stewart, Chappell, French, Norton, Sinnott, Smith, Magone, Gill, Miller, Eastham.

Those excused were: Messrs. Christensen, Drissler.

THE CHAIRMAN: The amendment to the amendment is lost. The vote now recurs to the motion made by Senator Megler. The result of the roll call is as follows:

Those voting aye were: Messrs. Stewart, Megler, Magone, Miller, Belland.

Those voting no were: Messrs. Eastham, Espy, Chappell, French, Drissler, Norton, Sinnott, Lester, Smith, Gill.

Absent: Mr. Christensen.

THE CHAIRMAN: The amendment is lost.

The following votes were explained:

MR. LESTER: I want to say a word in explanation of my vote. Unless we could have some cut off the end of the open season, I am not in favor of making the opening any earlier in the spring and for that reason, I vote "no" on the amendment.

MR. STEWART: I want to explain my vote. Personally, I believe this thing is wrong; I don't believe we should open up this law, but I find some of my constituents want it extended and out of courtesy to them, I vote "yes."

MR. EASTHAM: I will explain my vote by saying that while I have all personal regard to Senator Megler and while I am not saying that he being an official and knows the conditions that exist better than I do, I believe it to be a mistake to open this law in that respect and throw it all open in view of the fact that it is not having sufficient trial at this time, to let us become acquainted with the workings of the law, therefore, I will vote "no."

MR. STEWART: I move this joint committee report back to its several legislatures that it has met and considered the present law in all

its various phases; considered several amendments to it and found that while it is not perfect, it comes the nearest to a fair deal to all concerned and that we recommend that it remain as it is.

THE CHAIRMAN: The motion is out of order, the original motion by Mr. French is before the meeting.

MR. LESTER: I wish to offer an amendment. I move to amend the motion, that the following be the closed season above Cascade Locks, namely, from the 25th of August to the 1st day of November. This is simply to enable the fish that have got up beyond Astoria to the middle river during the closed season to go on up to the spawning grounds.

THE CHAIRMAN: I doubt very much if that motion is in order.

MR. STEWART: I move that my motion be a substitute to the original motion by Mr. French.

MR. LESTER: This is an amendment to the original motion.

MR. BELLAND: I second the amendment.

THE CHAIRMAN: This is an amendment to the original motion; the others having been voted on.

MR. LESTER: I move to amend the motion, that the following be the closed season above the Cascade Locks, namely, from the 25th of August to the 1st day of November.

MR. FRENCH: Except that no fishing for commercial purposes be allowed above the Cascade Locks between the 25th of August and the 1st of November each year.

MR. BELLAND: I second that motion.

MR. MILLER: I move to amend that motion also by adding the words "and its tributaries," add to the word "Columbia river."

MR. ESPY: I believe that should be taken up after this has been threshed out. I am heartily in favor of the amendment and I will support it myself.

THE CHAIRMAN: Are you ready for the question.

MR. SINNOTT: This is a motion to close fishing on the upper river from August 25th to November 1st for commercial purposes. That changes the present law.

THE CHAIRMAN: Yes, sir.

MR. SINNOTT: I am opposed to that.

MR. LESTER: This does not abolish the present law, by any means, it allows fishing for all purposes on all parts of the river until the closed season begins, simply closes the season for the upper river above the Cascade Locks, whatever the closed season is for the upper river above the Cascade Locks.

THE CHAIRMAN: Any more remarks?

Whereupon a roll call was had with the following result:

Those voting aye were: Messrs. Drissler, Lester, Belland.

Those voting no were: Messrs. Espy, Stewart, Chappell, Megler, French, Norton, Sinnott, Smith, Magone, Gill, Miller, Eastham.

Absent: Mr. Christensen.

The following votes were explained:

MR. NORTON: I don't want to take any unnecessary time to explain my vote, but inasmuch as I am not connected with either industry in any way, and live far away from the Columbia river, I want to say this, that I appreciate as a matter of history the trouble that has been had heretofore, or prior to two years ago to get uniform legislation. I appreciate very much the fact that we are not dealing with this question as a new question; we are dealing with the question as one in which there are already established interests, which are somewhat conflicting both on the upper and lower river and that, having already obtained some uniform legislation, which may not be entirely satisfactory to all parties, but at the same time, which is not entirely unsatisfactory to all parties, it is a very serious question in my mind whether or not at this time it would be wise to reopen the question; especially is that true in view of the fact that these experts have been before us, have said that enough time has not elapsed since that legislation of two years ago to demonstrate the efficacy; furthermore, we can only recommend to the legislature and I hesitate to recommend anything which is liable to precipitate in either or both legislatures a general fight or contest between the conflicting interests, which is liable to reopen the whole question, to the detriment of the legislation we have already procured. In consideration of these matters, I feel constrained at the present time and until the efficacy of our present legislation has been fully demonstrated to vote "no."

MR. MEGLER: I want to explain my vote. The committee has voted against everything that would affect all the fishermen and all the packers. This motion would affect one man only, Mr. Seufert. He packs fall fish and it would knock him out, therefore I vote "no."

Whereupon the chairman announced the vote as twelve "noes" and three "ayes."

MR. MILLER: I desire to amend the original motion, "that the laws stand as they are" and that we add the words "and its tributaries," after the words "Columbia river."

MR. FRENCH: I accept that amendment.

THE CHAIRMAN: You have heard the amendment, gentlemen; the amendment is seconded and accepted by the maker of the original motion that the laws remain as they are and that the words "and its tributaries" be added after the words "Columbia river." Are you ready for the question?

MR. STEWART: I believe that I am in sympathy with the ideas suggested by these men, but I don't think it is practical at this particular time. I think the idea he has is, he wants the state of Oregon this year to keep faith in a small way, it broke two years ago when it

held out the Willamette and Clackamas. I believe it will be the better way to go back to the legislature and say that I met these boys from Washington and they voted fair; and two years ago, they kept the faith that we did not, and when we held out the two rivers on them. Now, you people can do that without opening up that law and presenting another one. You should not ask us in Washington to vote on that. We don't want to recommend anything to our legislature unless we recommend some of the things we want. I think you ought to go back and give your folks a quiet talk and explain the situation to them, that two years ago you made a certain agreement, which contemplated all these tributaries, but through an inadvertence, you held out the two rivers which caused us lots of trouble, the Willamette and Clackamas. I suggest that for your consideration; not in the way of an amendment.

MR. ESPY: It strikes me it would be pretty hard for the Oregon people to go back to the legislature and talk this way unless this joint committee take some stand in the matter. We don't feel that we can bind the action of the Oregon legislature in any way, but we can recommend that we feel that all of the tributaries should be under the same rule as the main rivers and all the rest of the tributaries. If you want it specifically stated, I would be willing and I presume the gentleman making the motion would be perfectly willing to include the two rivers which had been held out and they should go up there and the opinions these men have here that all the tributaries should come under a general rule. That would give some force to the argument. Washington does ask this.

MR. GILL: I suggest that it might be a better policy that the committee as a whole should accept the law as it stands now, and then make a separate motion and after that has been disposed of, to say that it was the sentiment of this committee that these two rivers, the Willamette and the Clackamas be included in a separate resolution to the Oregon legislature to that effect.

MR. MILLER: This is to refer only to Oregon and it strikes me that this committee should recommend that back to the legislature of Oregon, and ask them to do that, for it strikes me that Washington is interested in this as well as Oregon and Washington should join us in asking that that be done.

MR. MAGONE: The state fish warden knows the conditions at Oregon City and he finds it hard to have the conditions changed. Some one is to blame for the destruction of the salmon in Oregon City and I am struggling to have the state do something along that line, and if you people in Washington were up there and could see what existed, you would have a little different opinion. There is a reason. I would like to have had Mr. Plantin come before these people and I would also like to have had Mr. O'Malley here. Why they didn't return, I don't know, I thought they were going to be here so I could ask them some questions. I understood this matter was coming up,

and I wish they were right here now so they could tell these people what exists there. Our governor, just recently elected, he was on the board, the state treasurer was on the board, but the conditions exist there—that thousands of salmon are dying at Oregon City. I expected these people to be here and if I had thought they weren't coming back, I would have insisted that they didn't go until we brought the matter up. Last year when the matter was brought up in regard to the tributaries, Judge Campbell was a member of the legislative committee, and they had a meeting of the Senate and Judge Campbell went before the committee and asked Senator Bingham if that applied to the Willamette river. "No," he says, "it does not." Those were the words of Senator Bingham, that they were simply taking up the work of the Columbia river. "That being the case," said Judge Campbell, "I beg to be excused." When the committee went over to Washington, it seems they recommenced, while the minutes don't show it, that matter was brought up in Washington. As I understand it, our Oregon legislature had adjourned ten days before the state of Washington passed the measure in Washington. Now, if we had played unfair and had the legislature of Oregon played unfair, had broken their faith, did it look right for the Washington people to adopt something and then blame us for it? They ought not to have blamed us for passing this measure, for, after the Oregon legislature had adjourned and gone home, then they said this and enacted this law after we had adjourned. Now, there is a condition existing on account of the paper mills at Oregon City. 'They have blown away and destroyed the old original fishway, and they have constructed a new one across the river. If you remember, some gentleman said the fish were very thick in Oregon City the last two years. There is a reason for it. They have built a solid concrete wall from bank to bank, in the last two years across the falls of the Willamette and these salmon are not permitted to ascend the rivers. There is something wrong. I was up in the attorney general's office and a gentleman from Multnomah county was up there. I told him of this condition. He says, "Does that exist; will you go before the attorney general and tell him that?" I said, "I will go before anybody; I want those fish to escape up there." I say there is someone to blame and we want to work to place the blame where it belongs, whether it is the present governor or anybody else. I understand the men who have erected this mill control and own others. It is practically impossible for the fish to go through a turbine the way they would pass through a fishway, the only space on the river, while on this side of the island, all of the mills are constructed, all the water passes through the races and the fish are fighting with these races and being killed in thousands. I was speaking to the attorney general about this and he knows that the statutes provide that they must build a fishway, but it is on that side of the island and the mills are on this side and the waters flow through their reservoir. They spent thousands of dollars to control the water, and it means just that little space of water to the fishes, and when the water

ceases flowing through there, it is just as still as this carpet, except what passes through the fishery, while the walls on the other side hold the fish lying there. If you people saw the conditions there, you would say it would be far better for the state of Oregon or anybody else to have those fish than to see them die off the way they are doing there. That is the condition of fishing that exists there.

MR. STEWART: I think the gentleman has misunderstood us. I am simply in favor of the state of Oregon making the Clackamas and the Willamette rivers under the same law, but I don't believe it is best to do it by amendment. We don't want to change this bill; we want you to recommend to your legislature that you have a similar bill applied to the Clackamas and Willamette rivers. If you amend to open this bill up for argument and there is no telling where you will wind up. You can go back to your legislature and recommend that the Clackamas and Willamette be closed on the same day the Columbia is closed.

MR. MILLER: Wouldn't that motion, if carried, be inconsistent.

MR. SINNOTT: The other motion applies to the Columbia proper, as I understand it.

THE CHAIRMAN: The motion is by Mr. French that in effect, no change will be made as it now stands on the statute books. Mr. Miller's amendment is that it apply also to the tributaries to the Columbia river.

THE CHAIRMAN: As I understand it, there is a disposition here not to open these laws, but if this original motion is passed, this committee can, in a resolution to the Oregon legislature, recommend that they do as the Washington legislature has done and apply the same law to its tributaries, the Clackamas and Willamette, that applies to the other streams in their state. It is a matter which really the legislature of Washington can have nothing to do. The legislature of Washington has it in their law. It specifies the tributaries of the Columbia river. It does so in Oregon, as I understand, with the exception of the two rivers mentioned.

A VOICE: No, there are other rivers.

THE CHAIRMAN: At any rate, that is a matter that the state of Washington is not interested in, and it can be done by resolution of this committee and not permit the law to be opened in any way.

MR. MILLER: I would like to explain my position on that question. We are recommending back to the two legislatures that the law will stand as it is. That is the substance of Mr. French's motion. Now then, why couldn't we, under this amendment, recommend back to the legislature of Washington and the legislature of Oregon that the laws remain as they are with the exception that we recommend to the Oregon legislature that they bring in all the tributaries of the Columbia river under the general scope of the law. It strikes me if we do that, pass the original motion, we recommend to the legislature of Oregon

that the laws stand as they are; and then if we recommend that our laws be amended to include the tributaries, it strikes me we would be doing something else. The Washington law, as I understand it, takes in the Columbia and its tributaries. The Oregon law takes in the Columbia without the tributaries. Why should not Oregon laws be the same as the Washington laws? I don't see that we are opening up the law to any extent if we recommend back to the Oregon legislature that our laws be amended to include the tributaries to conform with the Washington law. It strikes me that we are doing something inconsistent in doing that after passing the original motion. The conditions in the county where I am, we have both the Columbia river and the Willamette to contend with, and the men on the Willamette are fishing fifteen days ahead of the Columbia. It strikes me it is not only fair to Washington that these tributaries be closed up, but it would be fair to Oregon also.

MR. LESTER: It seems to me that it would be rather inconsistent for the members of this committee to go back to their respective legislatures and say we are in favor of having any legislation on that part of the law in which we are in favor of, but there are some parts of the law we are not satisfied with and we want some legislation on that. I think the best way to get at this would be to start in as the majority have apparently decided to and vote to leave the law as it is, and then, if the members of this committee who are here from the state of Washington want to ask us as members of the Oregon legislature to favor their state, for my part, I am perfectly willing to do it. I think the Willamette ought to be closed up but I don't think it ought to be done in the way it is put; I think that would be inconsistent. It might hardly be consistent with our judgment to branch off at this particular time and touch upon the tributaries of the Columbia, because that would also bring up the matter of the Snake river and there is a different law on the Snake river. If we make recommendations, as to the Columbia and all of its tributaries, then we are going to invite a great deal of discussion. We are going to bring up other matters that we don't want to bring up; matters that are not within the province of the resolutions or instructions for which we were sent here.

MR. MAGONE: I might say in behalf of my constituents in Clackamas county that probably they are not aware that we have a special law governing the Willamette river and under the statute, fishing is closed on the 15th of June, shut down from the 15th of June until the first day of November, prohibited by statute and it shortens the season very much. That was Mr. Campbell's contention when I told you he appeared before that committee and Senator Bingham would have to acknowledge if he was asked that question, if they were going to take up the tributaries and he said "no," that is, for the state of Oregon. We have a statute prohibiting fishing in the Willamette from the 15th day of June, while on the Columbia, they are permitted to

fish until the 25th day of August at the present time and then the closed season, while on the Willamette, we are closed to the 1st day of November, which is a great difference. I would like to have the state look into that matter of the salmon being destroyed by those mills.

THE CHAIRMAN: That is a matter up to the legislature.

MR. STEWART: I believe we all want the same thing. This argument is over a mere technical definition of a word. I believe I can amend the amendment so that we can all follow it. I will offer this amendment to the amendment: That we recommend to our two legislatures that the laws in regard to the Columbia river be retained exactly as they are, but that we recommend to the Oregon legislature that it makes similar laws for the Willamette and Clackamas to remedy the conditions existing there at the present time.

MR. MILLER: I will accept that amendment, except I would like to have it tributaries instead of Willamette and Clackamas.

MR. SINNOTT: Why wouldn't it be a good idea to brush aside some of the motions before us and begin a new one on that.

THE CHAIRMAN: This is not so complicated as you might imagine considering all the talk. The original motion is by Mr. French and there is just one amendment.

MR. STEWART: The reason for specifying the two rivers and not specifying the tributaries is that Washington has prescribed laws which go over to the Snake River country, which do not affect you and on which I understand you have no kick, but we all have a kick on the laws regarding the Willamette and Clackamas.

MR. MILLER: All right; I am satisfied.

MR. ESPY: As I understand it, the joint committee recommended back to the legislature two years ago that such and such laws be passed including the tributaries, and the Washington legislature kept faith in that matter, and through some oversight the Oregon legislature left out the matter of the tributaries. Now, it is germane to the main question that we settle this as a part of the Columbia river pact or agreement; that the Oregon legislature should be asked by the entire committee to pass laws to make it conform with their recommendation of their committee, which the Washington legislature lived up to. I believe this is a good amendment at this time.

MR. MAGONE: Are those documents to be had? Is that agreement in that document? I say there were not there. There is nothing in the document to show there was any such thing as the tributaries were included.

MR. ESPY: I have the word of the gentlemen who were present; they say that was the agreement, that all the tributaries should be included in the pact.

MR. MAGONE: I would like to have that read.

A VOICE: The chairman.

THE CHAIRMAN: The question is upon the amendment as presented by Senator Stewart. Are you ready for the question?

Whereupon a roll call was had that resulted as follows:

Those voting aye were: Messrs. Espy, Stewart, Chappell, French, Drissler, Norton, Smith, Magone, Miller.

Those voting no were: Messrs. Sinnott, Lester, Gill, Belland, Eastham.

Absent: Mr. Christensen.

Not voting: Mr. Megler.

THE CHAIRMAN: The amendment is carried, by vote of nine to five.

MR. ESPY: Now, Mr. Chairman, I would like to suggest and move an amendment which will cover the matter which I believe is germane to the whole proposition. I will state the proposition first and make the amendment later. I understand I am talking to the motion. We have learned from the United States deputy in charge and also to the statement of practically all the people who have come before us today that the fish go up as far as Celilo or shortly below there and are stopped there from making any further progress by reason of natural barriers on the one hand, and secondly by the reason of the fish wheel leads that retain them in the fish wheel leads, during the closed season, particularly with reference to the twenty-four hour closed season during Sunday, and to a lesser degree with regard to the fall season. The result is that they get behind those leads and can get no further. Now, in all our traps and gear on the lower river, the law now provides and it is enforced that where fish get behind these leads, at the end of that lead, there must be a means of egress so that they can continue up the stream and pass by the net or trap. It is only fair, I believe, that all classes of gear should be under the same head. I have no prejudice at all, I will say, against the fish wheel, provided it is run the same way that the other gear is, but if a fish wheel or any other gear at the upper end of the river is allowed to hold this road, holding the fish until they get up behind, where they may be taken—held there for twenty-four hours, until that wheel, or whatever appliance it may be, can begin to operate again after the twenty-four hours—it is not consistent with the general intent of the law; and therefore, I want to say at this time, I would make an amendment to the motion as it now reads, to the effect that we further recommend that the two states do provide proper fishways over the Celilo Falls and further require that all leads, of whatever nature, shall be supplied with a means of egress, whereby the fish may proceed on their way up the river during the closed season. I think that is rather a long amendment, but I suppose I have made by position clear. At the present time, these fish, according to the testimony of the United States officer who is here and who would have no prejudice in the matter, these fish are taken into these wheels and effectually held until the apparatus can begin to scoop them up. On this matter, I will say in explanation

that when I was called to the door a moment ago, the fish commissioner of our state called this to my attention and asked that something be done. I told him that I was fearful that I would be held out there in the hall too long to do it. If we protect these fish, we must supply means of getting them over the falls. If we do that, we not only have the fishway, but we must have a way by which they can get from behind these leads to the fishway or other means to get up around them from behind the wheels. This is done in all manner of gear in the lower river and that can easily be done in the upper river.

MR. SINNOTT: The fish commissioner may have been misunderstood. I believe he said that he had not passed over there and had not informed himself of the condition at Celilo Falls this side of the wheels. Two years ago when I was there, I called Senator Chase's attention to the condition. There is not a fall there—it is rather a cascade comes over and the fish go up there; and there is all the way from the outside of the wheel, from a quarter of a mile to half a mile, sometimes a mile for the fish to get up, but there was an objection made to the way Taft had his wheel arranged. He had a long runway running up to this wheel and at the upper end of the wheel he had a gate and the gate was blocked. Two years ago, Mr. McAllister was up there and at that time, he objected to the gate being dropped and Mr. Taft promised to have that gate fixed. It was arranged, I think, so it could be easily raised. That has been done and in addition to that, they invoked the law on Mr. Taft. We have a law that no channel shall be stopped, on the Oregon statutes, and they threatened to have him arrested on that law. They decided when he made this promise—and I think he made the promise good—that they would drop the matter. I have no objection to what you are trying to get at, but I want to make that explanation of the situation up there.

MR. MILLER: Do you contemplate that as an amendment to the original motion or put that in as a recommendation?

MR. ESPY: I would like to incorporate it in the original motion, that is to be consistent. If we say the present law is sufficient and then ask that the present law be changed it strikes me that we are not very consistent in that matter. If with regard to Oregon, that may be true, I understand it is not true with Washington. We have been asking Oregon to conform with our laws and we think you ought to reciprocate so that both sides of the river will be equally protected. I think Washington is not asking any more than a fair, square deal in the matter and we are willing, I am sure, all of us are willing to abide by the same law which is now in force on the rest of the river.

MR. NORTON: I second Mr. Espy's motion.

THE CHAIRMAN: The motion might be shortened a little.

MR. ESPY: With the consent of my second, I will make it as follows: That we further recommend that the two states provide proper

fishways over the cascades at Celilo and to require all leads to have openings at the upper end to allow the fish to proceed out on their upper journey during the closed season, including Sundays.

MR. NORTON: I second that, because it seems to be to me evidently fair. If we are going to have a closed season, we want to see that the fish can go up without any obstructions. It can't do any harm to let this go to both legislatures in that form.

THE CHAIRMAN: I couldn't remember the motion to repeat it word for word, and I will ask the stenographer to read it.

Whereupon the motion was by the reporter read.

MR. STEWART: I believe this is unnecessary and I believe I shall oppose it on that ground, and for the further reason stated by Mr. Sinnott; that these are not falls, they are only rapids; that these leads are open as they should be now, and I believe I shall oppose the amendment on the general ground that the less laws we ask for, the more law we are liable to get.

MR. SMITH: It seems as though this motion coming just now is a little late. The original motion has been amended and amended. The original motion is that the laws stand as they are now. We amended that, that the Oregon law be amended to conform with the Washington law. If we vote on that, it will add a section and it is not an amendment to the law. I believe it would be better to vote on the motion as it is and as amended.

MR. ESPY: I merely suggest that if you want to vote that down, if it is not necessary, that is all right; I understand you have the law in Washington and that we haven't in Oregon. If, on the other hand, you want to be consistent, in all fairness, before you say the law is all right and absolutely what you want, you should state what you want.

MR. SINNOTT: It is absolutely unnecessary to provide for any fish-ladder at Celilo, and you couldn't put up one for less than fifty or a hundred thousand dollars. The wide stretch of river to go up; and right opposite the Taft fish wheel the Indians fish with fish nets at a distance from his wheel of a quarter to half a mile. The other objection of Mr. Taft's trapping the fish in there was remedied in there by Mr. McAllister, who had Mr. Taft arrested for it. Now, he has to have the protection up at the head of the rapids as there is a swell there which brings in all the drift wood and if he didn't have a gate there, the drift wood would drift into the wheel. The lower part has a gate and the upper part has iron rods. Now, at the time the complaint was made, the gate was jammed in there and Mr. Taft was arrested, but he was not prosecuted. The action was dismissed; he promised to remedy that and he did. I have no objection to anything of that kind, but I want it in here, just as a matter of record.

MR. ESPY: I will explain that we provide a fishway simply means in this case, of course, if it is necessary. Of course if it has been

provided that is all we can ask for and in effect it is, that the two states see to it that there is a fishway to carry the fish up at all seasons of the year at low water as well as high water. And further, that they shall have means of egress from behind these leads. If they already have them, nobody is hurt; if they have not, we want them. It is a good thing to provide.

MR. FRENCH: I am inclined to think that if Mr. Riseland would not have asked for this unless there was some necessity for it.

THE CHAIRMAN: Let the secretary call the roll.

Whereupon a roll call was had that resulted as follows:

Those voting aye were: Messrs. Espy, Stewart, Drissler, Norton, Sinnott, Lester, Magone, Gill, Miller, Belland.

Those voting no were: Messrs. Chappell, French, Smith, Eastham. Not voting: Mr. Megler.

Excused: Mr. Christensen.

THE CHAIRMAN: The amendment is adopted, ten to four.

MR. MILLER: I would like to know who is going to provide the money to put in this wall?

THE CHAIRMAN: The question is upon the amended motion by Mr. French, that the laws remain as they are, with this amendment which has been attached to it. Are you ready for the question?

MR. BELLAND: I want to state that I am not satisfied with the present law. Most of the members here are not fishing men or interested in fishing. If you will keep track of the output on the Columbia river for the next three years to come, you will have less fish in the Columbia, notwithstanding the hatchery.

Whereupon a roll call was had, with the following result:

Those voting aye were: Messrs. Belland, Miller, Gill, Smith, Norton, Sinnott, Drissler, French, Chappell, Stewart, Espy, Eastham.

Those voting no were: Messrs. Magone, Lester.

MR. STEWART: I move that a committee of three be appointed by the chairman to prepare resolutions to submit to the legislature.

THE CHAIRMAN: I appoint Mr. French, Mr. Stewart, and Mr. Sinnott to prepare these copies for the legislature and submit a copy to the legislature and one for each member of the committee.

Whereupon, upon motion, the meeting adjourned.

MESSAGES TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 8, 1911.

MR. PRESIDENT:

The House has passed Senate bill No. 114, entitled "An act relating to legal holidays, and declaring an emergency," and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 8, 1911.

MR. PRESIDENT:

The speaker has signed Senate bill No. 77, entitled "An act relating to all commercial waterway districts, providing for their establishment, organization and creation, prescribing the powers, duties," etc.;

Also Senate bill No. 52, entitled "An act to legalize and validate the organization, establishment and creation of commercial waterway districts," etc.;

Also Senate joint resolution No. 5, "Relating to the purchase of the Wenatchee bridge across the Columbia river;"

Also House joint memorial No. 9, "Relating to the distribution of the battleships and cruisers of the American navy;"

Also House joint memorial No. 14, "Relating to the Sulloway Bill, providing for a flat pension for all soldiers over sixty-two years of age," etc.

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., February 8, 1911.

MR. PRESIDENT:

Your committee on enrolled bills, to whom was referred Senate bill No. 114, entitled "An act relating to legal holidays, and declaring an emergency," have compared same with the original bill and find it correctly enrolled.

Respectfully submitted.

GEO. W. SHAEFER, *Chairman.*

We concur in this report: John A. Whalley, H. A. Espy, Peder Jensen, B. H. Bowen.

The president signed House joint memorials Nos. 9 and 14 and Senate bill No. 114.

INTRODUCTION OF BILLS.

Senate bill No. 184, by Senator White, entitled "An act amending section 4164, Remington and Ballinger's Annotated Codes and Statutes, relating to drainage districts."

The bill was read the first time, and on motion of Senator White the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on dikes and drainage.

Senate bill No. 185, by Senator Hewitt, entitled "An act providing for the holding of sessions of the superior court elsewhere than at the county seat in any county of the state containing any city not the county seat, having a population exceeding the population of the county seat, and authorizing the county commissioners of any such county to defray the expenses of said sessions, and declaring an emergency."

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

Senate bill No. 186, by Senator Metcalf, entitled "An act relating to the prevention of wrongs to children and dumb animals and providing for a bureau of child and animal protection."

The bill was read the first time, and on motion of Senator Metcalf, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on public morals.

Senate bill No. 187, by Senator Collins, entitled "An act to amend sections three (3) and fifty-one (51), and to repeal section fifty-two (52) of an act entitled 'An act relating to the registration and confirmation of titles to land,' and declaring an emergency, being chapter 250 of the Session Laws of Washington for 1907."

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

Senate bill No. 188, by Senator Bowen, entitled "An act defining adulteration of and establishing standards for certain dairy products."

The bill was read the first time, and on motion of Senator Bowen, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on pure food and drugs.

Senate bill No. 189, by judiciary committee, entitled "An act relating to the terms of office and the election of judges of the

supreme court, and amending section 9043 of Remington & Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Rosenhaupt, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 190, by Senator Stewart (by request), entitled "An act to provide for removal and disposal of saw logs, spars, piles, poles, cordwood, shingle bolts and other timber products deposited upon lands by floods, freshets and other natural causes."

The bill was read the first time, and on motion of Senator Stewart, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on commerce and manufactures.

Senate bill No. 191, by Senator Bassett, entitled "An act abolishing the office of county coroner, and imposing the duties thereof upon justices of the peace."

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

Engrossed House bill No. 190, entitled "An act controlling the sanitation of shell fish grounds and premises where shell fish are opened, packed or prepared for the market, and controlling the sale of oysters and shell fish for food purposes and providing a penalty."

The bill was read the first time, and on motion of Senator Troy, the rules were suspended, the bill was read the second time by title, and referred to the committee on fisheries.

The secretary read:

HOUSE JOINT RESOLUTION NO. 3.

Be it resolved by the Legislature of the State of Washington:

SECTION 1. That a commission be appointed consisting of one member of the Senate appointed by the president of the Senate, and two members of the House appointed by the speaker, to investigate the Bellingham armory.

SEC. 2. Such commission shall have authority to examine the said

building, the method of construction thereof, the materials in, or being put therein, or used in the construction thereof, to examine the plans and specifications for said armory and the contracts for and accounts in connection with the construction thereof; and may subpoena and examine witnesses and compel the attendance of witnesses or the production of any book or papers or other matter before them to the extent of a full and complete investigation as to said commission shall be deemed necessary.

SEC. 3. All expenses incurred by said commission in the summoning of witnesses, witness fees, clerk hire, or otherwise, shall be reported to the House, and when approved by the House shall be paid as other legislative expenses are paid. The actual traveling and hotel expenses of the individual members of said commission shall be paid by their respective houses.

On motion of Senator Landon, the resolution was read the second time and ordered referred to the committee on military.

GENERAL FILE.

Engrossed House bill No. 137, entitled "An act providing for the amendment of section 7, article 11 of the constitution of the State of Washington, relating to county officers, and providing that no county treasurer shall be eligible to hold his office more than two terms in succession," was read third time.

Senator Davis moved to amend by striking all of lines 8 and 9 in section 1 of the engrossed bill.

The motion failed to carry.

Senator Nichols moved to amend the bill by adding at the end of line 9, section 1 of the engrossed bill, the words "and other county officers more than five terms in succession."

Senator Anderson moved as a substitute that the bill be referred to the committee on judiciary.

The substitute motion failed to carry.

A roll call on the amendment proposed by Senator Nichols was demanded by Senators Nichols, Huxtable, Ruth, Landon, Allen (P. L.), Myers, Cox.

The secretary called the roll and the amendment failed of adoption by the following vote:

Those voting aye were: Senators Bryan, Hutchinson, Nichols, Rosenhaupt, Shafer, Whalley, Whitney, Mr. President—8.

Those voting nay were: Senators Anderson, Arrasmith, Bas-

sett, Bowen, Brown, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Roberts, Ruth, Rydstrom, Smithson, Stephens, Stevenson, Troy, White—30.

Those absent or not voting were: Senators Allen (F. J.), Allen (P. L.), Piper, Stewart—4.

Senator Davis moved to amend the bill by striking lines 8 and 9 of section 1 of the engrossed bill and inserting in lieu thereof the words "Section 7. Any county officer may be eligible to hold his office for more than two terms in succession."

A roll call on the proposed amendment was demanded by Senators Landon, Davis, Stephens, Ruth, Eastham, Bowen, Cox, Jackson, White.

The secretary called the roll and the proposed amendment failed to carry by the following vote:

Those voting aye were: Senators Anderson, Bassett, Chappell, Davis, Fishback, Hall, Huxtable, Jensen, Landon, Metcalf, Myers, Ruth, Smithson, Troy—14.

Those voting nay were: Senators Arrasmith, Bowen, Brown, Bryan, Collins, Cox, Eastham, Espy, Falconer, Hammer, Hewitt, Hutchinson, Jackson, Nichols, Roberts, Rosenhaupt, Rydstrom, Shaefer, Stephens, Stevenson, Whalley, White, Whitney, Mr. President—24.

Those absent or not voting were: Senators Allen (F. J.), Allen (P. L.), Piper, Stewart—4.

On motion of Senator White, the bill was amended as follows:

In line 4 of section 3, of the engrossed bill, strike the words "relating to county officers," and insert in lieu thereof the words "removing the prohibition against county officers, except county treasurer, holding office for more than two terms," and by striking line 6, section 3, of the engrossed bill and inserting in lieu thereof the following: "removing the prohibition against county officers, except county treasurer, holding office for more than two terms."

The previous question was moved by Senator Falconer and seconded by Senators Stephens, Troy and Landon.

The motion for the previous question was put and carried.

The secretary called the roll on final passage of House bill No. 137, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Huxtable, Hutchinson, Jackson, Jensen, Metcalf, Myers, Rosenhaupt, Ruth, Rydstrom, Smithson, Stephens, Stevenson, Troy, Mr. President—28.

Those voting nay were: Senators Allen (F. J.), Arrasmith, Eastham, Hewitt, Landon, Nichols, Roberts, Shaefer, Whalley, White, Whitney—11.

Those absent or not voting were: Senators Allen (P. L.), Piper, Stewart—3.

On motion of Senator Rosenhaupt the title of the bill was stricken and the following inserted in lieu thereof as the title of the bill: "An act to amend section 7 of article XI of the constitution of the State of Washington, relating to the terms of office of county officers."

There being no objection, the title of the bill as amended was ordered to stand as the title of the act.

Senator Hutchinson gave notice of a motion to reconsider the vote by which House bill No. 137 passed the Senate.

Senate bill No. 130, by Senator Bassett, entitled "An act amending section 4504, Remington and Ballinger's Annotated Codes and Statutes, relating to the duties of school directors of the first class," was read third time.

The secretary called the roll on final passage of Senate bill No. 130, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Stephens, Stevenson, Troy, Whalley, White, Whitney, Mr. President—33.

Those absent or not voting were: Senators Allen (P. L.), Anderson, Cox, Hewitt, Huxtable, Nichols, Piper, Smithson, Stewart—9.

On motion of Senator Metcalf, the title of the bill was stricken and the following inserted as the title of the bill: "An act relating to the duties of school directors of districts of the first class and amending section 4504, Remington and Ballinger's Annotated Codes and Statutes of Washington."

There being no objection, the title of the bill as amended was ordered to stand as the title of the act.

Senate bill No. 131, by Senator Bassett, entitled "An act amending section 4558, Remington and Ballinger's Annotated Codes and Statutes relating to the duties of county treasurers as treasurers of school districts," was read third time.

The secretary called the roll on final passage of Senate bill No. 131 and it passed the Senate by the following vote:

Those voting aye were. Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Eastham, Falconer, Fishback, Hall, Hammer, Jensen, Landon, Metcalf, Myers, Nichols, Roberts, Ruth, Rydstrom, Smithson, Stephens, Stevenson, Troy, Whalley, White, Whitney, Mr. President—30.

Those absent or not voting were: Senators Allen (P. L.), Cox, Davis, Espy, Hewitt, Hutchinson, Huxtable, Jackson, Piper, Rosenhaupt, Shaefer, Stewart—12.

On motion of Senator Metcalf, the title of the bill was stricken and the following inserted in lieu thereof as the title of the bill: "An act relating to the duties of county treasurers as treasurers of school districts and amending section 4558, Remington and Ballinger's Annotated Codes and Statutes of Washington."

There being no objection, the title of the bill as amended was ordered to stand as the title of the act.

Senate bill No. 132, by Senator Bassett, entitled: "An act amending article 8, chapter 4, title 3, chapter 97, Session Laws, 1909, by adding certain new sections thereto and relating to the duties of county auditors in connection with the work of the school districts of the county," was read third time.

On motion of Senator Bassett, the bill was amended by striking in line 3, section 1, of the bill the word and figures "7 and 8," and inserting in lieu thereof the following "7, 8, 9, and 19."

The secretary called the roll on final passage of Senate bill No. 132, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Davis, Eastham, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Troy, Whalley, White, Whitney, Mr. President—36.

Those absent or not voting were: Senators Allen (P. L.), Cox, Espy, Huxtable, Piper, Stewart—6.

On motion of Senator Rosenhaupt, the title of the bill was stricken and the following inserted in lieu thereof as the title of the bill: "An act relating to the duties of county auditors and amending title 3, chapter 4, article 8 of chapter 97 of the Session Laws of 1909, by adding certain sections thereto."

There being no objection, the title of the bill as amended was ordered to stand as the title of the act.

Senate bill No. 120, by Senator Jensen, entitled "An act amending section 140 of chapter 249 of the Session Laws of 1909, and abolishing the infliction of death as a penalty for the crime of murder in the first degree and substituting therefor imprisonment in the state penitentiary for life," was read third time.

Senator Collins moved that the bill be indefinitely postponed.

A roll call on the motion to indefinitely postpone was demanded by Senators Falconer, Landon, Jensen, Stephens, Allen (P. L.), Troy, Ruth.

The secretary called the roll, and the motion to indefinitely postpone Senate bill No. 120 prevailed by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Bassett, Brown, Collins, Cox, Eastham, Falconer, Fishback, Huxtable, Landon, Meyers, Nichols, Roberts, Rydstrom, Shaefer, Smithson, Stephens, Troy, Whalley—21.

Those voting nay were: Senators Arrasmith, Bowen, Bryan, Chappell, Espy, Hall, Hammer, Hewitt, Hutchinson, Jackson, Jensen, Metcalf, Rosenhaupt, Ruth, Stevenson, White, Whitney, Mr. President—18.

Those absent or not voting were: Senators Davis, Piper, Stewart—3.

On motion of Senator Allen (P. L.), Senate bills Nos. 170 and 171, which were next on the calendar, went over until tomorrow.

Senate joint resolution No. 7, "Relating to a resolution heretofore passed concerning the election of United States senators," was read third time.

Senator Allen (F. J.), moved that the resolution be indefinitely postponed.

Senator Falconer moved that the resolution be ordered re-referred to the committee on judiciary.

The motion of Senator Falconer prevailed and the resolution was re-referred to the committee on judiciary.

House joint memorial No. 15, "Memorializing Congress relative to tariff legislation," was read third time.

The secretary called the roll on final passage of House joint memorial No. 15, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bassett, Bowen, Brown, Bryan, Cox, Davis, Eastham, Falconer, Fishback, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Landon, Metcalf, Myers, Nichols, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Whalley, Whitney, Mr. President—32.

Those voting nay were: Senators Chappell, Hall, Jensen, Troy, White—5.

Those absent or not voting were: Senators Anderson, Collins, Espy, Piper, Stewart—5.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES.

MR. PRESIDENT:

OLYMPIA, WASH., February 8, 1911.

The speaker has signed Senate bill No. 114, entitled "An act relating to legal holidays and declaring an emergency," and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

On motion of Senator Metcalf, the rules were suspended and House joint memorial No 15 was ordered immediately transmitted to the House.

At 4: 15 p. m., on motion of Senator Allen (P. L.), the Senate adjourned until 10: 00 o'clock tomorrow morning.

W. M. T. LAUBE,
Secretary of the Senate.

W. H. PAULHAMUS,
President of the Senate.

THIRTY-SECOND DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASH., Thursday, February 9, 1911.

The Senate was called to order at 10:00 o'clock a. m., by President Paulhamus, pursuant to adjournment.

Rev. G. R. Messiah offered prayer.

The secretary called the roll, all members being present.

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

A petition from local No. 446 of the barber's union urging the passage of House bill No. 135 was read and ordered placed on file, as were also petitions from certain voters of Seattle and King county praying the enactment of the initiative and referendum.

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

Resolved, That the chairman of Senate committees notify the secretary on the morning of any day on which they desire their respective committees to meet, and that the secretary be and is hereby instructed to name the hour and assign the rooms in which said committees shall meet.

On motion of Senator Bassett, Senators Whalley, Stephens and Hall were excused from attendance on today's sessions in

order that they might attend the meetings of the joint committee on insurance.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

OLYMPIA, WASH., February 9, 1911.

MR. PRESIDENT:

We, your committee on game, to whom was referred Senate bill No. 94, entitled "An act declaring certain animals, birds and fishes the property of the people of the state; providing for the protection of certain classes and varieties thereof; providing for the destruction of certain classes and varieties thereof; providing for a method of enforcement hereof; providing penalties for violating the provisions hereof and repealing all laws in conflict herewith," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the bill herewith submitted be substituted therefor.

JOSIAH COLLINS, *Chairman*.

We concur in this report: A. B. Eastham, F. L. Stewart, Chas. E. Myers, Arvid Rydstrom, Ed Brown, John E. Chappell.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 9, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred Senate bill No. 173, entitled "An act for the relief of the suffering and starving victims of famine in China, and making an appropriation therefor, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

J. A. FALCONER, *Chairman*.

We concur in this report: A. W. Anderson, D. H. Cox, H. O. Fishback, Daniel Landon, D. S. Troy, J. D. Bassett, Oliver Hall, A. S. Ruth, John L. Roberts.

Senator Falconer moved the adoption of the report of the committee.

A roll call on the motion was demanded by Senators Allen (P. L.), Nichols, Ruth, Jensen, Piper, Chappell, Huxtable.

The secretary called the roll, and the report of the committee was adopted by the following vote:

Those voting aye were: Senators Anderson, Bowen, Brown, Chappell, Collins, Cox, Eastham, Falconer, Fishback, Hammer,

Huxtable, Jensen, Metcalf, Myers, Nichols, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Troy, White, Whitney, Mr. President—24.

Those voting nay were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bassett, Espy, Hutchinson, Landon, Piper, Rosenhaupt, Stewart—10.

Absent or not voting were: Senators Bryan, Davis, Hall, Jackson, Stephens, Stevenson, Whalley, Hewitt—8.

At the request of Senator Rosenhaupt, the report of the committee on appropriations on Senate bill No. 44 was, by unanimous consent, withdrawn.

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., February 9, 1911.

We, your committee on appropriations, to whom was referred Senate bill No. 128, entitled "An act appropriating two thousand nine hundred and twenty-three (\$2,923.00) dollars to pay witness fees and mileage to persons summoned before the state board of tax commissioners to testify as to valuation of property," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman*.

We concur in this report: A. W. Anderson, F. C. Jackson, D. H. Cox, H. O. Fishback, Daniel Landon, D. S. Troy, J. D. Bassett, Oliver Hall, A. S. Ruth, John L. Roberts.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., February 9, 1911.

We, your committee on appropriations, to whom was referred Senate bill No. 153, entitled "An act appropriating the sum of one hundred eighty-six thousand three hundred twenty and 75-100 dollars from the state shore land improvement fund (said sum being the unexpended balance of the two hundred and fifty thousand dollars set apart and appropriated by chapter 218 of the Laws of 1909), and providing for the expenditure thereof in connection with the construction and improvement of the Lake Washington canal in King county, Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

J. A. FALCONER, *Chairman*.

We concur in this report: F. C. Jackson, D. H. Cox, H. O. Fishback, Daniel Landon, D. S. Troy, J. D. Bassett, Oliver Hall, A. S. Ruth, John L. Roberts, A. W. Anderson.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 9, 1911.

MR. PRESIDENT:

We, your committee on education, to whom was referred Senate bill No. 18, entitled "An act to amend chapter 97 of the Session Laws of 1909, being an act establishing, providing for the maintenance of, and relating to, a general and uniform public school system for the State of Washington, providing penalties for the violation of the provisions of this act, and repealing all acts and parts of acts in conflict with the provisions of this act," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the bill submitted herewith be substituted therefor and do pass.

J. D. BASSETT, *Chairman*.

We concur in this report: Oliver Hall, Chas. E. Myers, Peder Jensen, John A. Whalley.

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

SENATE CHAMBER
OLYMPIA, WASH., February 9, 1911.

MR. PRESIDENT:

We, your committee on labor and labor statistics, to whom was referred Senate bill No. 100, entitled "An act providing for the labeling of all convict-made goods offered for sale in this state and providing penalties for the violation thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass, with the following amendment:

In the title strike the words "Providing for" and insert in lieu thereof the words "relating to," and after the words "labeling of" strike the word "all."

In line 25, page 1 of the original bill, same being line 6, section 2 of the printed bill, immediately preceding the word "tag" strike the word "paper" and insert in lieu thereof the word "substantial."

RALPH METCALF, *Chairman*.

We concur in this report: Jesse Huxtable, Frank C. Jackson, John L. Roberts.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 9, 1911.

MR. PRESIDENT:

We, your committee on labor and labor statistics, to whom was referred Senate bill No. 112, entitled "An act creating a commission to

investigate the operation of coal mines in the State of Washington, to revise the coal mining laws of the state, to report their conclusions to the next legislature, and providing an appropriation therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass, with the following amendments:

In the title strike the words "creating a commission to investigate" and insert in lieu thereof the words "relating to," and after the word "Washington" insert "creating a commission."

In line 25, page 1 of the original bill, same being line 7, section 2 of the printed bill, after the words "provided for" insert "with the advice and assistance of the attorney general."

In line 3, page 3 of the original bill, same being line 2, section 6 of the printed bill, after the word "members" insert "and members."

In line 18, page 3 of the original bill, same being line 2, section 8 of the printed bill, after the words "sum of" strike the word "two" and insert in lieu thereof the word "three" and in the parentheses strike the figure "2" and insert in lieu thereof the figure "3."

RALPH METCALF, *Chairman.*

We concur in this report: Jesse Huxtable, John L. Roberts, J. A. Falconer, F. C. Jackson.

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

On motion of Senator Falconer, the bill was ordered re-referred to the committee on appropriations.

SENATE CHAMBER,

OLYMPIA, WASH., February 9, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred House bill No. 29, entitled "An act for the relief of Stewart E. Smith of King county," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman.*

We concur in this report: A. W. Anderson, Frank C. Jackson, D. H. Cox, H. O. Fishback, Daniel Landon, D. S. Troy, J. D. Bassett, Oliver Hall, A. S. Ruth, John L. Roberts.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 9, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred House bill No. 98, entitled "An act for the relief of Mary A. Bradley, William

O. Bradley, Janie Bradley and Florence Bradley, of Spokane county and making an appropriation therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman.*

We concur in this report: A. W. Anderson, D. H. Cox, H. O. Fishback, Daniel Landon, D. S. Troy, J. D. Bassett, Oliver Hall, A. S. Ruth, John L. Roberts.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 8, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate joint resolution No. 7, "Relating to an amendment to the constitution relative to the election of United States senators," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: Geo. W. Shaefer, J. W. Bryan, Daniel Landon, H. M. White, Josiah Collins.

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

On motion of Senator Stevenson, the majority and minority reports of the committee named under Senate joint resolution No. 2 were ordered printed.

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT.
OLYMPIA, February 8, 1911.

To the Senate:

I am directed by the governor to inform you that he has this day approved Senate bill No. 114, entitled "An act relating to legal holidays and declaring an emergency."

FRANK M. DALLAM, JR., *Private Secretary.*

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 9, 1911.

MR. PRESIDENT:

The speaker has signed House joint memorial No. 15, "Relating to the revision of the tariff affecting the industries of western portion of the United States."

Also the House has passed House bill No. 211, entitled "An act relating to fees of witnesses in criminal cases;"

Also House bill No. 181, entitled "An act regulating the sale of bottled milk and bottled cream in cities of the first class, etc.;"

Also engrossed House bill No. 179, entitled "An act amending section 260, chapter 249, Session Laws of 1909, regulating the sale of milk and cream in cities of the first class, etc.;"

Also House bill No. 175, entitled "An act providing for the relief of the legatees of Abraham Barendse, deceased;"

Also engrossed House bill No. 134, entitled "An act amending section 1, chapter 58, of Session Laws of 1905, relating to contracts, etc.;"

Also House bill No. 189, entitled "An act to amend sections 2, 3 and 19 of an act entitled 'An act to provide a system of registration of births and deaths,' etc.."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

INTRODUCTION OF BILLS.

Senate bill No. 192, by Senator Myers, entitled "An act providing for screens at the head of irrigating canals, flumes or ditches, and amending section 1, chapter 79, Session Laws of 1905."

The bill was read the first time, and on motion of Senator Myers, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on game fish.

Senate bill No. 193, by Senator Chappell, entitled "An act to create the county of White Salmon subject to the requirements of the state constitution and the statutes in respect to the establishment of new counties, and declaring an emergency."

The bill was read the first time, and on motion of Senator Chappell, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on counties and county boundaries.

Senate bill No. 194, by Senator Ruth, entitled "An act amending sections 1 and 2, chapter 220, Session Laws of 1909, relative to the hours of employment of persons employed under ground in coal mines, making a violation thereof a misdemeanor, and providing penalties."

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

time by title, ordered printed and referred to the committee on mines and mining.

Senate bill No. 195, by Senator Bassett, entitled "An act amending section 4562, Remington & Ballinger's Annotated Codes and Statutes, relating to apportionment of the state current school fund."

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

Senate bill No. 196, by Senator Hutchinson, entitled "An act to amend section 5938 of Remington & Ballinger's Annotated Codes and Statutes of Washington, relating to the hospital for the insane at Fort Steilacoom."

The bill was read the first time, and on motion of Senator Hutchinson, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on state charitable institutions.

Senate bill No. 197, by Senator Hutchinson, entitled "An act to amend section 5939 of Remington & Ballinger's Annotated Codes and Statutes of Washington, relating to the hospital for the insane at Medical Lake."

The bill was read the first time, and on motion of Senator Hutchinson, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on state charitable institutions.

Substitute Senate bill No. 18, by committee on education, entitled "An act relating to the admission of persons to the state institution for the feeble minded, their maintenance and education, and making certain persons liable therefor, and amending section 4399 of Remington & Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Bassett, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Substitute Senate bill No. 94, by Senator Collins, entitled "An act relating to the protection, distribution, purchase, propagation and classification of certain animals, birds and fishes in the State of Washington; providing penalties for the violation thereof; creating a state game fund, a state game commission, state game wardens and deputies, and repealing all laws in conflict therewith."

The bill was read the first time, and on motion of Senator Collins, the rules were suspended, the bill was read the second time by title, 500 copies ordered printed, and referred to the committee on game.

House bill No. 189, by Mr. Kennedy, entitled, "An act to amend sections 2, 3, and 19 of an act entitled 'An act to provide a system of registration of birth and deaths and the method of reporting birth and deaths and for the issuance of permits for the burial, removal or transportation of bodies of deceased persons, and fixing the penalty for violation,' approved March 7, 1907."

The bill was read the first time, and on motion of Senator Eastham, the rules were suspended, the bill was read the second time by title, and referred to the committee on medicine, dentistry, surgery and hygiene.

House bill No. 175, by Mr. J. A. Miller, entitled "An act providing for the relief of the legatees of Abraham Barendse, deceased."

The bill was read the first time, and on motion of Senator Brown, the rules were suspended, the bill was read the second time by title, and referred to the committee on appropriations.

Engrossed House bill No. 134, by Mr. J. A. Miller, entitled "An act amending section 1, chapter 58 of Session Laws, 1905, being section 5289 of Remington & Ballinger's Annotated Codes and Statutes of Washington, relating to contracts and providing that certain contracts shall be void unless in writing."

The bill was read the first time, and on motion of Senator Brown, the rules were suspended, the bill was read the second time by title, and referred to the committee on judiciary.

House bill No. 211, by judiciary committee, entitled "An act relating to fees of witnesses in criminal cases."

The bill was read the first time, and on motion of Senator White, the rules were suspended, the bill was read the second time by title, and referred to the committee on judiciary.

House bill No. 181, by Mr. Wray, entitled "An act regulating the sale of bottled milk and bottled cream in cities of the first class, and providing a penalty for the violation thereof."

The bill was read the first time, and on motion of Senator Troy, the rules were suspended, the bill was read the second time by title, and referred to the committees on pure food and drugs, dairy and live stock.

Engrossed House bill No. 179, by Mr. Wray, entitled "An act amending section 260, chapter 249, Session Laws, 1909, regulating the sale of milk and cream in cities of the first class, and declaring an emergency."

The bill was read the first time, and on motion of Senator Jensen, the rules were suspended, the bill was read the second time by title, and referred to the committees on pure food and drugs, dairy and live stock.

On motion of Senator Metcalf, Senate bill No. 3 was ordered printed.

GENERAL FILE.

Engrossed House joint memorial No. 4, relating to the opening for settlement of certain lands now in the forest reserves, was read third time and placed on final passage.

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

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Espy, Fishback, Hammer, Hutchinson, Huxtable, Jensen, Landon, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Troy, White, Whitney, Mr. President—33.

Voting nay: Senator Nichols—1.

Absent or not voting were: Senators Allen (F. J.), Davis, Falconer, Hall, Hewitt, Jackson, Stephens, Whalley—8.

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

Engrossed House bill No. 5 was placed on third reading.

On motion of Senator Ruth 100 copies of the engrossed bill were ordered printed and the further consideration of the bill went over until receipt of the printed copies.

House bill No. 80, by committee on education, entitled "An act to amend sections 5, 7 and 9, of article I, chapter 12, title III, and section 1 of article IV, chapter 12, title III, and section 1 of article VII, chapter 12, article III, of 'An act establishing, providing for the maintenance of, and relating to, a general and uniform public school system for the State of Washington, providing penalties for the violation of the provisions of this act, and repealing all acts and parts of acts in conflict with the provisions of this act,' being chapter 97, Session Laws of 1909, approved by the governor March 11, 1909," was read third time.

Senator Rosenhaupt moved to amend the bill by inserting the words "and good physical health" after the word "fitness" in line 6, section 1 of the engrossed bill.

A roll call on the proposed amendment was demanded by Senators Rydstrom, Nichols, Ruth, Jensen, Hammer, Bryan, Hutchinson.

The secretary called the roll and the amendment failed to carry by the following vote:

Those voting aye were: Senators Anderson, Chappell, Collins, Cox, Hammer, Hutchinson, Jensen, Metcalf, Nichols, Rosenhaupt, Rydstrom, Shaefer, Stewart, White—14.

Those voting nay were: Senators Allen (P. L.), Arrasmith, Bowen, Brown, Bryan, Eastham, Espy, Falconer, Fishback, Hewitt, Jackson, Landon, Myers, Piper, Roberts, Ruth, Smithson, Stevenson, Troy, Whitney, Mr. President—21.

Absent or not voting were: Senators Allen (F. J.), Bassett, Davis, Hall, Huxtable, Stephens, Whalley—7.

Senator Nichols moved to amend the bill by striking, begin-

ning with the word "Provided" in line 8, section 4 of the printed bill, the balance of line 8 and all of lines 9 and 10.

The amendment was lost.

The secretary called the roll on final passage of House bill No. 80, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (P L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Espy, Falconer, Fishback, Hammer, Hewitt, Hutchinson, Jackson, Landon, Metcalf, Myers, Roberts, Rosenhaupt, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Troy, Mr. President—30.

Those voting nay were: Senators Nichols, Ruth, Whitney—3.

Absent or not voting were: Senators Allen (F. J.), Davis, Hall, Huxtable, Jensen, Piper, Stephens, Whalley, White—9.

On motion of Senator Rosenhaupt, the title of the bill was stricken and the following substituted as the title of the bill: "An act relating to a general and uniform public school system for the State of Washington and amending sections 5, 7 and 9, article I, chapter 12, title III, and section 1, article IV, chapter 12, title III, and section 1, article VII, chapter 12, title III of the Code of Public Instruction."

There being no objection, the title of the bill as amended was ordered to stand as the title of the act.

Engrossed House bill No. 113, by Messrs. McQuesten and Johnson, entitled "An act authorizing boards of county commissioners to create districts in which live stock shall not run at large, repealing chapter 230 of the Session Laws of 1907, and also repealing sections 3166 to 3180, inclusive, of Remington and Ballinger's Annotated Codes and Statutes of Washington, providing a penalty for violation thereof, and declaring an emergency," was read third time.

On motion of Senator Stevenson, the bill was amended by striking the words "to keep them under control," in line 6, section 5 of the engrossed bill.

The secretary called the roll on final passage of engrossed

House bill No. 113 in the Senate, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Arrasmith, Bassett, Bowen, Bryan, Chappell, Collins, Cox, Eastham, Espy, Falconer, Fishback, Hammer, Hewitt, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Roberts, Rydstrom, Shaefer, Stevenson, Stewart, Troy, Whalley, White, Mr. President—29.

Those voting nay were: Senators Allen (F. J.), Anderson, Brown, Hall, Nichols, Piper, Rosenhaupt, Ruth, Smithson, Whitney—10.

Absent or not voting were: Senators Davis, Huxtable, Stephens—3.

The roll was called on the emergency clause, and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Arrasmith, Bowen, Chappell, Cox, Eastham, Espy, Fishback, Huxtable, Jackson, Jensen, Landon, Roberts, Rosenhaupt, Rydstrom, Shaefer, Stevenson, Troy, Mr. President—19.

Those voting nay were: Senators Allen (F. J.), Anderson, Bassett, Brown, Bryan, Collins, Falconer, Hall, Hammer, Hewitt, Hutchinson, Metcalf, Myers, Nichols, Piper, Ruth, Smithson, Stewart, Whalley, White, Whitney—21.

Absent or not voting were: Senators Davis, Stephens—2.

On motion of Senator Rosenhaupt, the title of the bill was stricken and the following inserted as the title of the bill: "An act relating to the regulation of live stock in the districts established by the county commissioners and repealing sections 3166 to 3180, inclusive, of Remington and Ballinger's Annotated Codes and Statutes of Washington and chapter 230 of the Session Laws of 1907."

There being no objection, the title of the bill as amended was ordered to stand as the title of the act.

Senator Hutchinson moved that the Senate do now reconsider the vote by which House bill No. 137 passed the Senate.

The motion carried and on motion of Senator Hutchinson, House bill No. 137 was ordered placed on general file.

At 12:25 p. m., on motion of Senator Allen (P. L.), a recess was taken until 2:00 o'clock this afternoon.

AFTERNOON SESSION.

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

House bill No. 98, by Mr. Phipps, entitled "An act for the relief of Mary A. Bradley, William O. Bradley, Janie Bradley and Florence Bradley, of Spokane county, and making an appropriation therefor," was read third time.

On motion of Senator Stevenson, the Senate resolved itself into a committee of the whole for the purpose of considering House bills Nos. 98 and 29.

The bills were considered in committee of the whole, Senator Allen (P. L.), in the chair, and reported back to the Senate with the recommendation that they do pass.

On motion of Senator Allen (P. L.), the report of the committee was adopted.

The secretary called the roll on final passage of House bill No. 98 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Eastham, Falconer, Fishback, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Troy, White, Whitney, Mr. President—35.

Absent or not voting were: Senators Cox, Davis, Espy, Hall, Landon, Stephens, Whalley—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The secretary read House bill No. 29, entitled "An act for the relief of Stewart E. Smith, King county, State of Washington, and making an appropriation therefor," third time.

The roll was called on final passage of House bill No. 29, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Eastham, Falconer, Fishback, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Troy, White, Whitney, Mr. President—35.

Absent or not voting were: Senators Cox, Davis, Espy, Hall, Landon, Stephens, Whalley—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate joint memorial No. 4, by Senator Allen (F. J.), "Relating to appeals from decisions of the secretary of the interior," was read third time.

The secretary called the roll on final passage of Senate joint memorial No. 4 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Eastham, Falconer, Fishback, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Troy, White, Whitney, Mr. President—34.

Absent or not voting were: Senators Cox, Davis, Espy, Hall, Landon, Nichols, Stephens, Whalley—8.

Senate bill No. 170, by the committee on state, granted, school and tide lands, entitled "An act relating to the deposit of monies received by the commissioner of public lands, and declaring an emergency," was read third time.

Senator Ruth moved to amend by adding to the end of section 2 the following: "Provided, however, That such depository or depositories shall be confined to the banks of Olympia."

The amendment failed to carry.

On motion of Senator Allen (P. L.), the bill was amended by inserting after the word "state" in line 8 of section 3 of the

original bill the following "or bonds of the United States or bonds or warrants of the State of Washington or of any county or school district in this state."

On motion of Senator Jackson, the bill was amended as follows: By inserting after the word "depository" in line 2 of section 7 of the original bill the words "or depositories" and after the word "depository" in line 5 of section 7 of the bill, insert the words "or depositories" and after the word "depository" in line 12 of section 7 of the bill, insert the words "or depositories."

The roll was called on final passage of Senate bill No. 170, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—39.

Those voting nay were: Senators Ruth, Whitney—2.

Absent or not voting: Senator Davis—1.

The roll was called on the emergency clause, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Roberts, Rosenhaupt, Shaefer, Stephens, Stevenson, Troy, Whalley, White, Mr. President—34.

Those voting nay were: Senators Hewitt, Piper, Ruth, Rydstrom, Smithson, Stewart, Troy—7.

Absent or not voting: Senator Davis—1.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 171, by the committee on state, granted, school and tide lands, entitled "An act creating a board of state land commissioners, defining its duties, and declaring an emergency," was read third time.

Senator Stevenson moved to amend the bill by striking therefrom section 9.

A roll call on the motion was demanded by Senators Falconer, Landon, Nichols, Smithson, Fishback, Whalley, Metcalf and Jackson.

The secretary called the roll, and the motion to amend failed to carry by the following vote:

Those voting aye were: Senators Arrasmith, Bassett, Chappell, Eastham, Espy, Hall, Hewitt, Hutchinson, Huxtable, Jensen, Metcalf, Piper, Roberts, Ruth, Rydstrom, Smithson, Stevenson, Stewart, Troy, Whitney—20.

Those voting nay were: Senators Allen (F. J.), Allen (P. L.), Anderson, Bowen, Brown, Bryan, Collins, Cox, Falconer, Fishback, Hammer, Jackson, Landon, Myers, Nichols, Rosenhaupt, Shaefer, Stephens, Whalley, White, Mr. President—21.

Absent or not voting: Senator Davis—1.

Senator Stewart moved that the bill be indefinitely postponed.

A roll call on the motion was demanded by Senators Brown, Nichols, Allen (P. L.), Allen (F. J.), Myers, Whitney, Piper, Smithson, Hutchinson, White.

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

Those voting aye were: Senators Arrasmith, Eastham, Hall, Hewitt, Hutchinson, Huxtable, Jensen, Roberts, Ruth, Rydstrom, Smithson, Stevenson, Stewart, Whitney—14.

Those voting nay were: Senators Allen (F. J.), Allen (P. L.), Anderson, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Espy, Falconer, Fishback, Hammer, Jackson, Landon, Metcalf, Myers, Nichols, Piper, Rosenhaupt, Shaefer, Stephens, Troy, Whalley, White, Mr. President—27.

Absent or not voting: Senator Davis—1.

Senator Espy moved that the bill be re-referred to the committee on judiciary with instructions to that committee to amend the bill so that the "state land commissioners" will be elective instead of appointive.

The motion failed to carry.

The secretary called the roll on final passage of Senate bill No. 171 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Bassett, Bowen, Brown, Bryan, Collins, Cox, Espy, Falconer, Fishback, Hammer, Jackson, Landon, Metcalf, Myers, Nichols, Rosenhaupt, Shaefer, Stephens, Whalley, White, Ruth, Mr. President—24.

Those voting nay were: Senators Allen (F. J.), Arrasmith, Chappell, Eastham, Hall, Hewitt, Hutchinson, Huxtable, Jensen, Piper, Roberts, Rydstrom, Smithson, Stevenson, Stewart, Troy, Whitney—17.

Absent or not voting: Senator Davis—1.

The roll was called on the emergency clause and it failed to pass by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Bassett, Bowen, Brown, Bryan, Cox, Espy, Falconer, Fishback, Hammer, Jackson, Landon, Whalley, White, Mr. President—17.

Those voting nay were: Senators Arrasmith, Chappell, Collins, Eastham, Hall, Hewitt, Hutchinson, Huxtable, Jensen, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whitney—24.

Absent or not voting: Senator Davis—1.

There being no objection the title of the bill was ordered to stand as the title of the act.

Senator Ruth gave notice of a motion to reconsider the vote by which Senate bill No. 171 passed the Senate.

The president signed House joint memorial No. 15.

At 4:35 p. m., on motion of Senator Allen (P. L.), the Senate adjourned until 10:00 o'clock tomorrow morning.

WM. T. LAUBE,

Secretary of the Senate.

W. H. PAULHAMUS,

President of the Senate.

THIRTY-THIRD DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASH., Friday, February 10, 1911.

The Senate was called to order at 10:00 o'clock a. m., by President Paulhamus, pursuant to adjournment.

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present except Senators Davis and Stevenson, both of whom were excused.

On motion of Senator Bassett, Senators Stephens and Whalley were excused from attendance on today's sessions to permit them to meet with the joint committee on insurance.

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

By unanimous consent, at the request of Senator Bassett, Senate bill No. 6 with the amendments, was re-referred to the committee on insurance.

A communication from Fidelity Grange No. 206, relating to the method of adopting school text books in this state, was read and placed on file, as was also a communication from certain citizens of the city of Seattle praying the enactment of initiative and referendum legislation.

A communication from the Tacoma Chamber of Commerce, endorsing Senate bills Nos. 158 and 85, and urging the completion of state road No. 18, was read and placed on file.

A protest against the passage of Senate bill No. 102 from the city council of Tacoma was read, and on motion of Senator Nichols, was referred to the committee on railroads and transportation.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

OLYMPIA, WASH., February 10, 1911.

MR. PRESIDENT:

We, your committee on memorials, to whom was referred engrossed House joint memorial No. 7, "Relating to a prayer to congress for the extension of time and the relief of desert land owners in the counties of Benton, Yakima and Klickitat," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

GEO. W. SHAEFER, *Chairman*.

I concur in this report: F. L. Stewart.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 10, 1911.

MR. PRESIDENT:

We, your committee on constitution and constitutional revision, to whom was referred House bill No. 60, entitled "An act to amend section 1 of article XXIII of the constitution of the State of Washington, relating to amendments, and providing for the amendment of the constitution by the initiative," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

JESSE HUXTABLE, *Chairman*.

We concur in this report: Josiah Collins, Daniel Landon, R. A. Hutchinson.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 10, 1911.

MR. PRESIDENT:

We, your committee on state, granted, school and tide lands, to whom was referred Senate bill No. 127, entitled "An act relating to or affecting the leasing of what is known as the 'Old University Tract' in the city of Seattle," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

P. L. ALLEN, *Chairman*.

We concur in this report: H. O. Fishback, A. W. Anderson, Geo. W. Shaefer, J. D. Bassett, E. Hammer, Peder Jensen.

On motion of Senator Allen (P. L.), the report of the committee was adopted.

SENATE CHAMBER.

MR. PRESIDENT:

OLYMPIA, WASH., February 9, 1911.

We, your committee on labor and labor statistics, to whom was referred Senate bill No. 29, entitled "An act providing for the payment of salary or wages of public officers and employes, and of employes upon public work, at not exceeding semi-monthly intervals," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass, with the following amendment:

In the title strike the words "providing for" and insert in lieu thereof the words "relating to," and after the word "work" strike the comma and insert in lieu thereof a period, and strike the balance of the title.

RALPH METCALF, *Chairman*.

We concur in this report: Jesse Huxtable, F. C. Jackson, H. B. Hewitt.

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

SENATE CHAMBER.

MR. PRESIDENT:

OLYMPIA, WASH., February 9, 1911.

We, your committee on military, to whom was referred House joint resolution No. 3, "Relating to an investigation of the Bellingham armory," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Strike section 1 and substitute the following: Section 1. That the present investigating committee appointed under provision of House concurrent resolution No. 2, to investigate the National Guard of the State of Washington, be and the same is hereby empowered to investigate the construction of the Bellingham armory.

Section 2. Line 1, section 2, strike the word "such" and substitute the word "said."

Section 3. In line 3, section 3, strike the words "House and when approved by the House" and substitute the following: "Senate and House respectively when approved by the Senate and House respectively."

ED BROWN, *Chairman*.

We concur in this report: John L. Roberts, H. B. Hewitt, F. J. Allen, J. A. Falconer, J. W. Bryan, D. H. Cox.

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

SENATE CHAMBER.

OLYMPIA, WASH., February 9, 1911.

MR. PRESIDENT:

We, your committee on game fish, to whom was referred Senate bill No. 37, entitled "An act for the protection of black bass and perch in

Silver lake, in Cowlitz county," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In section one (1) line two (2) of the printed bill, the same being section one (1) line four (4) of the original bill, insert a comma after the word "year" and in section one (1) line three (3) of the printed bill, the same being section one (1) line six (6) of the original bill, insert a comma after the word "line."

In section one (1) line three (3) of the printed bill, the same being section one (1) line six (6) of the original bill, after the word "lake" insert the words "at any time."

F. L. STEWART, *Chairman.*

We concur in this report: Chas. E. Myers, A. B. Eastham.

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

The president called Senator Ruth to the chair.

REPORT OF SPECIAL COMMITTEE.

MR. PRESIDENT:

We your sub-committee appointed to investigate the Fidalgo and Meskill stone quarries, respectfully report as follows:

FIDALGO QUARRY.

We believe that a mistake was made in establishing the state quarry and installation of a rock crushing plant at Fidalgo, but it having been established there, we believe the stockade, barracks, wharves and power houses are located in the only feasible place for them, notwithstanding criticisms to the contrary.

We believe a very grave mistake has been made in locating the bunkers, as a conveyor must be used in loading rock onto scows, at a cost of four cents per yard, whereas if properly located the loading could all have been done by gravity and with much greater dispatch. The bunkers are well constructed.

As far as the crusher itself is concerned, we believe no great mistake has been made in its location. From the best expert testimony which we have been able to obtain, we believe that the plan of working the open face with coyote holes is preferable to a plan of working by means of the glory hole, which latter method seems to be favored by the superintendent in charge at this time. It perhaps would be feasible, and even advisable, to operate the glory hole immediately back of the crusher with a small gang of men, for the purpose of giving more yard space near the crusher. We are of the opinion that a great deal of unnecessary money has been expended at this quarry in development work, which could have been saved had a plan been outlined for the development of the quarry on a more

economical basis. While the work is not completely lost, yet it has entailed the expenditure of money for which the quarry gets no credit until the plant is in complete operation. From information and figures furnished by the board of control, the average cost of rock in the bunkers, at this plant, for the months of October, November and December, has been \$1.43½ per yard. The total production for the three months above named, was 3,702 yards, whereas if the plant had been operating for twenty days for each month at its minimum capacity of 300 yards per day, the output would have totaled 18,000 yards. However, it is only fair to the management to state that a great deal of the work, during these months, has been development work. The above cost at the bunkers, when added to the transportation charges, makes it utterly impossible to sell the rock at a sufficient price to cover the expenses of production, and we would advise that the control, or the management, under which the plant may be operated, shall proceed to place the quarry and plant in the best possible operating condition and if the cost of production, after operating the plant for six months, can be reduced approximately to 35c per yard in the bunkers, or without loss to the state, we would advise the continuation of the operation thereof, but in the event that this can not be done, we would advise the discontinuing of the operation thereof.

The rock at this quarry is of fair quality for road building purposes, and judging from our own observations and the testimony of those we considered competent judges, we are convinced that there is none better in that vicinity.

We find that one great problem in connection with the operation of the Fidalgo quarry is the matter of transportation, as at this time the best arrangement which can be made entails a cost of 35c per yard from Fidalgo to Seattle, and a further cost of 15c per yard to load from the scows onto the cars. This is in addition to a loading charge of four cents per yard for conveying from the bunker to the scow, and if rock is to be used on any other line of railroad than the C., M. & P. S., an additional charge of 10 cents to 20 cents per yard for switching. The railroad companies have made a rate for transporting this rock of one cent per ton of 2,000 pounds per mile for a distance of 50 miles or less, with a minimum charge of \$5.00 per car. For distances over 50 miles a rate of one cent per ton for the first 50 miles, and three-fourths of a cent per ton per mile until the total cost was reached, 75 cents per ton, but not to exceed 75 cents per ton for any distance under 100 miles, and a flat rate of three-fourths of a cent per ton per mile for distances of 100 miles or over. This is for rock to be used exclusively for state and county roads. This charge for transportation added to the cost of production, which at this time is entirely problematical, will, we fear, make the cost of the product delivered on the ground where it is to be used in excess of what the counties can afford to pay, unless as we believe, when the

crusher gets to operating at its normal capacity the rock can be placed in the bunkers at a cost not to exceed 35 cents per yard. This means that rock could be delivered, for instance, at Kent, Washington, at about \$1.10 per yard on the cars, and at Auburn at about \$1.16.

We also endeavored to find what the charges would be for towing to Everett and Bellingham, but were unable to get a definite figure, but Highway Commissioner Bowlby is of the opinion that the towing charge would be at least 10 cents per yard less than to Seattle, and the unloading charges about the same. The price of towing to Tacoma would be 10 cents per yard more than to Seattle.

The above estimates do not include any allowance for repairs or general deterioration of the plant or general maintenance, which must necessarily be very heavy from the nature of the work.

We are advised that the company operating a crusher at Riverton, in King county, is selling rock at \$1.25 per yard, f. o. b. cars Seattle, and \$1.50 per yard f. o. b. cars Tacoma.

In our judgment there has been mismanagement of the Fidalgo quarry, both under the highway commissioner and the board of control. To some extent this has been caused by the board and the highway commissioner working at cross purposes and not working together for the best interests of the state. We would recommend that the rock quarries and crushing plants of the state be put under a separate head.

MESKILL QUARRY.

Relative to the plant at Meskill, Lewis county, your committee will report that the state has been operating an old plant here which was turned over to them temporarily by the county. The fund appropriated in 1909 for the installation of five rock crushing plants was practically exhausted by the installation or partial installation of crushing plants at other quarries designated before Meskill was reached.

We believe that this is an ideal point for the establishment of a state crusher. The plant is located on the South Bend branch of the Northern Pacific railroad about fourteen miles west of Chehalis. The supply of rock seems, in our judgment, and in accord with the testimony of others, to be inexhaustible and the quality excellent.

While the operation of this plant shows something of a loss since it was started in May, 1910, we believe that it is due mostly to the excessive amount which has been required for repairs and the greater cost of maintenance and operation of a plant which was practically worn out at the time the state took charge of it.

The price at which the rock has been sold was fixed on the estimated cost of production had the plant been in fairly good repair. The board of control on the first day of January raised the price of rock to a point where we believe there will be no loss to the state in its future operation.

The total disbursements at Meskill for the year 1910 and up to Jan-

uary 10, 1911, including all unpaid bills at this time, were \$22,785.51, as follows:

Salaries of supt. and other employes.....	\$5,944	96
Subsistence of employes and convicts.....	4,151	34
Dry goods and clothing.....	1,218	78
Stationery and office supplies.....	254	03
Fuel and oil.....	1,066	83
Repairs	1,414	78
Transportation of convicts.....	679	68
Other transportation expenses.....	342	11
Tools	672	59
Miscellaneous	787	55
Engineers	147	16
Camp equipment	29	84
		\$16,709 65
Machinery	\$3,436	15
Furniture and fixtures.....	786	98
Permanent improvements	1,852	73
		6,075 86
		\$22,785 51

During the same period there has been sold from Meskill quarry:

3,570 yds. of rock @ 50c.....	\$1,785	00
10,599 yds. of rock @ 60c.....	6,359	40
5,603 yds. of rock @ 80c.....	4,482	40
19,772 yds.	\$12,626	80

Which means if we figure on the basis of the amount which properly belongs to operation and repairs, a cost of less than 85c per yard, or including all disbursements, including machinery, permanent improvements, etc., and all supplies still on hand, a cost of about \$1.15 per yard.

The board of control are now selling rock to counties at \$1.00 per yard, f. o. b. cars at Meskill.

This quarry is located directly on the route of state road No. 5 and only a few miles from the proposed Pacific highway running from the north to the south boundary of the state. Rock can be delivered anywhere in a radius of sixty miles on the cars at about the same figure that it can be delivered on the cars at Seattle from the Fidalgo quarry. This means that we could deliver rock at all points on the Northern Pacific from Tacoma to Kalama in Cowlitz county and from Chehalis to South Bend in Pacific county, at no greater cost than to put it on the cars at Seattle from Fidalgo.

The demand for rock for state, state aid and county roads in this section of the state is very great and we believe that the output of No. 6 crusher could be easily disposed of at cost or even a profit to the state.

With the new plant at Meskill we believe rock can be placed in the bunkers at a cost not to exceed thirty-five cents (35c) per yard.

We would recommend that an appropriation of not to exceed thirty-five thousand dollars (\$35,000.00) be made from the state highway fund for the installation of a complete new plant, including barracks, stockade, crusher, etc., at Meskill.

H. O. FISHBACK, *Chairman.*

We concur in this report: Arvid Rydstrom, James McNeely, G. E. Dickson, J. E. Leonard.

On motion of Senator Fishback, the report was received and placed on file.

The secretary read the following report:

To His Excellency, Honorable M. E. Hay, Governor, and to the Honorable, the Legislature of the State of Washington:

The undersigned Uniform Law Commissioners of this state, appointed pursuant to chapter 59 of the Session Laws of 1905, respectfully report as follows:

Since the last session of the legislature and the last report made by the commissioners, two sessions of the Uniform Law Conference have been held, viz., one at Detroit, Michigan, on August 19-23, 1909, and the other at Chattanooga, Tennessee, on August 25-29, 1910. None of the commissioners from this state was able to attend the Detroit conference. At that conference the proposed Stock Transfer Act and the proposed Bills of Lading Act were finally recommended for passage by the states. Other acts were discussed, but none adopted. Mr. Shepard attended the Chattanooga conference, which was the twentieth annual conference of these commissioners. Its sessions which occupied all the working hours of four days were devoted to very thorough consideration of the proposed uniform acts on the Incorporation of Business Corporations, on Family Desertion and Non-support, on Marriage and Licenses to Marriage, and on Wills, Descent and Distribution. The proposed act on Family Desertion and Non-support was debated, amended and recommended for passage by the legislatures of the different states, and a copy of it will be introduced at the coming session of the legislature and laid before that body at the instance of the commissioners. The proposed act relative to wills executed out of the state was also approved and its adoption recommended, and it will be introduced at the coming session in the same way. The other proposed acts, after debate and consideration, were recommended to the committees having them in charge and will be considered again at one or more future conferences.

This seems a suitable occasion for laying before the governor and the legislature the present status of the uniform law movement in the country at large, and of the legislation which has been proposed, adopted and recommended for passage by the states at previous conferences. Commissioners to attend and participate in the conferences on uniform laws have been appointed by forty-six states (counting

Arizona and New Mexico as states), by the District of Columbia and the colonial possessions, Philippine Islands, Hawaii and Porto Rico. The states which have not yet appointed such commissioners are Delaware and Nevada.

The Negotiable Instruments Law, which we have on our statute book, has been passed by thirty-six states, including Arizona and New Mexico, by the District of Columbia and by Hawaii.

The Warehouse Receipts Act has been passed by nineteen states and the District of Columbia.

The Sales Act has been passed by seven states, Connecticut, Maryland, Massachusetts, New Jersey, Ohio, Rhode Island and Arizona.

The Divorce Act has been passed by three states, Delaware, New Jersey and Wisconsin.

The Stock Transfer Act has been passed by three states, Louisiana, Maryland and Massachusetts.

The Bills of Lading Act has been passed by two states, Maryland and Massachusetts.

None of these acts, except the Negotiable Instruments Act, has been adopted by this state. Massachusetts is the only state which has adopted every one recommend by the uniform law conference, and all of which are named above.

The interest in uniform legislation, which for many years was confined only to lawyers, has within the past few years spread to the people at large and now active work in that direction is being carried on by many persons, outside of the bar, who are interested in the improvement of the law in various directions, political, commercial, sanitary, reformatory, and conservational. The first decided step in this direction was taken by the national conference on divorce, held about four years ago at Washington, D. C. Since then various meetings have been held by special bodies interested in particular lines of civic improvement, or other reformatory work, such as insurance commissioners, criminologists and others. The proceedings of the house of governors, held in 1909 and 1910, have done much to arouse an interest in this subject in the public at large, by discussion of the many and important subjects on which there can and should be active co-operation by our state governments, and by bringing this subject to the attention of the state governors and of many leading men in every state. So far little of actual and practical result has been accomplished, but immense good has been done by educating the public and by creating an interest among governors and legislators which will, in due time, bear fruit in beneficial and uniform legislation.

An important conference of the National Civic Federation was also held in January, 1910, at Washington, D. C., at which many subjects which require uniformity of action by the different states were discussed, and much progress towards an agreement on them was made.

A number of the states have provided for a contribution from their treasuries to the expenses of the Uniform Law Conference, in addition

to paying the expenses of the commissioners from the respective states. A large amount of earnest and valuable work is done by the commissioners from the various states, all of which is gratuitous, as no state pays anything to its commissioners in addition to their expenses, but the conference, in order to carry on its work effectively, has a considerable amount of expenses to meet in the employment of experts to give special study to the subjects which it takes up, to gather information, and to prepare drafts of bills after a comparison of the existing laws of the different states, in order to harmonize them as far as possible. We beg, therefore, to recommend that an appropriation of some reasonable sum be paid annually to the treasurer of the Uniform Law Conference, for its use in pursuing these investigations and preparing these uniform bills. And we also respectfully recommend that the legislature pass at its coming session the drafts of uniform acts, which have been recommended by the conference, on warehouse receipts, on sales, on stock transfers, on bills of lading, and on wills executed outside of the state.

All of which is respectfully submitted.

December 31, 1910.

CHARLES E. SHEPARD,

ALFRED BATTLE,

W. V. TANNER.

*Uniform Law Commissioners for the
State of Washington.*

On motion of Senator Rosenhaupt, the report was referred to the committee on judiciary.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

SENATE CHAMBER.

MR. PRESIDENT:

OLYMPIA, WASH., February 10, 1911.

Your committee on engrossed bills, to whom was referred engrossed Senate bill No. 130, entitled "An act relating to the duties of school directors of districts of the first class and amending section 4504, Remington and Ballinger's Annotated Codes and Statutes of Washington;"

Also engrossed Senate bill No. 131, entitled "An act relating to the duties of county treasurers as treasurers of school districts and amending section 4558, Remington and Ballinger's Annotated Codes and Statutes of Washington;"

Also engrossed Senate bill No. 132, entitled "An act relating to the duties of county auditors and amending title 3, chapter 4, article 8 of chapter 97 of the Session Laws of 1909, by adding certain sections thereto;"

—have compared same with the original bills and find them correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman.*

We concur in this report: D. S. Troy, Josiah Collins, F. J. Allen.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 10, 1911.

MR. PRESIDENT:

The House has passed Senate bill No. 115, entitled "An act relating to the payment of obligations existing against road districts in counties which have or shall adopt township organization government," etc.

Also the House has passed House concurrent resolution No. 6, "Relating to adjournment until February 14, 1911."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

MESSAGES FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, February 9, 1911.

To the Senate:

I am directed by the governor to inform you that he has this day approved Senate bill No. 52, entitled "An act to legalize and validate the organization, establishment and creation of commercial waterway districts organized, or established, or created, or attempted to be organized or established or created under an act approved August 17, 1909, entitled 'An act relating to the establishment and creation of commercial waterway districts, and the construction and maintenance of a system of commercial waterways, including the straightening, deepening and widening of rivers, water courses and streams and the protection of the banks thereof, and disposing of the interests of the state in the beds and shores of navigable waters, and to provide for the means of payment thereof, and declaring an emergency,' and to legalize and validate existing contracts and obligations of such districts and bonds and other obligations executed or incurred in connection with or in pursuance of such attempted organization or establishment, and declaring an emergency."

FRANK M. DALLAM, JR., *Private Secretary.*

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT,
OLYMPIA, February 9, 1911.

To the Senate:

I am directed by the governor to inform you that he has this day approved Senate bill No. 77, entitled "An act relating to all commercial waterway districts, providing for their establishment, organization and creation, prescribing the powers, duties and authority of all commercial waterway districts, whether organized or validated by virtue of any other act, authorizing all steps and proceedings or organizations which may have been had or taken under the commercial waterway act of 1909 approved August 17, 1909, to be continued and carried out under the provisions hereof, providing for the construction and maintenance and means of payment for a system of commercial waterways,

including the straightening, deepening and widening of rivers, water courses and streams, providing for the protection of the banks thereof, and disposing of the interests of the state in the beds and shores of navigable waters, authorizing municipal corporations to advance funds in aid of commercial waterway districts, validating and legalizing the organization and establishment of commercial waterway districts organized or established, or attempted to be organized or established under the act of the legislature approved August 17, 1909, on the subject of commercial waterways, and legalizing and validating existing contracts and obligations of such districts, and official bonds and other obligations executed in connection with, or in pursuance of, such attempted organization, and declaring an emergency."

FRANK M. DALLAM, JR., *Private Secretary.*

The president resumed the chair.

INTRODUCTION OF BILLS.

Senate bill No. 198, by Senator Metcalf, entitled "An act for the relief of the Tacoma Humane Society of Pierce county, Washington, for money collected by county officials belonging to said society and paid by error into the state school fund, and making an appropriation therefor."

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

Senate bill No. 199, by Senator Rosenhaupt, entitled "An act relating to convicted prisoners, and defining the duties of the judges and county attorneys in relation thereto."

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

Senate bill No. 200, by committee on military affairs, entitled "An act providing for an organized naval militia."

The bill was read the first time, and on motion of Senator Brown, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 201, by committee on state, granted, school and tide lands, entitled "An act relating to the forests of the

state; creating a state board of forest commissioners, providing for a state forester, fire warden, forest rangers, defining their duties and powers, and making an appropriation therefor, and providing punishments for the violation thereof, and repealing chapter 164 of the Session Laws of the State of Washington of the year 1905."

The bill was read the first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on appropriations.

Senate bill No. 202, by Senator Chappell, entitled "An act relating to the creation of bonded road districts."

The bill was read the first time, and on motion of Senator Chappell, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on roads and bridges.

Senate bill No. 203, by Senators Allen (P. L.), Nichols, and Jackson, entitled "An act dedicating to the city of Seattle for street and boulevard purposes certain tracts of land in section 16, township 25, north, range 4 east W. M., and in blocks 7 and 8, of Lake Washington shore lands, upon condition that no assessments for the improvement thereof shall be levied against the property above described, and declaring an emergency."

The bill was read the first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on educational institutions.

Senate bill No. 204, by Senator Ruth, entitled "An act providing for the care and education of defective and feeble-minded youth of the State of Washington and requiring persons legally liable for their support to pay the cost thereof."

The bill was read the first time, and on motion of Senator Ruth, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on state charitable institutions.

Senate bill No. 205, by Senator Stephens, entitled "An act relating to road and bridge bonds, and amending section 5095 of Remington and Ballinger's Annotated Codes and Statutes of the State of Washington."

The bill was read the first time, and on motion of Senator Falconer, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on roads and bridges.

Senate bill No. 206, by Senator Nichols, entitled "An act to amend sections one and two of an act, entitled 'An act authorizing cities of the first class in the State of Washington which at the government census in 1900 had a population in excess of 80,000 to construct and maintain, upon public streets, and upon the extensions or connection thereof across waterways, rivers, canals, or other channels, wherever public necessity may require, bridges, draw-bridges, viaducts, elevated roadways and tunnels, with or without railways therein or thereon, and providing for the levy and collection of assessments upon property specially benefited thereby, to pay therefor, and declaring an emergency,' approved August 23, 1909, and declaring an emergency."

The bill was read the first time, and on motion of Senator Nichols, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on cities of the first class.

Senate bill No. 207, by Senators Eastham and Stewart, entitled "An act to provide for the erection and maintenance of a wagon bridge across the north fork of the Lewis river on the line of the Blaine-Vancouver State Highway, creating a commission and providing an appropriation of \$15,000 therefor."

The bill was read the first time, and on motion of Senator Stewart, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on roads and bridges.

On motion of Senator Hewitt, House bill No. 165 was withdrawn from the committee on harbors and harbor lines and referred to the committee on judiciary.

GENERAL FILE.

Engrossed House bill No. 5, by Mr. Hastings, entitled "An act to amend sections 1, 4, 5, 8, 11, 13 and 14, of an act entitled 'An act to create a police relief, health and insurance fund in incorporated cities of the first class, providing for the disbursement thereof, and creating a board of police pension fund commissioners,' approved March 2, 1909, and being chapter 39, of the Session Laws of 1909," was read third time.

Senator Nichols moved to amend the bill by striking the words "salary he received" in lines 20 and 21, section 3, of the engrossed bill, and substituting therefor the word "rank."

The amendment failed to carry.

Senator Bryan moved to substitute the word "ten" for the word "five" in line 4, section 4, of the engrossed bill.

Senator Bryan withdrew his proposed amendment.

The secretary called the roll on final passage of engrossed House bill No. 5, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Collins, Cox, Eastham, Falconer, Fishback, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Smithson, Stewart, Troy, White, Whitney, Mr. President—34.

Absent or not voting were: Senators Bowen, Davis, Espy, Hall, Shaefer, Stephens, Stevenson, Whalley—8.

On motion of Senator Rosenhaupt, the title of the bill was stricken and the following substituted as the title of the bill: "An act relating to a police relief, health and insurance fund in incorporated cities of the first class, and amending sections 1, 4, 5, 8, 11, 13 and 14 of chapter 39 of the Session Laws of 1909."

There being no objection, the title of the bill as amended was ordered to stand as the title of the act.

The secretary read:

HOUSE CONCURRENT RESOLUTION NO. 6.

Resolved, by the House, the Senate concurring, That when the House and Senate respectively adjourn today, they adjourn to meet Tuesday, February 14, at 11 o'clock a. m.

On motion of Senator Allen (P. L.), the rules were suspended and House concurrent resolution No. 6 was placed on final passage.

Senator Rosenhaupt moved to amend the resolution by striking the word "today."

The motion failed to carry.

Senator Piper moved to amend to the end that the adjournment be until one week from Tuesday, February 14th.

The motion was lost.

Senator Nichols moved to amend the resolution by substituting the word "tomorrow" for the word "today."

The motion was lost.

Senator Rosenhaupt moved to amend the resolution by adding thereto the following "and that no pay be allowed during the adjournment."

The motion was lost.

The secretary called the roll on final passage of the resolution and it was adopted in the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Bowen, Bryan, Eastham, Falconer, Fishback, Hammer, Hewitt, Hutchinson, Huxtable, Landon, Piper, Roberts, Ruth, Rydstrom, Smithson, Stewart, Whitney, Mr. President—20.

Those voting nay were: Senators Anderson, Arrasmith, Bassett, Brown, Chappell, Collins, Cox, Jensen, Metcalf, Myers, Nichols, Rosenhaupt, Troy, White—14.

Absent or not voting were: Senators Davis, Espy, Hall, Jackson, Shaefer, Stephens, Stevenson, Whalley—8.

On motion of Senator Huxtable, engrossed House bill No. 137, which appeared next on the calendar, went over until Tuesday, February 14th, retaining its place on the calendar.

Senate bill No. 183, by the committee on banks and banking, entitled "An act amending sections 8351, 8352, 8355 and 8356, Remington and Ballinger's Annotated Codes and Statutes, relating to the inspection and supervision of public offices and the bureau of inspection and supervision of public offices," was read third time.

The secretary called the roll on final passage of Senate bill No. 183 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Smithson, Stephens, Stevenson, Troy, Whalley, White, Whitney, Mr. President—37.

Those voting nay were: Senators Allen (F. J.), Nichols—2.

Absent or not voting were: Senators Davis, Shaefer, Stevenson—3.

On motion of Senator Rosenhaupt, the title of the bill was stricken and the following substituted as the title of the bill: "An act relating to the inspection and supervision of public officers and the bureau of inspection and supervision of public offices and amending sections 8351, 8352, 8355 and 8356, Remington and Ballinger's Annotated Codes and Statutes of Washington."

There being no objection, the title of the bill as amended was ordered to stand as the title of the act.

Senate bill No. 180, by committee on game, entitled "An act relating to the carrying of firearms, requiring licenses of certain persons, and fixing a penalty for the violation thereof," was read third time.

The secretary called the roll on final passage of Senate bill No. 180 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Smithson, Stephens, Stewart, Troy, Whalley, White, Mr. President—36.

Those voting nay were: Senators Hewitt, Whitney—2.

Absent or not voting were: Senators Davis, Huxtable, Shaefer, Stevenson—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 178, by committee on banks and banking, entitled "An act amending chapter 76, Session Laws of 1909, relating to the creation of a bureau of inspection and supervision of public offices, and establishing a uniform system of public accounting, by adding thereto an additional section permitting the state auditor to call together annually for instruction certain county officers and state examiners, and providing for the payment of the expense thereof," was read third time.

Senator Falconer moved that the bill be indefinitely postponed.

Senator Espy moved that the bill be recommitted to the committee on banks and banking.

The motion of Senator Espy failed to carry.

A roll call on the motion to indefinitely postpone the bill was demanded by Senators Jensen, Falconer, Hutchinson, Jackson, Eastham, Chappell, and Metcalf.

Senator Espy moved that Senate bill No. 178 be re-referred to the committee on judiciary.

The motion of Senator Espy carried.

At 12:45 p. m., on motion of Senator Ruth, a recess was taken until 2:00 o'clock this afternoon.

AFTERNOON SESSION.

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

On motion of Senator Falconer, Senate bill No. 113 which appeared next on the calendar was re-referred to the committee on public morals.

On motion of Senator Metcalf, the consideration of Senate bill No. 147 went over until Tuesday, February 14th.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES.

MR. PRESIDENT:

OLYMPIA, WASH., February 10, 1911.

The House has passed Senate joint memorial No. 5. "Relating to

an appropriation by congress for building of roads in the Rainier National Park," and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senate bill No. 36, by Senator Myers, entitled "An act relating to the use of preservatives and coloring matter in meats and meat food products, prohibiting their use, and providing a penalty," was read third time.

Senator Espy moved to amend the bill by adding at the end of section 1 the following: "provided, that this shall not apply to any canned goods shipped in from other states conforming to the national pure food and drug act."

The amendment failed to carry.

The secretary called the roll on final passage of Senate bill No. 36 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Collins, Cox, Eastham, Falconer, Fishback, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Smithson, Stewart, Troy, White, Mr. President—32.

Those voting nay were: Senators Espy, Hammer—2.

Absent or not voting were: Senators Bowen, Davis, Hall, Shaefer, Stephens, Stevenson, Whalley, Whitney—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 91, by Senator Cox, entitled "An act relating to the qualification of judges of the supreme and superior courts of the State of Washington," was read third time.

Senator Falconer moved that the bill be indefinitely postponed.

A roll call on the motion was demanded by Senators Falconer, Landon, Nichols, Piper, Whitney, Cox, Hammer, Myers.

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

Those voting aye were: Senators Falconer, Hutchinson, Landon, Ruth, Troy—5.

Those voting nay were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell,

Collins, Cox, Eastham, Espy, Fishback, Hammer, Hewitt, Huxtable, Jensen, Metcalf, Myers, Nichols, Piper, Rosenhaupt, Rydstrom, Smithson, Stewart, White, Whitney, Mr. President—28.

Absent or not voting were: Senators Bowen, Davis, Hall, Jackson, Roberts, Shaefer, Stephens, Stevenson, Whalley—9.

The secretary called the roll on final passage of Senate bill No. 91 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bryan, Chappell, Collins, Cox, Eastham, Espy, Fishback, Hammer, Hewitt, Huxtable, Jensen Metcalf, Myers, Nichols, Piper, Rosenhaupt, Rydstrom, Smithson, Stewart, White, Mr. President—26.

Those voting nay were: Senators Brown, Falconer, Hutchinson, Landon, Ruth, Troy, Whitney—7.

Absent or not voting were: Senators Bowen, Davis, Hall, Jackson, Roberts, Shaefer, Stephens, Stevenson, Whalley—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 73, by Senator White, entitled "An act relating to the filing and serving of written instruments in judicial, administrative, legislative and executive actions and proceedings," was read third time.

The secretary called the roll on final passage of Senate bill No. 73 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Espy, Falconer, Fishback, Hammer, Hewitt, Hutchinson, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Smithson, Stevenson, Stewart, Troy, White, Whitney, Mr. President—32.

Voting nay: Senator Eastham—1.

Absent or not voting were Senators Davis, Hall, Huxtable, Jackson, Jensen, Rydstrom, Shaefer, Stephens, Whalley—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 150, by Senator Whalley, entitled "An act relating to offenses against suffrage, fixing punishments and

penalties therefor, and amending sections 4958, 4959, 4960, 4961, 4962, 4963 and 4967 of Remington and Ballinger's Annotated Codes and Statutes of Washington," was read third time.

Senator Nichols moved to amend the bill by striking the word "felony," being the last word in section 2 and substituting the word "misdemeanor" therefor.

The amendment failed to carry.

Senator Myers moved to amend the bill by striking the words "incapable of voting at any election or holding," in lines 6 and 7 of section 1 of the bill, and substituting therefor the words "disqualified to vote or hold any office."

Senator Myers withdrew his proposed amendment.

The secretary called the roll on final passage of Senate bill No. 150 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Collins, Cox, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jensen, Landon, Metcalf, Myers, Piper, Rosenhaupt, Ruth, Stevenson, Stewart, Troy, Whalley, White, Mr. President—30.

Voting nay: Senator Nichols—1.

Absent or not voting were: Senators Allen (F. J.), Bowen, Davis, Hewitt, Jackson, Roberts, Rydstrom, Shaefer, Smithson, Stephens, Whitney—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

At 3:00 o'clock p. m., on motion of Senator Collins, the Senate adjourned to meet, in accordance with House concurrent resolution No. 6, at 11:00 o'clock a. m., Tuesday, February 14, 1911.

WM. T. LAUBE,
Secretary of the Senate.

W. H. PAULHAM'S,
President of the Senate.

THIRTY-FIFTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASH., Tuesday, February 14, 1911.

The Senate was called to order at 11:00 o'clock a. m., by President Paulhamus, pursuant to adjournment.

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present, except Senators Davis, Hewitt, Landon, Stephens and Stevenson.

Senators Landon and Stevenson were excused from attendance for the reason that they were absent on duty in connection with legislative committees.

Senator Davis was excused on account of illness.

On motion of Senator Huxtable, the reading of the journal of Friday was dispensed with and it was approved.

The secretary read a telegram from former Senator J. I. Pogue, of Okanogan county, opposing the creation of the new county of Cosgrove.

Communications from the East Side Improvement and Commercial Club, of Ballard, and from the Green Lake Improvement Club, opposing the passage of Senate bill No. 102 were read, and on motion of Senator Nichols, referred to the committee on railroads and transportation, together with a resolution of the council of the city of Leavenworth of the same tenor.

A telegram from the Washington State Equal Suffrage Association urging the passage of the eight-hour law for women was read and referred to the committee on labor and labor statistics.

A telegram from Spokane urging the passage of Senate bill No. 179 was read and referred to the committee on counties and county boundaries.

A telegram from United States Senator Wesley L. Jones, relating to the matter of election of United States senators by direct vote was read and referred to the committee on elections and privileges.

A communication from the town council of Cashmere, opposing the passage of Senate bill No. 102, was read and on motion of Senator Nichols, referred to the committee on railroads and transportation.

On motion of Senator Nichols there was referred to the committee on privileges and elections a communication from the governor of the State of Montana forwarding a resolution of the legislature of that state relating to the election of United States senators by a direct vote of the people.

A communication from the Pacific Protectorate Society, of Los Angeles, Cal., forwarding certain data, relating to the ownership of lands by aliens was, with enclosures, referred to the committee on constitution and constitutional revision.

Communications from certain citizens resident in the vicinity of Cheney praying an increase in the bounty on coyotes, were read and referred to the committee on game.

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

Resolved, by the Senate, That from and after February 20th, the forty-third day of the session, no Senate bills, save appropriation bills, shall be introduced except by consent of two-thirds of the members.

The secretary read the following resolution, by Senators Piper and Nichols:

Resolved, That the committee on legislative apportionment be and is hereby directed to immediately draft and forthwith report to the Senate, a bill providing for the reapportionment of representation in the legislature in accordance with section 3, article 2, of the constitution of the State of Washington.

Senator Falconer moved that the resolution be referred to the committee on legislative apportionment.

A roll call on the motion was demanded by Senators Nichols, Whalley, Piper, Smithson, Chappell, Jensen, Allen (P. L.).

Senator Falconer withdrew his motion.

Senator Piper moved the adoption of the resolution.

Senator Hall moved to amend the resolution by substituting for the words "committee on legislative apportionment," the words "senators from King county," and substituting for the word "forthwith" the words "at their pleasure."

Senator Rosenhaupt moved that the resolution be laid on the table.

A roll call on Senator Rosenhaupt's motion was demanded by Senators Nichols, Piper, Allen (P. L.), Whitney, Hutchinson, Anderson, Huxtable.

The secretary called the roll and the motion prevailed by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Eastham, Espy, Fishback, Hall, Hammer, Jensen, Metcalf, Myers, Roberts, Rosenhaupt, Shaefer, Smithson, Stewart, White, Mr. President—24.

Those voting nay were: Senators Allen (F. J.), Collins, Falconer, Hutchinson, Huxtable, Jackson, Nichols, Piper, Ruth, Rydstrom, Troy, Whalley, Whitney—13.

Absent or not voting were: Senators Davis, Hewitt, Landon, Stephens, Stevenson—5.

On motion of Senator Ruth, the time within which the motion to reconsider the vote by which Senate bill No. 171 must be made, was extended to Thursday's session, without prejudice, the rules being suspended and unanimous consent granted.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER.

MR. PRESIDENT:

OLYMPIA, WASH., February 14, 1911.

We, your committee on state, granted, school and tide lands, to whom was referred Senate bill No. 97, entitled "An act relating to the leasing of harbor areas and lands of the State of Washington for booming purposes, and amending section 1, of chapter 233, of the Laws of 1907," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the bill herewith submitted be substituted therefor, and that said substituted bill do pass.

P. L. ALLEN, *Chairman.*

We concur in this report: H. O. Fishback, A. W. Anderson, Peder Jensen, E. Hammer, J. D. Bassett.

On motion of Senator Allen (P. L.), the report of the committee was adopted.

SENATE CHAMBER.

OLYMPIA, WASH., February 10, 1911.

MR. PRESIDENT:

We, your committee on labor and labor statistics, to whom was referred Senate bill No. 122, entitled "An act relating to weights and measures; establishing standards therefor; providing for the enforcement thereof; providing penalties for the violation of this act, and repealing sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 of an act entitled 'An act to establish a uniform standard of weights and measures, and to provide for a state sealer and inspector of the same,' approved March 20, 1890," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass, with the following amendments:

In the title after the word "repealing" strike "sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 of an."

Add the following two paragraphs to section 1:

"All weights, measures, scales, scale beams, patent balances, steelyards, automatic or computing scales, or other instruments for weighing or measuring, by which any merchandise, commodity or thing is bought or sold by weight or measure, or offered or exposed for sale, shall conform to the state standards herein prescribed.

"Any weight, measure, scale, scale beam, patent balance, steelyard, automatic or computing scale or other instrument or device for weighing or measuring which does not conform to such state standards is hereby declared to be a false weight or measure."

Strike all of section 2 down to and including the word "legislature" in line 5, page 2 of the original bill, same being line 9, section 2 of the printed bill, and insert in lieu thereof the following:

"There is hereby created a department of weights and measures in and for the State of Washington. The office of state superintendent of weights and measures is hereby created. The superintendent of weights and measures shall be the head of the department herein created. He shall be appointed by the governor, by and with the consent of the Senate, shall hold office for a term of four years and shall receive a salary of two thousand four hundred dollars per annum. The superintendent shall have and appoint a deputy and one inspector, whose terms of office shall expire with that of the superintendent. The deputy shall receive a salary of two thousand dollars per annum, and the inspector shall receive a salary of eighteen hundred dollars per annum. There shall be allowed for maintenance of the department of weights and measures such sums as shall be appropriated by the legislature."

In line 17, page 2 of the original bill, same being line 16, section 2 of the printed bill, after the word "them" insert "with seals which he shall have and keep for that purpose."

In lines 18 and 19, page 2 of the original bill, same being lines 17 and 18, section 2 of the printed bill, after the word "year" strike "with seals which he shall have and keep for that purpose" and insert in lieu thereof "in which the same are sealed."

In line 4, page 6 of the original bill, same being line 22, section 4 of the printed bill, after the words "coal wagon," insert "wood wagon."

In line 25, page 6 of the original bill, same being line 35, section 4 of the printed bill, after the word "use" strike the word "or" and insert in lieu thereof the word "nor."

In line 4, page 7 of the original bill, same being line 40, section 4 of the printed bill, after the words "sum of" insert "one thousand."

In line 1, page 7 of the original bill, same being line 4, section 5 of the printed bill, after the word "council" insert "or city commission."

In line 20, page 8 of the original bill, same being line 12, section 6 of the printed bill, after the words "less than" insert "twenty" and after the words "more than" insert "two hundred."

In line 24, page 8 of the original bill, same being line 15, section 6 of the printed bill, after the words "less than" insert "fifty" and after the words "more than" insert "five hundred."

In line 13, page 9 of the original bill, same being line 4, section 8 of the printed bill, after the words "less than" insert "twenty," and after the words "more than" insert "two hundred."

In line 16, page 9 of the original bill, same being line 1, section 9 of the printed bill, strike "That sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 of."

In lines 19 and 20, page 9 of the original bill, same being line 3, section 9 of the printed bill, after "1890" strike "be, and the same are." and insert in lieu thereof the word "is" and strike the comma after the word "hereby."

RALPH METCALF, *Chairman.*

We concur in this report: Frank C. Jackson, John L. Roberts, Jesse Huxtable, H. B. Hewitt.

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

SENATE CHAMBER.

OLYMPIA, WASH., February 14, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was re-referred Senate bill No. 112, entitled "An act creating a commission to investigate the operation of coal mines in the State of Washington, to revise the coal mining laws of the state, to report their conclusions to the next legislature, and providing an appropriation therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended by the Senate, with the following amendment:

Strike from the bill, as amended by the Senate, the amendment whereby the word "two" was stricken, and the word "three" inserted in lieu thereof.

J. A. FALCONER, *Chairman.*

We concur in this report: E. Hammer, J. W. Bryan, H. O. Fishback, F. J. Allen, J. H. Smithson, Ed Brown, J. D. Bassett, John L. Roberts, Oliver Hall, Chas. E. Myers, D. S. Troy.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 10, 1911.

MR. PRESIDENT:

We, your committee on county and county boundaries, to whom was referred Senate bill No. 179, entitled "An act to create the county of Cosgrove subject to the requirements of the state constitution, and the statutes in respect to the establishment of new counties," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 8 of section 17 of the printed bill, same being in line 12 of the original bill, strike the word "Stevens" and substitute the word "Okanogan."

Strike section 11.

E. C. WHITNEY, *Chairman.*

We concur in this report: John L. Roberts, Oliver Hall, George U. Piper, A. B. Eastham.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 14, 1911.

MR. PRESIDENT:

We, your committee on education, to whom was referred Senate bill No. 90, entitled "An act authorizing school districts of the first class to create and maintain a permanent insurance fund, to be used to meet losses by fire, if any, to the school property of the district, and providing for the investment of said fund," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. D. BASSETT, *Chairman.*

We concur in this report: H. A. Espy, Chas. E. Myers, John A. Whalley, Peder Jensen.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., February 14, 1911.

We, your committee on education, to whom was referred Senate bill No. 134, entitled "An act amending sections 4610, 4613, 4615 and 4621,

Remington & Ballinger's Annotated Codes and Statutes, relating to the bonds of school districts," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. D. BASSETT, *Chairman*.

We concur in this report: H. A. Espy, Chas. E. Myers, John A. Whalley, Peder Jensen.

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

SENATE CHAMBER.

OLYMPIA, WASH., February 14, 1911.

MR. PRESIDENT:

We, your committee on education, to whom was referred Senate bill No. 195, entitled "An act amending section 4562, Remington and Ballinger's Annotated Codes and Statutes, relating to apportionment of the state current school fund," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. D. BASSETT, *Chairman*.

We concur in this report: H. A. Espy, Chas. E. Myers, John A. Whalley, Peder Jensen.

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

SENATE CHAMBER.

OLYMPIA, WASH., February 14, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred engrossed Senate bill No. 36, entitled "An act relating to the use of preservatives and coloring matter in meats and meat food products, prohibiting their use, and providing a penalty;"

Also engrossed Senate bill No. 183, entitled "An act relating to the inspecting and supervision of public officers and the bureau of inspection and supervision of public offices and amending sections 8351, 8352, 8355 and 8356, Remington and Ballinger's Annotated Codes and Statutes of Washington;"

Also engrossed Senate bill No. 91, entitled "An act relating to the qualification of judges of the supreme and superior courts of the State of Washington;"

Also engrossed Senate bill No. 150, entitled "An act relating to offenses against suffrage, fixing punishments and penalties therefor, and amending sections 4958, 4959, 4960, 4961, 4962, 4963 and 4967 of Remington and Ballinger's Annotated Codes and Statutes of Washington;"

Also engrossed Senate bill No. 73, entitled "An act relating to the filing and serving of written instruments in judicial, administrative, legislative and executive actions and proceedings;"

Also engrossed Senate bill No. 170, entitled "An act relating to the deposit of moneys received by the commissioner of public lands, and declaring an emergency;"

—have compared same with the original bills and find them correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman.*

We concur in this report: F. J. Allen, Josiah Collins, D. S. Troy.

SENATE CHAMBER.

OLYMPIA, WASH., February 14, 1911.

MR. PRESIDENT:

We, your committee on employes other than regular, to whom was referred the matter of employment of pages, beg leave to recommend that Irving Scott be employed as an additional page at the usual compensation.

CHAS. E. MYERS, *Chairman.*

We concur in this report: H. O. Fishback, J. A. Falconer, H. M. White.

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

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., February 14, 1911.

MR. PRESIDENT:

The House has passed engrossed House bill No. 187, entitled "An act for the relief of R. A. Klinge, and making an appropriation therefor;"

Also engrossed House bill No. 206, entitled "An act relating to the appointment of a mine inspector," etc.;

Also engrossed House bill No. 213, entitled "An act to amend sections 3, 7, 10, 13 and 16 of chapter 190, Session Laws of 1907;"

Also engrossed House bill No. 267, entitled "An act granting rights-of-way through lands held for state training purposes," etc.;

Also engrossed House bill No. 241, entitled "An act for the relief of John Roberts, and making an appropriation therefor."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

SENATE JOINT RESOLUTION NO. 8.

By Senator Nichols:

WHEREAS, Charges have been made on the floor of the Senate that the laws relating to fisheries are being flagrantly violated, and,

WHEREAS, In the report of the commissioner of fisheries of British

Columbia to lieutenant governor of said province, for the year 1909, on page 17 thereof, states that the regulations for the protections of the fisheries on the American side are unenforced, and that when fishermen on the American side are arrested and convicted, the fines imposed are much less than the offenders secure from the sale of their illicit catch, and that the salmon industry will be destroyed unless the fish are given the same protection in American waters as in British Columbia waters, and that on page 16 of said report, the said commissioner states that the necessary restrictions for the weekly closed period are not adequately enforced; and,

WHEREAS, The nonenforcement of the fishing regulations will prove a serious menace to the fishing industry to the state; now, therefore, be it

Resolved, by the Senate and House of Representatives, That a committee consisting of five members be appointed to investigate the conditions of the fishing industry of the State of Washington; in what manner the laws for protection thereof are enforced; what improvements, if any, can be made thereto, and such other recommendations as in their judgment will best conserve and promote the fishing industry of the State of Washington. Two of said commission to be appointed by the president of the Senate and three members to be appointed by the speaker of the House of Representatives. Said committee is hereby vested with all the powers and authority of the legislature to regulate their mode and manner of making such investigations, to require the officers and officials, all books and records, as may be necessary to the investigation, to appear before them at hearings, and are authorized to subpoena witnesses and the production of files, books, documents, notes and data relating to, or in any way concerning, or connected with, the fish commissioner's office; and at its discretion may employ stenographers and may call to its assistance the attorney general, at any time it may deem necessary in the furtherance of such investigation; such committee shall elect one of its members chairman; said committee shall hold its meetings at such times and places as it may desire and deem expedient. Any member of the committee is authorized to administer oaths. The members of the committee shall receive no extra per diem for their services except traveling expenses, to be paid out of money appropriated. All expenses of witnesses appearing before the committee shall be ordered paid by the committee and such expenses shall be paid as other expenses of the twelfth legislature are paid. Said committee shall report back to the legislature on or before March 4, 1911.

The resolution was read the first time, and on motion of Senator Nichols, the rules were suspended, the resolution was read the second time, ordered printed and referred to the committee on judiciary.

INTRODUCTION OF BILLS.

Senate bill No. 208, by Senator Hammer, entitled "An act to provide for the establishment, location, construction and management of a hospital for the insane near Sedro Woolley, in Skagit county, and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Hammer, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on state charitable institutions.

Senate bill No. 209, by Senator Hammer, entitled "An act providing for the improvement of the Skagit river, in Skagit county, making an appropriation therefor, authorizing the county of Skagit to contribute thereto, creating a board to administer the same, and extending to said board the power of eminent domain."

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

Senate bill No. 210, by committee on public morals, entitled "An act to amend section 441 of chapter 249, Laws of 1909, being 'An act relating to crime and punishments and the rights and custody of persons accused or convicted of crime, and repealing certain acts,' approved March 22, 1909."

The bill was read the first time, and on motion of Senator Myers, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 211, by Senator Ruth, entitled "An act relating to the soliciting or receiving by or giving to, any gratuity to any employe of any public house or public service corporation, and repealing sections 2691 and 2692 of Remington and Ballinger's Codes and Statutes of Washington.

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

Senate bill No. 212, by Senator Cox, entitled "An act relating to the management of the jute mill at the state penitentiary, regulating the purchase, manufacture and sale of jute and other products manufactured at the state penitentiary, defining the duties of the state board of control in connection therewith, repealing sections 8559, 8560, 8561, 8562, 8563, 8564, 8565, 8566 and 8567 of Remington & Ballingers Annotated Codes and Statutes of Washington, and declaring an emergency."

The bill was read the first time, and on motion of Senator Cox, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on state penal and reformatory institutions.

Senate bill No. 213, by Senators Nichols and White, entitled "An act relating to the management of the institutions of higher education of the State of Washington, and repealing all laws in conflict herewith."

The bill was read the first time, and on motion of Senator Nichols, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on state educational institutions.

Senate bill No. 214, by Senator Bassett, entitled "An act to establish uniformity in the size of boom plats to be filed in the office of the secretary of state, and amending section 7121 of Remington & Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Bassett, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on banks and banking.

Senate bill No. 215, by Senator Falconer, entitled "An act to amend article VII of the constitution of the State of Washington, relating to assessment on taxation."

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

time by title, ordered printed and referred to the committee on public revenue and taxation.

Senate bill No. 216, by Senator Cox, entitled "An act authorizing the state board of control to provide pecuniary assistance to convicts in the state penitentiary."

The bill was read the first time, and on motion of Senator Cox, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on state penal and reformatory institutions.

Senate bill No. 217, by Senator Eastham, entitled "An act for the protection of fish in Lake river and sloughs of the Columbia river in Clarke county, limiting the catch of black bass and croppies in the same waters, and declaring an emergency."

The bill was read the first time, and on motion of Senator Eastham, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on game fish.

Senate bill No. 218, by Senator Espy, entitled, "An act relating to fish, oysters, clams and crabs, providing for the protection thereof, licensing and taxing the taking of the same and boats and appliances used therefor, providing penalties and amending sections 5152, 5159, 5234, 5235, 5236, 5237, 5243, 5245 and 5248 of Remington and Ballinger's Annotated Codes and Statutes of Washington."

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

Senate bill No. 219, by Senator Espy, entitled "An act relating to the publication of notices in regard to delinquent taxes."

The bill was read the first time, and on motion of Senator Espy, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on public revenue and taxation.

Senate bill No. 220, by Senator Espy, entitled "An act relating to rights-of-way and fixing the value of property sought therefor."

The bill was read the first time, and on motion of Senator Espy, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on public revenue and taxation.

Senate bill No. 221, by Senator Hutchinson, entitled "An act to prohibit the blowing of steam or compressed air whistles in incorporated cities and towns."

The bill was read the first time, and on motion of Senator Hutchinson, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on state charitable institutions.

Senate bill No. 222, by Senator Hutchinson, entitled "An act prohibiting, in public institutions, the administering of corporal punishment to minors."

The bill was read the first time, and on motion of Senator Hutchinson, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on state charitable institutions.

Senate bill No. 223, by Senator White, entitled "An act relating to the location and establishment of harbor lines, waterways and slips in the navigable waters of the state and relating to the definition, designation, platting, replatting, appraisal, re-appraisal, reservation, restoration, sale, lease, improvement, occupancy, development, maintenance, direction and use of the beds and shores, except oyster lands, of all navigable waters in the state up to and including the line of ordinary high tide, in waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all navigable rivers and lakes."

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

Engrossed House bill No. 187, by Mr. Horrigan, entitled "An act for the relief of R. A. Klinge, and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Bassett, the rules were suspended, the bill was read the second time by title and referred to the committee on appropriations.

Engrossed House bill No. 206, by Mr. Tonkin, entitled "An act relating to the appointment of a mine inspector and deputy mine inspector, and amending section one, chapter seventy-seven of the Laws of nineteen hundred and seven."

The bill was read the first time, and on motion of Senator Bowen, the rules were suspended, the bill was read the second time by title, and referred to the committee on mines and mining.

Engrossed House bill No. 213, by judiciary committee, entitled "An act to amend sections 3, 7, 10, 13 and 16 of chapter 190, of the Session Laws of 1909, approved March 17, 1909, relating to the powers of juvenile courts, and the care, custody and control of delinquent children."

The bill was read the first time, and on motion of Senator Myers, the rules were suspended, the bill was read the second time by title, and referred to the committee on public morals.

Engrossed House bill No. 241, by Mr. Farnsworth, entitled "An act for the relief of John Roberts and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Myers, the rules were suspended, the bill was read the second time by title, and referred to the committee on appropriations.

Engrossed House bill No. 267, by committee on state school for defective youth, reform school and reformatory, entitled "An act granting rights-of-way through lands in the State of Washington held for the state training school purposes and declaring an emergency."

The bill was read the first time, and on motion of Senator Fishback, the rules were suspended, the bill was read the second time by title, and referred to the committee on state penal and reformatory institutions.

Senate bill No. 224, by Senator White, entitled "An act authorizing the establishment of port districts, providing for the acquirement, construction, maintenance, operation, development, and regulation of a system of harbor improvements and rail and water transfer and terminal facilities within such districts, and providing the method of payment therefor."

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

Senate bill No. 225, by Senator Stewart, entitled "An act legalizing and validating the incorporation and re-incorporation of towns and cities heretofore incorporated or re-incorporated, or attempted to be incorporated or re-incorporated, under the provisions of any general law of the state heretofore at any time in effect, declaring the effect thereof, legalizing and validating existing contracts and obligations of such towns and cities and the acts of the officers thereof, and declaring an emergency."

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

Substitute Senate bill No. 97, by committee on state, granted, school and tide lands, entitled "An act relating to the leasing of harbor areas, tide lands and lands of the State of Washington for booming purposes, and amending section 1, chapter 233, of the Laws of 1907.

The bill was read the first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

At 12:10 o'clock p. m., on motion of Senator Allen (P. L.), a recess was taken until 1:30 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 1:30 o'clock p. m., by President Paulhamus, pursuant to adjournment.

GENERAL FILE.

On motion of Senator Hutchinson, the consideration of House bill No. 137 went over until tomorrow's session.

On motion of Senator Hutchinson, the consideration of Senate bill No. 76 was laid over until such time as Senator Davis is able to be present.

At the request of Senator Metcalf, Senate bill No. 147, which was next on the calendar, went over until tomorrow.

Senate bill No. 63, by Senators Rosenhaupt and Huxtable, entitled "An act relating to elections and primary elections, and providing that certain electors may cast their ballots in precincts other than those in which they reside," was read third time.

On motion of Senator Eastham, the bill was amended by striking lines 2 and 3 of section 1 of the bill.

On motion of Senator Allen (P. L.), the bill was amended by inserting after the word "and" in line 7 of section 4 of the original bill, the following: "after comparing the signature of the voter signed to the affidavit with the signature on the registration books and finding it correct, shall."

On motion of Senator Espy the words "and no other person," were stricken from line 7 of section 4 of the original bill.

Senator Allen (P. L.), moved that the bill be re-referred to the committee on judiciary.

Senator Piper moved that the bill be indefinitely postponed.

The president, on a point of order made by Senator Piper, ruled that the motion to recommit took precedence of the motion to indefinitely postpone.

The motion of Senator Allen (P. L.), prevailed, and the bill was ordered re-referred to the committee on judiciary.

At the request of Senator Whalley, the Senate by unanimous consent returned to the order of business, "Reports of Committees."

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,

OLYMPIA, WASH., February 14, 1911.

MR. PRESIDENT:

We, your committee on insurance, to whom was re-referred Senate bill No. 6, entitled "An act to provide an insurance code for the State of Washington, to regulate the organization and government of insurance companies and insurance business, to provide for an insurance commissioner and define his duties, and to repeal all existing laws in relation thereto; and declaring an emergency," together with committee amendments adopted, have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the accompanying bill be substituted therefor; that the substituted bill do pass.

JOHN A. WHALLEY, *Chairman.*

We concur in this report: B. H. Bowen, Oliver Hall, J. D. Bassett, P. L. Allen.

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

On motion of Senator Metcalf, he was permitted to substitute a bill for Senate bill No. 49, the new bill to be known as substitute Senate bill No. 49.

INTRODUCTION OF BILLS.

Substitute Senate bill No. 6, by committee on insurance, entitled "An act to provide an insurance code for the State of Washington, to regulate the organization and government of insurance companies and insurance business, to provide penalties for the violation of the provisions of this act, to provide for an insurance commissioner and define his duties, and to repeal all existing laws in relation thereto."

The bill was read the first time, and on motion of Senator Whalley, the rules were suspended, the bill was read the second time by title, 500 copies ordered printed and placed on general file.

Substitute Senate bill No. 49, by Senator Metcalf, entitled "An act relating to the payment of compensation to workmen

injured while engaged in dangerous employments, or to persons dependent upon them in case death results from injuries so received; prescribing remedies, providing that such remedies shall be exclusive; providing for arbitration; asserting the police power of the state; providing penalties and making an appropriation."

The bill was read the first time, and on motion of Senator Metcalf, the rules were suspended, the bill was read the second time by title, 900 copies ordered printed and referred to the committee on labor and labor statistics.

Senator White moved that the consideration of Senate joint resolution No. 7, which was next on the calendar, go over until tomorrow.

Senator Falconer moved as a substitute that the resolution be re-referred to the committee on judiciary.

Senator Stewart moved that the resolution be laid on the table.

A roll call on the motion to table was demanded by Senators Ruth, Hall, Allen (P. L.), Jackson, Nichols, White, Eastham.

The secretary called the roll and the motion failed to carry by the following vote:

Those voting aye were: Senators Allen (F. J.), Collins, Eastham, Espy, Fishback, Hall, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stewart, Whalley—15.

Those voting nay were: Senators Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Falconer, Hammer, Hutchinson, Huxtable, Jackson, Rosenhaupt, Jensen, Metcalf, Myers, Troy, White, Mr. President—20.

Absent or not voting: Senators Allen (P. L.), Davis, Hewitt, Landon, Stephens, Stevenson, Whitney—7.

The motion of Senator Falconer, that the resolution be re-referred to the committee on judiciary, was put and carried.

Senate bill No. 189, by judiciary committee, entitled "An act relating to the terms of office and election of judges of the supreme court, and amending section 9043 of Remington and Bal-

linger's Annotated Codes and Statutes of Washington," was read third time.

The secretary called the roll on final passage of Senate bill No. 189 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stewart, Troy, Whalley, White, Mr. President—35.

Absent or not voting were: Senators Allen (P. L.), Davis, Hewitt, Landon, Stephens, Stevenson, Whitney—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 100, by Senator Bryan, entitled "An act relating to labeling convict-made goods offered for sale in this state and providing penalties for the violation thereof," was read third time.

On motion of Senator Nichols, the bill was amended by striking the word "gross" in line 3 of section 5 of the original bill.

On motion of Senator Bassett, the bill was amended by making section 5 read "section 6" and inserting the following: "Section 5. Nothing in this act shall apply to grain and oyster sacks manufactured at the Washington State Penitentiary."

Senator Shaefer moved that the bill be re-referred to the committee on judiciary.

The motion failed to carry.

The secretary called the roll on final passage of Senate bill No. 100 and it passed the Senate by the following vote:

Those voting aye were: Senators Bassett, Bowen, Brown, Bryan, Collins, Cox, Falconer, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Troy, Whalley, White, Whitney, Mr. President—26.

Those voting nay were: Senators Anderson, Arrasmith, Chappell, Eastham, Espy, Fishback, Hall, Stewart—8.

Absent or not voting were: Senators Allen (F. J.), Allen (P. L.), Davis, Hewitt, Landon, Smithson, Stephens, Stevenson—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 128, by Senator Allen (F. J.), entitled "An act appropriating two thousand nine hundred and twenty-three (\$2,923.00) dollars to pay witness fees and mileage to persons summoned before the state board of tax commissioners to testify as to valuation of property," was read third time.

On motion of Senator Nichols, the Senate resolved itself into a committee of the whole for the purpose of considering Senate bill No. 128.

The bill was considered in committee of the whole, Senator Jackson in the chair, and reported back to the Senate with the recommendation that it do pass.

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

The secretary called the roll on final passage of Senate bill No. 128 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Falconer, Fishback, Hall, Hammer, Jackson, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Smithson, Troy, Whalley, White, Whitney, Mr. President—30.

Those voting nay were: Senators E-py, Hutchinson, Huxtable, Jensen, Rydstrom, Shaefer, Stewart—7.

Absent or not voting were: Senators Davis, Hewitt, Landon, Stephens, Stevenson—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Eastham gave notice of a motion to reconsider the vote by which Senate bill No. 128 passed the Senate.

Senators Hewitt and Stephens were excused from attendance on today's sessions.

On motion of Senator Falconer, the consideration of Senate bill No. 153 was deferred until the return of Senator Landon, Senator Landon being absent on business of the Senate.

Engrossed House joint memorial No. 7, "Memorializing Congress of the United States for an extension of time to desert land entrymen," was read third time.

Senator White moved that the memorial be indefinitely postponed.

The motion failed to carry.

The secretary called the roll on final passage of engrossed House joint memorial No. 7 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Espy, Falconer, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Myers, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stewart, Troy, Whitney, Mr. President—31.

Those voting nay were: Senators Fishback, Hall, Metcalf, Nichols, Whalley, White—6.

Absent or not voting were: Senators Davis, Hewitt, Landon, Stephens, Stevenson—5.

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,

MR. PRESIDENT: OLYMPIA, WASH., February 14, 1911.

Your committee on enrolled bills, to whom was referred Senate bill No. 115, by Senators Brown and White of Whatcom county, entitled, "An act relating to and providing for the payment of obligations existing against road districts in counties which have heretofore, or which shall hereafter, adopt township organization government, and declaring an emergency;"

Also Senate joint memorial No. 5, by Senator Rydstrom, of Pierce county, "Relating to an appropriation by congress for building of roads in the Rainier National Park;"

—have compared same with the original bill and the original joint memorial respectively, and find them correctly enrolled.

Respectfully submitted.

GEO. W. SHAEFER, *Chairman.*

We concur in this report: H. A. Espy, B. A. Bowen, Peder Jensen.

Senator White announced that he had compared the original Senate bill No. 115 with the enrolled copy and found it to be correctly enrolled and Senator Rydstrom made the same statement as to Senate joint memorial No. 5.

The president signed Senate bill No. 115 and Senate joint memorial No. 5.

On motion of Senator Falconer, the consideration of engrossed House bill No. 60 was made a special order for 2:00 o'clock Thursday afternoon, February 16th.

Senate bill No. 127, by Senator Allen (P. L.), entitled "An act relating to or affecting the leasing of what is known as the 'Old University Tract' in the city of Seattle," was read third time.

On motion of Senator Collins, the bill was amended by striking the words "or any act affecting or" in line 2 of section 1 of the bill.

The secretary called the roll on final passage of Senate bill No. 127 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Chappell, Collins, Cox, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Stewart, Whalley, Whitney, Mr. President—32.

Those voting nay were: Senators Rosenhaupt, Troy—2.

Absent or not voting were. Senators Bryan, Davis, Hewitt, Landon, Smithson, Stephens, Stevenson, White—8.

The secretary called the roll on the emergency clause and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Chappell, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Nichols, Roberts, Ruth, Rydstrom, Shaefer, Stewart, Whalley, White, Whitney, Mr. President—28.

Those voting nay were: Senators Collins, Cox, Metcalf, Myers, Piper, Rosenhaupt, Troy—7.

Absent or not voting were: Senators Bryan, Davis, Hewitt, Landon, Smithson, Stephens, Stevenson—7.

On motion of Senator Rosenhaupt, the title of the bill was amended by adding thereto the words "and declaring an emergency."

There being no objection, the title of the bill as amended was ordered to stand as the title of the act.

Senate bill No. 29, by Senator Jackson, entitled "An act relating to the payment of salary or wages of public officers and employees, and of employees upon public works," was read third time.

Senator Allen (F. J.), moved to amend the bill by striking the words "which shall not exceed a half-month" in line 3, section 1 of the bill.

Senator Falconer moved that the bill be laid on the table.

A roll call on the motion to table was demanded by Senators Troy, Ruth, Eastham, Allen (P. L.), Hutchinson, Chappell, Nichols.

The secretary called the roll, and the bill was tabled by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Eastham, Falconer, Fishback, Hall, Hutchinson, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Smithson, Stewart, Whitney—19.

Those voting nay were: Senators Allen (P. L.), Bryan, Chappell, Collins, Cox, Espy, Hammer, Huxtable, Jackson, Jensen, Metcalf, Myers, Nichols, Shaefer, Troy, Whalley, White, Mr. President—18.

Absent or not voting were: Senators Davis, Hewitt, Landon, Stephens, Stevenson—5.

On motion of Senator Brown, House joint resolution No. 3 was re-referred to the committee on military.

Senator Roberts was called to the chair.

On motion of Senator Hutchinson, substitute Senate bill No. 18 was re-referred to the committee on state charitable institutions.

Senate bill No. 37, by Senator Stewart, entitled "An act for the protection of black bass and perch in Silver lake, in Cowlitz county," was read third time.

The secretary called the roll on final passage of Senate bill No. 37 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stewart, Troy, Whalley, White, Whitney, Mr. President—35.

Absent or not voting were: Senators Allen (F. J.), Davis, Hewitt, Landon, Rosenhaupt, Stephens, Stevenson—7.

On motion of Senator Metcalf, the title of the bill was amended by striking therefrom the word "for" and substituting therefor the words "relating to."

There being no objection, the title of the bill as amended was ordered to stand as the title of the act.

Senator Piper moved that the Senate do now adjourn.

The motion failed to carry.

Senate bill No. 112, by Senator Falconer, entitled "An act relating to the operation of coal mines in the State of Washington, creating a commission to revise the coal mining laws of the state to report their conclusions to the next legislature, and providing an appropriation therefor," was read third time.

On motion of Senator Falconer, the Senate resolved itself into a committee of the whole for the purpose of considering Senate bill No. 112.

The bill was considered in committee of the whole, Senator Myers in the chair, and reported back to the Senate with the recommendation that it do pass with the following amendments: In section 2, line 2 of the bill, substitute the word "five" for the word "four"; in section 2, line 4 of the original bill, substitute the word "three" for the word "two"; and in the same line, after the word "experience" insert the following "selected from nine names certified to the governor by the mine workers of this state."

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

On motion of Senator Rosenhaupt, the bill was amended by adding to the end of section 1 the following: "and report upon the cost of operation and the cost of coal."

Senator Falconer moved that the Senate resolve itself into a committee of the whole for the purpose of again considering Senate bill No. 112.

The motion failed to carry.

The secretary called the roll on final passage of Senate bill No. 112 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bassett, Bowen, Bryan, Collins, Cox, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Rydstrom, Smithson, Stewart, Troy, Whalley, White, Mr. President—28.

Those voting nay were: Senators Anderson, Brown, Chappell, Eastham, Jensen, Nichols, Ruth, Shaefer, Whitney—9.

Absent or not voting were: Senators Davis, Hewitt, Landon, Stephens, Stevenson—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Allen (P. L.), Senate bill No. 122 was ordered placed first on the calendar for tomorrow.

At 5:00 o'clock p. m., on motion of Senator Allen (P. L.), the Senate adjourned until 10:30 tomorrow morning.

WM. T. LAUBE,

Secretary of the Senate.

W. H. PAULHAMUS,

President of the Senate.

THIRTY-EIGHTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASH., Wednesday, February 15, 1911.

The Senate was called to order at 10:30 o'clock a. m., by President Paulhamus, pursuant to adjournment.

Rev. G. R. Messiah, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present except Senators Davis, Hewitt and Stevenson, all of whom were excused.

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

A communication from the city of Port Townsend, opposing Senate bill No. 102 was read and ordered placed on file, as was also a telegram from certain citizens of Spokane endorsing the eight hour day for women and urging the passage of an act validating the commission form of government.

SENATE CHAMBER,
OLYMPIA, WASH., February 15, 1911.

MR. PRESIDENT:

We, your committees on pure food and drugs, and dairy and live-stock, to whom was referred House bill No. 181, entitled "An act regulating the sale of bottled milk and bottled cream in cities of the first class, and providing a penalty for the violation thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Section 1, strike all that part of the section following the word "sale" in line 6 in the original bill, the same being line 4 in the printed bill.

Section 2, strike the words "and the date the same was bottled" in line 5 in the original bill, the same being the last five words in line 3 and the first two words in line 4 in the printed bill.

Section 3, strike the word "date" in line 6 in the original bill, the same being line 4 in the printed bill.

P. JENSEN, *Chairman*.

Committee on Pure Food and Drugs.

We concur in this report: B. A. Bowen, H. A. Espy.

D. S. TROY, *Chairman*.

Committee on Dairy and Livestock.

We concur in this report: John E. Chappell, Ed Brown.

On motion of Senator Troy, the report of the committees was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., February 15, 1911.

MR. PRESIDENT:

We, your committees on pure food and drugs, and dairy and livestock, to whom was referred engrossed House bill No. 179, entitled "An act amending section 260, chapter 249, Session Laws 1909, regulating the sale of milk and cream in cities of the first class," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

P. JENSEN, *Chairman*.

Committee on Pure Food and Drugs.

We concur in this report: Ed Brown, H. A. Espy.

D. S. TROY, *Chairman*.

Committee on Dairy and Livestock.

We concur in this report: John E. Chappell, B. A. Bowen.

On motion of Senator Troy, the report of the committees was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., February 14, 1911.

MR. PRESIDENT:

We, your committee on public revenue and taxation, to whom was referred engrossed House bill No. 159, entitled "An act to amend section 12 of chapter 78, Session Laws of 1907, relating to the assessment of the operating property of railroads, approved March 6, 1907, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

JOHN L. ROBERTS, *Chairman*.

We concur in this report: Peder Jensen, Ed Brown, J. D. Bassett, Jesse Huxtable, Oliver Hall.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 14, 1911.

MR. PRESIDENT:

We, your committee on public revenue and taxation, to whom was referred engrossed House bill No. 156, entitled "An act amending sec-

tion 2, of chapter 217, Session Laws of 1907, relating to the taxation of inheritances, by striking from said section the proviso," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

JOHN L. ROBERTS, *Chairman*.

We concur in this report: Peder Jensen, Ed Brown, J. D. Bassett, Jesse Huxtable, Oliver Hall.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 14, 1911.

MR. PRESIDENT:

We, your committee on public revenue and taxation, to whom was referred Senate bill No. 163, entitled "An act to provide for the licensing of transient or itinerant merchants, and prescribing a penalty," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

JOHN L. ROBERTS, *Chairman*.

We concur in this report: Peder Jensen, Ed Brown, J. D. Bassett, Jesse Huxtable, Oliver Hall.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 14, 1911.

MR. PRESIDENT:

We, your committee on counties and county boundaries, to whom was referred Senate bill No. 193, entitled "An act to create the county of White Salmon, subject to the requirements of the state constitution and the statutes in respect to the establishment of new counties and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on the general file.

E. C. WHITNEY, *Chairman*.

We concur in this report: George U. Piper, Geo. W. Shaefer, A. B. Eastham, Harry Rosenhaupt, Oliver Hall.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 15, 1911.

MR. PRESIDENT:

We, your committee on elections and privileges, to whom was referred Senate bill No. 129, entitled "An act relating to the classification of counties, naming the officers thereof, fixing the compensation and office hours, and repealing all acts in conflict herewith," have had

the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the bill herewith submitted be substituted therefor and do pass.

J. W. BRYAN, *Chairman*.

We concur in this report: Geo. W. Shaefer, P. L. Allen.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 14, 1911.

MR. PRESIDENT:

We, your committee on public revenue and taxation, to whom was referred Senate bill No. 107, entitled "An act relating to the operation of and requiring the registration of all motor vehicles, providing for an annual registration or license fee, making a violation of the provisions of this act a misdemeanor and providing a punishment," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

JOHN L. ROBERTS, *Chairman*.

We concur in this report: Peder Jensen, Ed Brown, J. D. Bassett, Jesse Huxtable, Oliver Hall.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 14, 1911.

MR. PRESIDENT:

We, your committee on military, to whom was referred Senate bill No. 167, entitled "An act relating to the state soldiers' home and admission thereto, and amending section 1 of chapter 152, of the Laws of 1905," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

ED BROWN, *Chairman*.

We concur in this report: J. W. Bryan, D. H. Cox, F. J. Allen, R. A. Hutchinson.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 14, 1911.

MR. PRESIDENT:

We, your committee on game, to whom was referred Senate bill No. 159, entitled "An act for the protection of game animals, game birds and song birds in certain designated territory in the State of Washington, to prohibit the firing of firearms therein, and providing a punishment for the violation thereof," have had the same under considera-

tion, and we respectfully report the same back to the Senate with the recommendation that it do pass.

JOSIAH COLLINS, *Chairman*.

We concur in this report: A. B. Eastham, John E. Chappell, Arvid Rydstrom, Ed Brown, Chas. E. Myers.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 15, 1911.

MR. PRESIDENT:

We, your committee on pure food and drugs, to whom was referred Senate bill No. 161, entitled "An act prohibiting the sale or offering for sale of poultry, game and fish under certain circumstances, providing for its enforcement, and prescribing a penalty for the violation thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In the title strike the comma immediately preceding the word "game" and insert in lieu thereof the word "and" and strike the words "and fish" immediately following said word "game."

Section 1, strike out the words "or fish" in line 4 in the original bill, the same being line 3 in the printed bill.

Section 1, strike out all that part of the section after the word "than" in line 10 in the original bill, the same being line 5 in the printed bill, and insert in lieu of the part so stricken the following: "ten dollars nor more than fifty dollars."

PEDER JENSEN, *Chairman*.

We concur in this report: John E. Chappell, B. A. Bowen.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 15, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred engrossed Senate bill No. 122, entitled "An act relating to weights and measures; establishing standards therefor; providing for the enforcement thereof; providing penalties for the violation of this act, and repealing an act entitled 'An act to establish a uniform standard of weights and measures, and to provide for a state sealer and inspector of the same,' approved March 20, 1890," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman*.

We concur in this report: Daniel Landon, Josiah Collins, D. S. Troy.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 15, 1911.

MR. PRESIDENT:

The House has passed engrossed House bill No. 154, entitled "An act allowing foreign corporations to loan money in the state, and amending section 1, chapter 176, Laws of 1903;"

Also engrossed House bill No. 123, entitled "An act relating to the creation and organization of the county of Pend Oreille;"

Also engrossed House bill No. 236, entitled "An act relating to attorneys and counsellors-at-law;"

Also engrossed House bill No. 294, entitled "An act relating to the Washington state reformatory and the management thereof, and amending section 8578, Remington and Ballinger's Annotated Codes and Statutes of Washington;"

Also engrossed House bill No. 220, entitled "An act relating to the form of organization of cities of the first class and exercise of the powers of such cities, declaring the application of this act, repealing all laws or parts of laws in conflict therewith, and declaring an emergency;"

Also House concurrent resolution No. 9, "Relating to the National Guard investigating committee."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

INTRODUCTION OF BILLS.

Senate bill No. 226, by Senator Rydstrom, entitled "An act to apportion the State of Washington into five congressional districts."

The bill was read the first time, and on motion of Senator Rydstrom, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on congressional apportionment.

Senate bill No. 227, by Senator Roberts, entitled "An act to amend section 11, chapter 78, of the Session Laws of 1907, entitled 'An act to provide for the assessment of the operating property of railroads,' approved March 6, 1907, and declaring an emergency."

The bill was read the first time, and on motion of Senator Roberts, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on public revenue and taxation.

Senate bill No. 228, by Senator Shaefer (by request) entitled "An act to amend an act entitled 'An act for the regulation of practice of medicine and surgery, and osteopathy, and other systems or modes of treating the sick or afflicted in the State of Washington, and for the appointment of a board of medical examiners in the matter of regulation,' approved March 13, 1909."

The bill was read the first time, and on motion of Senator Shaefer, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on medicine, dentistry, surgery and hygiene.

Senate bill No. 229, by Senator Bryan, entitled "An act relating to and providing for the nomination of candidates for public office and for the printing of the names of candidates on the general election ballot, providing penalties for the violation thereof, repealing chapter 209 of the Session Laws of 1907, and chapter 82 of the Session Laws of 1909, and providing an emergency."

The bill was read the first time, and on motion of Senator Bryan, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on privileges and election.

Senate bill No. 230, by judiciary committee, entitled "An act relating to the disqualification of judges of the superior courts, and providing change of venue or change of judges on account thereof."

The bill was read the first time, and on motion of Senator White, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Substitute Senate bill No. 129, by committee on elections and privileges, entitled "An act relating to the classification of counties, naming the officers thereof, fixing the compensation and office hours, and repealing all acts in conflict herewith."

The bill was read the first time, and on motion of Senator Bryan, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Engrossed House bill No. 123, by Mr. Appleman, entitled "An act relating to the creation and organization of the county of Pend Oreille, subject to the requirements of the state constitution and the statutes in respect to the establishment of new counties."

The bill was read the first time, and on motion of Senator Anderson, the rules were suspended, the bill was read the second time by title and referred to the committee on counties and county boundaries.

Engrossed House bill No. 154, by Mr. Teats, entitled "An act allowing foreign corporations to loan money in the state, and amending section 1 of chapter 176 of the Laws, 1903."

The bill was read the first time, and on motion of Senator Metcalf, the rules were suspended, the bill was read the second time by title, and referred to the committee on judiciary.

Engrossed House bill No. 220, by Messrs. Gandy and Phipps, entitled "An act relating to the form of organization of cities of the first class and exercise of the powers of such cities, declaring the application of this act, repealing all laws or parts of laws in conflict therewith, and declaring an emergency."

The bill was read the first time, and on motion of Senator Rosenhaupt, the rules were suspended, the bill was read the second time by title, and referred to the committee on judiciary.

Engrossed House bill No. 236, by judiciary committee, entitled "An act relating to attorneys and counsellors at law and declaring an emergency."

The bill was read the first time, and on motion of Senator Rosenhaupt, the rules were suspended, the bill was read the second time by title, and referred to the committee on judiciary.

Engrossed House bill No. 294, by Messrs. Appleman, Beach, Byerly, Cameron, Carlyon, Chamberlin, Christensen (W. P.), Davis, Dickson, Ennis, Faulkner, Fisher, Foster, Frits, Gandy, Garrecht, Ghent, Gillett, Halsey, Haroldson, Hoff, Hornibrook, Jamieson, Jones, Kelly, Kennedy, Martin, McArdle, McCoy, McKenna, McLean, McMillan, McNeely, McQuesten, Megler, Mess, Miller (Clyde), Miller (J. A.), Minard, Moren, Rich,

Shutt, Sims, Smith, Stephens (W. E.), Stevens (A. M.), Stone, Straub, Teats, Thompson, Taylor, Tonkin, Twitchell, Vollmer, Wooldridge, Wray, Zednick, entitled "An act relating to the Washington State Reformatory and the management thereof, and amending section 8578 of Remington & Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Stephens, the rules were suspended, the bill was read the second time by title, and referred to the committee on state penal and reformatory institutions.

The secretary read:

HOUSE CONCURRENT RESOLUTION NO. 9.

Be it resolved, by the House of Representatives, the Senate concurring, That the committee heretofore appointed under and in accordance with the provisions of House concurrent resolution No. 2 to investigate the affairs of the National Guard of the State of Washington be and it is hereby granted an additional ten days in which to file its report.

Senator Jackson moved the adoption of the resolution.

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

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stewart, Troy, Whalley, White, Whitney, Mr. President—37.

Absent or not voting were: Senators Anderson, Davis, Hewitt, Huxtable, Stevenson—5.

The president called Senator Allen (P. L.), to take the chair.

GENERAL FILE.

Engrossed Senate bill No. 122, by Senator Jackson, entitled "An act relating to weights and measures; establishing standards therefor; providing for the enforcement thereof; providing penalties for the violation of this act, and repealing an act

entitled 'An act to establish a uniform standard of weights and measures, and to provide for a state sealer and inspector of the same,' approved March 20, 1890," was read third time.

Senator Hutchinson moved to amend the bill by striking the following words in section 2 of the bill, "appointed by the governor by and with the consent of the Senate," and substituting therefor the following "He shall be elected at the next general election."

The amendment failed to carry.

Senator Nichols moved to amend the bill by striking lines 1, 2, 3, 4, 5, 6 and 7, section 2, of the engrossed bill, and up to and including the word "years," in line 8, section 2, and substituting therefor "The oil inspector shall be ex-officio superintendent of weights and measures."

Senator Rosenhaupt moved as a substitute that the bill be re-referred to the committee on labor and labor statistics with instructions to that committee to so amend the bill as to place the inspection of weights and measures under the jurisdiction of the office of the oil inspector or that of the dairy and pure food commissioner.

A roll call on the motion of Senator Rosenhaupt was demanded by Senators Hutchinson, Falconer, Nichols, Rydstrom, Landon, Ruth, Whitney, Anderson.

The secretary called the roll and the motion to recommit Senate bill No. 122 carried by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Bown, Bryan, Eastham, Fishback, Hall, Hutchinson, Jensen, Nichols, Piper, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stewart, White, Whitney—23.

Those voting nay were: Senators Allen (F. J.), Chappell, Collins, Cox, Espy, Falconer, Hammer, Huxtable, Jackson, Landon, Myers, Roberts, Troy, Whalley, Mr. President—15.

Absent or not voting were: Senators Davis, Hewitt, Metcalf, Stevenson—4.

On motion of Senator Ruth, the consideration of House bill

No. 137, which was the next on the calendar, was made a special order for 11:30 o'clock tomorrow morning.

Engrossed House bill No. 179, by Mr. Wray, entitled "An act amending section 260, chapter 249, Session Laws 1909, regulating the sale of milk and cream in cities of the first class," was read third time.

The secretary called the roll on final passage of engrossed House bill No. 179 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jensen, Landon, Myers, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stewart, Troy, Whalley, White, Whitney, Mr. President—33.

Absent or not voting were: Senators Davis, Hewitt, Huxtable, Jackson, Metcalf, Nichols, Piper, Rosenhaupt, Stevenson—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The president resumed the chair.

House bill No. 181, by Mr. Wray, entitled "An act regulating the sale of bottled milk and bottled cream in cities of the first class, and providing a penalty for the violation thereof," was read third time.

Senator Collins moved to amend the bill by adding to the end of section 1 the following: "and the date that the milk and cream were bottled."

The amendment failed to carry.

The secretary called the roll on final passage of House bill No. 181 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Espy, Falconer, Fishback, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom,

Shaefer, Smithson, Stephens, Stewart, Troy, Whalley, White, Mr. President—37.

Voting nay: Senator Hall—1.

Absent or not voting were: Senators Davis, Hewitt, Stevenson, Whitney—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 15, 1911.

MR. PRESIDENT:

The House has concurred in the Senate amendments to House bill No. 80.

Also the speaker has signed Senate joint memorial No. 5, "Relating to the Rainier National Park in the State of Washington," etc.;

Also Senate bill No. 115, entitled "An act relating to and providing for the payment of obligations existing against road districts in counties," etc.;

Also House bill No. 158, entitled "An act relating to an annual convention of the county assessors of the state," etc.;

Also House joint memorial No. 4, "Relating to the withdrawal and opening for settlement under the public land laws of Mt. Rainier and Columbia forest reserve;"

Also House concurrent resolution No. 6, "Relating to the adjournment of the Senate and House, respectively."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president signed House concurrent resolution No. 6, House bill No. 158, and House joint memorial No. 4.

At 12:10 p. m., on motion of Senator Allen (P. L.), the Senate took a recess until 2:00 o'clock this afternoon.

AFTERNOON SESSION.

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

Engrossed House bill No. 156, by committee on revenue and taxation, entitled "An act amending section 2 of chapter 217,

Session Laws of 1907, relating to the taxation of inheritances, by striking from said section the proviso," was read third time.

Senator Nichols moved to amend the bill by substituting the word "six" for the word "twelve" in line 18 of section 2 of the engrossed bill.

The amendment failed to carry.

Senator Nichols moved to amend the bill by substituting the word "twenty" for the word "nine" in line 14 of section 2 of the engrossed bill.

A roll call on the proposed amendment was demanded by Senators Nichols, Metcalf, Chappell, Jensen, Hutchinson, Whitney and Hall.

The secretary called the roll and the amendment failed to carry by the following vote:

Those voting aye were: Senators Anderson, Brown, Bryan, Fishback, Huxtable, Jensen, Metcalf, Nichols, Ruth, Shaefer, Whitney—11.

Those voting nay were: Senators Allen (F. J.), Arrasmith, Bassett, Bowen, Chappell, Collins, Cox, Eastham, Espy, Falconer, Hall, Hammer, Hutchinson, Jackson, Landon, Myers, Roberts, Rydstrom, Smithson, Stephens, Stewart, Troy, Whalley, White, Mr. President—25.

Those absent or not voting were: Senators Allen (P. L.), Davis, Hewitt, Piper, Rosenhaupt, Stevenson—6.

Senator Nichols moved to amend the bill by substituting the word "twenty-five" for the word "twelve" in line 18, section 2 of the engrossed bill.

The motion was lost.

The secretary called the roll on final passage of engrossed House bill No. 156 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom,

Shaefer, Stephens, Stewart, Troy, Whalley, White, Mr. President—36.

Those voting nay were: Senators Allen (F. J.), Smithson—2.

Absent or not voting were: Senators Davis, Hewitt, Stevenson, Whitney—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed House bill No. 159, by committee on revenue and taxation, entitled "An act to amend section 12 of chapter 78, Session Laws of 1907, relating to the assessment of operating property of railroads, approved March 6, 1907, and declaring an emergency," was read third time.

Senator Nichols moved to amend the bill by inserting after the word "property" in line 15, section 1 of the engrossed bill, the following: "in the county in which said property is located."

A roll call on the motion to amend was demanded by Senators Falconer, Allen (P. L.), Cox, Hall, Landon, Eastham, Stephens.

The roll was called and the amendment failed to carry by the following vote:

Those voting aye were: Senators Allen (P. L.), Bowen, Collins, Huxtable, Jackson, Jensen, Metcalf, Nichols, Piper, Ruth, Rydstrom, Whalley, Whitney, Mr. President—14.

Those voting nay were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Cox, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Landon, Myers, Roberts, Rosenhaupt, Shaefer, Smithson, Stephens, Stewart, Troy, White—25.

Absent or not voting were: Senators Davis, Hewitt, Stevenson—3.

The secretary called the roll on final passage of House bill No. 159 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable Jackson, Jensen, Landon, Metcalf,

Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stewart, Troy, Whalley, White, Whitney, Mr. President—39.

Absent or not voting were: Senators Davis, Hewitt, Stevenson—3.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bowen, Brown, Bryan, Chappell, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Myers, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Troy, Whalley, White, Whitney, Mr. President—32.

Those voting nay were: Senators Cox, Metcalf, Nichols, Piper, Stewart—5.

Absent or not voting were: Senators Bassett, Collins, Davis, Hewitt, Stevenson—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Metcalf, the consideration of Senate bill No. 147 which was the next bill on the calendar, was put over until the return of Senator Stevenson.

Senate bill No. 153, by Senator Landon, entitled "An act appropriating the sum of one hundred eighty-six thousand three hundred twenty and 75-100 dollars from the state shore land improvement fund (said sum being the unexpended balance of the two hundred and fifty thousand dollars set apart and appropriated by chapter 218 of the Laws of 1909), and providing for the expenditure thereof in connection with the construction and improvement of the Lake Washington canal in King county, Washington," was read third time.

On motion of Senator Falconer, the Senate resolved itself into a committee of the whole for the purpose of considering Senate bill No. 153.

The bill was considered in committee of the whole, Senateor Metcalf in the chair, and reported back to the Senate with the recommendation that it do pass.

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

The secretary called the roll on final passage of Senate bill No. 153 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Smithson, Stephens, Stewart, Troy, Whalley, White, Mr. President—32.

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

Absent or not voting were: Senators Allen (F. J.), Davis, Hewitt, Nichols, Shaefer, Stevenson, Whitney—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 90, by Senator Bassett, entitled "An act authorizing school districts of the first class to create and maintain a permanent insurance fund, to be used to meet losses by fire, if any, to the school property of the district, and providing for the investment of said fund," was read third time.

The secretary called the roll on final passage of Senate bill No. 90 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Espy, Falconer, Fishback, Hall, Hammer, Jackson, Jensen, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Shaefer, Stephens, Stewart, Whalley, Whitney, Mr. President—29.

Those voting nay were: Senators Eastham, Nichols, Ruth, Rydstrom, Smithson, White—6.

Those absent or not voting were: Senators Davis, Hewitt, Hutchinson, Huxtable, Landon, Stevenson, Troy—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 200, by Committee on Military, entitled "An

act providing for an organized naval militia," was read third time.

Senator Bryan moved to amend the bill by striking the period at the end of line 12, section 5 of the original bill, inserting a comma and adding the following: "but no person holding a civil service position and having government employes under his charge in any government manufacturing plant or navy yard, shall be eligible to hold any line office."

The amendment failed to carry.

On motion of Senator Ruth, the bill was amended by striking the word "annually" in line 2, section 3 of the original bill and inserting the word "annually" after the word "duty" in the same line.

Senator Brown moved that the bill be rereferred to the committee on appropriations.

Senator Brown withdrew his motion.

Senator Stewart moved to amend by striking the word "not" in line 11 of section 5 of the original bill.

The motion failed to carry.

The roll was called on final passage of Senate bill No. 200 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bowen, Brown, Bryan, Collins, Eastham, Falconer, Fishback, Jackson, Landon, Metcalf, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stewart, Troy, Whalley, Whitney, Mr. President—27.

Those voting nay were: Senators Anderson, Bassett, Chappell, Cox, Hall, Hammer, Hutchinson, Jensen, Myers, White—10.

Absent or not voting were: Senators Davis, Espy, Hewitt, Huxtable, Stevenson—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Landon gave notice of a motion to reconsider the vote by which Senate bill No. 200 passed the Senate.

At the request of Senator Whitney, the consideration of Senate bill No. 179 went over until tomorrow.

Senate bill No. 195, by Senator Bassett, entitled "An act amending section 4562, Remington and Ballinger's Annotated Codes and Statutes, relating to apportionment of the state current school fund," was read third time.

On motion of Senator Rosenhaupt, the words "of Washington" were inserted after the word "statutes" in line 2, section 1 of the original bill.

The secretary called the roll on final passage of Senate bill No. 195, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stewart, Whalley, White, Mr. President—35.

Those absent or not voting were: Senators Anderson, Davis, Espy, Hewitt, Stevenson, Troy, Whitney—7.

On motion of Senator Rosenhaupt, the title of the bill was stricken and the following substituted therefor as the title of the bill: "An act relating to apportionment of the state current school fund and amending section 4562 of Remington and Ballinger's Annotated Codes and Statutes of Washington."

There being no objection, the title of the bill as amended was ordered to stand as the title of the act.

At 4:25 p. m., on motion of Senator Allen (P. L.), the Senate adjourned until 10 o'clock tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

W. H. PAULHAMUS,
President of the Senate.

THIRTY-NINTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASH., Thursday, February 16, 1911.

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

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present except Senators Davis, Espy, and Hewitt, all excused on account of illness.

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

A communication from certain Baptist clergymen of South Bend, Preston and Centralia, relating to local option legislation, was read and placed on file.

Telegrams from the Seattle Federation of Women's Clubs and the Civic Forum, both of Seattle, urging the passage of House bills Nos. 60 and 153 were read and placed on file.

A communication from the Spokane Typographical union, urging the passage of Senate bill No. 100 was read and placed on file.

Senator Eastham moved the adoption of the following resolution:

WHEREAS, The members of this legislature have been requested to be present at the meeting of the Southwestern Washington Development Association to be held in the city of Vancouver, Washington, February 17, 1911, to be the guests of said association at a banquet to be given by said association; be it

Resolved. That the Senate adjourn Friday at 12 o'clock noon and that the invitation to the banquet be accepted.

Senator Falconer moved as a substitute that the secretary be instructed to acknowledge receipt of the invitation to the Senate

to visit Vancouver as the guest of the Commercial club, and express to the said club the regrets of the Senate.

The motion was lost.

Senator Rosenhaupt moved that when the Senate adjourn on Friday, that the members of the Senate be allowed no per diem for Saturday and Monday.

Senator Jackson moved that the amendment be laid on the table.

Senator Nichols raised the point of order that the amendment proposed by Senator Rosenhaupt was out of order on the ground that it is not germane to the subject of the resolution.

The president held the point of order well taken and ruled Senator Rosenhaupt's motion to be out of order.

Senator Falconer moved that the resolution be amended by changing "Friday, 12 o'clock" to read "Saturday, 12 o'clock."

Senator Jackson moved to lay the amendment on the table.

The motion to table was lost.

The motion of Senator Falconer to amend was lost.

Senator Jackson offered the following substitute for the resolution and moved the adoption thereof:

Resolved. That when the Senate adjourns on Friday, February 17th, adjournment be at 2:30 p. m. to meet Monday, February 20th at 11 o'clock a. m.

The substitute motion failed to carry.

A roll call on the adoption of the original resolution of Senator Eastham was demanded by Senators' Falconer, Nichols, Brown, Landon, Piper, Whitney, Cox, Chappell.

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

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Chappell, Eastham, Fishback, Hutchinson, Huxtable, Landon, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stewart, Whalley, Whitney, Mr. President—20.

Those voting nay were: Senators Arrasmith, Bassett, Bowen, Brown, Bryan, Cox, Falconer, Hall, Hammer, Jackson, Jensen, Metcalf, Myers, Rosenhaupt, Stephens, Stevenson, Troy, White—18.

Absent or not voting were: Senators Collins, Davis, Espy, Hewitt—4.

Senator Rosenhaupt moved that no per diem be paid to the members for Saturday.

On motion of Senator Bryan, the motion of Senator Rosenhaupt was laid on the table.

The secretary read:

By Committee on Employes other than Regular:

Resolved, That from February 20, the compensation of clerical assistants and stenographers appointed by the secretary, and that of the bill clerk, be increased from five dollars to six dollars per day.

Senator Myers moved the adoption of the resolution.

Senator Ruth moved to amend the resolution by adding thereto the following "and that of A. L. Springer from two dollars and fifty cents to three dollars and fifty cents per day."

The amendment was put and carried and the resolution as amended was adopted.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., February 15, 1911.

MR. PRESIDENT:

We, a majority of your committee on public morals, to whom was referred Senate bill No. 121, entitled "An act to amend sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 16, 18, 19, 20 and 23 of 'An act to provide for the submission to the qualified electors of the question whether the sale of intoxicating liquors shall be licensed or prohibited, providing for the enforcement of the result of the elections hereunder, defining offenses hereunder, and providing penalties therefor,' said act being chapter 81 of the Session Laws of 1909, approved March 12, 1909, and by adding section 18-A to said act," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Amend section 1, line 12 of the original bill, being section 1, lines 7 and 8 of the printed bill, strike the first "and" and insert the words "as a whole" and a comma; also after the word "town" insert the words "and each precinct or that part thereof which lies wholly outside of any incorporated city or town."

Amend section 2, line 9 of the original bill, being section 2, line 6 of the printed bill, by inserting after the word "question" the words "as a separate unit."

Amend section 3, line 7 of the original bill, being section 3, line 4

of the printed bill, by inserting after the word "auditor" the words "in the case"; also after the word "any" insert the words "precinct or."

Amend section 4, line 22 of the original bill, being section 4, line 15 of the printed bill, by inserting after the word "a" the words "precinct or."

Amend section 8, lines 7, 8, 9 and 10 of the original bill, being section 8, lines 5, 6 and 7 of the printed bill, by striking all of line 5 after the word "organization" down to and including the word "resort" in line 10.

CHAS. E. MYERS, *Chairman.*

We concur in this report: E. Hammer, A. W. Anderson, Oliver Hall.

SENATE CHAMBER,

OLYMPIA, WASH., February 15, 1911.

MR. PRESIDENT:

I, a minority of your committee on public morals, to whom was referred Senate bill No. 121, entitled "An act to amend sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 16, 18, 19, 20 and 23 of 'An act to provide for the submission to the qualified electors of the question whether the sale of intoxicating liquors shall be licensed or prohibited, providing for the enforcement of the result of the elections hereunder, defining offenses hereunder, and providing penalties therefor,' said act being chapter 81 of the Session Laws of 1909, approved March 12, 1909, and by adding section 18-A to said act," have had the same under consideration, and I respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

Amend section 1, line 13 of the original bill, being section 1, line 9 of the printed bill, after the word "first" insert the words "second and third."

JOSIAH COLLINS.

Senator Myers moved the adoption of the majority report on Senate bill No. 121.

Senator Collins moved that the minority report be substituted for the majority report.

A roll call on the motion of Senator Collins was demanded by Senators Falconer, Landon, Nichols, Allen (P. L.), Brown, Myers, Piper, Whitney, Chappell.

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

Those voting aye were Senators Allen (P. L.), Collins, Eastham, Huxtable, Jensen, Nichols, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson—14.

Those voting nay were: Senators Anderson, Arrasmith,

Bassett, Bowen, Brown, Bryan, Chappell, Cox, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Landon, Metcalf, Myers, Piper, Stewart, Troy, Whalley, White, Whitney, Mr. President—24.

Absent or not voting were: Senators Allen (F. J.), Davis, Hewitt, Espy—4.

A roll call on the motion of Senator Myers for the adoption of the majority report on Senate bill No. 121 was demanded by Senators Landon, Nichols, Brown, Bryan, Piper, Cox, Hutchinson.

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

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Landon, Metcalf, Myers, Piper, Rosenhaupt, Stevenson, Stewart, Troy, Whalley, White, Mr. President—26.

Those voting nay were: Senators Collins, Eastham, Huxtable, Jensen, Nichols, Roberts, Ruth, Rydstorm, Shaefer, Smithson, Stephens, Whitney—12.

Absent or not voting were: Senators Allen (F. J.), Espy, Hewitt, Davis—4.

SENATE CHAMBER,

OLYMPIA, WASH., February 16, 1911.

MR. PRESIDENT:

We, your committee on penal and reformatory institutions, to whom was referred Senate bill No. 212, entitled "An act relating to the management of the jute mill at the state penitentiary, regulating the purchase, manufacture and sale of jute and other products manufactured at the state penitentiary, defining the duties of the state board of control in connection therewith, repealing sections 8559, 8560, 8561, 8562, 8563, 8564, 8565, 8566 and 8567 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

E. M. STEPHENS, *Chairman*.

We concur in this report: D. H. Cox, Jesse Huxtable, H. O. Fishback.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred Senate bill No. 198, entitled "An act for the relief of the Tacoma Humane Society of Pierce county, Washington, for money collected by county officials belonging to said society and paid by error into the state school fund, and making an appropriation therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman*.

We concur in this report: John L. Roberts, Daniel Landon, Ed Brown, Oliver Hall, H. O. Fishback, A. B. Eastham, D. S. Troy, J. D. Bassett, J. H. Smithson, D. H. Cox, Chas. E. Myers.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred Senate bill No. 135, entitled "An act to provide for the selection and purchase of a site, construction of buildings for the state institution for feeble-minded, making an appropriation therefor, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman*.

We concur in this report: John L. Roberts, Daniel Landon, Ed Brown, Oliver Hall, H. O. Fishback, D. S. Troy, J. D. Bassett, J. H. Smithson, D. H. Cox, Chas. E. Myers.

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

On motion of Senator Hutchinson, the bill was rereferred to the committee on state charitable institutions.

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred engrossed Senate bill No. 112, entitled "An act relating to the operation of coal mines in the State of Washington, to revise the coal mining laws of the state, to report their conclusions to the next legislature, and providing an appropriation therefor;"

Also engrossed Senate bill No. 127, entitled "An act relating to or affecting the leasing of what is known as the 'Old University Tract' in the city of Seattle, and declaring an emergency;"

Also engrossed Senate bill No. 100, entitled "An act relating to the labeling of convict-made goods offered for sale in this state and providing penalties for the violation thereof;"

Also engrossed Senate bill No. 37, entitled "An act relating to the protection of black bass and perch in Silver lake, in Cowlitz county;"—have compared same with the original bills and find them correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman*.

We concur in this report: Daniel Landon, F. J. Allen, D. S. Troy.

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1911.

MR. PRESIDENT:

We, your committee on railroads and transportation, to whom was referred Senate bill No. 41, entitled "An act requiring railway companies cleaning passenger car en route with vacuum cleaner, and making the violation thereof a misdemeanor and providing a penalty, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

D. H. Cox, *Chairman*.

We concur in this report: Ralph D. Nichols, Jesse Huxtable, B. A. Bowen, Peder Jensen, Chas. E. Myers, Joseph Arrasmith, A. W. Anderson, J. H. Smithson, Arvid Rydstrom.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 15, 1911.

MR. PRESIDENT:

We, your committee on public morals, to whom was referred Senate bill No. 86, entitled "An act relating to charitable and correctional institutions of the state, counties and municipalities, and those of a public and private nature, and creating a state charities and corrections commission, prescribing its duties and powers with respect to both public and private charitable and correctional institutions, and appropriating money therefor and prescribing penalties," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

CHAS. E. MYERS, *Chairman*.

We concur in this report: Josiah Collins, E. Hammer, F. J. Allen, A. B. Eastham, Oliver Hall, A. W. Anderson.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 15, 1911.

MR. PRESIDENT:

We, your committee on municipal corporations, to whom was referred Senate bill No. 110, entitled "An act relating to and providing for the election of the city attorney and police judge in cities of the second class, repealing all laws or parts of laws in conflict with the provisions of this act," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Amend the title by striking the words "and police judge."

Amend section 1, line 11 of the original bill, being section 1, line 2 of the printed bill, by striking the words "and police judge."

Amend section 1, line 12 of the original bill, being section 1, line 3 of the printed bill, by striking the words "their successors are" and inserting the words "his successor is."

F. J. ALLEN, *Chairman.*

We concur in this report: J. W. Bryan, John E. Chappell, A. B. Eastham, Oliver Hall.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1911.

MR. PRESIDENT:

We, your committee on state charitable institutions, to whom was referred Senate bill No. 208, entitled "An act to provide for the establishment, location, construction and management of a hospital for the insane near Sedro Woolley, in Skagit county, and making an appropriation therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

R. A. HUTCHINSON, *Chairman.*

We concur in this report: E. Hammer, Peder Jensen, E. C. Whitney.

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

On motion of Senator Hammer, the bill was rereferred to the committee on appropriations.

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1911.

MR. PRESIDENT:

We, your committee on state charitable institutions, to whom was referred Senate bill No. 196, entitled "An act to amend section 5938 of Remington and Ballinger's Annotated Codes and Statutes of Washington, relating to the hospital for the insane at Fort Steilacoom." have

had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

R. A. HUTCHINSON, *Chairman*.

We concur in this report: E. Hammer, Peder Jensen, E. C. Whitney.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1911.

MR. PRESIDENT:

We, your committee on state charitable institutions, to whom was referred Senate bill No. 197, entitled "An act to amend section 5939 of Remington and Ballinger's Annotated Codes and Statutes of Washington, relating to the hospital for the insane at Medical Lake," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

R. A. HUTCHINSON, *Chairman*.

We concur in this report: E. Hammer, Peder Jensen, E. C. Whitney.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1911.

MR. PRESIDENT:

We, your committee on railroads and transportation, to whom was referred Senate bill No. 154, entitled "An act providing for the sale by common carriers of refused or unclaimed property," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

In line 3, section 1 of the printed bill, the same being line 9, section 1 of the original bill, after the word "made" strike the remainder of said line, and strike all of lines 4, 5, 6, 7, 8 and 9, inclusive, in the printed bill, the same being lines 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, up to and including the word "or" in line 20 of the original bill and insert in lieu thereof the word "and."

D. H. COX, *Chairman*.

We concur in this report: Jesse Huxtable, B. A. Bowen, Peder Jensen, F. J. Allen, Chas. E. Myers, Joseph Arrasmith, Ralph D. Nichols, A. W. Anderson, J. H. Smithson, Arvid Rydstrom.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1911.

MR. PRESIDENT:

We, your committee on penal and reformatory institutions, to whom was referred the pardon list, submitted by Governor M. E. Hay, have

had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be approved.

E. M. STEPHENS, *Chairman*.

We concur in this report: D. H. Cox, Jesse Huxtable, H. O. Fishback.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 16, 1911.

MR. PRESIDENT:

We, your committee on penal and reformatory institutions, to whom was referred House bill No. 267, entitled "An act granting right-of-way through lands held for state training school purposes, etc., and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

E. M. STEPHENS, *Chairman*.

We concur in this report: D. H. Cox, Jesse Huxtable, H. O. Fishback.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 16, 1911.

MR. PRESIDENT:

We, your committee on penal and reformatory institutions, to whom was referred Senate bill No. 53, entitled "An act relating to paroling of inmates of penal and reformatory institutions," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file with the following amendments:

Strike section 1 and substitute therefor the following:

Section 1. It shall be lawful for the board having authority to parole prisoners, convicts or other inmates of any penal or reformatory institution of this state to parole such persons, when otherwise entitled to parole, in such number and on such terms as said board may deem wise and proper, to the care of any benevolent society organized and incorporated under the laws of the State of Washington for the purpose of caring for and assisting discharged or paroled prisoners or convicts.

Add thereto a new section as follows:

Sec. 2. When any person in section 1 of this act is paroled and committed to any such society or to any person as now provided by law, the state shall provide such person with transportation to the home of said society or to his other place of employment within the state.

E. M. STEPHENS, *Chairman*.

We concur in this report: D. H. Cox, Jesse Huxtable, H. O. Fishback.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred House bill No. 175, entitled "An act providing for the relief of the legatees of Abraham Barendse, deceased," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman*.

We concur in this report: John L. Roberts, Daniel Landon, Ed Brown, Oliver Hall, H. O. Fishback, A. B. Eastham, D. S. Troy, J. D. Bassett, J. H. Smithson, D. H. Cox, Chas. E. Myers.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred engrossed House bill No. 241, entitled "An act for the relief of John Roberts, and making an appropriation therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman*.

We concur in this report: John L. Roberts, Daniel Landon, Ed Brown, Oliver Hall, H. O. Fishback, A. B. Eastham, D. S. Troy, J. D. Bassett, J. H. Smithson, D. H. Cox, Chas. E. Myers.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred engrossed House bill No. 187, entitled "An act for the relief of R. A. Klinge, and making an appropriation therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman*.

We concur in this report: John L. Roberts, Daniel Landon, Ed Brown, Oliver Hall, H. O. Fishback, A. B. Eastham, D. S. Troy, J. D. Bassett, J. H. Smithson, D. H. Cox, Chas. E. Myers.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1911.

MR. PRESIDENT:

We, your committee on state charitable institutions, to whom was referred Senate bill No. 176, entitled "An act to amend section 16 of

an act entitled 'An act in relation to the insane of the State of Washington and making appropriations for the maintenance thereof, and declaring an emergency,' approved March 13, 1890, the same being section 5953 of Remington and Ballinger's Annotated Codes and Statutes of the State of Washington, and to repeal section 33 of said act, the same being section 5962 of Remington and Ballinger's Annotated Codes and Statutes of the State of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on the general file.

R. A. HUTCHINSON, *Chairman*.

We concur in this report: E. Hammer, Peder Jensen, E. C. Whitney.

On motion of Senator Hutchinson, the bill was rereferred to the committee on state charitable institutions.

SENATE CHAMBER,

OLYMPIA, WASH., February 16, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred engrossed House bill No. 197, entitled "An act fixing the salaries of the officers and employes in the adjutant general's department of the state militia, and providing for an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

J. A. FALCONER, *Chairman*.

We concur in this report: John L. Roberts, Daniel Landon, Ed Brown, Oliver Hall, H. O. Fishback, D. S. Troy, J. D. Bassett, J. H. Smithson, D. H. Cox, Chas. E. Myers.

Senator Falconer moved the adoption of the report.

A roll call on the motion was demanded by Senators Nichols, Jensen, Falconer, Roberts, Piper, Whitney, Cox, Chappell.

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

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Falconer, Fishback, Hall, Hammer, Huxtable, Jackson, Landon, Metcalf, Myers, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stewart, Troy, Whalley, White, Whitney—32.

Those voting nay were: Senators Hutchinson, Jensen, Nichols, Mr. President—4.

Absent or not voting were: Senators Allen (F. J.), Davis, Espy, Hewitt, Rosenhaupt, Stevenson—6.

SENATE CHAMBER,
OLYMPIA, WASH., February 15, 1911.

MR. PRESIDENT:

We, your committee on county and county boundaries, to whom was referred engrossed House bill No. 123, entitled "An act relating to the creation and organization of the county of Pend Oreille, subject to the requirements of the state constitution and the statutes in respect to the establishment of new counties," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

E. C. WHITNEY, *Chairman*.

We concur in this report: Harry Rosenhaupt, A. B. Eastham, Geo. W. Shaefer, A. W. Anderson, Oliver Hall.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred engrossed House bill No. 2, entitled "An act to amend an act entitled 'An act in relation to garnishments in justice courts in the State of Washington,' approved March 17, 1909 (Laws of 1909, chapter 160) and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Strike the title of the engrossed bill and substitute therefor: "An act relating to garnishments in justice courts in the State of Washington, and amending sections 1, 2, 3, 4 and 12, of chapter 160 of the Session Laws of 1909."

In the last line of section 5 of the engrossed bill, being line 12 of section 5 of the printed bill, strike the word "without," and substitute therefor "and recover his statutory."

Strike section 6 of the engrossed bill.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Geo. W. Shaefer, Ralph Metcalf, H. M. White, J. W. Bryan, F. J. Allen.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred House bill No. 165, entitled "An act to provide for the construction, deepening and widening of public waterways for the floatage of vessels and the drainage of swamps and overflowed lands, by assessments upon property

benefited thereby; for the organization of waterway districts; for the exercise of the right of eminent domain in furtherance thereof; for the issuance of bonds to provide funds therefor pending the collection of assessments, and to provide for the care and control of such waterways; and declaring an emergency," have have the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In the sixth line from the bottom of page 32 of the original bill, being line 9 of section 58 of the printed bill, after the word "exceptions," change the word "of" to "or."

In line 7 of the original bill, being line 5 of section 59 of the printed bill, after the word "upon" insert the word "the."

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: J. W. Bryan, Geo. W. Shaefer, Josiah Collins, Daniel Landon, H. M. White.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 15, 1911.

MR. PRESIDENT:

We, your committee on military, to whom was referred House joint resolution No. 3, "Relating to the appointment of a committee to investigate the Bellingham armory," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Strike section 1 and substitute the following:

Section 1. That the present investigating committee appointed under provision of House concurrent resolution No. 2, to investigate the National Guard of the State of Washington, be and the same is hereby empowered to investigate the construction of the Bellingham armory.

Section 2: Line 1, section 2, strike the word "such" and substitute the word "said."

Section 3: In line 3, section 3, strike the words "House and when approved by the House" and substitute the following: "Senate and House respectively when approved by the Senate and House respectively."

ED BROWN, *Chairman*.

We concur in this report: D. H. Cox, J. W. Bryan, F. J. Allen, John L. Roberts.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 15, 1911.

MR. PRESIDENT:

We, your committee on municipal corporations, to whom was referred Senate bill No. 169, entitled "An act to amend section 155 of 'An

act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Amend the title to read as follows: "An act relating to ordinances in towns of the fourth class and amending section 7734 of Remington and Ballinger's Annotated Codes and Statutes of the State of Washington."

Amend section 1 by inserting a new section to read as follows: "Section 1. That section 7734 of Remington and Ballinger's Annotated Codes and Statutes of the State of Washington is hereby amended to read as follows: 'Sec. 7734. The enacting clause of all ordinances shall be as follows: "The council of the town of.....do ordain as follows." Every ordinance shall be signed by the mayor, attested by the clerk, and published at least once in a newspaper published in such town, or printed and posted, or typewritten and posted, in at least three public places therein.'"

F. J. ALLEN, *Chairman.*

We concur in this report: J. W. Bryan, John E. Chappell, A. B. Eastham, Oliver Hall.

On motion of Senator Allen (F. J.), the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 15, 1911.

MR. PRESIDENT:

We, your committee on banks and banking, to whom was referred Senate bill No. 60, entitled "An act to provide for the formation of banking corporations, and to regulate the business of banking and securing state supervision thereof; for the appointment of a state examiner, defining his duties, fixing his compensation and making an appropriation therefor; and prohibiting the use of the words "bank," "banker," "bankers," "trust," and "savings," in advertising business by persons, firms and associations not hereby brought under state supervision, and fixing a penalty for its violation," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In the title, preceding the word "fixing" insert the word "and," and after the word "compensation" strike the words "and making an appropriation therefor."

In line 87, page 4 of the original bill, same being line 2, section 8 of the printed bill, preceding the word "become" insert "with the consent of the state examiner."

In lines 98 and 99, page 4 of the original bill, same being in line 8, section 8 of the printed bill, after the words "less than" strike "three thousand (3,000), twenty-five thousand dollars (\$25,000.00)," and insert in lieu thereof "one thousand (1,000), fifteen thousand dollars

(\$15,000.00); in cities, villages and communities having a population of one thousand (1,000), and less than three thousand (3,000), twenty-five thousand dollars (\$25,000.00)."

In line 130, page 5 of the original bill, same being line 1, section 10 of the printed bill, after "quadruplicate," strike "ex" and insert in lieu thereof "examined," and in the same line of the original bill, same being line 2, section 10 of the printed bill, after the word "state" strike "ex" and insert in lieu thereof "examiner," and in the same line after the word "such" strike "ex" and insert in lieu thereof "examination."

In line 238, page 8 of the original bill, same being line 19, section 14 of the printed bill, after the word "branch" insert "bank."

In line 306, page 10 of the original bill, same being line 2, section 19 of the printed bill, after the words "citizens of" insert "the."

In line 375, page 12 of the original bill, same being line 4, section 22 of the printed bill, after the word "investing" insert "not to exceed fifty (50) per cent. of its capital and surplus."

In line 377, page 12 of the original bill, same being line 6, section 22 of the printed bill, after the word "office" insert a comma and add "and shall not prohibit banks operating a safe deposit department from organizing same as a separate corporation and holding the stock thereof."

In line 481, page 15 of the original bill, same being line 13, section 31 of the printed bill, after "\$1,000.00" insert "for each offense."

Add to section 31, at the close of the section the following: "*Provided*, That existing private banks shall not be required to come under the provisions of this act, but all such banks shall be required to use the words "private bank" on all signs and stationery."

Add to section 34, after the close of the section, the following: "Nor shall advances made on immediately marketable commodities, whether stored in warehouses or otherwise, provided the title to such commodities actually passes to the bank making such advances, be considered as money borrowed: *Provided*, That not more than seventy-five (75) per cent. of the actual market value be advanced thereon: *Provided*, That nothing in this section shall be considered as applying to real estate mortgages now held in excess of said twenty-five (25) per cent."

In line 520, page 16 of the original bill, same being line 4, section 35 of the printed bill, after "agents," strike "located at commercial centers."

In line 535, page 17 of the original bill, same being lines 1 and 2 of section 36 of the printed bill, preceding the word "thousand" strike the word "five" and insert in lieu thereof "four," and in the parentheses strike the figure "5" and insert in lieu thereof the figure "4."

In line 537, page 17 of the original bill, same being lines 2 and 3, section 36 of the printed bill, preceding the word "thousand" strike the word "three" and insert in lieu thereof the word "two" and in the parenthesis strike the figure "3" and insert in lieu thereof the figure "2."

In line 623, page 19 of the original bill, same being line 2, section 42 of the printed bill, strike "twenty-five dollars (\$25.00)" and insert in lieu thereof "twenty dollars (\$20.00)."

After section 51 insert the following: "Sec. 51½. The provisions of this act with respect to the use of the word "savings" shall not apply to building and loan associations, or to savings and loan associations doing business under the laws of the State of Washington, as now existing, if such associations do not advertise as receiving deposits."

We concur in this report: D. S. Troy, E. M. Stephens, F. L. Stewart, J. D. Bassett, E. Hammer, B. A. Bowen.

On motion of Senator Stephens, there was ordered printed 500 copies of Senate bill No. 60 with the amendments proposed by the committee.

SENATE CHAMBER,
OLYMPIA, WASH., February 15, 1911.

MR. PRESIDENT:

We, your committee on educational institutions, to whom was referred Senate bill No. 203, entitled "An act dedicating to the city of Seattle for street and boulevard purposes certain tracts of land in section 16, township 25, north range 4 east W. M., and in blocks 7 and 8, of Lake Washington shore lands, upon condition that no assessments for the improvement thereof shall be levied against the property above described, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Strike the second paragraph in section 1, being lines 137 to 149 inclusive, in the printed bill (the last 17 lines on page 8 and the first 3 lines on page 9 in the original bill).

Strike the period after the word "lands" at the end of section 1 and add at the end of said section the following: "except that portion of said street lying south of the south line of said street running east and west as platted by said commissioners, which portion of said street is hereby vacated. There is also hereby dedicated to the city of Seattle for street purposes an additional strip of land one hundred feet in width running east and west connecting the street platted east and west by said commissioners with the right-of-way granted in this act extending north and south through section sixteen."

H. M. WHITE, *Acting Chairman.*

We concur in this report: E. C. Whitney, D. S. Troy, Peder Jensen, J. H. Smithson.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred Senate bill No. 99, entitled "An act making an appropriation for the relief of

the state normal school at Bellingham," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman.*

We concur in this report: John L. Roberts, Daniel Landon, Ed Brown, Oliver Hall, H. O. Fishback, D. S. Troy, J. D. Bassett, J. H. Smithson, D. H. Cox, Chas. E. Myers.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., February 7, 1911.

We, a majority of your committee on judiciary, to whom was referred Senate bill No. 105, entitled "An act to repeal section 284 of chapter 249 of the Session Laws of 1909, relating to the sale or possession of cigarettes and cigarette materials, the same being section 2536 of Remington and Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Amend section 1, line 1 of the original bill, being section 1, line 1 of the printed bill, by striking the figure "1" after the word "section" and insert in place thereof the figure "2."

Add the following to the act as section 1:

"Section 1. That it shall be unlawful for any person, by himself, clerk, servant, employe or agent, directly or indirectly, upon any pretense or by any device, to manufacture, sell, exchange, barter, dispose of or give away, or keep for sale, any cigarettes, cigarette paper or cigarette wrappers, or any paper made or prepared for the purpose of being filled with tobacco for smoking; and any person, for violation of the same, shall be guilty of a misdemeanor, and upon conviction shall for the first offense, pay a fine of not less than ten dollars (\$10) nor more than fifty dollars (\$50) and cost of prosecution, and stand committed to the county jail until such costs are paid; and for the second and each subsequent offense, shall pay, upon conviction thereof, a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and the cost of prosecution, or be imprisoned in the county jail not to exceed six months: *Provided*, That the provisions hereof shall not apply to the sales of jobbers doing an interstate business with customers outside the state or to interstate commerce in *unbroken packages*."

Ralph D. Nichols, Ralph Metcalf, H. M. White, J. W. Bryan, Daniel Landon.

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., February 8, 1911.

We, a minority of your committee on judiciary, to whom was referred Senate bill No. 105, entitled "An act to repeal section 284 of chapter 249 of the Session Laws of 1909, relating to the sale or posses-

sion of cigarettes and cigarette materials, the same being section 2536 of Remington and Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the bill herewith submitted be substituted therefor and that the substituted bill do pass.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: Josiah Collins, F. J. Allen, Geo. W. Shaefer.

Senator Nichols moved the adoption of the majority report.

Senator Rosenhaupt moved that the minority report be substituted for the majority report.

Senator Ruth moved that the bill with both reports be referred to the committee on public buildings and grounds.

Senator Ruth withdrew his motion.

Senator Hall moved as a substitute for the motions pending before the Senate that the bill with both reports be placed on general file.

The motion of Senator Hall carried.

On motion of Senator Falconer, House bill No. 60 was rereferred to the committee on constitution and constitutional revision.

SPECIAL ORDER.

The hour of 11:30 o'clock a. m. having arrived, the Senate proceeded to consider House bill No. 137, which was a special order for this hour.

A call of the Senate was moved by Senators Falconer, Myers and Cox.

The motion for a call of the Senate carried.

Senators Stevenson and Espy, because of illness, were excused.

On motion of Senator Huxtable, further proceedings under the call of the Senate were dispensed with.

The secretary called the roll on final passage of House bill No. 137 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Falconer, Fishback,

Hall, Hammer, Hewitt, Huxtable, Jackson, Jensen, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stewart, Troy, Whalley, Whitney, Mr. President—36.

Those voting nay were: Senators Hutchinson, Landon, Nichols, White—4.

Absent or not voting were: Senators Espy, Stevenson—2.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT.
OLYMPIA, February 16, 1911.

Gentlemen of the Senate and of the House of Representatives:

I am directed by the governor to transmit herewith the report of an investigation of the State Training School at Chehalis.

FRANK M. DALLAM, JR., *Private Secretary.*

To Whom It May Concern:

Owing to certain rumors and open charges made through a local paper of inhuman treatment accorded to the state's wards in the State Training School, the governor invited Senator Milton Stephens, chairman of the committee on state penal and reformatory institutions in the state Senate; Hon. Thomas Bird, chairman of the committee on state school for defective youth, reform school and reformatory in the House; Senator Fishback, Representatives Leonard, Scales and Martin, of Lewis county (the Training School being located in that county); Walter J. Thompson, president, and Miss May Krueger, state organizer of the State Humane Society; and Mrs. Blanche Mason, deputy labor commissioner, to accompany him to Chehalis and assist in investigating these charges and to determine what action, if any, should be taken. The committee was assisted in its work by Hon. W. P. Bell, attorney general, and Hon. J. R. Buxton, prosecuting attorney of Lewis county.

The charges preferred against the management of the State Training School were as follows:

First. Undue severity in punishment for offenses committed.

Second. Beating young women on the bare skin.

Third. Knocking the boys down with their fists, kicking them when down, even breaking bones and tearing an ear off.

The committee proceeded to work early Friday morning, the 3d inst., by first inspecting the grounds, buildings, schoolrooms, playrooms, bakery, tailor shop, laundry, wood-working shop, machine and blacksmith shops.

The boys were called to assembly, and we each selected five or more

of them from the total number present, as witnesses. The boys were sent to the playroom in charge of an officer and instructed not to talk among themselves as to what they were to testify, or discuss the matter in any way. The hearing was held in the assembly room on the floor above and each pupil was called before the committee and heard separate and apart from the other witnesses. When called before the committee, they were put at their ease and asked to tell what they knew about their life, their work, their punishment, and their progress in both the educational and industrial work of the institution. Each one, before being asked any question concerning himself or the institution was told that he need not answer any question if he desired not to do so, but if he did answer the questions asked by the committee to tell the truth. He was told not to color his statement for or against the institution but to tell about things as he knew them. He was further told that there was no officer or teacher or anyone else connected with the school in the room and that he need not be afraid to tell the truth, for it was the truth we were seeking. He was further advised that anything he might say would not be conveyed to the management or to any of the teachers and that he would not be punished for any statement he might make to the committee. (This same information was conveyed to the girls when they were heard before the committee.) Each pupil told his or her story without apparent fear, embarrassment or hesitancy. The boys all said they were in good health, well fed, getting along in their studies, learning trades and taught to do useful work. With the exception of one, each boy called before the committee testified that he had been punished at some time while in the school; that he was guilty of the offense for which he had been punished, and that he had deserved some sort of punishment. The one criticism from many of the boys was that they thought the punishment a little too severe, but each one testified that he had not been injured in any way thereby and did not consider the punishment cruel. One boy testified that he had been struck by the hand; not by the fist, however, but by the flat of the hand. He said he had been neglecting his work although cautioned several times that morning to stop shirking, and that the guard struck him a smart blow with the flat of the hand on the right side of his face, which blow staggered and felled him; that at the time he was struck, he was standing on one foot with the other on his maul, gazing around, and that he was completely off his guard; that the blow was not nearly so hard as he had received many times in friendly boxing contests. The boy claimed that his ear was injured by this blow and started to run blood and pus. The nurse was later called to the stand and she testified that she understood both of the boy's ears were running when he came to the institution. The physician, who has been the institution's doctor for several years, stated that undoubtedly at some time in the boy's life he had had some disease such as diphtheria or scarlet fever, and that anyway it would be several days before pus would start to run from an ear on account of a

blow on the side of the head. The boy was recalled to the stand and testified that, so far as he knew, except measles, he had never had any disease that would affect his ears, but admitted that his left ear had run for several years before he was sent to the school.

The boy, who it was claimed had his finger broken, stated that shortly after his arrival at the school, while being punished for some offense, he fought back at the officer and the blow from the paddle was received on the little finger of his hand. The bone was not broken. His evidence was corroborated by the doctor. This boy said he had no complaint to make; that he was sent from Bellingham, was a "tough" and on the road to becoming a bad citizen, but that since he came to the school he had quit smoking cigarettes, and ceased his vile practices. The boy's appearance showed that he was in good condition and on the road to making a man of himself.

On Friday afternoon a public hearing was held in the courthouse in Chehalis. Those who testified against the present management of the institution were two girls, former inmates of the school; one boy, a former inmate; and a man who at one time lived on a farm adjoining the school. Their testimony was contradicted in every material statement by so many other witnesses that we were compelled to eliminate their testimony *in toto*. These two girls testified that they, with two other girls, had been kept in a dungeon 3 ft. 10 in. by 5 ft. 6 in., for thirteen days and thirteen nights, without bedding for the first two or three nights, and were fed on bread and water; that there was not sufficient room for the four to lie down together and that two were compelled to sit up and hold the heads of the other two while they slept. We sent a former employe, the man who built the dungeon, and a citizen who was present, to measure the dungeon at the school. The former employe swore on the stand that he had built the dungeon; that it was the same size now as when first built, and that it measured 9 ft. 6 in. by 6 ft. 10 in. This testimony was corroborated by the other gentleman who accompanied him, who also testified that the ventilation of the room was good. One of the girls who had been confined in the dungeon with the two witnesses is still in the school. She testified before the committee that they were kept in the dungeon four or five days and that they each were furnished a pair of blankets. (These girls were being punished for attempting to escape from the institution. Please bear in mind that there is no wall or stockade around the school and that no guard is allowed to carry a gun.)

The testimony of Mr. Aspinwall, Mrs. Aspinwall, Miss Kollner, all of whom are now with the institution, and Mrs. Torgeson, who was in the employ of the institution at the time these four girls were punished, was that the girls were kept in the dungeon less than one week.

On Saturday morning, the inquiry was resumed at the school. Several of the girl inmates were called before the committee and advised in the same way that the boys were the day before. Their statements tallied with those of the boys except that the girls complained more

about the food and were a little more severe in their criticism of the punishment administered to them. The testimony of the two witnesses at the hearing in the courthouse the previous evening that the girls were forced to lie over a chair or table and the punishment inflicted upon the bare skin, was not corroborated by any of the pupils in the school. Several of the girls testified that they had been spanked, but that only their outer skirts had been lifted, and that most of the punishment had been administered by one of the women attendants. The management and all of the attendants testified that none of the girls had been punished on the bare skin. Each girl admitted that she had been guilty of the offense for which she was punished and that she had been in no way injured. The girl who had been most severe in criticism of the management of the school admitted that she considered corporal punishment necessary in such an institution and that she could think of no other mode of punishment better than that in vogue. This girl admitted that her parents had been unable to control her, and that she had been twice in the Home of the Good Shepherd in Spokane. In an intercepted letter which she wrote to a "dear cousin" (?) she states: "I would not tell them where to locate that man—you know who I mean—for I know he would get from five to fifteen years in Walla Walla. You know who I mean, don't you, Fred?" Her statements are confirmed by Mrs. Ribard, one of the probation officers of the Spokane court, in a letter now on file in the governor's office, in which are related the girl's numerous delinquencies.

The girl, upon whose statements the local paper based its lurid and pathetic appeals, stated that she had been sent to the Training School as an incorrigible. Her evidence is corroborated by the committing judge in a letter addressed to the governor recently. After having been in the institution some time, this girl was paroled into the custody of a doctor and his family at Little Falls, and for acts of indiscretion, which she herself admitted, she was returned to the Training School. Later she was paroled into the custody of a family in Centralia and they, wishing to dispense with her services, directed her to return to the school. On her way, she fell into the company of one of the girls who testified against the management of the institution at the previous afternoon hearing, and was, by her, taken to the office of the local newspaper. Instead of returning to the Training School, she went to work as a waitress in a restaurant in Centralia. This restaurant adjoins a saloon and is separated from it by a thin partition. The superintendent of the Training School deemed this not a proper place for her to be and compelled her to return to the institution. The girl testified that she did not realize the danger she was in and that she now knew she had made a mistake.

We called the officers and employes of the institution and questioned them closely as to their manner of conducting the school and their treatment of the children. They answered freely, fully and frankly all questions asked them, and in no way attempted to conceal any act of their own or of any other officer or teacher in the school.

The physician, who has been with the institution since 1897, was called and testified as to the treatment of the children, their health, punishment, etc. He stated that he did not believe any child had been cruelly punished at the institution. When asked his reason for that belief, he stated that he had never been called to attend a case of blood poisoning or broken finger, and that he was positive that had there been any such case he would have known of it for the boys talked to him freely and frankly, and as he visited the institution several times each week a matter of that kind could not be kept from his knowledge.

Several ministers in Chehalis are employed by the school to give religious instruction and some one of them holds religious services at the institution each Sunday. We had four Protestants and one Catholic before us. Each one stated that he visited the school sometimes once or twice a week; that he was permitted to talk freely with the boys and girls and there was no restraint or conditions imposed upon him; that the children appeared healthy, cheerful and seemed to be well fed and progressing in their work and studies; that he did not know of any cruel or inhuman punishment being inflicted upon any of the children and that he did not believe any such punishment could be inflicted and it not come to his knowledge. They all spoke in the highest terms of the management of the institution and the treatment of the children by Mr. and Mrs. Aspinwall, Mr. Briffett and the others in charge.

We also called several of the business men of Chehalis who frequently visit the Training School, and each one testified with no hesitancy that they believed the institution to be well managed and the children making all the progress that could be expected. One gentleman, who now has a son in the Training School, testified that before the boy was committed to that institution he would not attend school, smoked cigarettes and used tobacco in other forms, visited questionable places, and was incorrigible; that at that time he was living in Spokane; that he made up his mind the best thing for the boy would be to send him to the Training School; that he was advised by the judge not to do so on account of the association at such institutions, but in spite of the judge's advice he decided the boy should go; that at great sacrifice he closed out his business in Spokane and moved to Chehalis to be near the boy; that he has now resided in Chehalis for several months and has visited his son at least once a week and sometimes two or three times a week during said time. He frankly stated to the committee that if he were again situated as he was when he sent his son to the Training School, he would make the same sacrifice of his business and place the boy in the school, for the reason that the boy was now in better health than he had been for years, was making good progress in his studies and rapidly learning a trade; that the boy seemed contented and cheerful and took an interest not only in his studies but in his work as well. He testified further that when he visited his son at the school, he observed the conduct of the other

pupils and also of the officers and teachers; that he was free to visit any department at any time, and that, in his judgment, the school was most excellently conducted and the children doing remarkably well.

We also had statements from several paroled children which were most flattering to the management and conduct of the institution. One girl, who was discharged from the institution the first day the committee was there, voluntarily came to the hotel in Chehalis and made a statement to the committee which absolutely exonerated all the officers and teachers from the charge of cruelty or the inflicting of unusual punishments.

We incorporate herein a letter received from Miss Gladys Grubb, who for two years was a teacher in the Training School; also a letter from Prof. Frank O. Kreager, formerly principal of the Olympia High School, and now with the State College at Pullman:

"Pullman, Wash., Feb. 1, 1911.

"Senator Paulhamus, Olympia, Washington:

"My Dear Sir: My attention has been drawn through the newspapers to the attacks made on the heads of the State Training School.

"I taught in that school for the past two years, being there when Mr. Aspinwall came. I do know the conditions and how greatly they have been improved since the present superintendent has had the office and took as his assistant Mr. Briffett, neither of which it could ever be said were cruel or vindictive in their natures.

"I have the interest of that institution at heart and know positively that the officers, who are a much higher class of men both mentally and morally than they previously were, are exerting every effort for the betterment of that school. Senator Paulhamus, the accusations made by a discharged officer or by the discharged boys either should have no weight in such a case.

"Trusting you may be influential in effecting the best results for that institution, I am,

Yours truly,

"GLADYS GRUBBE."

"Pullman, Wash., Jan. 31, 1911.

"Hon. M. E. Hay, Olympia, Washington:

"My Dear Governor: My interest in the State Training School prompts me to write you, even at the expense of interfering with what is not my own business. I cannot, however, stand idly by and see men whom I believe to be doing one of the finest works in the state, slandered and misrepresented without adding my small testimony in their behalf.

"I have visited the State Training School quite recently—have made a special study of it because I am interested in the reform problem—have spent parts of several days there, and I am thoroughly convinced that the progress made in the last two years is more than that made by

any other similar institution in the United States. I am using slides of the industrial work done under Mr. Briffett's direction as illustrating examples what industrial work in schools can and should be.

"I have known both Mr. Briffett and Mr. Aspinwall for years. I have the firmest confidence in the integrity and sanity of both. Further, I have been closely acquainted for many years with Mr. Cline, Mr. Rader and Miss Hanna and I feel that any undercurrent of mismanagement would have come to my notice in the study I have been making of the methods and management of the Training School.

"I have not the slightest apprehension of the outcome of the investigation, but I know the position a superintendent of any educational system when he is maliciously attacked. He is in no position to defend himself. One knocker makes more noise than a regiment of friends. The disgruntled are always busy; those satisfied are passive. The school can be done an incalculable amount of harm by all these newspaper stories circulating throughout the state.

"I sincerely trust you will pardon me this expression of opinion and feeling. Believe me it is prompted solely by my desire to see right done.

Very truly yours,

"FRANK O. KREAGER."

From the evidence heard, the committee unanimously find the following to be facts:

That the reports of cruel and inhuman punishments inflicted upon the inmates of the State Training School are without foundation in fact.

That the children in the said institution are well cared for, well clothed, well fed and carefully instructed in school work up to the eighth grade.

That the boys are taught trades or to do other useful work and the girls are taught domestic science and sewing and housework.

That the children are cheerful and as a rule take great interest in their work and studies.

That the officers and teachers are giving the institution a very successful administration, and that the work of Mr. and Mrs. Aspinwall (the superintendent and his wife), Mr. Briffett and the other officers and teachers is as good, if not better, than that done by any of their predecessors.

That we would like to have the people living in Centralia and Chehalis—and in other parts of the state if they can—visit the Training School and ascertain for themselves the facts concerning the management thereof.

Respectfully submitted.

H. O. FISHBACK,
J. R. BUXTON,
THOMAS BIRD,
J. E. LEONARD,
W. P. BELL,

E. M. STEPHENS,
F. A. MARTIN,
WM. SCALES,
M. E. HAY.

STATE HUMANE SOCIETY OF WASHINGTON,
Headquarters: 1013 A St.
Tacoma, Wash., February 10, 1911.

Hon. M. E. Hay, Governor of Washington, Olympia:

Dear Sir: After listening to the testimony given before the committee investigating the charges of extreme inhuman treatment of the inmates of the State Training School at Chehalis, Washington, and the personal investigation made by us, aside from the testimony offered, we are of the opinion that as to food, schooling and teaching of practical trades, including general farming, carpentry, furniture-making, blacksmithing, shoe-making, tailoring and domestic science arts, the state as well as the inmates are receiving a square deal.

The officials of the institution, together with the teachers, farmers and detail officers, are working on an average of fourteen hours per day at set work, to say nothing of the ever present emergency work at other hours. We believe that all of them are conscientiously striving to do their full duty and that they should have some relief through increased force of assistants.

The most difficult problem in the conduct of this school eventually turns upon the character and form of punishing the inmates for both minor and major offenses.

We are sending inquiries to a large number of similar institutions in other states to ascertain the form of punishment obtaining and if corporal punishment be used, the general form and severity found necessary in their experience.

The testimony of several persons showed that at the beginning the present management felt that they could conduct the school without administering corporal punishment, and that for a period of several months they undertook to conduct the institution in this manner. These officials testified that they were losing control of the discipline of the school; that seventeen boys ran away during the first six weeks, and twenty-eight during the first five months. They all expressed a dislike to this form of punishment, but declare that from their experience they see no other way out.

They call attention to the fact that they are not dealing with normal children, such as attend the grammar and high schools of our state; that the same appeal to reason and ambition does not influence them. They urge that with nearly three hundred inmates and with three hundred and eighteen out on parole, but still under their jurisdiction, and with their present inadequate force of assistants, that they cannot control these abnormal children without corporal punishment.

The evidence shows that there is considerable element in this school that after the first few weeks or months of experience become quite trustworthy and valuable in aiding the officers in the conduct and discipline of the school.

We believe there has been too much slapping and cuffing for minor offenses. We do not believe it adds to the good discipline of the school,

or the betterment of the inmates to be so punished in the presence of the other inmates. If punishment be absolutely necessary, let it be more formal, and we believe that other methods might be devised, such as curtailment of privileges and personal liberty, which would be more effective. We do not wish to create the inference as justifying corporal punishment, however, when we say that there have been overdrawn and lurid statements made as to extreme cruelty in the administering of such punishment at the institution.

With regard to the so-called "dungeon" located on the top floor of the institution, we believe it only fair to the present management to say that this room has been put to use only three or four times during the past two years, and then only for very serious infractions of house discipline, such as running away from the institution.

We believe that punishment known as solitary confinement would be sufficient and efficient in most cases of breaches of discipline, but recommend that the present room be improved; that in addition to the blanket a canvas cot be furnished; also the installation of a small window for reasonable light and ventilation, built sufficiently high in the wall to prohibit communication with outsiders or permit of escape, thus affording outside instead of inside light, and ventilation.

Inasmuch as we have made a comprehensive investigation of the needs as well as the conduct of the institution, we take the liberty of submitting herewith a supplementary report, embodying our recommendations as to improvements in methods and equipments which might be pursued with beneficent results to the state, in the care and treatment of its unfortunate and delinquent young charges.

Respectfully submitted.

WALTER J. THOMPSON, *President.*

MAY KRUEGER, *State Organizer.*

State Humane Society of Washington.

STATE HUMANE SOCIETY OF WASHINGTON,

Headquarters: 1013 A St.

Tacoma, Wash., February 11, 1911.

Hon. M. E. Hay, Governor of Washington, Olympia:

Dear Sir: In addition to our report regarding the conduct of the State Training School, we have the honor to submit herewith our supplementary report regarding the needs of the institution, being conclusions drawn as a result of our personal investigation and the testimony given to the commission appointed to visit the State Training School at Chehalis.

We cannot too strongly recommend a complete and absolute segregation of the sexes—the removal of the girls to a new location and separate management. This would give the girls more liberty in the way of outdoor life, recreation, etc., without the constant, strict supervision for fear of meeting the male inmates. *We consider this policy to be an absolute and imperative necessity.*

The evidence in the late investigation shows that the wise policy prevails of paroling the children with suitable families, after such children have demonstrated their trustworthiness and learned obedience and domestic and industrial arts.

While a farming and small town district may be well fitted for the boys to be paroled, experience demonstrates beyond peradventure, that the small town is the worst possible place in which to parole the girl. Her identity in the small town becomes well known; every child in town knows she is from the Training School. She is unable to hide her identity to even the slightest degree. The evidence shows that the undesirable male element, both young and old, in such a town, look upon this girl as their natural prey. They speak to her without introduction, tempt her with offers of presents and entertainments and make it a difficult, if not impossible matter, for her to carry out her good intentions of living a moral and exemplary life.

This girls' training school should be located on a small farm in reasonable proximity to a large city, preferably between Seattle and Tacoma. The girl then paroled can hide her identity and as a domestic servant, the next-door neighbor would not know that she was from the Training School.

This would permit of a larger number of good women from neighboring cities to more readily visit such institution, take an interest in the welfare and future of these young girls and perhaps offer them the shelter and encouraging influence of private home life. As the school is now located, it is practically inaccessible to the greater part of the state, excepting through loss of considerable time in traveling, expense, etc., which many well meaning and interested men and women could hardly afford to incur.

This suggestion is of most vital importance.

For both boys and girls, we strongly recommend the establishing of a merit or credit system, for good behavior, etc. We believe it is as important to arouse ambition in these children to win credits for good behavior as to fear punishment for misdemeanors.

We strongly recommend the separation into four divisions, according to the disposition and previous habits of the boys, as follows:

1. The smaller boys, charged with no specific or serious offense, to come under the supervision and control to a considerable extent of a sympathetic, motherly woman instructor.
2. The backward or irresponsible boys.
3. The boys who have been given to dangerous criminal and immoral tendencies and practices.
4. The deserving, ambitious and trustworthy class, who should receive special privileges for good conduct, industry, etc.

We also recommend the foregoing segregation into classes among the girl inmates.

We also wish to suggest the deprivation of small table luxuries from both boys and girls for infractions of rules, etc.

We most emphatically recommend the establishment of a night watch for the girls' dormitory. Such a woman attendant would be a strong power for discipline and proper conduct. She would remain from the hour of retiring to that of rising. The dormitory to be sufficiently lighted to enable her to fully command the entire room. The present necessity of locking up over a half hundred of wayward, incorrigible and often depraved young girls in a room by themselves, bolting the door on the outside, cannot be too strongly condemned. The moral danger is obvious, much less the possibility of sudden illness during the night, the possibility of fire and consequent panic. Although this additional assistance and expense is at present unprovided for under the existing appropriations, we consider this point as deserving immediate and effective consideration and action.

The present building occupied by the girls, although in many ways entirely inadequate to their various needs, could, on the removal of the girls to a separate institution, be utilized for one of the special divisions of the boys.

In this connection we recommend, in the establishment of a new location for the girls, that same be provided for upon the cottage system, instead of one large general building, thus affording proper separation of classes among the girls.

We also desire to call attention to the fact that under the present arrangement, there is no separate hospital accommodation for the girls, contagious diseases being handled in a separate room without the advantage of modern, scientific medical equipment.

There should be installed a broader course of musical study and recreation. We recommend the installation of a piano, of a phonograph with high grade musical selections; that every evening the hour before retiring be utilized by both boys and girls in congenial and uplifting enjoyment of good music, the singing and playing of popular airs, thus creating the closing hour of their day in as cheerful and elevating manner as possible. We believe that such a course could only serve to carry the spirits of these boys and girls to a high plane of appreciation of this most exquisite and refining of all influences.

These children should have the custody and cultivation of the most beautiful and fragrant forms of horticulture.

They should also have the custody and care of a considerable variety of animals and learn the responsibility as well as the pleasure to be derived from their training and unselfish friendship. Permit them to have a few pets, some good dogs, the mystery and absorbing interest derived from the breeding and raising of poultry, pigeons and other birds; anything that will appeal to the dormant chivalry and gentleness to be found in almost every nature, if the appeal is made in the right direction.

That the lack of association and responsibility of caring for and enjoying; the friendship of pets is responsible for much calloused indifference, cruelty and consequent crime can best be illustrated when

we consider a vital statistic which shows that out of two thousand criminals in our American prisons, it was found that only twelve had ever owned a pet animal in childhood.

The arousing of sympathy, consideration and fair play towards the helpless creatures, and the awkwardness of appreciation for the beautiful in flowers and music in these starved, darkened natures will pay a dividend in the moral uplift in character in these boys and girls far greater than any results which might be obtained from a far greater expenditure for the merely material factors of existence.

The advantage to be derived from the outdoor life in following such pursuits needs no argument.

There should be, if possible, a woman physician to take medical charge of the girls, a woman of sufficiently broad understanding and sympathy and thorough medical knowledge that she may properly appreciate and remedy conditions often due to physical abnormalities and bad birth and bad environment.

We earnestly believe that only the best possible results could accrue from securing the services in needed instances of a medical expert in the different branches of criminality and degeneracy for the proper study and treatment of certain conditions and physical and mental abnormalities among the inmates.

There is a crying need for additional help in the different departments. These men and women should have had the benefit and advantage of practical previous study and training in special lines of reformatory work. The securing of Mr. Rader from the Pullman Agricultural School, a graduate in his specific department, that of farming, illustrates the type of man that should be secured for these positions.

We recognize that all of the above recommendations, especially the employment of an increased force, apparently entails an increased total expenditure and possibly an actual increase per capita of the inmates. In the long run, however, not only in terms of better citizenship and less vice and crime and resultant cost, but actually in dollars and cents, we believe the per capita cost including those out on parole will be reduced. It must be obvious that if more efficient equipment, a more expert and better trained force shall succeed in more quickly accomplishing the desired results and permitting boys and girls to be sent out on parole where they may have the influence of home life instead of institutional life which, at its best, is never good, then there is a positive economy in the above policy.

We conclude by saying that always the doing of that which is ethically right is in the end true economy.

Respectfully submitted.

WALTER J. THOMPSON, *President.*

MAY KRUEGER, *State Organizer.*

State Humane Society of Washington.

Immediately upon returning from the Training School, I sent out about ten letters to pupils recently discharged from that institution.

Replies have been received from five of the former inmates, copies of which are attached hereto.

M. E. HAY, *Governor.*

"Bellingham, January 9, 1911.

"*Mr. M. E. Hay, Governor:*

"Dear Sir: I received your letter today at noon. I have read very much about the investigation, in the papers here. While I was at the State Training School I received only one punishment and that was very light. I have seen other boys after they received punishment and it was pretty bad. I am glad I was sent there because it made a better boy of me. I think any boy could get along without punishment if he would behave himself. Many boys must be taught to behave. I was one.

"Yours very truly,

"MAX LANGE."

"2314 Donovan Ave., South Bellingham, Wash."

"Everett, Wash., February 10, 1911.

"*My Dear Governor:*

"I will answer your letter in regard to the school at Chehalis. I was treated all right, and was punished but few times and not severely then. I was treated with respect and had charge of the other boys in several places. I was learning the tailor trade when I came away. I know it will be a benefit to me after I am through school. I was there thirty-five months. It was my own fault that I was punished.

"Sincerely yours,

"NORMAN PETTY."

"2131 Broadway."

"Seattle, Wash., February 9, 1911.

"Dear Sir: I take the utmost pleasure in writing you a report of the State Training School, and of the treatment I received there. The treatment I received at the hands of the officers and employes was very kind, and as far as punishment is concerned I deserved all I got in that line. The trade and education is to my advancement in life. I don't know where I would have been if I had not come to Chehalis. Mr. Aspinwall has always treated me right and Mr. Briffett also and the officers. I am not prejudiced against them or no one connected with the institution. I will always look back at my days at Chehalis and the school and be proud to say I learned my trade there; and I don't see why any boy should be down on the place, and the trade I learnt will always be my standby. I would gladly have learnt more of the place if it could be taught me there. All of the boys get tired of staying there a long time, but what can a boy learn in two or three months at a trade. You can't expect to learn it in that time and they know it. Mr. Aspinwall is doing his duty and so is Mr. Briffett, and if a boy does anything wrong I think his duty to see him punished. The boys like to do all the devilment they can and not get punished. This

is all I can write this time, so I will close with best wishes for Mr. Aspinwall's success.

Yours truly,

"PHILIP ST. RAUTER."

"1412 Fourth Ave., Seattle."

"Look at the fine treatment Mr. Aspinwall and Mr. Briffett gave Hugh Kelly. Is that bad treatment? If any other superintendent was there he would gotten a good punishment and not left the place for a time to come. Boys receive better treatment now than when Mr. Simpson and Mr. Sanderson were there, I tell you. The boys or anyone else have no kick coming at the treatment received now. You couldn't go to the office and get a baseball or football when you please. Mr. Aspinwall has done more for athletics than any other superintendent. What thanks does he get? None."

"Spokane, Wash., February 11, 1911.

"To Governor Hay:

"Dear Sir: Your letter of the 6th was duly received and I will say, personally I was treated very well, but there is no show in the world for a boy to better himself morally. You are dumped in there with two hundred boys, some of them older than I am, and lots of them worse. So you can see the chances for better are very small.

"Respectfully yours,

"HUGH KELLY."

"Walla Walla, Wash., February 10, 1911.

"Governor M. E. Hay, Olympia, Washington:

"Dear Sir: Your esteemed favor of the 7th inst. received and in reply will say that personally the greatest fault I had to find was the poor food.

"I put forth every effort to keep out of trouble, therefore I didn't get the severe 'beatings' which the majority of the boys got for most every offense.

"I learned a great deal about my trade (tailoring) and about behavior and general principles, and I consider I was benefited.

"If there is any other information which I can give you, write me and I will be pleased to do so.

Very truly yours,

"W. LYALL SLOCUM."

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES.

OLYMPIA, WASH., February 16, 1911.

MR. PRESIDENT:

The House has passed House bill No. 253, "An act to provide for the selection, survey, management, reclamation, lease and disposition of the state's granted school, tide, oyster, and other lands, etc., and making an appropriation."

Also the House has concurred in the Senate amendments to House bill No. 5, amending an act entitled "An act to create a police relief, health and insurance fund, etc.," but has failed to concur in the Senate amendment to the title, and asks the Senate to recede therefrom.

Also the House has passed House bill No. 153, entitled "An act to amend section 1 of article II of the constitution of the State of Washington, relating to legislative powers, etc.;"

Also House joint memorial No. 8, "Relating to the proper protection of the Pacific Coast."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

INTRODUCTION OF BILLS.

Senate bill No. 231, by Judiciary Committee, entitled "An act relating to fees of clerks of the superior court and repealing all acts in conflict therewith."

The bill was read the first time, and on motion of Senator White, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 232, by Committee on Railroads and Transportation, entitled "An act to amend section 16 of chapter 142 of the Statutes of Washington for the year 1907, entitled 'An act providing for the furnishing of cars to shippers and prescribing the time of loading, transporting and unloading the same, with storage and charges incidental thereto and providing charges and penalties for delay and for the violation of this act and authorizing the railroad commission of Washington to prescribe additional rules and to enforce the same and the provisions of this act,' and declaring an emergency."

The bill was read the first time, and on motion of Senator Rydstrom, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 233, by Senator Rydstrom (by request), entitled "An act to amend section 9 of chapter 77, an act, entitled 'An act relating to county surveyors, defining their powers and regulating their duties,' approved March 19, 1895."

The bill was read the first time, and on motion of Senator Rydstrom, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on roads and bridges.

Senate bill No. 234, by Senator Collins (by request), entitled "An act authorizing the appropriation, changing and damaging of public and private property and rights therein by certain classes of corporations."

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

Senate bill No. 235, by Appropriations Committee, entitled "An act to provide for the making of topographic maps within the State of Washington, and the investigation of its water resources in cooperation with the United States government; also for geologic investigations within the State of Washington, and appropriating moneys therefor."

The bill was read the first time, and on motion of Senator Falconer, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 236, by Senator Stephens, entitled "An act to amend sections 1 and 2 of 'An act to provide for the reinstatement of corporations whose names have been or may be stricken from the records of the office of the secretary of state, declaring the effect of a failure to secure such reinstatement, and declaring an emergency,' and declaring an emergency."

The bill was read the first time, and on motion of Senator Stephens, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on corporations other than municipal.

Senate bill No. 237, by Senator Rosenhaupt, entitled "An act relating to judges *pro tempore*, and amending section 40, of Remington and Ballinger's Annotated Codes and Statutes of Washington."

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

The secretary read

SENATE JOINT RESOLUTION NO. 9.

By Senator Stephens, as follows:

Resolved, by the Senate and House of Representatives of the legislature of the State of Washington, That the governor be and he is hereby authorized and directed to appoint a commission of three citizens of the State of Washington whose duty it shall be to inquire into and report to the thirteenth legislature of this state on the advisability and feasibility of the construction of a water grade railway and highway tunnel under the Cascade mountains approximately twenty-five or thirty miles in length, connecting eastern and western Washington. The commissioners herein provided for to serve without compensation. Said commission to have power and authority to make recommendations in regard to the location and cost of such a tunnel, and what responsibility the state should assume, if any, in the construction of it.

On motion of Senator Stephens, the resolution was read the second time, ordered printed and referred to the committee on commerce and manufactures.

Engrossed House bill No. 153, by Messrs. Teats, Todd, Buchanan, Denman, Phipps, Halsey, entitled "An act to amend section 1 of article II of the constitution of the State of Washington relating to legislative powers, providing for the initiative and referendum, and striking section 31 of said article II relating to the time when laws take effect."

The bill was read the first time, and on motion of Senator Bryan, the rules were suspended, the bill was read the second time by title, and referred to the committee on constitution and constitutional revision.

Engrossed House bill No. 253, by Mr. Miller, entitled "An act to amend section 4 of an act entitled 'An act to provide for the selection, survey, management, reclamation, lease and disposition of the state's granted, school, tide, oyster and other lands, harbor areas and for the confirmation and completion of the several grants to the state by the United States; creating a board of appraisers and a board of harbor line commissioners, as required by articles 15 and 16 of the state constitution, which shall be generally known as the board of state land commissioners; defining their duties and making an appropriation therefor, and declaring an emergency. Approved March 16,

1897,' and to grant to former purchasers of tide lands of the second class, their grantees and successors in interest, the prior and preference rights to purchase all lands over which the tide ebbs and flows, lying between the line of mean low tide and the line of extreme low tide, and lying in front of such tide lands of the second class heretofore sold or conveyed to such purchasers, their grantees and successors in interest by the State of Washington."

The bill was read the first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill was read the second time by title and referred to the committee on state, granted, school and tide lands.

Engrossed House joint memorial No. 8, by Mr. Larue, "Relating to the proper protection of the Pacific Coast."

The memorial was read the first time, and on motion of Senator Brown, the rules were suspended, the memorial was read the second time by title and referred to the committee on memorials.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 16, 1911.

MR. PRESIDENT:

The speaker has signed House bill No. 98, entitled "An act for the relief of Mary A. Bradley, William O. Bradley, Janie Bradley and Florence Bradley, of Spokane county, and making an appropriation therefor;"

Also House bill No. 80, entitled "An act relating to a general and uniform public school system for the State of Washington, and amending sections 5, 7 and 9, article 1, chapter 12, title III, and section 1, article 4, chapter 12, title III, and section 1, article 7, chapter 12, title III of the code of public instruction;"

Also House bill No. 29, entitled "An act for the relief of Stewart E. Smith, King county, State of Washington, and making appropriation therefor;"

Also House concurrent resolution No. 9, "Relating to the investigation of the affairs of the National Guard of the State of Washington."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president signed House bills Nos. 98, 80, and 29 and House concurrent resolution No. 9.

The president swore in Marion Blankenship and Mildred Henthorne as Senate employes.

At 12:30 o'clock p. m., on motion of Senator Allen (P. L.), the Senate took a recess until 1:30 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 1:30 o'clock p. m., by President Paulhamus.

Senate bill No. 179, by Senator Whitney, entitled "An act to create the county of Cosgrove subject to the requirements of the state constitution and the statutes in respect to the establishment of new counties, and declaring an emergency," was read the third time.

Senator Falconer moved that the bill be indefinitely postponed.

A roll call on the motion was demanded by Senators Falconer, Piper, Whitney, Stephens, Allen (P. L.), Eastham, Smithson.

The secretary called the roll and the motion prevailed by the following vote:

Those voting aye were: Senators Allen (P. L.), Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Falconer, Fishback, Hammer, Hutchinson, Jackson, Metcalf, Myers, Piper, Rosenhaupt, Rydstrom, Stephens, Stevenson, Troy, Whalley, White, Mr. President—26.

Those voting nay were: Senators Allen (F. J.), Anderson, Eastham, Hall, Hewitt, Huxtable, Jensen, Landon, Nichols, Roberts, Ruth, Shaefer, Smithson, Stewart, Whitney—15.

Absent or not voting: Senator Espy—1.

Senator Piper gave notice of a motion to reconsider the vote by which Senate bill No. 179 was indefinitely postponed.

Senate bill No. 134, by Senator Bassett, entitled "An act amending sections 4610, 4613, 4615 and 4621, Remington and

Ballinger's Annotated Codes and Statutes, relating to the bonds of school districts," was read third time.

On motion of Senator Rosenhaupt, the bill was amended by adding the words "of Washington" after the words "Statutes," in line 2 of section 2, of the bill, also in line 2 of section 3, and in line 2 of section 4.

The secretary called the roll on final passage of Senate bill No. 134 as amended, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stewart, Troy, Whalley, White, Mr. President—35.

Absent or not voting were: Senators Davis, Espy, Hewitt, Landon, Nichols, Stevenson, Whitney—7.

On motion of Senator Rosenhaupt, the title of the bill was stricken and the following substituted as the title of the bill: "An act relating to the bonds of school districts and amending sections 4610, 4613, 4615 and 4621 of Remington and Ballinger's Annotated Codes and Statutes of Washington."

There being no objection, the title of the bill as amended, was ordered to stand as the title of the act.

Senator Ruth moved that the Senate reconsider the vote by which Senate bill No. 171 passed the Senate.

A roll call on the motion was demanded by Senators Landon, Nichols, Brown, Huxtable, Whitney, Fishback, Ruth.

The secretary called the roll and the motion failed to carry by the following vote:

Those voting aye were Senators Eastham, Hall, Hewitt, Hutchinson, Huxtable, Jensen, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Smithson, Stephens, Stevenson, Stewart, Whitney—16.

Those voting nay were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan,

Chappel, Collins, Cox, Davis, Falconer, Fishback, Hammer, Jackson, Landon, Metcalf, Myers, Nichols, Shaefer, Troy, Whalley, White, Mr. President—25.

Absent or not voting: Senator Espy—1.

Senator Shaefer moved that the Senate reconsider the vote by which the resolution was adopted this morning providing for an adjournment at 12 o'clock noon, tomorrow.

The motion failed to carry.

At 5:40 p. m., on motion of Senator Allen (P. L.), the Senate adjourned until 10 o'clock tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

W. H. PAULHAMUS,
President of the Senate.

FORTIETH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASH., Friday, February 17, 1911.

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

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present except Senators Espy, Hewitt and Stevenson, all excused.

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

A communication from the Russian Women's Suffrage League of St. Petersburg, Russia, relating to suffrage, was read and placed on file.

Two petitions from certain citizens of Spokane opposing the passage of House bill No. 220 were read and placed on file.

Several telegrams from residents of Okanogan county, urging the passage of Senate bill No. 179, were read and referred to the committee on counties and county boundaries.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 143, entitled "An act to amend section 4266 of Ballinger's Annotated Codes and Statutes of the State of Washington, relating to the issuance of bonds and notes by corporations," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Strike the title and substitute therefor: "An act relating to the issuance of bonds and notes by corporations, and amending sections 3698 and 3699 of Remington and Ballinger's Annotated Codes and Statutes of Washington."

Add the following section:

Sec. 2. That section 3699 of Remington and Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Sec. 3699. All private corporations heretofore incorporated under the laws of the Territory or State of Washington, other than corporations created for religious purposes, be and they are hereby authorized and empowered to issue notes, bonds, mortgages or other evidences of indebtedness and to secure the payment of the same by mortgage, trust deed or otherwise encumbering any real or personal property owned by said corporations. Said corporations shall have power to buy, sell or otherwise deal in notes, bonds and stocks of other corporations, and shall have power through their duly authorized officers to execute any and all instruments necessary to carry out the powers conferred upon said corporations by the provisions of this section.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: Geo. W. Shaefer, J. W. Bryan, Ralph Metcalf, Ralph D. Nichols.

On motion of Senator Bryan, the report was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 7, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 103, entitled "An act to amend section 785 of Remington and Ballinger's Annotated Codes and Statutes of Washington, being section 5500 of Remington's Codes and Statutes of Washington, relating to actions for the possession of and to quiet title to real property," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

In the eighth line from the bottom of the first page of the original

bill, being line 15 of section 1 of the printed bill, strike "seven" and substitute therefor "ten."

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: Ralph Metcalf, H. M. White, Geo. W. Shaefer, Daniel Landon, F. J. Allen, J. W. Bryan, Ralph D. Nichols.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 17, 1911.

MR. PRESIDENT:

We, your committee of senators from Spokane and Whatcom counties, to whom was referred Senate bill No. 101, entitled "An act to provide for a general system of township organization and providing a method of choosing township officers in counties which may adopt or have adopted township organization; prescribing the powers and duties of such boards and the * * * and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the bill herewith reported be substituted therefor and that the substitute do pass.

R. A. HUTCHINSON, *Chairman.*

We concur in his report: H. M. White, Geo. W. Shaefer, Jesse Huxtable, Ed Brown, Harry Rosenhaupt.

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

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT.
OLYMPIA, February 16, 1911.

To the Senate and the House of Representatives of the State of Washington:

GENTLEMEN—Complying with the request of the Everett Business Men's Association to appoint a commission to investigate the advisability of the State of Washington acquiring docks in its principal cities, such report to be submitted to the next legislature, I invited each of the commercial organizations of the principal cities located on navigable waters to recommend one of its members to serve upon this commission. The following organizations responded:

Hoquiam Commercial Club recommended W. L. Adams;
Anacortes Commercial Club, Douglas Allmond;
Tacoma Commercial Club, Frank E. Day;
Vancouver Commercial Club, W. B. Dubois;
Aberdeen Chamber of Commerce, Charles W. Ewart;
Seattle Chamber of Commerce, Charles Evan Fowler;
Port Townsend Commercial Club, F. C. Harper;

Everett Business Men's Association, Ed. M. Hawes;
 Seattle Commercial Club, A. O. Powell;
 Bellingham Chamber of Commerce, Henry M. White.

This commission was organized November 23, 1910, and held five meetings in all. Its report is transmitted herewith. I desire to call your attention to the evidences of careful study of this subject by the commission and the thoroughness with which the question is handled. Should the legislature, in its wisdom, decide to take up this matter at this session, it will find the work well outlined in the commission's report.

Respectfully submitted.

M. E. HAY, *Governor*.

EVERETT, WASH., February 7, 1911.

Honorable M. E. Hay, Governor:

SIR—The commission to *report upon the advisability of the State of Washington acquiring the ownership of docks in the principal cities of the state bordering upon water transportation*, begs leave to submit the following:

2. The purpose of the commission was set forth in your letter quoted below and addressed to the members of the commission.

OLYMPIA, November 10, 1910.

MY DEAR SIR—Through a resolution unanimously adopted by the Everett Business Men's Association, the governor of the state was requested to appoint a commission to investigate the wharfage system and report whether or not it would be advisable and expedient for this state to acquire docks in its principal cities, such report to be considered by the next legislature.

The members of the Everett Business Men's Association have taken a keen interest in the question of wharfage and dockage facilities, and base their request upon the assumption that the commercial ascendancy of the great northwest will depend in part to the extent to which advantage is taken in matters of this kind by its seaport towns. Other cities have built up vast commercial activities by closely studying their respective situations and the opportunities for trade thereby created. The city of San Francisco furnishes a case in point, and largely through the success attending her policy in this regard, the Everett Business Men's Association was led to make its request.

Agreeable to this request, I asked the various commercial organizations of the principal cities of the state bordering water transportation to recommend some member of their organization to serve upon a committee of this kind.

Mr. Ed. M. Hawes, of Everett, has been asked to act as temporary chairman and to call the commission together in the city of Seattle at the earliest possible moment so that this work may be taken up and report prepared to be submitted to the coming session of the legislature.

Very respectfully yours,

M. E. HAY, *Governor*.

3. The credentials of the members of the commission were signed November 19 and issued to the following:

- W. L. Adams, representing the Hoquiam Commercial Club.
- Douglass Allmond, representing the Anacortes Commercial Club.
- *Frank E. Day, representing the Tacoma Commercial Club.
- W. B. DuBois, representing the Vancouver Commercial Club.
- Chas. W. Ewart, representing the Aberdeen Chamber of Commerce.
- Chas. Evan Fowler, representing the Seattle Chamber of Commerce.
- F. C. Harper, representing the Port Townsend Commercial Club.
- Ed. M. Hawes, representing the Everett Business Men's Association.
- A. O. Powell, representing the Seattle Commercial Club.
- Henry M. White, representing Bellingham Chamber of Commerce.

Mr. DuBois did not attend any of the sessions of the commission nor take part in its deliberations. The remaining nine members were active.

4. The first session of the commission was held in Seattle, Nov. 23, 1910. Subsequent meetings took place, Jan. 5, 1911, in Seattle; Jan. 21, in Olympia; Jan. 28, in Tacoma; and Feb. 3, in Seattle. Some of the sessions occupied an entire day and in one instance extended into the evening. The attendance of the members was:

- W. L. Adams, at three meetings, in person; at two by proxy.
- Douglass Allmond, at four meetings.
- Frank E. Day, at four meetings.
- W. B. DuBois, at no meetings.
- Chas. W. Ewart, at one meeting, in person; at one by proxy.
- Charles Evan Fowler, at three meetings.
- F. C. Harper, at two meetings.
- Ed. M. Hawes, at five meetings.
- A. O. Powell, at five meetings.
- Henry M. White, at three meetings.

The work of the commission was not confined to the days it actually met but as much of the interims between sessions were devoted to its labors, especially by committees, as the time at the disposal of the members would permit. Conferences were also held with state officers and with prominent citizens who had given years of study to the problems before the commission.

5. At the first meeting, the name, *Harbor and Dock Inquiry Commission*, was adopted as concisely expressing the scope of our investigation and an organization was perfected by the selection of Ed. M. Hawes as chairman; Henry M. White, vice-chairman; and A. O. Powell, secretary.

6. The subject of publicly owned water terminals was new to some of the members; to others it had been given close attention and study

* Mr. John T. Bibb was originally appointed to represent the Tacoma Commercial Club, but being unable to serve, he was succeeded by Mr. Frank E. Day.

for long periods of time. The familiarity with the subject by some of the commissioners and the earnest application by others was of mutual advantage. It enabled the commission to profit by the fund of information that had been gathered and by the close analysis applied to it by unbiased minds fresh from diversified occupations in private life.

7. The commission early undertook the consideration of the fundamental question: Is it advisable for the state to encourage the public ownership of wharfs and docks, also rail and water terminals? An affirmative conclusion was reached by the commission.

8. It requires only an ordinary familiarity with history to enable anyone to discern the paramount influence of transportation; to admit that it reaches the very root of our progress and prosperity and vitally affects the production and distribution of the necessities, comforts and luxuries of life. The wage earner and the man of small means is more concerned than any other class with this phase of commercial and industrial endeavor, because to them results proportionately greater benefits.

9. Public sentiment does not countenance public ownership of transportation lines but the people long since determined that those agencies should be subject to governmental regulation and the corporations themselves finally conceded the necessity of such supervision. This is as far as the public has evinced a disposition to interfere with the private management of the main business of transportation companies. The exchange of business at terminal points, however, involves features that makes feasible a broader application of state powers, in order that all lines and all patrons may be treated equitably and that adequate facilities may be provided. In inland cities where railroads monopolize the field, a belt railway managed by all the companies, but under state regulations, becomes practicable and offers a solution to the same degree that a clearing house organized by the local banks affords relief and facilitates the exchange of money accounts. But in maritime cities the case is quite dissimilar; water terminals because of the freedom of water routes are of a vastly different character; the complexity arising from diversified interests of varying magnitude makes it impracticable to unify and equate all factors or to supply the requirements except through direct or indirect public ownership in whole or in part. Water terminals, as one writer has characterized them, are public utilities to be classed with domestic water supply systems. Wherever powerful companies have attempted to develop waterfronts, it has invariably been accompanied by a most natural tendency to take advantage of the opportunity to promote their own interests at the expense of competitors and of the public; it is often used to stifle competition, to exclude rivals, to force traffic over particular combinations of lines and even to discriminate between ports. There is no difference in this respect between railroad and steamship managements; they are both governed by the commonest of traits, self-preservation and self-aggrandizement. Facts and figures from all over the world

support the view that the best service at a minimum cost can be secured only through the intervention by the public in the control of harbor fronts. The contention is sustained by the procedure in the progressive and more flourishing foreign ports. The tendency of the seacoast cities in North America is along the same lines. New York, Montreal and San Francisco are notable examples. The efforts of Philadelphia, Baltimore and Los Angeles are the beginnings of a concerted demand in those ports for public ownership. The framers of our state constitution recognized the value of state-owned waterfronts and incorporated in the fundamental law provisions which they thought would effectually conserve the harbors and ultimately make possible the public ownership of wharves and docks.

10. During the past few years men of acknowledged national and international reputation have written extensively concerning the ownership and control of deep sea water terminals. It is interesting to note the unanimity of opinion that prevails among experts upon the various phases of water terminals and the commission feels that it can best present the argument in favor of public ownership by appending (see appendix 1) a compilation of excerpts from standard works on the subject.

11. The second question discussed by the commission was the manner in which public ownership should be exercised and the extent to which the state should be a party thereto. Inasmuch as the policy of the state has been to conserve the harbor fronts in the interest of the public and because, in pursuance of that policy, it has retained title to the harbor area where harbor lines have been established and owns the beds of all navigable water beyond the harbor lines, also all tide and shore lands (save the sold portions of the second class tide and shore lands) where harbor lines have not been established, it is logical to incorporate the state as a primary party in any scheme for public ownership. But the degree to which the state should exert its undoubted authority and the extent to which powers should be conferred upon local communities were productive of debate and were given grave consideration by the commission.

12. An examination of the character of the management in cities where public harbor control prevails and a study of the conditions as they exist in this state has caused the commission to favor a mixed form of government for public harbor facilities. The state being the supreme authority and holding the immediate waterfronts in trust for all the people of the state, may with propriety leave its property to the people of each community for local development, but the state should never relinquish control and should preserve its veto power to prevent abuse, discrimination or any action which may be inimical to the interest of the whole state. To a locality, may be given the direct management (always subject to state supervision) of the utility and the responsibility of financing the project. This combination may be expected to partake of the energy and resourcefulness of the locality

but tempered by the conservatism of state officials removed from the immediate scene of action.

13. In order to provide for a more complete conservation of the harbor fronts than the present statutes permit, a majority of the commission has prepared a proposed act relating to harbor lines and the disposition of tide and shore lands which is appended hereto (see appendix II) and to which your attention is respectfully invited. A perusal of the act will disclose several innovations and one radical change from the current interpretation of the constitution.

14. Section 1 of the act merely extends existing laws governing harbor lines to all navigable waters and removes the restriction confining harbor lines to the fronts of incorporated cities or within one mile thereof on either side.

15. The authorization in section 2 of a reserve harbor line beyond the outer harbor line and the establishment of a harbor reserve for public use only are innovations which may prove startling but not unreasonable. Article XVII of the constitution asserts the ownership by the state to the beds and shores of navigable waters. Article XV provides for the drawing of a line (outer harbor line) beyond which no *private* person, corporation or association can obtain any rights whatever. There is, however, no restriction to the use of the areas beyond the outer harbor line by the state itself or by the people themselves acting as a unit for the equal benefit of all the people. The reserve harbor line and harbor reserve are necessary because of the limitation in the width of the harbor area to 600 feet and its insufficiency to meet the necessities of the constantly increasing length of the up-to-date ships. There are long stretches of unplatted waterfronts in the vicinity of all the seaports of the state where the provisions of sections 1 and 2 may be applied to the great advantage of the public. They will not effect, at least for many years and not until leases expire, the portion of the harbors already platted.

16. Section 10 repeals the preference right of the abutting land owner to lease harbor areas, also provides for the withdrawal from market of such harbor area, tide and shore lands which the board of state land commissioners may deem available for public use. Section 11 authorizes the board to permit a governmental subdivision of the state to occupy and improve for public use harbor areas, tide and shore lands withdrawn from market. The repeal clause may be subjected to criticism, but no unprejudiced person can successfully deny to the people of the state the first right to the use of public property. The commission looks upon these two sections as essential to the economical acquirement of public wharfs and docks.

17. The remaining sections of the proposed act are self-explanatory and were introduced in order to harmonize conflicting laws, to make the act flexible and to make it possible for public property to be used by the public for the public.

18. The third and last question involved in the general subject matter referred to the commission relates to the manner in which a locality may proceed to acquire public harbor facilities. The commission spent considerable time upon this feature of its problem. The concensus of opinion was that the commercial water way bills presented to the legislature by other parties are adapted to the development of private property and the enactment of the bills into laws is recommended, but that an entirely new statute is needed for the development of a large port and the operation of public wharf, docks and other terminal facilities. The commission has aided in the revision of the port bill introduced into the 1909 session of the legislature. The bill as revised is given in appendix III. A majority of the commission is of the opinion that this bill is the best yet produced to meet the object sought for and submits it for your careful consideration.

19. In conclusion, the commission desires to say that it has proceeded with its work as rapidly as circumstances permitted and has submitted its report at the earliest practicable date, considering the amount of work detailed and the fact that the members are all in active private vocations. In the performance of their labors the members were actuated solely by a desire to aid in the public welfare. In case the legislature deems it advisable to continue this or another commission until the next session for a further study of harbors and public rail and water terminals, also to watch the workings of any laws pertaining thereto which may be enacted this year, it is suggested that an appropriation of \$2,000 be made to facilitate the work of the commission. The commission believes that any future commission should contribute its services free as the present commission has done. Our expenses to date have been defrayed by the civic organizations in the port cities of the state.

Very respectfully,

HARBOR AND DOCK INQUIRY COMMISSION.

by ED M. HOWES,

Chairman.

and H. M. WHITE,

Vice-Chairman.

and A. O. POWELL,

Secretary.

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APPENDIX I.

EXCERPTS FROM THE WRITINGS OF PROMINENT AUTHORITIES ON WATER TERMINALS.

LIST OF AUTHORITIES CONSULTED.

In the subjoined list of authorities, references are given by the number prefixed to each publication.

- (1) A Holiday Study of Cities and Ports, by Robert Swain Peabody, Boston, 1908.
- (2) Report on the Chicago Dock Problem, by George C. Sikes, Chicago, 1909.
- (3) Report by the Chicago Harbor Commission, Chicago, 1909.
- (3a) The Development of Commercial Ports, by J. Paul Goode, published in report by the Chicago Harbor Commission, Chicago, 1909.
- (4) Report by Harbor Commission of Montreal, London, 1908.
- (4a) A second edition of same in smaller type, printed as a supplement to the 40th Annual Report Marine and Fisheries, Ottawa, 1908.
- (5) Report of M. Viard, printed in Elmer L. Corthell's paper before Permanent International Association of Navigation Congresses, on Results of Investigations into the Cost of Ports and of Their Operation, Brussels, 1907.
- (6) Ports and Docks, by Douglas Owen, London, 1904.
- (7) Report by Luther Wagoner and Wm. H. Hener on San Francisco Harbor, San Francisco, 1908.
- (8) Report of Herbert Knox Smith, U. S. Commissioner of Corporations, on Transportation by Water in the United States, part I, Washington, 1909.
- (9) Same, part III, Washington, 1910.

A.

REQUIREMENTS FOR DEEP SEA WATER TERMINALS.

Adequate depth, good shelter, sufficient equipment, and scope for extension—these are the fundamental conveniences needed. When the variations of tide are small, vessels can rise and fall with it as they lie at the piers. When the tide is great this proves an inconvenience, and gated docks, which keep the water at about high tide level, are required. Such docks are not usual in any American ports. They have always been thought necessary at Liverpool, London and Antwerp, and many other places. Not only do they furnish tideless basins, but they diminish the amount of excavation and walling that would be required for a dock good for low tide. Even without any gates, docks have their uses and are often necessary; for where the accessible harbor shores are limited, large basins increase greatly the shore line where vessels may discharge.

The economical site for docks, and the kind of site usually chosen abroad, is found on low, level, unoccupied land or flats, within reason-

able distance of the city, telephone and rapid transit making immediate contiguity with the city unnecessary. Land on the existing business front of a city is usually too valuable for these purposes and make the docks cost too much. Besides, such a location creates a demand for new streets of approach, or new railways through the settled city, and this is hopelessly expensive. The Bush Terminal Company's premises in South Brooklyn avoid all these troubles. The basic idea from which they start is to found factories in immediate proximity to docks and terminal facilities, and on cheap land, at some distance from the active city centers. They also provide transportation by train to the docks from the factories, and by railroad car lighters that cross the river from the docks to the railroads at regular hours.

* * * * *

It is, however, a more complete combination of dock, warehouse and factory than exists at Hamburg, and, whether it is prosperous and meets the special needs of Brooklyn or not, it certainly offers the best general model that I have heard of for a seaport. pp. 10-11 (1).

The first requisite of a harbor is that it shall give anchorage and refuge for vessels in time of storm. It should be broad and deep enough to accommodate the largest vessels. These should be able to enter and move about under their own steam. It is desirable, though not essential, that vessels should be able to move from their anchorage to loading and unloading docks under their own steam, and so save the necessity of towing.

These requirements apply to all harbors, but at large cities provisions must be made for the delivery of passengers arriving by vessel, and for the freight that is used in the city locally, including coal, fruits, vegetables and other merchandise. Such a harbor requires docks, warehouses and unloading facilities near, or convenient to, the heart of the city, and may be termed the "city" or "commercial" harbor. An entirely different class of requirements arises in connection with the handling of commodities which are in transit through the city or which are required for manufacturing. A harbor supplied with facilities for handling such traffic may be called the "industrial" harbor, and need not be near the heart of the city. It is desirable that such a harbor should be convenient to an industrial and manufacturing neighborhood. The industrial harbor bears about the same relation to a great city as do the freight yards, switch tracks, etc., of a railroad. The congestion which exists in large cities should not be increased by attempting to handle in the heart of the city the wares intended for manufacture or which are passing through or being transhipped from water to rail or vice versa. p. 11 (3).

Commodious dockage on deep water is the determining characteristic of a great commercial port. Substantial wharves, of sufficient area for

the reception and assorting of merchandise and its prompt transfer to railroads and teams, with adjacent warehouse facilities, are the ultimate demands of a great commerce.

* * * * *

Three factors determine the commercial supremacy of a city by sea: First, its potential tributary commerce; second, the size and accessibility of its harbor; and third, the development of its docks to meet the requirements and accelerate the increase of its commerce. p. 4 (7).

Briefly, then, the requirements of this port (San Francisco) are more docks, more warehouse space on the harbor front, and an extension of the present Belt Railroad. A wise business policy dictates the formulation of a comprehensive plan of sufficient scope to provide for probable future growth of the commerce of this port, and the anticipation of the needs of that commerce by gradual building of additional wharves along the lines of that predetermined plan. p. 22 (7).

There are many minor factors in a satisfactory water terminal, varying with the differing conditions of particular traffic. In general, however, there are four fundamental requirements for all water terminals: (a) good wharves; (b) warehouses and storage facilities; (c) mechanical appliances for transshipment of freight; (d)—and this is highly important, though not always practicable—belt-line railway connection with adjacent railroads and industrial concerns, so as to co-ordinate water with rail transportation with local production and distribution. Sufficient depth of water is of course also necessary, but this question belongs to the subject of channels rather than terminals.

Any important harbor has two prime functions, technically known as "commercial" and "industrial." The commercial function deals chiefly with "through" freight. It concerns the transshipment from rail to water lines and vice versa (or between water lines) of freight not destined to nor originating at the harbor itself. The industrial function, on the other hand, deals particularly with so-called "local" freight, destined to or originating in the territory immediately adjacent to the harbor. pp. 1-2 (9).

B.

ADMINISTRATION, CONTROL AND OWNERSHIP OF PORT FACILITIES.

There are obvious advantages in the public ownership, or at any rate public control, of a port. Instead of this or that distributing railroad controlling the situation, the port may be open to all railroads, and all sailing and steamship lines and all tramps. Portions may be leased, but other portions would welcome all comers. United action between

all parts of the port becomes more possible under a single public authority. Railway connections can be more readily organized. Areas of land for dock extension or warehouses can be obtained with greater facility by a public body than by a private corporation. On the other hand, a public corporation subject to the malign influence of politics when it should regard nothing but business. Beyond all, it is subject to apathy, and is not braced by competition and that desire to get business which nerves private corporations to action.

Among all these examples of ownership and management perhaps the Mersey Dock and Harbor Board at Liverpool is the model that deserves the most careful study by Americans. We are shy of public ownership, even though it does sometimes produce good results, especially abroad. p. 12 (1).

In view of the popular controversy that has raged in Chicago over some phases of the municipal ownership question, it is well to draw certain distinctions.

Both public sentiment and expert opinion are divided as to the wisdom of public ownership and operation of such utilities as street railways, lighting plants and telephone systems. With water-works system, however, to take another example, the case is quite different.

It is generally conceded that plants for furnishing city water should be publicly owned and the tendency is in the direction of the municipalization of this utility. One reason for the public ownership of water plants is that the water supply bears an intimate relation to the health of a community. Another is that water plants call for large capital outlay, but require a very small operating force as compared with such utilities as street railways and lighting and telephone plants. The city can effect economies by borrowing money at lower rates of interest than can a private corporation, while the management of a water system does not present serious complexities or the patronage dangers inherent in the employment of a large operating force. Of the sixteen water-works plants existing in the United States in 1800, but one was municipally owned. In 1906 nearly 60 per cent. of the water-works plants were municipal property. During the past century 205 plants were changed from private to municipal ownership, while only twenty changed from public to private. Of the thirteen largest cities in the United States, all but one—San Francisco—own their water works and San Francisco is clamoring for a change. Of the thirty-eight cities with a population of 100,000 or over in 1900, all but eight own their water plants.

With respect to public ownership, docks properly belong in the same category as water works and not in the class of utilities like street railway, lighting and telephone plants that are the subject of controversy in this regard. Docks, to be sure, do not bear the relation to public health that the water system does, but docks to effect in a

peculiarly vital manner the commercial life of the community. They involve ultimately, if not immediately, large capital outlay, with an operating force smaller even than is required for the management of a water plant.

Experience, the trend of events, and the best official and expert opinion on the subject substantially all lead to the same conclusion—that the wisest ultimate policy with reference to what are known as commercial dock facilities, such as it is intended to provide north of the mouth of the Chicago river, is public ownership. Whether the docks shall be constructed and owned by the city from the outset, or whether a private corporation shall be used as the agency for providing them in first instance, under conditions that shall admit of their later acquisition by the municipality, is a question of business judgment to be decided according to the concrete situation presented in any particular case. pp. 11-12 (2).

A study of the principal ports of the world discloses that those with the most progressive development are owned by public authorities, either state or municipal, or are managed by harbor trusts. The chief exception is Galveston, which furnishes an example of progressive development under private control. Railroad ownership of docks affords efficient service, as a rule, for railroad purposes, but railroad-owned docks do not satisfy the needs of a community for facilities for handling traffic not transferred to or from railroad carriers. Where one railroad owns the docks, other railroads are placed at a disadvantage, to the injury of the community at large. Moreover, while railroads encourage connecting ocean traffic, with which rail competition is impossible, they seek to suppress coastwise traffic and inland water transportation. Control of dock facilities is an important aid to the railroads in suppressing competition by water carriers. As a rule the most wide awake and public spirited communities that have private ownership of docks are making moves to bring about public ownership.

Unity and development according to a comprehensive plan are the chief essentials to a well ordered port. It is rare indeed that private ownership signifies harmonious development on a basis of unity. And where it does there is the specter of management in the interest of private monopoly. Diverse private ownership means scraggly, uneven, and unrelated development. Boston, Seattle and Portland afford good illustrations of this point. A mixture of public and private ownership may, of course, give the same result. But a usual purpose of public ownership or harbor trust management is to promote unity. Therefore, partial public ownership is likely to lead ultimately to complete public ownership.

Practically all the official and expert declarations on the subject are in favor of public or harbor trust management of docks. The only

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exception within my knowledge is the report made in 1907 by the Massachusetts Harbor and Land Commissioners.

* * * * *

The harbor trust idea has not been taken up in this country. Under the harbor trust plan the management of a port is entrusted to a group of men constituting a legal entity, chosen in various ways. Usually a part of the number is chosen by designated governmental authorities and the rest elected by the shipping interests of the port. The trust authority borrows money on the revenues of the port and in other ways manages its affairs like a private corporation. But there are no profits either to stockholders or to members of the board who direct its affairs. After interest allowance, and the payment of expenses, the surplus revenues are devoted to improvements or charges are lowered. The aim is merely to make the port management self-sustaining. It will be seen that the harbor trust plan is really more akin in nature to public ownership than to private ownership.

The savings banks of the New England states and of New York are managed on somewhat the same plan, except that the trustees of the savings bank, instead of being appointed or elected as are the members of the British harbor trusts, are self-perpetuating. But the savings banks of New England and New York are supposed to be managed solely for the benefit of depositors, without stockholders to draw dividends and without profit to the directors. The Consumers' Gas Trust Company of Indianapolis was a venture along similar lines. This company was organized a number of years ago to supply consumers with natural gas at cost. The stockholders agreed to be satisfied with fixed dividends and control of the company was vested in a self-perpetuating board of trustees who managed the business in the interest of consumers, just as a British harbor trust manages a port in the interest of the shippers and vesselmen. This Indianapolis arrangement was a marked success while it lasted and was terminated only because of the exhaustion of the natural gas supply. Another company has since been formed and authorized to engage in the artificial gas business in Indianapolis on the same lines. Under its franchise this company agrees, when the stockholders have been repaid, with interest, to convey the gas plant to the city, to be owned and operated or leased by it. Mayor Dunne's so-called "contract plan" for dealing with the Chicago street railway question was similar in essence to the British harbor trust plan, the difference being that the "contract plan" sought to vest control in trustees that should be self-perpetuating. The plan of street railway management which Mayor Johnson tried without success to install in Cleveland was the same in essence as Mayor Dunne's "contract plan."

While the harbor trust plan has worked remarkably well in Great Britain, there seems little likelihood of its receiving serious consideration in this country. That leaves public ownership as the only alternative to the various forms of private ownership and of these al-

ternatives, on the question of ultimate policy, the choice seems clearly to lie on the side of public ownership.

Public ownership is of two kinds—state and municipal. New York's docks are municipal, while those of New Orleans and San Francisco are administered by boards appointed by the governor of the state. The move toward public ownership in other American ports usually takes the form of municipal ownership. Examples are Baltimore, Philadelphia, Los Angeles and Oakland. Public ownership of docks in Boston, under present tendencies, means state ownership. The Harbor Commissioners of Montreal are a creature of the dominion or federal government. Chicago's docks, if public, would naturally be municipal, as it is the policy in this community to have such matters attended to by the municipal rather than the state authorities. pp. 41-43 (2).

No complete development can take place without unity of purpose and concentration of authority. The value of complete ownership and the non-alienation of any territory or rights are inestimable. The existence of rights, franchises, or privileges in the hands of individuals may hamper business and endanger or discourage further extension. p. 13 (4), p. 12 (4a).

Under this head (port administration) are to be found great varieties of administrative methods, among which the following are most frequent:

1. Where the chief authority is vested in the state, as at Hamburg and Davenport.
2. In the municipality, subject to state control, as at Antwerp and Bristol.
3. In private or public companies, as at London and Manchester.
4. In a railway company, as at Southampton and Cardiff.
5. In a public trust, as at Liverpool and Glasgow.

State control in Germany has been unquestionably a marked success, where the railways and waterways also come under the same authority. Mixed control by the state, private corporation and the railways has been a failure, as demonstrated by the loss of business prestige in Marseilles, whereas dual management by municipality and state has produced in Antwerp a great port. London is an example of private individual effort and a multiplicity of port authority, the river being under one authority, the pilotage arrangements under another, and the docks and quays under the control of the different individuals directly interested in them. This type does not recommend itself to the investigators.

Liverpool, where the organization is in the hands of men who, though directly interested in some particular business connected with the port, make their share in its management the pride of a life

career, where the expenditure of large sums of money has been carried out with a view to harmonious development as a whole, is another type of successful enterprise. p. 21 (4), pp. 17-18 (4a).

Ports differ * * * —in the point of their ownership—and this means, or may mean, much. The docks, for example, may be a share-company, as at present in London, where the object is not merely to pay working expenses and to provide for needful development, but, over and above all this, to earn a trading profit. Or they may be run—as in Liverpool and Glasgow—practically by a public trust, aiming solely at the collection of such tolls and dues as may suffice to support the port and docks and their development. Or they may be of railway ownership, used and intended primarily as railway feeders. As such they stand much on the footing of Hamburg and Antwerp, our great rivals, which are run by the state or by the municipality, singly or jointly, possibly, or even probably, at a loss. “What does it matter,” say the citizens of these great and increasing continental ports—“What does it matter whether we make a profit on the docks or not? Docks are not of themselves machines of trade; they are to bring trade to the country. And when we have got the trade here we know what to do with it. We make our profit on the trade, not on the docks.” pp. 150-151 (6).

Public ownership of docks is certainly advantageous to the port and to the shipping interests. Concerning this matter, the State Board of Massachusetts on docks and terminal facilities, after a long and thorough examination of domestic and foreign ports in 1897, said in part:

“It should afford accommodation at the lowest rate of charges; private individuals cannot be expected to furnish these for such returns on the investment as they would accept; the uncertainty of immediate returns is against large outlay by private individuals; private interests not the public welfare is naturally and properly their first thought, and the making of a port a great commercial center is a secondary consideration. Public welfare demands the largest volume of trade at least cost, low, uniform and stable charges, first class equipment, ample accommodation and abundant facilities at the lowest charge to the user; that cheaper money can be had if required by using the credit of the state than that of individuals; that the charges of the user be enough to pay a low rate of interest on the cost, annual disbursements for maintenance, repairs and a sinking fund sufficient to reimburse original outlay, say in seventy-five years.” pp. 12-13 (7).

Commercial water fronts which are not publicly owned are controlled to a very large extent by railroad interests. Perhaps the most notorious case of such control is the occupation of the lake front in

Chicago, opposite the business section, by the Illinois Central Railroad. Among other noteworthy cases of railroad control of important parts of city water front may be mentioned Buffalo, N. Y.; Cleveland, Ohio; Norfolk, Va.; Mobile, Ala.; and Oakland, Cal., while at Pittsburg, St. Louis, Vicksburg, New Orleans, and other river points the railroads occupy long stretches of water front, including not only the areas needed for their own terminal facilities, but also miles of river bank which, but for the adverse possession of the railroads, might readily be acquired and utilized by water lines. The dominant position of the New York, New Haven and Hartford Railroad on Long Island Sound is due partly to the ownership of water fronts and wharves at various points on the Sound, notably at Bridgeport. A somewhat similar situation exists on Chesapeake Bay, where lines controlled by Pennsylvania railroad interests have a very large number of wharves and have for some time monopolized the steamboat traffic, though without rendering very satisfactory service.

At some ports, even where railroad control is not very extensive, it may be supplemented by the holdings of powerful steamship lines in such a way as to make it difficult for tramp vessels or independent boat lines to obtain landing privileges. In some cases, for example, a particular navigation company has acquired all of the water front affording direct connection with rail terminals; in other cases a number of existing lines may control between them all of the water front conveniently situated for landing either freight or passengers. The important coastwise lines have particularly valuable wharf property at various points along the Atlantic coast.

While the control of water fronts depends primarily upon ownership, effective control is sometimes obtained through leases. Thus, in the State of Washington, where the title to the land between the lines of high and low tide is in the state, the railroads seem to have obtained virtual control of commercial water fronts through the preference given riparian owners in leasing waterfront areas and through the limitation of the rental to amounts less than the real rental value. Even publicly-owned wharves may be controlled for years at a time by particular transportation lines. Thus at New York complaints are made that the number of "open piers" available for transient business is quite inadequate to the demand, and the system of long-term wharf leases prevailing there makes it difficult to increase the number of such piers. pp. 155-156 (8).

Our waterways are public highways. Our national waterways policy depends upon this principle. Now, a water terminal is peculiar in that it is the meeting place of the public highway, with railroads, which are privately owned, and with terminal frontage, also usually subject to private ownership. The character of the ownership or control of the essential terminals of this public highway is therefore of great importance. Private control of terminal facilities may seriously impair

or practically destroy the real public character of the channel. For example, this part (vol. 3) shows that a surprisingly large proportion of the most available water frontage and terminals is controlled by railroads. It is only proper to add, however, that in order to serve the proper needs of transportation railroads must have the continued use of a certain amount of water terminals; also, that much of the railroad-owned frontage is merely rights of way, and not in any sense active terminal property. p. 3 (9).

From what has been already noted under specific ports, it is apparent that a large amount of water terminal frontage is everywhere controlled by railroads. While much of this control is undoubtedly necessary and commercially advantageous, nevertheless it is to be remembered that at present the rail and water systems are often in vigorous competition. The control by one system of the terminals upon which a rival system is dependent is therefore of serious importance. Furthermore, railroad frontage in central parts of a congested harbor frequently means that through traffic is crowding upon local traffic, and that the two prime harbor functions, "commercial" and "industrial" are unnecessarily in conflict because of unsatisfactory harbor organization. p. 31 (9).

According to types of ownership, docks may be divided into five main classes, as follows:

1. Public ownership, including both state and city ownership.
2. The harbor trust.
3. Railroad ownership.
4. Ownership by private corporations or individuals not engaged in the transportation business, either rail or water, which permit shipping companies to use the facilities either under a leasing arrangement or on the payment of wharfage.
5. Ownership by the boat line which maintains and operates the dock facilities primarily for its own use.

The foregoing classification relates to what are characterized as commercial docks. I have not undertaken to deal in this report with industrial harbor facilities, that is, with manufacturing locations on navigable waters especially equipped for bringing in raw materials of manufacture and taking out finished products by boat.

The principal ports of Europe are either publicly owned or are managed by harbor trusts on lines that bear much more similarity to public than to private ownership. The most conspicuous exception to the prevailing rule in Europe has been London, but even the management of that port has recently been turned over to a harbor trust created by special act of Parliament. Private management of dock facilities in London was found to be productive of high charges and in other ways inconsistent with the most progressive development of

the world's metropolis. After a most exhaustive inquiry by a royal commission the change of policy was recommended and Parliament authorized a harbor trust to take over, improve and manage the dock facilities of London, the price of the properties acquired being about \$200,000,000. Professor Goode, in his report to the Chicago Harbor Commission (page 105) concludes his account of the transfer of the London dock facilities from private ownership to the harbor trust with this comment:

"It is most significant for us in Chicago that the best brains in Britain, after years of exhaustive study, have adopted the policy of having one powerful independent monopoly in charge of the business of the port. Private interests disappear, and the affairs of the port are to be managed as one estate in the interest of all the people doing business in the port; and with the intention not of paying the largest dividend possible, but of giving the best possible service, and paying an interest of only about 3 per cent. on the actual capital investment."

The favorite type of port management in Great Britain is that of the harbor trust; in continental Europe direct public ownership is usual. Liverpool, Glasgow and the Tyne ports, in addition to London, have the harbor trust. The Manchester canal project was undertaken by a private corporation actuated by much the same public spirit as a harbor trust. In return for municipal aid in the form of extensive loans, the city was given a majority of the membership of the board of directors, thus making the control dominantly, though indirectly, municipal. When the debt is repaid the city's representation on the directorate will be reduced. Bristol is a port under municipal management. In Southampton the docks are owned and operated by the London and Southwestern Railway. Cardiff offers an instance of private ownership. The Marquis of Bute, owner of extensive coal lands back of Cardiff, found it necessary to develop a harbor as a means of providing facilities for shipping his coal. The port of Havre in France is subject to both national and municipal control. The divided authority although all public, is the cause of confusion and delay and interferes much with efficiency of management. The Belgian port of Antwerp is a municipal monopoly, controlled directly by the council. Rotterdam, Holland's great port, is also under municipal ownership. Hamburg offers a case of state ownership, but the state of Hamburg comprehends little besides the city, so that it is in practical effect municipal ownership.

MIXED OWNERSHIP IN MARSEILLES.

Marseilles, France, is a port with mixed ownership—public and private. The beginning of Marseilles as a large seaport dates from 1856, when a company was given a concession for the development of facilities on the basis of private ownership. A United States consular report of 1895, published in the report on "Dock and Terminal Facilities" by the Massachusetts Commission in 1897, gives the following description of the situation in Marseilles at that time:

"In 1872, when the business of this port was practically in the hands and under the control of the private company of the docks and entrepôts, the commerce had reached such proportions that the docks and wharves were altogether insufficient for the requirements of trade, and reclamations for delay and damage became numerous and frequent, and were generally unheeded. The private company, entrenched in its monopoly, continued to impose its full tariffs, and refused any enlargement of its facilities. To relieve this congested and paralyzing condition, new docks were authorized by national legislation in 1874, were begun in 1875 and completed in part in 1881. Public sentiment demanded in strong and vigorous tones the construction of new docks, and that they should be owned and controlled by the public authorities as a security and protection for all time against the monopoly and exactions of private companies. Free labor and free quays was the battle cry of the agitation. Litigation arose; the private company of the docks and entrepôts claimed an exclusive concession from the state. The courts decided against the contention of the private company, and the new national docks were undertaken, completed and are now controlled by the Marseilles Chamber of Commerce. The competition between the public and private companies has been most beneficial. It has stimulated improvements and multiplied facilities, while the port charges have been decreased more than eight per cent. in five years."

The report by President Stephens and Chief Engineer Cowie of the Montreal Harbor Commission, made in 1908, after a tour of inspection of European ports, found the divided management in Marseilles a barrier to progress. I take the following from their "General Impressions" of the port of Marseilles:

"DIFFERENCES OF OPINION.—Lack of harmony between the different port interests was in evidence, and general dissatisfaction appeared to exist as to the progress of the port."

"AUTHORITIES.—The disadvantages were apparent of having three authorities and at least two administrative systems in the port, viz.:

"The Government.

"The Chambre de Commerce.

"The Cie, des Docks et Entrepôts.

"The visible results of some features of policy with regard to harbor development and administration, may be seen by the transfer of business which formerly was done at Marseilles to Genoa, showing that even with government support and a splendid natural situation, a port may be distanced by foreign competitors."

New York, New Orleans and San Francisco, in this country, have publicly-owned docks, as has also Montreal, the chief port of Canada. pp. 12-15 (2).

C.

PORT EQUIPMENT.

For the receipt of freight and baggage and the convenience of passengers, wharf sheds have been developed to a high degree of excellence.

They are no longer on trial, and modern sheds are built on permanent foundations and of lasting construction.

In these sheds, besides sheltering goods in storage, the various processes of sorting, passing customs, and examination can conveniently be carried out.

The use of these sheds is limited to the actual time required, and the goods should not remain longer than a few days.

Shed space next the ship should afford ample accommodation for the economic and rapid manipulation of cargo, and usually when ships load and unload at the same berth, where this cannot be had on one level, sheds of two or more stories are provided.

Storage for longer periods cannot take place where shipping will be inconvenienced, and warehouses are then resorted to.

One of the greatest lessons to be learned in European ports in the tremendous use made of labor-saving, time-saving, freight-handling devices. Cranes in vast numbers are everywhere. Transporters for carrying packages long distances, carriages for shifting cars from one set of tracks to another, lifts, chutes, and jiggers of all kinds are in evidence. p. 19 (4), p. 16 (4a).

The mere emptying of the ship is a huge task, but the real difficulty is to give shore clearance. In this respect Liverpool is remarkably successful. Let us observe the process, common in its initial stages to all ports alike. The ship has four or five hatches, and will discharge from all simultaneously. Each vessel nowadays carries her own cargo booms and holsts, which are ordinarily pivoted on the mast. The hatches having been removed, and the booms rigged and connected with the ship's donkey engines, the chains drop into the hold, the laborers waiting there collect a sling of packages, hook on the chain and give the sign, and up goes the load. Ordinarily, this is deposited on deck. It is generally not convenient to swing the booms so as to land the sling-load on the quay, though this may be done. From the deck the goods may be slid down a shoot to the quay, or they may be carried ashore, or a shore-crane may drop its chain onto the deck and transfer the load bodily to the quay, whilst the ship's tackle is being again lowered for another load from the hold.

From the quay the packages are carried or trollied into the shed, there to be grouped and sorted. But how to find room for them all? Packages can no doubt be stowed in tiers; but this means time and money, the two very things that have to be economized. And then it must be remembered that while we are contemplating the case of a single vessel, two or three, or even half a dozen, vessels may arrive together, and each in the same tearing haste to get rid of its cargo and make ready for a new voyage. It will be seen, therefore, how the ships are at the mercy of the docks, and how disadvantageous are the London delays, greatly accentuated by the barge system—in itself full of advantages—which predominates in London and is altogether absent

from Liverpool. And even if you have the room for sheds of vast size, with wagon-ways, and even truck-lines through them, the difficulty is rather varied than removed; for cargo in sheds has to be moved by hand, and the hand-trucking of many thousands of packages across a very wide floor means money.

And this is where Liverpool has distinguished herself. Bremen and Copenhagen having also promptly profited by her example—at any rate, in principle. Liverpool has built sheds of more than one story, with a flat roof, and crane-rails and cranes along it on the waterfront. While, therefore, the ship's hoist and the shore cranes are busily at work, the shed cranes, high in air, drop their chains also into the holds, and swing their loads to the upper sills, so that a double dispatch is thus provided. Then, when the cargo has to be got away, it is lowered by cat's-head cranes from the upper sills to the trucks or carts below on the landward side. These two-story crane-carrying sheds are, of course, very costly to build; but in docks and shipping there is no economy like the economy of dispatch. It is cheap at almost any price. pp. 11-13 (6).

D.

GENERAL REMARKS AND CONCLUSIONS.

Commerce will always follow the lines of least resistance. Man, however, can oil the wheels and level the roads, so that a poor road thus cared for may offer better traveling than a neglected good road. Without active human assistance, trade would never have had its present development in German ports. It would have gone to Antwerp or Rotterdam. Again, without the building of the "Waterway," Rotterdam would have been a very feeble rival to Antwerp. All ports cannot be the highest on the list, but any port can better itself. The prosperity of Antwerp and Rotterdam do not shut off Amsterdam from her proper career. p. 13 (1).

The present prosperity of Rotterdam is due not only to its fortunate position, but to the energy and foresight of a people who recognize their good fortune and courageously invested large sums for its development. Without that, Antwerp or some other rival would have obtained it. But these vast expenditures are paying enormous return and have made Rotterdam one of the foremost ports of the world. p. 19 (1).

When the modern revolution took place in the method of transportation, a change which occurred throughout the commercial world, she (Amsterdam) * * * * had been a prosperous maritime city, but saw her prestige going to others. Undismayed by the evident fact that other cities with great natural advantages might outstrip her, she not only possessed the wealth but had the energy to make the very best of herself in the new order of things. p. 21 (1).

Great industries will naturally be located where land is reasonable in price and where additional property can be had for expansion. This is especially true of the iron and steel industry, where provision must be made for handling immense quantities of iron ore and other raw materials, and disposal of the product. The same is true to a lesser extent of the lumber and grain business, and all classes of what is sometimes termed "heavy manufacturing." p. 12 (3).

Chicago possesses great advantages as a manufacturing center, and these advantages may be still further added to by an industrial harbor development, that is, by the increase of navigation facilities of the water channels that traverse areas peculiarly adapted to manufacturing purposes. Even if a great freight harbor were to be developed on the lake front it would be a city or commercial harbor, rather than an industrial harbor. Factories would not, by choice, locate on the valuable land available on the lake front. They would naturally be established along the branches of the Chicago river, the Sanitary and Ship canal or in the Calumet region if these offered adequate rail and water transportation. It is quite as important to furnish facilities to promote this industrial development as to provide for a city or commercial harbor, near the wholesale district, for obviously, the main commercial harbor should be located as near as possible to the great commercial center of the city. p. 23 (3).

It would * * * * seem to be a national duty to equip Canadian sea terminals in keeping with the railway and commercial growth of the country, in order to preserve the national prestige of handling Canadian business through Canadian seaports. p. 9 (4), p. 10 (4a).

The ports that are doing the biggest business, and doing it most efficiently, are the ports that have kept their facilities ahead of actual requirements.

The ports that have remained stationary or lost in prestige have been those who neglected to provide facilities before business was forced to seek elsewhere the same facilities provided by rival terminals. Business follows the facilities.

Unity of authority, concentration of business, depth of water areas, and facilities for despatch of business are the prominent characteristics of successful port administration.

The necessity of providing large and convenient storage areas where cargo may be collected and cared for.

The lowest cost of handling cargo from the hold of the ship to consignee and vice versa, was found to be a port where one authority controlled the entire operation, and where the transit sheds were three to five stories high.

That special facilities for the care of Canadian perishable products have been provided in British ports on a large and complete scale.

That equal facilities should be provided at Canadian terminals.

That the legitimate expansion of Canadian trade demands the immediate development of Canadian sea terminals if Canadian business is to be handled by Canadians.

That neglect to provide immediately those necessary facilities in Canada will have for effect the establishment of trade routes over which no control can be exerted by Canadians.

Great port development has invariably been followed by increase of trade and population.

Montreal has the power, through her commanding position and great natural advantages, of affording the best terminal facilities at a less cost than any European port of importance, and this advantage can hardly be equalled by any port on the North American Continent. pp. 24-25 (4), p. 20 (4a).

I will draw but one conclusion, which I would say must be obvious to any one perusing the documents, viz., in the words of a well known authority, "a port is a commercial enterprise" and ought to be treated as such; it will be successful if proper accommodations for the requirements of trade be given, that is to say, if the ever-increasing draught and size of vessels is looked after, and if (the big ship being the cheap ship, but also the ever faster moving one, the one ever in a greater hurry to load and unload) proper facilities for putting cargo ashore and aboard are given. p. 9 (5).

For a while it is no doubt true that the ships must come where the trade calls them—that it is, from our present point of view, the port which makes the shipping, and not the shipping which makes the port—so also is it true that it is the population which makes the port. The population may be either at the port, as in the case of London, or it may be behind the port, as in the case of Liverpool and Hull; but the population there must be. The port is the mouth through which a population is fed and supplied by the ships; so that a port which, having no large population of its own, neglects to keep up and develop its communications with the cities behind it, will see itself deserted by its shipping. To express it differently, ships come to the market which needs their cargoes, and this market the population behind the ports, as well as the population of the ports, combine to make. pp. 3-4 (6).

Let it be repeated that if the ports are the country's hands and mouth, the railways are certainly the arteries and veins through which its life-blood flows. Every time a port, whether on sufficient grounds or otherwise, complains of its railway service, the complaint is an admission of our axiom's truth. But a port needs something more than

railway service; as already conveyed, it needs, to enable it to contend advantageously with its rivals, railway competition. And be the single local service as liberal as it may, it will never be at its best or cheapest until under the stress of competition. For after all a port is, in most cases, and always more or less, but a road to a market; and freights and port charges being equal, trade will select the line of least resistance under the head of inland carriage.

It follows, therefore, that in the national interest the fullest encouragement should be given to railway development in connection with our ports. And equally so, or even still more so, when the question is not of extending existing railway facilities, but of creating a new railway port or railway dock. pp. 149-150 (6).

Ports are but adjuncts to the railways, and nowadays trade is dependent on the railways. The history of England's modern prosperity and that of her ports is the history of her railways. p. 167 (6).

Competition between rival ports of shipment will create increased facilities of loading, resulting in the saving of time and of handling charges, in the advantage of increased wharfage, and in the accommodation for ships of great capacity. p. 170 (6).

To retain and encourage this commerce it is necessary for the state to build, slightly in advance of actual needs, substantial wharves at reasonable cost of construction and maintenance, and to keep port charges down to a minimum rate, sufficient only to produce a revenue for operation, repair, maintenance and new construction, and thus make this one of the cheapest, most commodious and desirable ports in the world.

To carry such a determination successfully into effect, it is necessary that each separate addition to the harbor facilities should be itself a component part of a general plan of port development, which shall intelligently anticipate and gradually provide for the commerce of the future.

That it is a wise business policy to develop a port in anticipation of its actual present necessities, is evident from a study of the application of the principles abroad.

The large ports of Europe have followed the practice of inviting trade by providing for the ample accommodation of a commerce somewhat in advance of immediate necessity, and their reward has been vastly increased trade with a corresponding gain in population. This is particularly true at Hamburg, Antwerp, Rotterdam and Liverpool. A reference to the Statistical Chart will show that the time at which such improvements were made was succeeded by a period during which the gain in the commerce of that port was notably accelerated. This is particularly true of Antwerp and Liverpool since 1900, and a com-

parison of these two ports with the conditions at London, where the port facilities have not recently been developed beyond the actual requirements of its existing commerce, shows in a graphic manner the result of a wise extension of dock area.

Wealth and power attend commercial increase, and the history of European ports proves that commerce responds with an accelerated rate of gain to favorable conditions provided for shipping.

Business tends to crystallize, and trade once attracted to a port by reason of superior facilities and benefits is not readily deflected to other routes. Habits of trade are formed and merchants become acquainted and continue to do business at the same center largely from the force of association which once made are not easily severed. Favorable conditions give rise to successive improvements, such as betterment of railway, postal and telegraph service. More banks are established and new lines of railroad projected. These in turn result in new additions to the volume of the port's commerce, which increase somewhat similar to compound interest. These gains are attended by more orderly conditions of civic life. Merchants enlarge their stocks, and trade is attracted from a wider radius.

Thus the law of port development, as applied in Europe has resulted in the enormous prestige of the ports which have adopted its principle. Liverpool, Hamburg, Rotterdam, Bremen, Havre, Amsterdam, Marseilles and Genoa may be all instanced as ports that have had to build up under difficulties and at great cost of money. Each is prosperous to a high degree, and enjoying a commerce beside which the trade of undeveloped ports is insignificant. Each as a matter of sound business policy is anticipating still larger demands of increasing trade and carefully preparing plans for further port development. pp. 6-7 (7).

Water routes differ from railroads in ordinarily offering free passage to any suitable vessel, so encouraging competition for traffic; but a free waterway is of little avail in that respect without terminals also accessible freely or on reasonable terms to any independent boat line that may seek to enter the field. The terminal facilities of any transportation system are the keys giving it access alike to sources of supply, to markets, and to connecting lines of transportation. Convenient terminals are of even greater importance to water transportation than to railroads, because many shipments go partly by water and partly by land, and since the railroads reach all important points in the country, railroad connections are of far greater importance to water lines than water connections are to railroads. It is therefore not too much to say that terminal facilities, including harbors, docks, and warehouses, form the key to the important question of the practical availability of free waterways, and that upon the control of these terminals depend in a great measure the possibility of effective competition on the part of water lines.

From another point of view, terminal facilities are an important

factor in determining the commercial prosperity of different ports. This may be strikingly demonstrated in the case of the principal Atlantic seaports, where differential freight rates counterbalance any advantages particular ports may have in ocean freight rates, leaving the harbor, docking, and warehouse facilities to determine the route which traffic will take. In lesser degree the same thing is true of other competing ports, and hence it is to the advantage of local communities to provide the most convenient terminal facilities possible, not only commodious wharves and warehouses, but also such important auxiliary agencies as mechanical loading and unloading devices and tramways connecting the various wharves and warehouses. Grain elevators on land and water, lighters, and harbor towboats also supplement the dock facilities to a greater or less extent at different ports, but these agencies are provided by private enterprise, while the construction and equipment of wharves is often undertaken by municipalities or by the state, and sometimes again by private individuals or corporations. p. 153 (8).

This report brings out five salient facts; first, that terminals are as important as channels; second, that the harbors of the country, as a rule, have by no means developed their frontage to the full capacity, nor have they organized and co-ordinated to the best advantage the commercial and the industrial functions; third, that great influence is exercised by railroads over water terminals, either through ownership, through indirect control, or through long term leases of waterfront property; fourth, that there is very little effective linking up of the rail and water transportation systems, but on the contrary the tendency seems toward division and adverse action, to the great detriment of the transportation needs of the public; and, finally, that there is a striking lack of co-operation with the federal government on the part of localities benefited by channel improvement. This is in marked contrast to those continental countries whose waterways have been most highly developed.

Faulty harbor organization causes in many harbors a serious congestion of traffic, which means delay in all stages of transportation, with consequent increase in cost. In many instances this condition could be materially relieved by a systematic policy of harbor organization, reserving the central portions, in the main, primarily for local traffic. The theoretically ideal segregation of local from through terminals probably cannot be realized, except in occasional instances.

Despite the impossibility of ideal results, however, there is sufficient opportunity for improvement over the existing congestion of transportation to warrant most serious consideration of the subject by all interested. Moreover, as this report clearly shows, there is need of still more effective co-operation between the federal and local authorities, and also between these and private interests.

The extensive ownership or control of terminal facilities by rail-

roads is one of the very serious factors in the entire problem. There is urgent necessity for action which shall prevent this railway ownership (or, for that matter, other private ownership) of terminal property from resulting in unjust discrimination, and unnecessary burdens upon commerce. There is also urgent need for a far greater degree of practical co-ordination between railroads and general water traffic, so as to unite into one effective machine the entire transportation facilities of the country. pp. 37-38 (9).

A port is a gateway between two transportation realms. On the one hand the open sea with its trackless waste, offering the best and cheapest routes for traffic with all the world; on the other hand the land, with its roadways and inland waterways carrying the commodities of trade to and from the great commercial focus, as the blood is carried to and from the heart in our vascular systems.

A port becomes a great commercial focus in proportion as certain factors are developed which determine the flow of commerce. First, the production of goods in the hinterland, which may find, by way of the port, a market in the world outside; the richer the hinterland, and the larger the flow of goods, the greater the possibilities of the port. Second, In almost equal measure as a hinterland develops its export trade, does it become an active market for the importation of goods from other productive regions, and by so much may the business of the port be increased. Third, Up to the limits of the opportunity offered by its hinterland, a port is great, in proportion as it develops the facilities for the flow of commerce, and reduces the friction incident to the breaking of bulk and the change in the character of the agent of transportation. In the simplest of mechanical metaphor, a port is a pump, the efficiency of which is high in proportion as the stream of liquid commerce it delivers is great, and the cost of operation is low. In just such measure as the pump is poor is the cost of service high and the flow small. p. 65 (3a).

APPENDIX II.

AN ACT relating to the location and establishment of harbor lines, waterways and slips in the navigable waters of the state and relating to the definition, designation, platting, replatting, appraisal, reappraisal, reservation, restoration, sale, lease, improvement, occupancy, development, maintenance, direction and use of the beds and shores, except oyster lands, of all navigable waters in the state up to and including the line of ordinary high tide, in waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all navigable rivers and lakes.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. The board of state land commissioners (hereinafter designated as the board) is authorized, at its discretion, to locate and

establish an outer and an inner harbor line in any or all of the navigable waters of the state: *Provided*, That the two harbor lines shall never be less than fifty (50) feet nor more than six hundred (600) feet apart: *And provided*, That hereafter the area between the outer and the inner harbor lines heretofore or hereafter established, shall be known as the harbor area and shall never be sold or granted by the state nor the state's right to control the same relinquished, but shall be forever reserved for streets, landings, wharves and other conveniences of navigation and commerce.

SEC. 2. In addition to the harbor lines described in section 1 of this act and in addition to the harbor lines heretofore established in accordance with the then existing law, the board is authorized, at its discretion, to establish beyond the outer harbor line in any or all of the navigable waters of the state, a reserve harbor line: *Provided*, That the said reserve harbor line shall be located not more than one thousand (1,000) feet beyond the outer harbor line: *And provided*, That the area between the reserve and the outer harbor lines shall be known as the harbor reserve, and shall never be given, sold, granted, or leased to private persons, corporations or associations: *And provided further*, That the harbor reserve shall always remain under the control of the state and may be used, improved and occupied by the state and, with the consent of the board, by any governmental subdivision of the state.

SEC. 3. Hereafter, all lands belonging to the state (except oyster lands) over which the tide ebbs and flows and lying between the line of ordinary high tide and the inner harbor line, or the line of mean low tide where harbor lines have not been established, shall be known as tide lands.

SEC. 4. Hereafter, all lands belonging to the state over which the tide does not ebb and flow, bordering on the shores of navigable rivers and lakes, and lying between the line of ordinary high water and the inner harbor line, or the line of ordinary low water where harbor lines have not been established, shall be known as shore lands.

SEC. 5. Hereafter, all tide lands within or in front of the corporate limits of any city or within two miles thereof, on either side, also all tide lands lying between harbor lines and the adjacent upland, shall be designated first class tide lands. Hereafter, all other tide lands shall be designated second class tide lands.

SEC. 6. Hereafter, all shore lands within or in front of the corporate limits of any city or within two miles thereof on either side, also all shore lands lying between harbor lines and the adjacent uplands, shall be designated first class shore lands. Hereafter, all other shore lands shall be designated second class shore lands.

SEC. 7. The board is authorized, at its discretion, to establish on or across any of the tide and shore lands of the state, public waterways and slips of such width and length as the board may determine: *Pro-*

vided. That all such public ways and slips shall be reserved from sale or lease and devoted to public use under such regulations as the board may prescribe.

SEC. 8. Whenever and wherever harbor lines and harbor areas are established it shall be the duty of the board to plat and appraise the tide and shore lands as heretofore provided for by law for the platting and appraisal of tide and shore lands of the first class: *Provided*, That the board may, whenever it deems it advisable to do so, replat and reappraise any of the tide and shore lands remaining undisposed of: *And provided*, That the board shall plat and dedicate for use a capacious street, highway or thoroughfare immediately back of and adjoining the harbor area, also convenient cross streets on the harbor reserve and harbor area and leading therefrom to the upland: *And provided further*, That no street, highway, thoroughfare, alley or public place upon, adjoining or adjacent to any harbor area shall be vacated by any governmental subdivision of the state without the consent of the state legislature.

SEC. 9. The board is hereby given authority to make and file any plat, replat, appraisal or reappraisal, of any harbor reserve, harbor area or of any tide or shore lands in sections as rapidly as the work of platting and appraising may progress and whenever the board shall deem it expedient so to do.

SEC. 10. Harbor areas and tide lands and shore lands of all classes shall be disposed of as heretofore provided for by law: *Provided*, That hereafter no private person, corporation or association shall have any preference right to lease harbor areas: *And provided*, That the board is authorized, at its discretion, to withdraw and to reserve from sale or lease and to set aside for public use any harbor area, tide or shore lands belonging to the state, and thereafter no private person, corporation or association shall have any right to buy or lease such harbor area, tide or shore lands withdrawn and reserved from sale and set aside for public use: *And provided further*, That the board, at its will and subject to such permission as the board may have granted to a governmental subdivision of the state as hereinafter provided, may restore to market any or all of the harbor area, tide or shore lands which it had previously withdrawn and reserved from sale and set aside for public use.

SEC. 11. The board is hereby authorized, when directed to do so by the state legislature, to develop, improve, utilize, maintain and direct for harbor purposes, also for rail and water transfer and terminal purposes any of the harbor areas and any of the tide and shore lands which have been reserved for such purposes by the board, also any of the harbor reserves.

SEC. 12. The board is hereby authorized, at its discretion, to permit any governmental subdivision of the state to use, improve, occupy, develop, maintain and direct for harbor purposes, also for rail and water transfer and terminal purposes any of the harbor areas and

any of the tide and shore lands which have been withdrawn and reserved from sale and set aside for public use, also any of the harbor reserves: *Provided*, That the permit shall be subject to such terms, conditions, and regulations as the board may prescribe.

SEC. 13. Whenever the surface of a navigable river or lake of this state is lowered as a result of any river or harbor improvement executed in whole or in part by, or at the whole or partial expense of, the United States, the state or any governmental subdivision of the state, and thereby any unsold portion of the bed is reclaimed, the title to the reclaimed bed shall vest in the owner of the abutting shore lands heretofore purchased from the state: *Provided*, That the board may survey and plat any such reclaimed bed, and may thereon locate, establish and dedicate to public use such streets, highways, thoroughfares, alleys, sites for public wharfs and docks and places of amusement and recreation as may be deemed wise by the board.

SEC. 14. This state hereby reserves to itself and to the United States the right to raise or lower the surface of any of the navigable rivers and lakes of this state and all sales or leases by the state of shore lands and harbor areas on navigable rivers and lakes shall be subject to said reservation and all deeds hereafter issued by the state for the sale or the lease of such shore lands and harbor areas shall contain a provision to that effect.

APPENDIX III.

AN ACT authorizing the establishment of port districts; providing for the acquirement, construction, maintenance, operation, development, and regulation of a system of harbor improvements and rail and water transfer and terminal facilities within such districts, and providing the method of payment therefor.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Port Districts Authorized.

Port districts for the acquirement, construction, maintenance, operation, development and regulation of a system of harbor improvements and rail and water transfer and terminal facilities within such districts, are hereby authorized to be established in the various counties of this state, as in this act provided.

SEC. 2. Formation of District.

At any general election or at any special election which may be called for that purpose, the board of county commissioners of any county in this state may, or on petition of five per cent. of the qualified electors of such county based on the total vote cast in the last general county election, shall, by resolution submit to the voters of such county the proposition of creating a port district which shall be co-extensive with the limits of such county as now or hereafter established, and the board of county commissioners shall submit such proposition at a special election to be called therefor when such petition so requests.

Such petition shall be filed with the county auditor who shall within fifteen (15) days examine the signatures thereto and certify to the sufficiency or insufficiency thereof. And for such purpose the county auditor shall have access to all registration books in the possession of the officers of any incorporated city or town in such proposed port district. If such petition be found to be insufficient it shall be returned to the persons filing the same, who may amend or add names thereto for ten days when the same shall be returned to the county auditor who shall have an additional fifteen (15) days to examine the same and attach his certificate thereto. No person having signed such petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor. Whenever such petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his certificate of sufficiency attached thereto, to the board of county commissioners who shall, at their first meeting thereafter, if such petition so requests, by resolution call a special election to be held not less than thirty (30) nor more than sixty (60) days from the date of such certificate and shall cause to be published for not less than twenty (20) days, notice of such election in one or more daily newspapers of general circulation in such county, which notice shall state the hours during which such polls will be open, the boundaries of the proposed port district and the objects of such election, and shall be posted for ten (10) days in ten public places in such proposed port district. The same notice shall be given in the event of such proposition being submitted at a general election. In submitting the said question to the voters for their approval or rejection, the proposition shall be expressed on said ballot in the following terms:

"Port of.....Yes" (giving the name of the principal seaport city within such proposed port district, or if there are two or more cities of relatively equal importance within such district, such name as may be determined by the board of county commissioners).

"Port of.....No" (giving the name of the principal seaport city within such proposed port district, or if there are two or more cities of relatively equal importance within such district, such name as may be determined by the board of county commissioners).

There shall be not less than one (1) polling place in each of the various wards of any incorporated city within such proposed port district, and one polling place in each precinct in such proposed port district not within the limits of any incorporated city: *Provided*, That any petition for the formation of a port district may describe a district of less area than the county in which such petition is filed and in such event the same procedure shall be followed as is prescribed in this act for the formation of the larger port district except that the petition and election shall be confined solely to the lesser port district: *And provided*, That whenever two or more petitions for the formation of a port district shall be filed as herein provided, the petition describing the greater area shall supersede all others and an election shall

first be held thereunder and no lesser port district shall ever be created within the limits, in whole or in part, of any port district.

SEC. 3. Elections—Powers of Commissioners.

If at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such port district, the board of county commissioners shall so declare in its canvass of its returns of such election, and such port district shall then be and become a municipal corporation of the State of Washington, and the name of such port district shall be "Port of....." (inserting the name appearing on the ballot). The powers of the port district shall be exercised through a port commission consisting of three members, one from each of the three county commissioner districts of the county in which the port district is located, when the port district is coextensive with the limits of such county. When the port district comprises only a portion of the county, three commissioner districts, numbered consecutively, having approximately equal population and having boundaries following ward and precinct lines, shall be described in the petition for the formation of the port district and one commissioner shall be elected from each of such commissioner districts. No person shall be eligible to hold the office of port commissioner unless he is a qualified voter, a freeholder and is and has been a resident for a period of three (3) years of the commissioner district he is elected from. Port commissioners shall hold office for a term of three years. At the same election at which the proposition is submitted to the voters as to whether a port district shall be formed, three (3) commissioners shall be elected to hold office, respectively, for the terms of one, two and three years. All candidates shall be voted upon by the entire port district and the candidate residing in commissioner district number one receiving the highest number of votes in the port district shall hold office for the term of three (3) years; the candidate residing in commissioner district number two receiving the highest number of votes in the port district shall hold office for the term of two (2) years, and the candidate residing in commissioner district number three receiving the highest number of votes in the port district shall hold office for the term of one (1) year, from and after the first Monday in December following the creation of such port district as hereinafter provided. All expenses of elections for the formation of such port districts shall be paid by the county holding such election, and such expenditure is hereby declared to be for a county purpose, and the money paid out for such purpose shall be repaid to such county by the port district, if formed. At least twenty (20) days prior to the first Monday in December of each year such port commission shall give notice by publication for at least ten (10) days in a daily newspaper published within such port district, that an election will be held on the first Monday in December of each year for the election of a successor to the retiring port commissioner to hold office for the term of three (3) years and until his successor is elected and qualified. Nominations for

port commissioners, at the first special election and at subsequent general elections, shall be by petition of one hundred (100) qualified electors of the commissioner district in which the candidate is a resident, to be filed in the office of the county auditor at least fifteen (15) days prior to such election: *Provided, however,* That there shall be no election held on the first Monday in December immediately following the creation of such port district: *And provided further,* That in the event of a vacancy in the office of port commissioner by death, resignation or otherwise, such vacancy shall be filled by appointment by a majority vote of the remaining port commissioners, until the next regular election for port commissioners. A vacancy in the office of port commissioner shall occur by death, resignation, removal, conviction of a felony, nonattendance at meetings of the port commission for a period of sixty (60) days unless excused by the port commission, by any statutory disqualification or by any permanent disability preventing the proper discharge of his duty. Such port commission shall designate in all notices of election whether such election be a general or special election; the time of opening and closing the polls and the places for voting, and in no event shall there be less than one (1) polling place in each of the various wards of any city in the port district, and at least one (1) voting place in each precinct in the port district not within the limits of any incorporated city. The polls shall be kept open on every election day by said port district at least from eleven o'clock a. m. to seven o'clock p. m., but said port commission may keep the polls open for a longer period of time if they shall so order; but the time of opening and closing the polls must be stated in the notice of election, and the polls shall be opened and closed in accordance with such notice. All qualified electors within such port district shall be entitled to vote at any election held in such port district. The officers of the city or county having charge of the registration books shall deliver the same to the port commission for the use of its election officers at any election held in a port district formed under the provisions of this act. In the event of such registration books being required by law to be used by any school district or other public corporation at the same time as the use thereof will be necessary by the port district, they shall be delivered to such port commission and school district or other public corporation, jointly, and the same polling places and registration books shall be used jointly by all of such public corporations. The registration of voters for elections to be held in such port district shall be the same in all respects as is now required by law, and no additional registration shall be required to qualify any elector to vote at any port district election: *Provided,* That notice of closing registration books shall be given, and the same shall be closed for registration prior to the holding of any election authorized by this act in the same manner and for the same time as is now or may be provided by law for Primary elections.

The city clerk or registration officer required to perform the duties enumerated in this act shall receive no additional compensation therefor. The general laws of the State of Washington governing the registration of voters for general or special city elections that are not inconsistent with these provisions, shall govern the registration of voters for elections held under this act; and the registration books of the city and territory within said port district shall be the books used by said port commission, and no separate registration books shall be kept or maintained by it. The manner of holding any general or special election for the organization of said port district or which may thereafter be held by any port district, shall be in accordance with the laws of this state relating to general elections in so far as the same are not inconsistent with the provisions of this act.

SEC. 4. Powers of District.

All port districts organized under the provisions of this act shall be and are hereby authorized to acquire by purchase or condemnation or both, all lands, property, property rights, leases or easements necessary for the purpose of the port district and to exercise the right of eminent domain in the acquirement or damaging of all lands, property, property rights, leases or easements and the levying and collection of assessments upon property for the payment of all damages and compensation necessary in carrying out the purposes for which said port district shall have been created, and such right shall be exercised in the same manner and by the same procedure as is or may be provided by law for cities of the first class, except in so far as such law may be inconsistent with the provisions of this act, and except that all assessment or reassessment rolls provided by law to be prepared and filed by eminent domain commissioners shall be prepared and filed by the port commission of the port district, and the duties devolving upon the city treasurer under said law be, and the same are hereby imposed upon the county treasurer, for the purposes of this act; to lay out, construct, condemn, purchase, acquire, add to, maintain, conduct and operate any and all systems of sea walls, jetties, wharves, docks, ferries, canals, locks, tidal basins and other harbor improvements, rail and water transfer and terminal facilities within such port district; to determine whether the expense of any improvement shall be borne in whole or in part by such port district; to establish local improvement districts within such port district, and to levy special assessments under the mode of annual installments extending over a period not exceeding ten (10) years, on all property specially benefited by any local improvement, on the basis of special benefits to pay, in whole or in part, the damages or costs of any improvements ordered in such local improvement district; to issue local improvement bonds in any such local improvement district to be repaid by the collection of local improvement assessments: *Provided*, That the levying and collection of all such assessments and issuance of bonds hereby authorized shall be in the manner now and hereafter provided by law for the levying

and collection of local improvement assessments and issuance of local improvement bonds by cities of the first class, in so far as the same shall not be inconsistent with the provisions of this act: *Provided, however,* That the duties devolving upon the city treasurer under said laws be, and the same hereby are, imposed upon the county treasurer for the purposes of this act; to own and control lands, leases and all easements in land necessary for the purposes of the port district; to improve navigable and non-navigable waters of the United States and of the State of Washington within the port district; to create and improve for harbor purposes new waterways within the port district; to regulate and control all such waters within the limits of such port district so far and to the full extent that this state can and hereby does grant the same, and remove obstructions therefrom; to straighten, widen, deepen and otherwise improve any and all waters, water courses, bays, lakes or streams, whether navigable or otherwise, flowing through or located within the boundaries of such port district; to fix, subject to state regulation, rates of wharfage, dockage and all necessary port and terminal charges; to execute leases of all lands, wharves, docks and property owned and controlled by said port district upon such terms as the port commission may deem proper: *Provided,* That no lease shall be executed for a period longer than thirty (30) years; to raise revenue by levy of an annual tax on all taxable property within such port district, not exceeding two mills in any one year: *Provided,* That such levy shall be made and taxes collected in the manner now or hereafter provided by law for the levy and collection of school district taxes; to borrow money and issue bonds in an amount not exceeding two and one-half (2½) per cent. of the taxable value of all property in such port district upon a three-fifths majority vote of the qualified voters in such port district voting thereon: *Provided,* That the calling and manner of holding such elections for issuance of bonds shall be the same as is now or may hereafter be prescribed by law for the issuance of school district bonds in so far as the same shall not be inconsistent with the provisions of this act, and no bonds shall ever be issued to provide for the acquiring or construction of any wharf or other operative public utility except that the same, when acquired or constructed, shall produce a net income sufficient to pay the interest on the bonds issued and retire the same at maturity: *And provided further,* That general bonds of such port district may be issued for a period of not to exceed fifty (50) years.

SEC. 5. Port Commissioners—Organization—Contracts.

All port commissioners shall serve without compensation. The port commission shall organize by the election from its own members of a president and secretary, shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings of the port commission shall be by resolution recorded in a book or books kept for such purpose, which shall be public records. All funds of the port district shall be paid to the county treasurer, and all

disbursements shall be made by such officer on warrants drawn by the county auditor upon order of or vouchers approved by the port commission. The port commission shall have authority to create and fill such positions and fix salaries and bonds thereof as it may by resolution provide. All purchase of materials and work ordered to be done by contract which is estimated to cost in excess of one thousand dollars (\$1,000) shall be let by the port commission in all respects as now provided for the letting and securing of contracts with the State of Washington under the provisions of section 5873 of Remington and Ballinger's Annotated Codes and Statutes of Washington.

SEC. 6. Adoption of Harbor Improvement Plans.

It shall be the duty of the port commission of any port district to adopt a comprehensive scheme of harbor improvement in such port district, after a public hearing thereon, of which at least ten days' notice shall be published in a daily newspaper of general circulation in such port district, and no expenditure for the carrying on of any harbor improvements shall be made by said port commission other than the necessary salaries of engineers, clerical and office expense of such port district, and the cost of engineering, surveying, preparation and collection of data necessary for the preparation and adoption of a general scheme of harbor improvements in such port district, unless and until such comprehensive scheme of harbor improvement has been so officially adopted by the port commission and ratified by a majority vote of the people of such port district voting thereon in favor thereof at a special election which shall be held for such purpose; twenty (20) days' notice of such election shall be duly published in one or more daily newspapers of general circulation in such port district: *Provided, however,* That it shall not be necessary to await the preparation or adoption of such comprehensive plan in order that said port commission may proceed either independently or in co-operation with any plan of harbor or waterway improvement which has already received the approval of the proper authorities of the United States government or of the State of Washington, or the plans for which have been approved by any commercial waterway district, duly organized and existing under the laws of this state, or the plans for which shall have been adopted by the vote of the people of any incorporated city in such port district at any election held for such purpose prior to the first day of April, 1912.

SEC. 7. Improvements to Follow Plans Adopted.

When such general plans shall have been adopted or approved as aforesaid, every improvement to be made shall be, substantially, in accordance therewith whether the same is to be paid for in whole or in part by such port district or by assessments against lands and property specially benefited thereby, unless and until such general plans shall have been changed by a majority vote of the qualified electors of the port district voting thereon at any general election or special election called by the port commission for such purpose.

SEC. 8. Improvements—Adoption of Detail Plans.

No improvement shall be acquired or constructed, the whole cost of which shall be paid by the entire port district, unless such improvement shall, when completed, be the property of such port district, the county in which such port district is located, the State of Washington or of the United States of America, and the funds of such district may be expended in the acquirement or construction of any harbor improvement in conjunction with the county in which such port district is located, the State of Washington or the United States of America, or all or any of them. Before ordering any improvement, the whole cost of which shall be borne by the entire port district, the port commission shall adopt the detail plans and specifications, declare the estimated cost thereof, and by resolution declare its intention to order such improvement in accordance with such plans and specifications on file. Such resolution shall be published in a newspaper of general circulation in the port district for a period of ten (10) days. After the expiration of such publication the port commission may order the improvement and proceed to acquire the land or property necessary therefor, and advertise and let the contract for the same.

SEC. 9. Local Improvements—Election.

Whenever the public interest or convenience may require, the port commission may order any improvement to be paid for in whole or in part by assessment against property within such port district specially benefited, in the following manner: The detail plans for such improvement shall be adopted, and thereafter the port commission shall by resolution declare its intention to order such improvement, which resolution shall state the estimated cost thereof, specify what portion of the cost shall be assessed against the property specially benefited thereby, and shall describe a district within which the property is deemed to be specially benefited and to be assessed for such improvement, together with the method of payment therefor. Such resolution shall also provide that on a date fixed therein, not less than thirty (30) nor more than sixty (60) days after the first publication thereof, a special election shall be held in the district described therein for the purpose of assenting to or rejecting such proposed improvement or the creation of such local improvement district. Such resolution shall be published once a week four consecutive weeks in one or more weekly newspapers in the proposed local improvement district, or, if there be no newspaper published in such territory, it shall be published once a week four consecutive weeks in any newspaper of general circulation in the entire port district. If at such special election to be held in such proposed local improvement district for such purpose, a majority of the votes cast thereon shall be in favor of the construction or acquirement of such local improvement, the port commission shall forthwith commence in the name of the port district such eminent domain proceedings, including such supplemental assessment proceedings as may be necessary to carry out such improvement, and shall thereafter pro-

ceed with the improvement and make and file with the county treasurer its roll levying assessments therefor against the property situated within such local improvement district in proportion to the special benefits to be derived from such improvement. Before the approval of such roll a notice shall be published ten (10) days in one or more daily newspapers of general circulation in such local improvement district, stating that such roll is on file and open to inspection in the office of the clerk of the port commission and fixing a time not less than fifteen (15) nor more than thirty (30) days from the date of the first publication of such notice within which protests must be filed with the clerk of said port commission against any assessments shown thereon, and fixing a time when a hearing shall be held by said port commission on said protests. After such hearing the port commission may alter any and all assessments shown on such roll, and shall then by resolution approve the same. Any person feeling aggrieved by any such assessments shall perfect an appeal to the superior court of such county within ten (10) days after such approval in the manner provided by law for appeals from assessments levied by cities of the first class in this state.

SEC. 10. Local Improvements Upon Majority Petition.

Whenever a petition signed by one hundred (100) freeholders in a district to be therein described shall be filed with the port commission, asking that any portion of the general plan adopted by the voters of the entire port district be ordered, and defining the boundaries of a local improvement district to be assessed in whole or in part to pay the cost thereof, it shall be the duty of the port commission to prepare and adopt detail plans of any such local improvement petitioned for, declare the estimated cost thereof, what portion of such cost shall be borne by such proposed local improvement district, and what proportion of the cost, if any, shall be borne by the entire port district. At any time thereafter, upon petition of the owners of a majority of the lands in such proposed local improvement district, as shown in the office of the auditor of such county, asking that such local improvement be ordered, the port commission shall forthwith by resolution order such improvement, provide the general funds of the port district to be applied thereto, commence in the name of the port district eminent domain proceedings and such supplemental assessment or reassessment proceedings to pay all eminent domain awards as may be necessary to entitle said port district to proceed with such work and levy and collect assessments or reassessments to pay for such work in the manner and with the same notice and right of appeal as is provided by section 9 of this act. Engineering and office expenses, in all cases, shall be borne by the entire port district.

SEC. 11. Fifty Per Cent. Only to Be Paid from General Fund.

Whenever any improvement shall be ordered, payment for which shall be made in whole or in part from assessments against property

specially benefited, not more than fifty (50) per cent. of the cost thereof shall ever be borne by the entire port district.

SEC. 12. Funds in Anticipation of Revenues.

Any port commission is hereby authorized, prior to the receipt of taxes raised by levy, to borrow money or issue the warrants of the port district in anticipation of the revenues to be derived by such port district from the levy of taxes for the purpose of such port district during the first year, and such warrants shall be redeemed from the first money available from such taxes when collected.

SEC. 13. County Treasurer—Funds.

The county treasurer shall create a fund to be known as the "Port of.....Fund," into which shall be paid all money received by him from the collection of taxes in behalf of such port district, and no money shall be disbursed therefrom except upon warrants of the county auditor issued as in this act provided. The county treasurer shall also maintain such other special funds as may be prescribed by the port commission, into which shall be placed such moneys as the port commission may by its resolution direct, and from which disbursements shall be made upon proper warrants of the county auditor issued against the same by authority of the port commission.

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT.
OLYMPIA, February 16, 1911.

To the Senate:

I am directed by the governor to inform you that he has this day approved Senate bill No. 115, entitled "An act relating to and providing for the payment of obligations existing against road districts in counties which have heretofore, or which shall hereafter, adopt township organization government, and declaring an emergency."

FRANK M. DALLAM, JR., *Private Secretary.*

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 17, 1911.

MR. PRESIDENT:

The House has passed House bill No. 161, entitled "An act relating to the powers and duties of prosecuting attorneys, etc.;"

Also engrossed House bill No. 234, entitled "An act providing for the survey of a proposed extension of state road No. 9, etc.;"

Also engrossed House bill No. 257, entitled "An act relating to the suspension of sentences, and amending section 28, chapter 249, Laws of 1909;"

Also engrossed House bill No. 76, entitled "An act providing for additional judges of the superior court of the State of Washington in and for King county and declaring an emergency."

Also the House has failed to concur in the Senate amendments to House bill No. 113 and asks the Senate to recede therefrom.

Also the speaker has signed House joint memorial No. 7, "Relating to the extension of time in which the desert land entrymen of 'Horse Heaven' district may make final proof, etc."

Also the House has passed engrossed House bill No. 320, entitled "An act relating to assessment and taxation, declaring certain property to be personal property, fixing its situs for taxation, etc."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

INTRODUCTION OF BILLS.

Senate bill No. 238, by Senator Troy (by request), entitled "An act for the protection of livestock, providing for payment for diseased cattle by the state, making an appropriation therefor and providing penalties for the violation of this act."

The bill was read the first time, and on motion of Senator Troy, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on dairy and livestock.

Senate bill No. 239, by Committee on Public Morals, entitled "An act to protect the health and morals of minors and females by regulating places of entertainment and public resort, and by prohibiting the sale or gift of intoxicating liquor, opiates, cigars, or cigarettes or tobacco in any form to minors, or the sale or gift of firearms to minors under the age of eighteen years, and amending section 2445 of Remington and Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Myers, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 240, by Senator Allen (P. L.), entitled "An act to authorize the sale by the State of Washington of certain tide lands to the Mats Mats Lobster and Shell Fish Company, and to authorize the closing of Mats Mats Bay to navigation."

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

by title, ordered printed and referred to the committee on state, granted, school and tide lands.

Senate bill No. 241, by Senator Allen (P. L.), entitled "An act amending section 1 of chapter 177, Session Laws of 1909."

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

Senate bill No. 242, by Senator Allen (P. L.), entitled "An act authorizing the state board of control to select tracts of land from the grant to state charitable, educational, penal and reformatory institutions, to be utilized for the establishment and maintenance of state institutions."

The bill was read the first time, and on motion of Senator Falconer, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on state, granted, school and tide lands.

Senate bill No. 243, by Senator Falconer, entitled "An act relating to building, loan and savings associations and amending sections 9 and 19 and repealing sections 36 and 37 of chapter 4 of the Session Laws of 1890, and adding to said act a section prohibiting foreign building, loan and savings associations from doing business in this state."

The bill was read the first time, and on motion of Senator Falconer, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on corporations other than municipal.

Senate bill No. 244, by Committee on State Charitable Institutions, entitled "An act to provide for the selection and purchase of additional land, the improvement thereof, for the use of the State Institution for Feeble-Minded at Medical Lake, Washington, and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Hutchinson, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 245, by Senator Jensen, entitled "An act re-

lating to the monthly payment of wages or salary, and providing a penalty.”

The bill was read the first time, and on motion of Senator Jensen, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on commerce and manufactures.

Senate bill No. 246, by Senator Hutchinson, entitled “An act amending section 140 of chapter 249 of the Session Laws of 1909, and abolishing the infliction of death as a penalty for the crime of murder in the first degree and substituting therefor imprisonment in the state penitentiary for life, and providing for pardon.”

The bill was read the first time, and on motion of Senator Hutchinson, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on state charitable institutions.

Senate bill No. 247, by Committee on Irrigation, entitled “An act relating to the granting to persons, firms and corporations an easement over, upon and across the beds of the rivers of the State of Washington for the construction and maintenance of dams and works incident thereto for irrigation and power purposes.”

The bill was read the first time, and on motion of Senator Allen (F. J.), the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senate bill No. 248, by Senator Allen (F. J.), entitled “An act providing for the payment of costs and expenses incurred pursuant to an act entitled ‘An act providing for the establishment and construction of ditches for drainage purposes,’ approved March 8, 1901, and providing for the re-establishment and re-organization of abandoned ditches and drains as drainage districts.”

The bill was read the first time, and on motion of Senator Allen (F. J.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on judiciary.

Substitute Senate bill No. 101, by Special Committee of Senators from Spokane and Whatcom Counties, entitled "An act to provide for a general system of township organization and providing a method of choosing township officers in counties which may adopt or have adopted township organization; prescribing the powers and duties of such boards and the powers of the electors at town meetings; providing a method of determining what roads and bridges shall be county charges; and for the assessment and collection of the revenue in such counties; repealing conflicting laws and declaring an emergency."

The bill was read the first time, and on motion of Senator Hutchinson, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

House bill No. 161, by Mr. Appleman, entitled "An act relating to the powers and duties of prosecuting attorneys and amending section 116 of Remington and Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Rosenhaupt, the rules were suspended, the bill was read the second time by title and referred to the committee on judiciary.

Engrossed House bill No. 76, by Mr. Ennis, entitled "An act relating to the superior court of the county of King; the election and appointment of judges therein, and declaring an emergency."

The bill was read the first time, and on motion of Senator Rosenhaupt, the rules were suspended, the bill was read the second time by title and referred to the committee on judiciary.

Engrossed House bill No. 254, by Mr. Minard, entitled "An act providing for the survey of a proposed extension to state road No. 9, by the state highway commissioner and report of the feasibility of the same."

The bill was read the first time, and on motion of Senator Rydstrom, the rules were suspended, the bill was read the second time by title and referred to the committee on roads and bridges.

Engrossed House bill No. 257, by Judiciary Committee, entitled "An act relating to the suspension of sentences and amending section 28 of chapter 249, Laws of 1909."

The bill was read the first time, and on motion of Senator Rosenhaupt, the rules were suspended, the bill was read the second time by title and referred to the committee on judiciary.

Engrossed House bill No. 320, by Committee on Revenue and Taxation, entitled "An act relating to assessment and taxation, declaring certain property to be personal property, fixing its situs for taxation, providing for interest on unpaid personal property taxes, providing methods of distraint, making taxes a lien upon the proceeds of insurance, making a violation of the act a misdemeanor and declaring an emergency."

The bill was read the first time, and on motion of Senator Roberts, the rules were suspended, the bill was read the second time by title and referred to the committee on public revenue and taxation.

On motion of Senator Whalley, the consideration of substitute Senate bill No. 6 was made a special order for 7:30 o'clock Monday evening, February 20th.

GENERAL FILE.

The president called Senator Nichols to the chair.

Senate bill No. 167, by Senator Paulhamus, entitled "An act relating to the state soldiers' home and admission thereto, and amending section 1, of chapter 152, of the Laws of 1905," was read third time.

On motion of Senator Ruth, the bill was amended by inserting after the word "marines" in line 13 of section 2 of the printed bill, being in the 15th line of section 2 of the original bill, the words "veterans of Washington Indian wars."

On motion of Senator Paulhamus, the bill was amended by inserting the words "who have not remarried" between the words "widows" and "of" in line 13 of section 2 of the printed bill, being in the 14th line of section 2 of the original bill.

On motion of Senator Rosenhaupt, the bill was amended by inserting the word "sessions" between the words "the" and "laws" in line 1 of section 1 of the printed and original bills.

The secretary called the roll on final passage of Senate bill

No. 167 as amended, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stewart, Troy, Whalley, White, Mr. President—37.

Absent or not voting were: Senators Espy, Hewitt, Jackson, Stevenson, Whitney—5.

On motion of Senator Rosenhaupt, the title of the bill was amended by inserting the word "session" between the words "the" and "laws."

There being no objection, the title of the bill as amended was ordered to stand as the title of the act.

Senator Ruth moved that the original affidavits read yesterday in connection with the motion to reconsider the vote on Senate bill No. 171 be filed with the secretary.

The motion carried.

Senator Rosenhaupt moved that the Senate recede from its amendment to the title of House bill No. 5.

The secretary called the roll and the Senate receded from its amendments by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stewart, Troy, Whalley, White, Whitney, Mr. President—38.

Absent or not voting were: Senators Espy, Hewitt, Jackson, Stevenson—4.

On motion of Senator Metcalf, the next bill on the calendar, Senate bill No. 147, went over until tomorrow.

Senate bill No. 159, by Senator Collins, entitled "An act for the protection of game animals, game birds and song birds in

certain designated territory of the State of Washington, to prohibit the firing of firearms therein, and providing a punishment for the violation thereof," was read third time.

On motion of Senator Jensen, the bill was amended by striking the words "present area" in line 4 of section 2 of the printed bill, being in the fourth line of section 2 of the original bill, and substituting therefor the words "corporate limits."

The secretary called the roll on final passage of Senate bill No. 159, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Falconer, Fishback, Hall, Hammer, Hutchinson, Jensen, Landon, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stewart, Troy, Whalley, White, Whitney, Mr. President—34.

Voting nay: Senator Rosenhaupt—1.

Absent or not voting were: Senators Davis, Espy, Hewitt, Huxtable, Jackson, Metcalf, Stevenson—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 210, by Committee on Public Morals, entitled "An act to amend section 441 of chapter 249, Laws of 1909, being 'An act relating to crime and punishments and rights and custody of persons accused or convicted of crime, and repealing certain acts,' approved March 22, 1909," was read third time.

On motion of Senator Myers, the caption indicating the committee on public morals as authors of the bill was stricken and there was substituted therefor "Senator Myers, by request."

Senator Collins moved to amend the bill by inserting in line 3 of section 1 of the printed bill, lines 4 and 5 of the original bill, between the words "or" and "place," the words "in a" and between the words "a" and "compartment" insert the word "private."

The amendment failed to carry.

On motion of Senator Rydstrom, the bill was amended by inserting the words "or subcontractors" after the word "la-

borers" in line 6 of section 1 of the printed bill, being in the tenth line of section 1 of the original bill.

On motion of Senator Shaefer, the bill was amended by inserting the word "session" after the figures "249" in line 1 of section 1 of the printed and original bills.

The secretary called the roll on final passage of Senate bill No. 210, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Arrasmith, Bassett, Bowen, Brown, Bryan, Collins, Cox, Davis, Eastham, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Piper, Roberts, Ruth, Rydstrom, Shaefer, Stewart, Troy, Whalley, White, Mr. President—31.

Absent or not voting were: Senators Allen (P. L.), Anderson, Chappell, Espy, Hewitt, Nichols, Rosenhaupt, Smithson, Stephens, Stevenson, Whitney—11.

On motion of Senator Shaefer, the title of the act was amended by inserting the word "session" after the figures "249" in the title of the bill.

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Substitute Senate bill No. 97, by Committee on State, Granted, School and Tide Lands, entitled "An act relating to the leasing of harbor areas and lands of the State of Washington for booming purposes, and amending section 1, chapter 233, of the Session Laws of 1907," was read third time.

Senator Jensen moved that the bill be re-referred to the committee on state, granted, school and tide lands.

The motion failed to carry.

The secretary called the roll on final passage of substitute Senate bill No. 97, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Chappell, Cox, Davis, Eastham, Falconer, Fishback, Hall, Hammer, Huxtable, Jackson, Landon, Metcalf, Myers, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Stewart, Troy, White, Mr. President—28.

Those voting nay were: Senators Jensen, Piper, Whalley—3.

Absent or not voting were: Senators Allen (P. L.), Bryan, Espy, Hewitt, Hutchinson, Nichols, Smithson, Stephens, Stevenson, Whitney, Collins—11.

On motion of Senator Rosenhaupt, the title was amended by inserting the word "session" between the words "the" and "laws."

By unanimous consent, at the request of Senator Rosenhaupt, the bill was amended by inserting the word "session" between the words "the" and "laws" in line 1 of section 1 of the printed and original bills.

There being no objection, the title of the bill as amended was ordered to stand as the title of the act.

Senator Ruth moved that the originals of affidavits read and affidavits not read yesterday, copies of which were filed with the secretary in connection with the reconsideration of Senate bill No. 171, be filed with the secretary immediately.

The president signed House joint memorial No. 7.

House bill No. 165 was read third time.

At 12 o'clock noon, on motion of Senator Rydstrom, the Senate adjourned until 11 o'clock Monday forenoon, February 20, 1911.

WM. T. LAUBE,
Secretary of the Senate.

W. H. PAULHAMUS,
President of the Senate.

FORTY-THIRD DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASH., Monday, February 20, 1911.

The Senate was called to order at 11 o'clock a. m., by President Paulhamus, pursuant to adjournment.

Rev. G. R. Messiah, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present except Senators Hewitt and Eastham, excused by reason of illness, and Senator Landon, who was absent on special committee duty.

A number of petitions and telegrams for and against the passage of Senate bill No. 193 were read and referred to the committee on counties and county boundaries.

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

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

OLYMPIA, WASH., February 20, 1911.

MR. PRESIDENT:

We, your committee on roads and bridges, to whom was referred Senate bill No. 174, entitled "An act relating to the establishment and widening of county roads and to the exercise of the right of eminent domain by counties," etc., have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In lines 4 and 5, section 2 of the printed bill, it being line 20 of the original bill, after the word "forth" strike the words "the width of the road."

In line 4, section 2 of the printed bill, it being line 18 of the original bill, insert the words "width and" after the word "the"; also strike the words "and direction" in same line and section.

In line 1 of section 4 of the printed bill, it being line 2 of the original bill, insert the words "or more" after the word "ten."

In line 5, section 8 of the printed bill, it being line 26 of the original bill, substitute a period for a comma after the word "use" and strike the balance.

H. O. FISHBACK, *Chairman.*

We concur in this report: John E. Chappell, Arvid Rydstrom, Ed Brown, J. R. Stevenson, F. L. Stewart, Joseph Arrasmith, Ralph D. Nichols, A. W. Anderson, R. A. Hutchinson.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 20, 1911.

MR. PRESIDENT:

We, your committee on pure food and drugs, to whom was referred Senate bill No. 188, entitled "An act defining adulteration of and establishing standards for certain dairy products," have had the same under

consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

PEDER JENSEN, *Chairman.*

We concur in this report: John E. Chappell, Jesse Huxtable, B. A. Bowen.

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

SENATE CHAMBER.

OLYMPIA, WASH., February 17, 1911.

MR. PRESIDENT:

We, your committee on banks and banking, to whom was referred Senate bill No. 75, entitled "An act to make uniform the law of warehouse receipts," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In the title strike everything after "act" and insert in lieu thereof "Relating to warehouse receipts; the duties of warehousemen; providing for liens of warehousemen and the enforcement thereof; and repealing all conflicting laws."

Strike sub-headings or sub-titles to all sections.

In line 26, page 6 of the original bill, same being line 2, section 14 of the printed bill, after the word "competent" strike "jurisdiction" and insert in lieu thereof "jurisdiction."

In line 16, page 20 of the original bill, same being line 4, section 50 of the printed bill, beginning with the word "crime" strike balance of section 50, and insert in lieu thereof "gross misdemeanor."

In line 25, page 20 of the original bill, same being line 3, section 51 of the printed bill, beginning with the word "crime" strike balance of section 51 and insert in lieu thereof "misdemeanor."

In line 8, page 21 of the original bill, same being line 6, section 52 of the printed bill, beginning with the word "crime" strike balance of section 52 and insert in lieu thereof "gross misdemeanor."

In line 19, page 21 of the original bill, same being line 5, section 53 of the printed bill, beginning with the word "crime" strike balance of section 53 and insert in lieu thereof "misdemeanor."

In line 2, page 22 of the original bill, same being line 6, section 54 of the printed bill, beginning with the word "crime" strike the balance of section 54 and insert in lieu thereof "misdemeanor."

In line 12, page 22 of the original bill, same being line 4, section 55 of the printed bill, beginning with the word "crime" strike balance of section 55 and insert in lieu thereof "misdemeanor."

In line 30, page 22 of the original bill, same being line 4, section 58 of the printed bill, after the word "transfer" strike "or" and insert in lieu thereof "of."

In line 2, page 23 of the original bill, same being line 5, section 58 of the printed bill, strike "pungible" and insert in lieu thereof "fungible."

In line 2, page 24 of the original bill, same being line 1, section 60 of the printed bill, after the word "acts" strike "inconsistent" and insert in lieu thereof "in conflict."

Strike all of section 61.

Strike all of section 62.

E. C. DAVIS, *Chairman*.

We concur in this report: E. Hammer, J. D. Bassett, F. L. Stewart, H. O. Fishback, B. A. Bowen, E. M. Stephens, D. S. Troy.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 17, 1911.

MR. PRESIDENT:

We, your committee on banks and banking, to whom was referred Senate bill No. 214, entitled "An act to establish uniformity in the size of boom plats to be filed in the office of the secretary of state, and amending section 7121 of Remington and Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

E. C. DAVIS, *Chairman*.

We concur in this report: J. D. Bassett, F. L. Stewart, B. A. Bowen, E. M. Stephens, D. S. Troy, E. Hammer.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1911.

MR. PRESIDENT:

We, your committee on state charitable institutions, to whom was referred Senate bill No. 221, entitled "An act to prohibit the blowing of steam or compressed air whistles in incorporated cities and towns," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

In section 1, line 3 of the printed bill, the same being section 1, line 9 of the original bill, strike the period after the word "therein" and add a comma and the following words: "any person violating the provisions of this act shall be guilty of a misdemeanor."

R. A. HUTCHINSON, *Chairman*.

We concur in this report: John E. Chappell, Peder Jensen, E. C. Whitney.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 16, 1911.

MR. PRESIDENT:

We, your committee on state charitable institutions, to whom was referred Senate bill No. 222, entitled "An act prohibiting, in public institutions, the administering of corporal punishment to minors," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

In the title of printed bill, the same being line 1 of the original bill, after the word "in" strike the word "public" and insert in lieu thereof the words "penal or charitable," and in section 1, line 1 of the printed bill, the same being section 1, line 6 of the original bill, after the word "any" strike the word "public" and insert in lieu thereof the words "penal or charitable."

R. A. HUTCHINSON, *Chairman.*

We concur in this report: John E. Chappell, E. C. Whitney, Peder Jensen.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 20, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred engrossed House bill No. 220, entitled "An act relating to the form of organization of cities of the first class and exercise of the powers of such cities, declaring the application of this act, repealing all laws or parts of laws in conflict therewith, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: Geo. W. Shaefer, H. M. White, Josiah Collins, Ralph D. Nichols, J. W. Bryan, Ralph Metcalf, F. J. Allen.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 20, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred engrossed Senate bill No. 195, entitled "An act relating to apportionment of the state current school fund and amending section 4562, Remington and Ballinger's Annotated Codes and Statutes of Washington," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman.*

We concur in this report: F. J. Allen, Josiah Collins, D. S. Troy.

SENATE CHAMBER,
OLYMPIA, WASH., February 20, 1911.

MR. PRESIDENT:

We, a majority of your committee on game, to whom was referred substitute Senate bill No. 94, entitled "An act relating to the protection, distribution, purchase, propagation and classification of certain animals, birds and fishes in the State of Washington, providing penalties for the violation thereof, creating a state game fund, a state game commission, state game wardens and deputies, and repealing all laws in conflict therewith," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 25, page 1 of the original bill, same being line 2, section 5 of the printed bill, after the words "apply to" insert "salmon, smelt and all other salt water commercial."

Strike section 17 and insert in lieu thereof the following:

"Sec. 17. The lakes and other inland waters of the State of Washington, including Puget Sound, the Gulf of Georgia, the Straits of Juan de Fuca, Grays Harbor and Willapa Harbor, and all bays and estuaries thereof, are hereby declared to be a refuge for aquatic birds of all kinds, and it shall be unlawful to pursue, shoot at, take or kill any of the various kinds of aquatic birds or fowls on any of said above described waters at any time from any sneak boat, or floating contrivance of any kind whatsoever, or from any artificial stationary blind, shooting box, or stand erected upon any of such waters more than three hundred (300) yards below the line of ordinary high water: *Provided, however,* That it shall be lawful to shoot from any ordinary small, open and unprotected row boat propelled by the ordinary side oars and not skulled by one oar, in any of said above described waters not over three hundred (300) yards out from the shore line of ordinary high water."

In lines 1 and 3, page 8 of the original bill, same being lines 9 and 10 of section 21 of the printed bill, strike "six (6)" where it occurs in said two lines, and insert in lieu thereof in the two places where said "six (6)" occurs, "five (5)."

In line 3, page 9 of the original bill, same being line 8, section 23 of the printed bill, after the word "exceed" strike "six (6)" and insert in lieu thereof "five (5)."

In line 5, page 9 of the original bill, same being line 9, section 23 of the printed bill, after the words "limit of" strike "six" and insert in lieu thereof "five."

After the word "year" at the close of section 25, add: "*Provided further.* That it shall be unlawful to hunt, pursue, catch or kill at any time any of the geese, brant or other water fowl upon the Columbia or Snake river within this state, or within one-half mile of their shores through the following named counties: Klickitat, Walla Walla, Franklin, Kittitas, Douglas, Grant, Benton, Garfield, Columbia and Whitman.

In line 26, page 10 of the original bill, same being line 7, section 27 of the printed bill, after the word "than" strike "twenty-five (25)" and insert in lieu thereof "thirty (30)."

Strike section 28 and insert in lieu thereof the following:

"Sec. 28. It shall be unlawful for any person to take, capture, catch or kill in any lakes or streams or have in his possession after the same has been so unlawfully taken, any trout, bass, perch, pickerel or pike, between the first day of November and the first day of April of the following year: *Provided*, That in any of the counties lying east of the western boundary of the counties of Okanogan, Kittitas, Yakima and Klickitat, no trout, bass, perch, pickerel or pike may be taken between the first day of November and the first day of May of the following year: *Provided further*, That in the county of Okanogan no trout, bass, perch, pickerel or pike, may be taken between the first day of November and the first day of June.

"It shall be unlawful for any person to take, capture, catch or kill any trout, bass, perch, pickerel or pike, except with a hook and line, or to take, capture, catch or kill more than fifty brook trout, or more than twenty pounds of any trout, bass, perch, pickerel or pike in any one day, and no person shall have in his or her possession at any one time more than thirty pounds of trout, bass, perch, pickerel or pike which may have been caught in the waters above described.

In line 15, page 11 of the original bill, same being line 3, section 29 of the printed bill, after the words "or to" insert "its tributaries below tide water or to."

In line 24, page 14 of the original bill, same being line 24, section 36 of the printed bill, after the word "prevent" insert "resident."

In line 22, page 15 of the original bill, same being line 12, section 38 of the printed bill, after the words "shall be" insert "retained and" and after the word "expended" insert "by said county."

In line 7, page 17 of the original bill, same being line 2, section 40 of the printed bill, after the word "search" insert "without warrant."

JOSIAH COLLINS, *Chairman*.

We concur in this report: John E. Chappell, Ed Brown, Chas. E. Myers, F. L. Stewart.

SENATE CHAMBER,

OLYMPIA, WASH., February 20, 1911.

MR. PRESIDENT:

I, a minority of your committee on game, to whom was referred substitute Senate bill No. 94, entitled "An act relating to the protection, distribution, purchase, propagation and classification of certain animals, birds and fishes in the State of Washington; providing penalties for the violation thereof; creating a state game fund, a state game commission, state game wardens and deputies, and repealing all laws in conflict therewith," have had the same under consideration, and I respectfully report the same back to the Senate with the recom-

mendation that it do pass with the amendments recommended by the majority report of the committee, and the following additional amendments:

In line 21, page 7 of the original bill, same being line 2, section 21 of the printed bill, after "ptarmigan," strike everything down to and including the word "week" in line 25, page 7 of the original bill, same being line 4, section 21 of the printed bill, and change the capital "T" in the word "The" following said word "week" to a small "t."

In line 8, page 8 of the original bill, same being line 13, section 21 of the printed bill, after the word "that" strike "ruffed grouse and."

In line 22, page 9 of the original bill, same being line 5, section 24 of the printed bill, after the word "exceed" strike "fifteen(15)" and insert in lieu thereof "ten (10)," and in line 22, page 9 of the original bill, same being line 6, section 24 of the printed bill, after the word "than" strike "thirty (30)" and insert in lieu thereof "twenty (20)."

Add to section 24, at the close of the section, the following: "*Provided further*. That the limit of the upland game birds, if quail are included in same, for one day shall never exceed ten (10) upland birds, and the limit of the bag for one week shall never exceed thirty (30) upland birds."

In line 13, page 10 of the original bill, same being line 4, section 26 of the printed bill, after the words "months of" strike "September."

In lines 15 and 16, page 10 of the original bill, same being line 6, section 26 of the printed bill, either strike "twenty (20)" and insert in lieu thereof "fifteen (15)," or strike "thirty (30)" and insert in lieu thereof "forty (40)."

In line 23, page 10 of the original bill, same being line 5, section 27 of the printed bill, after the words "months of" strike "September."

In line 6, page 13 of the original bill, same being line 1, section 34 of the printed bill, after the words "in this state" strike down to and including the word "domiciled."

In line 9, page 13 of the original bill, same being line 3, section 34 of the printed bill, beginning with the words "The wife" strike balance of said section 34.

In line 8, page 16 of the original bill, same being line 6, section 39 of the printed bill, after the word "mountains" insert a comma and add: "and no such faunal commissioner shall be appointed by the governor unless recommended by one or more game and game fish protective associations in good standing."

ARVID RYDSTROM.

Senator Collins moved the adoption of the majority report.

Senator Hammer moved as a substitute that the bill be placed on general file with both majority and minority reports of the committee.

The substitute motion prevailed.

The secretary read:

REPORTS OF COMMITTEE APPOINTED PURSUANT TO SENATE
JOINT RESOLUTION NO. 2, TO INVESTIGATE CONCERNING
WHAT ARE KNOWN AS THE CALLOW ACT LANDS.

MAJORITY REPORT.

To the Governor, Senate and House of Representatives of the State of Washington:

We, your committee appointed under Senate joint resolution No. 2, to investigate titles to oyster land held under the Callow Act, and the governor's veto of House bill No. 378, passed by the House March 8, and the Senate March 10, 1909, respectfully report that on January 14, 1911, we proceeded to Oyster bay, and there visited and inspected a portion of the lands affected by House bill No. 378, above referred to.

We also held a public hearing at Shelton on the following day, and examined under oath a number of witnesses interested in the oyster culture.

Your committee recommends that the governor's veto of House bill No. 378 be sustained.

Section 6807, Remington and Ballinger's Code, known as the Callow Act, provides as follows:

"The State of Washington reserves the further right to enter upon and take possession of any tide lands sold under the provisions of this and the last section at any time when it desired, upon paying to the then owner or occupant the original purchase price of the lands together with the value of improvements erected thereon, the then value of his artificial oyster beds and improvements erected thereon in connection with carrying on and raising of oysters by artificial cultivation."

We recommend, that the right of the state hereinabove set forth be appraised by the state board of land commissioners and that upon payment of such appraised value to the state land commissioner by the present holders of such lands, the state shall grant title to such holders similar to that granted to holders of lands under the Bush Act.

We further recommend that the present law be amended so as to empower the state oyster commission to fix the price of seed oysters sold from state reserves, so that the state will receive the market price for all seed sold, and that a license fee or tax of ten cents per sack of one hundred and twenty pounds be imposed upon all oysters taken or produced by any person for commercial purposes, the proceeds of such tax and all other moneys derived by the state from the oyster industry to be placed in a fund and used for the purpose of protecting and promoting the oyster industry of the state.

Respectfully submitted.

J. R. STEVENSON, *Chairman.*

We concur in this report: Ralph Metcalf, E. L. Farnsworth, R. E. Buchanan, F. H. Carlyon.

I concur in the above report, except the second recommendation.

which exception is set forth in a minority report filed at the same time and with this report.

CHAS. E. MYERS.

To the Governor, Senate and House of Representatives of the State of Washington:

Your committee also submits herewith a history and summary of all oyster legislation in the territory and state of Washington and recommends that the same be printed and made a part of the records of the twelfth session.

OYSTER LEGISLATION IN WASHINGTON.

Washington, as state or territory, has always shown a more or less keen interest in the oyster native to her waters. At the very first session of the territorial legislature an act was passed prohibiting one not an inhabitant and resident of the territory from taking oysters from the natural beds. Evidently there were plenty of native oysters at that time for the act permits foreign vessels to load oysters from uncultivated beds upon payment of two dollars a ton (see Laws 1854, p. 388). At nearly every session after that some legislation was had affecting the taking of oysters and, though the territory had no ownership in the lands over which the tide ebbed and flowed, it had power to protect personal and property rights, and in 1861 (see Laws 1860-1861, p. 22) the legislature passed the following act:

AN ACT to encourage the cultivation of oysters.

Person Cultivating, May Acquire Ten Acres. Section 1. Be it enacted, etc.: That any person, being a citizen of this territory, who has planted or who hereafter may plant oysters in any bay or arm of the sea where there are no natural beds of oysters, within or bordering upon this territory, may acquire, by conforming to the requirements of this act, an exclusive right for such a purpose to that portion of such bay or arm of the sea as he shall so occupy, not exceeding for any one person an area of ten acres.

How Benefits Obtained. Sec. 2. The person desiring the benefits of the preceding section shall cause the place or portion he desires to claim to be marked, so far as is practicable, with stakes or other artificial marks at the corners, with bearings to adjacent natural objects, and shall make, before some officer qualified to administer oaths, an affidavit that he has taken the premises so described for the purpose of planting oysters, and that he has planted, or is about to plant, oysters thereon; that said premises are not upon and do not include any natural bed of oysters, and that the same are unoccupied except by himself, and if said premises shall have heretofore been taken and oysters planted thereon, then within three months after the passage of this act, and if they shall hereafter be taken, then within one month after taking the same, the person having taken or taking the premises shall cause his claim, with a description thereof, and affidavit as above

required, to be recorded by the county recorder of the county in which they may be situated.

Extent of Title Acquired. Sec. 3. The premises so taken shall, for the purposes aforesaid, belong to the person taking them, his heirs, and assigns, so long as he or they shall so occupy them, and no longer.

Same Person May Occupy Several Tracts. Sec. 4. The same person may claim and occupy more than one place: *Provided*, The premises so claimed by him do not in all occupy an area greater than ten acres: *And provided further*, That in those places used and occupied for the purpose of bedding marketable oysters, no one person shall occupy an area greater than one hundred by two hundred feet, or twenty thousand feet of superficial area.

Right Transferable. Sec. 5. Any person may transfer his right to any other person qualified to hold by signing the transfer upon record, in the presence of the auditor, or by a written transfer, witnessed and acknowledged in the same manner as is or may be required for deeds.

Recording Entry. Sec. 6. It shall be the duty of the county recorder of any county where claims and transfers, made under the provisions of this act, are presented to him for record or entry, to receive and record the same in a separate book provided for this purpose, upon being paid the same fees as are allowed in similar cases.

In 1863 the same act was again passed. The necessity for this re-enactment is not apparent. Possibly then, as now, bills are introduced and even passed to correct some real or fancied condition only to be met later with a statute already covering the subject.

In 1873 the act was amended to permit the holding of twenty acres on Shoalwater bay, now Willapa harbor.

In 1877 (see Laws 1877, p. 306) the provisions of the statute of 1873 was re-enacted together with a modification of the former laws relative to the persons who may take and the manner of taking oysters. This act was amended in 1879 (Laws 1879, p. 118) relative to the persons who may, and the manner of taking, and also to the giving of a five-year right to take oysters from a newly discovered natural oyster bed. The '77 act as amended in 1879 was carried into the code of 1881 as sections 1189 to 1199 inclusive, and thus continuing until statehood.

At the time of the establishment of independence of this country each of the thirteen colonies became the owner of the vacant and unappropriated lands within its borders. Some of the states, however, ceded to the United States portions of their unappropriated lands. The northwest territories were acquired by the federal government in this way. Territory, however, acquired by purchase, conquest or settlement, such as Florida, Louisiana Purchase, territory acquired from Mexico and the Oregon Territory, belonged to the whole United States.

While the federal government could admit a state made out of territory acquired other than by cession from the original states on any terms it should see fit, the doctrine has been, upon the theory that this

is a federation of equal states, to admit new states on the same footing as the older states. Virginia in ceding the territory northwest of the Ohio river stipulated (this was in 1784, the federal constitution not yet having been adopted) that the territory should be "laid out and formed into states * * * and that the states so formed shall be republican states and admitted members of the federal Union having the same rights of sovereignty, freedom and independence as the other states." This deed also provided that all lands within the territory ceded, and not reserved or appropriated to other purposes, should be considered as the common fund for the use and benefit of all the United States, to be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatever. And, although the original thirteen colonies had their own public lands, the states formed from this ceded territory, waived their rights of the public lands on entering the Union, the same as our state did in disclaiming ownership to unappropriated public lands in article 247 of the constitution. This is the origin of our public land system in the United States.

The above recital is necessary only to show that lands covered by navigable waters have not been treated as other public lands. In fact, have not been included within the term, public lands, and as such belong to the state. This doctrine was established in the case of *Pollards' Lessee v. Hagan*, 3 How. (U. S.) 212.

Georgia had ceded Alabama to the United States under the same terms and conditions that the territory northwest of the Ohio river had been granted by Virginia to the United States. Later, a patent had been issued to certain land after Alabama had been admitted into the Union, which land, at the time of the admission of the state into the Union, was subject to tidal overflow. The supreme court held in that case that the admission of a state into the Union entitles it to all the rights of sovereignty, jurisdiction and eminent domain on equal footing with the other states and that lands under navigable waters belong to the states. The distinction was clearly made here between public lands and tide and shore lands. The court held that the power of congress to make regulations for the sale and disposition of the public lands, confers no right to make grant of land lying within the state and which was below high water mark in a navigable stream at the time the state was admitted into the Union; and that tide lands in the territory were held in trust for the future states.

The admission of a state into the Union is by compact and in our constitution in article 17 the state asserted its ownership "to the beds and shores of all navigable waters in the state up to and including the line of ordinary high water within the banks of all navigable rivers and lakes," and in conformity with the precedent of other states, in article 26 we disclaimed "all right and title to the unappropriated public lands lying within the boundaries of this state."

This clearly establishes the ownership of the tide lands in the State of Washington since the adoption of the constitution. The legis-

lation affecting the rights in and the disposal of tide lands, for the purpose of oyster culture, from the time of the admission of the state into the Union is given below.

The first state legislature provided for the sale of all tide and shore lands and provided in section 11 of the act which is found on page 435, Laws 1889-90:

"That the occupant who has, prior to the passage of this act, planted oysters in any bay or arm of the sea upon ground not covered by natural oysters, or who has, prior to the passage of this act, acquired by purchase the rights of any other person or corporation to such occupancy, the same being not within, or in front of, the limits of any incorporated city or town, or within two miles each side thereof, shall have the exclusive right to purchase the land so occupied for the period aforesaid to an extent of not exceeding eighty (80) acres: *Provided*, That nothing in this act shall be so construed to apply to any improvements made after the passage of this act."

"The period aforesaid" refers to the right to purchase, which was sixty days after the appraisal of the land. This act is known and is referred to in subsequent legislation as the act of March 26, 1890.

In 1891 an act was passed making the natural oyster beds oyster reserves. This is chapter 150, page 366, Laws 1891. Another act was passed, chapter 110, page 208, Laws of 1891, giving the right to persons who had planted oysters under the act of 1877, quoted above, and prior to the act of March 26, 1890, the right to remove their oysters so planted when the land had been sold to someone else.

Many of the natural oyster beds, by reason of lack of protection in territorial days, had been denuded of their oysters and citizens of the territory had taken charge of these beds under a territorial permission and had replanted and cultivated these beds. The act of 1891 creating natural oyster beds into oyster reserves and the general law relating to the sale of tide lands and especially the other act of 1891 which recognized the right to sell the tide lands and obliterate the claim of the oyster man (this is chapter 110, page 208, Laws 1891, referred to above) very much beclouded the right of title of the holder of oyster land and left him with little protection. In 1895 several acts were passed relative to the oyster industry. One allowed a personal property right in land devoted to oyster culture where the title to the land was in the state and until such time as the state should sell the lands. This is chapter 29, page 46, Laws 1895.

Two acts passed at this session of the legislature, are the acts under which title to oyster lands have been granted ever since, other than where the purchaser bought the land as tide lands and later devoted it to oyster culture. These two acts are known as "The Bush Act" and "The Callow Act," named after the authors of the bills proposing them. "The Bush Act" is chapter 24, page 36, Laws of 1895, and was introduced by Representative A. S. Bush of Pacific county. "The Callow Act" is chapter 25, page 39, Laws 1895, and was introduced by William Callow of Mason county.

"The Callow Act" permitted those otherwise qualified to purchase tide lands and who had "planted and cultivated thereon artificial oyster beds, and who continued to occupy and work the same continuously and in good faith to March 26, 1890, and ever since said date, and who are now in possession of and working said oyster beds in good faith, shall be permitted to purchase the same for the purpose of cultivating oysters thereon, and for no other purpose, *whether said tracts were originally covered by alleged natural oyster beds or not; and where, notwithstanding such prior occupancy and cultivation, any such tract or tracts so occupied prior to March 26, 1890, shall since such date have been reserved from sale or lease as natural oyster beds,* the person or persons or their assigns who planted, occupied and cultivated such artificial beds may, by complying with the provisions of law touching the sale of artificial oyster beds and paying the value thereof fixed by the State of Washington, be and they are hereby entitled to receive a deed, subject to all the provisions of this act, to such tract or tracts not exceeding in area of forty acres to any one person, as they so in good faith improved as such artificial oyster beds prior to March 26, 1890."

One of the conditions of the deed under the Callow Act was that at any time the land should cease "to be used for the purpose of an artificial oyster bed, it shall thereupon revert to, and become the property of, the State of Washington, and that the same is conveyed to the grantee only for the purposes of cultivating oysters thereon, and the State of Washington hereby reserves the right to enter upon and take the possession of said tract or tracts if at any time the same is used for any other purpose than the cultivation of oysters; *and the State of Washington reserves the right to enter upon and take possession of any tide lands sold under the provisions of this act, at any time when it desires,* upon paying to the owner or occupant the original purchase price of the lands together with the value of the improvements erected thereon, the then value of his artificial oyster beds and improvements erected thereon in connection with the carrying on of the raising and propagation of oysters by artificial cultivation."

The cutting away of the timber and other changed conditions have made the frosts of the winter and the hot suns of the summer possibly more destructive to the oyster beds than formerly, so that the natural beds are no more profitable than most of the cultivated beds and in fact the natural beds, to make them profitable, require the same care and treatment that the made beds do. The owners of these lands taken under the Callow Act claim, and an examination of the beds proves the claim, that it requires a great deal of expense to put these lands in condition to make and keep them profitable and that under the reversory provision of the Callow Act they are unable to borrow money to make the improvements, and in fact are fearful of investing their own money heavily for improvement of these lands when the

state reserves the right to take them back at any time and to fix its own price at which it will take them.

The Bush Act permitted any tide lands owned by the state not included in any natural oyster beds not exceeding one hundred acres in area, to be purchased by any person authorized by the act of March 26, 1890, to purchase tide lands. This act required that the purchaser was to declare that the lands would be used for oyster culture and that a defeasance clause should be contained in the deeds as provided in section nine of the act, which is as follows:

"If from any cause any tract or tracts, parcel or parcels of land purchased under the provisions of this act shall become unfit and valueless for the purposes of oyster planting, the party having so purchased and being in the possession of the same may upon certifying such fact under oath to the commissioner of public lands and to the auditor of the county wherein such lands are situated and also upon filing under oath a certificate of abandonment of such tract or tracts, parcel or parcels of land, in the office of each of said officials, such party shall then be entitled to again make purchase as hereinbefore provided; or if said land be used by the purchasers or any successors in interest of such purchaser in whole or in part for other than the purposes specified in this act, then upon application by any citizen to the state land commissioner such sale may be canceled, and the said land shall revert to the state and shall be subject to sale as herein provided, but not to such defaulting purchaser or such defaulting successor in interest."

The difference between the titles of the Bush Act and the Callow Act is that the state can only retake the land under the Bush Act title when as an established fact the lands have ceased to be used for oyster culture, whereas under the Callow Act the state may take them back at any time.

MINORITY REPORT.

OLYMPIA, WASH., January 28, 1911.

To the Governor, Senate and House of Representatives of the State of Washington:

As a member of the commission appointed by the governor on December 3, 1910, and authorized by Senate joint resolution No. 2, to examine the oyster lands purchased under the act of 1895, known as the Callow Act, I beg to submit the following minority report:

Your commission, namely: Senators Stevenson, Metcalf and the writer, in behalf of the Senate, and Messrs. Carlyon, Farnsworth and Buchanan, in behalf of the House of Representatives, did hold hearings as directed by you, on January 14th, taking testimony from oyster men, under oath, relative to the purchase, condition and present status of oystering carried on upon lands acquired under the aforesaid Callow Act.

As set forth in your letter appointing members of this commission,

the major contention of the oyster men holding land under the Callow Act, was that they sustained frequent freeze-outs entailing a loss of a large percentage of the oysters and that, owing to the reversionary clause, they could not borrow money to restore the land to normal conditions; moreover, that they could not get money to make necessary improvements.

(1). Under the testimony of the witnesses examined, this contention is not well sustained.

(2). Testimony shows also that the men operating the oyster business under the Callow Act at the present time have no trouble in securing money for the improvement of their claims and the successful operation of the oyster business, one witness going so far as to say that he did not know what his neighbors were doing, but that he did not have to borrow money to carry on the oyster business.

(3). It may be fairly assumed that at the present time the holdings of many of the original owners of Callow Act lands have passed into the hands of co-partners and companies and that any favors now granted, relative to title, would not benefit the oyster men who bore the brunt of the early struggle in the improvement and development of the land. We are advised that originally many Indians held lands under the Callow Act and that at the present time they have almost all passed into the hands of the white man.

(4). Section 22 of our constitution provides that there shall never be allowed monopolies within our state, and the state had this in mind when it incorporated the reversionary clause in the Callow Act to prevent the combined holders of oyster lands from becoming a monopoly.

(5). Testimony shows that one of the chief reasons for asking a fee simple title to the Callow Act lands, is that at some future time a "freak Pop. legislature" might enforce the provisions of the Callow Act and wrest from the present owners their holdings. This reason is so remote, improbable and far-fetched that it needs no refutation.

(6). We find by reviewing the laws governing the oyster business of the New England states, together with those states having oyster lands on the Gulf of Mexico, that the general disposition has been to hold title thereto.

(7). It must be conceded that the lands taken under the aforesaid act are the cream of natural oyster lands on southern Puget Sound. This statement is borne out in the report of Fish Commissioner Crawford, of 1890, in saying that Oyster bay and that vicinity was considered the most favorable location for oyster culture. According to the fish commissioners' report of 1907 and 1908, there was 645 acres devoted to oyster culture on Puget Sound; this only exceeds the amount of acreage in the Callow Act by one hundred.

(8). It is patent to any observer that the oyster business of Puget Sound is rapidly passing into the hands of companies and syndicates, and there is great danger that, in the not very distant future, the oyster industry of Puget Sound may be controlled by one or two companies. The present high tide price of oysters (\$9.00 per sack) is

good evidence that oystering is very profitable. In the face of the fact that oyster men are consolidating their interests, it would be unwise in the extreme to grant more liberality in titles to oyster lands. The holders of Callow Act oyster lands were well aware of the reversionary clause of their deeds when these lands were purchased and in spite of any handicap they may have suffered by reason of the same, these lands have steadily increased in value from about fifteen dollars, the original purchase price, to a thousand dollars, the value of the present improved land.

In view of the testimony and conditions aforementioned, taking into consideration the original value of the land, the effort to improve it, the handicap to the holders by virtue of the restraint to the title, the present valuation of the land and the profitable condition of oystering, we would respectfully recommend that the provisions of the Callow Act remain intact and that they be denied titles in fee simple.

Very respectfully submitted,

CHAS. E. MYERS.

Senator Stevenson moved the adoption of the majority report of the committee.

Senator Myers moved that the minority report be substituted for the majority report and be adopted.

A roll call on the motion of Senator Myers was demanded by Senators Nichols, Brown, Myers, Piper, Hall, Cox, Chappell.

The secretary called the roll and the motion of Senator Myers prevailed, the minority report of the committee being adopted by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Myers, Nichols, Piper, Rosenhaupt, Whalley, White—24.

Those voting nay were: Senators Allen (F. J.), Collins, Huxtable, Metcalf, Roberts, Ruth, Rydstrom, Shaefer, Stephens, Stevenson, Stewart, Troy, Whitney, Mr. President—14.

Those absent or not voting were: Senators Eastham, Hewitt, Landon, Smithson—4.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES.

MR. PRESIDENT:

OLYMPIA, WASH., February 20, 1911.

The House has indefinitely postponed Senate bill No. 38, entitled "An act appropriating from the military fund the sum of twelve thousand

six hundred dollars for maintenance of the National Guard of Washington, etc.;"

Also Senate bill No. 66, entitled "An act making appropriations for certain deficiencies for the fiscal period ending March 31, 1911."

Also, the House has passed Engrossed House bill No. 150, entitled "An act relating to the clasification," etc.;

Also re-engrossed House bill No. 266, entitled "An act relating to the handling, storage and distribution of powder," etc.;

Also engrossed House bill No. 174, entitled "An act relating to officers in cities of the fourth class," etc.

Also, the House has refused to concur in the Senate amendments to House bill No. 181 and asks the Senate to recede therefrom.

Also, the House has concurred in the Senate amendments to engrossed House bill No. 113, except as to the amendment to the title, and concerning the amendment to the title, the House asks the Senate to recede therefrom.

Also, the speaker has signed House bill No. 179, entitled "An act amending section 260, chapter 249, Session Laws, 1909, regulating the sale of milk and cream in cities of the first class;"

Also House bill No. 156, entitled "An act amending section 2, chapter 217, Session Laws, 1907, relating to the taxation of inheritances," etc.;

Also House bill No. 159, entitled "An act to amend section 12 of chapter 78, Session Laws of 1907, relating to the assessment of operating property of railroads;"

Also House bill No. 5, entitled "An act to amend sections 1, 4, 5, 8, 11, 13 and 14, of an act entitled 'An act to create a police relief,'" etc.

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president signed House bills Nos. 179, 156, 159 and House bill No. 5.

INTRODUCTION OF BILLS.

Senate bill No. 249, by Senator Fishback, entitled "An act relating to former verification of expense vouchers, repealing section 8342 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency."

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

Senate bill No. 250, by Senator Allen (P. L.), entitled "An act preventing the sale of lands set apart for the use, support,

establishment, maintenance and endowment of the State Agricultural College and School of Science, now known as the State College of Washington, or of any of the several state normal schools, without the consent of the board of regents, or boards of trustees of said college or schools."

The bill was read the first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on state, granted, school and tide lands.

Senate bill No. 251, by Senator Jensen, entitled "An act requiring all vehicles drawn by horse to show a light at night."

The bill was read the first time, and on motion of Senator Jensen, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on roads and bridges.

Senate bill No. 252, by Senator Allen (P. L.), entitled "An act relating to official printing and to an official paper in cities of the first class."

The bill was read the first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on cities of the first class.

Senate bill No. 253, by Senator Rosenhaupt, entitled "An act relating to the manufacture, storage and sale of shoddy, and providing a penalty for the violation thereof."

The bill was read the first time, and on motion of Senator Rosenhaupt, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on labor and labor statistics.

Senate bill No. 254, by Senator Davis (by request), entitled "An act making an appropriation for the purchase of oil painted portraits of Lincoln and McKinley."

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

Senate bill No. 255, by Senator Metcalf, entitled "An act to prevent frauds by employment agencies, and others acting in consort therewith, and making certain acts a misdemeanor."

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

Senate bill No. 256, by Senator Metcalf, entitled "An act to amend article IV of the constitution relating to the judiciary, by adding section 29 thereto, requiring the nomination of supreme and superior court judges by direct primary."

The bill was read the first time, and on motion of Senator Metcalf, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on constitution and constitutional revision.

Senate bill No. 257, by Senator Fishback, entitled "An act relating to the disposition of the estates of inmates of state institutions."

The bill was read the first time, and on motion of Senator Fishback, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on state penal and reformatory institutions.

Senate bill No. 258, by Senator Davis, entitled "An act providing for the establishment and maintenance of free high schools in any county in the State of Washington."

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

Senate bill No. 259, by Senator Metcalf, entitled "An act relating to licenses to practice systems and modes of treating the sick and afflicted, and amending section 8391 of Remington and Ballinger's Annotated Codes and Statutes of Washington."

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

Senate bill No. 260, by Senator Bassett, entitled "An act to apportion the State of Washington into five congressional districts."

The bill was read the first time, and on motion of Senator Bassett, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on congressional apportionment.

Senate bill No. 261, by Senator Rydstrom, entitled "An act for the protection of birds, their nests and eggs, and amending section 5349 and repealing section 5341 of Remington and Ballinger's Annotated Codes and Statutes of Washington, relating to certificates to scientists."

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

Senate bill No. 262, by Senator Allen (P. L.) (by request), entitled "An act declaring the anniversary of the birth of Ulysses S. Grant a legal holiday."

The bill was read the first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on judiciary.

Senate bill No. 263, by Senator Nichols, entitled "An act relating to justices of the peace and constables in cities having a population of two hundred thousand or more inhabitants, providing for their election and appointment, fixing their salaries, and providing for the appointment of clerks and bailiffs of such courts, authorizing such clerks to administer oaths, and declaring an emergency."

The bill was read the first time, and on motion of Senator Nichols, the rules were suspended, the bill was read the second time by title and referred to the committee on judiciary.

Senate bill No. 264, by Senator Bassett, entitled "An act relating to the trial of persons charged with crime and acquitted on the grounds of insanity, declaring such persons dangerous

and unsafe to be at large, and providing for their detention until cured."

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

Senate bill No. 265, by Senator Collins, entitled "An act fixing the time when a judgment shall become a lien upon the real property of a judgment debtor, and providing for the filing and recording in the office of the county auditor of notice or notices of judgment liens."

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

Senate bill No. 266, by Senator Collins, entitled "An act relating to the payment of compensation to workmen injured while engaged in dangerous employment, or to persons dependent upon them in case death results from injuries so received, prescribing remedies, providing that such remedies shall be exclusive, and making an appropriation."

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

Senate bill No. 267, by Senator Bryan, entitled "An act validating sales of county property heretofore made by counties, wherein there has been no collusion or fraud."

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

Senate bill No. 268, by Senator Ruth, entitled "An act to define, license and regulate hospital associations; to provide for a license to transact such business; to determine the conditions under which persons, firms, companies and corporations may

transact the business of hospital associations in this state and to provide penalties for the violations of this act."

The bill was read the first time, and on motion of Senator Ruth, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on medicine, dentistry, surgery and hygiene.

Senate bill No. 269, by Senator Cox, entitled "An act fixing the salary of the warden of the state penitentiary, and declaring an emergency."

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

Senate bill No. 270, by committee on appropriations, entitled "An act fixing the rate to be charged for public printing and binding and amending sections 8622, 8622½ and 8624 of Remington and Ballinger's Annotated Codes and Statutes of Washington."

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

Senate bill No. 271, by Senator Bryan, entitled "An act relating to the opening and closing of polls at special elections held in cities for purpose of submitting to the qualified electors any proposition or propositions to incur municipal indebtedness and to issue negotiable bonds therefor and declaring an emergency."

The bill was read the first time, and on motion of Senator Bryan, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on elections and privileges.

Senate bill No. 272, by Senator Rosenhaupt, entitled "An act relating to the salaries of judges of the superior courts."

The bill was read the first time, and on motion of Senator Rosenhaupt, the rules were suspended, the bill was read the sec-

ond time by title, ordered printed and referred to the committee on judiciary.

Senate bill No. 273, by Senator Metcalf (by request), entitled "An act making an appropriation for maintenance of building and sundry expenses of Washington State Historical Society for the fiscal term beginning April 1, 1911, and ending March 31, 1913, except as otherwise provided."

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

Senate bill No. 274, by Senator Espy, entitled "An act amending section 1162 of Remington and Ballinger's Annotated Codes and Statutes of Washington, the same being section 1 of chapter 9 of Session Laws of 1907, entitled 'An act to amend section 1 of an act, entitled "An act to amend an act, entitled 'An act providing liens upon saw logs, spars, piles or other timber, and upon lumber and shingles, and concerning the remedy to secure and obtain such liens and the benefit thereof, and the manner and procedure of obtaining the same,' approved March 15, 1893," approved March 19, 1895,' approved February 7, 1907.'"

The bill was read the first time, and on motion of Senator Espy, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on judiciary,

Senate bill No. 275, by Senator Espy, entitled "An act relating to false statements in newspapers."

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

Senate bill No. 276, by Senator Espy, entitled "An act relating to the nomination of candidates for public office and amending section 4 of chapter 209 of the Session Laws of 1907."

The bill was read the first time, and on motion of Senator Espy, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on elections and privileges.

Senate bill No. 277, by Senator Espy, entitled "An act to amend section 42 of an act, entitled 'An act to provide for the assessment and collection of taxes in the State of Washington,' approved March 15, 1897."

The bill was read the first time, and on motion of Senator Espy, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on public revenue and taxation.

Senate bill No. 278, by Senator Espy, entitled "An act to prohibit the giving away of intoxicating liquor."

The bill was read the first time, and on motion of Senator Espy, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on public morals.

Senates bill No. 279, by Senator Allen (F. J.), entitled "An act relating to the regulation of the sale of intoxicating liquors in incorporated cities and amending section 6264 of Remington and Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Allen (F. J.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on public morals.

Senate bill No. 280, by Senator Allen (F. J.), entitled "An act for the suppression of contagious diseases among bees in the State of Washington, creating the office of state inspector of apiaries, defining the duties of such inspector, appropriating moneys therefor, repealing sections 3258, 3259, 3260, 3261, 3262, 3263 and 3264 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency."

The bill was read the first time, and on motion of Senator Allen (F. J.), the rules were suspended, the bill was read the

second time by title, ordered printed and referred to the committee on horticulture and forestry.

Senate bill No. 281, by Senator Allen (F. J.), entitled "An act relating to the keeping for sale intoxicating liquors."

The bill was read the first time, and on motion of Senator Allen (F. J.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on public morals.

Senate bill No. 282, by Senator Allen (F. J.), entitled "An act making appropriations for the expenses and salaries of assistant and district horticultural inspectors, and declaring an emergency."

The bill was read the first time, and on motion of Senator Allen (F. J.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on horticulture and forestry.

Senate bill No. 283, by Senator Allen (F. J.), entitled "An act relating to horticulture and amending sections 12, 50 and 60 and repealing section 62 of an act entitled 'An act relating to horticulture and prescribing penalties for the violation thereof and declaring an emergency,' approved March 15, 1909."

The bill was read the first time, and on motion of Senator Allen (F. J.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on horticulture and forestry.

Senate bill No. 284, by Senator Landon (by request), entitled "An act relating to pandering, and pimping, to define and prohibit the same, and providing for the competency of certain evidence at the trial thereof, and what shall be a defense, and to prevent the detention by debt or otherwise of female persons in houses of prostitution, or other places where prostitution is practiced or allowed, and providing for the punishment of said offenses."

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

time by title, ordered printed and referred to the committee on public morals.

Senate bill No. 285, by Senator Metcalf (by request), entitled "An act relating to exemptions from an inheritance tax and amending section 9199 of Remington and Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Metcalf, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on public revenue and taxation.

Senate bill No. 286, by Senator Metcalf (by request), entitled "An act amending section 9099, Remington and Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Metcalf, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on public revenue and taxation.

Senate bill No. 287, by Appropriations Committee, entitled "An act making appropriations for salaries and maintenance of the National Guard of Washington for the fiscal term, beginning April 1, 1911, and ending March 31, 1913."

The bill was read the first time, and on motion of Senator Falconer, the rules were suspended, the bill was read the second time by title, ordered printed and re-referred to the committee on appropriations.

Senate bill No. 288, by Senator Espy, entitled "An act relating to the publication of official notices."

The bill was read the first time, and on motion of Senator Espy, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on public revenue and taxation.

Senate bill No. 289, by Senator Hammer, entitled "An act defining the qualifications of county engineer."

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

time by title, ordered printed and referred to the committee on judiciary.

Senate bill No. 290, by Senator Hammer, entitled "An act to repeal section 10 of article 6, chapter 3, title III, Code of public Instruction, being chapter 97 of the Session Laws of 1909, approved by the governor March 11, 1909."

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

Senate bill No. 291, by Senator Stephens, entitled "An act relating to the business of abstracting titles to real estate and providing security to such as may be damaged by reason of any error, omission or defect in any abstract of title to real estate."

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

Senate bill No. 292, by Senator Rosenhaupt, entitled "An act relating to trial by jury in civil actions, and amending section 316 of Remington and Ballinger's Annotated Codes and Statutes of Washington."

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

Senate bill No. 293, by Senators Espy and Collins, entitled "An act relating to the issuance of intoxicating liquor licenses by boards of county commissioners, and repealing section 6263 of Remington and Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Espy, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on public morals.

Senate bill No. 294, by Senator Rosenhaupt, entitled "An act amending section 28 of chapter 249, relating to crimes and punishments and the rights and custody of persons accused or convicted of crime, approved March 22, 1909."

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

Senate bill No. 295, by Senator Espy, entitled "An act relating to the holding of conventions of political parties."

The bill was read the first time, and on motion of Senator Espy, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on elections and privileges.

Senate bill No. 296, by Senator Espy, entitled "An act relating to the regulation of moving pictures, and appointing an inspector therefor, and providing penalties for the violation thereof."

The bill was read the first time, and on motion of Senator Espy, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on public morals.

Senate bill No. 297, by Senator Paulhamus, entitled "An act prohibiting the sale of intoxicating liquor within five miles of the State Soldiers' Home at Orting, and providing a penalty for the violation thereof."

The bill was read the first time, and on motion of Senator Paulhamus, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on public morals.

Senate bill No. 298, by Senator Collins (by request), entitled "An act creating a board of administration of state benefit farm for the care and treatment of certain classes of persons abnormal in physical conditions, making an appropriation and declaring an emergency."

The bill was read the first time, and on motion of Senator Collins, the rules were suspended, the bill was read the second time by title and referred to the committee on public morals.

Senate bill No. 299, by Senator Jackson, entitled "An act to re-district and re-apportion the membership of the legislature of the State of Washington."

The bill was read the first time, and on motion of Senator Jackson, the rules were suspended, the bill was read the second time by title and referred to the committee on legislative apportionment.

Senate bill No. 300, by Senator Espy, entitled "An act creating a shell fish commission, defining its duties, preventing the sale of tide lands without the approval of said commission and making an appropriation."

The bill was read the first time, and on motion of Senator Espy, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on state, granted, school and tide lands.

Senate bill No. 301, by Senator Rosenhaupt, entitled "An act relating to the office of attorney general and defining his powers and duties, repealing sections 112 and 9037 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency."

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

Senate bill No. 302, by Senator Stewart, entitled "An act to provide for the paroling of persons confined in the state penitentiary after having been acquitted of crime under plea of insanity."

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

SENATE JOINT MEMORIAL NO. 6.

By Senator Troy :

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

Your memorialists, the legislature of the State of Washington, would respectfully represent:

The bay of Port Townsend and Oak bay in the State of Washington are now separated by a narrow strip of land from one hundred to one hundred and fifty feet in width, and by reason of this obstruction vessels going north from Puget Sound are compelled to pass around Narrowstone point, exposed to the heavy swells direct from the ocean. We would further represent that light draft and stern wheel steamers are forbidden by the United States local inspectors from doing business between the city of Port Townsend and other cities on Puget Sound south of Narrowstone point during the winter months. We would further represent that the removal of this obstruction would present a safe means of communication during the entire year, and also shorten the distance to be traveled by water at least thirteen miles, and that said obstruction can be removed for the sum of \$80,000.

The number of vessels and tonnage entering from and clearing for foreign ports for the fiscal year ending June 20, 1910, was 5,097 with the total tonnage of 3,816,010. There is no record of vessels in the coast-wise trade, as they are not required to enter or clear, but a conservative estimate would place it as nearly double the foreign tonnage, in addition to what we term the local fleet of Puget Sound.

Many of the foreign and coast wise vessels would use the canal if constructed, but its importance for protection of the local sound fleet and the lumber industry is still greater; the facts concerning which are as follows: Seven vessels of the local fleet ply between the upper sound points to Port Townsend and to points by way of Port Townsend. The number of trips made by these vessels annually in both directions were 3,848 with a total tonnage of 2,323,968. During eight months ending August 31, 1910, they carried 73,233 tons of freight for local points. The average for the year would therefore be in excess of 105,000 tons. If the canal was constructed every one of these vessels would make use of this passage.

There is an annual towage from the Straits direct to upper sound mills of 75,000,000 to 100,000,000 feet of logs, all of which would make use of this canal. It is not an unusual sight to see six or seven tugs with tows of logs from Port Townsend bay awaiting favorable opportunity to round Narrowstone point. During time of storm the weather conditions off Narrowstone point and opposite the entrance to Port Townsend bay are as bad as can be found outside of Point Wilson, which the government designated as open ocean.

The protection which this canal would afford to the smaller vessels of Puget Sound and to the lumber industries would, in itself, be suffi-

cient to warrant the expenditure of the money necessary for its excavation and completion.

In the interests of the industries at the head of Port Townsend bay, such as the Western Steel Corporation Plant at Irondale, the plant of the Classon Chemical Company at Hadlock, and the Washington Mill Company interests at the same place, this canal is even more necessary; for the constantly increasing business at these points demand a constantly increasing traffic by water, which traffic is handicapped at present not only by bad weather conditions to be found off Narrowstone point, but by additional distance of over twelve miles which must be travelled in order to reach these industries.

With this canal completed, traffic between Seattle and other points on Puget Sound and the various points on Port Townsend bay would be augmented in that it would be open to smaller vessels than those which are now required, owing to the necessity of passing at times through exceedingly rough and dangerous weather off Narrowstone point.

We, your petitioners, would therefore respectfully request that an appropriation of said sum of \$80,000 be made for the purposes herein stated, and as in duty bound your petitioners will ever pray.

The memorial was read the first time, and on motion of Senator Troy, the rules were suspended, the memorial was read the second time, ordered printed and referred to the committee on memorials.

Engrossed House bill No. 150, by Mr. Martin, entitled "An act relating to the classification of counties, and amending section 4031 of Remington and Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Fishback, the rules were suspended, the bill was read the second time by title and referred to the committee on counties and county boundaries.

Engrossed House bill No. 174, by Mr. McNeely, entitled "An act relating to officers in cities of the fourth class and amending section 7721 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency."

The bill was read the first time, and on motion of Senator Rosenhaupt, the rules were suspended, the bill was read the second time by title and referred to the committee on municipal corporations.

Re-engrossed House bill No. 266, by Committee on Mines and Mining, entitled "An act relating to the handling, storage and distribution of powder and other explosives used in connection with coal mining and providing penalties for the violation thereof."

The bill was read the first time, and on motion of Senator Smithson, the rules were suspended, the bill was read the second time by title and referred to the committee on mines and mining.

Senator Anderson moved that there be printed hereafter only such bills as are reported out by the various committees.

The motion failed to carry.

On motion of Senator Nichols, Senate bill No. 203 was ordered re-referred to a special committee to consist of the senators from King county.

On motion of Senator Whitney, Senate bill No. 193 was re-referred to the committee on counties and county boundaries.

At 12:40 p. m., on motion of Senator Allen (P. L.), a recess was taken until 2 o'clock this afternoon.

AFTERNOON SESSION.

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

GENERAL FILE.

House bill No. 165, by Mr. Ennis, entitled "An act to provide for the construction, deepening and widening of public waterways for the floatage of vessels and the drainage of swamps and overflowed lands, by assessments upon property benefited thereby; for the organization of waterway districts; for the exercise of the right of eminent domain in furtherance thereof; for the issuance of bonds to provide funds therefor pending the collection of assessments, and to provide for the care and control of such waterways; and declaring an emergency," was read third time.

The secretary called the roll on final passage of House bill No. 165 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Metcalf, Myers, Nichols, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—37.

Absent or not voting were: Senators Eastham, Hewitt, Huxtable, Landon, Piper—5.

The secretary called the roll on the emergency clause and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Metcalf, Myers, Nichols, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—35.

Absent or not voting were: Senators Allen (P. L.), Eastham, Falconer, Hewitt, Huxtable, Landon, Piper—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Metcalf, the rules were suspended and House bill No. 165 was ordered immediately transmitted to the House.

Senate bill No. 121, by Senators Falconer *et al.*, entitled "An act to amend sections 1, 2, 9, 4, 9, 10, 11, 12, 13, 14, 16, 18, 19, 20 and 23 of 'An act to provide for the submission to the qualified electors of the question whether the sale of intoxicating liquors shall be licensed or prohibited, providing for the enforcement of the result of elections hereunder, defining offenses hereunder and providing penalties therefor,' said act being chapter 81 of the Session Laws of 1909, approved March 12, 1909, and adding section 18a to said act," was read third time.

Senator Collins moved to amend the bill by inserting the

words "second and third" between the words "first" and "class" in line 9, section 1 of the printed bill, the same being in thirteenth line, section 1 of the original bill.

Senator Nichols moved as an amendment to the amendment that the word "fourth" be added to the amendment proposed by Senator Collins.

A roll call on the adoption of the amendment to the amendment as proposed by Senator Nichols was demanded by Senators Falconer, Nichols, Allen (F. J.), Ruth, Piper, Fishback, Myers, Bassett,

The secretary called the roll and the amendment to the amendment failed of adoption by the following vote:

Those voting aye were: Senators Allen (P. L.), Collins, Eastham, Huxtable, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Whitney—14.

Those voting nay were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Metcalf, Myers, Rosenhaupt, Stewart, Troy, Whalley, White, Mr. President—26.

Absent or not voting were: Senators Hewitt, Landon—2.

A roll call on the original amendment as proposed by Senator Collins was demanded by Senators Falconer, Nichols, Troy, Ruth, Piper, Fishback, Myers, Bassett.

The secretary called the roll and the amendment was lost by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (F. L.), Collins, Eastham, Huxtable, Jensen, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Whitney—17.

Those voting nay were: Senators Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Metcalf, Myers, Stewart, Troy, Whalley, White, Mr. President—23.

Absent or not voting were: Senators Hewitt, Landon—2.

Senator Ruth moved to amend the bill as follows: Beginning with the word "provided" in line 4 of section 2 of the printed

bill, the same being in seventh line of section 2 of the original bill, strike the balance of section 2.

A roll call on the proposed amendment was demanded by Senators Falconer, Nichols, Myers, Ruth, Piper, Whitney, Whalley.

The secretary called the roll and the amendment was lost by the following vote:

Those voting aye were: Senators Allen (P. L.), Collins, Eastham, Huxtable, Jensen, Nichols, Piper, Roberts, Ruth, Rydstrom, Smithson, Stephens, Stewart, Whitney—14.

Those voting nay: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Metcalf, Myers, Rosenhaupt, Shaefer, Stevenson, Troy, Whalley, White, Mr. President—26.

Absent or not voting were: Senators Hewitt, Landon—2.

Senator Shaefer moved to amend the bill by striking the following words in lines 20 and 21 of section 3 of the printed bill, the same being lines 30 and 31 of section 3 of the original bill: “and its decision therein shall be conclusive, and no appeal shall lie therefrom.”

The amendment failed to carry.

Senator Rosenhaupt moved to amend the bill in line 15, section 5 of the printed bill, the same being line 24 of the original bill, by striking the words “or any imitation thereof.”

Senator Rosenhaupt withdrew his proposed amendment.

Senator Jensen moved to amend the bill by striking lines 18 and 19 of section 5 of the printed bill, the same being the balance of line 27, beginning with the word “except,” and lines 28 and 29 of the original bill.

The amendment failed to carry.

Senator Ruth moved to amend the bill by substituting the words “five gallons” for the words “one quart,” in line 13, section 12, of the printed bill, the same being in the 19th line of section 12 of the original bill.

Senator Stevenson moved to amend the amendment by making it read “one gallon.”

Senator Ruth accepted the amendment as a part of his motion to amend.

The amendment failed to carry.

The secretary called the roll on final passage of Senate bill No. 121 and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Metcalf, Myers, Stevenson, Stewart, Troy, Whalley, White, Mr. President—24.

Those voting nay were: Senators Allen (F. J.), Allen (P. L.), Collins, Eastham, Huxtable, Jensen, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Whitney—16.

Absent or not voting were: Senators Hewitt, Landon—2.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed House bill No. 123, by Mr. Appleman, entitled "An act relating to the creation and organization of the county of Pend Oreille, subject to the requirements of the state constitution and the statutes in respect to the establishment of new counties," was read third time.

Senator Metcalf moved to amend the bill by striking the words "and shall constitute the sixtieth representative district and shall be entitled to one representative," in line 3, section 12, of the printed bill, and insert "and shall be included in the first representative district."

A roll call on the proposed amendment was demanded by Senators Falconer, Nichols, Allen (P. L.), Whalley, Davis, Piper, Stephens, Jackson.

The secretary called the roll and the amendment failed to carry by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Bowen, Collins, Falconer, Huxtable, Jackson, Jensen, Metcalf, Nichols, Piper, Roberts, Ruth, Smithson, Stewart, Whalley, Whitney—17.

Those voting nay were: Senators Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Cox, Davis, Eastham, Espy, Fishback, Hall, Hammer, Myers, Rosenhaupt, Rydstrom, Shaefer, Stephens, Stevenson, Troy, White, Mr. President—22.

Absent or not voting were: Senators Hewitt, Hutchinson, Landon—3.

Senator Jackson moved to amend the bill as follows: In section 12, line 3, of the printed bill, the same being lines 4 and 5 of the engrossed bill, strike all after the first word "shall" and insert in lieu thereof "be included in the first representative district."

The president ruled the proposed amendment out of order

Senator Jackson moved that all of section 12 be stricken from the bill.

A roll call on the motion was demanded by Senators Whalley, Bassett, Allen (F. J.), Nichols, Jackson, Metcalf, Bryan.

The secretary called the roll and the amendment failed to carry by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (F. L.), Bowen, Collins, Falconer, Huxtable, Jackson, Jensen, Metcalf, Nichols, Piper, Roberts, Rydstrom, Smithson, Stewart, Whalley—16.

Those voting nay were: Senators Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Cox, Davis, Eastham, Espy, Fishback, Hall, Hammer, Myers, Rosenhaupt, Ruth, Shaefer, Stephens, Stevenson, Troy, White, Whitney, Mr. President—23.

Absent or not voting were: Senators Hewitt, Landon, Hutchinson—3.

Senator Jackson moved that the bill be re-referred to the committee on legislative apportionment.

The motion failed to carry.

The secretary called the roll on final passage of engrossed House bill No. 123 and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Cox, Davis, Eastham, Espy,

Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Metcalf, Myers, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, White, Whitney, Mr. President—32.

Those voting nay were: Senators Allen (P. L.), Bowen, Collins, Falconer, Nichols, Piper, Whalley—7.

Absent or not voting were: Senators Allen (F. J.), Hewitt, Landon—3.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Jackson gave notice of a motion to reconsider the vote by which House bill No. 123 passed the Senate.

Senator Stewart moved that the special order set for 7:30 this evening to consider substitute Senate bill No. 6 be put over until Thursday evening.

The motion failed to carry.

At the request of Senator Rosenhaupt, the Senate by unanimous consent at this time took up for consideration engrossed House bill No. 220.

Engrossed House bill No. 220, by Messrs. Gandy and Phipps, entitled "An act relating to the form of organization of cities of the first class and exercise of the powers of such cities, declaring the application of this act, repealing all laws and parts of laws inconsistent herewith, and declaring an emergency," was read third time.

The secretary called the roll on final passage of engrossed House bill No. 220, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (F. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—36.

Absent or not voting were: Senators Espy, Hewitt, Huxtable, Landon, Shaefer, Whitney—6.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Metcalf, Myers, Nichols, Roberts, Rosenhaupt, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—34.

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

Absent or not voting were: Senators Hewitt, Huxtable, Landon, Shaefer, Whitney—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Ruth gave notice of a motion to reconsider the vote by which House bill No. 220 passed the Senate.

Senator Rosenhaupt moved that the rules be suspended and that the vote by which House bill No. 220 passed the Senate be now reconsidered.

A roll call on the motion was demanded by Senators Myers, Whalley, Falconer, Brown, Fishback, Hall, Nichols, Piper.

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

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Metcalf, Myers, Rosenhaupt, Stevenson, Troy, Whalley, White, Mr. President—24.

Those voting nay were: Senators Collins, Eastham, Jensen, Nichols, Piper, Roberts, Ruth, Rydstrom, Smithson, Stewart—10.

Absent or not voting were: Senators Allen (F. J.) Davis, Hewitt, Huxtable, Landon, Shaefer, Stephens, Whitney—8.

Senator Ruth withdrew his notice of motion to reconsider the vote by which House bill No. 220 passed the Senate.

The secretary called the roll on final passage of House bill No. 220 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Smithson, Stephens, Stevenson, Troy, Whalley, White, Mr. President—31.

Those voting nay were: Senators Eastham, Ruth, Rydstrom, Stewart—4.

Absent or not voting were: Senators Allen (F. J.), Davis, Hewitt, Huxtable, Landon, Shaefer, Whitney—7.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Metcalf, Myers, Nichols, Rosenhaupt, Smithson, Stephens, Stevenson, Troy, Whalley, White, Mr. President—30.

Those voting nay were: Senators Eastham, Piper, Roberts, Ruth, Rydstrom, Stewart—6.

Absent or not voting were: Senators Davis, Hewitt, Huxtable, Landon, Shaefer, Whitney—6.

On motion of Senator Rosenhaupt, the rules were suspended and House bill No. 220 was ordered transmitted to the House immediately.

At the request of Senator Metcalf, the Senate by unanimous consent returned to the order of business "Introduction of Bills."

Senate bill No. 303, by Senator Collins, entitled "An act to provide funds for the protection of the State of Washington from the spread of bubonic plague, cholera and other menacing Asiatic diseases."

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

Senate bill No. 304, by Senator Metcalf (by request), entitled "An act providing for the completion of the state historical building at Tacoma, Washington, and making an appropriation therefor."

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

Senate bill No. 305, by Senator Allen (P. L.), entitled "An act providing for the inspection, examination and appraisal of state timber lands, making an appropriation therefor, and declaring an emergency."

The bill was read the first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on state, granted school and tide lands.

Senate bill No. 306, by Senator Jackson, entitled "An act to redistrict and reapportion the State of Washington into five congressional districts."

The bill was read the first time, and on motion of Senator Jackson, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on legislative apportionment.

Senate bill No. 307, by Senator Allen (P. L.), entitled "An act relating to certain lands of the State of Washington and the acquisition of other lands, providing for the preservation of forests thereon, reforestation of the same, and the care, preservation, management and disposition thereof and of the timber thereon."

The bill was read the first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on appropriations.

Senate bill No. 308, by Senator Paulhamus, entitled "An act relating to certain state roads, and amending section 5905 of Remington & Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Paulhamus, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on roads and bridges.

Senate bill No. 309, by Senators Espy and Arrasmith, entitled "An act relating to crimes and punishments and amending section 7, section 184, section 187, chapter 249, Session Laws, 1909."

The bill was read the first time, and on motion of Senator Espy, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on public morals.

Senator Falconer moved that the Senate, when it does adjourn today, that it be to meet at 11:00 o'clock tomorrow forenoon.

The motion carried.

Senator Bryan moved that the special order set for 7:30 o'clock this evening be changed to 8:00 o'clock this evening.

The motion was lost.

At 5:30 o'clock p. m., on motion of Senator Allen (P. L.), the Senate took a recess until 7:30 o'clock this evening.

EVENING SESSION.

The Senate was called to order at 7:30 o'clock p. m. by President Paulhamus.

The secretary proceeded to read substitute Senate bill No. 6 third time.

The president called Senator Jackson to the chair.

Senator Stevenson moved that the Senate do now adjourn.

The motion was lost.

The president resumed the chair.

The president called Senator Espy to the chair.

Senator Falconer moved a call of the Senate, and was supported by Senators Myers and Eastham.

The motion for a call of the Senate carried.

On motion of Senator Falconer, further proceedings under the call of the Senate were discontinued.

The president resumed the chair.

Senators Piper, Falconer and Ruth moved a call of the Senate.

The motion for a call of the Senate carried.

On motion of Senator Rosenhaupt, further proceedings under the call of the Senate were discontinued.

Substitute Senate bill No. 6 was read to and including section 83.

On motion of Senator Bassett, the further reading of the bill was made a special order for 2:30 o'clock tomorrow afternoon.

By unanimous consent, at the request of Senator Bryan, the Senate returned to the order of business,

INTRODUCTION OF BILLS.

Senate bill No. 310, by Senator Bryan, entitled "An act relating to the acquisition, control, management and disposition of granted, school, tide, oyster and other lands and harbor areas of the State of Washington, and amending section three of chapter two hundred and twenty-three of the Session Laws of nineteen hundred and nine of the State of Washington."

The bill was read the first time, and on motion of Senator Bryan, the rules were suspended, the bill read the second time by title and referred to the committee on state school, granted and tide lands.

At 10:10 o'clock p. m., on motion of Senator Nichols, the Senate adjourned until 11:00 o'clock tomorrow morning.

WM. T. LAUBE,

Secretary of the Senate.

W. H. PAULHAMUS,

President of the Senate.

FORTY-FOURTH DAY

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASH., Tuesday, February 21, 1911.

The Senate was called to order at 11 o'clock a. m. by President Paulhamus, pursuant to adjournment.

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present except Senator Hewitt, excused by reason of illness, and Senator Landon, excused on legislative business in connection with committee work.

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

A memorial from the town council of Steilacoom protesting against the passage of section 66 of Senate bill No. 102, was read and placed on file.

A petition from certain citizens of Spokane county praying the enactment of the initiative and referendum was read and placed on file, as was also a telegram from the Men's Club of the Universalist Church of Tacoma approving the "workmen's compensation act."

Numerous petitions for and against the establishment of the proposed new county of "White Salmon" were read and ordered referred to the committee on counties and county boundaries.

By unanimous consent, a message from the House was read out of order:

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,

MR. PRESIDENT:

OLYMPIA, WASH., February 21, 1911.

The speaker has signed House bill No. 220, entitled "An act relating to the form of organization of cities of the first class, and exercise of the powers of such cities, etc."

And the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president signed House bill No. 220.

REPORT OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., February 20, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate joint resolution No. 8, "Relating to the appointment of a commission to investigate the fishing industry," etc., have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: J. W. Bryan, Ralph D. Nichols, Geo. W. Shaefer, H. M. White, Josiah Collins, Ralph Metcalf.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 21, 1911.

MR. PRESIDENT:

We, your committee on railroads and transportation, to whom was referred Senate bill No. 166, entitled "An act to promote the safety of employes and passengers on railroads by prescribing the number of men that shall constitute a train crew; and providing a penalty for the violation of this act," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In section 1, line 5 of the printed bill, after the word "train," the same being section 1, line 15 of the original bill, insert the words "consisting of four or more cars."

In section 2, line 5 of the printed bill, after the word "train," the same being section 2, line 27 of the original bill, insert the words "consisting of twenty-five or more cars exclusive of engine and caboose."

In section 3, line 3 of the printed bill, after the word "terminals," the same being section 3, line 9 of the original bill, insert the words "wrecking trains."

D. H. Cox, *Chairman*.

We concur in this report: Jesse Huxtable, Peder Jensen, B. A. Bowen, J. H. Smithson, Arvid Rydstrom, Joseph Arrasmith.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 20, 1911.

MR. PRESIDENT:

We, your committee on public revenue and taxation, to whom was referred engrossed House bill No. 320, entitled "An act relating to assessment and taxation, declaring certain property to be personal property, fixing its situs for taxation, providing for interest on unpaid

personal property taxes, providing methods of distraint, making taxes a lien upon the proceeds of insurance, making a violation of the act a misdemeanor and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

JOHN L. ROBERTS, *Chairman.*

We concur in this report: Jesse Huxtable, Ed Brown, J. D. Bassett, E. M. Stephens, Oliver Hall, Frank C. Jackson.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 21, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred engrossed Senate bill No. 167, entitled "An act relating to the State Soldiers' Home and admission thereto, and amending section 1 of chapter 152, of the Session Laws of 1905," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman.*

We concur in this report: F. J. Allen, Josiah Collins, D. S. Troy.

SENATE CHAMBER,

OLYMPIA, WASH., February 21, 1911.

MR. PRESIDENT:

We, your committee on public revenue and taxation, to whom was referred Senate bill No. 139, entitled "An act amending section 3954, Remington and Ballinger's Annotated Codes and Statutes, relating to the settlements of county treasurers with county commissioners," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

JOHN L. ROBERTS, *Chairman.*

We concur in this report: E. M. Stephens, Ed Brown, J. D. Bassett, F. C. Jackson, Oliver Hall.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 21, 1911.

MR. PRESIDENT:

We, your committee on cities of the first class, to whom was referred Senate bill No. 57, entitled "An act relating to and regulating the filing and approval of plats of land within and without cities of the first, second and third class and other cities and towns having a population of ten thousand or more persons, and prescribing public places, parks, commons and playgrounds therein," have had the same

under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

Strike all of section 2.

RALPH D. NICHOLS, *Chairman*.

We concur in this report: Geo. W. Shaefer, H. M. White, J. A. Falconer.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 21, 1911.

MR. PRESIDENT:

We, your committee on public revenue and taxation, to whom was referred Senate bill No. 140, entitled "An act amending section 3930, Remington and Ballinger's Annotated Codes and Statutes, relating to the counting of moneys in the county treasury by county commissioners," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

JOHN L. ROBERTS, *Chairman*.

We concur in this report: E. M. Stephens, Ed Brown, J. D. Bassett, F. C. Jackson, Oliver Hall.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 21, 1911.

MR. PRESIDENT:

We, your committee on state, granted, school and tide lands, to whom was referred Senate bill No. 157, entitled "An act ceding to the United States certain state school lands whenever the United States shall grant the state forest reserve lands in lieu thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

P. L. ALLEN, *Chairman*.

We concur in this report: J. D. Bassett, Geo. W. Shaefer, J. A. Falconer, H. O. Fishback, Peder Jensen, E. Hammer.

On motion of Senator Allen (P. L.), the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 17, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred engrossed House bill No. 155, entitled "An act relating to criminal proceedings against corporations," have had the same under consideration, and we

respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: J. W. Bryan, Geo. W. Shaefer, Ralph D. Nichols, Josiah Collins, H. M. White.

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

SENATE CHAMBER,

MR. PRESIDENT: OLYMPIA, WASH., February 21, 1911.

We, your committee on mines and mining, to whom was referred engrossed House bill No. 206, entitled "An act relating to the appointment of a mine inspector, and amending the Laws of 1907," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

B. A. BOWEN, *Chairman.*

We concur in this report: H. O. Fishback, E. C. Davis, John L. Roberts, A. W. Anderson.

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

SENATE CHAMBER,

MR. PRESIDENT: OLYMPIA, WASH., February 20, 1911.

We, your committee on judiciary, to whom was referred engrossed House bill No. 236, entitled "An act relating to attorneys and counsellors-at-law and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: Ralph Metcalf, J. W. Bryan, Ralph D. Nichols, Geo. W. Shaefer, Josiah Collins, H. M. White.

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

SENATE CHAMBER,

MR. PRESIDENT: OLYMPIA, WASH., February 21, 1911.

We, your committee on state, granted, school and tide lands, to whom was referred engrossed House bill No. 253, entitled "An act to provide for the selection, survey, management, reclamation, lease and disposition of the state's granted school, tide, oyster and other lands, etc., making an appropriation," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

P. L. ALLEN, *Chairman.*

We concur in this report: J. D. Bassett, Geo. W. Shaefer, E. Hamner, H. O. Fishback, Peder Jensen.

On motion of Senator Allen (P. L.), the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 21, 1911.

MR. PRESIDENT:

We, your committee on cities of the first class, to whom was referred Senate bill No. 206, entitled "An act to amend sections 1 and 2 of an act entitled 'An act authorizing cities of the first class in the State of Washington which at the government census in 1900 had a population in excess of 80,000, to construct and maintain, upon public streets, and upon the extensions or connections thereof across waterways, rivers, canals or other channels, wherever public necessity may require, bridges, drawbridges, viaducts, elevated roadways and tunnels, with or without railways therein or thereon, and providing for the levy and collection of assessments upon property, specially benefited thereby, to pay therefor, and declaring an emergency," etc., have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In the title in line 8 in the original bill, the same being line 5 in the printed bill, strike the words "railways therein or thereon," and insert in lieu thereof the words "street railways thereon or therein."

In section 1, in line 8 in the original bill, the same being line 5 in the printed bill, immediately preceding the word "railways" insert the word "street."

RALPH D. NICHOLS, *Chairman.*

We concur in this report: Geo. W. Shaefer, H. M. White, Ralph Metcalf.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 21, 1911.

MR. PRESIDENT:

We, your committee on constitution and constitutional revision, to whom was referred House bill No. 153, entitled "An act to amend section 1 of article II of the constitution of the State of Washington, relating to legislative powers, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Section 1, line 15 of the original bill, being section 1, line 9 of the printed bill, strike the words "and amendments to the constitution."

Section 1, line 21 of the original bill, being section 1, line 12 of the printed bill, strike the word "eight" and insert the word "ten" in lieu thereof.

Page 3, line 15 of the original bill, being section 1, line 41 of the printed bill, strike the word "five" and insert the word "six" in lieu thereof.

Page 3, line 23 of the original bill, being section 1, line 46 of the printed bill, strike the word "four" and insert the word "two" in lieu thereof.

JESSE HUXTABLE, *Chairman.*

We concur in this report: Josiah Collins, R. A. Hutchinson, Harry Rosenhaupt.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 21, 1911.

MR. PRESIDENT:

We, your committee on fisheries, to whom was referred Senate bill No. 152, entitled "An act relating to the taking of food fishes, and amending section 5187 of Remington and Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

E. HAMMER, *Chairman.*

We concur in this report: H. A. Espy, D. S. Troy, Peder Jensen, H. M. White, Josiah Collins, A. S. Ruth.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 21, 1911.

MR. PRESIDENT:

We, your committee on fisheries, to whom was referred Senate bill No. 13, entitled "An act relating to fishing for salmon in Puget Sound and amending section 5193 of Remington and Ballinger's Annotated Codes and Statutes of the State of Washington and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the bill submitted herewith be substituted therefor and that the same be placed on general file.

E. HAMMER, *Chairman.*

We concur in his report: D. S. Troy, Peder Jensen, H. M. White, H. A. Espy, A. S. Ruth.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 21, 1911.

MR. PRESIDENT:

We, a majority of your committee on constitution and constitutional revision, to whom was referred Senate bill No. 95, entitled "An act to amend section twelve (12) and twenty-three (23) of article two (2)

of the constitution of the State of Washington relating to the time of meeting of the legislature and fixing the compensation of members thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

JESSE HUXTABLE, *Chairman.*

We concur in this report: R. A. Hutchinson, E. C. Davis, George U. Piper.

SENATE CHAMBER,
OLYMPIA, WASH., February 21, 1911.

MR. PRESIDENT:

I, a minority of your committee on constitution and constitutional revision, to whom was referred Senate bill No. 95, entitled "An act to amend section twelve (12) and twenty-three (23) of article two (2) of the constitution of the State of Washington relating to the time of meeting of the legislature and fixing the compensation of members thereof," have had the same under consideration, and I respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

HARRY ROSENHAUPT.

Senator Hutchinson moved the adoption of the majority report.

Senator Rosenhaupt moved that the minority report be substituted for the majority report.

The motion of Senator Rosenhaupt carried and the minority report was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 21, 1911.

MR. PRESIDENT:

We, a majority of your committee on railroads and transportation, to whom was referred Senate bill No. 102, entitled "An act for the regulation of public service corporations, providing penalties for the violation thereof, and repealing certain acts," have had the same under consideration, and we respectfully report the same back to the Senate, with the recommendation that the bill submitted herewith be substituted therefor and that same do pass.

D. H. Cox, *Chairman.*

We concur in this report: Jesse Huxtable, Joseph Arrasmith, J. R. Stevenson, F. J. Allen, J. H. Smithson, Arvid Rydstrom, B. A. Bowen, Chas. E. Myers.

SENATE CHAMBER,
OLYMPIA, WASH., February 21, 1911.

MR. PRESIDENT:

I, P. Jensen, a minority of your committee on railroads and transportation, to whom was referred Senate bill No. 102, entitled "An act

relating to public service properties, providing for the regulation of the same, fixing penalties for the violation thereof, and repealing certain acts," have had the same under consideration, and I respectfully report the same back to the Senate with the recommendation that each and every part of said bill that grants to or tends to grant to the railway commission any power or field of action beyond that of regulating railroads and common carriers as under the present law shall be stricken from this bill, and that appropriations in connection herewith shall be only such as appertains to the railway commission in its present form and with its present scope of work.

PEDER JENSEN.

Senator Cox moved the adoption of the majority report.

Senator Jensen moved that the minority report be substituted for the majority report.

Senator Nichols moved as a substitute for both motions now before the Senate that the substitute bill submitted by the majority be ordered printed and placed on file with both reports.

The motion of Senator Nichols carried.

REPORT OF SPECIAL COMMITTEE.

SENATE CHAMBER,
OLYMPIA, WASH., February 21, 1911.

MR. PRESIDENT:

We, your special committee of King county senators, to whom was referred Senate bill No. 203, entitled "An act dedicating to the city of Seattle for street and boulevard purposes certain tracts of land in section 16, township 25 north, range 4 east W. M., and in blocks 7 and 8 of Lake Washington shore lands, upon condition that no assessments for the improvement thereof shall be levied against the property above described," etc., have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Amend the title by inserting the word "and" between the words "street" and "boulevard" occurring in line 1 of the title.

Strike the emergency clause from the title.

After the word "describe," being the last word in the amended title, add the following: "and vacating certain streets."

Strike all of the second and third paragraphs of section 1, being lines 137 to 153 both inclusive of the printed bill, and in lieu thereof add the following: "Also a strip of land one hundred and twenty feet in width extending from the east line of section 16, township 25, north, range 4 east, W. M., westerly, to connect with the strip of land heretofore described and herein dedicated for street and boulevard purposes; the south line of said one hundred and twenty foot strip of land shall be located two hundred feet north of the pierhead line running

east and west across Union bay in Lake Washington, as established by the United States war department, and said pierhead line produced west.

"Also a strip of land one hundred and twenty feet in width along the east side of section 16, township 25, north, range 4 east, W. M., extending from the pierhead line as established by the United States war department and extending north two hundred feet.

"That certain street as shown in the plat of Lake Washington shore lands across blocks 7 and 8, prepared and filed by the board of state land commissioners and platted by them as a street between the waters of Union bay, Lake Washington, and blocks 7 and 8, is hereby vacated."

Strike section 4.

FRANK C. JACKSON,
P. L. ALLEN,
JOHN A. WHALLEY,

GEORGE U. PIPER,
B. A. BOWEN,
RALPH D. NICHOLS.

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

Senator Collins gave notice that as a member of the special committee, he reserved the right to submit at some future time a minority report on above bill.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 21, 1911.

MR. PRESIDENT:

The House has passed House bill No. 42, entitled "An act relating to the superior court of the county of Snohomish, the election and appointment of judges therein, and declaring an emergency;"

Also engrossed House bill No. 188, entitled "An act for the relief of R. P. Norton, and making an appropriation therefor;"

Also engrossed House bill No. 228, entitled "An act for the prevention of fraud in the grain and hay trade, for the establishment and preservation of standards for grain and hay," etc.;

Also engrossed House bill No. 288, entitled "An act relating to township organization and requiring county boards of equalization to equalize property as between townships," etc.;

Also re-engrossed House bill No. 226, entitled "An act making the drawing or uttering of a bank check or draft for the payment of money without funds or credit to meet the same upon presentation, a felony;"

Also engrossed House bill No. 356, entitled "An act relating to the improvement of public highways, providing for the payment of the cost thereof, and making appropriation therefor, etc."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senator Allen (F. J.) was granted unanimous consent of the Senate to introduce a bill, as was also Senator White.

INTRODUCTION OF BILLS.

Senate bill No. 311, by Senator Allen (F. J.), entitled "An act relating to crossings of railroads over railroads, streets and highways, and streets and highways over railroads, providing penalties for the violation of the act, repealing chapter 162 of the Laws of 1909 relating to railroad crossings, and making an appropriation."

The bill was read the first time, and on motion of Senator Allen (F. J.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on railroads and transportation.

Senate bill No. 312, by Senator White, entitled "An act amending section 4122, Remington and Ballinger's Annotated Codes and Statutes of Washington relating to diking districts."

The bill was read the first time, and on motion of Senator White, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on dikes, drains and drainage.

Substitute Senate bill No. 102, by Joint Committee on Railroads and Transportation, entitled "An act relating to public service properties, providing for the regulation of the same, fixing penalties for the violation thereof, and repealing certain acts."

The bill was read the first time, and on motion of Senator Cox, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Substitute Senate bill No. 13, by Senator Brown, entitled "An act relating to fishing for salmon in Puget Sound and amending section 5193 of Remington and Ballinger's Annotated Codes and Statutes of the State of Washington and declaring an emergency."

The bill was read the first time, and on motion of Senator

Brown, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Engrossed House bill No. 356, by the Committee on Roads and Bridges, entitled "An act relating to the improvement of public highways, providing for the payment of the cost thereof, making appropriations therefor, repealing chapter 150 of the Laws of 1907, and declaring an emergency."

The bill was read the first time, and on motion of Senator Fishback, the rules were suspended, the bill was read the second time by title and referred to the committee on roads and bridges.

Engrossed House bill No. 188, by Mr. Horrigan, entitled "An act for the relief of R. P. Norton, and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Myers, the rules were suspended, the bill was read the second time by title and referred to the committee on appropriations.

Re-engrossed House bill No. 226, by Mr. Kennedy, entitled "An act making the drawing, or uttering, of a bank check or draft for the payment of money, without funds or credit to meet the same upon presentation, a felony."

The bill was read the first time, and on motion of Senator Nichols, the rules were suspended, the bill was read the second time by title and referred to the committee on judiciary.

Engrossed House bill No. 288, by Mr. Miller, entitled "An act relating to township organization, requiring county boards of equalization to equalize property as between townships, amending sections 9339 $\frac{1}{2}$, 9368, 9400 and 9414 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and providing for the purchase of printed township supplies through the office of the county auditor, and declaring an emergency."

The bill was read the first time, and on motion of Senator Hutchinson, the rules were suspended, the bill was read the second time by title and referred to a special committee consisting of the senators from Spokane and Whatcom counties.

House bill No. 42, by Mr. Holmes, entitled "An act relating to the superior court of the county of Snohomish, the election

and appointment of judges therein, and declaring an emergency."

The bill was read the first time, and on motion of Senator Falconer, the rules were suspended, the bill was read the second time by title and referred to the committee on judiciary.

Engrossed House bill No. 228, by Messrs. McClure, Gillett, Fontaine, Miller (Clyde), Jones, Johnson and Farnsworth, entitled "An act for the prevention of fraud in the grain and hay trade, for the establishment and preservation of standards for grain and hay, regulating warehousemen, millers, shippers and buyers of hay and grain, defining the duty of railroads, providing penalties for the violation thereof and repealing chapter 137 of the Session Laws of 1909."

The bill was read the first time, and on motion of Senator Hall, the rules were suspended, the bill was read the second time by title and referred to the committee on agriculture.

GENERAL FILE.

Senate bill No. 107, by Senator Bassett, entitled "An act relating to the operation of and requiring the registration of all motor vehicles, providing for an annual registration or license fee, making a violation of the provisions of this act a misdemeanor and providing a punishment," was read third time.

Senator Roberts moved that the bill be indefinitely postponed.

A roll call on the motion was demanded by Senators Nichols, Roberts, Ruth, Myers, Piper, Collins, Cox.

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

Those voting aye were: Senators Allen (F. J.), Bowen, Bryan, Collins, Eastham, Falconer, Huxtable, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Troy—18.

Those voting nay were: Senators Anderson, Arrasmith, Bassett, Brown, Chappell, Cox, Davis, Espy, Fishback, Hall, Hammer, Hutchinson, Jackson, Metcalf, Myers, Rosenhaupt, White, Mr. President—18.

Absent or not voting were: Senators Allen (P. L.), Hewitt, Jensen, Landon, Whalley, Whitney—6.

At 12:30 p. m., on motion of Senator Allen (P. L.), a recess was taken until 2 o'clock this afternoon.

AFTERNOON SESSION.

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

Senate bill No. 107, by Senator Bassett, entitled "An act relating to the operation of and requiring the registration of all motor vehicles, providing for an annual registration or license fee, making a violation of the provisions of this act a misdemeanor and providing a punishment."

Senator Collins moved that the bill be amended by inserting the word "taxicab" in section 8, line 4, after the word "truck" of the printed bill, the same being in line 6, section 8 of the original bill.

Senator Nichols moved that Senator Collins' motion be laid on the table.

A roll call on the motion of Senator Nichols was demanded by Senators Falconer, Roberts, Rydstrom, Nichols, Piper, Myers, Whitney, Fishback.

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

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Bowen, Bryan, Collins, Eastham, Hutchinson, Jensen, Nichols, Piper, Roberts, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Troy, Whitney—18.

Those voting nay were: Senators Anderson, Arrasmith, Bassett, Brown, Chappell, Cox, Davis, Falconer, Fishback, Hall, Hammer, Metcalf, Myers, Rosenhaupt, White, Mr. President—16.

Absent or not voting were: Senators Espy, Hewitt, Huxtable, Jackson, Landon, Ruth, Stewart, Whalley—8.

Senate bill No. 147, by Senator Metcalf, entitled "An act relative to legal holidays and declaring the 12th day of October of each year a legal holiday to be known as "Columbus Day," was read the third time.

The secretary called the roll on final passage of Senate bill No. 147, and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Bryan, Collins, Cox, Falconer, Hall, Hammer, Hutchinson, Jensen, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Rydstrom, Shaefer, Smithson, Stevenson, White, Whitney, Mr. President—21.

Those voting nay were: Senators Anderson, Arrasmith, Bassett, Bowen, Brown, Chappell, Davis, Eastham, Fishback, Nichols, Ruth, Stephens, Troy—13.

Absent or not voting were: Senators Allen (P. L.), Espy, Hewitt, Huxtable, Jackson, Landon, Stewart, Whalley—8.

Senate bill No. 230, by Committee on Judiciary, entitled "An act relating to the disqualification of judges of the superior courts, and providing change of venue or change of judges on account thereof," was read third time.

Senator Bryan moved to strike section 3.

The motion carried.

The secretary called the roll on final passage of Senate bill No. 230, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Hall, Hammer, Hutchinson, Jensen, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Troy, White, Mr. President—32.

Those voting nay were: Senators Fishback, Stevenson—2.

Absent or not voting were: Senators Allen (P. L.), Hewitt, Huxtable, Jackson, Landon, Stewart, Whalley, Whitney—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER.

The hour of 2:30 o'clock having arrived, the Senate proceeded to the consideration of substitute Senate bill No. 6, which was a special order for this hour.

The secretary read the third time sections 84 to 238, inclusive, of substitute Senate bill No. 6.

On motion of Senator Bassett, substitute Senate bill No. 6 was made a special order for 2:30 p. m. Thursday, February 23rd.

On motion of Senator Falconer, the rules were suspended and the Senate returned to the introduction of bills.

INTRODUCTION OF BILLS.

Senate bill No. 313, by Appropriations Committee, entitled "An act making appropriations for maintenance of and sundry expenses at the various state institutions, schools and state offices and for the sundry civil expenses of the state government for the fiscal term beginning April 1, 1911, and ending March 31, 1913, except as otherwise provided."

The bill was read the first time, and on motion of Senator Falconer, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

Senator Rosenhaupt moved that the Senate recede from its amendment to the title of House bill No. 113.

The secretary called the roll, and the Senate receded from its amendment to the title of House bill No. 113 by the following vote:

Those voting aye were: Senators Allen (F. J.), Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jensen, Metcalf, Myers, Nichols, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Mr. President—32.

Those voting nay were: Senators Anderson, Huxtable—2.

Absent or not voting were: Senators Allen (P. L.), Hewitt, Jackson, Landon, Piper, Whalley, White, Whitney—8.

At 5:45 p. m., on motion of Senator Nichols, the Senate adjourned until 10 o'clock Thursday morning, February 23rd.

WM. T. LAUBE,

Secretary of the Senate.

W. H. PAULHAMUS,

President of the Senate.

FORTY-SIXTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASH., Thursday, February 23, 1911.

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

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present except Senator Allen (P. L.) and Hewitt, both of whom were excused.

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

A telegram from certain citizens of Seattle urging the passage of Senate bill No. 203 and other telegrams urging the passage of Senate bill No. 193 were read and ordered placed on file, as was also a petition from the Apple Progressive League protesting against the passage of Senate bill No. 193.

Petitions from certain citizens of King county, praying the enactment of legislation providing for the initiative and referendum were read and ordered placed on file.

Senator Ruth gave notice of a motion to reconsider the vote by which Senate bill No. 147 failed to pass the Senate.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., February 23, 1911.

We, your committee on roads and bridges, to whom was referred Senate bill No. 205, entitled "An act relating to roads and bridge bonds,

and amending section 5095 of Remington and Ballinger's Annotated Codes and Statutes of the State of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. O. FISHBACK, *Chairman*.

We concur in this report: J. R. Stevenson, E. M. Stephens, Joseph Arrasmith, F. L. Stewart, H. A. Espy.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred engrossed Senate bill No. 121, "An act to amend sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 16, 18, 19, 20 and 23 of 'An act to provide for the submission to the qualified electors of the question whether the sale of intoxicating liquors shall be licensed or prohibited, providing for the enforcement of the result of the elections hereunder, defining offenses hereunder, and providing penalties therefor,' said act being chapter 81 of the Session Laws of 1909, approved March 12, 1909, and by adding section 18a to said act," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman*.

We concur in this report: Daniel Landon, D. S. Troy, F. J. Allen.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1911.

MR. PRESIDENT:

We, your committee on municipal corporations, to whom was referred Senate bill No. 116, entitled "An act authorizing cities and towns to acquire by purchase or contract, water for irrigation and domestic purposes, providing for the construction of a piping system, to levy and collect special assessments and taxes to pay for the same, providing for modes of payment therefor, making the annual rental for the use of such water a charge and lien against the property furnished, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Section 2, line 25 of the original bill, being section 2, line 1 of the printed bill, strike the word "such."

Section 3, line 26 of the original bill, being section 3, line 5 of the printed bill, strike the words "tax assessment" and insert the words "local improvement."

Page 3, line 2 of the original bill, being section 3, line 9 of the printed bill, strike the word "taxes" and insert the word "assessments" in lieu thereof.

Page 3, line 3 of the original bill, being section 3, line 9 of the printed bill, strike the words "and tax."

Page 3, line 4 of the original bill, being section 3, line 10 of the printed bill, strike the balance of the paragraph after the word "with" and insert "the benefits derived thereby."

Section 4, line 9 of the original bill, being section 4, line 2 of the printed bill, strike the word "assessment" and insert the words "local improvement."

F. J. ALLEN, *Chairman*.

We concur in this report: J. W. Bryan, J. R. Stevenson, Oliver Hall, A. B. Eastham.

On motion of Senator Allen (F. J.), the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1911.

MR. PRESIDENT:

We, your committee on municipal corporations, to whom was referred Senate bill No. 27, entitled "An act to amend section 3 of an act entitled 'An act authorizing cities of the third class to provide for the drainage and sewerage of such cities and provide for the cost and maintenance thereof, and declaring an emergency,' approved by the governor of Washington, on the 6th day of March, A. D. 1909, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

F. J. ALLEN, *Chairman*.

We concur in this report: J. W. Bryan, J. R. Stevenson, A. B. Eastham, Oliver Hall.

On motion of Senator Allen (F. J.), the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1911.

MR. PRESIDENT:

We, your committee on commerce and manufactures, to whom was referred Senate joint resolution No. 9, "Relating to the appointment of a commission to report upon the feasibility of constructing a water grade tunnel under the Cascade mountains thirty miles in length," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

J. R. STEVENSON, *Chairman*.

We concur in this report: E. Hammer, Chas. E. Myers, F. L. Stewart.

Senator Stevenson moved that the report of the committee be adopted.

Senator Falconer moved as a substitute that the bill be placed on general file.

The substitute motion of Senator Falconer carried.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1911.

MR. PRESIDENT:

We, your committee on public revenue and taxation, to whom was referred Senate bill No. 219, entitled "An act relating to the publication of notices in regard to delinquent taxes," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

In section 1, line 10 of the original bill, being line 3 of the printed bill, between the words "published" and "for" insert the words "once a week."

JOHN L. ROBERTS, *Chairman.*

We concur in this report: E. M. Stephens, F. C. Jackson, Jesse Huxtable, Peder Jensen, Oliver Hall, Ed Brown.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1911.

MR. PRESIDENT:

We, your committee on public revenue and taxation, to whom was referred Senate bill No. 165, entitled "An act relating to the expenditure of road and bridge funds in the construction, improvement and repair of public highways and bridges, and amending section 15 of chapter 119, of the Laws of 1903, being section 5585 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the bill submitted herewith be substituted therefor and that the same do pass.

JOHN L. ROBERTS, *Chairman.*

We concur in this report: E. M. Stephens, Frank C. Jackson, Jesse Huxtable, Peder Jensen, Oliver Hall, Ed Brown.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1911

MR. PRESIDENT:

We, your committee on state charitable institutions, to whom was referred Senate bill No. 246, entitled "An act amending section 140 of chapter 249 of the Session Laws of 1909, and abolishing the infliction

of death as a penalty for the crime of murder in the first degree and substituting therefor imprisonment in the state penitentiary for life, and providing for pardon," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

R. A. HUTCHINSON, *Chairman.*

We concur in this report: George U. Piper, John E. Chappell, Peder Jensen, E. C. Whitney.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1911.

MR. PRESIDENT:

We, your committee on game fish, to whom was referred Senate bill No. 192, entitled "An act providing for screens at the head of irrigating canals, flumes or ditches, and amending section 1, chapter 79, Session Laws 1905," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

F. L. STEWART, *Chairman.*

We concur in this report: J. R. Stevenson, A. W. Anderson, Chas. E. Myers, A. B. Eastham.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1911.

MR. PRESIDENT:

We, your committee on game fish, to whom was referred Senate bill No. 217, entitled "An act for the protection of fish in Lake river and sloughs of the Columbia river in Clarke county, limiting the catch of black bass and cropples in the same waters, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass, with the following amendments:

In title of bill, between the words "In" and "lake" insert the words "Vancouver lake," also a comma thereafter, the same being in first line of title in the printed bill and in line 1 of the original bill.

In section 1, line 2 of the printed bill, between the words "In" and "lake" insert the words "Vancouver lake," also a comma thereafter, the same being in section 1, line 10 of the original bill.

F. L. STEWART, *Chairman.*

We concur in this report: J. R. Stevenson, A. W. Anderson, Chas. E. Myers, A. B. Eastham.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1911.

MR. PRESIDENT:

We, your committee on commerce and manufactures, to whom was referred Senate bill No. 190, entitled "An act to provide for removal and disposal of saw logs, spars, piles, poles, cordwood, shingle bolts, and other timber products deposited upon lands by floods, freshets and other natural causes," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Section 3, line 4 in the printed bill, the same being line 6 in the original bill, immediately after the word "removal" insert the following: "together with a reasonable damage for the time said saw logs, spars, piles, poles, cordwood, shingle bolts or other timber products may remain on the ground."

Section 4, line 1 in the printed bill, the same being line 1 in the original bill, strike the word "that" and change the letter "i" in the word "if" following, to a capital.

Section 4, line 4 in the printed bill, the same being line 5 in the original bill, insert immediately preceding the word "months" the word "six."

J. R. STEVENSON, *Chairman.*

We concur in this report: E. Hammer, Chas. E. Myers, F. L. Stewart.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 21, 1911.

MR. PRESIDENT:

We, your committee on roads and bridges, to whom was referred Senate bill No. 126, entitled "An act permitting the formation of special road districts, providing for a special tax levy within such districts, the election of road foreman, and relating to the construction and repair of roads within such districts," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 4, section 2 of the printed bill, same being line 6, section 2 of the original bill, strike the words "and freeholders" and insert in lieu thereof "who shall be owners of at least 40 per cent. of the land held in fee simple."

In line 10, section 2 of the printed bill, same being line 15, section 2 of the original bill, after the word "existing" strike the word "of" and insert in lieu thereof the word "to."

In line 3, section 3 of the printed bill, same being line 4, section 3 of the original bill, strike the word "of" after the word "holding."

In line 3, section 7 of the printed bill, same being line 4, section 7 of the original bill, after the word "community" insert the word "or,"

and after the word "partnership," in same lines and section, strike the words "or leasehold"; and in line 5 of section 7 of the printed bill, it being line 6, section 7 of the original bill, strike the word "deemed" and insert in lieu thereof the word "considered."

In line 2, section 8 of the printed bill, same being line 3, section 8 of the original bill, strike the word "effect" and insert in lieu thereof, the word "affect."

H. O. FISHBACK, *Chairman*.

We concur in this report: H. A. Espy, Ed Brown, J. R. Stevenson, A. W. Anderson, F. L. Stewart, Joseph Arrasmith.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 22, 1911.

MR. PRESIDENT:

We, a majority of your committee on county and county boundaries, to whom was referred Senate bill No. 193, entitled "An act to create the county of White Salmon, subject to the requirements of the state constitution and statutes in respect to the establishment of new counties and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

We concur in this report: Harry Rosenhaupt, Geo. W. Shaefer, A. W. Anderson, Oliver Hall.

SENATE CHAMBER,
OLYMPIA, WASH., February 22, 1911.

MR. PRESIDENT:

We, a minority of your committee on county and county boundaries, to whom was referred Senate bill No. 193, entitled "An act to create the county of White Salmon, subject to the requirements of the state constitution and statutes in respect to the establishment of new counties and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

E. C. WHITNEY, *Chairman*.

We concur in this report: A. B. Eastham, John L. Roberts.

Senator Rosenhaupt moved the adoption of the majority report.

Senator Eastham moved that the minority report be substituted for the majority report.

The motion of Senator Eastham was lost.

The motion of Senator Rosenhaupt carried and the majority report was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred engrossed House bill No. 39, entitled "An act for the relief of Indian war veterans of the wars of 1855 and 1856, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass, with the following amendments: In the title of the bill strike the comma after "1856," insert a period, and strike remainder of title.

In section 1, line 2 of the printed bill, same being section 1, line 3 of the original bill, strike the figures "\$10,000.00" and insert in lieu thereof the figures "\$5,000.00."

Strike section 5.

J. A. FALCONER, *Chairman*.

We concur in this report: John L. Roberts, Chas. E. Myers, J. R. Stevenson, F. L. Stewart, Daniel Landon, D. S. Troy, J. H. Smithson, Oliver Hall, F. J. Allen, A. W. Anderson.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred engrossed House bill No. 188, entitled "An act for the relief of R. P. Norton, and making an appropriation therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman*.

We concur in this report: John L. Roberts, Chas. E. Myers, J. R. Stevenson, F. L. Stewart, Daniel Landon, D. S. Troy, J. H. Smithson, Oliver Hall, F. J. Allen, A. W. Anderson.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1911.

MR. PRESIDENT:

We, your committee on municipal corporations, to whom was referred engrossed House bill No. 174, entitled "An act relating to officers in cities of the fourth class and amending section 7721 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

Section 1, line 18 of the original bill, being section 1, line 12 of the

printed bill, after the word "of" insert the words "one year and two at the expiration of."

F. J. ALLEN, *Chairman*.

We concur in this report: J. R. Stevenson, A. B. Eastham, Oliver Hall.

On motion of Senator Allen (F. J.), the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1911.

MR. PRESIDENT:

We, your committee on commerce and manufactures, to whom was referred House bill No. 99, entitled "An act relating to furnishing of supplies or materials for public use," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be re-referred to the committee on judiciary.

J. R. STEVENSON, *Chairman*.

We concur in this report: E. Hammer, Chas. E. Myers, F. L. Stewart.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1911.

MR. PRESIDENT:

We, a majority of your committee on fisheries, to whom was referred House bill No. 190, entitled "An act controlling the sanitation of shell fish grounds and premises where shell fish are opened, packed or prepared for the market, and controlling the sale of oysters and shell fish for food purposes and providing a penalty," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

E. HAMMER, *Chairman*.

We concur in this report: Josiah Collins, H. M. White, D. S. Troy, A. S. Ruth.

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1911.

MR. PRESIDENT:

We, a minority of your committee on fisheries, to whom was referred engrossed House bill No. 190, entitled "An act controlling the sanitation of shell fish grounds and premises where shell fish are opened, packed or prepared for the market, and controlling the sale of oysters and shell fish for food purposes and providing a penalty," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file with the following amendment:

In lines 8 and 9, page 4 of the original bill, being section 8, line 18

of the printed bill, strike the words "or containing any chemical or other preservative" and insert the following: "nor in any way or manner packed or prepared in variance with rules and regulations of the United States pure food commission."

We concur in this report: Peder Jensen, John E. Chappell, F. L. Stewart, H. A. Espy.

Senator Hammer moved the adoption of the majority report.

Senator Espy moved that the minority report be substituted for the majority report.

Senator Falconer moved as a substitute for both motions that the bill be ordered re-referred to the committee on pure food and drugs.

Senator Falconer withdrew his motion to re-refer.

The motion of Senator Espy was put and lost.

The motion of Senator Hammer carried and the majority report was adopted.

On motion of Senator Hutchinson, Senate bill No. 244 was re-referred to the committee on appropriations.

On motion of Senator Stewart, the report of the special committee on fisheries under Senate joint resolution No. 4 was ordered incorporated in the printed journal of this session.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,

MR. PRESIDENT:

OLYMPIA, WASH., February 23, 1911.

The speaker has signed House bill No. 137, entitled "An act to amend section 7 of article XI of the constitution of the State of Washington, relating to terms of office of county officers;"

Also House bill No. 165, entitled "An act to provide for the construction, deepening and widening of public waterways for the floatage of vessels and the drainage of swamps and overflowed lands," etc.

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president signed House bills Nos. 137 and 165.

INTRODUCTION OF BILLS.

Senate bill No. 314, by Senator Eastham, entitled "An act providing for the building of a dormitory at the school for the blind at Vancouver, Washington, and making an appropriation therefor."

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

Unanimous consent was granted Senator Jensen to introduce a bill.

Senate bill No. 315, by Senator Jensen, entitled "An act to repeal sections 6 and 7 of chapter 62, Session Laws of 1888, same being section 6275 of Remington and Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Jensen, the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on public morals.

Substitute Senate bill No. 165, by Committee on Public Revenue and Taxation, entitled "An act relating to the expenditure of road and bridge funds in the construction, improvement and repair of public highways and bridges, and amending section 15 of chapter 119, of the Laws of 1903, being section 5585 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency."

The bill was read the first time, and on motion of Senator Roberts, the rules were suspended, the bill was read the second time by title, ordered printed and placed on general file.

The secretary read:

SENATE JOINT MEMORIAL NO. 7.

By Senator Nichols:

WHEREAS, The people of Washington being of the same blood, the same faith and the same ideals as the people of British Columbia, and being desirous of making the ties of relationship closer, and of encouraging commerce,

We, the representatives and senators in legislative body assembled, do hereby request, urge and recommend to the federal congress, that it approve without delay the agreement commonly called the Taft reciprocity agreement with Canada in order that, as speedily as possible, we may enjoy with our brothers over the border, the blessings which

are expected to flow from the proposed removal of the duty on such articles of commerce as may be interchanged between the two countries.

On motion of Senator Nichols, the memorial was read second time and ordered referred to the committee on memorials.

GENERAL FILE.

House joint resolution No. 3, by Mr. Miller, "Relating to the investigation of the armory at Bellingham," was read third time.

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

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—39.

Absent or not voting were: Senators Allen (P. L.), Hewitt, Whitney—3.

House bill No. 320, by Committee on Revenue and Taxation, entitled "An act relating to assessment and taxation, declaring certain property to be personal property, fixing its situs for taxation, providing for interest on unpaid personal property taxes, providing methods of distraint, making taxes a lien upon the proceeds of insurance, making a violation of the act a misdemeanor, and declaring an emergency," was read third time.

The secretary called the roll on final passage of House bill No. 320 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Chappell, Collins, Cox, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Huxtable, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—34.

Absent or not voting were: Senators Allen (P. L.), Bryan, Davis, Hewitt, Hutchinson, Jackson, Rosenhaupt, Whitney—8.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Huxtable, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, Whitney, Mr. President—35.

Absent or not voting were: Senators Allen (P. L.), Bryan, Hewitt, Hutchinson, Jackson, Rosenhaupt, White—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Falconer was called to the chair.

On motion of Senator Ruth, the vote by which Senate bill No. 147 failed to pass the Senate was reconsidered.

On motion of Senator Roberts, the rules were suspended and House bill No. 320 and House joint resolution No. 3 were ordered transmitted to the House immediately.

Senate bill No. 161, by Senator Myers, entitled "An act prohibiting the sale or offering for sale of poultry and game under certain circumstances, providing for its enforcement, and prescribing a penalty for the violation thereof," was read third time.

Senator Stevenson moved to amend the bill by striking the word "immediately" in line 4 of section 1 of the printed bill, the same being in lines 6 and 7 of the original bill.

Senator Fishback moved as an amendment to the amendment that the words "within twelve hours" be substituted for the word "immediately."

The amendment proposed by Senator Fishback was accepted by Senator Stevenson as a part of his motion, and the amendment carried.

On motion of Senator Rydstrom, the bill was amended by striking in line 2 of section 1 of the printed bill, the same being in lines 3 and 4 of the original bill, the words "game bird," "game" and "wild or domestic."

On motion of Senator Fishback, the words "or animals" were stricken in line 2 of section 1 of the printed bill, the same being in lines 3 and 4 of the original bill.

The secretary called the roll on final passage of Senate bill No. 161 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Stephens, Stevenson, Stewart, Troy, Whalley—34.

Absent or not voting were: Senators Allen (P. L.), Espy, Hewitt, Huxtable, Smithson, White, Whitney, Mr. President—8.

On motion of Senator Rosenhaupt, the title of the bill was stricken and the following substituted as the title of the bill: "An act relating to the sale of poultry and providing a penalty for the violation thereof."

There being no objection, the title of the bill as amended was ordered to stand as the title of the act.

At 12:10 p. m., on motion of Senator Eastham, the Senate took a recess until 1:30 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 1:30 o'clock p. m. by President Paulhamus.

Substitute Senate bill No. 94, by Senator Collins, entitled "An act relating to the protection, distribution, purchase, propagation, and classification of certain animals, birds and fishes in the State of Washington; providing penalties for the violation thereof; creating a state game fund, a state game commission, state game wardens and deputies, and repealing all laws in con-

flict therewith," was read third time together with the majority and minority reports of the committee on the bill.

On motion of Senator Collins, the report of the majority of the committee was adopted.

On motion of Senator Rydstrom, the bill was amended by adding to the end of section 49 the following: "and provided further, that any person who shall take or kill in any manner an elk at any time when it is unlawful so to do shall be guilty of a gross misdemeanor."

Senator Myers moved to amend the bill by inserting the words "pine squirrel" after the word "the" in line 28 of section 18 of the printed bill, the same being in line 29 of section 18 of the original bill.

The amendment failed to carry.

Senator Piper moved to amend by striking the words "black and" in line 4 of section 18 of the printed bill, the same being in line 5, section 18 of the original bill.

The amendment was lost.

On motion of Senator Hall, the special order set for 2:30 this afternoon for the consideration of substitute Senate bill No. 6 was advanced to such a time as the Senate shall have disposed of substitute Senate bill No. 94, now before it.

On motion of Senator Hall, the bill was amended as follows: In section 19, line 5 of the printed bill, same being line 7, section 19 of the original bill, after the word "deer" insert the words "and for caribou" and in line 6 of section 19 of the printed bill, the same being line 9 of section 19 of the original bill, after the word "deer" insert "or more than one caribou" and also strike the word "caribou" in line 9 of section 19 of the original bill, the same being in line 6, section 19 of the printed bill.

Senator Rydstrom moved to amend the bill as follows: In line 21, page 7 of the original bill, same being line 2, section 21 of the printed bill, after "ptarmigan" strike everything down to and including the word "week" in line 25, page 7 of the original bill, same being line 5, section 21 of the printed bill, and change the capital "T" in the word "The" following said word

“week” to a small “t,” and in line 8, page 8 of the original bill, same being line 13, section 21 of the printed bill, after the word “that” strike words “ruffed grouse and.”

A roll call on the proposed amendments was demanded by Senators Rydstrom, Falconer, Roberts, Ruth, Piper, Whitney, Chappell, Metcalf.

The secretary called the roll and the amendments were adopted by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Eastham, Espy, Hall, Hammer, Huxtable, Jensen, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stewart, White, Whitney—21.

Those voting nay were: Senators Allen (F. J.), Bowen, Brown, Chappell, Collins, Cox, Davis, Falconer, Fishback, Hutchinson, Jackson, Stephens, Stevenson, Troy, Whalley, Mr. President—16.

Absent or not voting were: Senators Allen (P. L.), Bryan, Hewitt, Landon, Rosenhaupt—5.

On motion of Senator Anderson, the bill was amended by striking the words “September and October” in line 4 of section 22 of the printed bill, the same being in lines 6 and 7 of section 22 of the original bill and substituting the words “October and November” therefor.

On motion of Senator Myers, the bill was amended in section 22, line 1 of the printed bill, the same being in line 1 of section 22 of the original bill, after the word “grouse” where it appears the second time, by inserting “ruffed grouse or native pheasants.”

Senator Allen (F. J.) moved to strike the words “Yakima and” in line 4 of section 22 of the printed bill, the same being in line 5 of section 22 of the original bill.

The motion was withdrawn.

On motion of Senator Allen (F. J.), section 22 was amended by adding to the end of the section the following: “*Provided, however,* That sharp-tailed grouse, commonly known as prairie chicken, shall not be hunted, pursued, taken or killed in Yakima county prior to September 1, 1913.”

On motion of Senator Rydstrom, the bill was amended as follows: In line 22, page 9 of the original bill, same being line 5, section 24 of the printed bill, after the word "exceed" strike "fifteen (15)" and insert in lieu thereof "ten (10)," and in line 22, page 9 of the original bill, same being line 6, section 24 of the printed bill, after the word "than" strike "thirty (30)" and insert in lieu thereof "twenty (20)."

Add to section 24 at the close of the section the following: "*Provided*, That the limit of the upland game birds, if quail are included in same, for one day shall never exceed ten (10) upland birds, and the limit of the bag for one week shall never exceed thirty (30) upland birds."

Senator Myers moved to amend section 22 by adding thereto the following: "*Provided further*, That the open season beginning with the month of October shall apply only to Stevens county, and that in all other counties in this section, the open season shall be September and October."

A roll call on the adoption of the amendment was demanded by Senators Falconer, Nichols, Ruth, Piper, Myers, Davis, Hutchinson, Cox.

The roll was called and the amendment was adopted by the following vote:

Those voting aye were: Senators Allen (F. J.), Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Falconer, Fishback, Hammer, Hutchinson, Jackson, Landon, Metcalf, Myers, Rydstrom, Stephens, Stevenson, Troy, Whalley, Mr. President—22.

Those voting nay were: Senators Anderson, Arrasmith, Eastham, Espy, Hall, Huxtable, Nichols, Piper, Ruth, Shaefer, Stewart, White, Whitney—13.

Absent or not voting were: Senators Allen (P. L.), Bassett, Hewitt, Jensen, Roberts, Rosenhaupt, Smithson—7.

On motion of Senator Hall, the amendment just adopted was amended by adding the words "and November."

Senator Stewart moved to amend section 24 in line 4 of the printed bill, the same being in line 6 of section 24 of the original

bill, by inserting between the words "during" and "October," the word "September."

The motion was lost.

On motion of Senator Espy, section 24 was amended by adding to the end of the section the following: "*And provided further*, That there shall be no quail taken in Pacific county before October 1, 1913."

Senator Rydstrom moved to amend section 26 in line 13, page 10 of the original bill, same being line 4, section 26 of the printed bill, after the words "month of" strike the word "September."

A roll call on the proposed amendment was demanded by Senators Falconer, Rydstrom, Whalley, Ruth, Collins, Myers, Allen (F. J.).

The secretary called the roll and the amendment failed of adoption by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Eastham, Huxtable, Jensen, Metcalf, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Whalley—14.

Those voting nay were: Senators Allen (F. J.), Bowen, Brown, Bryan, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Landon, Myers, Stephens, Stevenson, Stewart, Troy, White, Mr. President—22.

Absent or not voting were: Senators Allen (P. L.), Bassett, Chappell, Hewitt, Rosenhaupt, Whitney—6.

Senator Bowen moved to amend in line 4 of section 29 of the printed bill, the same being in line 6 of section 29 of the original bill, by inserting after the word "Sound," the following: "or into some stream with twelve miles of its flow into Puget Sound."

Senator Bowen withdrew his proposed amendment.

Senator Falconer moved that the bill be re-referred to the committee on game.

The motion failed to carry.

On motion of Senator Fishback, the bill was amended in section 29, line 3 of the printed bill, the same being in line 4 of

section 29 of the original bill, by inserting the words "Cherhalis river after the words "Columbia river" and changing the word "its" before the word "tributaries" to the word "their."

Senator Espy moved to amend the bill by inserting after the words "Puget Sound" in line 4 of section 29 of the printed bill, same being line 6 of section 29 of the original bill, "or the Pacific ocean or any bays, estuaries or harbors emptying therein."

The amendment failed to carry.

Senator Rydstrom moved to amend as follows: in line 1, section 34, of the printed bill, same being line 2, section 34 of the original bill, after the words "in this state" strike down to and including the word "domiciled" in line 4 of said section.

Senator Bryan moved as a substitute strike all of section 34 after the word "fish" in line 1 of the printed bill, and line 2, section 34 of the original bill, and substitute therefor "except with hook and line, without first obtaining a license as hereinafter provided."

Senator Collins moved to amend the bill by inserting the words "in fresh water" after the word "fish" in line 1 of section 34 of the printed bill, same being line 2, section 34 of the original bill.

Senator Bryan accepted the amendment as a substitute for his own motion.

Senator Jackson moved as a substitute for the amendment that in line 1 of section 34 of the printed bill, same being line 2, section 34 of the original bill, the words "to hunt or fish" be stricken and the words "to fish in fresh water or hunt" be substituted.

The substitute motion was accepted by Senators Collins and Bryan as part of their amendments.

The motion of Senator Jackson carried.

Senator Hammer moved to amend by striking the words "fish in fresh water or" in line 2 of section 34 of the original bill.

The amendment failed to carry.

Senator Metcalf was called to the chair.

Senator Espy moved to amend section 29 in line 4 of the printed bill, same being section 29, line 6 of the original bill, by inserting after the words "Puget Sound" the words "or the Pacific ocean, or any bays, estuaries or harbors emptying therein."

The motion failed to carry.

Senator Shaefer moved that section 29 be stricken.

The motion failed to carry.

Senator Falconer moved to amend by inserting the words "Snohomish river" in line 3 of section 29 of the printed bill, same being line 4, section 29 of the original bill.

The motion was withdrawn.

Senator Hammer moved to amend the bill by striking the words "and fishing" in line 2 of section 36 of the printed bill, same being line 3, section 36 of the original bill.

The amendment failed of adoption.

Senator Myers moved to amend section 36 by adding at the end of line 7 of the printed bill, same being line 12, section 36 of the original bill, the following: "*Provided*, That a county fishing license shall entitle the holder to fish on either side of the stream or river, when the same shall form the boundary between two counties."

The amendment carried.

Senator Myers moved to amend in section 36, line 10 of the printed bill, same being line 17, section 36 of the original bill, by adding: "*Provided further*, That license shall be issued to the residents of state adjoining the State of Washington, the fees for which shall be the same as are required of residents of this state by such adjoining states."

The amendment failed to carry.

Senator Myers moved that the words and figures "ten dollars (\$10)" be stricken and the words and figures "five dollars (\$5.00)" be substituted therefor in line 9 of section 36 of the printed bill, same being line 14, section 36, of the original bill.

The amendment failed to carry.

Senator Rydstrom moved to amend the bill as follows: In line 8, page 16 of the original bill, same being line 6, section 39 of the printed bill, after the word "mountains" insert a comma and add: "and no such faunal commissioner shall be appointed by the governor unless recommended by one or more game and game fish protective associations in good standing."

The amendment failed to carry.

Senator Ruth moved that section 39 be stricken from the bill.

The motion was lost.

Senator Stewart moved that the vote by which section 21 was amended be reconsidered.

The motion was lost.

The secretary called the roll on final passage of substitute Senate bill No. 94 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Metcalf, Myers, Roberts, Rydstrom, Stephens, Stevenson, Stewart, Whalley, Mr. President—28.

Those voting nay were: Senators Huxtable, Jensen, Landon, Nichols, Piper, Ruth, Shaefer, Smithson, Troy, White, Whitney—11.

Absent or not voting were: Senators Allen (P. L.), Hewitt, Rosenhaupt—3.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Jackson, the special order set for this time to consider substitute Senate bill No. 6 was advanced to 10:30 o'clock tomorrow morning.

At 5:10 p. m., on motion of Senator Falconer, the Senate adjourned until 10 o'clock tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

W. H. PAULHAMUS,
President of the Senate.

 FORTY-SEVENTH DAY.

 MORNING SESSION.

SENATE CHAMBER,
 OLYMPIA, WASH., Friday, February 24, 1911.

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

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present except Senators Allen (P. L.), Hewitt and Stewart, all excused.

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

A petition from certain citizens of Tacoma relating to the metropolitan park law was read and placed on file.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

MR. PRESIDENT: OLYMPIA, WASH., February 24, 1911.

We, your committee on judiciary, to whom was referred Senate bill No. 3, entitled "An act relating to the nomination of superior and supreme judges, and amending section 4842, Remington and Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

In section 1, lines 9 and 10 of the printed bill, the same being in section 1, lines 14, 15 and 16 of the original bill, strike the words "and an equal number of candidates for such positions, providing there are such candidates, who receive the next highest number of votes."

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Geo. W. Shaefer, H. M. White, Ralph Metcalf, Daniel Landon, Josiah Collins, F. J. Allen.

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

SENATE CHAMBER,

MR. PRESIDENT: OLYMPIA, WASH., February 24, 1911.

We, your committee on corporations other than municipal, to whom was referred Senate bill No. 243, entitled "An act relating to building,

loan and savings associations and amending sections 9 and 19 and repealing sections 36 and 37 of an act passed March 28, 1890, designated as chapter 4 of the Laws of 1890, State of Washington, and adding to said act a section prohibiting foreign building, loan and savings associations from doing business in this state except those already qualified therein," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

GEORGE U. PIPER, *Chairman*.

We concur in this report: E. M. Stephens, John L. Roberts.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1911.

MR. PRESIDENT:

We, your committee on corporations other than municipal, to whom was referred Senate bill No. 236, entitled "An act to amend sections 1 and 2 of 'An act to provide for the reinstatement of corporations whose names have been or may be stricken from the records of the office of the secretary of state, declaring the effect of a failure to secure such reinstatement, and declaring an emergency,' and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

GEORGE U. PIPER, *Chairman*.

We concur in this report: E. M. Stephens, John L. Roberts.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred engrossed Senate bill No. 161, entitled "An act relating to the sale of poultry and providing a penalty for the violation thereof," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman*.

We concur in this report: D. S. Troy, Josiah Collins.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1911.

MR. PRESIDENT:

We, your committee on public morals, to whom was referred Senate bill No. 186, entitled "An act relating to the prevention of wrongs to children and dumb animals and providing for a bureau of child and

animal protection," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

CHAS. E. MYERS, *Chairman*.

We concur in this report: Josiah Collins, Oliver Hall, A. W. Anderson.

Senator Myers moved the adoption of the report of the committee.

A roll call on the motion was demanded by Senators Falconer, Nichols, Ruth, Hutchinson, Fishback, Whalley, Chappell.

The secretary called the roll and the motion failed to carry by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Bowen, Brown, Collins, Cox, Hall, Hammer, Huxtable, Myers, Nichols, Rydstrom, Whalley—14.

Those voting nay were: Senators Bryan, Chappell, Fishback, Hutchinson, Jackson, Jensen, Landon, Metcalf, Piper, Roberts, Rosenhaupt, Ruth, Shaefer, Smithson, Stephens, Stevenson, Troy, White, Mr. President—19.

Absent or not voting were: Senators Allen (F. J.), Allen (P. L.), Davis, Eastham, Espy, Falconer, Hewitt, Stewart, Whitney—9.

SPECIAL ORDER.

The hour of 10:30 having arrived, the Senate took up the consideration of substitute Senate bill No. 6, which was a special order.

Senator Ruth moved that the further consideration of the bill go over until Monday morning.

The motion was lost.

Senator Shaefer moved to amend the bill as follows: In section 3, strike all of line 2 of the bill after the word "continue," and strike the remainder of the section, and in lieu thereof insert the following words "and thereafter such officer shall be elected as other state officers are elected, and who shall hold his office for a term of four years, and until his successor is elected and qualified."

A roll call on the proposed amendment was demanded by Senators Nichols, Stephens, Whalley, Troy, Davis, Bryan, Falconer.

The secretary called the roll and the amendment failed to carry by the following vote:

Those voting aye were: Senators Allen (F. J.), Arrasmith, Bryan, Chappell, Eastham, Hutchinson, Huxtable, Jensen, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Troy, Whitney—17.

Those voting nay were: Senators Anderson, Bassett, Bowen, Brown, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Jackson, Landon, Metcalf, Myers, Nichols, Rosenhaupt, Stevenson, Whalley, White, Mr. President—22.

Absent or not voting were: Senators Allen (P. L.), Hewitt, Stewart—3.

Senator Nichols moved to amend the bill in section 3, line 5, by striking therefrom the words "by the" and substituting therefor the words "at the pleasure of."

The amendment failed to carry.

Senator Hutchinson moved to amend the bill in section 5, line 4 of the bill, after the word "subscribe" strike the word "an" and substitute the word "the" and in line 5 of said section strike the word "now," so that the clause shall read, beginning after the word "office" in line 4, section 5: "and he shall take and subscribe the oath of office as required by law."

The amendment was adopted.

Senator Hutchinson moved to amend the bill in section 6, by striking lines 7 and 8 of the bill, up to and including the word "month," in line 9.

The amendment was lost.

Senator Ruth moved to amend the bill by striking in section 16, lines 1 to 17, of the bill and substituting therefor the following:

"The commissioner shall transmit to each legislature at the beginning of its session, or within thirty days thereafter, a report containing a summary of the statements and reports made to him pursuant to the provisions of this act, classified, which reports shall also

contain: First, a statement of all insurance companies, corporations or associations authorized to do business in this state during the biennial period ending the thirty-first day of December next preceding, with their names, locations, capital stock, dates of organization and of the commencement of business in this state, and kinds of insurance in which they are engaged, respectively; second, a statement of the insurance companies, corporations or associations whose business has been closed during each period, and the reason for closing the same; third, the receipts and disbursements of the insurance department during the same period; fourth, any amendments to the insurance law which, in his judgment, are demanded for the better protection of the insured."

Senator Bassett moved as a substitute for the motion of Senator Ruth that section 16 be amended as follows: In line 6 of the bill, commencing with the word "in" after the word "abstract" strike to and including the word "company" in line 7 of said section.

Senator Nichols raised the point of order that the motion of Senator Bassett was not a substitute motion but an amendment to the amendment proposed in the motion of Senator Ruth.

The president ruled the motion of Senator Bassett to be a substitute motion.

A roll call on the motion of Senator Bassett was demanded by Senators Falconer, Landon, Nichols, Ruth, Piper, Eastham, Smithson.

The secretary called the roll and the substitute motion of Senator Bassett carried by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Jackson, Landon, Myers, Rosenhaupt, Stephens, Stevenson, Troy, Whalley, Mr. President—24.

Those voting nay were: Senators Allen (F. J.), Eastham, Hutchinson, Huxtable, Metcalf, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, White, Whitney—14.

Absent or not voting were: Senators Allen (P. L.), Hewitt, Jensen, Stewart—4.

Senator Hutchinson moved to amend the bill by inserting a new section between section 16 and 17 as follows:

"Section 16½. Publication of Statement Required. Every insurance company, corporation or association doing business in the State of Washington shall cause to be published once each year, during the month of March or of April, in two daily papers of general circulation, to be designated by the commissioner of insurance, one in western Washington and one in eastern Washington, a full synopsis of its annual statement, as approved by the commissioner."

A roll call on the proposed amendment was demanded by Senators Falconer, Nichols, Piper, Whitney, Hutchinson, Jensen, Chappell.

The secretary called the roll and the amendment failed to carry by the following vote:

Those voting aye were: Senators Eastham, Hutchinson, Huxtable, Jensen, Nichols, Piper, Roberts, Rydstrom, Shaefer, Smithson, Whitney—11.

Those voting nay were: Senators Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Jackson, Landon, Metcalf, Myers, Rosenhaupt, Ruth, Stephens, Stevenson, Troy, Whalley, Mr. President—26.

Absent or not voting were: Senators Allen (F. J.), Allen (P. L.), Hewitt, Stewart, White—5.

Senator Ruth moved to amend section 16 by striking out lines 1 to 17 of the bill and substituting therefor the following:

"The commissioner shall transmit to each legislature at the beginning of its session, or within thirty days thereafter, a report containing a summary of the statements and reports made to him pursuant to the provisions of this act, classified, which reports shall also contain: First, a statement of all insurance companies, corporations or associations authorized to do business in this state during the biennial period ending the thirty-first day of December next preceding, with their names, locations, capital stock, dates of organization and of the commencement of business in this state, and kinds of insurance in which they are engaged, respectively; second, a statement of the insurance companies, corporations or associations whose business has been closed during each period, and the reason for closing the same; third, the receipts and disbursements of the insurance depart-

ment during the same period; fourth, any amendments to the insurance law which, in his judgment, are demanded for the better protection of the insured."

On motion of Senator Collins there was ordered printed 450 copies of engrossed substitute Senate bill No. 94.

At 12:15 p. m., on motion of Senator Ruth, a recess was taken until 2 o'clock this afternoon.

AFTERNOON SESSION.

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

On motion of Senator Cox substitute Senate bill No. 102 was re-referred to the committee on appropriations.

Senator Arrasmith moved the adoption of the following resolution:

Resolved, That no senator shall be allowed to speak more than once, and not more than five minutes, during the consideration of any one question, amendment or motion: *Provided, however*, That the mover of a motion or the author of a bill may be allowed to open and close the debate.

Senator Piper moved to amend the resolution by substituting "one minute" for "five minutes."

The amendment was lost.

The resolution was adopted.

Senator Collins moved that Senate bill No. 203 be made a special order for 11:30 tomorrow morning.

Senator Rosenhaupt moved to amend by fixing the time at 2:30 tomorrow afternoon.

The president ruled that neither motion could be considered at this time as the hour was a special order for consideration of substitute Senate bill No. 6.

SPECIAL ORDER.

The Senate resumed the consideration of substitute Senate bill No. 6.

Senator Ruth withdrew his proposed amendment to section 16, which was pending this forenoon at the time a recess was taken.

On motion of Senator Ruth, section 16 was amended by inserting in line 4 of the bill, after the word "containing," the words "in a condensed form."

Senator Ruth moved to amend the bill in section 17, line 12 of the bill, by inserting after the word "agents" the words "and solicitors," and by inserting after the word "license" the words "fire and marine" in parenthesis, so that the line shall read "For agent's and solicitor's license (fire and marine), \$2.00, and in line 13 of section 17 of the bill, after the word "each" insert the words "agent's and," and after the word "license," in parenthesis the words "except fire and marine," and at the end of the line strike the figure "2" and insert the figure "5" in lieu thereof, so that line 13 shall read "For each agent's and solicitor's license (except fire and marine), \$5.00."

A roll call on the proposed amendment was demanded by Senators Falconer, Nichols, Roberts, Ruth, Eastham, Cox, Chappell.

The secretary called the roll and the amendment was lost by the following vote:

Those voting aye were: Senators Allen (F. J.), Eastham, Hutchinson, Huxtable, Jensen, Metcalf, Nichols, Piper, Roberts, Ruth, Shaefer, Smithson, Stevenson, Troy, White, Whitney—16.

Those voting nay were: Senators Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Davis, Espy, Falconer, Fishback, Hall, Hammer, Rosenhaupt, Stephens, Whalley, Mr. President—18.

Absent or not voting were: Senators Allen (P. L.), Cox, Hewitt, Jackson, Landon, Myers, Rydstrom, Stewart—8.

On motion of Senator Whalley, the bill was amended in section 34, by striking all after the word "deceive" in line 5 of the bill and by striking in line 6 of said section the words "the risk of loss."

On motion of Senator Nichols, the word "person" was substituted for the word "party" in line 5 of section 68 of the bill.

Senator Nichols moved to amend section 105, line 11 of the bill by substituting the words "firm or corporation" for the words "or party."

The amendment failed to carry.

Senator Nichols moved to amend section 105 by striking all of the section after the words "hundred dollars" in line 14 of the bill.

A roll call on the amendment was demanded by Senators Nichols, Ruth, Davis, Hammer, Stephens, White, Whitney, Troy.

The secretary called the roll and the amendment carried by the following vote:

Those voting *aye* were: Senators Allen (F. J.), Arrasmith, Brown, Bryan, Eastham, Fishback, Hammer, Hutchinson, Huxtable, Metcalf, Nichols, Piper, Ruth, Shaefer, Smithson, Stevenson, Troy, White, Whitney, Mr. President—21.

Those voting *nay* were: Senators Bassett, Bowen, Chappell, Cox, Davis, Espy, Hall, Jackson, Rosenhaupt, Whalley—10.

Absent or not voting were: Senators Allen (P. L.), Anderson, Collins, Falconer, Hewitt, Jensen, Landon, Myers, Roberts, Rydstrom, Stewart—11.

Senator Stevenson moved that when the Senate adjourn tomorrow, the adjournment be at 2 o'clock p. m., and that members not excused from attendance at tomorrow's session be not allowed their per diem for that day.

The president ruled the motion out of order as the special order was still being considered.

Senator Ruth moved to amend the bill by inserting between sections 105 and 106 a new section to be known as "section No. 105½" as follows:

"Section 105½. Whenever any policy of insurance shall be hereafter written or renewed insuring real property or any building or structure erected thereon or connected therewith, and the property insured shall be wholly destroyed, without criminal fault on the part of the insured, or his assigns, the amount of insurance written in such policy shall be taken conclusively to be the true value of the property when

insured, and the true amount of the loss and measure of damages when destroyed. In case there is a partial destruction of the property insured, no greater amount shall be collected than the injury sustained: *Provided*, That the insurer shall have the option to repair, rebuild or replace the property lost or damaged with other of like kind and quality if he gives notice of his intention so to do within twenty days after the receipt of notice of loss: *Provided*, Such insurer shall, within thirty days from the receipt of notice above, commence such rebuilding or replacing and shall diligently prosecute the same to completion, and shall pay to the insured the reasonable rental value of the premises with the buildings thereon from the date of loss to the date of such completion."

A roll call on the proposed amendment was demanded by Senators Nichols, Piper, Troy, Ruth, Hutchinson, Jensen, Fishback.

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

Those voting aye were: Senators Anderson, Bassett, Brown, Bryan, Chappell, Eastham, Espy, Fishback, Hammer, Hutchinson, Huxtable, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Rosenhaupt, Ruth, Shaefer, Smithson, Stephens, Stevenson, Troy, White, Mr. President—26.

Those voting nay were: Senators Arrasmith, Bowen, Hall, Jackson, Whalley—5.

Absent or not voting were: Senators Allen (F. J.), Allen (P. L.), Collins, Cox, Davis, Falconer, Hewitt, Roberts, Rydstrom, Stewart, Whitney—11.

The president called Senator Falconer to take the chair.

Senator Ruth moved to amend section 106 of the bill by striking line 4 and stated that he did this for the purpose of submitting a further amendment substituting the California standard fire insurance policy for the New York standard as provided in the bill.

A roll call on the amendment was demanded by Senators Paulhamus, Piper, Nichols, Fishback, Whitney, Whalley, Hutchinson.

The secretary called the roll and the amendment was lost by the following vote:

Those voting aye were: Senators Eastham, Hutchinson,

Huxtable, Jensen, Piper, Ruth, Shaefer, Smithson, Whitney—9.

Those voting nay were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Jackson, Landon, Metcalf, Myers, Nichols, Rosenhaupt, Stephens, Stevenson, Troy, Whalley, White, Mr. President—27.

Absent or not voting were: Senator Allen (P. L.), Bryan, Hewitt, Roberts, Rydstrom, Stewart—6.

Senator Nichols moved to amend the bill by striking in lines 4 and 5 of section 178 of the bill, the words "and cannon in full."

The motion was lost.

On motion of Senator Jackson, section 187 of the bill was amended as follows:

In line 17 of the bill, after the word "commissioner," strike the period and insert a semicolon and add the following: "and except that this provision shall not be required upon policies of industrial insurance, or where the premiums are payable monthly or oftener."

On motion of Senator Hall, section 211 was amended as follows:

In line 5 of the bill, after the word "Provided," strike the balance of line 5 and all of lines 6 and 7 down to and including the word "beneficiary" and substitute the following: "That if, after the issuance of the original certificate, the member shall become dependent upon a home maintained by the society for dependent members or upon a subordinate lodge or society of the order of which he is a member, or upon an incorporated charitable institution, he shall have the privilege with the consent of the society, of making such home, lodge, society or institution his beneficiary."

Senator Nichols moved that section 229 be stricken.

A roll call on the motion was demanded by Senators Nichols, Hutchinson, Ruth, Hammer, Metcalf, Chappell, Whalley.

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

Those voting aye were: Senators Allen (F. J.), Arrasmith, Eastham, Hutchinson, Huxtable, Metcalf, Nichols, Piper, Ruth, Smithson, Whitney—11.

Those voting nay were: Senators Anderson, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Jackson, Jensen, Myers, Rosenhaupt, Shaefer, Stephens, Stevenson, Troy, Whalley, Mr. President—24.

Absent or not voting were: Senators Allen (P. L.), Hewitt, Landon, Roberts, Rydstrom, Stewart, White—7.

The president resumed the chair.

Senator Hutchinson moved that the bill be amended in line 17 of section 26 of the printed bill, the same being in line 16, section 26 of the original bill, by inserting between the words "two" and "per" the words "and one-quarter."

A roll call on the proposed amendment was demanded by Senators Nichols, Falconer, Ruth, Piper, Eastham, Hutchinson, Myers.

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

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Brown, Bryan, Chappell, Collins, Eastham, Espy, Fishback, Hammer, Hutchinson, Huxtable, Jensen, Metcalf, Nichols, Piper, Ruth, Shaefer, Smithson, Troy, White, Whitney—23.

Those voting nay were: Senators Bassett, Bowen, Cox, Davis, Falconer, Hall, Jackson, Landon, Myers, Rosenhaupt, Stephens, Stevenson, Whalley, Mr. President—14.

Absent or not voting were: Senators Allen (P. L.), Hewitt, Roberts, Rydstrom, Stewart—5.

The secretary called the roll on final passage of substitute Senate bill No. 6, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Rosenhaupt, Shaefer, Smithson, Stephens, Stevenson, Troy, Whalley, White, Mr. President—33.

Those voting nay were: Senators Eastham, Huxtable, Ruth, Whitney—4.

Absent on not voting were: Senator Allen (P. L.), Hewitt, Roberts, Rydstrom, Stewart—5.

Before the vote was taken on passage of substitute Senate bill No. 6 the following statement was handed to the secretary by Senator Hutchinson with request that it be incorporated in the journal:

“MR. PRESIDENT AND SENATORS:

“I vote for this bill for the reason that it is better than the present law in some particulars, but I desire to protest against the appointment feature of the bill and the adoption of the New York form of policy, and the printing of the reports of the different companies by the state.

(Signed) R. A. HUTCHINSON.”

There being no objection, the title of substitute Senate bill No. 6 was ordered to stand as the title of the act.

On motion of Senator Falconer, the consideration of Senate bill No. 203 was made a special order for 11:30 o'clock Monday forenoon.

Senator Arrasmith was granted unanimous consent to submit a committee report out of order.

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER.

OLYMPIA, WASH., February 23, 1911.

MR. PRESIDENT:

We, your committee on agriculture, to whom was referred engrossed House bill No. 228, entitled “An act for the prevention of fraud in the grain and hay trade, for the establishment and preservation of standards for grain and hay, etc.” have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Beginning in line 10, section 21 of the printed bill, same being line 16, section 21 of the engrossed bill, after the word “warehouseman” strike the remainder of the section and substitute in lieu thereof the following: “shall be subject to a penalty as hereinafter provided.”

In line 11, section 22 of the printed bill, same being line 18 of section 22 of the engrossed bill, strike the words “deemed a misdemeanor”

and substitute in lieu thereof the word "subject to a penalty as hereinafter provided."

In line 9, section 23 of the printed bill, same being line 15 of section 23 of the engrossed bill, strike the words "also be guilty of a gross misdemeanor" and substitute in lieu thereof the words "be subject to a penalty as hereinafter provided."

Strike section 31 of the printed bill, same being section 31 of the engrossed bill, and substitute therefor the following:

"Sec. 31. Any railroad company or common carrier, or other corporation, and any warehouseman, which shall violate or fail to comply with any provision of this act; or which fails, omits or neglects to obey, observe or comply with any order, rule, or any direction, demand or requirement of the commission made under the provisions of this act, shall be subject to a penalty of not to exceed the sum of one thousand dollars for each and every offense, and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance thereof shall be and be deemed to be a separate and distinct offense.

"Every officer, agent or employe of any railroad company or common carrier, or other corporation, or any warehouseman, which shall violate or fail to comply with, or who procures, aids or abets any violation by any such railroad company or common carrier, or other corporation or warehouseman, of any provision of this act, or who shall fail to obey, observe or comply with any order of the commission, or any provision of any order of the commission; or who procures, aids or abets any such railroad company or common carrier, or other corporation, or any warehouseman, in its failure to obey, observe and comply with any such order or provision, shall be guilty of a gross misdemeanor.

"Every person either individually or acting as an official or agent of any corporation other than a railroad company, common carrier or warehouseman, who shall violate any provision of this act, or fail to observe or comply with any order made by the commission under this act, so long as the same shall be or remain in force; or shall procure, aid or abet any such corporation in its violation of this act, or in its failure to obey, observe or comply with any such order, shall be guilty of a gross misdemeanor."

Change the present section 33 of the engrossed and printed bill to section 34, and insert a new section 33, as follows:

"Sec. 33. There is hereby appropriated for the purpose of carrying out the provisions of this act for the biennial period beginning April 1, 1911: For salary of chief inspector, four thousand dollars; for salary of clerk, two thousand four hundred dollars; for salaries of deputy inspectors, samplers, weighers, and for office rent, traveling expenses, postage and office supplies (or so much thereof as may be necessary, but in no event to exceed the receipts provided for herein), one hundred thousand dollars: *Provided*, That the state auditor may, at the

beginning of any biennial period anticipate the receipts and issue warrants to cover the same to any amount not exceeding ten thousand dollars."

JOSEPH ARRASMITH, *Chairman.*

We concur in this report: John E. Chappell, E. M. Stephens, H. O. Fishback, Oliver Hall, D. S. Troy.

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

On motion of Senator Arrasmith, House bill No. 228 was ordered re-referred to the committee on appropriations.

On motion of Senator Davis, the report of the committee on banks and banking on Senate bill No. 60 was adopted.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,

MR. PRESIDENT:

OLYMPIA, WASH., February 23, 1911.

The House has passed engrossed House bill No. 14, entitled "An act relating to the compensation of injured workmen in our industries, creating an industrial insurance department," etc.;

Also House bill No. 345, entitled "An act to amend section 304 of an act entitled 'An act relating to crimes and punishments and rights of prisoners convicted of certain crimes,' " etc.;

Also House concurrent resolution No. 11, "Relating to the hospitality extended to members of the legislature and an appreciation by said legislature in the way of some social function to the citizens of Olympia."

Also, the House has concurred in the Senate amendments to House joint resolution No. 3, "Relating to the investigation of the Bellingham armory."

Also, the House has passed House bill No. 373, entitled "An act relating to the powers of the state capitol commission, etc., and making an appropriation."

Also, the House has concurred in the Senate amendments to the following bills and memorials upon the dates respectively hereinafter shown:

House bill No. 158, February 9, 1911;

House joint memorial No. 2, January 26, 1911.

House joint memorial No. 4, February 9, 1911.

House joint memorial No. 6, January 31, 1911.

House joint memorial No. 9, February 8, 1911.

House joint memorial No. 14, February 8, 1911.

House joint memorial No. 15, February 8, 1911.

Also, the speaker has signed House bill No. 320, entitled "An act relating to assessments and taxation, declaring certain property to be personal property, fixing its situs for taxation," etc.;

Also House bill No. 113, entitled "An act authorizing boards of county commissioners to create districts in which livestock shall not run at large," etc.;

Also House joint resolution No. 3, "Relating to the investigation of the National Guard of the State of Washington."

And the same are herewith transmitted.

LOBEN GRINSTEAD, *Chief Clerk.*

The president signed House bills Nos. 320 and 113 and House joint resolution No. 3.

Senator Espy gave notice of a motion to reconsider the vote by which substitute Senate bill No. 94 passed the Senate.

At 5:20 p. m., on motion of Senator Stevenson, the Senate adjourned until 10 o'clock tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

W. H. PAULHAMUS,
President of the Senate.

FORTY-EIGHTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASH., Saturday, February 25, 1911.

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

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present except Senators Collins, Hewitt, Roberts, Rydstrom, Stephens and Stewart, all of whom were excused.

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

A petition from certain steam engineers of Seattle, praying the passage of Senate bill No. 100, was read and ordered placed on file.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

OLYMPIA, WASH., February 25, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred Senate bill No. 208, entitled "An act to provide for the establishment, location, construction and management of a hospital for the insane near Sedro Woolley, in Skagit county, and making an appropriation therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Strike section 3.

Strike section 4.

In the title of the act strike the word "construction"; and after the word "county" strike the comma, insert a period and strike the words "and making an appropriation therefor."

J. A. FALCONER, *Chairman*.

We concur in this report: Daniel Landon, D. S. Troy, E. Hammer, D. H. Cox, Chas. E. Myers, Oliver Hall, Ed Brown, J. D. Bassett, J. H. Smithson.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 25, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred Senate bill No. 269, entitled "An act fixing the salary of the warden of the state penitentiary, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman*.

We concur in this report: Daniel Landon, D. S. Troy, E. Hammer, D. H. Cox, Chas. E. Myers, Oliver Hall, Ed Brown, J. D. Bassett, J. H. Smithson.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 25, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred Senate bill No. 158, entitled "An act for the creation of a tuberculosis commission," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file with the following amendment:

In the title of the act strike the period, insert a comma and add the following words: "and making an appropriation therefor."

J. A. FALCONER, *Chairman*.

We concur in this report: Daniel Landon, D. S. Troy, E. Hammer, D. H. Cox, J. D. Bassett, Ed Brown, J. H. Smithson.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 24, 1911.

MR. PRESIDENT:

We, your committee on fisheries, to whom was referred Senate bill No. 218, entitled "An act relating to fish, oysters, clams and crabs, providing for the protection thereof, licensing and taxing the taking of the same and boats and appliances used therefor, providing penalties and amending sections 5152, 5159, 5234, 5235, 5236, 5237, 5243, 5245 and 5248 of Remington and Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In section 1, line 4 of the original bill, being section 1, line 3 of the printed bill, after the word "appoint" strike the word "five" and insert the word "four" in lieu thereof.

In section 2, lines 13 and 14 of the original bill, being section 2, line 9 of the printed bill, strike the words "the fifth deputy to be assigned to office and general field duties."

In section 3, lines 6 and 7 of the original bill, being section 3, lines 4 and 5 of the printed bill, strike the words "or on any of the beaches of Puget Sound or any of its tributaries."

At the end of section 3 of the original and printed bills, strike the period and add, "and with reference to clams taken from beaches of Puget Sound between May 1 and August 31."

In section 6, line 7 of the original bill, being section 6, line 5 of the printed bill, after the words "female crab," insert a comma.

In section 6, line 8 of the original bill, being section 6, line 5 of the printed bill, strike the word "seven" and insert the words "six and one-half" in lieu thereof.

In section 6, line 10 of the original bill, being section 6, line 7 of the printed bill, after the word "shall" insert the words "at once."

E. HAMMER, *Chairman*.

We concur in this report: John E. Chappell, H. A. Espy, D. S. Troy.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 24, 1911.

MR. PRESIDENT:

We, your committee on pure food and drugs, to whom was referred Senate bill No. 24, entitled "An act providing for the sanitation of

bakeries, canneries, packing houses, slaughter houses, dairy depots, creameries, ice cream manufactories, cheese factories, milk condensers, confectioneries, restaurants, hotels, groceries, meat markets, and all other food-producing and food-distributing establishments," etc., have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

Section 10, immediately after the word "commissioner" in line 1 in the printed bill, the same being lines 1 and 2 in the original bill, insert the words "as a state sanitary inspector."

FEDER JENSEN, *Chairman.*

We concur in this report: B. A. Bowen, H. M. White, Jesse Huxtable, John E. Chappell.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 23, 1911.

MR. PRESIDENT:

We, your committee on education, to whom was referred Senate bill No. 25, entitled "An act to amend section 1 of article 1, chapter 13, title III, Code of Public Instruction, being chapter 97 of the Session Laws of 1909, approved by the governor March 11, 1909," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Strike the title and substitute the following: "An act relative to school district elections and amending sections 4657 and 4662 of Remington and Ballinger's Annotated Codes and Statutes of Washington and declaring an emergency."

Section 1, line 6 of the original bill, being section 1, line 5 of the printed bill, strike the words "then at one or more places" and insert the following: "then at a place to be designated by the board of directors, or in a consolidated district at not exceeding three places."

Change the number of section "2" to "3" and insert the following as section 2:

"Sec. 2. That section 4662 of Remington and Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

"Sec. 4662. When the polls are closed proclamation thereof shall be made at the place of voting, and no vote shall be afterward received. As soon as the polls are closed the judges shall open the ballot-box and commence counting the votes, and in no case shall the ballot-box be removed from the room in which the election is held until all the votes are counted. The counting shall be public. The ballots shall be taken out one by one, by one of the judges, who shall open them and read aloud the name of each person contained therein, and the office for which such person was voted for. The clerk shall write down each office to be filled and the name of such person voted for such

office, and shall keep the number of votes by tallies as they are read aloud by one of the judges. The counting of the votes shall continue without adjournment until all the votes are counted. No ticket shall be rejected on account of form or mistake in the initials, or spelling of name, if the judges can determine to their satisfaction the person voted for and the office intended. After the result of the election is duly canvassed and officially declared, the clerk of the election shall forward poll sheet thereof to the county superintendent, who shall preserve the same on file in his office: *Provided, That in consolidated school districts in which there is more than one voting place, each clerk of the election shall forward the poll sheet to the board of directors of such consolidated school district, and it shall be the duty of such directors to meet on the following Saturday at two o'clock at a school house designated by the chairman of the board and to canvass the returns, ascertain and declare the result, and to forward to the county superintendent of schools all poll sheets and the result of the election.*"

J. D. BASSETT, *Chairman.*

We concur in this report: Peder Jensen, Oliver Hall, Chas. E. Myers.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1911.

MR. PRESIDENT:

We, your committee on public morals, to whom was re-referred Senate bill No. 113, entitled "An act relating to intoxicating liquors, and amending section 18 of chapter 81 of the Session Laws of 1909," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

Section 1, line 23 of the original bill, being section 1, line 9 of the printed bill, strike the word "gross."

CHAS. E. MYERS, *Chairman.*

We concur in this report: E. Hammer, F. J. Allen, Oliver Hall.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1911.

MR. PRESIDENT:

We, your committee on pure food and drugs, to whom was referred engrossed House bill No. 100, entitled "An act to prevent fraud and misrepresentation in the selling and serving of oysters, and providing a punishment therefor," have had the same under consideration, and

we respectfully report the same back to the Senate with the recommendation that it do pass.

FEDER JENSEN, *Chairman.*

We concur in this report: John E. Chappell, B. A. Bowen, H. M. White, Jesse Huxtable.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1911.

MR. PRESIDENT:

We, your committee on mines and mining, to whom was referred re-engrossed House bill No. 266, entitled "An act relating to the handling, storage and distribution of powder and other explosives used in connection with coal mining and providing penalties for the violation thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

After the word "person" in line 1, section 1 of the re-engrossed bill, insert a comma and the word "firm."

In line 14, section 1 of the re-engrossed bill, after the word "receptacles" insert a period and strike "to be furnished by such company, and paid for by the men," being the remainder of the sentence.

In line 4, section 2 of the re-engrossed bill, after the word "thereto" insert "within one hundred feet of any dwelling."

B. A. BOWEN, *Chairman.*

We concur in this report: Ed Brown, J. H. Smithson, E. C. Davis.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1911.

MR. PRESIDENT:

We, your committee on roads and bridges, to whom was referred engrossed House bill No. 234, entitled "An act providing for the survey of a proposed extension of state road No. 9, by the state highway commissioner and report on the feasibility of the same," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. O. FISHBACK, *Chairman.*

We concur in this report: Ralph D. Nichols, B. A. Bowen, Joseph Arrasmith, H. A. Espy, A. W. Anderson.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was re-referred engrossed House bill No. 228, entitled "An act for the prevention of

fraud in the grain and hay trade, for the establishment and preservation of standards for grain and hay, regulating warehousemen, millers, shippers and buyers of hay and grain, defining the duties of railroads, providing penalties for the violation thereof and repealing chapter 137 of the Session Laws of 1909," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman*.

We concur in this report: Daniel Landon, D. S. Troy, E. Hammer, D. H. Cox, Chas. E. Myers, Oliver Hall, Ed Brown, J. D. Bassett, J. H. Smithson.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., February 23, 1911.

We, your committee on roads and bridges, to whom was referred engrossed House bill No. 356, entitled "An act relating to the improvement of public highways, providing for the payment of the cost thereof, making appropriations therefor, repealing chapter 150 of the Laws of 1907, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 2, page 3 of the engrossed bill, same being line 5, section 6 of the printed bill, strike the word "such" and insert "profiles."

In line 5 of page 3 of the engrossed bill, same being line 6 of section 6 of the printed bill, after the word "resolution" strike the comma and insert in lieu thereof a semicolon.

In line 9, page 3 of the engrossed bill, same being line 1, section 7 of the printed bill, after the word "such" insert "profiles."

In line 16, page 3 of the engrossed bill, same being line 5, section 7 of the printed bill, after the word "such" insert "profiles."

In line 21, page 3 of the engrossed bill, same being line 8, section 7 of the printed bill, after the word "such" insert "profiles."

In line 22, page 3 of the engrossed bill, same being line 9, section 7 of the printed bill, preceding the word "maps" insert "profiles."

After the word "corporations" at the close of section 8 of the engrossed and printed bills, strike the period and insert "authorized to exercise the right of eminent domain."

In line 8, page 4 of the engrossed bill, same being line 1, section 9 of the printed bill, preceding the word "maps" insert "profiles."

In line 14, page 4 of the engrossed bill, same being line 5, section 9 of the printed bill, after the word "such" insert "profiles."

In line 21, page 4 of the engrossed bill, same being line 10, section 9 of the printed bill, preceding the word "maps" insert "profiles."

In line 29, page 4 of the engrossed bill, same being line 15, section 9 of the printed bill, after the words "period of" strike the word "ten" and insert in lieu thereof "twenty."

In line 1, page 5 of the engrossed bill, same being line 16, section 9

of the printed bill, before the word "partial" insert the word "monthly," changing the capital "P" in the word "Partial" to a small "p."

In line 2, page 5 of the engrossed bill, same being line 16 of section 9 of the printed bill, after the word "payments" strike the word "may" and insert in lieu thereof "shall."

In line 5, page 5 of the engrossed bill, same being line 18, section 9 of the printed bill, after the word "amount" strike "not to exceed" and insert in lieu thereof "equal to."

In line 6, page 5 of the engrossed bill, same being line 18, section 9 of the printed bill, after the word "done" insert "during the preceding month."

In line 11, page 5 of the engrossed bill, same being line 22, section 9 of the printed bill, after the words "and the" insert "profiles."

In line 2, page 7 of the engrossed bill, after the word "first" strike the word "division" and insert in lieu thereof "subdivision."

H. O. FISHBACK, *Chairman*.

We concur in this report: Arvid Rydstrom, E. M. Stephens, Ralph D. Nichols, J. R. Stevenson, H. A. Espy, Joseph Arrasmith, Ed Brown, B. A. Bowen.

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

REPORT OF SPECIAL COMMITTEE.

SENATE CHAMBER,

MR. PRESIDENT: OLYMPIA, WASH., February 25, 1911.

We, your special committee of Spokane and Whatcom county senators, to whom was referred engrossed House bill No. 288, entitled "An act relating to township organization, requiring county boards of equalization to equalize property as between townships, amending sections 9339½, 9368, 9400 and 9414 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and providing for the purchase of printed township supplies through the office of the county auditor, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Section 1 of the engrossed bill, being section 1 of the printed bill, strike paragraph "tenth."

Section 1, page 3 of the engrossed bill, being section 1, line 41 of the printed bill, strike the word "eleventh" and insert "tenth."

Section 1, page 3 of the engrossed bill, being section 1, line 46 of the printed bill, strike the word "twelfth" and insert "eleventh."

Section 1, page 3 of the engrossed bill, being section 1, line 49 of the printed bill, strike the word "thirteenth" and insert "twelfth."

R. A. HUTCHINSON, *Chairman*.

We concur in this report: Geo. W. Shaefer, Jesse Huxtable, E. C. Whitney, Harry Rosenhaupt, Ed Brown.

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

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

OLYMPIA, WASH., February 25, 1911.

MR. PRESIDENT:

We, your committee on public morals, to whom was referred Senate bill No. 315, entitled "An act to repeal sections 6 and 7 of chapter LXII, Session Laws of 1888, same being section 6275 of Remington and Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

CHAS. E. MYERS, *Chairman*.

We concur in this report: E. Hammer, Oliver Hall, F. J. Allen, A. W. Anderson.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 25, 1911.

MR. PRESIDENT:

We, your committee on public morals, to whom was referred Senate bill No. 281, entitled "An act relating to the keeping for sale intoxicating liquors," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

Strike section 1 and substitute the following therefor:

"Section 1. Any person, firm, corporation or association of persons who shall keep, without having a license therefor, in their possession or control more than one gallon of whiskey or one case of beer, it shall be *prima facie* evidence that the same is kept unlawfully for sale."

CHAS. E. MYERS, *Chairman*.

We concur in this report: E. Hammer, Oliver Hall, F. J. Allen.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 20, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 191, entitled "An act abolishing the office of county coroner, and imposing the duties thereof upon justices of the peace," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Josiah Collins, Ralph Metcalf, Geo. W. Shafer, Daniel Landon, J. W. Bryan.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 237, entitled "An act relating to judges *pro tempore*, and amending section 40 of Remington and Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Daniel Landon, F. J. Allen, Geo. W. Shaefer, J. W. Bryan, Ralph Metcalf.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 20, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 178, entitled "An act amending chapter 76, Session Laws 1909, relating to the creation of a bureau of inspection and supervision of public offices, and establishing a uniform system of public accounting by adding thereto an additional section, permitting the state auditor to call together annually for instruction, certain county officers and state examiners, and providing for the payment of the expense thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Ralph Metcalf, Geo. W. Shaefer, Josiah Collins, Daniel Landon.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1911.

MR. PRESIDENT:

We, a majority of your committee on judiciary, to whom was referred Senate bill No. 160, entitled "An act authorizing cities of the first class to appropriate money, or incur indebtedness, for the construction of tubercular hospitals upon lands owned by charitable organizations, and to aid in the care of indigent tubercular patients, and ratifying any such appropriations that heretofore may have been made, or indebtedness incurred, either by direct vote of the people, or by the city councils of such cities, and permitting such charitable organizations to have charge of such hospitals," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In the first line of the title of the bill strike "of the first class" and substitute therefor "having a population of two hundred thousand."

In the first line of section 1 of the original and printed bills, strike "of the first class" and substitute therefor "having a population of two hundred thousand."

In line 8, first section of the original bill, being line 5 of section 1 of the printed bill, strike "of the first class."

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: Daniel Landon, Geo. W. Shaefer, J. W. Bryan, Ralph Metcalf.

SENATE CHAMBER,

OLYMPIA, WASH., February 24, 1911.

MR. PRESIDENT:

I, a minority of your committee on judiciary, to whom was referred Senate bill No. 160, entitled "An act authorizing cities of the first class to appropriate money, or incur indebtedness, for the construction of tubercular hospitals upon lands owned by charitable organizations, and to aid in the care of indigent tubercular patients, and ratifying any such appropriations that heretofore may have been made, or indebtedness incurred, either by direct vote of the people, or by the city councils of such cities, and permitting such charitable organizations to have charge of such hospitals," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do not pass.

RALPH D. NICHOLS.

On motion of Senator White, the bill was placed on general file with both majority and minority reports.

SENATE CHAMBER,

OLYMPIA, WASH., February 24, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 248, entitled "An act providing for the payment of costs and expenses incurred pursuant to an act entitled 'An act providing for the establishment and construction of ditches for drainage purposes,' approved March 8, 1901, and providing for the re-establishment and re-organization of abandoned ditches and drains as drainage districts," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

After the word "thereof" in line 16, page 1 of the original bill, being line 4 of section 1 of the printed bill, strike the following words: "and final completion shall have been rendered impossible because of the inability to employ labor to be compensated with drainage warrants, as provided in said act."

In line 19, page 1 of the original bill, being line 6 of section 1 of the printed bill, strike the word "other."

In line 24, page 1 of the original bill, being line 3, section 2 of the printed bill, strike the word "surveyor" and substitute therefor the word "engineer."

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Daniel Landon, F. J. Allen, Geo. W. Shaefer, J. W. Bryan, Ralph Metcalf.

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

SENATE CHAMBER,

MR. PRESIDENT: OLYMPIA, WASH., February 24, 1911.

We, your committee on judiciary, to whom was referred House bill No. 161, "An act relating to the powers and duties of prosecuting attorneys and amending section 116 of Remington and Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Daniel Landon, F. J. Allen, Geo. W. Shaefer, J. W. Bryan, Ralph D. Nichols, Ralph Metcalf.

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

SENATE CHAMBER,

MR. PRESIDENT: OLYMPIA, WASH., February 23, 1911.

We, your committee on judiciary, to whom was referred engrossed House bill No. 36, entitled "An act to authorize certain officers and persons to solemnize marriages," approved December 12, 1889, have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

We concur in this report: Daniel Landon, F. J. Allen, Geo. W. Shaefer, J. W. Bryan, Ralph D. Nichols, Ralph Metcalf.

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

SENATE CHAMBER,

MR. PRESIDENT: OLYMPIA, WASH., February 25, 1911.

We, your committee on labor and labor statistics, to whom was referred engrossed Senate bill No. 122, entitled "An act relating to weights and measures; establishing standards therefor; providing for the enforcement thereof; providing penalties for the violation of this act, and repealing an act entitled 'An act to establish a uniform standard of weights and measures, and to provide for a state sealer and inspector of the same,' approved March 20, 1890," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Strike all of section 2 down to and including the word "legislature" in line 15, page 2 of the engrossed bill, same being line 9, section 2 of the printed bill, and insert in lieu thereof: "There is hereby created a department of weights and measures in and for the State of Washington. The secretary of state shall be *ex-officio* superintendent of weights and measures and the head of the department herein created. He shall appoint a deputy superintendent of weights and measures and one inspector whose terms of office shall expire with that of the superintendent. The deputy shall receive a salary of twenty-four hundred dollars per annum, and the inspector shall receive a salary of eighteen hundred dollars per annum. There shall be allowed for maintenance of the department of weights and measures such sums as shall be appropriated by the legislature."

Strike the first word of the second paragraph of section 2 and insert in lieu thereof "The superintendent."

RALPH METCALF, *Chairman.*

We concur in this report: Frank C. Jackson, Jesse Huxtable, J. A. Falconer, Daniel Landon.

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

On motion of Senator Rosenhaupt, Senate bill No. 67 was taken from the committee on judiciary and ordered re-referred to the committee on appropriations.

INTRODUCTION OF BILLS.

Senate bill No. 316, by Senator Jensen, entitled "An act relating to the registration of tuberculosis in human beings, and making an appropriation therefor."

The bill was read first time, and on motion of Senator Jensen, the rules were suspended, the bill was read second time by title, ordered printed and referred to the committee on medicine, dentistry, surgery and hygiene.

Engrossed House bill No. 14, by Mr. Teats, entitled "An act relating to the compensation of injured workmen in our industries, and the compensation to their dependents where such injuries result in death, creating an industrial insurance department, making an appropriation for its administration, providing for the creation and disbursement of funds for the compensation and care of workmen injured in hazardous employment, providing penalties for the non-observance of regulations for the prevention of such injuries and for the viola-

tion of its provisions, asserting and exercising the police power in such cases, and, except in certain specified cases, abolishing the doctrine of negligence as a ground for recovery of damages against employers, and depriving the courts of jurisdiction of such controversies."

The bill was read the first time, and on motion of Senator Jensen, the rules were suspended, the bill was read the second time by title and referred to the committee on labor and labor statistics.

House bill No. 373, by Joint Committee on Appropriations and Capitol Building and Grounds, entitled "An act relating to the powers of the state capitol commission, providing for the refunding, paying off and canceling existing claims against the capitol building fund, and for the erection and completion of a capitol building or buildings, authorizing said commission to contract obligations and incur indebtedness therefor and to issue bonds or warrants, or to re-issue or refund the same, making appropriations and amending sections 3, 5, 6 and 7 of chapter 69, Laws of 1909, regular session, entitled 'An act relating to the sale of lands granted for public buildings at the state capitol, providing for the payment of all the claims against the capitol building fund and for the erection and completion of a capitol building, and making an appropriation for the carrying out of the provisions of this act and declaring an emergency.' Approved March 8, 1909, and declaring an emergency."

The bill was read the first time, and on motion of Senator Ruth, the rules were suspended, the bill was read the second time by title and referred to the committee on appropriations.

House bill No. 345, by Messrs. Wray, Kennedy, Beach, Sims, Zednick, Haroldson, Conner, Cameron and Eshleman, entitled "An act to amend section 304 of an act, entitled 'An act relating to crimes and punishments and the rights and custody of persons accused or convicted of crime, and repealing certain acts,' approved March 22, 1909."

The bill was read first time.

Senator Brown moved that the bill be indefinitely postponed.

A roll call on the motion was demanded by Senators Brown, Piper, Cox, Chappell, Whalley, Huxtable, Arrasmith, Hammer.

The secretary called the roll and the motion to indefinitely postpone House bill No. 345 was lost by the following vote:

Those voting aye were: Senators Arrasmith, Bassett, Brown, Bryan, Chappell, Cox, Espy, Hammer, Myers, Troy, Whalley, Mr. President—12.

Those voting nay were: Senators Allen (F. J.), Allen (P. L.), Anderson, Davis, Eastham, Falconer, Hall, Hutchinson, Huxtable, Jensen, Metcalf, Nichols, Piper, Rosenhaupt, Ruth, Shaefer, Smithson, White, Whitney—19.

Absent or not voting were: Senators Bowen, Collins, Fishback, Hewitt, Jackson, Landon, Roberts, Rydstrom, Stephens, Stevenson, Stewart—11.

On motion of Senator Rosenhaupt, the rules were suspended, the bill was read second time by title and ordered referred to the committee on public morals.

The secretary read:

HOUSE CONCURRENT RESOLUTION NO. 11.

WHEREAS, The people of Olympia have shown such a cordial hospitality to the members of the legislature, it is but fitting that appreciation of such hospitality should in a measure be recognized; therefore, be it

Resolved, by the House, the Senate concurring, That a committee consisting of three members of the House, to be designated by the speaker, and two members of the Senate, to be designated by the president thereof, be appointed to provide for some suitable and appropriate social function to be tendered to the people of Olympia in return for the many courtesies shown us.

The secretary called the roll on adoption of House concurrent resolution No. 11 and it was adopted in the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Cox, Davis, Eastham, Espy, Falconer, Hall, Hammer, Hutchinson, Huxtable, Jensen, Metcalf, Myers, Nichols, Piper, Rosenhaupt, Shaefer, Smithson, Troy, Whalley, White, Whitney, Mr. President—30.

Absent or not voting were: Senators Bowen, Collins, Fishback, Hewitt, Jackson, Landon, Roberts, Ruth, Rydstrom, Stephens, Stevenson, Stewart—12.

Engrossed House bill No. 280, by Mr. McQuesten, entitled "An act relating to the elections in school districts of the first class and amending section 4669 of Remington and Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Bassett, the rules were suspended, the bill was read the second time by title and referred to the committee on education.

Engrossed House bill No. 318, by Committee on Railroads, entitled "An act directing railroads to post notices against trespassers on all lines of railroad containing more than one main track and declaring it to be a misdemeanor for persons without lawful authority to go upon or walk along certain railroad rights-of-way."

The bill was read the first time, and on motion of Senator Landon, the rules were suspended, the bill was read the second time by title and referred to the committee on railroads and transportation.

Engrossed House bill No. 293, by Mr. Phipps, entitled "An act in relation to the possession, sale, use and disposition of milk cans, milk bottles and milk jars, butter boxes, ice cream cans, ice cream tubs, ice cream molds, and other containers, and providing penalties for the violation thereof."

The bill was read the first time, and on motion of Senator Troy, the rules were suspended, the bill was read the second time by title and referred to the committee on dairy and livestock.

Engrossed House bill No. 201, by Mr. Goss, entitled "An act relating to eminent domain proceedings on behalf of the state and amending section 891 of Remington and Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Landon, the rules were suspended, the bill was read the second time by title and referred to the committee on judiciary.

House bill No. 279, by Mr. McQuesten, entitled "An act relating to school elections in school districts of the first class and amending sections 1, 6, 7 and 11 of article IV, chapter 13, title III of the Code of Public Instruction, the same being chapter 97 of the Session Laws of 1909, approved by the governor March 11, 1909."

The bill was read the first time, and on motion of Senator Bassett, the rules were suspended, the bill was read the second time by title and referred to the committee on education.

House bill No. 448, by Appropriations Committee, entitled "An act making appropriations for maintenance of and sundry expenses at the various state institutions, schools and state offices and for the sundry civil expenses of the state government for the fiscal term beginning April 1, 1911, and ending March 31, 1913, except as otherwise provided."

The bill was read the first time, and on motion of Senator Falconer, the rules were suspended, the bill was read the second time by title and ordered placed on general file.

House bill No. 243, by Messrs. French, Byerly, Christensen (W. P.), Hornibrook and Moody, entitled "An act relating to the superior courts in the counties of Cowlitz, Clerke, Skamania and Klickitat, and declaring an emergency."

The bill was read the first time, and on motion of Senator Rosenhaupt, the rules were suspended, the bill was read the second time by title and referred to the committee on judiciary.

House bill No. 40, by Mr. Moren, entitled "An act relating to the superior court of the county of Yakima, the election and appointment of judges therein, and declaring an emergency."

The bill was read the first time, and on motion of Senator Rosenhaupt, the rules were suspended, the bill was read the second time by title and referred to the committee on judiciary.

House bill No. 199, by Mr. Conner, entitled "An act relating to, regulating and providing for the nomination of candidates for public office in the State of Washington, and amending sections 3 and 12 of chapter 82 of the Session Laws of 1909, and sections 19, 21, 23 and 24 of chapter 209 of the Session

Laws of 1907, and repealing section 18 of said chapter 209 of the Session Laws of 1909, the said sections being respectively: sections 4813, 4815, 4823, 4925, 4827, 4828 and 4822 of Remington and Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill was read the second time by title and referred to the committee on elections and privileges.

GENERAL FILE.

On motion of Senator Cox, Senate bill No. 103 was taken up at this time.

Senate bill No. 103, by Senator Cox, entitle "An act to amend section 785 of Remington and Ballinger's Annotated Codes and Statutes of Washington, being section 5500 of Remington's Codes and Statutes of Washington, relating to actions for the possession of and to quiet title to real property," was read third time.

The secretary called the roll on final passage of Senate bill No. 103 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Hall, Hammer, Hutchinson, Huxtable, Jackson, Metcalf, Myers, Piper, Rosenhaupt, Ruth, Shaefer, Smithson, Troy, Whalley, White, Whitney—29.

Voting nay: Senator Nichols—1.

Absent or not voting were: Senators Bassett, Bowen, Fishback, Hewitt, Jensen, Landon, Roberts, Rydstrom, Stephens, Stevenson, Stewart, Mr. President—12.

On motion of Senator Rosenhaupt, the title of the bill was stricken and the following substituted as the title of the bill: "An act relating to actions for the possession of and quieting title to real property, and amending section 785 of Remington and Ballinger's Annotated Codes and Statutes of Washington."

There being no objection, the title of the bill as amended was ordered to stand as the title of the act.

On motion of Senator Falconer, Senate bill No. 313 was made a special order for 2 o'clock Monday afternoon, February 27th.

Engrossed House bill No. 267, by Committee on State School for Defective Youth, entitled "An act granting rights-of-way through lands in the State of Washington held for State Training School purposes, and declaring an emergency," was read third time.

The secretary called the roll on final passage of engrossed House bill No. 267, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jensen, Landon, Metcalf, Myers, Piper, Rosenhaupt, Shaefer, Smithson, Stevenson, Troy, Whalley, White, Whitney, Mr. President—33.

Voting nay: Senator Nichols—1.

Absent or not voting were: Senators Collins, Hewitt, Jackson, Roberts, Ruth, Rydstrom, Stephens, Stewart—8.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jensen, Landon, Metcalf, Myers, Nichols, Rosenhaupt, Ruth, Shaefer, Smithson, Troy, Whalley, White, Whitney, Mr. President—33.

Absent or not voting were: Senators Collins, Hewitt, Jackson, Piper, Roberts, Rydstrom, Stephens, Stevenson, Stewart—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 3, by Senator Metcalf, entitled "An act relating to the nomination of superior and supreme judges, and amending section 4842, Remington and Bellinger's Annotated Codes and Statutes of Washington," was read third time.

Senator Nichols moved to amend the bill by inserting after the word "election" in line 14 of section 1 of the original bill, the same being in line 8 of the printed bill, the following: "and an equal number of candidates for such positions, providing there are such candidates, who receive the next highest number of votes."

A roll call on the proposed amendment was demanded by Senators Landon, Nichols, Whitney, Chappell, Troy, White, Espy, Hutchinson.

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

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bryan, Espy, Falconer, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Troy, White, Whitney, Mr. President—21.

Those voting nay were: Senators Allen (F. J.), Chappell, Davis, Eastham, Piper, Rosenhaupt, Shaefer—7.

Absent or not voting were: Senators Bowen, Brown, Collins, Cox, Fishback, Hewitt, Roberts, Ruth, Rydstrom, Smithson, Stephens, Stevenson, Stewart, Whalley—14.

On motion of Senator Anderson, Senate bill No. 3 was referred to the committee on elections and privileges with instructions to report on same in 30 minutes.

Engrossed House bill No. 155, by Judiciary Committee, entitled "An act relating to procedure in criminal actions against corporations," was read third time.

The secretary called the roll on final passage of engrossed House bill No. 155 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bryan, Chappell, Davis, Espy, Falconer, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Rosenhaupt, Shaefer, Smithson, White, Whitney, Mr. President—27.

Absent or not voting were: Senators Bowen, Brown, Collins, Cox, Eastham, Fishback, Hewitt, Roberts, Ruth, Rydstrom, Stephens, Stevenson, Stewart, Troy, Whalley—15.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate joint resolution No. 8, by Senator Nichols, "Providing for an investigation of the manner of enforcement of laws relating to fisheries," was read third time.

Senator White moved to amend the resolution by striking the words "on or before March 4, 1911" in the last line of the resolution, and substituting the words "the 1913 session."

Senators Falconer, Espy and Jackson moved the previous question on the amendment.

The motion for the previous question carried.

The amendment was put and failed to carry.

On motion of Senator Nichols, the resolution was amended by substituting the figure "7" for the figures "17" in the fourth line of the resolution as printed, the same being in line 6 of the original resolution.

On motion of Senator Ruth, the resolution was amended by striking the word "back" in the last line of the printed and original resolution and in the same line by substituting the word "governor" for the word "legislature," and by substituting for the words and figures "March 4, 1911," the words and figures "August 1, 1911."

On motion of Senator Nichols, the resolution was amended as follows: In the 28th line of the printed copy of the resolution, the same being in lines 45 and 46 of the original resolution, substitute for the words "no extra" the words "their regular" and substitute for the word "except" the word "and."

The secretary called the roll on final passage of Senate joint resolution No. 8 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Brown, Bryan, Chappell, Cox, Davis, Eastham, Falconer, Hammer, Hutchinson, Huxtable, Landon, Metcalf, Myers, Nichols, Ruth, Shaefer, White, Whitney, Mr. President—22.

Those voting nay were: Senators Arrasmith, Bassett, Espy, Hall, Jensen, Piper, Rosenhaupt, Smithson, Troy—9.

Absent or not voting were: Senators Bowen, Collins, Fishback, Hewitt, Jackson, Roberts, Rydstrom, Stephens, Stevenson, Stewart, Whalley—11.

By unanimous consent, the Senate again took up the consideration of Senate bill No. 3.

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., February 25, 1911.

We, your committee on elections and privileges, to whom was referred Senate bill No. 3, entitled "An act relating to the nomination of superior and supreme judges and amending section 4842, Remington and Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment: Amend by adding a new section to be known as section 2, as follows:

Sec. 2. Section 4805 of Remington and Ballinger's Annotated Codes and Statutes of Washington be and is hereby amended to read as follows:

"Sec. 4805. Hereafter, all candidates for elective offices in this state, either state, county, municipal, precinct or congressional, shall be nominated at a direct primary election held in pursuance of this act: *Provided*, That this act shall not be held to refer to special elections for filling the vacancies of unexpired terms, or to election to offices of any city or town of the fourth class or for any school, dike, irrigation or metropolitan park district or other local improvement elections, or for presidential electors: *Provided further*, That the provisions of this act shall not apply to nomination of candidates for municipal elective offices in cities of the first class which have adopted or may hereafter adopt charters under section 10, article XI of the state constitution, where such charters have provided or may hereafter provide a non-partisan method or methods of nominating candidates for municipal elective offices; and all such cities shall have the right and power to provide in their charters for any method or methods of non-partisan nomination of candidates for their elective offices as they may desire.

Amend the title to read as follows: "An act relating to the nomination of superior and supreme judges, and amending sections 4842 and 4805, Remington and Ballinger's Annotated Codes and Statutes of Washington."

J. W. BRYAN, *Chairman*.

We concur in this report: Ralph Metcalf, Geo. W. Shaefer, H. M. White, P. L. Allen.

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

On motion of Senator Bryan, the bill was amended by inserting after the word "offices" in section 1, line 19 of the original bill, being section 1, line 11 of the printed bill, the following: "*Provided*, That wherever a candidate for any such office shall receive a majority of all votes cast for such office, his name only shall be printed on the general election ballot as a candidate for such office, and in any case where two or more candidates are required to be nominated for supreme or superior court judges, and any candidate or candidates shall receive a majority of all votes cast for such office, but the number of candidates receiving such majority shall be less than the number of candidates to be elected, in such case there shall be placed on the official general election ballot after the name of the candidate or candidates receiving such majority the words 'Received a majority of all votes cast at the primary election' and immediately following the names of such candidates shall be placed the names of candidates receiving the next highest number of votes, equaling twice the number of positions remaining to be filled, if there be such."

The secretary called the roll on final passage of Senate bill No. 3 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Rosenhaupt, Shaefer, Troy, White, Whitney, Mr. President—30.

Absent or not voting were: Senators Bowen, Collins, Hewitt, Jackson, Roberts, Ruth, Rydstrom, Smithson, Stephens, Stevenson, Stewart, Whalley—12.

On motion of Senator Rosenhaupt, the title of the bill was amended by inserting the word "court" after the word "superior" and inserting the word "court" between the words "supreme" and "judges."

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

At 12:30 p. m., on motion of Senator Falconer, a recess was taken until 2 o'clock this afternoon.

AFTERNOON SESSION.

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

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., February 25, 1911.

MR. PRESIDENT:

The House has passed engrossed House bill No. 201, entitled "An act relating to eminent domain proceedings on behalf of the state and amending section 891 of Remington and Ballinger's Annotated Code, etc.;

Also House engrossed bill No. 318, entitled "An act directing railroads to post notices against trespassers on all lines of railroad," etc.;

Also engrossed House bill No. 293, entitled "An act in relation to the possession, sale, use and disposition of milk cans, milk bottles," etc.;

Also engrossed House bill No. 280, entitled "An act relating to the elections in school districts of the first class," etc.;

Also House bill No. 199, entitled "An act relating to regulating and providing for the nomination of candidates for public office in the State of Washington;"

Also House bill No. 279, entitled "An act relating to the elections in school districts of the first class," etc.;

Also House bill No. 243, entitled "An act relating to the superior courts in the counties of Cowlitz, Clarke, Skamania," etc.;

Also House bill No. 40, entitled "An act relating to the superior court of the county of Yakima," etc.;

Also Senate bill No. 85, entitled "An act amending section 2 of an act entitled 'An act amending sections 3, 5, 11 and 12 of "An act entitled 'An act defining forcible entry'," etc.;"

Also House concurrent resolution No. 13, "Granting the committee appointed under House concurrent resolution No. 2 until Wednesday, March 1, 1911, in which to file its final report;"

Also House bill No. 448, entitled "An act making appropriation for the maintenance, etc., of sundry state boards, commissions and institutions for the biennial period ending March 31, 1913."

Also, the speaker has signed House bill No. 123, entitled "An act relating to the creation and organization of the county of Pend Oreille,

subject to the requirements of the state constitution and the statutes in respect to the establishment of new counties."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president signed House bill No. 123.

The secretary read:

HOUSE CONCURRENT RESOLUTION NO. 13.

Resolved, by the House, the Senate concurring, That the committee appointed under House concurrent resolution No. 2 be granted until Wednesday, March 1, 1911, in which to file its final report.

The roll was called on final passage of House concurrent resolution No. 13, and it was adopted by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Davis, Espy, Falconer, Fishback, Hall, Hammer, Huxtable, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Rosenhaupt, Ruth, Shaefer, Smithson, White, Mr. President—25.

Absent or not voting were: Senators Allen (F. J.), Allen (P. L.), Bowen, Collins, Cox, Eastham, Hewitt, Hutchinson, Jackson, Roberts, Rydstrom, Stephens, Stevenson, Stewart, Troy, Whalley, Whitney—17.

On motion of Senator Metcalf, Senate bill No. 188, which appeared next on the calendar, was laid over, the bill to retain its place on the calendar for Monday.

Senate bill No. 231, by Judiciary Committee, entitled "An act relating to fees of clerks of the superior court and repealing all acts in conflict herewith," was read third time.

On motion of Senator Rosenhaupt, the bill was amended by inserting the words "civil or probate" after the word "depositions" in line 61 of section 1 of the printed bill, the same being in line 104, section 1 of the original bill.

Senator Bryan moved to amend by striking the word "each" in line 37 of section 1 of the printed bill, the same being in line 68, section 1 of the original bill.

The amendment failed to carry.

On motion of Senator White, the bill was amended by inserting after the word "name" in line 39, section 1 of the

printed bill, the same being in line 66, section 1 of the original bill, the words "and for filing a will for safe keeping."

The secretary called the roll on final passage of Senate bill No. 231 and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Bassett, Brown, Cox, Davis, Espy, Falconer, Hammer, Hutchinson, Huxtable, Metcalf, Nichols, Piper, Rosenhaupt, Ruth, Shaefer, Smithson, Troy, White, Whitney, Mr. President—21.

Those voting nay were: Senators Anderson, Arrasmith, Bryan, Chappell, Hall, Jensen, Landon, Myers—8.

Absent or not voting were: Senators Allen (F. J.), Bowen, Collins, Eastham, Fishback, Hewitt, Jackson, Roberts, Rydstrom, Stephens, Stevenson, Stewart, Whalley—13.

Senator Anderson gave notice of a motion to reconsider the vote by which Senate bill No. 231 failed to pass the Senate.

The secretary read the following resolution:

RESOLUTION.

By Senator Piper:

WHEREAS, Eight hours has been fixed as a day's work for state, county and municipal employes, and

WHEREAS, The secretary of the Senate of the State of Washington, acting under direction of the Senate, has full control over all employes of the Senate, to fix their number, prescribe their duties and designate their hours of labor, has become in effect the representative or vice principal of the Senate as has been determined by numerous decisions of the supreme court of the State of Washington in analogous cases, and

WHEREAS, Acting under orders of the Senate and its committees, the secretary has required many employes upon numerous occasions to labor more than eight hours in a single day to expedite the business of this Senate, in direct violation of sections 6572 to 6577, Remington and Ballinger's Codes and Statutes of Washington, thereby becoming personally liable for any criminal or civil responsibility that might result therefrom; therefore, be it

Resolved, That the Senate hereby directs the secretary of the Senate to ascertain the names of such employes as may have been compelled to devote more than eight hours per day to the work of this body, the occasions upon which they have been employed in overtime, and to compute the amount of extra time for which they should be paid; be it further

Resolved, That any employe of this Senate working more than eight hours per day shall be credited with an amount equal to one and one-

half times his or her regular per diem: *Provided*, That a release be given the State of Washington and the secretary of the Senate for any and all claims that might accrue to such employe by reason of such overtime employment.

On motion of Senator Falconer, the resolution was ordered laid on the table.

On motion of Senator Allen (P. L.), the consideration of Senate bill No. 166, which was the next bill on the calendar, went over until Monday.

Senate bill No. 154, by Senator Landon, entitled "An act providing for the sale by common carriers of refused or unclaimed property," was read third time.

The secretary called the roll on final passage of Senate bill No. 154 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Cox, Davis, Espy, Falconer, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Rosenhaupt, Ruth, Shaefer, Smithson, Troy, White, Whitney, Mr. President—30.

Absent or not voting were: Senators Allen (F. J.), Bowen, Collins, Eastham, Fishback, Hewitt, Roberts, Rydstrom, Stephens, Stevenson, Stewart, Whalley—12.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 110 was laid over by reason of the absence of Senator Hewitt, and it was ordered that the bill retain its place on the calendar.

Senate bill No. 196, by Senator Hutchinson, entitled "An act to amend section 5938 of Remington and Ballinger's Annotated Codes and Statutes of Washington, relating to the hospital for the insane at Fort Steilacoom," was read third time.

The secretary called the roll on final passage of Senate bill No. 196 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Bryan, Chappell, Cox, Davis, Espy, Falconer, Hall, Hammer, Hutchinson, Huxtable, Jensen, Lan-

don, Metcalf, Myers, Nichols, Piper, Ruth, Shaefer, Troy, White, Whitney, Mr. President—28.

Absent or not voting were: Senators Allen (F. J.), Collins, Eastham, Fishback, Hewitt, Jackson, Roberts, Rosenhaupt, Rydstrom, Smithson, Stephens, Stevenson, Stewart, Whalley—14.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 197, by Senator Hutchinson, entitled "An act to amend section 5939 of Remington and Ballinger's Annotated Codes and Statutes of Washington," was read third time.

The secretary called the roll on final passage of Senate bill No. 197 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Cox, Davis, Espy, Falconer, Hall, Hammer, Hutchinson, Huxtable, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Ruth, Shaefer, White, Whitney, Mr. President—26.

Absent or not voting were: Senators Allen (F. J.), Bowen, Collins, Eastham, Fishback, Hewit, Jackson, Roberts, Rosenhaupt, Rydstrom, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley—16.

There being no objection, the title of the bill was ordered to stand as the title of the act.

At 2:50 p. m., on motion of Senator Allen (P. L.), the Senate adjourned until 11 o'clock Monday morning.

WM. T. LAUBE,

Secretary of the Senate.

W. H. PAULHAMUS,

President of the Senate.

FIFTIETH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASH., Monday, February 27, 1911.

The Senate was called to order at 11 o'clock a. m. by President, Paulhamus, pursuant to adjournment.

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present.

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

A communication from United States Senator S. H. Piles, acknowledging receipt of Senate joint memorial No. 5, was read and ordered placed on file.

A protest against the passage of Senate bill No. 102 from the West End Improvement Club, of Tacoma, and a petition from certain citizens of King county praying the enactment of the initiative and referendum; a communication from the Western Land Products Exhibit, of Omaha, Nebraska, were read and ordered placed on file.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
MR. PRESIDENT: OLYMPIA, WASH., February 25, 1911.

We, your committee on appropriations, to whom was re-referred Senate bill No. 67, entitled "An act to amend sections 3 and 4 of an act entitled 'An act creating a state shore land improvement fund, providing for certain warrants to be drawn on said fund, making such warrants preferential, and appropriating and providing for the expenditure and disbursement thereof,' approved March 17, 1909, making an appropriation and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman.*

We concur in this report: J. R. Stevenson, Ed Brown, Daniel Landon, D. S. Troy, Frank C. Jackson, D. H. Cox, J. H. Smithson, Chas. E. Myers, J. D. Bassett, E. Hammer, F. J. Allen, J. W. Bryan.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 27, 1911.

MR. PRESIDENT:

We, your committee on memorials, to whom was referred Senate joint memorial No. 7, "Relating to the adoption of the Taft reciprocity agreement with Canada," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

GEO. W. SHAEFER, *Chairman*.

We concur in this report: F. L. Stewart, George U. Piper.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 27, 1911.

MR. PRESIDENT:

We, your committee on election and privileges, to whom was referred Senate bill No. 271, entitled "An act relating to the opening and closing of polls at special elections held in cities for the purpose of submitting to the qualified electors any proposition or propositions to incur municipal indebtedness and to issue negotiable bonds therefor, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. W. BRYAN, *Chairman*.

We concur in this report: Geo. W. Shaefer, Ralph Metcalf, P. L. Allen.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1911.

MR. PRESIDENT:

We, your committee on state charitable institutions, to whom was referred Senate bill No. 204, entitled "An act providing for the care and education of defective and feeble-minded youth of the State of Washington and requiring persons legally liable for their support to pay the cost thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file with the following amendments:

In section 1, line 2 of the printed bill, the same being section 1, line 3 of the original bill, after the word "feeble-minded" insert the word "idiotic" and a comma and also the word "epileptic" and a comma, and in section 1, line 3 of the printed bill, the same being section 1, line 4 of the original bill, strike the word and figures "eighteen (18)" and insert the word and figures "twenty-one (21)" in lieu thereof.

Between sections four and five (4 and 5) insert a new section numbered five (5), the same to read as follows:

"Sec. 5. Inmates shall be detained in said institution until the superintendent and board of control shall be satisfied that they are in normal condition or that they can receive proper care and education at the home of a relative or friend, and in case any relative or friend shall make application to the board of control for the discharge of any inmate and shall make sufficient showing to said board of control that said inmate is a proper person to be discharged, and that said relative or friend will properly care for such person, then the board of control may permit such inmate to go to such relative or friend upon parole for the period not to exceed one year, and if at the expiration of said year said board of control shall be satisfied that such inmate is a fit and proper person to be discharged, they shall order his or her discharge, and if they are not satisfied that such person is a fit and proper person to be discharged, they shall order the return of such person to the institution, subject to all the rules and regulations thereof and the laws relative thereto in the State of Washington."

R. A. HUTCHINSON, *Chairman*.

We concur in this report: John E. Chappell, E. Hammer, Peder Jensen.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., February 27, 1911.

Your committee on enrolled bills, to whom was referred Senate bill No. 85, "An act amending section 2 of an act entitled 'An act amending sections 3, 5, 11 and 12 of an act entitled "An act defining forcible entry, forcible detainer and unlawful detainer of real property, and providing remedies therefor by summary proceedings," approved March 7, 1891,' approved March 6, 1905, and declaring an emergency," have compared same with the original bill and find it correctly enrolled.

Respectfully submitted.

GEO. W. SHAEFER, *Chairman*.

We concur in this report: H. A. Espy, B. A. Bowen, John A. Whalley.

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., February 27, 1911.

Your committee on engrossed bills, to whom was referred engrossed substitute Senate bill No. 6, entitled "An act to provide an insurance code for the State of Washington, to regulate the organization and government of insurance companies and insurance business, to provide penalties for the violation of the provisions of this act, to provide for an insurance commissioner and define his duties, and to repeal all existing laws in relation thereto," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman*.

We concur in this report: Daniel Landon, F. J. Allen.

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1911.

MR. PRESIDENT:

We, your committee on state charitable institutions, to whom was referred Senate bill No. 18, entitled "An act relating to the admission of persons to the state institution for the feeble-minded, their maintenance and education, and making certain persons liable therefor, and amending section 4399 of Remington and Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

R. A. HUTCHINSON, *Chairman*.

We concur in this report: E. Hammer, John E. Chappell, Peder Jensen.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 27, 1911.

MR. PRESIDENT:

We, your committee on education, to whom was referred engrossed House bill No. 280, entitled "An act relating to the elections in school districts of the first class and amending section 4669 of Remington and Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. D. BASSETT, *Chairman*.

We concur in this report: Peder Jensen, Chas. E. Myers, Oliver Hall, H. A. Espy.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 27, 1911.

MR. PRESIDENT:

We, your committee on education, to whom was referred House bill No. 279, entitled "An act relating to school elections in school districts of the first class and amending sections 1, 6, 7 and 11 of article 4, chapter 13, title III, of the Code of Public Instruction, the same being chapter 97 of the Session Laws of 1909, approved by the governor March 11, 1909," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. D. BASSETT, *Chairman*.

We concur in this report: Peder Jensen, Chas. E. Myers, Oliver Hall, H. A. Espy.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 27, 1911.

MR. PRESIDENT:

We, your committee on memorials, to whom was referred Senate joint memorial No. 6, "Relating to construction of canal between the bay of Port Townsend and Oak bay, in the State of Washington, and requesting an appropriation therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

GEO. W. SHAEFER, *Chairman*.

I concur in this report: F. L. Stewart.

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

SENATE CHAMBER,

MR. PRESIDENT: OLYMPIA, WASH., February 24, 1911.

We, a majority of your committee on public morals, to whom was referred engrossed House bill No. 213, entitled "An act to amend sections 3, 7, 10, 13 and 16 of chapter 190 of the Session Laws of 1909, approved March 17, 1909, relating to the powers of juvenile courts, and the care, custody and control of delinquent children," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

Section 1, line 11 of the original bill, being section 1, line 7 of the printed bill, after the word "record" insert the following: "such records shall be kept as official records of the court until the child named therein shall have reached the age of twenty-one years, at which time they shall be destroyed; such records shall be open to the inspection of such child, his parents or guardian, or his attorney."

CHAS. E. MYERS, *Chairman*.

We concur in this report: A. B. Eastham, Oliver Hall, E. Hammer, A. W. Anderson.

SENATE CHAMBER,

MR. PRESIDENT: OLYMPIA, WASH., February 24, 1911.

I, a minority of your committee on public morals, to whom was referred engrossed House bill No. 213, entitled "An act to amend sections 3, 7, 10, 13 and 16 of chapter 190, of the Session Laws of 1909, approved March 17, 1909, relating to the powers of juvenile courts, and the care, custody and control of delinquent children," have had the same under consideration, and I respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Amend page 2, line 13 of the engrossed bill, being section 2, line 14 of the printed bill, by striking the words "one or more" and inserting the word "two" in lieu thereof.

Page 2, line 18 of the engrossed bill, being section 2, lines 18 and 19

of the printed bill, strike the words, "and when deemed necessary an assistant who shall be paid a sum not to exceed \$60.00 nor less than \$25.00 per month," and insert in place thereof, "additional paid probation officers may be appointed by the court in the same manner when necessity shall arise, subject to the approval of the county commissioners by whom the amount of compensation shall be fixed."

Section 3 of the engrossed bill, being section 3 of the printed bill, strike "section 10" and substitute the following:

"Sec. 10. The hearings may be conducted in any room provided for the purpose in the courthouse, or building where sessions of the court are held and, as far as practicable, such cases shall not be heard in conjunction with other business of the court. At the hearing of any case involving a child, the court shall have power to exclude the general public from the room where such hearing is had, admitting thereto only such persons as may have a direct interest in the case. The probation officer's investigation record and report in each case, shall be withheld from public inspection, but such records shall be open to the inspection of such child, his parents or guardian, or his attorney, and to such other persons as may secure a special order of court therefor. Such records shall be kept as official records of the court until the case is finally disposed of, at which time they shall be destroyed. After acquiring jurisdiction over any child, the court shall have power to make any order with respect to the custody, care or control of such child, or any order which, in the judgment of the court, would promote the child's health or welfare. In any case of a delinquent or neglected child, the court may continue the hearing from time to time and may commit the child to the care and guardianship of a probation officer, duly appointed by the court, and may allow said child to remain at its own home, subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required, and subject to be returned to the court for further proceedings whenever such action may appear to be necessary, or the court may commit the child to the care and guardianship of the probation officer, to be placed in a suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of the child, until a suitable provision may be made for the child in a home without such payment, or the court may commit the child to a suitable institution for the care of delinquent or neglected children. In no case shall a child be committed beyond the age of 21 years. A child committed to such institution shall be subject to the control thereof and the said institution shall have power to parole such child, on such conditions as it may prescribe, and the court shall have power to discharge such child from custody, whenever in the judgment of the court, his or her reformation shall be complete; or the court may commit the child to the care and custody of some association that will receive such child, embracing in its object the care of neglected and delinquent children."

JOSIAH COLLINS.

SENATE CHAMBER,
OLYMPIA, WASH., February 27, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 98, entitled "An act to amend sections 7, 10 and 16 of chapter 190 of an act of the legislature of the State of Washington, approved March 17, 1909, entitled 'An act in aid of children, providing for the custody, control, treatment, maintenance and adoption of neglected and delinquent children, under the direction and by the order of the superior court,' etc., have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the bill submitted herewith be substituted therefor and that it do pass.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Geo. W. Shaefer, Ralph Metcalf, Josiah Collins.

Senator Myers moved the adoption of the majority report on House bill No. 213.

Senator Nichols moved as a substitute that House bill No. 213 with majority and minority reports on same, together with Senate bill No. 98 and report of committee on judiciary on that bill, be re-referred to the committee on public morals.

The substitute motion of Senator Nichols carried.

The president called Senator Falconer to take the president's chair.

INTRODUCTION OF BILLS.

Senator Paulhamus requested unanimous consent to introduce a bill.

Objection was made by Senator Piper.

Senator Espy moved that Senator Paulhamus be granted permission to introduce a bill at this time.

A roll call on the motion was demanded by Senators Ruth, Eastham, Bowen, Paulhamus, Anderson, Espy, Whalley.

The secretary called the roll and the motion of Senator Espy carried by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom,

Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, Mr. President—37.

Those voting nay were: Senators Eastham, Nichols—2.

Absent or not voting were: Senators Fishback, White, Whitney—3.

Senate bill No. 317, by Senator Paulhamus, entitled "An act to prohibit the sale, gift, disposal or delivery of intoxicating liquor without valid licenses therefor, or in any portion of the state where the sale of intoxicating liquor or the granting of licenses therefor is prohibited; defining offenses hereunder and providing penalties therefor."

The bill was read first time, and on motion of Senator Paulhamus, the rules were suspended, the bill was read second time by title, ordered printed and referred to the committee on public morals.

The president resumed the chair.

Senator Hutchinson was granted unanimous consent to introduce a bill.

Senate bill No. 318, by Senator Hutchinson, entitled "An act providing for the canvassing of the votes cast in municipal elections in cities of the first class, for the declaring of the result thereof, declaring the application of this act, and declaring an emergency."

The bill was read first time, and on motion of Senator Hutchinson, the rules were suspended, the bill was read second time by title, ordered printed, and referred to a special committee consisting of the senators from Spokane county.

At the request of Senator Hutchinson, the Senate, by unanimous consent returned to the order of business "Reports of Committees."

REPORT OF SPECIAL COMMITTEE.

SENATE CHAMBER

OLYMPIA, WASH., February 27, 1911.

MR. PRESIDENT:

We, your special committee of Spokane county senators, to whom was referred Senate bill No. 318, entitled "An act providing for the canvassing of the votes cast in municipal elections in cities of the first

class, for the declaring of the result thereof, declaring the application of this act, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

R. A. HUTCHINSON, *Chairman.*

We concur in this report: Geo. W. Shaefer, Jesse Huxtable, Harry Rosenhaupt.

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

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., February 27, 1911.

MR. PRESIDENT:

The House desires to recall from the Senate, House bill No. 199.

LOREN GRINSTEAD, *Chief Clerk.*

SPECIAL ORDER.

The hour of 11:30 having arrived, the Senate proceeded to consider engrossed Senate bill No. 203.

Engrossed Senate bill No. 203, by Senators Nichols and Jackson, entitled "An act dedicating to the city of Seattle for street and boulevard purposes certain tracts of land in section 16, township 25, north range 4 east W. M., and in blocks 7 and 8, of Lake Washington shore lands, upon condition that no assessments for the improvement thereof shall be levied against the property above described, and vacating certain streets," was read third time.

Senator Nichols moved to amend the bill by inserting the words "for street and boulevard purposes" between the words "Seattle" and "all" in line 1 of section 1 of the printed bill, same being in line 2, section 1, of the engrossed bill.

Senator Landon moved as a substitute that in lines 1, 2 and 3 of section 1 of the engrossed bill, the same being lines 1 and 2 of the printed bill, the words "city of Seattle all the right, title and interest of the State of Washington in and to" be stricken and there be substituted therefor the words "public for street and boulevard purposes."

The substitute motion of Senator Landon was accepted by Senator Nichols.

The amendment carried.

On motion of Senator Nichols, the bill was amended as follows:

In line 16, section 1 of the printed bill, same being line 6, page 2 of the engrossed bill, strike, beginning with the word "to," all of that line, and strike all of lines 17 to 26 inclusive and all of line 27 up to and including the word "tangency" in line 27 of the printed bill, same being in lines 7 to 22 inclusive and part of line 23, page 2 of the engrossed bill, and in lieu thereof add the following: "to a point; thence in a northwesterly direction a distance of 150 feet more or less to a point which is more definitely described as follows, to-wit: beginning at the last point heretofore described, being the terminus of a line 973.18 feet in length, and continuing with a curve to the right, having a uniform radius of 50 feet; thence northeasterly and easterly along the arc of said curve, a distance of 66.58 feet to a point of tangency; thence north 89 degrees, 42 minutes, 11 seconds, east a distance of 795.97 feet to the northwesterly margin of a street platted in the Lake Washington shore lands; thence northwesterly along said margin a distance of 108.17 feet; thence south 89 degrees, 42 minutes, 11 seconds west, a distance of 921.36 feet to the beginning of a curve to the right, having a uniform radius of 50 feet; thence westerly, northwesterly and northerly, along the arc of said curve a distance of 88.45 feet to a point of tangency; which is the point heretofore referred to as the terminus of a line 150 feet more or less in length."

On motion of Senator Nichols, the bill was amended as follows:

Between the words "sixteen" and "township," appearing in line 15 of page 8 of the engrossed bill, insert the words "produced south."

Strike the words "two hundred" in lines 19 and 20 of page 8 of the engrossed bill, and insert in lieu thereof the figures "1233.35."

Between the figures "16" and the word "township" in line 25 of page 8 of the engrossed bill, insert the words "produced south."

Strike the words "two hundred" in line 28 of page 8 of the engrossed bill, and insert in lieu thereof the figures "1233.35."

On motion of Senator Landon, the bill was amended in section 3, line 3, of the printed bill, the same being line 4, section 3, of the engrossed bill, by striking the words "granted to said city of Seattle," and substituting therefor the word "dedicated."

Senator Landon moved to amend the bill by adding to the end of section 1, the following: "*Provided, however,* That the improvement of the streets and boulevards hereby established shall be made only in such manner and upon such grades as

shall be first approved by the governing board of the University of Washington."

The amendment failed to carry.

On motion of Senator Landon, a new section was added as follows:

"Section 4. No franchise on any of said streets shall be granted for any steam railroad, and no franchise on any of said streets shall be granted to any electric railway unless the same contain a provision for common user of tracks by others than the grantee under reasonable terms and conditions, and unless such franchise provide for a single five cent fare with transfer privileges for a continuous ride between any point in said section 16 and any other point within the limits of the city of Seattle, and unless such franchise provide for the construction and maintenance of stations along the line of such railway at such number of convenient places in said section 16 as may be designated by the governing board of the said university."

The secretary called the roll on final passage of Senate bill No. 203 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Chappell, Collins, Cox, Davis, Eastham, Falconer, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Smithson, Stephens, Stevenson, Stewart, Whalley, White, Whitney—35.

Those voting nay were: Senators Bryan, Espy, Landon, Shaefer, Troy, Mr. President—6.

Absent or not voting: Senator Fishback—1.

On motion of Senator Nichols, the title of the bill was amended by striking therefrom the words "city of Seattle" and substituting therefor the word "public."

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Senator Davis gave notice of a motion to reconsider the vote by which Senate bill No. 203 passed the Senate.

On motion of Senator Rosenhaupt, engrossed House bill No. 236 was re-referred to the committee on judiciary and it was ordered that the bill retain its present place on the calendar.

Senator Shaefer reported that he had compared the original

of Senate bill No. 85 with the enrolled copy and found it to be properly enrolled.

The president signed Senate bill No. 85.

On motion of Senator Ruth, the special order set for 2 o'clock this afternoon was advanced to 2:15 o'clock this afternoon.

At 1 o'clock p. m. the Senate took a recess until 2:15 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 2:15 o'clock p. m. by President Paulhamus.

Senator Anderson moved that the vote by which Senate bill No. 231 failed to pass the Senate be reconsidered.

The motion carried.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,

MR. PRESIDENT:

OLYMPIA, WASH., February 27, 1911.

The speaker has signed Senate bill No. 85, entitled "An act amending section 2 of an act entitled 'An act amending sections 3, 5, 11 and 12 of an act entitled "An act defining forcible entry, forcible detainer";" etc.

And the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

SPECIAL ORDER.

The Senate took up for consideration Senate bill No. 313, which was a special order for this hour.

Senator Falconer moved that House bill No. 448 be substituted for Senate bill No. 313.

The motion carried.

Senator Nichols moved that House bill No. 448 be re-referred to the committee on appropriations with instructions to not report it back to the Senate until a legislative apportionment bill based on the constitution shall have passed both houses of the legislature.

The motion was ruled out of order.

Senator Nichols moved that House bill No. 448 be referred to the committee on rules and joint rules with instructions to not report the bill back to the Senate until such time as it is called out by a majority vote of the Senate.

A roll call on the motion of Senator Nichols was demanded by Senators Nichols, Falconer, Brown, Myers, Piper, Ruth, Eastham, Davis, Whalley.

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

Those voting aye were: Senators Hutchinson, Huxtable, Nichols, Piper, Whitney—5.

Those voting nay were: Senators Anderson, Arrasmith, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Jackson, Jensen, Landon, Metcalf, Myers, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—34.

Absent or not voting were: Senators Allen (F. J.), Allen (P. L.), Bassett—3.

On motion of Senator Falconer, the Senate resolved itself into a committee of the whole to consider House bill No. 448.

The bill was considered in committee of the whole, Senators Metcalf and Stevenson in the chair, and was reported back to the Senate with the recommendation that it do pass with the following amendments:

Between lines 14 and 15 of the printed bill, the same being lines 20 and 21, page 1 of the original bill, insert a line as follows: "For investigation of alleged violations of laws and survey of public lands, \$5,000.00," and in line 15 of the printed bill, the same being line 21, page 1 of the original bill, change the figures "\$42,900.00" to read "\$47,900.00."

After line 28 of the printed bill, same being line 14, page 2 of the original bill, insert line 28 $\frac{1}{4}$ as follows: "Salary of deputy commissioner of statistics and immigration, \$3,600.00," and also insert line 28 $\frac{1}{2}$ as follows: "Postage, traveling expenses and incidentals in department of statistics and immigration, \$1,200.00," and change the total in line 29 of the printed bill, the same being line 15, page 2 of the original bill, from \$32,080.00 to read "\$36,880.00."

Strike lines 98 and 99 of the printed bill, same being lines 22 and 23, page 4 of the original bill, and substitute therefor line 98 as fol-

lows: "Salary of assistant librarian, incidentals, indexing Session Laws and shelving and purchase of books, \$14,000.00," and change the total in line 100 of the printed bill, same being line 24, page 4 of the original bill, from "\$18,000.00" to "\$18,800.00."

Strike lines 116 to 125 inclusive of the printed bill, the same being lines 1 to 10 inclusive, page 5 of the original bill.

In line 128 of the printed bill, the same being in line 14, page 5 of the original bill, strike the figures "\$8,600.00" and substitute the figures "\$5,600.00" and in line 131 of the printed bill, the same being line 18, page 5 of the original bill, strike the figures "\$20,000.00" and substitute the figures "\$10,000.00"; also change the total in line 132 of the printed bill, the same being in line 19, page 5 of the original bill, from "\$40,000.00" to read "\$27,000.00."

In line 139 of the printed bill, the same being in line 26, page 5 of the original bill, strike the figures "\$3,000.00" and substitute the figures "\$2,400.00."

In line 188 of the printed bill, the same being in line 35, page 6 of the original bill, after the word "of" and preceding the word "game" insert the word "deputy."

In line 182 of the printed bill, the same being in line 29, page 6 of the original bill, strike the figures "\$7,500.00" and substitute the figures "\$7,000.00."

In line 192 of the printed bill, the same being in line 40, page 6 of the original bill, strike the figures "\$46,000.00" and substitute therefor the figures "\$71,000.00" and in line 193 of the printed bill, the same being line 41, page 6 of the original bill, change the total to read "\$75,000.00."

In line 202 of the printed bill, the same being in line 10, page 7 of the original bill, after the word "improvements" insert the words "irrigation experiments."

In line 227 of the printed bill, the same being in line 9, page 8 of the original bill, after the word "improvement" insert the words "gymnasium and equipment" and strike the figures "\$153,793.00," substituting for said figures "\$173,793.00."

In line 223 of the printed bill, the same being in line 4, page 8 of the original bill, substitute "\$17,500.00" for the figures "\$17,000.00."

In line 249 of the printed bill, the same being in line 31, page 8 of the original bill, after the word "equipment" insert the word "improvements."

In line 253 of the printed bill, the same being in line 37, page 8 of the original bill, after the word "experimental" and preceding the word "extension" insert the word "and," and after the word "work" insert the words "and buildings, improvements and equipment."

In line 254 of the printed bill, the same being in lines 1 and 2, page 9 of the original bill, strike the letter "s" at the end of the word "extensions" and the words "and buildings" and insert in lieu thereof the word "work."

At the end of line 251½ of the printed bill, the same being line 35, page 8 of the original bill, add the following: "Provided, That this appropriation be made contingent upon the continuance of the course in military drill, tactics, and other proper theoretical and practical military instruction for all first year male students, and the continuance of theoretical instruction for second year male students, except when excused by a three-fourths vote of the faculty."

In line 268 of the printed bill, the same being in line 21, page 9 of the original bill, insert after the word "assist" the words "or inspect."

In line 283 of the printed bill, the same being line 37, page 9 of the original bill, strike the figures "\$30,000.00" and substitute the figures "\$35,000.00."

After line 298 of the printed bill, the same being line 15, page 10 of the original bill, add line "298½. Salaries of judges of the supreme court, \$830.58."

In line 299 of the printed bill, the same being line 16, page 10 of the original bill, strike the figures "\$31,100.00" and substitute the figures "\$31,930.58."

After line 289 of the printed bill, the same being line 6, page 10 of the original bill, add a new line "289½. C. C. Dalton, \$525.50."

In line 292 of the printed bill, the same being line 9, page 10 of the original bill, strike the figures "\$784.21" and substitute the figures "\$1,309.71."

After line 345 of the printed bill, the same being line 17, page 11 of the original bill, add a new line "345½. Bureau of immigration and statistics, \$3,000.00."

In line 345 of the printed bill, the same being in line 17, page 11 of the original bill, after the word "journals" insert the word "and Session Laws" and strike the figures "\$10,000.00" and substitute the figures "\$13,000.00."

In line 346 of the printed bill, the same being in line 18, page 11 of the original bill, strike the figures "\$95,210.00" and substitute the figures "\$101,210.00."

In line 351 of the printed bill, the same being in line 23, page 11 of the original bill, substitute the figures "\$236.92" for the figures "\$236.25."

In line 366 of the printed bill, the same being in line 38, page 11 of the original bill, substitute the figures "\$6,000.00" for the figures "\$3,000.00."

In line 369 of the printed bill, the same being in line 42, page 11 of the original bill, substitute the figures "\$72.00" for "\$36.00" and in line 370 of the printed bill, same being in line 42, page 11 of the original bill, substitute the figures "\$144.00" for "\$72.00."

Strike line 379 of the printed bill, same being line 51, page 11 of the original bill.

Strike line 383 of the printed bill, same being line 56, page 11 of

the original bill, and substitute the following: "For topographic and hydrographic surveys (conditioned upon a similar sum being expended by the U. S. geological survey), \$37,500.00."

Add line 384 to the printed bill, same to be known as line 57, page 11 of the original bill, as follows: "For geological surveys, \$20,000.00."

Add line 385 to the printed bill, same to be known as line 58, page 11 of the original bill, as follows: "Total, \$400,144.02."

Strike lines 172, 173 and 174 of the printed bill, the same being lines 18, 19 and 20, page 6 of the original bill, and substitute the following: "172. Salary of deputies, \$9,600.00. 173. Traveling expenses, rent, incidentals, office bonds, etc., \$12,500.00. 174. Total, \$31,700.00."

In line 135 of the printed bill, the same being in line 22, page 5 of the original bill, strike the word "commissioner" and substitute the words "state dairy instructor" and in the following line, between the words "deputy" and "food" insert the words "dairy and."

On motion of Senator Stevenson, the report of the committee of the whole was adopted.

Senator Falconer moved that the reading of the bill had in the committee of the whole be considered the third reading of the bill and that the bill be placed on final passage.

The motion carried.

The secretary called the roll on final passage of House bill No. 448, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Jackson, Landon, Metcalf, Myers, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, White, Mr. President—34.

Those voting nay were: Senators Allen (P. L.), Hutchinson, Huxtable, Jensen, Nichols, Piper, Whitney—7.

Absent or not voting: Senator Whalley—1.

On motion of Senator Rosenhaupt, the title of the bill was amended by adding to the end of the same the words "and making an appropriation for certain deficiencies."

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

At the request of Senator Nichols, the Senate at this time took up the consideration of Senate joint memorial No. 7, "Me-

morializing congress of the United States relative to reciprocity with Canada.”

Senate joint memorial No. 7 was read third time, placed on final passage and passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Davis, Falconer, Fishback, Hutchinson, Huxtable, Jensen, Nichols, Piper, Roberts, Shafer, Stevenson, Smithson, Troy, White, Whitney, Mr. President—26.

Those voting nay were: Senators Cox, Eastham, Espy, Hall, Hammer, Hewitt, Metcalf, Myers, Ruth, Rydstrom, Stephens, Stewart—12.

Absent or not voting were: Senators Jackson, Landon, Rosenhaupt, Whalley—4.

Senator Cox was granted unanimous consent to introduce a bill.

Senate bill No. 319, by Senator Cox, entitled “An act authorizing the board of control to sell certain land belonging to the state penitentiary and to expend the amount received therefor for the purchase of other lands, which amount so received is hereby appropriated for said purpose.”

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

The secretary read:

SENATE JOINT RESOLUTION NO. 10.

By Senators Allen (P. L.) and Ruth:

WHEREAS, It is proposed to build a state capitol building or buildings for the State of Washington, and other buildings for different state institutions of the state; and

WHEREAS, The State of Washington has an abundant supply of stone, marble and other excellent building materials for such purposes; now, therefore, be it

Resolved, by the Senate and House of Representatives of the legislature of the State of Washington, That hereafter in the erection or construction of the capitol building or buildings, or in the erection or construction of buildings for any of the state institutions, Washington

stone, marble and other building materials and products be used; and that so far as possible all state buildings of every kind and character hereafter constructed, shall be constructed of Washington products and building materials;

Resolved further, That a copy of this resolution be transmitted to the governor of the state, and an additional copy be transmitted to the state board of control.

On motion of Senator Allen (P. L.), the resolution was read second time, ordered printed and referred to the committee on memorials.

At the request of Senator Bryan, unanimous consent was given to consider Senate bill No. 271.

Senate bill No. 271, by Senator Bryan, entitled "An act relating to the opening and closing of polls at special elections held in cities for the purpose of submitting to the qualified electors any proposition or propositions to incur municipal indebtedness and to issue negotiable bonds therefor and declaring an emergency," was read third time.

The secretary called the roll on final passage of Senate bill No. 271, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, White, Mr. President—39.

Absent or not voting were: Senators Piper, Whalley, Whitney—3.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—38.

Absent or not voting were: Senators Eastham, Espy, Piper, Whitney—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Huxtable, the Senate at this time proceeded to consider Senate bill No. 147.

Senate bill No. 147, by Senator Metcalf, entitled "An act relative to legal holidays, and declaring the 12th day of October of each year to be a legal holiday to be known as 'Columbus Day,'" was read third time.

The secretary called the roll on final passage of Senate bill No. 147, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Bryan, Chappell, Collins, Cox, Falconer, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jensen, Landon, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, White, Whitney, Mr. President—31.

Those voting nay were: Senators Arrasmith, Bassett, Bowen, Brown, Davis, Eastham, Espy, Fishback, Jackson, Nichols—10.

Absent or not voting: Senator Whalley—1.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Brown, House bill No. 288 was re-referred to a special committee consisting of the Senators from Spokane and Whatcom counties.

At 9:20 p. m., on motion of Senator Rosenhaupt, the Senate adjourned until 10 o'clock tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

W. H. PAULHAMUS,
President of the Senate.

FIFTY-FIRST DAY.

MORNING SESSION.

SENATE CHAMBER,**OLYMPIA, WASH., Tuesday, February 28, 1911.**

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

Rev. G. R. Messiah, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present.

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

A number of telegrams from various citizens of Seattle urging the passage of the law restricting the employment of women to eight hours were read and placed on file.

A telegram from the Western Pine Manufacturers' Association, favoring the passage of the Teats employes' compensation act was read and placed on file.

Communications were received from United States Senator Wesley L. Jones and Congressman Miles C. Poindexter, acknowledging receipt of Senate joint memorial No. 5.

A communication from the State Sheriffs' Association, urging the passage of substitute Senate bill No. 129, was read and ordered placed on file.

Under House concurrent resolution No. 11, relating to an entertainment to be given by the members of the legislature to the citizens of Olympia, the president announced the appointment of a committee on the part of the Senate, consisting of Senators Collins and Stevenson.

On motion of Senators Allen (P. L.), the following resolution was adopted:

Resolved, That the sergeant-at-arms be, and is hereby, instructed to purchase \$5.00 worth of postage stamps to cover postage paid by committee clerks in sending out communications under direction of their respective chairmen.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred Senate bill No. 319, entitled "An act authorizing the board of control to sell certain land belonging to the state penitentiary and to expend the amount received therefor for the purchase of other lands, which amount so received is hereby appropriated for said purpose," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman.*

We concur in this report: D. H. Cox, E. Hammer, C. E. Myers, J. D. Bassett, Oliver Hall, Ed Brown, John L. Roberts.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred Senate bill No. 201, entitled "An act relating to the forests of the state; creating a state board of forest commissioners, providing for a state forester, fire wardens, forest rangers, defining their duties and powers, and making an appropriation therefor, and providing punishments for the violation thereof, and repealing chapter 164 of the Session Laws of the State of Washington for the year 1905," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

J. A. FALCONER, *Chairman.*

We concur in this report: D. H. Cox, Ed Brown, Chas. E. Myers, Oliver Hall, Daniel Landon, F. L. Stewart, John L. Roberts, J. D. Bassett, E. Hammer.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred Senate bill No. 303, entitled "An act to provide funds for the protection of the State of Washington from the spread of bubonic plague, cholera and other menacing Asiatic diseases," have had the same under considera-

tion, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

J. A. FALCONER, *Chairman*.

We concur in this report: D. H. Cox, Ed Brown, Chas. E. Myers, Daniel Landon, F. L. Stewart, John L. Roberts, J. D. Bassett, Oliver Hall, E. Hammer.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred substitute Senate bill No. 102, entitled "An act relating to public service properties, providing for the regulation of the same, fixing penalties for the violation thereof, and repealing certain acts," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

J. A. FALCONER, *Chairman*.

We concur in this report: D. H. Cox, Ed Brown, Chas. E. Myers, Oliver Hall, Daniel Landon, F. L. Stewart, John L. Roberts, J. D. Bassett, E. Hammer.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 27, 1911.

MR. PRESIDENT:

We, your committee on roads and bridges, to whom was referred Senate bill No. 207, entitled "An act to provide for the erection and maintenance of a wagon bridge across the north fork of the Lewis river on the line of the Blaine-Vancouver state highway, creating a commission and providing an appropriation of \$15,000.00 therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the bill submitted herewith be substituted therefor and that it do pass.

H. O. FISHBACK, *Chairman*.

We concur in this report: J. R. Stevenson, Arvid Rydstrom, E. M. Stephens, F. L. Stewart, Joseph Arrasmith, H. A. Espy.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, your committee on commerce and manufactures, to whom was referred Senate bill No. 162, entitled "An act authorizing cities of the

first, second, third and fourth classes to create a publicity fund, and to levy taxes for that purpose, and providing for the manner of the expenditure of such fund," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

J. R. STEVENSON, *Chairman*.

We concur in this report: E. Hammer, F. L. Stewart, John L. Roberts.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, your committee on commerce and manufactures, to whom was referred Senate bill No. 15, entitled "An act to provide for the public investigation of industrial disputes and for the prevention of strikes and lockouts, providing for its enforcement and fixing a penalty for the violation of the provisions thereof, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

J. R. STEVENSON, *Chairman*.

We concur in this report: E. Hammer, John L. Roberts, John A. Whalley.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, your committee on congressional apportionment, to whom was referred Senate bill No. 226, entitled "An act to apportion the State of Washington into five congressional districts," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

ARVID RYDSTROM, *Chairman*.

We concur in this report: J. W. Bryan, J. R. Stevenson, Ed Brown, P. L. Allen, J. A. Falconer.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, your committee on military, to whom was referred Senate bill No. 9, entitled "An act relating to the construction of an armory for the use of the National Guard of Washington, at Walla Walla, appro-

appropriating money from the military fund therefor, creating the board to superintend the construction thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be re-referred to the appropriation committee.

ED BROWN, *Chairman.*

We concur in this report: D. H. Cox, R. A. Hutchinson, John L. Roberts, J. W. Bryan.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, your committee on military, to whom was referred Senate bill No. 28, entitled "An act relating to the construction of an armory for the use of the National Guard of Washington, at North Yakima, appropriating money from the military fund therefor, creating a board to superintend the construction thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be re-referred to the appropriation committee.

ED BROWN, *Chairman.*

We concur in this report: D. H. Cox, R. A. Hutchinson, John L. Roberts, J. W. Bryan.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, a majority of your committee on military, to whom was referred Senate bill No. 17, entitled "An act relating to the construction of an armory for the use of the National Guard of Washington, at Everett, appropriating money from the military fund therefor, creating a board to superintend the construction thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be re-referred to the appropriation committee.

ED BROWN, *Chairman.*

We concur in this report: D. H. Cox, John L. Roberts, J. W. Bryan.

SENATE CHAMBER,
OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

I, a minority of your committee on military, to whom was referred Senate bill No. 17, entitled "An act relating to the construction of an

armory for the use of the National Guard of Washington, at Everett, appropriating money from the military fund therefor, creating a board to superintend the construction thereof," have had the same under consideration, and I respectfully report the same back to the Senate with the recommendation that it be re-referred to the committee on state charitable institutions.

R. A. HUTCHINSON.

Senator Brown moved the adoption of the majority report.

Senator Hutchinson moved that the minority report be substituted for the majority report.

The substitute motion of Senator Hutchinson carried.

SENATE CHAMBER,
OLYMPIA, WASH., February 27, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 264, entitled "An act relating to the trial of persons charged with crime and acquitted on the grounds of insanity, declaring such persons dangerous and unsafe to be at large, and providing for their detention until cured," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: Geo. W. Shaefer, F. J. Allen, Ralph Metcalf, J. W. Bryan.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1911.

MR. PRESIDENT:

We, a majority of your committee on judiciary, to whom was referred engrossed House bill No. 134, entitled "An act amending section 1 of chapter 58, Session Laws of 1905, being section 5289 of Remington and Ballinger's Annotated Codes and Statutes of Washington, relating to contracts and providing that certain contracts shall be void unless in writing," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: Daniel Landon, Geo. W. Shaefer, Ralph Metcalf, Ralph D. Nichols.

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1911.

MR. PRESIDENT:

We, a minority of your committee on judiciary, to whom was referred engrossed House bill No. 134, entitled "An act amending sec-

tion 1 of chapter 58, Session Laws of 1905, being section 5289 of Remington & Ballinger's Annotated Codes and Statutes of Washington, relating to contracts and providing that certain contracts shall be void unless in writing," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

We concur in this report: F. J. Allen, H. M. White, J. W. Bryan.

Senator Metcalf moved the adoption of the majority report.

Senator White moved as a substitute that the bill be ordered placed on general file with both the majority and minority reports.

The substitute motion of Senator White carried.

SENATE CHAMBER,
OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred engrossed Senate bill No. 3, entitled "An act relating to the nomination of superior court and supreme court judges, and amending sections 4842 and 4805, Remington and Ballinger's Annotated Codes and Statutes of Washington;"

Also engrossed Senate bill No. 103, entitled "An act relating to actions for the possession of and quieting title to real property, and amending section 785 of Remington and Ballinger's Codes and Statutes of Washington;"

Also engrossed Senate bill No. 154, entitled "An act providing for the sale by common carriers of refused or unclaimed property;"
—have compared same with the original bills and find them correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman.*

We concur in this report: F. J. Allen, Josiah Collins.

SENATE CHAMBER,
OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred engrossed substitute Senate bill No. 94, entitled "An act relating to the protection, distribution, purchase, propagation and classification of certain animals, birds and fishes in the State of Washington; providing penalties for the violation thereof; creating a state game fund, a state game commission, state game wardens and deputies, and repealing all laws in conflict therewith," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman.*

We concur in this report: Josiah Collins, F. J. Allen, D. S. Troy, Daniel Landon.

SENATE CHAMBER,
OLYMPIA, WASH., February 27, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was re-referred engrossed House bill No. 236, entitled "An act to provide for the reinstatement of corporations whose names have been or may be stricken from the records of the office of the secretary of state, declaring the effect of a failure to secure such reinstatement, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

Strike section 1 of said bill and insert in lieu thereof the following:

"Section 1. That section 4 of chapter 139, Session Laws of 1909, be and the same is hereby amended to read as follows: Sec. 4. No person shall be admitted by examination except on recommendation of the board of examiners as herein provided. Examinations for admission to the bar shall be held at the state capitol on the first Thursday and Friday after the second Monday in January, May, and October of each year and such other time as the board of examiners may deem advisable. Such examination to be both oral and written as to the applicant's knowledge of the law. No person shall be admitted to such examination unless he present to the court evidence that he has sufficient general education to admit him to the freshman or higher class in the state university, or has completed a full four year course in a high school of approved standing; or shall satisfy the board that he has sufficient general learning equivalent thereto, nor unless his application shall have been on file in the office of the clerk of the supreme court at least ninety days before such examination. Nor unless he shall have filed with the clerk of the supreme court, two years before such examination a notice of his commencement of the study of the law: *Provided*, Notice of the commencement of the study of law shall not be required of applicants admitted to the bar of the highest court of record of another state having the requisite general educational qualifications nor of graduates of approved law schools and any period of study in a law school of approved standing shall be deducted from the two years' notice as herein required in proportion that such time of study in the law school bears to the whole time required to complete the full course in such law school. The board shall outline a course of study and shall conduct the examination in accordance with such outline and from and after the first day of July, 1913, the course of study shall be three years and that the notice of the commencement of the study of law shall be on file in accordance therewith. Each applicant shall also present an affidavit by some member of the bar of the supreme court, or a certificate from the dean, or head of some law school of approved standing, to the effect that such applicant has regularly and attentively studied law under the direction of the affiant, or dean or head of such law school, as the case may be, for the period of

time herein stated, and showing by such affidavit, or affidavits, or certificate or certificates, or both, the full period of study required for admission: *Provided*, That thirty-five full weeks of study in a law school in any one year shall be equivalent to a year's study.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: H. M. White, Geo. W. Shaefer, Daniel Landon, Josiah Collins, J. W. Bryan, Ralph Metcalf.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, your committee on state, granted, school and tide lands, to whom was referred Senate bill No. 305, entitled "An act providing for the inspection, examination and appraisal of state timber lands, making an appropriation therefor, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

P. L. ALLEN, *Chairman*.

We concur in this report: H. O. Fishback, E. Hammer, Peder Jensen, J. A. Falconer.

On motion of Senator Allen (P. L.), the report of the committee was adopted.

SENATE CHAMBER
OLYMPIA, WASH., February 27, 1911.

MR. PRESIDENT:

We, your committee on salaries and mileage, to whom was referred the expense accounts of Senators John E. Chappell and H. A. Espy in connection with the joint legislative committee which met in the city of Portland with a similar committee from the legislature of Oregon, have carefully audited the same and find them to be correct and report back with the recommendation that they be allowed.

PEDER JENSEN, *Chairman*.

We concur in this report: Chas. E. Myers, D. H. Cox, Ed Brown, Oliver Hall.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, your committee on state, granted, school and tide lands, to whom was referred Senate bill No. 250, entitled "An act preventing the sale of lands set apart for use, support, establishment, maintenance and endowment of the state agricultural college and school of sci-

ence, now known as the State College of Washington, or of any of the several state normal schools without the consent of the board of regents, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

P. L. ALLEN, *Chairman.*

We concur in this report: E. Hammer, H. O. Fishback, J. A. Falconer, Peder Jensen.

On motion of Senator Allen (P. L.), the report of the committee was adopted.

MESSAGES TO THE SENATE.

HOUSE OF REPRESENTATIVES.

OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

The House has passed House bill No. 311, entitled "An act for the relief of C. A. Ives;"

Also engrossed House bill No. 326, entitled "An act relating to the school for the blind, and making an appropriation therefor;"

Also engrossed House bill No. 12, entitled "An act to regulate and limit the hours of employment of females in any mechanical or mercantile establishment," etc.;

Also engrossed House bill No. 224, entitled "An act relating to direct amendments of city charters and amending section 7504, of Remington and Ballinger's Annotated Codes," etc.

Also, the speaker has signed House bill No. 155, entitled "An act relating to procedure in criminal actions against corporations;"

Also House bill No. 267, entitled "An act granting rights-of-way through land in the State of Washington held for state training school purposes;"

Also House concurrent resolution No. 13, "Extending time of the committee appointed under House concurrent resolution No. 2, in which to file its final report;"

Also House concurrent resolution No. 11, "Relating to suitable and appropriate function to be tendered to the people of Olympia in return for the many courtesies shown us;"

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president signed House bills Nos. 155 and 267 and House concurrent resolutions Nos. 11 and 13.

INTRODUCTION OF BILLS.

Substitute Senate bill No. 207 by Committee on Roads and Bridges, entitled "An act to provide for the construction and

maintenance of a wagon bridge across the north fork of the Lewis river, and making an appropriation therefor."

The bill was read first time, and on motion of Senator Fishback, the rules were suspended, the bill was read second time by title, ordered printed and placed on general file.

Engrossed House bill No. 326, by Mr. French, entitled "An act relating to the School for the Blind and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Eastham, the rules were suspended, the bill was read the second time by title and referred to the committee on appropriations.

Engrossed House bill No. 12, by Mr. Campbell, entitled "An act to regulate and limit the hours of employment of females in any mechanical or mercantile establishment, laundry, hotel or restaurant; except establishments engaged in harvesting, packing, curing, canning or drying certain perishable articles and providing a saving clause as to such exception; to provide for its enforcement and a penalty for its violation."

The bill was read the first time, and on motion of Senator Falconer, the rules were suspended, the bill was read the second time by title and referred to the committee on labor and labor statistics.

Engrossed House bill No. 224, by Mr. Hastings, entitled "An act relating to direct amendments of city charters and amending section 7504 of Remington and Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill was read the second time by title and referred to the committee on cities of the first class.

House bill No. 311, by Messrs. Leonard, Martin and Scales, entitled "An act for the relief of C. A. Ives."

The bill was read the first time, and on motion of Senator Fishback, the rules were suspended, the bill was read the second time by title and referred to the committee on state, granted, school and tide lands.

GENERAL FILE.

Senate joint memorial No. 6, by Senator Troy, "Memorializing congress to construct a canal at Marrowstone Point, in Jefferson county," was read third time.

The secretary called the roll on final passage of Senate joint memorial No. 6 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jensen, Metcalf, Myers, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, White, Mr. President—35.

Those voting nay were: Senators Eastham, Whitney—2.

Absent or not voting were: Senators Jackson, Landon, Nichols, Rosenhaupt, Whalley—5.

On motion of Senator Troy, the rules were suspended and Senate joint memorial No. 6 was ordered immediately transmitted to the House.

Senate bill No. 188, by Senator Bowen, entitled "An act defining adulteration of and establishing standards for certain dairy products," was read third time.

On motion of Senator Troy, the bill was amended by substituting the figures "80" for the figures "82.5" in line 6 of section 1 of the printed bill.

The secretary called the roll on final passage of Senate bill No. 188 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jensen, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stewart, Troy, Whalley, White, Mr. President—36.

Voting nay: Senator Brown—1.

Absent or not voting were: Senators Jackson, Landon, Nichols, Stevenson, Whitney—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 166, by Senator Allen (P. L.), entitled "An act to promote the safety of employes and passengers on railroads by prescribing the number of men that shall constitute a train crew; and providing a penalty for the violation of this act," was read third time.

The secretary called the roll on final passage of Senate bill No. 166 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Falconer, Hewitt, Hutchinson, Huxtable, Jackson, Metcalf, Piper, Roberts, Ruth, Rosenhaupt, Rydstrom, Shaefer, Smithson, Stephens, Stewart, Troy, Whalley, White, Whitney, Mr. President—33.

Voting nay: Senator Hall—1.

Absent or not voting were: Senators Espy, Fishback, Hammer, Jensen, Landon, Myers, Nichols, Stevenson—8.

On motion of Senator Rosenhaupt, the title of the bill was stricken and the following substituted as the title of the bill: "An act relating to the safety of employes and passengers on railroads, prescribing the number of men that shall constitute a train crew; and providing a penalty for the violation thereof."

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Senate bill No. 110, by Senator Hewitt, entitled "An act relating to and providing for the election of the city attorney in cities of the second class, repealing all laws or parts of laws in conflict with the provisions of this act," was read third time.

On motion of Senator Rosenhaupt, section 2 was stricken from the bill.

The secretary called the roll on final passage of Senate bill No. 110 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Collins, Cox, Davis, Eastham, Espy, Falconer, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jensen, Metcalf, Myers, Rosen-

haupt, Ruth, Rydstrom, Shaefer, Stewart, White, Mr. President—29.

Absent or not voting were: Senators Chappell, Fishback, Jackson, Landon, Nichols, Piper, Roberts, Smithson, Stephens, Stevenson, Troy, Whalley, Whitney—13.

On motion of Senator Rosenhaupt, the title of the bill was stricken and the following substituted as the title of the act: "An act relating to and providing for the election of city attorney in cities of the second class and prescribing his term of office."

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

On motion of Senator Bowen, the rules were suspended and Senate bill No. 188 was ordered immediately transmitted to the House.

Senate bill No. 126, by Senator Arrasmith, entitled "An act permitting the forming of special road districts, providing for a special tax levy within such districts, the election of road foreman, and relating to the construction and repair of roads within such districts," was read third time.

The secretary called the roll on final passage of Senate bill No. 126 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Collins, Cox, Espy, Falconer, Hall, Hammer, Hutchinson, Huxtable, Jensen, Myers, Piper, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stewart, Troy, Whalley, White, Whitney, Mr. President—30.

Those voting nay were: Senators Davis, Eastham—2.

Absent or not voting were: Senators Bowen, Fishback, Hewitt, Jackson, Landon, Metcalf, Nichols, Roberts, Stephens, Stevenson—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 236, by Judiciary Committee, entitled "An act relating to attorneys and counsellors-at-law, amending sections 4, 5 and 6 of chapter 139, Laws of 1909, and declaring an emergency," was read third time.

On motion of Senator Rosenhaupt, the bill was amended by inserting the word "session" before the word "laws" in line 1, section 1, also in line 1, section 2, and in line 1, section 3, of the bill.

The secretary called the roll on final passage of House bill No. 236, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—37.

Absent or not voting were: Senators Bowen, Fishback, Hewitt, Huxtable, Roberts—5.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Hall, Hammer, Hewitt, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, Whitney, Mr. President—36.

Voting nay: Senator White—1.

Absent or not voting were: Senators Fishback, Huxtable, Piper, Roberts, Rosenhaupt—5.

On motion of Senator Rosenhaupt, the title of the bill was amended by inserting the word "session" before the word "laws" in line 1 of the title.

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Senate bill No. 105 was read with the report of the majority and minority of the committee on public morals.

Senator Rosenhaupt moved the adoption of the majority report on the bill.

Senator Collins moved that the minority report be substituted for the majority report.

A roll call on the motion of Senator Collins was demanded by Senators Falconer, Nichols, Brown, Piper, Whitney, Ruth, Collins.

The secretary called the roll and the motion of Senator Collins prevailed, the minority report being adopted by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Bowen, Collins, Davis, Eastham, Falconer, Hall, Hewitt, Huxtable, Jackson, Jensen, Metcalf, Piper, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Whalley, White, Whitney, Mr. President—27.

Those voting nay were: Senators Arrasmith, Bassett, Brown, Bryan, Chappell, Cox, Espy, Fishback, Hammer, Hutchinson, Landon, Myers, Nichols—13.

Absent or not voting were: Senators Roberts, Troy—2.

Under suspension of the rules, substitute Senate bill No. 105 was read first, second and third times.

The secretary called the roll on final passage of substitute Senate bill No. 105, entitled "An act amending section 193, and repealing section 284, of chapter 249, Session Laws of 1909, entitled 'An act relating to crimes and punishments and the rights and custody of persons accused or convicted of crime, and repealing certain acts,' approved March 22, 1909," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Bassett, Bowen, Brown, Collins, Cox, Davis, Eastham, Falconer, Fishback, Hall, Hammer, Hewitt, Huxtable, Jackson, Jensen, Metcalf, Nichols, Piper, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Whalley, White, Whitney, Mr. President—33.

Those voting nay were: Senators Arrasmith, Bryan, Chappell, Espy, Hutchinson, Landon, Myers—7.

Absent or not voting were: Senators Roberts, Troy—2.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Nichols gave notice of a motion to reconsider the vote by which substitute Senate bill No. 105 passed the Senate.

Senator Collins moved that the rules be suspended for the purpose of reconsidering at this time the vote by which substitute Senate bill No. 105 passed the Senate.

A roll call on the motion was demanded by Senators Falconer, Landon, Piper, Whitney, Rydstrom, Hammer, Rosenhaupt.

The secretary called the roll and the motion prevailed by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Bassett, Bowen, Brown, Chappell, Collins, Davis, Eastham, Hewitt, Jackson, Jensen, Metcalf, Piper, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, White, Whitney, Mr. President—26.

Those voting nay were: Senators Arrasmith, Bryan, Cox, Espy, Falconer, Hall, Hammer, Hutchinson, Landon, Myers, Nichols, Whalley—12.

Absent or not voting were: Senators Fishback, Huxtable, Roberts, Troy—4.

Senator Collins moved to reconsider the vote by which substitute Senate bill No. 105 passed the Senate.

Senator Jackson moved that the motion of Senator Collins be laid on the table.

The motion of Senator Jackson prevailed.

At 12:15 p. m., on motion of Senator Allen (P. L.), a recess was taken until 2 o'clock this afternoon.

AFTERNOON SESSION.

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

Substitute Senate bill No. 129, by the Committee on Elections and Privileges, entitled "An act relating to the classification of counties, naming the officers thereof, fixing the compen-

sation and office hours, and repealing all acts in conflict herewith," was read third time.

On motion of Senator Metcalf, the bill was amended by substituting the words "twenty-five" for the words "twenty-three" where the said words first appear in line 5, section 4, of the printed bill and also in line 7 of said section by substituting the words "twenty-five" for the words "twenty-one," and also in line 6 of section 4 of the printed bill by substituting the words "twenty-five" for the words "twenty-four."

Senator Nichols moved to amend the bill by substituting the words "three thousand" for the words "thirty-six hundred" in each and every place where the said words "thirty-six hundred" appear in section 3 of the bill.

The motion failed to carry.

On motion of Senator Piper, the bill was amended by striking the the words "thirty-six hundred" where the said words first appear in line 7, section 3, of the bill and substituting therefor the words "five thousand."

On motion of Senator Troy, the bill was amended in section 2, lines 9 and 10, of the printed bill, by striking the words "two-thirds of the combined salaries thereof" and inserting in lieu thereof the words "the higher of the salaries of the two offices so combined as hereinbefore provided;" and in line 10 of said section by striking the word "salaries" and substituting the word "salary;" also in line 12 of said section, after the word "office" by inserting the words "or combined offices."

Senator Nichols moved to amend the bill by substituting the words "three thousand" for the words "thirty-six" wherever the words "thirty-six" appear in section 3, except after the words "county auditor" and "county attorney."

Senator Falconer, supported by Senators Allen (P. L.) and Collins, moved the previous question.

The motion for the previous question carried.

A roll call on the motion of Senator Nichols was demanded by Senators Nichols, Metcalf, Davis, Allen (P. L.), Hutchinson, Ruth.

The secretary called the roll and the motion failed to carry by the following vote:

Those voting aye were: Senators Bowen, Brown, Eastham, Espy, Falconer, Hammer, Jackson, Jensen, Landon, Nichols, Ruth, Shaefer, Stephens, Troy, Whalley, White, Whitney, Mr. President—18.

Those voting nay were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bassett, Bryan, Collins, Cox, Davis, Fishback, Hall, Hutchinson, Huxtable, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Rydstrom, Stewart—19.

Absent or not voting were: Senators Anderson, Chappell, Hewitt, Smithson, Stevenson—5.

Senator Brown moved that substitute Senate bill No. 129 be indefinitely postponed.

A roll call on the motion was demanded by Senator's Collins, Falconer, Brown, Nichols, Allen (P. L.), Troy, Davis, Bowen.

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

Those voting aye were: Senators Allen (F. J.), Bowen, Brown, Eastham, Jensen, Landon, Nichols, Ruth, Shaefer, Whalley, White, Mr. President—13.

Those voting nay were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Metcalf, Myers, Piper, Rosenhaupt, Rydstrom, Stephens, Stevenson, Stewart, Troy—26.

Absent or not voting were: Senators Hewitt, Roberts, Smithson—3.

On motion of Senator Falconer, the bill was amended in section 5 of the printed bill by substituting the words "two thousand" for the words "twenty-four hundred" in the following places, to-wit: In line 3 after the word "auditor" and after the word "sheriff;" in line 4, after the word "treasurer" and after the word "assessor," and for the first two words in line 7, also by substituting the words "two thousand" for the words "twenty-one hundred" in line 5 of said section, and by substituting the words "two thousand" for the words "twenty-two

hundred" in line 6; and by substituting the words "eighteen hundred" for the words "twenty-four hundred" after the word "commissioners" in line 7 of section 5.

Senator Nichols moved that the words "thirty-one hundred" be substituted for the words "thirty-six hundred" wherever the said words "thirty-six hundred" appear in section 3.

The motion carried.

Senator Whalley moved that the bill be re-referred to the committee on elections and privileges.

The motion failed to carry.

Senator Allen (F. J.) moved to amend section 6 by fixing the salaries of all county officers therein mentioned at two thousand dollars per annum, excepting the county coroner and county commissioners.

Senator White moved as a substitute that the amount be made nineteen hundred dollars per annum.

The substitute motion of Senator White carried.

Senator Eastham moved to amend section 7, lines 3 and 4 of the printed bill, by substituting the word "eighteen" for the word "nineteen" wherever said word "nineteen" appears in said lines.

The motion carried.

On motion of Senator Eastham, the word "sixteen" was substituted for the word "seventeen," being the last word in line 4, section 7, of the printed bill, and in line 7 the words "one thousand" were substituted for the words "twelve hundred."

Senator Hall moved to amend the bill by adding to the end of section 7 the following: "*Provided*, That in the county of Whitman, the salary of the county attorney shall be three thousand dollars."

The motion was lost.

On motion of Senator Fishback, the word "eighteen" was substituted for the word "seventeen" in line 5, section 7, of the printed bill.

Senator Hall moved to substitute the words "twenty-two" for the word "nineteen" in lines 6 and 7, section 7 of the printed bill.

Senator Rosenhaupt moved as an amendment to the amendment that the words "two thousand" be substituted for the word "nineteen."

The amendment to the amendment was put and lost.

The motion of Senator Hall failed to carry.

Senator Chappell moved that the words "fifteen hundred" be substituted for the words "seventeen hundred and fifty" in line 4, section 8, of the printed bill.

Senator Espy moved as an amendment to the amendment that the words "fifteen hundred" be changed to read "sixteen hundred."

The motion of Senator Espy carried.

Senator Chappell moved to substitute the word "fourteen" for the word "fifteen" in lines 4 and 5, section 8, of the printed bill.

The motion failed to carry.

Senator Espy moved to substitute the word "fifteen" for the word "sixteen" wherever the word "sixteen" appear in section 8.

The motion was lost.

On motion of Senator Espy, the word "sixteen" was substituted for the word "fifteen" after the word "schools" in line 5, section 8, of the printed bill.

Senator Troy moved that in section 11, line 5, of the printed bill, the word "twelve" be stricken where it first appears and the word "eight" substituted.

The motion was lost.

Senator Troy moved that in line 5, section 11, of the printed bill, to strike the words "twelve hundred dollars" at the end of the line and insert the words "seven dollars per day."

The motion carried.

On motion of Senator Fishback, the bill was amended by adding to the end of section 9 the following: "But in no case to exceed seven hundred and fifty dollars per annum," and by adding to the end of section 10 the following: "But in no case to exceed seven hundred dollars per annum," also at the end of sec-

tion 11, by adding the following: "But in no case to exceed seven hundred dollars per annum."

Senator Rosenhaupt moved to amend by inserting after section 11 the following:

"Section 11a. Counties of the first and second class may increase the salary of the judge of the superior court to an amount not exceeding five thousand dollars per annum, and in all other counties to an amount not exceeding four thousand dollars per annum, and, whenever the salary of any judge shall be increased as herein provided, the amount of such increase shall be paid by the county, and not otherwise."

Senator White moved to amend the amendment by striking the following: "And in all other counties to an amount not exceeding four thousand dollars per annum."

The motion of Senator White carried.

The amendment failed to carry.

On motion of Senator Anderson, the word "seventeen" was substituted for the word "sixteen" in line 4, section 8, of the printed bill, the first time it appears.

On motion of Senator White, the bill was amended by striking the words "two thousand" in line 5, section 6, of the printed bill, and substituting the words "nineteen hundred" therefor.

Senator White moved to amend the printed bill in line 6 of section 6 by substituting the words "nineteen hundred" for the words "two thousand."

Senator Ruth moved to lay the amendment on the table.

The motion to table was lost.

The motion of Senator White carried.

On motion of Senator White the bill was amended by inserting after section 4 the following:

"Sec. 4^{1/2}. That in all counties other than counties of the first and second class which have adopted or may hereafter adopt and put in force township organization, the compensation of county commissioners shall be and the same is hereby fixed at six dollars per day for each and every day actually employed in the discharge of their duties: *Provided*, That they shall not be entitled to nor receive such per diem for more than two hundred (200) days in any one year: *And provided further*, That such county commissioners shall be entitled to all actual traveling and other necessary expenses incurred in the discharge of their duties."

Senator Hall moved to amend by adding to the end of section 7 of the bill, the following: "*Provided*, That in the county of Whitman, the salary of the county attorney shall be three thousand dollars."

The motion failed to carry.

Senator Hall moved to amend by adding to the end of section 7 the following: "*Provided*, That in the county of Whitman, the salary of the county attorney shall be twenty-five hundred dollars."

The motion was lost.

Senator Hall moved to amend the bill by adding to the end of section 7 the following: "*Provided*, That in the county of Whitman, the salary of the county attorney shall be twenty-four hundred dollars."

The motion was lost.

On motion of Senator Bassett, section 15 was stricken from the bill.

On motion of Senator Bryan, section 13 was stricken from the bill.

On motion of Senator Rosenhaupt, section 16 was stricken from the bill and section 14 was made section 13.

Senator Rosenhaupt moved to amend by adding to the end of section 7 of the bill the following: "*Provided*, That the salary of the prosecuting attorney may be increased to an amount not exceeding three thousand dollars whenever the county commissioners so desire, by unanimous vote."

The amendment failed to carry.

Senator Bryan moved to strike the words "sheriff, clerk and assessor" in line 3, section 14 of the printed bill and substitute therefor the words "county officers."

The amendment failed to carry.

Senator Bryan moved to amend by striking the following: Beginning with the word "provided" in line 5, section 14 of the printed bill, strike the remainder of the section.

Senator Allen (P. L.) moved as a substitute that the words

"in counties of the first and second class" be inserted after the word "that" in line 6, section 14 of the printed bill.

The motion was lost.

Senator Allen (P. L.) moved to amend by inserting the words "in counties of the first class" after the word "that" in line 6, section 14 of the printed bill.

The amendment failed to carry.

Senator Rosenhaupt moved as a substitute for the motion of Senator Bryan, to amend the bill by inserting after the letters "p. m." in line 5, section 14 of the printed bill, the following: "All elective and appointive officers of counties of the first and second class are permitted to close any branch or branches of their respective offices at one o'clock p. m. on Saturday of each week during the months of June, July, August and September."

The substitute motion failed to carry.

The original motion of Senator Bryan failed to carry.

On motion of Senator Fishback, the word "auditor" was inserted after the word "sheriff" in line 3, section 14 of the printed bill.

Senator Piper moved to add to the end of section 8 the following: "Wreckmaster, one hundred dollars per annum."

The amendment failed to carry.

Senator Bryan moved to strike line 5, section 14 of the printed bill.

The motion was lost.

The secretary called the roll on final passage of substitute Senate bill No. 129 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Rydstrom, Stephens, Stevenson, Stewart, Troy, Whalley, White—28.

Those voting nay were: Senators Allen (F. J.), Bowen, Jensen, Landon, Ruth, Shaefer, Mr. President—7.

Absent or not voting were: Senators Chappell, Collins, Huxtable, Jackson, Smithson, Hewitt, Whitney—7.

On motion of Senator Rosenhaupt, the title of the bill was stricken and the following substituted as the title of the bill: "An act relating to the classification of counties, naming the officers thereof and fixing the compensation and office hours."

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

The secretary read:

REPORT OF SPECIAL COMMITTEE APPOINTED UNDER HOUSE
CONCURRENT RESOLUTION NO. 2, TO INVESTIGATE
MILITARY AFFAIRS.

To the Legislature of the State of Washington:

We, your committee appointed pursuant to the provisions of House concurrent resolution No. 2, for the purpose of investigating the affairs and business management of the National Guard of Washington, beg leave to submit the following report:

We have made an investigation of the affairs of the National Guard of Washington, particularly as to the administration during the last two years, under former Adjutant General George B. Lamping, and to the charges of financial irregularities and political controversies and manipulations within the organization. We have taken the testimony from the officers, as well as several enlisted men and civilians, and obtained a report of the expenditures and moneys received during the past two years, the testimony having been taken down in shorthand and transcribed, which is herewith transmitted.

The National Guard of Washington is composed in the main of ambitious and patriotic officers and enlisted men. Unfortunately, there are two pronounced factions, one headed by Colonel Matt H. Gormley and nearly, if not all, of the higher officers belonging to the coast artillery; the other faction headed by Colonel Otto A. Case and nearly, if not all, of the officers of the higher rank belonging to the infantry. The former have for years absolutely controlled the administration of the affairs of the National Guard, being able to dictate who should be adjutant general, and having been able to secure for themselves, and for their friends among the officers, rapid promotion and advancement. The officers who were not benefited by this condition were often unjustly superseded by officers formerly their juniors.

Colonel George B. Lamping was appointed adjutant general April 1, 1909, and continued to remain in the office until December 31, 1910; during the entire period of his detail to that position he paid practically no attention to the administration of the affairs of the National Guard; he adopted no policies for its upbuilding; rendered little, if any, assistance to the various company commanders in the performance of their work; established no definite policy as to the betterment of any of the various organizations, and maintained no school of in-

struction in any department of the Guard. The rifle range at Orillia was abandoned and no rifle practice of beneficial effect was had, and no proper check was ever kept on the equipment belonging to the Guard. Many of the best officers, despairing, gave up their commissions, and enlisted men quit the Guard at every opportunity, and recruits are hard to obtain.

In the matter of the placing of Colonel Otto A. Case on waiting orders, we find that he was in no wise guilty of the charges made, and had always received the highest reports from all army officers.

Practically all the officers of the various companies and enlisted men are doing everything in their power for the betterment of the Guard, and if given proper encouragement will recruit the companies to their full quota and promote efficiency to a higher standard.

Officers holding a position higher than the rank of captain have been for years unable to harmonize their differences, until at the present time there is an irreconcilable breach, which has a tendency to disorganize the Guard.

No proper bookkeeping was kept of the receipts of the armory in charge of Captain Denton Crow of Spokane. There was \$1,020.55 which had not been accounted for by him at the time of the commencement of this investigation, but which has since been turned in to the state treasurer.

The report of the bureau of inspection and supervision of public offices, which is herewith transmitted, shows that the necessary money to pay all pending bills up to April 1, 1911, is \$13,530.88, and in addition to said sum there is retained pay to the amount of \$8,809, making a total appropriation necessary to complete the biennial period of \$22,339.88.

Your committee recommends that the following amendments be made to the military code:

All officers of the National Guard of Washington above the grade and rank of captain and now on duty therewith, or upon waiting orders, are hereby relieved from further active duty and command and are hereby placed upon the list of retired officers of the National Guard of Washington and will cease to be officers of the active list of the National Guard of Washington from the date this act becomes effective: *Provided*, That this section shall not apply to the present adjutant general or assistant adjutant general, nor to officers of the medical corps.

The adjutant general and assistant adjutant general shall be required to devote their time exclusively to the administration of the affairs of the National Guard of Washington, and shall not be permitted during the period of their detail to such position to engage in any other business, profession or occupation whatsoever.

That the military board of auditors shall consist of one officer of the National Guard of the active list, appointed by the governor, and two members of the state auditor's office.

That the traveling expenses of the adjutant general's office be limited to a reasonable amount.

That a new system of bookkeeping be installed and that a complete check and account be kept of the armories and delinquent court, as well as all other departments.

Your committee strongly recommends that the appropriation of \$22,339.88 be made immediately available to cover the deficit and carry the Guard to the end of this biennial, and that a sufficient appropriation be made for the coming biennial to maintain the National Guard of Washington to the highest possible state of efficiency.

Respectfully submitted.

DANIEL LANDON,
J. R. STEVENSON,
E. H. ESHLEMAN,
FRANK P. GOSS,
PHIL S. LOCKE.

On motion of Senator Stevenson, the report of the committee was ordered printed and the consideration of same was made a special order for 2:30 o'clock p. m., March 2, 1911.

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

SENATE CONCURRENT RESOLUTION NO. 5.

WHEREAS, The construction of the state armory at Bellingham has been delayed by unavoidable causes, and cannot be completed prior to May 1, 1911, and,

WHEREAS, The balance of the appropriation made by chapter 68, Session Laws of 1909, for the construction of said armory then remaining unexpended will lapse May 1, 1911; therefore, be it

Resolved, by the Senate, the House of Representatives concurring, That the senate committee on military affairs be and is hereby directed to introduce in the Senate a bill relating to the state armory at Bellingham and continuing the appropriation for the construction thereof."

Senator Brown moved the adoption of the resolution.

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

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—39.

Absent or not voting were: Senators Jackson, Rosenhaupt, Whitney—3.

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

At 5:30 p. m., on motion of Senator Nichols, the Senate adjourned until 10 o'clock tomorrow morning.

WM. T. LAUBE,

Secretary of the Senate.

W. H. PAULHAMUS,

President of the Senate.

FIFTY-SECOND DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASH., Wednesday, March 1, 1911.

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

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present except Senator Smithson, who was excused from attendance on today's sessions.

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

Telegrams from the International Brotherhood of Electrical Workers, of Seattle, urging the passage of House bills Nos. 14 and 387 and from the Principals' Association, of Seattle, endorsing the juvenile court bill, were read and placed on file.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

OLYMPIA, WASH., March 1, 1911.

MR. PRESIDENT:

We, your committee on public morals, to whom was referred Senate bill No. 309, entitled "An act relating to crimes and punishments and

amending section 7, section 184, and section 187, chapter 249, Session Laws 1909," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

CHAS. E. MYERS, *Chairman*.

We concur in this report: E. Hammer, Oliver Hall.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1911.

MR. PRESIDENT:

We, your committee on public morals, to whom was referred Senate bill No. 297, entitled "An act prohibiting the sale of intoxicating liquor within five miles of the State Soldiers' Home at Orting, and providing a penalty for the violation thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

CHAS. E. MYERS, *Chairman*.

We concur in this report: A. W. Anderson, E. Hammer, Oliver Hall.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1911.

MR. PRESIDENT:

We, your committee on public morals, to whom was referred Senate bill No. 317, entitled "An act to prohibit the sale, gift, disposal or delivery of intoxicating liquor without valid licenses therefor, or in any portion of the state where the sale of intoxicating liquor or the granting of licenses therefor is prohibited; defining offenses hereunder and providing penalties therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

CHAS. E. MYERS, *Chairman*.

We concur in this report: A. W. Anderson, E. Hammer, F. J. Allen, Oliver Hall.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, your committee on horticulture and forestry, to whom was referred Senate bill No. 283, entitled "An act relating to horticulture and amending sections 12, 50 and 60 and repealing section 62 of an act entitled 'An act relating to horticulture and prescribing penalties for the violation thereof and declaring an emergency,' approved March

15, 1909," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

Section 1, line 46 in the printed bill, the same being line 18 on page 3 in the original bill, strike the words "are made" and insert in lieu thereof the following: "have been or may hereafter be made."

OLIVER HALL, *Chairman.*

We concur in this report: H. O. Fishback, F. J. Allen, H. A. Espy, D. S. Troy.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, your committee on horticulture and forestry, to whom was referred Senate bill No. 280, entitled "An act for the suppression of contagious diseases among bees in the State of Washington," etc., have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

OLIVER HALL, *Chairman.*

We concur in this report: H. O. Fishback, H. A. Espy, D. S. Troy.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, your committee on public morals, to whom was referred Senate bill No. 296, entitled "An act relating to the regulation of moving pictures and appointing an inspector therefor, and providing penalties for the violation thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

CHAS. E. MYERS, *Chairman.*

We concur in this report: Josiah Collins, E. Hammer, Oliver Hall.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, your committee on public morals, to whom was referred Senate bill No. 293, entitled "An act relating to the issuance of intoxicating liquor licenses by boards of county commissioners and repealing section 6263 of Remington and Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we re

spectfully report the same back to the Senate with the recommendation that it do pass.

CHAS. E. MYERS, *Chairman*.

We concur in this report: Josiah Collins, E. Hammer, Oliver Hall.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 272, entitled "An act relating to the salaries of judges of the superior courts," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Daniel Landon, F. J. Allen.

Senator Rosenhaupt moved the adoption of the report of the committee.

Senator Nichols moved as a substitute that Senate bill No. 272 be indefinitely postponed.

The substitute motion was lost and the original motion of Senator Rosenhaupt carried.

SENATE CHAMBER,
OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, your committee on horticulture and forestry, to whom was referred Senate bill No. 282, entitled "An act making appropriations for the expenses and salaries of assistant and district horticultural inspectors, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Section 1, line 1 in the printed bill, the same being line 2 in the original bill, insert immediately after the word "for" the word "all" and after the word "expenses" insert the following: "heretofore incurred or hereafter incurred prior to April 1, 1911."

Strike all of section 2.

Section 3, line 3 in the printed bill, the same being line 5 in the original bill, strike the word "into" and insert in lieu thereof the words "to state treasurer to the credit of."

Section 4, line 2 in the printed bill, the same being line 2 in the original bill, strike the letter "y" in the word "treasury" and substitute therefor the letters "er," making said word "treasury" read "treasurer."

Section 5, line 3 in the printed bill, the same being line 4 in the

original bill, strike the word "inspection" and insert in lieu thereof the word "inspectors."

OLIVER HALL, *Chairman.*

We concur in this report: H. O. Fishback, F. J. Allen, H. A. Espy, D. S. Troy.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 255, entitled "An act to prevent frauds by employment agencies, and others acting in consort therewith, and making certain acts a misdemeanor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: J. W. Bryan, F. J. Allen.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 144, entitled "An act providing for a lien in favor of nurserymen upon the sale of nursery stock and for the filing of notice of lien and for the foreclosure of the same," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on the general file.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: J. W. Bryan, F. J. Allen.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 177, entitled "An act providing for the amendment of section 23 of article 2 of the constitution of the State of Washington relating to sessions of the state legislature, and the compensation and mileage of the members thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 8 of section 1 of the original bill, being line 4 of section 1 of the printed bill, after the word "services" strike the remainder of

the section and substitute therefor, "for each regular session, five hundred dollars; for each special session, three hundred dollars, and five cents per mile for every mile he shall travel in going to and returning from the place of meeting of the legislature, in the most usual route."

In line 3 of section 3 of the original bill, being line 2 of section 3 of the printed bill, after the word "to" and before the word "the" insert "compensation of members."

In lines 1 and 2, on page 2 of the original bill, being line 3 of section 3 of the printed bill, between the words "to" and "the" insert "compensation of members."

Strike section 4 of the bill.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: F. J. Allen, Josiah Collins, Geo. W. Shaefer.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., February 28, 1911.

We, your committee on judiciary, to whom was referred Senate bill No. 294, entitled "An act amending section 28 of chapter 249, relating to crime and punishments and the rights and custody of persons accused or convicted of crime, approved March 22, 1909," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Strike the title of the act and substitute therefor: "An act relating to crimes and punishments and the custody and rights of persons accused or convicted of crime, and amending section 28 of chapter 249 of the Session Laws of 1909."

Strike section 2 of the bill.

HARRY ROSENHAUPT, *Chairman.*

I concur in this report: F. J. Allen.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., February 28, 1911.

We, your committee on judiciary, to whom was re-referred Senate bill No. 79, entitled "An act relating to railroad crossings, cattle-guards and fences, and amending section 8730 of Remington and Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as heretofore amended.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: J. W. Bryan, F. J. Allen.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, your committee on public morals, to whom was referred Senate bill No. 278, entitled "An act to prohibit the giving away of intoxicating liquors," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

CHAS. E. MYERS, *Chairman*.

We concur in this report: Josiah Collins, E. Hammer, Oliver Hall.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 25, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 223, entitled "An act relating to the location and establishment of harbor lines, waterways and slips in the navigable waters of the state, and relating to the definition, designation, platting, replatting, appraisal, reappraisal, reservation, restoration, sale, lease, improvement, occupancy, development, maintenance, direction and use of the beds and shores, except oyster lands, of all navigable waters in the state up to and including the line of ordinary high tide, in waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all navigable rivers and lakes," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 11 of section 8 of the original bill, being line 8 of section 8 of the printed bill, following the word "upland" insert "and provided, that when necessary to accommodate the needs of an industrial plant, the board may at its discretion, swerve such capacious street, highway or thoroughfare a reasonable distance back from the harbor area."

In the last line of section 8 of the original bill, being line 10 of section 8 of the printed bill, strike "state legislature" and substitute therefor "board; and except and unless such vacation be made for the purpose of altering the location of any such street; and then only after there shall have first been deeded or dedicated to the public in exchange therefor, land equally or better adapted to the uses of the public for street or public purposes."

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: F. J. Allen, Daniel Landon, J. W. Bryan.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., February 24, 1911.

We, your committee on judiciary, to whom was referred Senate bill No. 175, entitled "An act providing for the abandonment or dismissal of condemnation proceedings begun by corporations, other than municipal, and for the allowance of reasonable attorney's fees to the owner of the property sought to be condemned," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Strike the title and substitute therefor: "An act relating to the abandonment and dismissal of condemnation proceedings begun by corporations other than municipal, and providing for the allowance of attorney fees therein."

In line 2 of section 2 of the original bill, being line 1 of section 2 of the printed bill, after the word "dismissed" insert "or abandoned."

Strike section 3 of the bill.

In line 1 of section 4 of the bill strike "4" and substitute "3."

In line 1 of section 4 of the bill strike "sixty (60)" and substitute therefor "ninety."

In line 2 of section 4 of the original bill, being line 1 of section 4 of the printed bill, strike "the money" and substitute therefor "a."

In line 9, section 4 of the original bill, being line 6 of section 4 of the printed bill, strike "sixty (60)" and substitute therefor "ninety."

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: J. W. Bryan, F. J. Allen.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., February 27, 1911.

We, your committee on judiciary, to whom was referred Senate bill No. 199, entitled "An act relating to convicted prisoners, and defining the duties of the judges and county attorneys in relation thereto," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the bill herewith submitted be substituted therefor and that the same do pass.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: J. W. Bryan, F. J. Allen.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., February 24, 1911.

We, a majority of your committee on judiciary, to whom was referred engrossed House bill No. 76, entitled "An act providing for additional judges of the superior court of the State of Washington in and

for King county, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: Daniel Landon, F. J. Allen, Geo. W. Shaefer, J. W. Bryan.

SENATE CHAMBER,

MR. PRESIDENT: OLYMPIA, WASH., February 24, 1911.

I, a minority of your committee on judiciary, to whom was referred engrossed House bill No. 76, entitled "An act providing for additional judges of the superior court of the State of Washington in and for King county, and declaring an emergency," have had the same under consideration, and I respectfully report the same back to the Senate with the recommendation that it do not pass.

RALPH D. NICHOLS.

On motion of Senator Collins, the report of the majority on engrossed House bill No. 76 was adopted.

SENATE CHAMBER,

MR. PRESIDENT: OLYMPIA, WASH., February 28, 1911.

We, your committee of Spokane and Whatcom senators, to whom was referred engrossed House bill No. 288, entitled "An act relating to township organization and requiring county boards of equalization to equalize property as between townships," etc., have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

Strike paragraph 10 of section 1, and renumber the subsequent paragraphs to conform therewith.

R. A. HUTCHINSON, *Chairman.*

We concur in this report: H. M. White, Geo. W. Shaefer, Ed Brown, Harry Rosenhaupt, Jesse Huxtable, E. C. Whitney.

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

SENATE CHAMBER,

MR. PRESIDENT: OLYMPIA, WASH., February 28, 1911.

We, your committee on judiciary, to whom was referred House bill No. 40, entitled "An act relating to the superior court of the county of Yakima, the election and appointment of judges therein, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: Josiah Collins, J. W. Bryan, F. J. Allen.

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

SENATE CHAMBER,

MR. PRESIDENT: OLYMPIA, WASH., February 28, 1911.

We, your committee on dairy and live stock, to whom was referred House bill No. 293, entitled "An act in relation to the possession, sale, use and disposition of milk cans, milk bottles, and milk jars, butter boxes, ice cream cans, ice cream tubs, ice cream molds, and other containers," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

D. S. TROY, *Chairman.*

We concur in this report: E. M. Stephens, Ed Brown, Joseph Arrasmith, H. A. Espy.

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

SENATE CHAMBER,

OLYMPIA, WASH., March 1, 1911.

MR. PRESIDENT:

We, your committee on public morals, to whom was referred House bill No. 345, entitled "An act to amend section 304 of an act entitled 'An act relating to crimes and punishments and the rights and custody of persons accused or convicted of crime, and repealing certain acts,' approved March 22, 1909," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

CHAS. E. MYERS, *Chairman.*

We concur in this report: E. Hammer, F. J. Allen, Oliver Hall.

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

Senator Collins requested consent to introduce a minority report on House bill No. 345.

Senator Metcalf moved that the vote by which the report of the committee on public morals on House bill No. 345 was adopted be reconsidered.

The motion carried.

Senator Collins introduced the following report:

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,

OLYMPIA, WASH., March 1, 1911.

MR. PRESIDENT:

I, a minority of your committee on public morals, to whom was referred House bill No. 345, entitled "An act to amend section 304 of an act entitled 'An act relating to crimes and punishments and the

rights and custody of persons accused or convicted of crime, and repealing certain acts,' approved March 22, 1909," have had the same under consideration, and I respectfully report the same back to the Senate with the recommendation that it be placed on general file.

JOSIAH COLLINS.

Senator Brown moved the adoption of the majority report on House bill No. 345.

Senator Collins moved that the minority report be substituted for the majority report.

Senator Huxtable moved as a substitute for the motions now before the Senate that the bill be re-referred to the committee on counties and county boundaries.

The substitute motion was lost.

A roll call on the motion of Senator Collins was demanded by Senators Collins, Myers, Falconer, Nichols, Brown, Whalley, Huxtable.

The secretary called the roll and the motion of Senator Collins was lost by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Collins, Eastham, Hewitt, Hutchinson, Huxtable, Jensen, Landon, Metcalf, Piper, Roberts, Ruth, Rydstrom, Shaefer, Stephens, Stevenson, Stewart, Whitney—20.

Those voting nay were: Senators Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Jackson, Myers, Nichols, Troy, Whalley, White, Mr. President—20.

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

A roll call on the motion of Senator Brown that the majority report of the committee be adopted, was demanded by Senators Falconer, Nichols, Brown, Myers, Rosenhaupt, Fishback, Whalley, Chappell.

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

Those voting aye were: Senators Allen (F. J.), Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Jackson, Landon, Myers, Nichols, Rosenhaupt, Troy, Whalley, White—22.

Those voting nay were: Senators Allen (P. L.), Anderson, Collins, Eastham, Hewitt, Hutchinson, Huxtable, Jensen, Metcalf, Piper, Roberts, Ruth, Rydstrom, Shacfer, Stephens, Stevenson, Stewart, Whitney, Mr. President—19.

Absent or not voting: Senator Smithson—1.

Senator Collins moved that Senate bill No. 244 be ordered placed on general file.

The motion was ruled out of order at this time, as the Senate is now under the head of "Reports of Standing Committees."

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred House bill No. 42, entitled "An act relating to the superior court of the county of Snohomish, the election and appointment of judges therein, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: J. W. Bryan, F. J. Allen.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred House bill No. 243, entitled "An act relating to the superior courts in the counties of Cowlitz, Clarke, Skamania and Klickitat, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass, with the following amendments:

Make section 3 of the bill section 4 thereof.

Add another section to the bill as section 3, to read as follows:

"Sec. 3. At the general election in November, 1912, there shall be elected one judge of the superior court for the judicial district composed of Clarke county and one judge of the superior court for the judicial district composed of Cowlitz, Skamania and Klickitat counties, who shall hold their respective offices for the term of four years and until their successors are elected and qualified; and every four years thereafter there shall be elected at the general election one judge of the superior court for each of said judicial districts, whose terms of

office shall be four years from the second Monday in January next succeeding their election, and until their successors are elected and qualified.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: J. W. Bryan, F. J. Allen, H. M. White.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 24, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred engrossed House bill No. 118, entitled "An act relating to the selection, exemption and service of jurors in the superior courts of the State of Washington, and repealing chapter 73 of the Session Laws of 1909," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Josiah Collins, H. M. White.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, your committee on public morals, to whom was referred engrossed House bill No. 213, entitled "An act to amend sections 3, 7, 10, 13 and 16 of chapter 190 of the Session Laws of 1909, approved March 17, 1909, relating to the powers of juvenile courts and the care, custody and control of delinquent children, have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Page 2, line 13 of the engrossed bill, being section 2, line 14 of the printed bill, strike the words "and when deemed necessary an assistant who shall be paid a sum not to exceed \$60.00 nor less than \$25.00 per month," and insert in lieu thereof "additional paid probation officers may be appointed by the court in the same manner when necessity shall arise, subject to the approval of the county commissioners by whom the amount of compensation shall be fixed."

Section 3 of the engrossed bill, being section 3 of the printed bill, strike "section 10" and substitute the following therefor:

"Sec. 10. The hearings may be conducted in any room provided for the purpose in the courthouse, or building where sessions of the court are held and, as far as practicable, such cases shall not be heard in conjunction with other business of the court. At the hearing of any case involving a child, the court shall have power to exclude the general public from the room where such hearing is had, admitting

thereto only such persons as may have a direct interest in the case. The probation officer's investigation record and report in each case, shall be withheld from public inspection, but such records shall be open to the inspection of such child, his parents, or guardian, or his attorney, and to such other persons as may secure a special order of court therefor. Such records shall be kept as official records of the court until the child named therein shall have reached the age of twenty-one years, at which time they shall be destroyed. After acquiring jurisdiction over any child, the court shall have power to make any order with respect to the custody, care or control of such child, or any order which, in the judgment of the court, would promote the child's health or welfare. In any case of a delinquent or neglected child, the court may continue, the hearing from time to time, and may commit the child to the care and guardianship of a probation officer, duly appointed by the court, and may allow said child to remain at its own home, subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required and subject to be returned to the court for further proceedings whenever such action may appear to be necessary, or the court may commit the child to the care and guardianship of the probation officer, to be placed in a suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of the child, until a suitable provision may be made for the child in a home without such payment, or the court may commit the child to a suitable institution for the care of delinquent or neglected children. In no case shall a child be committed beyond the age of 21 years. A child committed to such institution shall be subject to the control thereof and the said institution shall have power to parole such child, on such conditions as it may prescribe, and the court shall have power to discharge such child from custody, whenever in the judgment of the court, his or her reformation shall be complete; or the court may commit the child to the care and custody of some association that will receive such child, embracing in its object the care of neglected and delinquent children.

CHAS. E. MYERS, *Chairman*.

We concur in this report: Josiah Collins, Oliver Hall, E. Hammer.

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

SENATE CHAMBER,

OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, your committee on public revenue and taxation, to whom was referred Senate bill No. 286, entitled "An act amending section 9099, Remington and Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully re-

port the same back to the Senate with the recommendation that it be placed on general file.

JOHN L. ROBERTS, *Chairman*.

We concur in this report: Ed Brown, J. D. Bassett, Jesse Huxtable, Oliver Hall, Frank C. Jackson.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, your committee on public revenue and taxation, to whom was referred Senate bill No. 285, entitled "An act relating to exemptions from an inheritance tax and amending section 9199 of Remington and Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 10 of the original bill, being line 3 of the printed bill, underscore the words "or money."

In line 11 of the original bill, being line 4 of the printed bill, insert after the word "following" the word "charitable."

In lines 16 and 17 of the original bill, being line 7 of the printed bill, insert the word "free" before the word "public," occurring twice therein.

In lines 18 and 19 of the original bill, being line 8 of the printed bill, underscore the words "or money."

In line 20 of the original bill, being line 9 of the printed bill, insert after the word "such" the word "charitable"; also insert a comma after said word "purposes."

In line 22 of the original bill, being line 10 of the printed bill, insert a comma after the word "tax."

JOHN L. ROBERTS, *Chairman*.

We concur in this report: Ed Brown, Jesse Huxtable, J. D. Bassett, Frank C. Jackson, Oliver Hall.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred engrossed Senate bill No. 166, entitled "An act relating to the safety of employes and passengers on railroads, prescribing the number of men that shall constitute a train crew; and providing a penalty for the violation thereof;"

Also engrossed Senate bill No. 110, entitled "An act relating to and

providing for the election of city attorney in cities of the second class and prescribing his term of office;"

—have compared same with the original bills and find them correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman.*

We concur in this report: Josiah Collins, D. S. Troy, F. J. Allen.

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred engrossed Senate bill No. 126, entitled "An act permitting the formation of special road districts, providing for a special tax levy within such districts, the election of road foreman, and relating to the construction and repair of roads within such districts," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman.*

We concur in this report: Josiah Collins, D. S. Troy, F. J. Allen, Daniel Landon.

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred re-engrossed Senate bill No. 203, entitled "An act dedicating to the public for street and boulevard purposes certain tracts of land in section 16, township 25, north, range 4 east, W. M., and in blocks 7 and 8, of Lake Washington shore lands, upon condition that no assessments for the improvement thereof shall be levied against the property above described, and vacating certain streets," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman.*

We concur in this report: Josiah Collins, F. J. Allen, Daniel Landon.

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred engrossed substitute Senate bill No. 129, entitled "An act relating to the classification of counties, naming the officers thereof, fixing the compensation and office hours, and repealing all acts in conflict herewith," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman.*

We concur in this report: F. J. Allen, Josiah Collins, D. S. Troy.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 1, 1911.

MR. PRESIDENT:

The House has refused to concur in the Senate amendments to engrossed House bill No. 236, entitled "An act relating to attorneys and counsellors-at-law" and asks the Senate to recede therefrom.

Also, the House has passed engrossed House bill No. 321, entitled "An act relating to the power of counties to engage or aid in the construction, enlargement, modification and repair or operation of waterways, etc."

Also, the House has passed engrossed House bill No. 144, entitled "An act providing for the establishment and maintenance of morgues and morgue-keepers in counties containing cities of 80,000 and over;"

Also engrossed House bill No. 212, entitled "An act relating to the office of attorney general, defining his powers and duties, etc.;"

Also engrossed House bill No. 377, entitled "An act making it a gross misdemeanor to fraudulently use the name of any fraternal society, etc.;"

Also House bill No. 382, entitled "An act relating to the sale and removal of timber from state, school and granted lands;"

Also engrossed Senate bill No. 20, entitled "An act for the protection of game birds, deer, gray squirrels in certain designated territory in the State of Washington, etc.;"

Also Senate bill No. 65, entitled "An act relating to the conduct of judges of courts not of record."

Also, the House has passed engrossed Senate bill No. 183, entitled "An act relating to the inspection and supervision of public offices and the bureau of inspection and supervision, etc.," with the following amendments:

Amend the title to read as follows: "An act relating to the inspection and supervision of public offices and the bureau of inspection and supervision of public offices and amending sections 8351, 8352, 8355 and 8356 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency."

Amend section 1, in line 1 of the engrossed bill, by inserting after the comma following the figures 8351, "8352, 8355 and 8356 of Remington and Ballinger's Annotated Codes and Statutes of Washington be and the same hereby are amended to read as follows:"

Amend section 2 by striking the first two lines of the engrossed bill.

Amend section 3 by striking the first two lines of the engrossed bill.

Amend section 4 by striking the first two lines of the engrossed bill.

Add a section to read as follows: "Sec. 2. An emergency exists and this act shall take effect immediately."

Also, the House has passed engrossed Senate bill No. 80, entitled "An act relating to the registration and licensing of stallions and jacks, providing for the fees therefor," etc., with the following amendments:

Amend the title in line 1 of the engrossed bill by inserting between the word "of" and the word "stallions" the word "draft."

Amend section 1 in line 1 of the engrossed bill by inserting between the word "any" and the word "stallions" the word "draft."

Amend section 1 in lines 2 and 3 of the engrossed bill by striking the word "annually."

Amend section 1 in line 1 of the engrossed bill by striking the word "using" and inserting the word "owning."

Amend section 1 in line 2 of the engrossed bill by inserting after the word "jack" the words "for sale, exchange or."

Committee amendments:

Section 5, line 17 of the engrossed Senate bill, being line 11 of the printed bill, strike the word "five" before "dollars" and insert in lieu thereof the word "two."

Line 21, engrossed bill, being line 13 of the printed bill, strike the word "two" and insert in lieu thereof the word "one."

Line 22, engrossed bill, being line 14 of the printed bill, insert after the word "every" and before the word "year," the word "second." Change word "dollars" to "dollar."

New matter:

"Sec. 5 $\frac{1}{2}$. Any person, firm or corporation bringing any stallion or jack into the state shall within sixty days thereafter procure the license certificate provided for in section 1.

"Any person, firm or corporation offering any stallion or jack for sale for breeding purposes shall first procure the license certificate provided for in section 1."

Also, the speaker has appointed as the House members on the committee under House concurrent resolution No. 11, Messrs. Hubbell, Conner and Haroldson.

Also, the House has passed House substitute bill No. 240, entitled "An act to prevent the spread of noxious weeds, relating to the duties of owners, lessee and occupants of land, etc."

Also, the House has passed Senate concurrent resolution No. 5, "Relating to introduction of bill as to state armory at Bellingham."

And the same are herewith transmitted.

LOBEN GRINSTEAD, *Chief Clerk.*

On motion of Senator Collins, Senate bill No. 244 was withdrawn from the committee on appropriations and ordered placed on general file.

On motion of Senator Ruth, House bill No. 373 was withdrawn from the committee on appropriations and ordered placed on general file.

On motion of Senator Falconer, House bill No. 42 was taken from general file and re-referred to the committee on judiciary.

On motion of Senator Bassett, Senate bill No. 135 was withdrawn from the committee on state charitable institutions and placed on general file.

INTRODUCTION OF BILLS.

Substitute Senate bill No. 199, by Judiciary Committee, entitled "An act relating to convicted prisoners, and defining the duties of the judges and county attorneys in relation thereto."

The bill was read first time, and on motion of Senator Landon, the rules were suspended, the bill was read second time by title, ordered printed and placed on general file.

Engrossed House bill No. 212, by Judiciary Committee, entitled "An act relating to the office of attorney general, defining his powers and duties, and repealing sections 112 and 9037 of Remington and Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Landon, the rules were suspended, the bill was read the second time by title and referred to the committee on judiciary.

Substitute House bill No. 240, entitled "An act to prevent the spread of noxious weeds, relating to the duties of owners, lessees and occupants of land and of the district road supervisors in connection therewith, providing a penalty for the violation thereof and amending sections 3038, 3039, 3040 and 3041 of Remington and Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Landon, the rules were suspended, the bill was read the second time by title and referred to the committee on agriculture.

House bill No. 382, by Committee on State, School and Granted Lands, entitled "An act relating to the sale and removal of timber from state, school and granted lands."

The bill was read the first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill was read the

second time by title and referred to the committee on state, granted, school and tide lands.

Engrossed House bill No. 144, by Mr. Ghent, entitled "An act providing for the establishment and maintenance of morgues and morgue keepers in counties having one hundred thousand inhabitants and over, and providing a penalty for the violation thereof."

The bill was read the first time, and on motion of Senator Landon, the rules were suspended, the bill was read the second time by title and referred to the committee on appropriations.

Engrossed House bill No. 377, by Messrs. McNeely, Wright, Tonkin and Gandy, entitled "An act making it a gross misdemeanor to fraudulently use the name of any fraternal society or any imitation thereof or without authority to solicit membership in such society or any imitation thereof, or offering to sell, confer or communicate the secret work or pretended secret work of such society, or upon false representations as to membership therein to seek or obtain admission to any such society or lodge thereof, or to falsely claim membership in any such society or lodge."

The bill was read the first time, and on motion of Senator Bassett, the rules were suspended, the bill was read the second time by title and placed on general file.

Engrossed House bill No. 321, by Judiciary Committee, entitled "An act relating to the power of counties to engage or aid in the construction, enlargement, modification and repair or operation of waterways, hot springs and mineral waters, and other facilities and public improvements for the purpose of sanitation, sanitariums and drainage, or any thereof, and acquisition of rights and interests necessary or proper to be required, for public enjoyment of any such improvement, and to incur such indebtedness therefor and to issue bonds for the payment of moneys from sale of the same, and declaring an emergency."

The bill was read the first time, and on motion of Senator Landon, the rules were suspended, the bill was read the second time by title and referred to the committee on judiciary.

The secretary read:

SENATE CONCURRENT RESOLUTION NO. 6.

By Senator Fishback:

Resolved, by the Senate, the House of Representatives concurring. That consent be and is hereby given to the introduction in the Senate of a bill making an appropriation for the construction and maintenance of state roads and the examination and survey of proposed state roads and extensions therefor, and apportioning said appropriation."

Senator Fishback moved the adoption of the resolution.

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

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Fishback, Hall, Hammer, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—33.

Absent or not voting were: Senators Falconer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Smithson—9.

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

At 12:30 p. m., on motion of Senator Cox, the Senate took a recess until 2 o'clock this afternoon.

AFTERNOON SESSION.

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

GENERAL FILE.

Amended Senate bill No. 60, entitled "An act to provide for the formation of banking corporations and to regulate the business of banking and securing state supervision thereof: for the appointment of a state examiner, defining his duties and fixing his compensation; and prohibiting the use of the words 'bank,' 'banker,' 'bankers,' 'trust' and 'savings,' in advertising

business by persons, firms and associations not hereby brought under state supervision, and fixing a penalty for its violation," was read third time.

Senator Davis moved to amend section 7, line 1 of the printed bill, same being line 8, page 3 of the original bill, by striking the word "who" and substituting in lieu thereof the word "which."

The motion carried.

Senator Allen (F. J.) moved to amend section 8, lines 8 and 9 of the printed bill, the same being line 4, page 4 of the original bill, by striking the words and figures "fifteen thousand dollars (\$15,000.00)" and substituting in lieu thereof the words and figures "ten thousand dollars (\$10,000.00)."

The motion carried.

Senator Rosenhaupt moved to amend section 4, line 6 of the printed bill, the same being line 16, page 2 of the original bill, by striking the word "hands" after the word "his" and substituting in lieu thereof the word "department."

The motion carried.

Senator Stevenson moved to amend section 8, line 8 of the printed bill, the same being line 4, page 4 of the original bill, by striking the words and figures "one thousand (1,000)" and substituting in lieu thereof the words and figures "five hundred (500)."

The motion failed to carry.

Senator Bassett moved to amend section 19, line 12 of the printed bill, the same being lines 24 and 25, page 10 of the original bill, by striking after the word "least" the word and figures "ten (10)" and substituting in lieu thereof the word and figure "five (5)."

The motion carried.

Senator Allen (F. J.) moved to amend section 31, line 13 of the printed bill, the same being line 28, page 14 of the original bill, by striking after the word "that" the word "existing."

The amendment failed to carry.

Senator Rosenhaupt moved to amend section 31, line 1 of the printed bill, the same being line 9, page 14 of the original bill,

by inserting before the word "incorporated" the words "or building and loan or savings and loan associations."

The motion carried.

Senator Fishback moved to amend section 36, line 1 of the printed bill, the same being line 15, page 16 of the original bill, by striking the words and figures "four thousand dollars (\$4,000.00)" and substituting in lieu thereof the words and figures "thirty-six hundred dollars (\$3,600.00) ;" and in section 36, line 2 of the printed bill, the same being lines 16 and 17, page 16 of the original bill, strike the words and figures "two thousand six hundred dollars (\$2,600.00)" and substitute in lieu thereof the words and figures "two thousand four hundred dollars (\$2,400.00)."

The motion carried.

Senator Jackson moved to amend section 41, line 2 of the printed bill, the same being line 23, page 18 of the original bill, by striking the word "twice" and substituting the word "once" in lieu thereof.

The motion failed to carry.

At his request, Senator Allen (P. L.) was excused from further attendance on today's session.

Senator Bowen moved to amend section 42, line 7 of the printed bill, the same being line 10, page 19 of the original bill, by striking the word "two" and substituting the word "one" in lieu thereof, also striking the letter "s" at the end of the word "examinations."

The motion failed to carry.

Senator Eastham moved to strike all of section 43.

The motion was lost.

Senator Davis moved to strike all that part of section 45 beginning with the word "provided" in line 10 of the printed bill, same being line 14, page 26 of the original bill.

Senator Rosenhaupt moved as a substitute that in section 45, line 11 of the printed bill, same being line 15, page 26 of the original bill, after the word "within" the words "six months"

be stricken and the words "one year" be substituted in lieu thereof.

The motion carried.

Senator Nichols moved that all that part of section 45 of the printed bill beginning with the word "provided" in line 13, same being line 19, page 26 of the original bill, be stricken.

The motion failed to carry.

Senator Stewart moved to add a new section to be known as section 45 $\frac{1}{2}$, as follows:

"Sec. 45 $\frac{1}{2}$. It shall be lawful for any notary public who is a stockholder, director, officer or employe of a bank or other corporation to take the acknowledgment of any party to any written instrument executed to or by such corporation, or to administer an oath to any other stockholder, director, officer, employe or agent of such corporation, or to protest for nonacceptance or nonpayment bills of exchange, drafts, checks, notes and other negotiable instruments which may be owned or held for collection by such corporation: *Provided*, It shall be unlawful for any notary public to take the acknowledgment of an instrument by or to a bank or other corporation of which he is a stockholder, director, officer, or employe, where such notary is a party to such instrument, either individually or as a representative of such corporation, or to protest any negotiable instrument owned or held for collection by such corporation, where such notary is individually a party to such instrument."

The motion failed to carry.

Senator Bassett moved to strike section 50.

The motion carried.

Senator Bryan moved to make section 51 section 50, and section 51 $\frac{1}{2}$ section 51.

The motion carried.

Senator Nichols moved to amend the new section 50 in line 6 of the printed bill by adding a period after the word "felony" and striking the remainder of the section.

The motion carried.

Senator Collins moved to strike section 51 and insert in lieu thereof the following:

"Sec. 51. The provisions of this act shall not apply to building and loan or savings and loan associations doing business under the laws of the State of Washington."

The motion carried.

Senator Stewart moved to add a new section, to be known as section 50½, as follows:

"Sec. 50½. Any person who shall wilfully or maliciously instigate, make, circulate, or transmit to another or others any false statements derogatory to the financial condition or affecting the solvency or financial standing of any bank, banking institution or trust company doing business in this state, or who shall counsel, aid, procure, or induce another to start, transmit or circulate any such statement or rumor, shall be guilty of a gross misdemeanor."

The motion carried.

Senator Bryan moved that the Senate reconsider the vote by which new section 50 was amended, striking all that portion of the section after the word "felony" in line 6 of the printed bill, same being line 24, page 28 of the original bill.

The motion was lost.

Senator Nichols moved that the Senate reconsider the vote by which section 31, line 1 of the printed bill, same being line 9, page 14 of the original bill, was amended, by striking the words "or building and loan or building and savings associations."

The motion carried.

By unanimous consent, Senator Rosenhaupt withdrew his motion whereby section 31, line 1 of the printed bill, same being line 9, page 14 of the original bill, was amended.

The secretary called the roll on final passage of amended Senate bill No. 60, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Stephens, Stevenson, Stewart, Troy, Whalley, Mr. President—34.

Those voting nay were: Senators Eastham, Landon, Nichols, White—4.

Absent or not voting were: Senators Allen (P. L.), Hewitt, Smithson, Whitney—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Brown, Senate bill No. 315, which appeared next on the calendar, went over, retaining its place on the calendar.

Engrossed House bill No. 153, by Mr. Teats *et al.*, entitled "An act to amend section 1 of article II of the constitution of the State of Washington, relating to legislative powers, providing for the initiative and referendum, and striking section 31 of said article II, relating to the time when laws take effect," was read third time.

Senator Fishback move to amend the bill in line 14, section 1 of the printed bill, the same being in line 1, page 1 of the engrossed bill, by striking the word "such" before the word "petition" and after the word "petition" insert the following: "Which petition shall be placed on file for signature in the office of the county auditor of each county in this state and in no other place, any qualified elector may affix his signature on said petition at said county auditor's office in the presence of the county auditor or one of his deputies and at no other place." Strike the small "e" in the word "every" and replace the same by a capital "E."

Senators Falconer, Landon and Troy moved a call of the Senate.

The motion for a call of the Senate carried and a call of the Senate was ordered.

The secretary called the roll, those absent being Senators Allen (P. L.) (excused), Hewitt, Smithson (excused), and Jackson.

On motion of Senator Stewart, further proceedings under the call of the Senate were discontinued.

A roll call on the amendment proposed by Senator Fishback was demanded by Senators Falconer, Landon, Nichols, Brown, Stephens, Troy, Ruth.

The secretary called the roll and the amendment was lost by the following vote:

Those voting aye were: Senators Allen (F. J.), Arrasmith,

Collins, Cox, Davis, Eastham, Espy, Fishback, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Stephens, Stevenson, Stewart, Whalley—18.

Those voting nay were: Senators Anderson, Bassett, Bowen, Brown, Bryan, Chappell, Falconer, Hall, Hammer, Hutchinson, Huxtable, Jensen, Landon, Metcalf, Myers, Rosenhaupt, Troy, White, Mr. President—19.

Absent or not voting were: Senators Allen (P. L.), Hewitt, Jackson, Smithson, Whitney—5.

Senator Espy moved to amend the bill in line 13 of section 1 of the printed bill, the same being in line 22, section 1 of the engrossed bill, by inserting after the word "voters" the words "of each of two-thirds of the counties of the state."

Senators Landon, Troy and Falconer demanded a call of the Senate.

The motion for a call of the Senate carried and a call of the Senate was ordered.

The secretary called the roll. Those absent were: Senators Allen (P. L.) (excused), Smithson (excused), and Whitney.

The sergeant-at-arms was instructed to lock the doors.

On motion of Senator Falconer, all members shown absent by the call of the roll were excused.

On motion of Senator Stevenson, further proceedings under the call of the Senate were discontinued.

The motion of Senator Espy to amend the bill was put and it failed to carry.

Senator Nichols moved to strike in lines 12 and 13, section 1 of the printed bill, the same being in lines 21 and 22, section 1 of the engrossed bill, the words "but in no case more than fifty thousand."

The motion was lost.

Senator Espy moved to substitute the word "less" for the word "more" in line 13, section 1 of the printed bill, the same being in line 21, section 1 of the engrossed bill. •

The amendment failed to carry.

Senator Rydstrom moved to amend in section 1, line 12 of

the printed bill, the same being in line 21, section 1 of the engrossed bill, by substituting the words "twelve and one-half" for the word "ten."

The amendment failed to carry.

Senator Rydstrom moved that section 1 be stricken from the bill.

The motion failed to carry.

Senator Collins moved to strike the word "not" in line 53, section 1 of the printed bill, the same being in line 2, page 4 of the engrossed bill.

The motion failed to carry.

Senator Espy moved to amend in line 22, section 1 of the printed bill, the same being in line 15, page 2 of the engrossed bill, by striking all after the word "rejected" and substituting therefor the following: "Or changed or amended by the legislature before the end of such regular session, and, if amended, shall be resubmitted to the people for rejection or approval."

The amendment was lost.

Senator Anderson moved to amend by inserting a comma after the word "published" in line 3, section 2 of the printed bill, the same being in line 5, section 2 of the engrossed bill.

The motion was lost.

Senator Collins moved to amend in section 1, line 57 of the printed bill, the same being line 9, page 4 of the engrossed bill, by striking the word "thereon" and substituting therefor the words "at such election."

A roll call on the amendment was demanded by Senators Falconer, Roberts, Rydstrom, Brown, Nichols, Landon, Ruth.

The secretary called the roll and the amendment was lost by the following vote:

Those voting aye were: Senators Allen (F. J.), Collins, Davis, Eastham, Espy, Hall, Metcalf, Nichols, Piper, Roberts, Ruth, Rydstrom, Stewart—13.

Those voting nay were: Senators Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Falconer, Fishback, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen,

Landon, Myers, Rosenhaupt, Shaefer, Stephens, Stevenson, Troy, Whalley, White, Mr. President—26.

Absent or not voting were: Senators Allen (P. L.), Smithson, Whitney—3.

Senator Nichols moved to strike lines 6, 7, 8 and 9, section 3 of the printed bill, the same being lines 11 to 18, inclusive, of the engrossed bill.

The motion was withdrawn by Senator Nichols.

Senators Collins moved to amend in section 1, line 57 of the printed bill, the same being line 9, page 4 of the engrossed bill, by inserting after the word "thereon" the following: "*Provided*, That the vote cast upon such question or measure shall equal one-third of the total vote cast at such election."

The amendment carried.

The secretary called the roll on final passage of engrossed House bill No. 153 and it passed the Senate by the following vote:

Those voting aye were: Senator Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Piper, Rosenhaupt, Shaefer, Stephens, Stevenson, Troy, Whalley, White, Mr. President—32.

Those voting nay were: Senators Davis, Eastham, Nichols, Roberts, Ruth, Rydstrom, Stewart—7.

Absent or not voting were: Senators Allen (P. L.), Smithson, Whitney—3.

There being no objection, the title of the bill was ordered to stand as the title of the act.

At 6 p. m., on motion of Senator Stevenson, a recess was taken until 8 o'clock this evening.

EVENING SESSION.

The Senate was called to order at 8 o'clock p. m. by President Paulhamus.

On motion of Senator Ruth, rule 62 was suspended.

Senator Troy moved that the Senate concur in House amendments to engrossed Senate bill No. 80.

The secretary called the roll, and the Senate concurred in House amendments to engrossed Senate bill No. 80 by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Collins, Cox, Davis, Eastham, Fishback, Hall, Hammer, Jensen, Landon, Myers, Nichols, Piper, Ruth, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—27.

Absent or not voting were: Senators Allen (P. L.), Chappell, Espy, Falconer, Hewitt, Hutchinson, Huxtable, Jackson, Metcalf, Roberts, Rosenhaupt, Rydstrom, Shaefer, Smithson, Whitney—15.

Senate bill No. 315, by Senator Jensen, entitled "An act to repeal section 6 and 7 of chapter 62, Session Laws of 1888, same being section 6275 of Remington and Ballinger's Annotated Codes and Statutes of Washington," was read third time.

On motion of Senator Jensen, section 1 was stricken from the bill and the following substituted therefor:

"Section 1. That sections 6275 and 6276 of Remington and Ballinger's Annotated Codes and Statutes of Washington relating to the dispensation and sale of spirituous, fermented, malt or other intoxicating liquors by druggists be and the same are hereby repealed."

The secretary called the roll on final passage of Senate bill No. 315, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Cox, Eastham, Fishback, Hall, Hammer, Hutchinson, Jensen, Landon, Metcalf, Myers, Piper, Ruth, Rydstrom, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—27.

Voting nay: Senator Collins—1.

Absent or not voting were: Senators Allen (P. L.), Chappell, Davis, Espy, Falconer, Hewitt, Huxtable, Jackson, Nichols, Roberts, Rosenhaupt, Shaefer, Smithson, Whitney—14.

On motion of Senator Jensen, the title of the bill was stricken and the following substituted as the title of the act:

"An act repealing sections 6275 and 6276 of Remington and Ballinger's Annotated Codes and Statutes of Washington relating to the dispensation and sale of spirituous, fermented, malt or other intoxicating liquors by druggists."

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Senate bill No. 247, by the Committee on Irrigation and Arid Lands, entitled "An act relating to the granting to persons, firms and corporations, an easement over, upon and across the beds of the rivers of the State of Washington for the construction and maintenance of dams and works incident thereto for irrigation and power purposes," was read third time.

The secretary called the roll on final passage of Senate bill No. 247, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Chappell, Collins, Cox, Davis, Eastham, Falconer, Hall, Hammer, Hutchinson, Jensen, Landon, Metcalf, Nichols, Piper, Roberts, Ruth, Rydstrom, Stephens, Stevenson, Stewart, Troy, Whalley, White—29.

Those voting nay were: Senators Fishback, Myers, Mr. President—3.

Absent or not voting were: Senators Allen (P. L.), Bryan, Espy, Hewitt, Huxtable, Jackson, Rosenhaupt, Shaefer, Smithson, Whitney—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 206, by Senator Nichols, entitled "An act to amend sections 1 and 2 of an act, entitled 'An act authorizing cities of the first class in the State of Washington which at the government census in 1900 had a population in excess of 80,000. to construct and maintain, upon public streets, and upon the extensions or connections thereof across waterways,

rivers, canals, or other channels, wherever public necessity may require, bridges, drawbridges, viaducts, elevated roadways and tunnels, with or without street railways thereon or therein, and providing for the levy and collection of assessments upon property specially benefited thereby, to pay therefor, and declaring an emergency,' approved August 23, 1909, and declaring an emergency," was read third time.

The secretary called the roll on final passage of Senate bill No. 206, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Falconer, Fishback, Hall, Hammer, Hutchinson, Jensen, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—31.

Absent or not voting were: Senators Allen (P. L.), Bowen, Espy, Hewitt, Huxtable, Jackson, Landon, Rosenhaupt, Shaefer, Smithson, Whitney—11.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Davis, Eastham, Fishback, Hall, Hammer, Hutchinson, Jensen, Landon, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Stephens, Stevenson, Stewart, Troy, White, Mr. President—30.

Voting nay: Senator Falconer—1.

Absent or not voting were: Senators Allen (P. L.), Cox, Espy, Hewitt, Huxtable, Jackson, Metcalf, Rosenhaupt, Smithson, Whalley, Whitney—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Metcalf was called to take the president's chair.

Senate bill No. 152, by Senator Stevenson, entitled "An act relating to the taking of food fishes, and amending section 5187 of Remington and Ballinger's Annotated Codes and Statutes of Washington," was read third time.

The president resumed the chair.

The secretary called the roll on final passage of Senate bill No. 152, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Collins, Cox, Falconer, Fishback, Hall, Hammer, Jensen, Landon, Metcalf, Myers, Nichols, Roberts, Ruth, Shaefer, Smithson, Stephens, Stevenson, Troy, Whalley, White, Mr. President—28.

Those voting nay were: Senators Chappell, Davis, Eastham, Piper, Rydstrom, Stewart—6.

Absent or not voting were: Senators Allen (P. L.), Espy, Hewitt, Hutchinson, Huxtable, Jackson, Rosenhaupt, Whitney—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 174, by Senator Nichols, entitled "An act relating to the establishment and widening of county roads, and to the exercise of the right of eminent domain by counties in condemning land and other property for county roads and to secure property containing gravel, stone or other road building materials and rights-of-way in and to such property and repealing all acts in conflict herewith," was read third time.

The secretary called the roll on final passage of Senate bill No. 174, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Fishback, Hall, Hammer, Hutchinson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—34.

Absent or not voting were: Senators Allen (P. L.), Falconer, Hewitt, Huxtable, Jackson, Rosenhaupt, Smithson, Whitney—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed House bill No. 228, by Mr. McClure *et al.*, entitled "An act for the prevention of fraud in the grain and hay

trade, for the establishment and preservation of standards for grain and hay, regulating warehousemen, millers, shippers, and buyers of hay and grain, defining the duty of railroads, providing penalties for the violation thereof and repealing chapter 137 of the Session Laws of 1909," was read third time.

On motion of Senator Arrasmith, the Senate resolved itself into a committee of the whole for the purpose of considering engrossed House bill No. 228.

The bill was considered in committee of the whole, Senator Falconer in the chair, and was reported back to the Senate with the recommendation that it do pass with the following amendments: Insert in line 2, section 17 of the printed bill, the same being in line 3, section 17 of the engrossed bill, between the words "shall" and "be" the words "if requested" and strike all of lines 7 and 8 of the printed bill, the same being lines 11, 12 and 13 of the engrossed bill, in section 17 after the word "grade."

On motion of Senator Falconer, the report of the committee was adopted. The secretary called the roll on final passage of engrossed House bill No. 228, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Stephens, Stevenson, Stewart, Troy, White, Mr. President—35.

Absent or not voting were: Senators Allen (P. L.), Hewitt, Huxtable, Jackson, Smithson, Whalley, Whitney—7.

On motion of Senators Rosenhaupt, the title of the bill was amended by inserting after the word "railroads" the word "making an appropriation."

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

By unanimous consent, Senator Brown introduced Senate bill No. 320 in accordance with Senate concurrent resolution No. 5.

Senate bill No. 320, by Senator Brown, entitled "An act relating to the state armory at Bellingham and continuing the appropriation for construction thereof."

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

On motion of Senator Arrasmith, the rules were suspended and engrossed House bill No. 228 was ordered immediately transmitted to the House.

Senator Eastham moved to adjourn.

The motion was lost.

Engrossed House bill No. 213, by Judiciary Committee, entitled "An act to amend sections 3, 7, 10, 13 and 16 of chapter 190, of the Session Laws of 1909, approved March 17, 1909, relating to the powers of juvenile courts, and the care, custody and control of delinquent children," was read third time.

On motion of Senator Rosenhaupt, the bill was amended in section 2 by striking the following: Beginning with the words "in addition" in line 11 of the printed bill, the same being line 6, page 2 of the engrossed bill, strike the balance of the section and substitute the following therefor:

"In addition to the officers above provided for, in counties containing 30,000 or more inhabitants, when it shall appear that there is a necessity for such county officers, the court may, with the approval of the board of county commissioners, appoint one or more persons to act as probation officers and one or more persons who shall have charge of the detention rooms or house of detention, all of whom shall be paid as compensation for their services such sums as may be fixed by the board of county commissioners, and who shall be paid as other county officers are paid; such officers shall possess all the powers conferred upon sheriffs and police officers to serve process and make arrests for the violation of any state law or city ordinances."

Senator Bryan moved to amend the bill by striking therefrom the committee amendment to section 3 of the printed bill and that the bill be amended to read in section 3 as it now reads in the printed copy.

The motion failed to carry.

Senator Nichols moved to amend by making a comma of the period and adding to the end of section 2 of the engrossed bill, being section 2 of the printed bill, the following: "Relative to the care, custody and control of delinquent children."

The amendment carried.

On motion of Senator Bassett, the word "thirty" was substituted for the word "forty" in section 1, line 4 of the engrossed bill, being line 2 of section 1 of the printed bill.

At 11 o'clock p. m., on motion of Senator Rydstrom, the Senate adjourned until 10 o'clock tomorrow morning.

WM. T. LAUBE,

Secretary of the Senate.

W. H. PAULHAMUS,

President of the Senate.

FIFTY-THIRD DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASH., Thursday, March 2, 1911.

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

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present.

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

A telegram from Local No. 217, of the Electrical workers, Seattle, urging the passage of House bill No. 387, and from Local 387, of the Electrical Workers, Tacoma, also urging the passage of that bill, were read and ordered placed on file.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

OLYMPIA, WASH., March 1, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred House bill No. 212, entitled "An act relating to the office of attorney general, de-

fining his powers and duties, and repealing sections 112 and 9037 of Remington and Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Geo. W. Shaefer, Ralph D. Nichols, Daniel Landon, Ralph Metcalf.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 148, entitled "An act to provide for the incorporation of grand lodges of fraternal societies," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Daniel Landon, F. J. Allen, Ralph Metcalf.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 185, entitled "An act providing for the holding of sessions of the superior court elsewhere than at the county seat in any county of the state containing any city not the county seat, having a population exceeding the population of the county seat, and authorizing the county commissioners of any such county to defray the expenses of said sessions, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Strike the title of the bill and substitute therefor, "An act relating to sessions of the superior courts held elsewhere than at the county seats of the counties of the state."

Strike all that part of section 1 of the bill beginning with the word "in" in the first line of said section and ending with "1910" in line 8 of section 1 of the original bill, being line 5 of section 1 of the printed bill.

Strike the word "such" in line 8 of the original bill, the same being in line 5 of the printed bill.

In line 13 of the original bill, being lines 8 and 9 of the printed bill, strike "determined as aforesaid."

Strike section 2 of the bill.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Josiah Collins, Daniel Landon, Ralph Metcalf.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1911.

MR. PRESIDENT:

We, your committee on cities of first class, to whom was referred Senate bill No. 252, entitled "An act relating to official printing and to an official paper in cities of the first class," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

RALPH D. NICHOLS, *Chairman*.

We concur in this report: Ralph Metcalf, H. M. White, Geo. W. Shaefer.

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

SENATE CHAMBER,
OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, your committee on public revenue and taxation, to whom was referred Senate bill No. 215, entitled "An act to amend article VII of the constitution of the State of Washington, relating to assessment and taxation," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

JOHN L. ROBERTS, *Chairman*.

We concur in this report: Oliver Hall, Frank C. Jackson, Peder Jensen.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 266, entitled "An act relating to the payment of compensation to workmen injured while engaged in dangerous employment, or to persons dependent upon them in case death results from injuries so received, prescribing remedies, providing that such remedies shall be exclusive, and making an appropriation," have had the same under con-

sideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: Josiah Collins, F. J. Allen, Daniel Landon.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., March 1, 1911.

We, your committee on memorials, to whom was referred engrossed House memorial No. 8, "Relating to the proper protection of the Pacific coast," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

In line 1 strike the word "honorable."

GEO. W. SHAEFER, *Chairman.*

We concur in this report: F. L. Stewart, George U. Piper.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., March 2, 1911.

We, your committee on judiciary, to whom was referred Senate bill No. 289, entitled "An act defining the qualifications of county engineer," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: Geo. W. Shaefer, F. J. Allen, Daniel Landon, J. W. Bryan.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., February 28, 1911.

We, your committee on judiciary, to whom was referred engrossed House bill No. 154, entitled "An act allowing foreign corporations to loan money in the state, and amending section 1 of chapter 176 of the Laws 1903," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: Geo. W. Shaefer, F. J. Allen, Daniel Landon, Ralph D. Nichols, J. W. Bryan.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., March 2, 1911.

We, your committee on judiciary, to whom was re-referred Senate bill No. 42, entitled "An act relating to the offices of lieutenant governor, state auditor, commissioner of public lands and state insurance commissioner, and abolishing the same," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Strike the title of the bill and substitute therefor: "An act relating to the office of lieutenant governor, and abolishing the same."

Strike the word "offices" in the first line of section 1 of the bill and substitute therefor "office."

After the word "governor" in the first line of section 1 of the bill, strike "state auditor, commissioner of public lands and state insurance commissioner."

Strike sections 2, 3 and 4 of the bill.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Geo. W. Shaefer, F. J. Allen, Daniel Landon, Ralph D. Nichols, J. W. Bryan.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., March 2, 1911.

We, your committee on judiciary, to whom was referred Senate bill No. 164, entitled "An act relating to the liability of surety companies and to prevent discrimination by such companies," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the bill herewith submitted be substituted therefor and that it do pass.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Geo. W. Shaefer, F. J. Allen, Daniel Landon, J. W. Bryan.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., March 2, 1911.

We, your committee on military, to whom was referred Senate bill No. 320, entitled "An act relating to the state armory at Bellingham and continuing the appropriation for the construction thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

ED BROWN, *Chairman*.

We concur in this report: F. J. Allen, D. H. Cox.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred engrossed Senate bill No. 315, entitled "An act repealing sections 6275 and 6276 of Remington and Ballinger's Annotated Codes and Statutes of Washington relating to the dispensation and sale of spirituous, fermented, malt or other intoxicating liquors by druggists," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman.*

We concur in this report: Josiah Collins, F. J. Allen, D. S. Troy.

SENATE CHAMBER,
OLYMPIA, WASH., February 28, 1911.

MR. PRESIDENT:

We, your committee on state charitable institutions, to whom was referred Senate bill No. 135, entitled "An act to provide for the selection and purchase of a site, construction of building for the state institution for feeble-minded, making an appropriation therefor, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

R. A. HUTCHINSON, *Chairman.*

We concur in this report: E. C. Whitney, Peder Jensen, George U. Piper, A. B. Eastham.

Senator Hutchinson moved the adoption of the report.

The president ruled the report out of order on the ground that the bill was not now in the hands of the committee, having been withdrawn by the Senate and ordered placed on general file at yesterday's session.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1911.

MR. PRESIDENT:

We, your committee on state charitable institutions, to whom was referred Senate bill No. 17, entitled "An act relating to the construction of an armory for the use of the National Guard of Washington, at Everett, appropriating money from the military fund therefor, creating a board to superintend the construction thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

R. A. HUTCHINSON, *Chairman.*

We concur in this report: John E. Chappell, E. Hammer, E. C. Whitney, George U. Piper.

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

Senator Rosenhaupt was granted unanimous consent to introduce

SENATE JOINT MEMORIAL NO. 8.

WHEREAS, In certain countries discrimination is made against American citizens on account of race or creed, and passports furnished to such citizens are refused recognition and effect; now, therefore, be it

Resolved, by the Senate, the House concurring, That the president of the United States be and he is hereby requested to use every effort to have American citizens respected abroad without regard to race or creed; and be it further

Resolved, That we do hereby endorse and call upon congress to pass, the resolution now pending therein looking to the universal recognition of American passports so that no discrimination will be made against passports carried by American citizens, no matter what the race or creed of the holder.

The memorial was read first, second and third times and placed on final passage, the rules being suspended.

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

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Troy, White, Whitney, Mr. President—36.

Absent or not voting were: Senators Allen (F. J.), Bassett, Davis, Jackson, Stephens, Whalley—6.

On motion of Senator Rosenhaupt, the rules were suspended and Senate joint memorial No. 8 was ordered transmitted to the House immediately.

On motion of Senator Rosenhaupt, the secretary of the Senate was instructed to transmit by telegraph to Washington members of congress Senate joint memorial No. 8 as soon as said memorial shall have passed the House.

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT.

OLYMPIA, February 28, 1911.

To the Senate:

I am directed by the governor to inform you that he has this day approved Senate bill No. 85, entitled "An act amending section 2 of

an act entitled 'An act amending sections 3, 5, 11 and 12 of an act entitled "An act defining forcible entry, forcible detainer and unlawful detainer of real property, and providing remedies therefor by summary proceedings," approved March 7, 1891,' approved March 6, 1905, and declaring an emergency."

FRANK M. DALLAM, JR., *Private Secretary.*

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES.
OLYMPIA, WASH., March 2, 1911.

MR. PRESIDENT:

The House has passed House bill No. 473, entitled "An act for the relief of Edward J. Carroll, making an appropriation therefor;"

Also engrossed House bill No. 199, entitled "An act relating to, regulating and providing for the nomination of candidates for public office in the State of Washington;"

Also engrossed House bill No. 282, entitled "An act relating to local improvements in cities and towns, and repealing certain acts and parts of acts."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

INTRODUCTION OF BILLS.

Engrossed House bill No. 282, by Joint Committee on Municipal Corporations of the First Class and Municipal Corporations other than First Class, entitled "An act relating to local improvements in cities and towns, and repealing certain acts and parts of acts."

The bill was read the first time, and on motion of Senator Allen (F. J.), the rules were suspended, the bill was read the second time by title and referred to the committees on municipal corporations and cities of the first class.

Engrossed House bill No. 199, by Mr. Conner, entitled "An act relating to, regulating and providing for the nomination of candidates for public office in the State of Washington, and amending sections 3 and 12 of chapter 82 of the Session Laws of 1909, and sections 19, 21, 23 and 24 of chapter 209 of the Session Laws of 1907, and repealing section 18 of said chapter 209 of the Session Laws of 1907, the said sections being respectively: Sections 4813, 4815, 4823, 4825, 4827, 4828 and 4822 of Remington and Ballinger's Annotated Codes and Statutes of Washington."

The bill was read the first time, and on motion of Senator Falconer, the rules were suspended, the bill was read the second time by title and referred to the committee on privileges and elections.

House bill No. 473, by Mr. Johnson, entitled "An act for the relief of Edward J. Carroll, and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Davis, the rules were suspended, the bill was read the second time by title and referred to the committee on appropriations.

Substitute Senate bill No. 164, by Judiciary Committee, entitled "An act relating to the liability of surety companies, and to prevent discrimination by such companies."

The bill was read the first time, and on motion of Senator Rosenhaupt, the rules were suspended, the bill was read second time by title, ordered printed and placed on general file.

Senator Davis moved that the Senate concur in the House amendments to Senate bill No. 183.

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

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Davis, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Troy, White, Whitney, Mr. President—34.

Voting nay: Senator Eastham—1.

Absent or not voting were: Senator Anderson, Cox, Hutchinson, Huxtable, Jackson, Stewart, Whalley—7.

The secretary called the roll on passage of the emergency clause added to the bill by the House amendments and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Davis, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Ro-

senhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Troy, White, Whitney, Mr. President—34.

Voting nay: Senator Eastham—1.

Absent or not voting were: Senators Anderson, Cox, Hutchinson, Huxtable, Jackson, Stewart, Whalley—7.

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

The secretary read:

SENATE CONCURRENT RESOLUTION NO. 7.

By Senator Landon:

WHEREAS, The Senate and House joint committee for investigating the National Guard deem necessary the immediate passage of certain legislation relating to the state militia; be it

Resolved, by the Senate, the House of Representatives concurring, That said committee be, and is hereby, directed to introduce in the Senate a bill carrying such legislation relating to the state militia as may be deemed necessary.

Senator Landon moved the adoption of the resolution.

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

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Landon, Metcalf, Myers, Nichols, Roberts, Rosenhaupt, Rydstrom, Shaefer, Stephens, Stevenson, Stewart, Troy, Mr. President—30.

Those voting nay were: Senators Piper, Ruth, Smithson, White, Whitney—5.

Absent or not voting were: Senators Anderson, Cox, Hutchinson, Huxtable, Jackson, Jensen, Whalley—7.

On motion of Senator Landon, the rules were suspended and Senate concurrent resolution No. 7 was ordered immediately transmitted to the House.

GENERAL FILE.

The Senate resumed consideration of engrossed House bill No. 213, which was under consideration at the time of the adjournment at yesterday's session.

Senator Bassett moved to amend the bill in line 2, section 4 of the printed bill, the same being in line 3, section 4 of the engrossed bill, by substituting the word "thirty" for the word "forty."

Senator Rosenhaupt moved as a substitute for the above that section 4 be amended as follows:

Strike line 2 of the printed bill and line 3 to and including the word "provide," the same being the last four words of line 2, all of line 3, and a portion of line 4, section 4 of the engrossed bill, and substitute therefor the following: "Sec. 13. Counties containing more than fifty thousand inhabitants shall, and counties containing a lesser number of inhabitants may provide."

The substitute motion carried.

On motion of Senator Eastham, the word "lockup" was stricken in line 4 of section 4 of the printed bill, the same being in line 6, section 4 of the engrossed bill.

Senator Anderson moved that the bill be indefinitely postponed.

The motion was lost.

Senator Stevenson moved that the vote by which the amendment to section 2 of the bill, proposed by Senator Rosenhaupt, was adopted be reconsidered.

The motion was lost.

The secretary called the roll on final passage of engrossed House bill No. 213, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jensen, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, Whitney, Mr. President—36.

Absent or not voting were: Senators Hewitt, Huxtable, Jackson, Landon, Nichols, White—6.

On motion of Senator Rosenhaupt, the title of the bill was amended by striking therefrom the words and figures "approved March 17, 1909."

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Engrossed House bill No. 174, by Mr. McNeely, entitled "An act relating to officers in cities of the fourth class and amending section 7721 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency," was read third time.

The secretary called the roll on final passage of engrossed House bill No. 174, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Espy, Fishback, Hall, Hutchinson, Jensen, Myers, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—33.

Voting nay: Senator Davis—1.

Absent or not voting were: Senators Falconer, Hammer, Hewitt, Huxtable, Jackson, Landon, Metcalf, Nichols—8.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.) Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Fishback, Hammer, Hutchinson, Myers, Nichols, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, Mr. President—30.

Absent or not voting were: Senators Bowen, Falconer, Hall, Hewitt, Huxtable, Jackson, Jensen, Metcalf, Piper, White, Whitney—12.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed House bill No. 206, by Mr. Tonkin, entitled "An act relating to the appointment of a mine inspector and deputy mine inspector, and amending section 1, chapter 77 of the Laws of 1907," was read the third time.

Senator Jackson moved to amend the bill by adding section 2, as follows:

"Sec. 2. To carry out the provisions of this act there is hereby appropriated out of the general fund not otherwise appropriated the sum of fifty-four hundred dollars (\$5,400.00) or so much thereof as may be necessary."

The motion carried.

On motion of Senator Jackson, the Senate resolved itself into a committee of the whole to consider engrossed House bill No. 206.

The bill was considered in the committee of the whole, Senator Cox in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Cox, the report of the committee of the whole was adopted.

The secretary called the roll on final passage of engrossed House bill No. 206, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hammer, Hutchinson, Jackson, Jensen, Landon, Myers, Nichols, Roberts, Rosenhaupt, Rydstrom, Shacfer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—36.

Voting nay: Senator Ruth—1.

Absent or not voting were: Senators Hall, Hewitt, Huxtable, Metcalf, Piper—5.

On motion of Senator Rosenhaupt, the title of the bill was amended as follows: Strike the period at the end of the title and add the following: "And making an appropriation therefor."

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

House bill No. 279, by Mr. McQuesten, entitled "An act relating to school elections in school districts of the first class and amending sections 1, 6, 7 and 11 of article IV, chapter 13, title

III of the Code of Public Instruction, the same being chapter 97 of the Session Laws of 1909. Approved by the governor March 11, 1909," was read the third time.

The secretary called the roll on final passage of House bill No. 279, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Fishback, Hall, Hammer, Hutchinson, Jensen, Myers, Nichols, Piper, Ruth, Rydstrom, Shaefer, Stewart, Troy, Whalley, White, Whitney, Mr. President—80.

Absent or not voting were: Senators Allen (P. L.), Falconer, Hewitt, Huxtable, Jackson, Landon, Metcalf, Roberts, Rosenhaupt, Smithson, Stephens, Stevenson—12.

On motion of Senator Bassett, the words and figures "approved by the governor March 11, 1909," were stricken from the title.

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Engrossed House bill No. 280, by Mr. McQuesten, entitled "An act relating to the election in school districts of the first class and amending section 4669 of Remington and Ballinger's Annotated Codes and Statutes of Washington," was read third time.

The secretary called the roll on final passage of engrossed House bill No. 280, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Eastham, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Myers, Nichols, Piper, Rosenhaupt, Rydstrom, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—29.

Absent or not voting were: Senators Allen (P. L.), Collins, Davis, Espy, Falconer, Hewitt, Landon, Metcalf, Roberts, Ruth, Shaefer, Smithson, Whitney—13.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed House bill No. 288, by Mr. Miller, entitled "An act relating to township organization and requiring county boards of equalization to equalize property as between townships, etc., and declaring an emergency," was read the third time.

The secretary called the roll on final passage of engrossed House bill No. 288, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Troy, Whalley, White, Whitney, Mr. President—40.

Voting nay: Senator Stewart—1.

Absent or not voting: Senator Jackson—1.

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

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—38.

Absent or not voting were: Senators Davis, Hewitt, Jackson, Roberts—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed House bill No. 356, by the Committee on Roads and Bridges, entitled "An act relating to the improvement of public highways, providing for the payment of the cost thereof, making appropriation therefor, repealing chapter 150 of the Laws of 1907, and declaring an emergency," was read the third time.

Senator Rosenhaupt moved to amend section 9, line 15 of the printed bill, the same being in line 24, section 9 of the engrossed bill, by inserting after the word "awarded" the words "to any such party."

The motion carried.

Senator Jensen moved to amend section 14, line 2 of the printed bill, the same being in line 4, section 14 of the engrossed bill, by striking the word "one" and inserting the words "one-half" in lieu thereof, making it read "one-half mill."

The motion was lost.

At 12:30 p. m., on motion of Senator Allen (P. L.), the Senate took a recess until 2 p. m.,

AFTERNOON SESSION.

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

The Senate took up the consideration of engrossed House bill No. 356, which was being considered at the time the noon recess was taken.

On motion of Senator Allen (P. L.), the Senate resolved itself into a committee of the whole for the purpose of considering engrossed House bill No. 356.

The bill was considered in committee of the whole, Senator Rosenhaupt in the chair, and was reported back to the Senate with the recommendation that it do pass.

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

Senator Hall moved to amend the bill by striking sections 1 to 14, inclusive, and section 18.

The motion was lost.

On motion of Senator Rosenhaupt, the bill was amended by inserting the word "session" before the word "laws" in line 5 of section 15 of the printed bill, the same being in line 8, sec-

tion 15 of the engrossed bill, and in line 1 of section 17 of the printed bill, the same being in line 1, section 17 of the engrossed bill.

The secretary called the roll on final passage of engrossed House bill No. 356, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Landon, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, Whitney, Mr. President—36.

Voting nay: Senator Jensen—1.

Absent or not voting were: Senators Davis, Hewitt, Jackson, Metcalf, White—5.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—39.

Voting nay: Senator Jensen—1.

Absent or not voting were: Senators Davis, Hewitt—2.

On motion of Senator Rosenhaupt, the title was amended by inserting the word "session" before the word "laws" in the title of the act.

There being no objection, the amended title of the bill was ordered to stand as the title of the act.

Engrossed House bill No. 253, by Mr. Miller, entitled "An act to amend section 4 of an act, entitled 'An act to provide for the selection, survey, management, reclamation, lease and disposition of the state's granted school, tide, oyster and other lands, harbor areas and for the confirmation and completion

of the several grants to the state by the United States; creating a board of appraisers and a board of harbor line commissioners, as required by articles 15 and 16 of the state constitution, which shall be generally known as the board of state land commissioners; defining their duties and making an appropriation therefor, and declaring an emergency. Approved March 16, 1897.' And to grant to former purchasers or their successors in interest of tidelands of the second class, all lands over which the tide ebbs and flows, from the line of mean low tide to the line of extreme low tide, lying in front of such tidelands of the second class heretofore sold or conveyed to such purchasers or their successors in interest by the State of Washington," was read third time.

On motion of Senator Stevenson, the bill was amended by adding to same: "Section 3. An emergency exists and this act shall take effect immediately."

Senator Metcalf moved that further action on engrossed House bill No. 253 go over until tomorrow.

The motion was lost.

The secretary called the roll on final passage of engrossed House bill No. 253, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Espy, Falconer, Hall, Hammer, Hutchinson, Jensen, Landon, Metcalf, Myers, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White—31.

Those voting nay were: Senators Arrasmith, Fishback, Rosenhaupt, Mr. President—4.

Absent or not voting were: Senators Anderson, Davis, Hewitt, Huxtable, Jackson, Nichols, Whitney—7.

The emergency clause passed by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Espy, Falconer, Hall, Hammer, Hutchinson, Jensen, Landon,

Myers, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White—28.

Those voting nay were: Senators Arrasmith, Eastham, Metcalf, Piper, Rosenhaupt, Mr. President—6.

Absent or not voting were: Senators Anderson, Davis, Fishback, Hewitt, Huxtable, Jackson, Nichols, Whitney—8.

On motion of Senator Rosenhaupt, the title was amended by adding the words "and declaring an emergency."

There being no objection, the amended title of the bill was ordered to stand as the title of the act.

Senator Metcalf gave notice of a motion to reconsider the vote by which House bill No. 253 passed the Senate.

Senator Allen (F. J.) gave notice of a motion to reconsider the vote by which the majority report of the committee on public morals, indefinitely postponing House bill No. 345, was adopted.

SPECIAL ORDER.

The hour of 2:30 p. m. having arrived, the Senate proceeded to consider the report of the special committee appointed under House concurrent resolution No. 2 to investigate military affairs.

The report of the committee was read.

Senators Stevenson moved the adoption of the report.

Senator Collins moved as a substitute that the report of the committee be received, referred to the committee of the whole, and made a special order for consideration at 8 o'clock this evening.

The substitute motion was adopted.

The president called upon Senator Stewart to preside.

By unanimous consent, at the request of Senator Eastham, House bill No. 243 was taken up out of order and considered at this time.

House bill No. 243, by Mr. French *et al.*, entitled "An act relating to the superior courts in the counties of Cowlitz, Clarke, Skamania and Klickitat, and declaring an emergency," was read third time.

The secretary called the roll on final passage of House bill No. 243 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Fishback, Hall, Hammer, Hutchinson, Jensen, Landon, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Troy—32.

Those voting nay were: Senators Falconer, Nichols, White, Mr. President—4.

Those absent or not voting were: Senators Hewitt, Huxtable, Jackson, Stephens, Whalley, Whitney—6.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Davis, Eastham, Espy, Fishback, Hammer, Hutchinson, Jensen, Landon, Metcalf, Myers, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Troy—28.

Those voting nay were: Senators Collins, Falconer, Nichols, Rosenhaupt, Mr. President—5.

Absent or not voting were: Senators Allen (P. L.), Hall, Hewitt, Huxtable, Jackson, Stephens, Whalley, White, Whitney—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Substitute Senate bill No. 102, by Joint Committee on Railroads and Transportation, entitled "An act relating to public service properties, providing for the regulation of the same, fixing penalties for the violation thereof, and repealing certain acts," was read third time.

On motion of Senator Brown, the Senate resolved itself into a committee of the whole for the purpose of considering substitute Senate bill No. 102.

The bill was considered in committee of the whole, Senator Stewart in the chair, and was reported back to the Senate with

the recommendation that it do pass with the following amendments:

In section 3, line 16 of the printed bill, the same being in line 21, section 3 of the original bill, after the word "of" strike the word "six" and insert the word "five" in lieu thereof.

In section 5 of the printed bill, strike all of lines 1, 2 and 3, the same being lines 1, 2, 3, 4, and 5 of the original bill, and insert in lieu thereof the following: "Sec. 5. Duties of attorney general."

In section 5, line 4 of the printed bill, the same being in line 6, section 5 of the original bill, strike the words "such counsel" and insert in lieu thereof the words "the attorney general."

In section 5, lines 6 and 7 of the printed bill, the same being line 10, section 5 of the original bill, strike the words "such counsel" and insert in lieu thereof the words "the attorney general."

In section 6, line 16 of the printed bill, the same being line 4, page 4 of the original bill, strike the word "counsel."

In section 15, line 2 of the printed bill, the same being line 3, section 15 of the original bill, after the word "fare" strike the word "or" and insert a comma in lieu thereof, and after the word "charge" insert the words "rule or regulation."

In section 25, line 1 of the bill, before the word "transfers" insert the words "fares and," and after the word "railroads" in the same line insert the following: "No street railroad company shall charge, demand or collect more than five cents for one continuous ride within the corporate limits of any city or town."

In section 56, line 1 of the printed bill, the same being line 2, section 56 of the original bill, strike the word "fled" and insert in lieu thereof the word "fixed."

In section 73, line 8 of the printed bill, the same being line 12, section 73 of the original bill, after the word "telegraph" insert the words "or telephone," and in the same line of the printed bill, the same being lines 12 and 13, section 73 of the original bill, strike the words "or that any two or more of such companies."

In section 83, line 2 of the bill, after the word "schedule" strike the word "or" and insert a comma in lieu thereof, and after the word "classification" insert the words "rule or regulation."

In line 6, section 94 of the printed bill, the same being in line 8, section 94 of the original bill, strike the words "counsel for the commission" and insert in lieu thereof the words "the attorney general."

In line 2, section 107 of the printed bill, the same being in line 3, section 107 of the original bill, strike the figures "\$175,000" and insert in lieu thereof the figures "\$118,146.68." Add to said section the following: "Said appropriation to cover the following expenditures, to-wit: Salaries three commissioners, \$23,471.78; salary rate expert, \$5,416.67; salary inspector, \$5,416.67; salary engineer, \$5,416.67; salary secretary, \$3,611.11; salary accountant, \$3,250.00; salary official reporter, \$3,250.00; salary telephone expert, \$4,513.88; total, \$54,346.78.

Contingent expenses of clerks, assistant inspectors, assistant engineers and experts, traveling expenses of commissioners and its employes, expenses of hearings, witness fees, and other incidental expenses, \$63,800.00.

In section 93, line 79 of the printed bill, the same being line 50, page 69 of the original bill, after the comma following the word "section," insert the words "nothing less than."

On page 40 of the printed bill, the same being page 77 of the original bill, strike the unnumbered section, being the last section of the bill, and add in lieu thereof section 113, as follows:

"Sec. 113. This act, in so far as it embraces the same subject matter, shall be construed as a continuation of chapter 81 of the Laws of 1905, and the acts amendatory thereof and supplemental thereto, and the members of the railroad commission of Washington created by said act of 1905 shall during the remainder of their terms of office respectively constitute the public service commission created by this act. At the expiration of the term of each commissioner a commissioner shall be appointed under the provisions of this act."

On motion of Senator Stewart, the report of the committee of the whole was adopted.

The president called Senator Falconer to preside.

Senator Allen (F. J.) moved to amend substitute Senate bill No. 102 by striking from the bill section 75.

At 6:10 p. m., on motion of Senator Rosenhaupt, a recess was taken until 7:30 o'clock this evening.

EVENING SESSION.

The Senate was called to order at 7:30 o'clock p. m. by President Paulhamus.

The consideration of substitute Senate bill No. 102 was resumed.

On motion of Senator Collins, rule No. 62 was suspended.

Senator Allen (F. J.) moved that section 75 be stricken and the remaining sections be numbered consecutively.

A roll call on the motion of Senator Allen (F. J.), that section 75 be stricken, was demanded by Senators Nichols, Falconer, Hutchinson, Eastham, Allen (F. J.), Bryan, Cox, Chappell, Jensen.

The secretary called the roll, and the motion of Senator Allen (F. J.) carried by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Shaefer, Smithson, Stewart, Troy, White—32.

Those voting nay were: Senators Arrasmith, Huxtable, Rydstrom, Stephens, Mr. President—5.

Absent or not voting were: Senators Davis, Hewitt, Stevenson, Whalley, Whitney—5.

Senator Huxtable moved that the special order for 8 o'clock p. m. be deferred until the completion of the bill now under consideration.

The motion carried.

Senator Hutchinson moved to amend section 2, line 3 of the printed bill by striking all after the word "chairman" to and including the word "Senate" in line 4, the same being in lines 3, 4 and 5 of the original bill, and insert in lieu thereof the words "to be elected at the next general election."

A roll call was demanded on the motion of Senator Hutchinson by Senators Falconer, Landon, Stephens, Nichols, Ruth, Eastham, Hutchinson, Cox, Chappell.

The secretary called the roll, and the motion of Senator Hutchinson was lost by the following vote:

Those voting aye were: Senators Eastham, Hutchinson, Huxtable, Jensen, Piper, Ruth, Shaefer—7.

Those voting nay were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Espy, Falconer, Fishback, Hall, Hammer, Jackson, Landon, Metcalf, Myers, Nichols, Roberts, Rosenhaupt, Rydstrom, Smithson, Stephens, Stevenson, Stewart, Troy, White, Mr. President—30.

Absent or not voting were: Senators Collins, Davis, Hewitt, Whalley, Whitney—5.

Senator Nichols moved to amend in section 8 by striking the words "and every city or town" wherever the said words appear in section 8.

The president ruled the amendment out of order on the ground that it had been considered in committee of the whole and failed of adoption in that committee.

Senators Ruth, Nichols and Piper appealed from the decision of the chair.

The question was put: "Shall the decision of the chair stand as the judgment of the Senate?"

The decision of the chair was sustained by the Senate.

Senator Nichols moved to amend section 25 by adding at the end of the amendment adopted in the committee of the whole the following: "In case a seat is not furnished, the fare shall be three cents."

A roll call on the proposed amendment was demanded by Senators Nichols, Falconer, Landon, Ruth, Piper, Eastham, Hutchinson, Chappell.

The secretary called the roll and the amendment failed to carry by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Bryan, Eastham, Espy, Hammer, Hutchinson, Huxtable, Jensen, Nichols, Rosenhaupt, Ruth, Shaefer—13.

Those voting nay were: Senators Allen (P. L.), Arrasmith, Bassett, Bowen, Brown, Cox, Falconer, Fishback, Hall, Jackson, Landon, Metcalf, Myers, Piper, Roberts, Rydstrom, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—24.

Absent or not voting were: Senators Chappell, Collins, Davis, Hewitt, Whitney—5.

Senator Ruth moved to amend the bill by substituting the word "four" for the word "five" in line 16, section 3 of the printed bill, the same being in section 3, line 21 of the original bill.

A roll call on the amendment was demanded by Senators Nichols, Falconer, Landon, Ruth, Allen (P. L.), Rydstrom, Piper, Eastham.

The secretary called the roll and the amendment failed to carry by the following vote:

Those voting aye were: Senators Anderson, Bassett, Eastham, Hutchinson, Jensen, Landon, Nichols, Ruth, Shaefer—9.

Those voting nay were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bowen, Brown, Bryan, Chappell, Cox, Espy, Falconer, Fishback, Hall, Hammer, Huxtable, Jackson, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Rydstrom, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—29.

Absent or not voting were: Senators Davis, Hewitt, Collins, Whitney—4.

The secretary called the roll on final passage of substitute Senate bill No. 102 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Eastham, Espy, Falconer, Fishback, Hutchinson, Huxtable, Jackson, Landon, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Smithson, Stephens, Stevenson, Troy, Whalley, White, Mr. President—32.

Those voting nay were: Senators Hall, Hewitt, Jensen, Nichols, Shaefer, Stewart—6.

Absent or not voting were: Senators Davis, Hammer, Collins, Whitney—4.

On motion of Senator Rosenhaupt, the title of the bill was amended by inserting after the word "properties" the words "and utilities" and by inserting after the word "thereof" the words "making an appropriation."

There being no objection, the amended title of the bill was ordered to stand as the title of the act.

Senator Espy gave notice of a motion to reconsider the vote by which engrossed House bill No. 153 passed the Senate.

By unanimous consent a message from the House was read out of order:

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 2, 1911.

MR. PRESIDENT:

The House has passed Senate concurrent resolution No. 6, "Relating to the introduction of a bill in the Senate making an appropriation for state roads;"

Also Senate concurrent resolution No. 7, "Relating to the introduction of a bill by the committee which investigated the National Guard;"

Also Senate joint memorial No. 8, "Relating to universal recognition of American passports and urging congress to pass a resolution looking to this end;"

Also House concurrent resolution No. 14, "Relating to the introduction of bills in the House carrying additional appropriations for legislative printing and for legislative expenses of the twelfth session."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

On motion of Senator Allen (F. J.), the rules were suspended and substitute Senate bill No. 102 was ordered transmitted to the House immediately.

SPECIAL ORDER.

The hour having arrived, the Senate proceeded to consider the report of the special committee to investigate military affairs.

Senator Ruth moved that the special order be advanced to such a time as the Senate shall have under consideration the bill to be submitted by the military committee embodying the recommendations contained in the report of the special committee.

Senator Piper moved as a substitute that the bills be introduced at this time and considered in committee of the whole, together with the report of the committee now before the Senate.

The substitute motion carried.

Senate bill No. 321, so provided for under Senate concurrent resolution No. 7, by Senators Landon and Stevenson, entitled "An act relating to the state militia, amending sections 26, 31, 44, 54, 55, 57 and 61 of an act, entitled 'An act relating to the state militia, providing for the organization, regulation,

maintenance and discipline of the National Guard of Washington, defining certain offenses, prescribing penalties therefor, repealing certain acts and parts of acts and declaring an emergency,' approved March 15, 1909, appropriating certain moneys therefor and declaring an emergency."

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

On motion of Senator Piper, the Senate resolved itself into a committee of the whole for the purpose of considering Senate bill No. 321 and the report of the special committee to investigate military affairs.

The bill and report were considered in committee of the whole, Senator Jackson in the chair, and were reported back to the Senate with the recommendation that the committee be permitted to sit again and consider the report and the bill when the bill shall have been printed.

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

Senate substitute bill No. 165, by Senator Roberts, entitled "An act relating to the expenditure of road and bridge funds in the construction, improvement and repair of public highways and bridges, and amending section 15 of chapter 119 of the Laws of 1903, being section 5585 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency," was read the third time.

Senator Rosenhaupt moved to strike the following words and figures in section 1, line 1 of the printed bill, being in lines 1 and 2 of the original bill: "Section 15 of chapter 119 of the Laws of 1903, being."

The motion carried.

The secretary called the roll on final passage of substitute Senate bill No. 165, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Davis, Eastham, Espy, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jensen, Landon, Metcalf, Myers, Piper,

Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stewart, Troy, Mr. President—33.

Voting nay: Senator Nichols—1.

Absent or not voting were: Senators Collins, Falconer, Hewitt, Jackson, Stevenson, Whalley, White, Whitney—8.

The emergency clause was adopted by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Davis Fishback, Hall, Hammer, Hutchinson, Huxtable, Jensen, Landon, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Stephens, Stevenson, Stewart, Troy, Mr. President—31.

Those voting nay were: Senators Nichols, White—2.

Absent or not voting were: Senators Collins, Eastham, Espy, Falconer, Hewitt, Jackson, Smithson, Whalley, Whitney—9.

On motion of Senator Rosenhaupt, the following words were stricken from the title: "Section 15 of chapter 119, of the Laws of 1903, being."

There being no objection, the amended title of the bill was ordered to stand as the title of the act.

On motion of Senator Roberts, the rules were suspended and substitute Senate bill No. 165 was ordered transmitted to the House immediately.

Substitute Senate bill No. 13, by Senator Brown, entitled "An act relating to fishing for salmon in Puget Sound and amending section 5193 of Remington and Ballinger's Annotated Codes and Statutes of the State of Washington and declaring an emergency," was read the third time.

The secretary called the roll on final passage of substitute Senate bill No. 13, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Davis, Fishback, Hall, Hutchinson, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Stephens, Stevenson, Troy, White, Mr. President—27.

Those voting nay were: Senators Espy, Hammer, Jensen, Shaefer, Stewart—5.

Absent or not voting were: Senators Collins, Eastham, Falconer, Hewitt, Huxtable, Jackson, Landon, Smithson, Whalley, Whitney—10.

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

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Davis, Eastham, Fishback, Hall, Hammer, Hutchinson, Huxtable, Landon, Metcalf, Myers, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Smithson, Stephens, Stevenson, Troy, White, Mr. President—31.

Those voting nay were: Senators Espy, Nichols, Shaefer, Stewart, Jensen—5.

Absent or not voting were: Senators Collins, Falconer, Hewitt, Jackson, Whalley, Whitney—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 236, by Senator Stephens, entitled "An act to amend section 1 and 2 of an 'An act to provide for the reinstatement of corporations whose names have been or may be stricken from the records of the office of the secretary of state, declaring the effect of a failure to secure such reinstatement, and declaring an emergency,' and declaring an emergency," was read third time.

Senator Hutchinson moved to amend by striking the word "months" in line 5, section 1 of the printed bill, the same being in line 8, section 1 of the original bill, and substituting the word "years" therefor.

The president called upon Senator Metcalf to preside.

Senator Rosenhaupt moved as an amendment to the amendment that the following words in lines 5 and 6 of section 1 of the printed bill, the same being in lines 8 and 9 of the original bill, be stricken: "Within three months from the approval of this act, or within six months."

Senator Hutchinson accepted the amendment proposed by Senator Rosenhaupt as a part of his motion.

On motion of Senator Paulhams, the further consideration of Senate bill No. 236 was laid over, the bill retaining its place on the calendar.

The president resumed the chair.

Senate bill No. 143, by Senator Davis, entitled "An act relating to the issuance of bonds and notes by corporations, and amending sections 3698 and 3699 of Remington and Ballinger's Annotated Codes and Statutes of Washington," was read third time.

Senator Davis moved to amend the bill as follows: Add a new section to be known as "section 3" reading: "All notes, bonds and debentures heretofore issued by any corporation which would be valid if issued under the authority of this act, are hereby declared valid to the same extent and with the same effect as if they had been issued under the authority hereof."

Senator Davis withdrew his motion.

Senator Paulhamus moved that the bill be indefinitely postponed.

Senator Paulhamus withdrew his motion.

Senator Allen (F. J.) moved that the amendment be laid on the table.

Senator Allen (F. J.) withdrew his motion to table.

Senator White moved to strike the words "and stock" and to insert the word "and" after the word "notes" in line 13, section 2 of the original bill.

Senator Nichols moved as a substitute for the above that beginning with the word "bonds" in line 13 section 2 of the original bill, the balance of the section be stricken.

The substitute motion carried.

On motion of Senator Bassett, the bill was amended by striking all of section 2.

Senators Allen (P. L.), Troy and Eastham moved the previous question.

The motion for the previous question carried.

The secretary called the roll on final passage of Senate bill No. 148, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Bassett, Brown, Bryan, Chappell, Cox, Davis, Fishback, Hutchinson, Huxtable, Jensen, Metcalf, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Shaefer, Stephens, Stevenson, Stewart, White—22.

Those voting nay were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bowen, Eastham, Hammer, Landon, Myers, Smithson, Troy, Whitney, Mr. President—12.

Absent or not voting were: Senators Collins, Espy, Falconer, Hall, Hewitt, Jackson, Rydstrom, Whalley—8.

On motion of Senator Rosenhaupt, the title of the bill was stricken and the following substituted as the title of the act: "An act to amend section 4266 of Ballinger's Annotated Codes and Statutes of the State of Washington, relating to the issuance of bonds and notes by corporations."

Senator Fishback was granted unanimous consent to introduce a bill, as provided for under Senate concurrent resolution No. 6.

Senate bill No. 322, by Senator Fishback, entitled "An act making an appropriation for the construction and maintenance of state roads, and for the examination and survey of proposed state roads and extensions thereof, and apportioning such appropriation."

The bill was read first time, and on motion of Senator Fishback, the rules were suspended, the bill was read second time by title, ordered printed and placed on general file.

At 10:50 p. m., on motion of Senator Bryan, the Senate adjourned until 10 o'clock a. m. tomorrow morning.

WM. T. LAUBE,
Secretary of the Senate.

W. H. PAULHAMUS,
President of the Senate.

FIFTY-FOURTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASH., Friday, March 3, 1911.

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

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present.

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

A communication from the Railroad Men's Political Club, urging the passage of House bill No. 14, was read and ordered placed on file.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
MR. PRESIDENT: OLYMPIA, WASH., March 3, 1911.

We, your committee on railroads and transportation, to whom was referred Senate bill No. 311, entitled "An act relating to crossings of railroads over railroads, streets and highways, and streets and highways over railroads, providing penalties for the violation of the act, repealing chapter 162 of the Laws of 1909 relating to railroad crossings, and making an appropriation," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

Add a new section as follows: "Sec. 8. This act shall not be construed as applying to highways and railroads in cities framing their own charters."

D. H. Cox, *Chairman*.

We concur in this report: F. J. Allen, Joseph Arrasmith, Peder Jensen, J. H. Smithson.

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

SENATE CHAMBER,
MR. PRESIDENT: OLYMPIA, WASH., February 27, 1911.

We, your committee on election and privileges, to whom was referred Senate bill No. 276, entitled "An act relating to the nomination

of candidates for public office and amending sections 4807, 4808 and 4810 of Remington and Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the bill herewith submitted be substituted therefor and do pass.

J. W. BRYAN, *Chairman.*

We concur in this report: Geo. W. Shaefer, P. L. Allen, Ralph Metcalf.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., March 2, 1911.

We, your committee on labor and labor statistics, to whom was referred substitute Senate bill No. 49, entitled "An act relating to the payment of compensation to workmen injured while engaged in dangerous employments, or to persons dependent upon them in case death results from injuries so received; prescribing remedies, providing that such remedies shall be exclusive; providing for arbitration; asserting the police power of the state; providing penalties, and making an appropriation," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

RALPH METCALF, *Chairman.*

We concur in this report: Jesse Huxtable, Frank C. Jackson, Daniel Landon, J. A. Falconer.

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

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., March 3, 1911

We, your committee on memorials, to whom was referred Senate joint resolution No. 10, entitled "Relating to the use of products of the State of Washington in the erection of state buildings," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

GEO. W. SHAEFER, *Chairman.*

We concur in this report: F. L. Stewart, George U. Piper.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., March 2, 1911.

We, your committee on state, granted, school and tide lands, to whom was referred House bill No. 382, entitled "An act relating to the sale

and removal of timber from state, school and granted lands," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In section 1, line 6 of the printed bill, same being section 1, line 8 of the original bill, strike the words "one dollar" and substitute the words "one dollar and fifty cents" in lieu thereof.

At the end of section 1 in the bill add the following: "*Provided, however,* This act shall not operate to grant any extension of time for a longer period than ten years from the first day of June, 1905, and shall only apply to sales made prior to 1905."

P. L. ALLEN, *Chairman.*

We concur in this report: Geo. W. Shaefer, H. O. Fishback, J. A. Falconer, E. Hammer.

On motion of Senator Allen (P. L.), the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 3, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred engrossed House bill No. 144, entitled "An act providing for the establishment and maintenance of morgues and morgue-keepers in counties having one hundred thousand inhabitants and over, and providing a penalty for the violation thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman.*

We concur in this report: E. Hammer, J. R. Stevenson, H. O. Fishback, Oliver Hall, J. H. Smithson, John L. Roberts, D. S. Troy.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1911.

MR. PRESIDENT:

We, your committee on labor and labor statistics, to whom was referred engrossed House bill No. 12, entitled "An act to regulate and limit the hours of employment of females in any mechanical or mercantile establishment, laundry, hotel or restaurant; except establishments engaged in harvesting, packing, curing, canning or drying certain perishable articles and providing a saving clause as to such exception; to provide for its enforcement and a penalty for its violation," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Amend the title to read as follows: "An act relating to the regulation of the hours of employment of females in any mechanical or mer-

cantile establishment, laundry, hotel or restaurant and providing a penalty."

Section 1, line 6 of the engrossed bill, strike the word "provided" and all of the remainder of the section.

RALPH METCALF, *Chairman*.

We concur in this report: Daniel Landon, Frank C. Jackson, Jesse Huxtable, J. A. Falconer, John L. Roberts.

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

SENATE CHAMBER,

OLYMPIA, WASH., March 2, 1911.

MR. PRESIDENT:

We, your committee on labor and labor statistics, to whom was referred engrossed House bill No. 14, entitled "An act relating to the compensation of injured workmen in our industries, and the compensation to their dependents where such injuries result in death, creating an industrial insurance department, making an appropriation for its administration, providing for the creation and disbursement of funds for the compensation and care of workmen injured in hazardous employment, providing penalties for the non-observance of regulations for the prevention of such injuries and for the violation of its provisions, etc." have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file with the following amendment:

Strike the following words from section 29: "Provided the \$150,000 paid out of the general fund for administration expense shall be replaced from the accident fund as soon as a surplus over the amount to pay accidents has been collected."

RALPH METCALF, *Chairman*.

We concur in this report: Jesse Huxtable, Frank C. Jackson, Daniel Landon, J. A. Falconer.

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

On motion of Senator Falconer, the consideration of House bill No. 14, substitute Senate bill No. 49 and Senate bill No. 266 were made a special order for consideration at 10:30 o'clock tomorrow morning.

SENATE CHAMBER,

OLYMPIA, WASH., March 3, 1911.

MR. PRESIDENT:

We, your committee on public morals, to whom was referred Senate bill No. 284, entitled "An act relating to pandering and pimping, to define and prohibit the same, and providing for the competency of certain evidence at the trial thereof, and what shall be a defense, and to prevent the detention by debt or otherwise of female persons in houses

of prostitution, or other places where prostitution is practiced or allowed, and providing for the punishment of said offenses," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

CHAS. E. MYERS, *Chairman*.

We concur in this report: E. Hammer, Oliver Hall, A. B. Eastham.

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

MESSAGE TO THE SENATE.

SENATE CHAMBER,
OLYMPIA, WASH., March 3, 1911.

MR. PRESIDENT:

The House has passed House bill No. 169, entitled "An act repealing sections 439 and 440 of chapter 249 of the Session Laws of 1909, the same being sections 2691 and 2692 of Remington and Ballinger's Annotated Codes and Statutes," etc.;

Also engrossed House bill No. 176, entitled "An act to provide for the sale of certain school land in section 36, township 18 north, range 10, west W. M.;"

Also engrossed House bill No. 263, entitled "An act relating to the signing of pledges of legislative candidates," etc.;

Also House joint memorial No. 20, "Relating to irrigation."

Also, the House has concurred in the Senate amendments to House bill No. 174, entitled "An act relating to officers in cities of the fourth class and amending section 5, chapter 113, Laws of 1903, the same being section 7721 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency."

Also, the House has refused to concur in the Senate amendments to House bill No. 448, and hereby asks the Senate to recede therefrom.

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk*.

REPORTS OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1911.

MR. PRESIDENT:

Your committee on enrolled bills, to whom was referred Senate bill No. 183, entitled "An act relating to the inspection and supervision of public offices and the bureau of inspection and supervision of public offices, and amending sections 8351, 8352, 8355 and 8356 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency," have compared same with the engrossed bill and find it correctly enrolled.

Respectfully submitted.

GEO. W. SHAEFER, *Chairman*.

We concur in this report: B. A. Bowen, Peder Jensen, John A. Whalley.

SENATE CHAMBER,
OLYMPIA, WASH., March 2, 1911.

MR. PRESIDENT:

Your committee on enrolled bills, to whom was referred Senate bill No. 80, entitled "An act relating to the registration and licensing of draft stallions and jacks, providing for the fees therefor and fixing the penalties for a violation of the provisions hereof," have compared same with the engrossed bill and find it correctly enrolled.

Respectfully submitted.

GEO. W. SHAEFER, *Chairman*.

We concur in this report: H. A. Espy, B. A. Bowen, John A. Whalley.

SENATE CHAMBER,
OLYMPIA, WASH., March 1, 1911.

MR. PRESIDENT:

Your committee on enrolled bills, to whom was referred Senate bill No. 65, entitled "An act relating to the conduct of judges of courts not of records;"

Also Senate bill No. 20, entitled "An act for the protection of game birds, deer, and gray squirrels in certain designated territory in the State of Washington, to prevent firing of rifles in said territory, and providing a punishment for the violation thereof," have compared same with the original and engrossed bills and find them correctly enrolled.

Respectfully submitted.

GEO. W. SHAEFER, *Chairman*.

We concur in this report: B. A. Bowen, H. A. Espy, John A. Whalley, Peder Jensen.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 3, 1911.

MR. PRESIDENT:

The House has passed Senate substitute bill No. 6, "Providing an insurance code for the State of Washington," with the following amendments:

In section 6, line 6, after the word "thousand," insert the words "four hundred."

In section 6, line 7, after the word "thousand" strike the words "four hundred."

In section 7, line 10, strike the words "in two years" and insert in lieu thereof the words "each year."

In section 17, line 8, after the word "condition" add the words "and report of Washington business."

Section 26, line 25, strike out the comma (,) after the word "herein" and insert a period (.) in lieu thereof, and strike out the words "except that taxes upon any real and personal property shall be due and payable as otherwise provided by the statutes."

In section 26, line 28, strike out the words "except taxes upon real and personal property."

Strike out all of section 37.

Add to section 45 the following: "*And provided further*, That no person shall act as agent unless each company, corporation or association represented by such person shall have paid a license fee as provided in this act; and the agent's license fee provided for in section 17 of this act shall be paid by each company, corporation or association represented by him; and if in the agent's application the names of several companies appear, then and in that event, each company so represented must pay the agent's license fee provided for in this act."

In section 75, line 14, after the word "treasurer" insert the words "through the insurance commissioner's office."

In section 84, line 27, after the word "stock" insert the words "fully paid."

In section 84, line 48, after the word "thirty" insert the word "five," and in line 51, after the word "thirty" insert the word "five."

In section 84, line 62, after the word "stock" insert the words "fully paid."

In section 84, line 64, after the word "classes" insert the word "four."

In section 86, line 11, after the word "reserve" insert the words "estimated on the *pro rata* basis."

In section 86, line 24, after the word "company" strike the period, insert a colon, and add: "*Provided*, That such saving must be apportioned equitably among the policyholders in the classifications in which it is actually earned."

In section 195, line 9, after the word "otherwise" strike the period and add: "to be released from liability thereon in like manner and upon like terms and conditions as sureties are or may be."

Strike all of section 3, page 3, and insert in lieu thereof the following:

"Sec. 3. State Insurance Commissioner.

"There shall be an insurance commissioner of this state, who shall be elected at the same time and in the same manner as other state officers are elected. The insurance commissioner in office at the time of the taking effect of this act shall continue as such insurance commissioner until the expiration of the term for which he was elected and until his successor is duly elected and qualified.

After the word "the" in line 2, section 4, page 3, strike out the word "third" and insert in lieu thereof the word "second." In line 3, section 4, page 3, after the word "after" strike out the words "the governor" and insert the word "he" in lieu thereof.

In section 22, line 73, strike the words "with the insurance department or said legal custodian."

In section 34, line 22, strike the word "two" and insert the word "one."

In section 22, line 2, after the word "company" insert the words "except ocean marine insurance."

In section 22, line 63, strike out the words "or marine."

In section 22, line 72, strike the word "make" and insert in lieu thereof the word "has."

In section 22, line 72, strike the word "deposit" and insert in lieu thereof the word "capital."

In section 22, line 73, strike the word "two" and insert in lieu thereof the word "one."

In section 22, line 73, strike the word "in deposit."

In section 22, line 74, strike out the word "securities."

In section 75, line 4, strike the word "fifteen" and insert in lieu thereof the word "fifty."

In section 76, line 5, after the word "insurance" and preceding the word "with" insert the words "except marine."

In section 84, line 13, after the word "least" strike the word "two" and insert in lieu thereof the word "one."

In same section, line 16, strike the word "four" and insert in lieu thereof the word "three."

In the same section, line 19, strike the word "two" and insert in lieu thereof the word "one."

In the same section, line 24, strike the word "four" and insert in lieu thereof the word "three."

In line 17, section 26 of the printed bill, after the words "contracted for" strike the comma and substitute a colon therefor, and strike the balance of line 17, all of lines 18 and 19 down to the word "Provided"; and after the word "Provided" insert the following in lieu of the part stricken: "That in the case of companies engaged in fire or marine insurance the tax shall be collected on such premiums, after deducting from the gross amount thereof the amounts paid to policyholders as returned premiums and the amounts paid as premiums to admitted companies for reinsurance, and in the case of life insurance companies the tax shall be collected on the gross amount of premiums, after deducting therefrom the amounts paid as premiums to admitted companies for reinsurance: *And provided further.*"

Article 4, section 193, on page 59, following the word "act" on line 15: "but no such security shall be accepted on any bond for any amount in excess of ten per cent. of the paid-up cash capital and surplus."

And the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senator Rosenhaupt announced that he had personally compared original Senate bill No. 65 with the enrolled copy and found it to be properly enrolled; Senator Rydstrom made the same statement concerning Senate bill No. 20, as did Senator Troy regarding Senate bill No. 80 and Senator Davis concerning Senate bill No. 183.

The president signed Senate bills Nos. 80, 183, 65 and 20.

On motion of Senator Whalley, the Senate refused to concur in the House amendments to Senate substitute bill No. 6 and asked the House to recede therefrom.

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT.
OLYMPIA, March 2, 1911.

Gentlemen of the Senate and of the House of Representatives:

I am directed by the governor to transmit herewith a report of a special committee appointed by him to investigate into the cost of manufacturing jute bags at the penitentiary.

FRANK M. DALLAM, JR., *Private Secretary.*

February 3, 1911.

To His Excellency, Governor M. E. Hay, Building:

DEAR SIR—Inquiry was last spring directed toward determining the actual cost of the April product at the penitentiary jute mill, because of the specific profit shown in the case of convict employment on state highway work. Calculating the cost of raw material and other supplies, fuel and motive power; repairs and improvements; salaries; maintenance of the convict operatives; and seven per cent. interest on investment, the grain sacks produced during April, 1910, cost in excess of eight cents each.

Under the customary and insufficient method of estimating the cost of producing grain sacks at the state jute mill, this lot of 172,500 sacks produced during April, were appraised at an original value of five cents each. The charges upon which this cost value was based, were supposed to be only such as had been provided by law.

On the heavy rock work at Highway Convict Camp No. 3, the engineers showed that during March, 1910, the average day's net profit per man was \$1.66, and in April, \$2.60.

In the construction during 1907 of a heavy rock grade along the Methow river, on state road No. 12, the average value of the convicts' work was \$4.03 each per day. The profit to the state on this undertaking was \$5,612.38 over contract price, of 57.86 per cent.

The profitable showing made by the convicts employed on state road work in these comparative instances, taken into consideration with the fact that the supply of convict labor is not sufficient to meet the demands for the operation of the jute mill and the construction of the state highways, caused agitation of the question whether it was not expedient to close the mill and turn out all the available convict forces on state highway work.

As governor of the state, you thereupon decided to appoint a committee representing the agricultural interests to co-operate with a member of the state board of control, in ascertaining the facts with relation to the actual cost of producing grain sacks with convict labor:

whether the operation of the jute mill was attended by loss to the taxpayers; and whether if the plant is not profitable or self-supporting, it can be made so. It was intended that the committee should meet in November, but its organization was delayed until last month, when Mr. H. H. Hanson of Touchet, Mr. H. A. Reynolds of Walla Walla, and the writer of this report, met with Superintendent C. S. Reed, at the penitentiary. No decision upon which to base a report having been reached, after a day's consultation, and Messrs. Reynolds and Hanson, not having been afforded sufficient time to make an examination of the subject satisfactorily to themselves, I suggested subsequently that they report as a majority of the committee to you, while I would submit the following facts and personal conclusions as the member of the board of control designated by you to investigate the subject.

In anticipation of the labor involved in rendering a report of permanent value, Superintendent Reed, of the penitentiary, made a patient investigation of the records of the institution, while the clerical force of the board of control was continuously employed for weeks in exploring the records in possession of the state offices at Olympia.

Owing to the fused accounts necessitated by the creation of the entangled jute mill and brick yard fund, no clear idea had ever been presented as to the investment made from the taxpayers' money, either in the jute mill plant or product; nor of the revenues derived therefrom.

In order to determine precisely the profit or loss accruing from the establishment and operation of the jute mill, the moneys received from the sale of all products of the plant were first abstracted from the rotary fund account. The total revenue for the eighteen years proved to have been \$1,453,464.98, as follows:

TOTAL AMOUNT OF SALES OF JUTE FABRICS SINCE THE MILL STARTED
JUNE 14, 1892, TO SEPTEMBER 30, 1910.

June 14, 1892, to Sept. 30, 1892.....	\$11,348 13
Oct. 1, 1892, to Sept. 30, 1893.....	76,665 08
Oct. 1, 1893, to Sept. 30, 1894.....	123,737 33
Oct. 1, 1894, to Sept. 30, 1895.....	31,831 66
Oct. 1, 1895, to Sept. 30, 1896.....	59,530 25
Oct. 1, 1896, to Sept. 30, 1897.....	107,667 27
Oct. 1, 1897, to Sept. 30, 1898.....	56,404 26
Oct. 1, 1898, to Sept. 30, 1900.....	126,217 83
Oct. 1, 1900, to Sept. 30, 1901.....	77,748 71
Oct. 1, 1901, to Sept. 30, 1902.....	83,100 21
Oct. 1, 1902, to Sept. 30, 1903.....	22,907 22
Oct. 1, 1903, to Sept. 30, 1904.....	91,453 74
Oct. 1, 1904, to Sept. 30, 1906.....	204,779 31
Oct. 1, 1906, to Sept. 30, 1908.....	146,779 31
Oct. 1, 1908, to Sept. 30, 1910.....	233,103 66
Total.....	\$1,453,464 98

Adding to this sum the value of the manufactured stock on hand Oct. 1, 1910 (\$11,157.89), makes the total actual value of the jute mill output for the eighteen years, \$1,464,622.85.

To insure a correct check on expenditures, every voucher issued against the rotary fund was carefully examined, so as to segregate properly the jute mill from the brick yard charges. Where an incidental maintenance charge applied to both the brick yard and jute mill, it was apportioned justly between the two plants, and where any doubt existed as to the purpose for which the expenditure was made, it was assigned to the brick yard account. This plan of segregation was followed to make certain a conservative calculation as to the outlay on the jute mill plant, inasmuch as the operation of the brick yard was profitable so long as its output was allowed to be sold in the market.

The expenditures of the twenty years were classified as having been made for permanent improvements, salaries, purchases of raw material and miscellaneous, such as power, light, fuel, oil, ordinary repairs, freights and other incidentals. The aggregate outlay as thus compiled, and omitting maintenance costs for convict operatives, was \$1,805,705.69, or \$341,082.84 less than the sum total of revenue derived from the sale of all jute mill products.

The classified expenditures from appropriations and the rotary fund were as follows:

<i>Period</i>	<i>Salaries</i>	<i>Jute</i>	<i>Misc.</i>	<i>Total</i>	<i>Permanent Improvements</i>
1800-02	\$4,039 17	\$13,150 00	\$3,850 80	\$21,039 97	\$150,000 00
1892-94	14,028 50	113,463 05	69,870 49	198,262 13	10,928 37
1894-96	12,041 82	79,275 02	33,186 05	124,502 89	
1896-98	8,255 45	69,175 30	32,577 32	110,008 07	
1898-1900	14,401 69	58,076 20	36,833 30	109,311 19	
1900-02	15,060 45	85,862 45	46,458 16	147,381 06	
1902-04	15,163 64	82,291 36	42,090 98	139,545 98	
1904-06	16,362 30	100,317 00	36,817 77	153,497 07	
1906-08	16,601 00	175,094 15	33,253 78	224,948 93	68,068 89
1908-10	16,572 55	170,001 34	49,272 00	235,845 89	112,311 25
Totals....	\$133,426 66	\$946,905 87	\$348,210 65	\$1,464,343 18	\$341,362 51
Total expenditures, \$1,805,705.69.					

As an offset against the \$235,845.89 maintenance charge for the biennium of 1908-10, are the following:

Value of raw material on hand October 1, 1910.....	\$83,324 79
Value of manufactured stock (same date).....	11,157 87
Value of other supplies (same date).....	3,574 82

Total \$98,057 48

Deducting the foregoing sum from the total maintenance investment (\$1,464,343.18) shows the actual outlay on the marketed product of the eighteen years to have been \$1,366,285.70, or a revenue in excess of maintenance for the period named, of \$87,179.28.

In other words, by the method of computation used, and excluding the cost of subsistence for the free labor employed, which has been a charge against the maintenance of the penitentiary, the cost of maintenance of the convict operatives in the mill, and the interest on the

taxpayers' investment, the plant has paid off \$87,179.28 of the permanent investment charge of \$341,362.51; thus leaving the permanent investment, \$264,183.23. It must be conceded, however, that this calculation is neither business-like nor just.

Should the cost of maintaining the convict operatives of the mill, or at least subsistence charges, not be included in the cost of the products, unless the manufacture of jute bags is to be regarded as a public benefaction in which all taxpayers share alike? Not only has the maintenance of the operatives been left out of the computations on which the price of sacks was based, but the cost of subsistence of the salaried free laborers employed has been absorbed in the general maintenance of the penitentiary.

The following table shows that for the twenty years the total maintenance for the jute mill operatives was \$456,210.35:

TOTAL MAINTENANCE OF CONVICTS EMPLOYED IN JUTE MILL, COMPUTED ON THE BASIS OF THE NET NUMBER OF DAYS THE MILL OPERATED.

	<i>Days operated</i>	<i>Average men daily</i>	<i>Daily cost per capita</i>	<i>Total maintenance</i>
1892	159	141.6	.6439	\$14,618 34
1893	306	212.	.594	38,533 97
1894	315	240.378	.4567	35,070 45
1895	310	237.83	.495	36,494 87
1896	194	202.35	.4179	16,399 08
1897	196	193.62	.4323	16,026 29
1898	254	215.87	.4223	23,115 13
1898-1900	601	195.73	.455	53,523 47
1900-1902	585	225.	.3190	42,106 84
1902-1904	570	190.	.3244	35,132 52
1904-1906	586	236.36	.392	41,829 11
1906-1908	572	260.36	.3664	54,566 48
1908-1910	445	284.95	.3848	48,793 80
Total maintenance				\$456,210 35

If the whole, or a reasonable part of the cost of maintaining the convict operatives of the mill, and of subsisting the free employes, were charged against the product, a considerable loss would be shown for the eighteen years' experience. Disregarding the question of interest on permanent investment, which at the rate of 5 per cent. per annum would approximate \$137,226.00, and including the per capita cost of maintaining the convict operatives, the recapitulation for the entire period of construction and operation would be as follows:

Vouchered maintenance charges.....	\$1,464,343 18
Permanent investment	341,362 51
Maintenance of convict operatives.....	456,210 35
<hr/>	
Total cost of plant, product and materials on hand October 1, 1910.....	\$2,261,916 04
Cash receipts	\$1,453,464 98
Value of manufactured goods, raw material and other sup- plies on hand October 1, 1910.....	98,057 48
<hr/>	
Total value products and materials on hand.....	\$1,551,522 46
Cost of plant.....	341,362 51
<hr/>	
Receipts and assets.....	\$1,892,884 97

Loss on actual cost of operation during the eighteen years, disregarding interest on investment and subsistence of free employes, \$369,031.07.

The problem of determining the actual average cost of producing grain sacks during the biennium ending September 30, 1910, was solved as follows:

To the total maintenance outlay of \$235,845.89 for the two years, was added the value of the raw material and other supplies on hand October 1, 1908. This amounted to \$24,984.30. From the sum total of \$260,830.19 maintenance investment thus obtained, was then deducted \$86,899.61, the value of the raw material and other supplies on hand October 1, 1910, leaving \$173,930.58 as the amount representing expenditures of the biennium for the raw materials consumed, salaries and miscellaneous costs of manufacture. From \$173,930.58 was deducted \$20,458.53 as the value of products other than grain bags for the two years.

By this process it was shown that the cost of producing 2,322,908 grain sacks during the milling seasons of 1909-1910 was \$153,472.05, or .0667 cents per sack. Most of these sacks were sold at .06 and .059 cents each. Interest on investment, subsistence of salaried employes and maintenance of convict operatives are not considered in this calculation.

Whether all or part of the per capita cost of prison maintenance should be charged against the jute mill product is a question the legislature should determine. Possibly cost of clothing, household necessities and subsistence for the convict operatives would be a proper charge, together with the subsistence of the salaried employes.

The theory underlying the jute mill investment was that its product, competing on a cost basis with Calcutta sacks, would keep down the prices and prevent brokerage concerns. The facts are that the contract for jute bag deliveries, made the year previous to the harvest needs, are regulated by the ratio of Oriental product to the closely adjusted estimates of the world-wide demand. With the elimination of the broker, the consumer of sacks would find himself buying at bedrock prices.

It is easily within the power of the farmers' unions to accomplish this end by becoming their own brokers. The simple requirement is that they pay cash and do their own warehousing. Under corporate management the loans necessary for the transaction of the business, secured as they would be by crops, could readily be obtained at a low commercial rate of interest.

For example, during the shipping season of 1910, 25,000,000 sacks were imported to the brokers of Portland and Puget Sound ports, to fill the anticipated orders of 1911. The board of control was notified by the San Francisco agents for the producers that these deliveries were contracted at an average of \$5.30 per hundred sacks. If the tri-state farmers' union had gone into the money market last summer, with the

immensely superior assets they represent, they could have now been in possession of all the sacks stored at the northern ports. This would mean an adjustment of price on the basis of five and three-tenths cents per sack, with the trifling addition of interest charge on investment and the cost of warehousing.

On the side of the farmers it is to be affirmed that an abandonment of the jute mill prior to such perfection of business organization as would enable the farmers' unions to buy directly from the Calcutta manufacturers each year, would place them at the mercy of the middlemen. Take the present situation for example: Should the jute mill produce no sacks for the next year's consumption, it is certain that the price would advance materially, since the Calcutta supply of 25,000,000 sacks apportioned to Washington, Oregon and Idaho are now in the control of the brokers of Portland and the Puget Sound ports. They would be quick to take advantage of a market from which competition had disappeared.

The existence of the jute mill is precarious at the best, in view of the stubborn movement for tariff reform. All that can give it a pretext for operation, even at the rate of its annual losses, is the tariff on sacks. With this schedule of \$12.50 per thousand abolished, competitive manufacture at Walla Walla against the Calcutta importations would be problematical.

The happiest solution of prison problems and criminal reform lies in so utilizing convict energy as to reimburse the taxpayers, at least in part, for the heavy investment made in the administration of criminal jurisprudence; while at the same time imposing on the convict the benefit of labor discipline, and incidentally a special trade at a small stipulated compensation.

For the calendar year of 1909, the administration of justice in Washington cost the taxpayers \$1,204,977.00. Witnesses' fees alone in criminal prosecution amounted to \$114,245.00; jurors to \$160,000.00; and jail keep \$82,050.00. The total state and county expense for the repression of crime and the punishment of criminals, during 1909, was approximately \$600,000.00. In this estimate no account is taken of the municipal outlay on police departments.

Convict labor should be made to compensate the state in some specific measure for the investment made by the taxpayers in the protection of society against criminals. Minnesota seems to have taken cognizance of this principle. The twine plant at the Stillwater penitentiary earned a net profit of \$306,729.87 during the biennium 1906-08, and \$323,289.93 for that of 1908-1910. The net revenue of the plant since it started eight years ago is \$1,570,922.00. From the revenues of the Stillwater manufactory, the wages paid the convict operatives now average \$1,800 a month, and they have earned during the two years which the Convict Earnings Act has been in effect, the total of \$33,521.25.

During the biennium 1908 to 1909, nine thousand five hundred bales of jute, or 3,800,000 pounds, were purchased and paid for as follows:

4,000 bales (second class).....	\$16.57	per bale
800 bales (second class).....	16.77½	per bale
200 bales (second class).....	17.43	per bale
200 bales (second class).....	17.85	per bale
1,500 bales (first class).....	19.32	per bale
1,000 bales (first class).....	22.08	per bale

The range of prices, it will be observed, is from \$16.57 per bale for second class jute to \$22.08 per bale for first class.

The American consul at Calcutta advised the state last summer that first class jute in August was selling at Calcutta for \$11.32 per bale. The freight rate to Puget Sound, \$5.50 per ton of 40 cubic feet steamship space was equivalent to \$1.66 per bale. Adding the tariff sheet rate, 40 cents per hundred, freight from Tacoma to Walla Walla, if the state had purchased first class jute at Calcutta in August last year, the board of control could have placed it in the warehouse of the Walla Walla mill at \$14.58 per bale, or \$1.99 per bale less than paid in 1909 for the lowest grade of jute f. o. b. Walla Walla. The difference in the cost of first class jute which cost the state \$22.08 per bale f. o. b. Walla Walla, would have been \$7.50 per bale in favor of first class jute bought last summer. It is obvious from this comparison, that the state ought to buy its jute in the wholesale market in Calcutta and do its own shipping.

It is undoubtedly owing to the payment of the minimum price on contracts of raw material to brokers who subsequently compete in selling the inferior Calcutta product shipment against the superior product of the state mill, that the jute mill has not been a business success.

The high cost of manufacture and the legal restrictions which have rendered it impossible to compete in the retail market with the brokers, account for the failure of the jute mill as a business undertaking. As a matter of fact, when Calcutta sacks were sold as high as 11 cents in the retail markets, large stocks of a superior quality of grain sacks offered at 6 cents each, have remained stored as unsalable in the penitentiary warehouse. With selling agents in the field, having the right to deal with short time notes, this never could have occurred; and the price obtained, though less than the brokers' rates, would have proved profitable.

It is possible to make the penitentiary jute mill profitable to the taxpayers; but the method of its management as provided by law will have to be revolutionized. Among the changes essential to bring about the successful operation of the mill from a financial standpoint will be the following:

The mill will have to be operated at utmost capacity, thus requiring retention at the penitentiary of 500 working convicts.

First quality of jute will have to be excluded from the materials

used and the sacks will have to be made of the mixture of second and third class fibre.

Grain sacks will have to be reduced in weight from one to one and one-half ounces. Ten-ounce sacks, same weight as the Calcutta product, instead of twelve ounces as now produced, would mean a saving of \$26,000.00 a year, with the mill running at full capacity.

The raw material will have to be bought in the market of Calcutta and shipped to Walla Walla under freight arrangements made by the state, so as to secure the profits made by the middlemen of the Pacific seaboard, under the present contract methods. It is estimated that from \$2 to \$5 a bale can be saved by the adoption of this plan, according to the difference in grade of the jute purchased.

The management of the plant will have to be commercialized under the law and retail markets looked for in Oregon and Idaho, after the Washington farmers are given the primary advantage of purchasing early in the season.

During January, February and March each year the Washington farmers should have preferential rights of purchase, and after April 1st, the product should be sold to dealers and individuals in the states of the tri-farmers' union, namely: Washington, Oregon and Idaho.

No restrictions intended to prevent the management of the jute mill on such business principles as manufacturing plants are conducted by individuals or corporations, should be allowed to creep into the law relating to the penitentiary plant.

Payment on the purchase of sacks should be exacted, but the warden of the penitentiary should be authorized to accept notes on purchase orders in the same manner that such business is transacted by the middlemen or brokers, and with the methods successfully employed by the management of the Minnesota penitentiary in handling the twine plant product of that institution.

Convicts should be paid a small stipend in consideration of work done in excess of a fixed daily task.

The requirements that the farmers on application for the delivery of grain sacks shall pay 10 per cent. of the amount of the purchase at the time of filing the application, and the residue at the time of receiving the sacks, is objectionable, and militates against a profitable disposal of the mill's product. The proper method should be to allow the acceptance of short term notes to cover the period of harvest and sale of crops. The business rectitude and assets of intending purchasers could be determined by the business agents of the state as readily as they are ascertained by the brokers who sell under the simple security of notes. The very large transactions of the Minnesota twine plant are conducted in this manner, and the management of that institution has suffered no material losses in making collections.

The state should have in the field special selling agents representing the mill products, and authorized by the warden to perform all the functions of salesmen, including those of ascertaining the business standing of buyers.

If the jute mill is to be operated in a manner not to cause loss to the taxpayers, and at the same time to afford the wheat-growers the full benefits of competitive prices as against the Calcutta-made sacks, the policy of employing convict labor on the state roads and quarries will have to become a secondary consideration; for in maintaining the maximum and more economic employment of convicts for the entire year at the mill at least 250 more than are now available would be needed.

The experience of the California penitentiary jute mill has caused the state board of charities and corrections of that state to recommend the abandonment of the plant and the substitution of a furniture manufactory at San Quentin.

The report of the commission recently published, says that the jute bag industry at San Quentin caused a loss of \$3,316.98 during the two years passed, and to this should be added the support of 900 men working in the jute mill during the two years, which cost \$218,204.50.

The commission affirms that the cost of boarding and clothing prisoners last year at San Quentin was 32.3 cents per day each, or more than twice the cost of labor in India, which is 16 cents per day.

The commission concludes that while this industry cannot be made profitable, it is also unhealthy and has in it no educative value.

Respectfully,

E. D. COWEN.

WALLA WALLA, WASH., February 2, 1911.

To His Excellency, Governor M. E. Hay, Olympia, Washington:

DEAR SIR—Your committee, appointed to investigate the question whether grain sacks have been sold at less than cost, would beg to report that we met at the penitentiary January 4th, with Superintendent C. S. Reed.

The day was occupied in considering a statement presented by Mr. E. D. Cowen of the board of control, and in discussing methods of arriving at per sack cost of grain bags.

It has not seemed possible to get any further meeting of the committee, so have worked out, with such material as was available, the following statement, which we beg leave to submit, hoping that it will be found correct.

We first undertook to determine what was the actual average cost of producing grain bags during the past three bienniums in accordance with figures available, and where conditions appeared to be unusual, to find the cause:

October, 1904, to September 30, 1906.	
Total maintenance outlay for two years.....	\$153,515 87
Raw material on hand Oct. 1, 1904.....	12,835 90
Other supplies on hand Oct. 1, 1904.....	3,018 50
	\$169,370 27

Raw material on hand Sept. 30, 1906.....	\$8,553 21	
Other supplies on hand Sept. 30, 1906.....	3,730 56	
Value of other material Sept. 30, 1906.....	22,626 95	
		<u>34,910 72</u>

Net expense \$134,459 55
 Sacks manufactured, 2,532,285.
 Cost per sack, .053.
 Selling price, 1905, 5.85.
 Selling price, 1906, 6.50.
 Range of price on cost of jute per bale, \$15.6793 to \$18.34.
 Days operated, 586.

October 1, 1906, to September 30, 1908.

Total maintenance outlay for two years.....	\$228,036 63	
Raw material on hand Oct. 1, 1906.....	8,556 21	
Other supplies on hand Oct. 1, 1906.....	3,730 56	
		<u>\$240,323 40</u>
Raw material on hand Sept. 30, 1908.....	\$22,535 94	
Other supplies on hand Sept. 30, 1908.....	2,448 30	
Other fabrics on hand Sept. 30, 1908.....	19,150 13	
		<u>44,134 37</u>

Net expense \$196,189 03
 Sacks manufactured, 2,837,017.
 Cost per sack, .069.
 Average selling price, .0716.
 Range of price on cost of 7,500 jute per bale, \$18.40 to \$31.60. 3,500 bales of this for an average cost of \$27.19. Most of this jute was purchased on what appears to have been an excessive price.
 Days operated, 572.

October 1, 1908 to September 30, 1910.

Total maintenance outlay for two years.....	\$235,845 89	
Raw material on hand Oct. 1, 1908.....	22,535 94	
Other supplies on hand Oct. 1, 1908.....	2,448 30	
		<u>\$260,830 13</u>
Raw material on hand Sept. 30, 1910.....	\$83,324 79	
Other supplies on hand Sept. 30, 1910.....	3,574 82	
Other fabrics on hand Sept. 30, 1910.....	20,458 53	
		<u>107,358 14</u>

Net expense \$153,471 99
 Sacks manufactured, 2,322,908.
 Cost per sack, .0667.
 Selling price per sack, .06 and .059.
 Days operated, 445.
 Range of price on cost of jute per bale, from \$16.57 to \$22.08.

If the mill during this last biennium had been operated under ordinary conditions, the above would be a correct statement of the per sock cost of manufacture, and it would be evident that the cost of manufacture was in excess of selling price, but a careful examination discloses the following facts:

The first half of last biennium period 1,464,625 sacks were made. The second half, only 858,283.

The output capacity was demoralized by putting the able-bodied men on the state highways and that the mill was shut down for more than three months.

Of the amount charged to maintenance cost of operation, \$1,200 was for coal used in water department, and \$9,400 was used in preparing new plant for operation.

The extravagant method of buying jute is in large part responsible for present situation. While Washington state penitentiary is making practically nothing out of the manufacture of jute bags, the Minnesota state penitentiary is making out of the manufacture of jute binding twine a profit in excess of the whole maintenance of the penitentiary.

In general, it appears that jute bags have not been sold for less than cost as is indicated by the operating account of the old mill from April 20, 1892, to September 30, 1910.

OPERATION ACCOUNT.

Earnings of old mill from April 20, 1892, to September 30, 1910:	
Sale of jute fabrics and value of fabrics used	
by state	\$1,453,660 42
Manufactured goods on hand Sept. 30, 1910....	7,641 09
	<u>\$1,461,301 51</u>
Expenditures for material, freight and supplies, and expenses for operation from	
April 20, 1892, to Sept. 30, 1910.....	1,434,873 02
	<u>\$26,428 49</u>
Raw material and supplies on hand Sept. 30, 1910.....	86,899 61
	<u>\$113,328 10</u>

These figures are taken from costs at penitentiary.

Mr. Cowen's figures give a balance of \$87,179.28.

INVESTMENT ACCOUNT.

During the period of the operation of the old mill, the state has invested in the old mill:

Total cost of old plant.....	\$160,982 00
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In figuring this cost of sacks, we have followed the provisions of the law, on which the expenditure account has been based in former years.

It is very evident from the law, that it was the purpose of the legislature to have sacks made at about cost and that it has been the policy of the directors and board of control to carry out the evident intention of the legislature. Therefore, the sack business has been surrounded by such restrictions as would protect the farmers of Washington, and as did prevent making the manufacture of sacks a financially profitable industry to the state.

The price of sacks sold by jute mill, and by jobbers will throw some light on this matter:

	<i>Per.</i>	<i>Walla Walla retailers' price.</i>
1899	5.40	6½-7
1900	5.90	7
1901	5.90	8 -8.50
1902	6.35	7
1903	6.35	6½
1904	5.85	6½-6¾
1905	5.85	7½-8¼
1906	6.50	10 -11
1907	6.50	10
1908	6.90	7¼
1909	6.00	6¼
1910	6.00 (5.90)	6

We would therefore report that up to September 30, 1910, the manufacture of sacks has not cost the state anything, but has paid a very small premium on the investment.

Of the maintenance charges provided for by law, the only one which appears to have been omitted is the *subsistence* cost of paid *employees of mill*. This amounts to about \$1,350.00 for each biennial period.

We have not considered other possible items of cost in past transactions, because:

1. The law omits them and prices of sacks have been based on the law.

2. If we consider the items of cost which might have been included in past transactions, it would be equally proper to consider what might have been the result of different methods of purchasing jute and selling sacks.

3. For example, the operation of the mill does not create any part of the maintenance cost of the penitentiary, and that cost continues when mill is shut down. Whatever is made by sales of jute products above maintenance cost of jute mill, is so much gain.

However, we think these items of cost should be considered in making plans for the future management of the mill. For example, if the mill is run at or near full output capacity, it ought to earn a reasonable interest on investment, above legitimate item of cost.

The new jute mill represents an additional investment of \$180,380.14, making a total investment of \$341,362.51. The new jute mill has a capacity of double that of the old mill, and is so situated and arranged that it can be operated more economically than the old mill.

No sacks were manufactured in the new mill prior to October 1, 1910.

This fine factory just completed has a capacity of between 3,000,000 and 4,000,000 bags a year.

We would therefore recommend that the present policy of selling sacks at about cost be abandoned, and the present restriction in method of purchasing jute and selling the finished fabrics be removed, and the mill be reorganized upon recognized successful business principles.

While we do not recognize the necessity of prison employments earning the penitentiary maintenance costs, it is desirable that they do so, and we would recommend to your consideration the following statements in the report submitted by Mr. E. D. Cowen.

"The twine plant at the Stillwater penitentiary earned a net profit of \$306,729.87 during the biennium 1906-08, and \$323,289.93 for that of 1908-1910. The net revenue of the plant since it started eight years ago is \$1,570,992. From the revenues of the Stillwater manufactory, the wages paid the convict operatives now average \$1,800 a month, and they have earned during the two years which the Convict Earnings Act has been in effect the total of \$33,521.25.

"During the biennium 1908 to 1909, 9,500 bales of jute, or 3,800,000 pounds, were purchased and paid for as follows:

4,000 bales (second class).....	\$16.57	per bale
800 bales (second class).....	16.77½	per bale
200 bales (second class).....	17.43	per bale
200 bales (second class).....	17.85	per bale
1,500 bales (first class).....	19.32	per bale
1,000 bales (first class).....	22.08	per bale

"The range of prices, it will be observed, is from \$16.57 per bale for second class jute to \$22.08 per bale for first class.

"The American consul at Calcutta advised the state last summer that first class jute in August was selling at Calcutta for \$11.32 per bale. The freight rate to Puget Sound, \$5.50 per ton or 40 cubic feet steamship space, was equivalent to \$1.66 per bale. Adding the tariff sheet rate, 40 cents per hundred, freight from Tacoma to Walla Walla, if the state had purchased first class jute at Calcutta in August last year, the board of control could have placed it in the warehouse of the Walla Walla mill, \$14.58 per bale, or \$1.99 per bale less than was paid in 1909 for the lowest grade of jute f. o. b. Walla Walla. The difference in the cost of first class jute which cost the state \$22.08 per bale f. o. b. Walla Walla, would have been \$7.50 per bale in favor of first class jute bought last summer. It is obvious from this comparison, that the state ought to buy its jute in the wholesale market in Calcutta and do its own shipping.

"It is possible to make the penitentiary jute mill profitable to the taxpayers; but the method of its management as provided for by law will have to be revolutionized. Among the changes essential to bring about the successful operation of the mill from a financial standpoint will be the following:

"First quality of jute will have to be excluded from the materials used and the sacks will have to be made of the mixture of second and third class fibre.

"Grain sacks will have to be reduced in weight from one to one and one-half ounces. Ten ounce sacks, same weight as the Calcutta product, instead of twelve ounces as now produced, would mean a saving of \$26,000.00 a year, with the mill running at full capacity.

"The raw material will have to be bought in the market of Calcutta

and shipped to Walla Walla under freight arrangements made by the state, so as to secure the profits made by the middlemen of the Pacific seaboard, under the present contract methods. It is estimated that from \$2 to \$5 a bale can be saved by the adoption of this plan according to the difference in the grade of the jute purchased.

"The management of the plant will have to be commercialized under the law and retail markets looked for in Oregon and Idaho after Washington farmers have been given the primary advantage of purchasing early in the season.

"During January, February and March each year, the Washington farmers should have preferential rights of purchase, and after April 1st, the product should be sold to dealers and individuals in the states of the tri-farmers' union, namely: Washington, Oregon and Idaho.

"No restriction intended to prevent the management of the jute mill on such business principles as manufacturing plants are conducted by individuals or corporations, should be allowed to creep into the law relating to the penitentiary plant.

"Prepayment on the purchase of sacks should not be exacted, but the warden of the penitentiary should be authorized to accept notes on purchase orders in the same manner that such business is transacted by the middlemen or brokers, and with the methods successfully employed by the management of the Minnesota penitentiary in handling the twine plant product of that institution.

"Convicts should be paid a small stipend in consideration of work done in excess of a fixed daily task.

"The requirement that the farmers on application for the delivery of grain sacks shall pay 10 per cent. of the amount of the purchase at the time of filing the application, and the residue at the time of receiving the sacks, is objectionable, and militates against a profitable disposal of the mill's product. The proper method should be to allow the acceptance of short term notes to cover the period of harvest and sale of crops. The business rectitude and assets of intending purchasers could be determined by the business agents of the state as readily as they are ascertained by the brokers who sell under the simple security of notes. The very large transactions of the Minnesota twine plant are conducted in this manner, and the management of that institution has suffered no material losses in making collections.

"The state should have in the field special selling agents representing the mill product, and authorized by the warden to perform all the functions of salesmen, including those of ascertaining the business standing of buyers."

We recommend that some such general plan as above suggested be adopted, and that at least two years be given to demonstrate whether the jute mill can be operated with sufficient profit to justify its continuance.

Very respectfully,

H. H. HANSON,
H. A. REYNOLDS.

On motion of Senator Falconer, the message and report were ordered placed on file.

Senator Ruth moved that the Senate recede from its amendments to House bill No. 448.

Senator Falconer moved as a substitute that the Senate refuse to recede from its amendments to House bill No. 448.

The substitute motion of Senator Falconer carried.

INTRODUCTION OF BILLS.

Substitute Senate bill No. 276, by Committee on Elections and Privileges, entitled "An act relating to the nomination of candidates for public office and amending sections 4807, 4808 and 4810 of Remington and Ballinger's Annotated Codes and Statutes of Washington."

The bill was read first time, and on motion of Senator Bryan, the rules were suspended, the bill was read second time by title and ordered placed on general file

The secretary read:

HOUSE CONCURRENT RESOLUTION NO. 14.

Resolved. by the House, the Senate concurring, That consent be and hereby is given that bills be introduced in the House carrying additional appropriations for legislative printing and for legislative expenses of the twelfth session.

The secretary called the roll on passage of House concurrent resolution No. 14, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hamner, Hewitt, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Troy, Whalley, White, Whitney, Mr. President—37.

Absent or not voting were: Senators Chappell, Hall, Hutchinson, Stevenson, Stewart—5.

Senator Bryan offered the following amendment to the rules:

"No final vote on any bill shall be reconsidered except on roll call by a vote of at least twenty-two Senators."

The president ruled that the proposed amendment could not be acted upon until tomorrow, as it would require one day's notice to amend the rules of the Senate.

Senator Bryan gave notice that he would tomorrow move the adoption of the new rule.

On motion of Senator Roberts, it was ordered that all bills heretofore passed by the Senate and on which there had been no notice of reconsideration given, be immediately transmitted to the House, the rules being suspended for that purpose.

GENERAL FILE.

The Senate resumed the consideration of Senate bill No. 236, which was laid over from yesterday.

The motion of Senator Rosenhaupt that the bill be amended by striking in lines 5 and 6 of section 1 of the printed bill, the same being in lines 8 and 9, section 1 of the original bill, the words "within three months from the approval of this act, or within six months," carried.

On motion of Senator Rosenhaupt, the bill was amended in section 1, by striking line 1 of the printed bill, commencing with the word "that" and also line 2 up to and including the word and figure "section 1," the same being in lines 1, 2 and 3 of section 1 of the original bill, and inserting in lieu thereof: "That section 3715a of Remington and Ballinger's Annotated Codes and Statutes of Washington be, and the same is hereby, amended to read as follows: Section 3715a," and section 2 was also amended by striking all of line 1 of the printed bill, commencing with the word "that" and also line 2 up to and including the word and figure "section 1," the same being in lines 1, 2 and 3 of the original bill, and inserting in lieu thereof the following: "That section 3715b of Remington and Ballinger's Annotated Codes and Statutes of Washington be, and the same is hereby, amended to read as follows: 3715b."

On motion of Senator Rosenhaupt, the bill was amended by inserting after the word "penalty" in line 4 of section 2 of the

original bill, the same being in line 7, section 2 of the original bill, the following:

"*Provided*. That this shall apply to the reinstatement of corporations the names of which shall have been stricken at the present time, and hereafter whenever any corporation shall have its name stricken from the records by the secretary of state, it shall in applying for reinstatement pay all license fees and penalties then due from it and the additional sum of twenty dollars for each and every year that its name has been stricken from the records."

The secretary called the roll on final passage of Senate bill No. 236, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Collins, Cox, Eastham, Espy, Hall, Hammer, Hutchinson, Huxtable, Jensen, Metcalf, Myers, Nichols, Roberts, Rosenhaupt, Ruth, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, Whitney, Mr. President—30.

Those voting nay were: Senators Bryan, Fishback, White—3.

Absent or not voting were: Senators Allen (F. J.), Davis, Falconer, Chappell, Hewitt, Jackson, Landon, Piper, Rydstrom—9.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Collins, Cox, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jensen, Metcalf, Myers, Roberts, Rosenhaupt, Ruth, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, Whitney, Mr. President—32.

Those voting nay were: Senators Nichols, White—2.

Absent or not voting were: Senators Allen (F. J.), Chappell, Davis, Hewitt, Jackson, Landon, Piper, Rydstrom—8.

On motion of Senator Rosenhaupt, the title of the bill was stricken and the following substituted as the title of the act: "An act relating to the reinstatement of corporations, amending sections 3715a and 3715b of Remington and Ballinger's

Annotated Codes and Statutes of Washington, and declaring an emergency.”

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Senate bill No. 212, by Senator Cox, entitled “An act relating to the management of the jute mill at the state penitentiary, regulating the purchase, manufacture and sale of jute and other products manufactured at the state penitentiary, defining the duties of the state board of control in connection therewith, repealing sections 8559, 8560, 8561, 8562, 8563, 8564, 8565, 8566 and 8567 of Remington and Ballinger’s Annotated Codes and Statutes of Washington, and declaring an emergency,” was read third time.

On motion of Senator Cox, the bill was amended in section 2, line 2 of the printed bill, the same being in line 3, section 2 of the original bill, by striking the word “or” after the word “farmers,” substituting a comma therefor, and by inserting the words “or wool growers” after the words “oyster growers.”

On motion of Senator Bassett, the bill was amended by inserting the words “doing business in the State of Washington” after the word “bank,” in line 10, section 2 of the printed bill, the same being in line 17, section 2 of the original bill.

Senator Stewart moved to strike, commencing with the word “that” in line 9, section 2 of the printed bill, the same being in line 15, section 2 of the original bill, to and including the word “annum” in line 12 of the printed bill, the same being line 19 of the original bill.

Senator Stewart withdrew his proposed amendment.

On motion of Senator Metcalf, the bill was amended by inserting after the word “culture” in both lines 3 and 4, section 2 of the printed bill, the same being in lines 5 and 7, section 2 of the original bill, the words “and wool growing” and by inserting a comma in place of the word “or” after the word “farming” in line 3, section 2 of the printed bill, the same being line 4 of the original bill.

On motion of Senator Bassett, the bill was amended in lines

10 and 11, section 2 of the printed bill, the same being lines 16 and 18, section 2 of the original bill, by striking out the words "draft or drafts" in each of said lines and substituting therefor in each of said lines the words "certificate of deposit."

Senator Nichols moved to substitute the word "four" for the word "three" in line 11, section 2 of the printed bill, the same being line 19, section 2 of the original bill.

The amendment was withdrawn by Senator Nichols.

Senator Eastham moved to strike in lines 6 and 7, section 3 of the printed bill, the same being in lines 10 and 11, section 3 of the original bill, the words "and an agent or agents for the sale and disposition of the manufactured products."

The amendment was lost.

Senator Anderson moved to amend section 6, line 4 of the printed bill, the same being in line 7, section 6 of the original bill, by striking the word "draft" and inserting in lieu thereof the words "certificate of deposit."

The motion carried.

Senator Eastham moved to amend section 2, line 2 of the printed bill, the same being line 4, section 2 of the original bill, by inserting after the word "Washington" the words "or Oregon."

Senator Ruth moved as a substitute for the motion of Senator Eastham that the words "or any other state in the Union" be inserted after the word "Washington" in line 2, section 2 of the printed bill, the same being in line 4, section 2 of the original bill.

The previous question was demanded by Senators Myers, Stevenson, Cox.

The substitute motion of Senator Ruth was put and lost.

The motion of Senator Eastham to insert the words "or Oregon" after the word "Washington" in section 2, line 2 of the printed bill, the same being in line 4, section 2 of the original bill, failed to carry.

The secretary called the roll on final passage of Senate bill No. 212, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P.

L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Falconer, Fishback, Hall, Hammer, Huxtable, Jensen, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Rydstrom, Shaefer, Stephens, Stevenson, Troy, Mr. President—31.

Those voting nay were: Senators Hutchinson, Ruth, Smithson, White, Whitney—5.

Absent or not voting were: Senators Espy, Hewitt, Jackson, Landon, Stewart, Whalley—6.

The emergency clause was adopted by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Davis, Eastham, Falconer, Fishback, Hall, Hammer, Jensen, Landon, Metcalf, Myers, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Stephens, Stevenson, Troy, Whalley, Mr. President—30.

Those voting nay were: Senators Collins, Hutchinson, Nichols, Piper, Whitney, White—6.

Absent or not voting were: Senators Espy, Hewitt, Huxtable, Jackson, Stewart, Whalley—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Ruth requested that the following be recorded in the journal:

“I vote no on this bill for the reason that section 3 creates an unlimited number of positions at unlimited salaries.

A. S. RUTH.”

Senator Hutchinson requested that the following be made a part of the journal:

“I vote no on Senate bill No. 212 for the reason that it provides for a traveling salesman, which position is unnecessary, as the bags can all be sold to the farmers if sold at cost.

R. A. HUTCHINSON.”

Senate bill No. 248, by Senator Allen (F. J.), entitled “An act providing for the payment of costs and expenses incurred pursuant to an act, entitled ‘An act providing for the establish-

ment and construction of ditches for drainage purposes,' approved March 8, 1901, and providing for the re-establishment and re-organization of abandoned ditches and drains as drainage districts," was read the third time.

On motion of Senator Hammer, the bill was amended by adding section 6, as follows:

"Sec. 6. Nothing in this act shall be construed so as to amend, change or repeal any of the existing laws relating to dikes and drains but concurrent therewith."

The secretary called the roll on final passage of Senate bill No. 248, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Collins, Cox, Davis, Eastham, Falconer, Hall, Hammer, Hutchinson, Huxtable, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Troy, Whalley, White, Whitney, Mr. President—33.

Those voting nay were: Senators Bowen, Fishback, Stephens—3.

Absent or not voting were: Senators Chappell, Espy, Hewitt, Jackson, Stevenson, Stewart—6.

Senator Falconer gave notice that at the proper time he would move to reconsider the vote by which Senate bill No. 248 passed the Senate.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 264, by Senator Bassett, entitled "An act relating to the trial of persons charged with crime and acquitted on the grounds of insanity, declaring such persons dangerous and unsafe to be at large, and providing for their detention until cured," was read the third time.

Senator Bryan moved to amend the bill by adding section 3, as follows:

"Sec. 3. If such insane person be a non-resident of the State of Washington and an enlisted man or officer of the United States military or marine service, he may be delivered to the United States government for incarceration in a federal hospital for the insane."

The motion was lost.

The secretary called the roll on final passage of Senate bill No. 264, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jensen, Metcalf, Myers, Nichols, Piper, Rosenhaupt, Ruth, Rydstrom, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—31.

Those voting nay were: Senators Eastham, Whitney—2.

Absent or not voting were: Senators Allen (F. J.), Allen (P. L.), Hewitt, Huxtable, Jackson, Landon, Roberts, Shaefer, Smithson—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Metcalf, engrossed House bill No. 14 was ordered printed.

At 12 o'clock m., on motion of Senator Cox, the Senate took a recess until 1:30 o'clock p. m.

AFTERNOON SESSION.

The Senate was called to order at 1:30 o'clock p. m. by President Paulhamus.

Substitute Senate bill No. 18, by the Committee on Education, entitled "An act relating to the admission of persons to the State Institution for the Feeble-Minded, their maintenance and education, and making certain persons liable therefor, and amending section 4399 of Remington and Ballinger's Annotated Codes and Statutes of Washington," was read the third time.

The secretary called the roll on final passage of substitute Senate bill No. 18, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan,

Chappell, Collins, Eastham, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, White, Mr. President—34.

Absent or not voting were: Senators Cox, Davis, Espy, Hewitt, Rosenhaupt, Ruth, Whalley, Whitney—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

At the request of Senator Collins, unanimous consent was given to hold over until tomorrow the reconsideration of the vote by which House bill No. 345 was indefinitely postponed.

Senator Falconer withdrew his notice of motion to reconsider the vote by which Senate bill No. 248 passed the Senate.

On motion of Senator Allen (F. J.), the rules were suspended and all bills passed by the Senate thus far were ordered transmitted to the House immediately, except those on which a notice of reconsideration had been given.

Senate bill No. 231, by the Judiciary Committee, entitled "An act relating to fees of clerks of the superior court and repealing all acts in conflict therewith," was read the third time.

On motion of Senator Bryan, the bill was amended as follows: In section 1, line 37 of the printed bill, the same being in line 6, page 3 of the original bill, after the word "defendant" insert the words "appearing separately."

The secretary called the roll on final passage of Senate bill No. 231, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Eastham, Espy, Falconer, Hall, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, White, Whitney, Mr. President—33.

Absent or not voting were: Senators Collins, Davis, Fishback, Hammer, Hewitt, Ruth, Stewart, Troy, Whalley—9.

By unanimous consent, at the request of Senator Rosenhaupt, section 2 of Senate bill No. 231 was stricken.

On motion of Senator Rosenhaupt, the words "and repealing all acts in conflict therewith" were stricken from the title of the bill.

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Senate bill No. 232, by Committee on Railroads and Transportation, entitled "An act to amend section 16 of chapter 142 of the Statutes of Washington for the year 1907, entitled 'An act providing for the furnishing of cars to shippers and prescribing the time of loading, transporting and unloading the same, with storage and charges incidental thereto and providing charges and penalties for delay and for the violation of this act and authorizing the railroad commission of Washington to prescribe additional rules and to enforce the same and the provisions of this act,' and declaring an emergency," was read the third time.

The secretary called the roll on final passage of Senate bill No. 232 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Whalley, White, Whitney, Mr. President—36.

Absent or not voting were: Senators Allen (P. L.), Davis, Espy, Huxtable, Troy, Hewitt—6.

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

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Roberts, Ruth, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—33.

Those voting nay were: Senators Collins, Nichols, Rydstrom—3.

Absent or not voting were: Senators Allen (P. L.), Davis, Hewitt, Huxtable, Piper, Rosenhaupt—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 17, by Senator Falconer, entitled "An act relating to the construction of an armory for the use of the National Guard of Washington at Everett, appropriating money from the military fund therefor, creating a board to superintend the construction thereof," was read third time.

On motion of Senator Falconer, the Senate resolved itself into a committee of the whole for the purpose of considering Senate bill No. 17.

The bill was considered in the committee of the whole, Senator Metcalf in the chair, and reported back to the Senate with the recommendation that it do pass with the following amendment :

In section 1, lines 2 and 3 of the printed bill, the same being in lines 3 and 4, section 1 of the original bill, strike the words and figures "seventy-five thousand dollars (\$75,000.00)" and insert in lieu thereof the words and figures "sixty-five thousand dollars (\$65,000.00)."

On motion of Senator Metcalf, the report of the committee of the whole was adopted.

Senator Allen (F. J.) moved to amend section 1, line 4 of the printed bill, the same being in line 5, section 1 of the original bill, by striking the word "Everett" and inserting in lieu thereof the words "North Yakima."

A roll call on Senator Allen's amendment was demanded by Senators Falconer, Landon, Nichols, Piper, Whitney, Fishback, Cox, Chappell, Huxtable.

The secretary called the roll, and Senator Allen's motion was lost by the following vote:

Those voting aye were: Senators Allen (F. J.), Eastham, Hall, Hewitt, Huxtable, Jensen, Nichols, Whitney—8.

Those voting nay were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hammer, Hutchinson, Jackson, Landon, Metcalf, Myers, Rosenhaupt, Ruth, Ryd-

strom, Shaefer, Stephens, Stewart, Troy, Whalley, White, Mr. President—30.

Absent or not voting were: Senators Piper, Roberts, Smithson, Stevenson—4.

Senator Stevenson moved to amend section 1, line 2 of the printed bill, the same being in line 3, section 1 of the original bill, by inserting after the word "Washington" the words "and other patriotic organizations."

The motion failed to carry.

The secretary called the roll on final passage of Senate bill No. 17, and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Bowen, Brown, Bryan, Collins, Cox, Davis, Espy, Fishback, Hammer, Hutchinson, Jackson, Landon, Piper, Roberts, Ruth, Stephens, Troy, Whalley—19.

Those voting nay were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Chappell, Eastham, Hall, Falconer, Hewitt, Huxtable, Jensen, Metcalf, Myers, Nichols, Rosenhaupt, Rydstrom, Shaefer, Stevenson, Smithson, Stewart, White, Mr. President—22.

Absent or not voting: Senator Whitney—1.

Senator Falconer gave notice of a motion to reconsider the vote by which Senate bill No. 17 failed to pass the Senate.

Engrossed House bill No. 118, by Mr. Webster, entitled "An act relating to the selection, exemption and service of jurors in the superior courts of the State of Washington, and repealing chapter 73 of the Session Laws of 1909," was read third time.

On motion of Senator Hall, the words "licensed embalmers" were inserted after the word "physicians" in line 2, section 2 of the bill.

Senator Jensen moved that the word "pharmacist" be inserted after the word "physicians" in line 2 of section 2 of the bill.

The amendment failed to carry.

Senator Bryan moved to strike the words "and taxpayer" in line 2 of section 1 of the printed bill, the same being in line 3, section 1 of the engrossed bill.

A roll call on the proposed amendment was demanded by Senators Landon, Brown, Bryan, Nichols, Piper, Falconer, Rydstrom.

The secretary called the roll and the amendment failed to carry by the following vote:

Those voting aye were: Senators Bowen, Bryan, Hutchinson, Jensen, Landon, Myers, White—7.

Those voting nay were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Jackson, Metcalf, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, Whitney, Mr. President—32.

Absent or not voting were: Senators Chappell, Hewitt, Huxtable—3.

Senator Espy moved to amend section 2, line 4 of the engrossed bill, by striking therefrom the word "women" and substituting therefor the following: "Married women who have the personal care of children under five years of age on request."

A roll call on the proposed amendment was demanded by Senators Falconer, Rydstrom, Troy, Brown, Fishback, Whalley, Ruth.

The secretary called the roll and the amendment failed to carry by the following vote:

Voting aye: Senator Espy—1.

Those voting nay were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Falconer, Fishback, Hall, Hammer, Hutchinson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Troy, Whalley, White, Whitney, Mr. President—37.

Absent or not voting were: Senators Hewitt, Huxtable, Jackson, Stewart—4.

On motion of Senator Rosenhaupt, the word "may" was substituted for the word "shall" in line 12, section 7 of the printed bill, the same being in line 18, section 7 of the engrossed bill.

Senator Bryan moved that in section 6 of the printed bill the following be stricken: Commencing with the words "the judge" in line 5, strike to and including the words "so drawn" in line 10, the same being in line 9 to 17, inclusive, of section 6 of the engrossed bill.

The previous question was demanded by Senators Allen (F. J.), Rydstrom and Ruth.

The motion for the previous question carried.

The proposed amendment of Senator Bryan failed to carry.

The secretary called the roll on final passage of engrossed House bill No. 118, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—40.

Absent or not voting were: Senators Cox, Jensen—2.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator White gave notice of a motion to reconsider the vote by which engrossed House bill No. 118 passed the Senate.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 3, 1911.

MR. PRESIDENT:

The House has passed House bill No. 464, entitled "An act conferring upon cities of the first class the power to acquire sites for the construction thereon of museums of art and science," etc.;

Also Senate bill No. 84, entitled "An act to adopt Pierce's Washington Code as an official compilation;"

Also substitute Senate bill No. 105, entitled "An act amending section 193 and repealing section 284 of chapter 249, Session Laws of 1909, entitled 'An act relating to crimes and punishments,' etc.," with the following amendments:

Substitute for sub-section 1 in this bill:

"(1) Shall admit to or allow to remain in any concert saloon, or in any place owned, kept, or managed by him where intoxicating liquors

are sold; given away or disposed of, except a restaurant or dining room, any person under the age of twenty-one years; or

"(2) Shall admit to, or allow, to remain in any dancehouse, public pool or billiard hall, or in any place of entertainment injurious to health or morals, owned, kept or managed by him, any person under the age of twenty-one years, or."

And change the sub-section numbers to conform.

Also engrossed Senate bill No. 131, entitled "An act relating to the duties of county treasurers as treasurers of school districts," etc., with the following amendments:

In line 34, after the word "second" insert "and third." *

In line 36, after the word "auditor" add "which report shall contain the balance on hand the first of the preceding month, the funds paid in, warrants paid with interest thereon, if any, the number of warrants issued and not paid, and the balance on hand."

Also, the House has concurred in the Senate amendments to House bills Nos. 206, 228, 243, 279, 288 and 356.

The House has refused to recede from its amendments to Senate substitute bill No. 6 and the speaker has appointed as a committee on conference thereon, Messrs. Wray, Locke and McNeely.

Also, the House has passed engrossed Senate bill No. 3, entitled "An act relating to the nomination of superior court and supreme court judges, etc.," with the following amendment:

That all that part of section 1, beginning with the word "Provided" in line 20, page 1 of the engrossed bill, to and including the word "such" in line 10, page 2, be stricken from the bill, and in lieu thereof the following be inserted: "*Provided, however,* That where any candidate for any such office shall receive a majority of all votes cast at such primary election for such office, the name or names of such candidates receiving such majority shall be printed separately on the general election ballot, under the designation "Vote for _____," and the name or names of no opposing candidate or candidates shall be printed on such ballot in opposition to such candidate or candidates, but spaces equalling the number of such majority candidates shall be left following such name or names, in which the voter may insert the name of any person for whom he wishes to cast his ballot. Following the names of such majority candidates, under the designation "Vote for _____," the names of the minority candidates who have received the highest number of votes at the primary election equal to twice the number of the remaining places to be filled shall be printed: *Provided further,* That the secretary of state, or other proper certifying officer, in certifying to the several county auditors of the state the names of candidates for judicial offices shall specify the names of those who have received a majority vote at such primary election, together with the names of the minority candidates who are entitled to have their names placed upon the official ballot."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

REPORTS OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., March 3, 1911.

MR. PRESIDENT:

Your committee on enrolled bills, to whom was referred Senate bill No. 84, entitled "An act to adopt Pierce's Washington Code as an official compilation," have compared same with the original bill and find it correctly enrolled.

Respectfully submitted.

GEO. W. SHAEFER, *Chairman.*

We concur in this report: B. A. Bowen, H. A. Espy, John A. Whalley, Peder Jensen.

SENATE CHAMBER,
OLYMPIA, WASH., March 3, 1911.

MR. PRESIDENT:

Your committee on enrolled bills, to whom was referred Senate joint memorial No. 8, "Relating to universal recognition of American passports and urging congress to pass a resolution looking to this end," have compared same with the original memorial and find it correctly enrolled.

Respectfully submitted.

GEO. W. SHAEFER, *Chairman.*

We concur in this report: B. A. Bowen, Peder Jensen, H. A. Espy.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., March 3, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred engrossed Senate bill No. 60, entitled "An act to provide for the formation of banking corporations, and to regulate the business of banking and securing state supervision thereof; for the appointment of a state examiner, defining his duties, and fixing his compensation; and prohibiting the use of the words "bank," "banker," "bankers," "trust," and "savings," in advertising business by persons, firms and associations not hereby brought under state supervision, and fixing a penalty for its violation;"

Also engrossed Senate substitute bill No. 102, entitled "An act relating to public service properties and utilities, providing for the regulation of the same, fixing penalties for the violation thereof, making an appropriation, and repealing certain acts;"

—have compared same with the original bills and find them correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman.*

We concur in this report: Daniel Landon, Josiah Collins, D. S. Troy, F. J. Allen.

Senator Rosenhaupt reported that he had compared the enrolled copies with the originals and found that Senate bill No. 84 and Senate joint memorial No. 8 were properly enrolled.

The president signed Senate bill No. 84 and Senate joint memorial No. 8.

Senate bill No. 289, by Senator Hammer, entitled "An act defining the qualifications of county engineer," was read third time.

The president called Senator Anderson to preside.

Senator Piper moved that Senate bill No. 289 be indefinitely postponed.

Senator Piper withdrew his motion.

On motion of Senator Hammer, the bill was re-referred to the committee on judiciary with instructions to that committee to report the bill back to the Senate tomorrow, the bill to retain its place on the calendar.

The president resumed the chair.

The president appointed as a conference committee on the part of the Senate on substitute Senate bill No. 6, Senators Whalley, Bassett and Hall.

The secretary read the House amendments to engrossed Senate bill No. 131.

Senator Bassett moved that the Senate concur in the House amendments to the bill.

The secretary called the roll, and the Senate concurred in the House amendments to engrossed Senate bill No. 131 by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stewart, Troy, White, Whitney—34.

Absent or not voting were: Senators Hewitt, Hutchinson, Huxtable, Jackson, Rosenhaupt, Stevenson, Whalley, Mr. President—8.

The secretary read the House amendments to engrossed Senate bill No. 3.

Senator Metcalf moved that the Senate concur in the House amendments to the bill.

The secretary called the roll and the Senate concurred in the House amendments to engrossed Senate bill No. 3 by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hutchinson, Jensen, Landon, Metcalf, Myers, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stewart, Whalley, White, Whitney, Mr. President—34.

Those voting nay were: Senators Hammer, Hewitt, Huxtable, Jackson, Nichols, Rosenhaupt, Stevenson, Troy—8.

The secretary read the House amendments to substitute Senate bill No. 105.

Senator Collins moved that the Senate concur in the House amendments to the bill.

The secretary called the roll, and the Senate concurred in the House amendments to substitute Senate bill No. 105 by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Chappell, Collins, Davis, Falconer, Fishback, Hall, Hammer, Jensen, Piper, Ruth, Shaefer, Stephens, Stevenson, Stewart, Troy, White, Whitney—24.

Those voting nay were: Senators Landon, Myers, Roberts—3.

Absent or not voting were: Senators Bryan, Cox, Eastham, Espy, Hewitt, Hutchinson, Huxtable, Jackson, Myers, Nichols, Rosenhaupt, Rydstrom, Smithson, Whalley, Mr. President—15.

Senate bill No. 243, by Senator Falconer, entitled "An act relating to building, loan and savings associations and amending sections 9 and 19 and repealing sections 36 and 37 of chapter 4 of the Session Laws of 1890, and adding to said act a section

prohibiting foreign building, loan and savings associations from doing business in this state," was read third time.

On motion of Senator Bassett, the bill was amended by striking in line 1, section 1 of the printed bill, the same being in lines 1 and 2, section 1 of the original bill, the following: "9 of chapter 4 of the Session Laws of 1890, be and the same is hereby amended to read as follows: Section 9" and substituting therefor the following: "3609 of Remington and Ballinger's Annotated Codes and Statutes of Washington, is amended to read as follows: Section 3609."

On motion of Senator Bassett, the bill was further amended by striking in line 1 of section 2 of the printed bill, the same being in lines 1 and 2, section 2 of the original bill, the following: "19 be amended to read as follows: Sec. 19" and substituting therefor: "3619 of Remington and Ballinger's Annotated Codes and Statutes of Washington, is amended to read as follows: Section 3619."

On motion of Senator Falconer, the bill was amended by striking in section 3 the words and figures "36 and 37 of said law" and substituting therefor the words and figures "3635 and 3636 of Remington and Ballinger's Annotated Codes and Statutes of Washington," and also by striking in line 1 of section 4 of the printed bill, the same being in lines 1 and 2, section 4 of the original bill, the following: "A new section is hereby added and made section number 40 of said act: Section 40."

The secretary called the roll on final passage of Senate bill No. 243, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Bassett, Bowen, Brown, Chappell, Collins, Cox, Eastham, Espy, Falconer, Hall, Hammer, Huxtable, Jackson, Jensen, Metcalf, Myers, Piper, Rosenhaupt, Ruth, Smithson, Stephens, Stevenson, Stewart, Whalley, White—28.

Those voting nay were: Senators Arrasmith, Fishback, Nichols—3.

Absent or not voting were: Senators Bryan, Davis, Hewitt,

Hutchinson, Roberts, Landon, Rydstrom, Shaefer, Whitney, Troy, Mr. President—11.

On motion of Senator Rosenhaupt, the title of the bill was stricken and the following inserted as the title of the act: "An act relating to building, loan and savings associations, amending sections 3609 and 3619 and repealing sections 3635 and 3636 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and adding a section prohibiting certain foreign building, loan and savings associations from doing business in this state."

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Senator Stewart gave notice of a motion to reconsider the vote by which Senate bill No. 243 passed the Senate.

Senator Espy moved that the vote by which engrossed House bill No. 153 passed the Senate be reconsidered.

A roll call on the motion was demanded by Senators Falconer, Hutchinson, Jensen, Hammer, Bryan, Roberts, Myers.

The secretary called the roll, and the motion failed to carry by the following vote:

Those voting aye were: Senators Allen (F. J.), Davis, Eastham, Espy, Fishback, Roberts, Ruth, Rydstrom, Stewart—9.

Those voting nay were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Falconer, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Myers, Nichols, Piper, Rosenhaupt, Shaefer, Smithson, Stephens, Stevenson, Troy, Whalley, White, Mr. President—29.

Those absent or not voting were: Senators Collins, Hewitt, Metcalf, Whitney—4.

At 5:05 p. m., on motion of Senator Piper, the Senate took a recess until 7:30 this evening.

EVENING SESSION.

The Senate was called to order at 7:30 o'clock p. m. by President Paulhamus.

Engrossed Senate bill No. 122, by Senator Jackson, entitled "An act relating to weights and measures; establishing standards therefor; providing for the enforcement thereof; providing penalties for the violation of this act, and repealing sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 of an act, entitled 'An act to establish a uniform standard of weights and measures, and to provide for a state inspector of the same,' approved March 20, 1890," was read the third time.

Senator Nichols moved that the bill be re-referred to the committee on labor and labor statistics.

Senators Nichols withdrew his motion.

Senator Nichols moved that the department created under this act be under the supervision of the dairy and food inspector.

A roll call on the motion of Senator Nichols was demanded by Senators Nichols, Whitney, Landon, Eastham, Chappell, Jensen, Stephens.

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

Those voting aye were: Senators Allen (F. J.), Anderson, Brown, Eastham, Jensen, Nichols, Piper, Ruth, Rydstrom, Shaefer, Smithson, Stewart, White, Whitney—14.

Those voting nay were: Senators Allen (P. L.), Arrasmith, Bassett, Bowen, Bryan, Chappell, Cox, Espy, Fishback, Hall, Hammer, Huxtable, Jackson, Landon, Metcalf, Myers, Roberts, Stevenson, Troy, Whalley, Mr. President—21.

Absent or not voting were: Senators Collins, Davis, Falconer, Hewitt, Hutchinson, Rosenhaupt, Stephens—7.

Senator Jackson moved to amend section 9 by striking the word and figure "section 9" and inserting in lieu thereof the word and figure "section 10."

On motion of Senator Jackson, a new section was added to the bill, as follows:

"Sec. 9. To carry out the provisions of this act there is hereby appropriated out of the general fund not otherwise appropriated the sum of fourteen thousand dollars (\$14,000.00), or so much thereof as may be necessary."

Senator Eastham moved to amend section 4, line 2 of the printed bill, the same being in line 3, section 4 of the engrossed bill, by striking the word "shall" and inserting in lieu thereof the word "may."

The motion was lost.

Senator Jensen moved to amend section 4, line 6 of the printed bill, the same being in lines 9 and 10, section 4 of the engrossed bill, by striking the words "no fee shall be charged by the inspector or" and inserting in lieu thereof the words and figures "a fee of \$2.50 shall be charged."

The motion failed to carry.

Senator Eastham moved to amend section 4, line 5 of the printed bill, the same being in lines 9 and 10, section 4 of the engrossed bill, by striking all of the line after the word "commissioners."

Senator Metcalf offered an amendment to Senator Eastham's amendment by inserting the word "reasonable" in section 4, line 4 of the printed bill, the same being in line 7, section 4 of the engrossed bill, after the word "a."

Senator Eastham accepted Senator Metcalf's amendment.

The amendment was adopted.

On motion of Senator Jackson, the Senate resolved itself into a committee of the whole for the purpose of considering engrossed Senate bill No. 122.

The bill was considered in the committee of the whole, Senator Hutchinson in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Hutchinson, the report of the committee of the whole was adopted.

The secretary called the roll on final passage of engrossed

Senate bill No. 122, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Davis, Eastham, Espy, Falconer, Hall, Hammer, Hutchinson, Huxtable, Jackson, Landon, Metcalf, Myers, Shaefer, Stevenson, Troy, Whalley, White, Mr. President—27.

Those voting nay were: Senators Fishback, Jensen, Nichols, Piper, Ruth, Rydstrom, Smithson, Stewart, Whitney—9.

Absent or not voting were: Senators Anderson, Collins, Hewitt, Roberts, Rosenhaupt, Stephens—6.

On motion of Senator Shaefer, the title of the bill was stricken and the following substituted therefor:

“An act relating to weights and measures, establishing standards therefor; providing for the enforcement thereof; prescribing penalties for the violation of this act; making an appropriation therefor, and repealing all acts and parts of acts in conflict herewith.”

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

By unanimous consent, at the request of Senator Hutchinson, the Senate at this time took up for consideration Senate bill No. 318.

Senate bill No. 318, by Senator Hutchinson, entitled “An act providing for the canvassing of the votes cast in municipal elections in cities of the first class, for the declaring of the result thereof, declaring the application of this act, and declaring an emergency,” was read the third time.

The secretary called the roll on final passage of Senate bill No. 318, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Davis, Eastham, Espy, Falconer, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Ruth, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—35.

Absent or not voting were: Senators Collins, Fishback, Hewitt, Huxtable, Roberts, Rosenhaupt, Stephens—7.

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

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Davis, Eastham, Espy, Falconer, Hall, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Ruth, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—36.

Absent or not voting were: Senator Collins, Fishback, Hewitt, Roberts, Rosenhaupt, Stephens—6.

On motion of Senator Shaefer, the title of the bill was stricken and the following substituted therefor: "An act relating to the canvassing of votes cast in municipal elections in cities of the first class, and declaring an emergency."

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

The president announced the appointment of Senators Falconer, Fishback and Troy as members of the conference committee on House bill No. 448.

Senator Falconer declined the appointment.

The president appointed Senator Myers in lieu of Senator Falconer.

Senate bill No. 175, by Senator Collins, entitled "An act providing for the abandonment or dismissal of condemnation proceedings begun by corporations, other than municipal, and for the allowance of reasonable attorney's fees to the owner of the property sought to be condemned," was read third time.

By unanimous consent, at the request of Senator Allen (P. L.), the bill was passed and placed on the calendar for tomorrow.

Senate bill No. 221, by Senator Hutchinson, entitled "An act to prohibit the blowing of steam or compressed air whistles in incorporated cities and towns," was read the third time.

Senator Ruth moved to amend the bill by striking the word "boat" in line 2 of the printed bill, the same being in line 8, page 1 of the original bill, striking the period at the end of the

bill and adding the words "or any boat when at dock, except in case of fire."

Senator Piper moved as a substitute for Senator Ruth's motion that simply the word "boat" in line 2 of the printed bill, the same being in line 8, page 1 of the original bill, be stricken.

Senator Brown moved that the bill be indefinitely postponed.

A roll call on the motion of Senator Brown was demanded by Senators Landon, Brown, Ruth, Eastham, Whitney, Davis, Hutchinson, Fishback.

The secretary called the roll, and the motion of Senator Brown to indefinitely postpone carried by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Eastham, Espy, Fishback, Myers, Nichols, Piper, Roberts, Rydstrom, Stevenson, Troy, White, Mr. President—20.

Those voting nay were: Senators Chappell, Cox, Davis, Falconer, Hall, Hammer, Hutchinson, Huxtable, Jensen, Landon, Ruth, Shafer, Smithson, Stewart, Whalley, Whitney—16.

Those absent or not voting were: Senators Collins, Hewitt, Jackson, Metcalf, Rosenhaupt, Stephens—6.

Senate bill No. 193, by Senator Chappell, entitled "An act to create the county of White Salmon subject to the requirements of the state constitution and the statutes in respect to the establishment of new counties, and declaring an emergency," was read the third time.

Senator Allen (P. L.) moved that Senate bill No. 193 be indefinitely postponed.

A roll call on the motion of Senator Allen (P. L.), to indefinitely postpone, was demanded by Senators Falconer, Roberts, Fishback, Brown, Landon, Nichols, Piper, Whitney, Davis, Whalley.

The secretary called the roll, and the motion to indefinitely postpone Senate bill No. 193 was lost by the following vote:

Those voting aye were: Senators Allen (P. L.), Eastham, Falconer, Hall, Nichols, Roberts, Ruth, Rydstrom, Smithson, Stevenson, Whitney—11.

Those voting nay were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Davis, Espy, Fishback, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Piper, Shaefer, Stewart, Troy, Whalley, White, Mr. President—27.

Absent or not voting were: Senators Collins, Hewitt, Rosenhaupt, Stephens—4.

On motion of Senator Chappell, section 3 of the bill was stricken and the following substituted therefor:

"Sec. 3. The county seat of said county is hereby temporarily located at the town of Lyle in said county and shall there remain until the next general election, at which time the question of permanent location shall be submitted to the qualified electors of said White Salmon county and if a majority of all electors voting upon such question shall decide to remove the county seat to some other point within the said county, the county seat shall be so removed in accordance with the expression of said voters. Otherwise it shall remain at Lyle until such further time as the same may be removed, in accordance with the provisions of law."

On motion of Senator Chappell, section 18 was stricken from the bill.

The secretary called the roll on final passage of Senate bill No. 193, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Davis, Espy, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Piper, Shaefer, Stewart, Troy, Whalley, White, Mr. President—26.

Those voting nay were: Senators Allen (P. L.), Eastham, Falconer, Huxtable, Myers, Nichols, Roberts, Ruth, Rydstrom, Smithson, Stevenson, Whitney—12.

Absent or not voting were: Senators Collins, Hewitt, Rosenhaupt, Stephens—4.

On motion of Senator Shaefer, the title of the bill was amended by striking therefrom the words "and declaring an emergency."

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Senate bill No. 191, by Senator Bassett, entitled "An act abolishing the office of county coroner, and imposing the duties thereof upon justices of the peace," was read third time.

Senator Huxtable moved to amend by inserting at the end of section 1 the following: "Except in counties of the first and second class."

Senator Piper moved that the amendment be laid on the table. The motion to table was lost.

The motion of Senator Huxtable failed to carry.

Senator Bryan moved to amend by striking in line 2, section 2 of the printed bill, the same being in lines 2 and 3, section 1 of the original bill, the words: "Any justice of the peace in the county where the services are required," and substituting therefor the following: "Three justices of the peace, one in each commissioner district, to be named by the county commissioners and to have jurisdiction in their respective districts."

The amendment failed to carry.

Senator Stewart moved that the bill be indefinitely postponed.

The motion was lost.

On motion of Senator White, the bill was amended by adding to the end of section 3 the following: "All proceedings shall be instituted by the prosecuting attorney of such county as in other actions."

Senator Piper moved that the Senate do now adjourn.

The motion was lost.

Senator Huxtable moved to substitute the words "the prosecuting attorney" for the words "any justice of the peace" in line 2 of section 2 of the printed bill, the same being in lines 2 and 3, section 2 of the original bill.

The amendment failed to carry.

The secretary called the roll on final passage of Senate bill No. 191, and it passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Cox, Davis, Espy, Fishback, Hall, Hammer, Hutchinson, Landon, Metcalf, Myers, Nichols, Roberts, Ruth, Shaefer, Stevenson, Troy, Whalley, White, Mr. President—25.

Those voting nay were: Senators Allen (F. J.), Allen (P. L.), Bowen, Eastham, Huxtable, Piper, Rydstrom, Smithson, Stewart, Whitney—10.

Absent or not voting were: Senators Collins, Falconer, Hewitt, Jackson, Jensen, Rosenhaupt, Stephens—7.

On motion of Senator Shaefer, the title of the bill was amended by substituting a comma for the period, adding to the end thereof the words "and prosecuting attorneys."

There being no objection, the amended title of the bill was ordered to stand as the title of the act.

Senator Eastham gave notice of a motion to reconsider the vote by which engrossed Senate bill No. 122 passed the Senate.

Senator Hutchinson gave notice of a motion to reconsider the vote by which Senate bill No. 191 passed the Senate.

Senator Espy moved that the rules be suspended and that the Senate proceed to reconsider the vote by which Senate bill No. 191 passed the Senate.

The motion carried.

Senator Espy moved that the Senate reconsider the vote by which Senate bill No. 191 passed the Senate.

On motion of Senator Metcalf, the motion of Senator Espy was laid on the table.

The president called Senator Cox to preside.

Senate bill No. 297, by Senator Paulhamus, entitled "An act prohibiting the sale of intoxicating liquor within five miles of the State Soldier's Home at Orting, and providing a penalty for the violation thereof," was read third time.

On motion of Senator Fishback, the bill was amended by inserting the word "north" between the figures "18" and the word "range" in line 7, section 1 of the printed bill, the same being in line 11, section 1 of the original bill.

The secretary called the roll on final passage of Senate bill No. 297, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Huxtable, Jensen, Landon, Metcalf, My-

ers, Nichols, Piper, Roberts, Shaefer, Smithson, Stevenson, Stewart, Troy, Whalley, White, Mr. President—34.

Those voting nay were: Senators Ruth, Whitney—2.

Absent or not voting were: Senators Collins, Hewitt, Jackson, Rosenhaupt, Rydstrom, Stephens—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The president resumed the chair.

Senator Allen (P. L.) asked and was granted unanimous consent to take up Senate joint resolution No. 10 at this time.

Senate joint resolution No. 10, by Senators Allen (P. L.) and Ruth, "Relating to the use of products of the State of Washington in the erection of state buildings," was read third time.

Senator Hutchinson moved to insert the word "eastern" before the word "Washington" in line 12 of the original resolution, the same being in line 8 of the printed resolution.

The amendment failed to carry.

The secretary called the roll on final passage of Senate joint resolution No. 10, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Davis, Eastham, Espy, Fishback, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—38.

Absent or not voting were: Senators Collins, Falconer, Rosenhaupt, Stephens—4.

On motion of Senator Stevenson, the report of the "special committee to investigate military affairs" was made a special order for consideration at 2 o'clock, Monday afternoon, March 6th.

On motion of Senator Allen (P. L.), the rules were suspended and all bills passed by the Senate up to this time, on which there had been no notice of reconsideration given, were ordered imme-

diately transmitted to the House, together with Senate joint resolution No. 10.

At 10:45 p. m., on motion of Senator Allen (P. L.), the Senate adjourned until 10 o'clock tomorrow morning.

WM T. LAUBE,

Secretary of the Senate.

W. H. PAULHAMUS,

President of the Senate.

FIFTY-FIFTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASH., Saturday, March 4, 1911.

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

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present.

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

Telegrams from the Central Labor Council, of Tacoma, and Carpenters' Local No. 470, of South Tacoma, urging the passage of House bill No. 14, together with numerous telegrams from Spokane and Walla Walla, urging the passage of Senate bill No. 63, were read and ordered placed on file.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

OLYMPIA, WASH., March 3, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred engrossed House bill No. 257, entitled "An act relating to the suspension of sentences and amending section 28 of chapter 249, Laws of 1909," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

In the title of the engrossed bill, after the figures "249," insert "Session."

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Daniel Landon, J. W. Bryan, Geo. W. Shaefer, Josiah Collins, Ralph Metcalf.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., March 3, 1911.

We, your committee on judiciary, to whom was referred engrossed House bill No. 321, entitled "An act relating to the power of counties to engage or aid in the construction, enlargement, modification and repair or operation of waterways, hot springs and mineral waters, and other facilities and public improvements for the purpose of sanitation and drainage, or any thereof, and acquisition of rights and interests necessary or proper to be required for public enjoyment of any such improvement, and to incur such indebtedness therefor and to issue bonds for the payment of moneys from sale of the same, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Daniel Landon, J. W. Bryan, Ralph Metcalf.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., March 4, 1911.

We, your committee on municipal corporations, to whom was referred engrossed House bill No. 85, entitled "An act relating to poll tax in cities of third and fourth classes, and amending section 1 of chapter 75 of the Session Laws of 1905, the same being section 7766 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

F. J. ALLEN, *Chairman*.

We concur in this report: John E. Chappell, J. W. Bryan, Josiah Collins, Oliver Hall, A. S. Ruth.

On motion of Senator Allen (F. J.), the report of the committee was adopted.

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., March 2, 1911.

We, your joint committee on cities of the first class and municipal corporations, to whom was referred House bill No. 282, entitled "An

act relating to local improvements in cities and towns, and repealing certain acts and parts of acts," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

RALPH D. NICHOLS,

F. J. ALLEN,

Chairman Cities of the First Class. Chairman Municipal Corporations.

We concur in this report: H. M. White, Geo. W. Shaefer, R. A. Hutchinson, George U. Piper, John E. Chappell, J. A. Falconer, Ralph Metcalf, A. S. Ruth, A. B. Eastham, J. W. Bryan, J. R. Stevenson, Oliver Hall.

On motion of Senator Allen (F. J.), the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1911.

MR. PRESIDENT:

We, your committee on agriculture, to whom was referred substitute House bill No. 240, entitled "An act to prevent the spread of noxious weeds, relating to the duties of owners, lessees and occupants of land and of district road supervisors in connection therewith, providing a penalty for the violation thereof and amending sections 3038, 3039, 3040 and 3041 of Remington and Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

In section 1, line 10 of the substitute bill, after the word "seed" add the following: "except that it shall require the cutting of 'bull thistles' on all public roads and highways."

JOSEPH ARRASMITH, *Chairman.*

We concur in this report: H. O. Fishback, Oliver Hall, D. S. Troy.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 3, 1911.

MR. PRESIDENT:

We, your committee on state, granted, school and tide lands, to whom was referred House bill No. 311, entitled "An act for the relief of C. A. Ives," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

P. L. ALLEN, *Chairman.*

We concur in this report: H. O. Fishback, E. Hammer, Peder Jensen, H. A. Espy, J. D. Bassett, J. A. Falconer.

On motion of Senator Allen (P. L.), the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 3, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was re-referred Senate bill No. 63, entitled "An act relating to elections and primary elections, and providing that certain electors may cast their ballots in precincts other than those in which they reside," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 3 of section 1 of the original bill, being line 2 of section 1 of the printed bill, strike "or the wife of any such officer or employe residing with her husband."

In the first line of section 2 of the bill strike "voter" and substitute therefor "elector."

In lines 3, 4, 10 and 15 of the original bill, from the top of the third page thereof, being lines 27, 28, 31 and 34 of section 2 of the printed bill, strike the word "voter" and substitute therefor "elector."

In line 6 of section 3 of the original bill, being line 4 of section 3 of the printed bill, strike "voters" and substitute therefor "electors."

In the second and last lines of section 4 of the original bill, being the first and last lines of section 4 of the printed bill, strike "voter" and substitute therefor "elector."

In the second line on the last page of the original bill, being line 7 of section 4 of the printed bill, strike "voters" and substitute therefor "electors."

In lines 3 and 10 of section 5 of the original bill, being lines 2 and 6 of section 5 of the printed bill, strike "voter" and substitute therefor "elector."

HARRY ROSENHAUPT, *Chairman.*

We concur in this report: Ralph D. Nichols, F. J. Allen, Daniel Landon, Geo. W. Shaefer, J. W. Bryan, Ralph Metcalf.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 3, 1911.

MR. PRESIDENT:

We, your committee on medicine, dentistry, surgery and hygiene, to whom was referred Senate bill No. 268, entitled "An act to define license and regulate hospital associations; to provide for a license to transact such business; to determine the conditions under which persons, firms, companies and corporations may transact the business of hospital associations in this state and to provide penalties for the violation of this act," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file, with the following amendments:

Strike out all of section 1 and in lieu thereof insert the following:
"Section 1. All individuals, firms, partnerships, companies, cor-

porations or associations excepting as hereinafter provided, contracting or agreeing in this state with individuals, families, employes, associations or with employers for the benefit of the employes for the furnishing of medicine, medical and surgical treatment, hospital services, ambulance services, dental services and burial services, or any two or more of the above mentioned services, contingent upon sickness, accident or death, or making such contracts or agreements without this state to be wholly or in part performed within the same, shall be deemed to be hospital associations and doing such business within this state and shall be subject to the provisions of this act: *Provided*, That no company or association promising to pay cash benefits in the event of the happening of the accident or disability insured against shall be authorized to transact business under the provisions of this act, but shall be governed by the statutes of this state governing health and accident companies: *Provided further*, That the provisions of this act shall not apply to labor unions, or to the marine hospital service, or to fraternal orders or societies that are associated or incorporated for the primary purpose of mutual protection and relief of members and having ritualistic work and ceremonies under a grand or supreme body, or to benevolent associations organized by an employer or the employes for the sole purpose of mutual protection and relief of the employes and not for profit, or to physicians and surgeons residing and practicing in this state and who do not furnish or agree to furnish burial or any burial benefit in the event of death, or to regularly establish hospitals, who do furnish burial or any burial benefit in the event of death. The insurance commissioner of this state shall have power to decide whether any society or association or order is a fraternal society, association or order for the primary purpose of protection and relief to its members, or whether any benevolent association or society is organized by the employer or the employes for the sole purpose of mutual protection and relief of the employes and not for profit."

Section 3, in line 4 in the printed bill, the same being line 6 in the original bill, strike out the word "hereinafter" and insert in lieu thereof the word "heretofore."

Section 3, at the end of line 4 and the beginning of line 5 in the printed bill, the same being in line 7 in the original bill, strike out the word "hereinafter" and insert in lieu thereof the word "herein."

Strike all of section 4 and insert in lieu thereof the following:

"Sec. 4. The certificate mentioned in section 2 of this act shall be issued by the insurance commissioner only after a full compliance with all the terms and conditions of this act and upon payment by the individual, firm, partnership, company, corporation or association desiring to transact business of a hospital association, as hereinbefore defined, of an annual license fee of \$100 to transact business throughout the state, which license fee shall be paid to the insurance commissioner before the issuance of the said certificate, and no further licenses or taxes on premiums shall be required. Except as provided in this act, hos-

pital associations as herein defined shall be subject to and governed by the general insurance laws of this state."

A. B. EASTHAM, *Chairman*.

We concur in this report: E. C. Whitney, Peder Jensen.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 3, 1911.

MR. PRESIDENT:

We, your committee on state penal and reformatory institutions, to whom was referred Senate bill No. 257, entitled "An act relating to the disposition of the estates of inmates of state institutions," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

E. M. STEPHENS, *Chairman*.

We concur in this report: R. A. Hutchinson, H. O. Fishback, D. H. Cox, Jesse Huxtable.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 3, 1911.

MR. PRESIDENT:

We, your committee on state, granted, school and tide lands, to whom was referred Senate bill No. 240, entitled "An act to authorize the sale by the State of Washington of certain tide lands to the Mats Mats Lobster and Shell Fish Company, and to authorize the closing of Mats Mats bay to navigation," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Amend the title to read as follows: "An act authorizing the board of state land commissioners to lease certain tide lands to the Mats Mats Lobster and Shell Fish Company, and authorizing the closing of Mats Mats Bay to navigation."

In section 1, strike the first paragraph and insert in lieu thereof the following: "Section 1. That the board of state land commissioners is hereby authorized and directed to lease to the Mats Mats Lobster and Shell Fish Company, a corporation, for the term of thirty years, and for the rental as hereinafter provided, all tide lands owned by the State of Washington located in Mats Mats bay, Jefferson county, and in the passage or entrance to said bay from Puget Sound, said lands being particularly described as follows:"

Strike section 3 and insert in lieu thereof the following: "Sec. 3. The annual rental to be reserved to the state in the lease of said tide lands shall be for the first five years of said term the sum of two hundred fifty dollars (\$250.00), payable annually, and each five years thereafter the rental shall be readjusted by the board of state land commis-

sioners at such figure as will then equal the rental value of said tide lands."

P. L. ALLEN, *Chairman.*

We concur in this report: H. O. Fishback, A. W. Anderson, E. Hammer, H. A. Espy, J. D. Bassett.

On motion of Senator Allen (P. L.), the report of the committee was adopted.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1911.

MR. PRESIDENT:

We, your committee on railroads and transportation, to whom was referred engrossed House bill No. 318, entitled "An act directing railroads to post notices against trespassers on all lines of railroad containing more than one main track and declaring it to be a misdemeanor for persons without lawful authority to go upon or walk along certain railroad rights-of-way," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

D. H. Cox, *Chairman.*

We concur in this report: H. B. Hewitt, J. R. Stevenson, Chas. E. Myers, Joseph Arrasmith, Jesse Huxtable, Peder Jensen.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1911.

MR. PRESIDENT:

We, your committee on state, granted, school and tide lands, to whom was referred Senate bill No. 300, entitled "An act creating a shell fish commission, defining its duties, preventing the sale of tide lands without the approval of said commission and making an appropriation," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Strike section 1 and insert in lieu thereof the following: "Section 1. A committee, consisting of two members of the Senate to be named by the president of the Senate either before or after adjournment of the legislature and three members of the House to be named by the speaker either before or after the adjournment of this session, is hereby authorized for the purpose of making a complete examination of, and reporting back to the next legislature recommendations, concerning the shell fish industry of this state. A vacancy occurring on said committee shall be filled in like manner as the original appointment."

Strike the word "commission" wherever it occurs in the bill and insert in lieu thereof the word "committee."

In section 3, line 2 of the printed bill, same being section 3, line 1,

page 2 of the original bill, after the word "no" insert the words "second class."

P. L. ALLEN, *Chairman*.

We concur in this report: H. O. Fishback, E. Hammer, J. A. Falconer, J. D. Bassett, H. A. Espy.

On motion of Senator Allen (P. L.), the report of the committee was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., March 3, 1911.

MR. PRESIDENT:

We, a majority of your committee on constitution and constitutional revision, to whom was referred engrossed House bill No. 60, entitled "An act to amend section 1 of article XXIII of the constitution of the State of Washington, relating to amendments, and providing for the amendment of the constitution by the initiative," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Section 1, in the last line on the first page of the engrossed bill, strike the figure "10" and insert in lieu thereof the word "fifteen."

Section 1, in line 9 on the second page of the engrossed bill, strike the words "a majority" and insert in lieu thereof the word "three-fifths"; also in the same line strike the word "thereon" and insert in lieu thereof the words "at such election."

JESSE HUXTABLE, *Chairman*.

We concur in this report: R. A. Hutchinson, Daniel Landon, Harry Rosenhaupt.

SENATE CHAMBER,

OLYMPIA, WASH., March 3, 1911.

MR. PRESIDENT:

We, a minority of your committee on constitution and constitutional revision, to whom was referred engrossed House bill No. 60, entitled "An act to amend section 1 of article XXIII of the constitution of the State of Washington, relating to amendments, and providing for the amendment of the constitution by the initiative," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

Section 1, in the last line on the first page of the engrossed bill, strike the figure "10" and insert in lieu thereof the word "twenty."

Section 1, in line 9 on the second page of the engrossed bill, strike the words "a majority" and insert in lieu thereof the word "three-fifths"; also in the same line strike the word "thereon" and insert in lieu thereof the words "at such election."

We concur in this report: Josiah Collins, E. C. Davis.

On motion of Senator Falconer, engrossed House bill No. 60 was ordered re-referred to the committee on labor and labor statistics.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred engrossed Senate bill No. 212, entitled "An act relating to the management of the jute mill at the state penitentiary, regulating the purchase, manufacture and sale of jute and other products manufactured at the state penitentiary, defining the duties of the state board of control in connection therewith, repealing sections 8559, 8560, 8561, 8562, 8563, 8564, 8565, 8566 and 8567 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency;"

Also engrossed Senate bill No. 248, entitled "An act providing for the payment of costs and expenses incurred pursuant to an act entitled 'An act providing for the establishment and construction of ditches for drainage purposes,' approved March 8, 1901, and providing for the re-establishment and reorganization of abandoned ditches and drains as drainage districts;"

Also engrossed Senate bill No. 236, entitled "An act relating to the reinstatement of corporations, amending sections 3715a and 3715b of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency;"

Also engrossed Senate bill No. 231, entitled "An act relating to fees of clerks of the superior court;"

—have compared same with the original bills and find them correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman*.

We concur in this report: Josiah Collins, Daniel Landon, D. S. Troy.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 4, 1911.

MR. PRESIDENT:

The House has concurred in the Senate amendments to House bill No. 153.

The speaker has appointed, as members of a conference committee on Senate amendments to House bill No. 448, Messrs. Davis, Hubbell and French.

Also, the House has passed engrossed House bill No. 135, entitled "An act regulating the practice of barbering and amending sections 7105, 7106, and 7020 of Remington & Ballinger's Annotated Codes and Statutes;"

Also engrossed House bill No. 336, entitled "An act providing for the auditing and paying of claims of county commissioners for extra services," etc.;

Also engrossed House bill No. 63, entitled "An act relating to materialmen's liens and the enforcement thereof."

Also, the House has passed House bill No. 426, entitled "An act authorizing the establishment of port districts; providing for the acquirement, construction, maintenance, etc.;"

Also, House bill No. 131, entitled "An act relating to the superior courts of the counties of Douglas and Grant;"

Also House bill No. 244, entitled "An act relating to the superior courts of the counties of Lewis, Pacific and Wahkiakum, etc.;"

Also, the speaker has signed Senate bill No. 20, entitled "An act for the protection of game birds, deer, and gray squirrels in certain designated territory in the State of Washington, etc.;"

Also Senate bill No. 65, entitled "An act relating to the conduct of judges of courts not of record, etc.;"

Also Senate bill No. 80, entitled "An act relating to the registration and licensing of draft stallions and jacks, etc.;"

Also Senate bill No. 183, entitled "An act relating to the inspection and supervision of public offices and the bureau of inspection, etc.;"

Also Senate bill No. 84, entitled "An act to adopt Pierce's Washington Code as an official compilation;"

Also Senate joint memorial No. 8, "Relating to universal recognition of American passports, etc.;"

Also House bill No. 206, entitled "An act relating to the appointment of a mine inspector and deputy mine inspector, etc.;"

Also House bill No. 279, entitled "An act relating to school elections in school districts of the first class, etc.;"

Also House bill No. 243, entitled "An act relating to the superior courts in the counties of Cowlitz, Clarke, Skamania and Kllickitat, etc.;"

Also House bill No. 280, entitled "An act relating to the elections in school districts, and amending section 4669 of Remington and Ballinger's Codes and Statutes of Washington;"

Also House bill No. 174, entitled "An act relating to officers in cities of the fourth class, and amending section 7721 of Remington and Ballinger's Codes and Statutes of Washington, etc.;"

Also House concurrent resolution No. 14, "Providing that consent be given that bills be introduced in the House carrying additional appropriations for legislative printing and legislative expenses of the twelfth session."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

INTRODUCTION OF BILLS.

House bill No. 426, by Mr. Ennis, entitled "An act authorizing the establishment of port districts; providing for the acquirement, construction, maintenance, operation, development and regulation of a system of harbor improvements and rail and water transfer and terminal facilities within such districts, and providing the method of payment therefor."

The bill was read the first time, and on motion of Senator White, the rules were suspended, the bill was read the second time by title and referred to the committee on judiciary.

House bill No. 464, by Mr. Goss (by request), entitled "An act conferring upon cities of the first class the power to acquire sites for the construction thereon of museums of arts and sciences, and power to lease the same for the construction thereon of museums of arts and sciences."

The bill was read first time.

Senator Nichols moved that the bill be indefinitely postponed.

The motion was lost.

On motion of Senator Metcalf, the rules were suspended, the bill was read the second time by title and referred to the committee on judiciary.

House bill No. 181, by Mr. Jones, entitled "An act relating to the superior courts of the counties of Douglas and Grant; providing for the appointment and election of judges thereof, and declaring an emergency."

The bill was read the first time, and on motion of Senator Rosenhaupt, the rules were suspended, the bill was read the second time by title and referred to the committee on judiciary.

House bill No. 169, by Mr. Goss, entitled "An act repealing sections 439 and 440 of chapter 249 of the Session Laws of 1909, the same being sections 2691 and 2692 of Remington and Ballinger's Annotated Codes and Statutes of Washington, relating to the soliciting and receiving of gratuities."

The bill was read the first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill was read the second time by title and referred to the committee on judiciary.

House joint memorial No. 20, by Mr. Dickson, "Relating to irrigation."

The memorial was read the first time, and on motion of Senator Smithson, the rules were suspended, the memorial was read the second time by title and referred to the committee on memorials.

House bill No. 244, by Mr. Drissler, entitled "An act relating to the superior courts of the counties of Lewis, Pacific and

Wahkiakum, the election and appointment of judges therein and declaring an emergency.”

The bill was read the first time, and on motion of Senator Espy, the rules were suspended, the bill was read the second time by title and referred to the committee on judiciary.

Engrossed House bill No. 336, by Mr. Jones, entitled “An act providing for the auditing and paying of claims of county commissioners and repealing sections 3884, 3885, 3886 and 3887 of Remington and Ballinger’s Annotated Codes and Statutes of Washington.”

The bill was read the first time, and on motion of Senator Davis, the rules were suspended, the bill was read the second time by title and referred to the committee on claims and auditing.

Engrossed House bill No. 263, by Mr. Ghent, entitled “An act relating to the signing of pledges by any candidate for the legislature or for any legislative body, and making the signing of such pledge a disqualification.”

The bill was read the first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill was read the second time by title and referred to the committee on judiciary.

Engrossed House bill No. 135, by Mr. Miller, entitled “An act regulating the practice of barbering and amending sections 7015, 7016 and 7020 of Remington and Ballinger’s Annotated Codes and Statutes of Washington.”

The bill was read the first time, and on motion of Senator Rosenhaupt, the rules were suspended, the bill was read the second time by title and referred to the committee on judiciary.

Engrossed House bill No. 176, by Mr. Straub, entitled “An act to provide for the sale of certain school land in section 36, township 18, north, range 10 west of the Willamette meridian.”

The bill was read the first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill was read the second time by title and referred to the committee on state-granted, school and tide lands.

Engrossed House bill No. 63, by Mr. Twitchell, entitled “An act relating to materialmen’s lien and the enforcement thereof,

and amending section 1133 of Remington and Ballinger's Annotated Codes and Statutes of Washington."

The bill was read first time, and on motion of Senator Ruth, the rules were suspended, the bill was read second time by title and ordered placed on general file.

Senator Huxtable was granted unanimous consent to introduce a report out of order.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1911.

MR. PRESIDENT:

We, your committee on claims and auditing, to whom was referred engrossed House bill No. 336, entitled "An act providing for the auditing and paying of claims of county commissioners for extra services performed or expenditures made and repealing sections 3884, 3885, 3886 and 3887 of Remington and Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

JESSE HUXTABLE, *Chairman*.

We concur in this report: Joseph Arrasmith, Ed Brown.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1911.

MR. PRESIDENT:

Your committee on enrolled bills, to whom was referred engrossed Senate bill No. 3, entitled "An act relating to the nomination of superior court and supreme court judges, and amending sections 4842 and 4805, Remington and Ballinger's Annotated Codes and Statutes of Washington;"

Also engrossed substitute Senate bill No. 105, entitled "An act amending section 193, and repealing section 284 of chapter 249, Session Laws of 1909, entitled 'An act relating to crimes and punishments and the rights and custody of persons accused or convicted of crime, and repealing certain acts,' approved March 22, 1909;"

Also Senate bill No. 131, entitled "An act relating to the duties of county treasurers as treasurers of school districts and amending section 4558, Remington and Ballinger's Annotated Codes and Statutes of Washington;"

—have compared same with the engrossed bills and original bill respectively, and find them correctly enrolled.

Respectfully submitted.

GEO. W. SHAEFER, *Chairman*.

We concur in this report: Peder Jensen, H. A. Espy, B. A. Bowen.

Senator Metcalf announced that he had compared the engrossed with enrolled Senate bill No. 3 and found the bill to be correctly enrolled.

Senator Collins made the same statement as to substitute Senate bill No. 105 and Senator Bassett concerning Senate bill No. 131.

The president signed Senate bill No. 3, substitute Senate bill No. 105, and Senate bill No. 131. The president also signed House bills Nos. 206, 279, 243, 280, 174 and House concurrent resolution No. 14.

SPECIAL ORDER.

The hour of 10:30 having arrived, the Senate proceeded to consider engrossed House bill No. 14, substitute Senate bill No. 49 and Senate bill No. 266, which were a special order for this hour.

Senator Huxtable moved that the special order set for this hour be advanced to such a time as the Senate shall have disposed of engrossed House bill No. 12, and that the Senate at this time take up the consideration of engrossed House bill No. 12.

The motion carried.

Engrossed House bill No. 12, by Mr. Campbell, entitled "An act relating to the regulation of the hours of employment of females in any mechanical or mercantile establishment, laundry, hotel or restaurant and providing a penalty," was read third time.

Senator Arrasmith moved to amend the bill by substituting the word "nine" for the word "eight" in line 2, section 1 of the printed bill, the same being in line 9, section 1 of the engrossed bill.

A roll call on the proposed amendment was demanded by Senators Falconer, Nichols, Landon, Piper, Chappell, Arrasmith, Huxtable.

The secretary called the roll and the amendment failed to carry by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Brown, Collins, Eastham, Espy, Hall, Hewitt, Roberts, Rydstrom, Smithson, Stewart—13.

Those voting nay were: Senators Allen (F. J.), Allen (P. L.), Bowen, Bryan, Chappell, Cox, Davis, Falconer, Hammer, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Nichols, Piper, Rosenhaupt, Ruth, Shaefer, Stevenson, Whalley, White, Whitney, Mr. President—25.

Absent or not voting were: Senator Myers, Fishback, Stephens, Troy—4.

Senator Huxtable moved to add the following at the end of section 1:

“Provided, however, That the provisions of this section in relation to the hours of employment shall not apply to, nor affect, females employed in harvesting, packing, curing, canning or drying any variety of perishable fruit or vegetable, nor to females employed in canning fish or shell-fish. If it shall be adjudicated that the foregoing proviso and exception shall be unconstitutional and invalid for any reason, any adjudication of invalidity of said proviso or of any part of this act shall not affect the validity of the act as a whole or any part thereof.”

Senator White moved as an amendment to the amendment that the words “nor to females employed in canning fish or shell-fish” be stricken from the amendment.

The previous question on the amendment to the amendment was demanded by Senators Brown, Landon and Davis.

The motion for the previous question was put and failed to carry.

A roll call on the motion of Senator White was demanded by Senators Nichols, Falconer, Landon, Brown, Piper, Cox, Chappell, Huxtable.

The secretary called the roll, and the amendment to the amendment as offered by Senator White prevailed by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Davis, Eastham, Hall, Hammer, Hutchinson, Metcalf, Myers, Nichols, Piper, Rosenhaupt, Ruth, Shaefer, Smithson, White, Mr. President—24.

Those voting nay were: Senators Allen (F. J.), Cox, Espy, Falconer, Hewitt, Huxtable, Jackson, Jensen, Landon, Roberts, Rydstrom, Stephens, Stevenson, Stewart, Troy, Whalley, Whitney—17.

Absent or not voting: Senator Fishback—1.

Senator Huxtable asked leave to withdraw his amendment.

The chair ruled that the amendment could not be withdrawn.

A roll call on the amendment proposed by Senator Huxtable was demanded by Senators Falconer, Nichols, Piper, Whitney, Cov, Chappell, Whalley.

The secretary called the roll on Senator Huxtable's amendment as amended by Senator White, and it failed to carry by the following vote:

Those voting aye were: Senators Allen (F. J.), Bowen, Bryan, Chappell, Collins, Cox, Hall, Hewitt, Hutchinson, Huxtable, Jensen, Myers, Rosenhaupt, Stevenson, Stewart—15.

Those voting nay were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Davis, Eastham, Espy, Falconer, Hammer, Landon, Metcalf, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stewart, Troy, Whalley, White, Whitney, Mr. President—25.

Absent or not voting were: Senators Fishback, Jackson—2.

Senator Espy moved to amend section 1, line 1 of the bill by striking the word "female" and inserting in lieu thereof the word "person."

The motion was lost.

Senator Rosenhaupt moved to amend section 2, line 5 of the printed bill, the same being in line 8, section 2 of the engrossed bill, by striking the words "commissioner of labor" and inserting in lieu thereof the words "state board of health."

Senator Rosenhaupt withdrew his motion.

Senator Hall moved to amend section 1, lines 1 and 2 of the printed bill, the same being in lines 1, 2 and 3 of the engrossed bill, by striking the words "mechanical or mercantile establishment, laundry, hotel or restaurant," and inserting in lieu thereof the word "employment."

Senator Hall withdrew his motion.

The secretary called the roll on final passage of engrossed House bill No. 12, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Falconer, Hall, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Rosenhaupt, Ruth, Shaefer, Smithson, Stephens, Stevenson, Troy, Whalley, White, Whitney, Mr. President—36.

Those voting nay were: Senators Eastham, Espy, Roberts, Rydstrom, Stewart—5.

Absent or not voting: Senator Fishback—1.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Stevenson gave notice of a motion to reconsider the vote by which engrossed House bill No. 12 passed the Senate.

Senator Nichols moved that the rules be suspended for the purpose of reconsidering engrossed House bill No. 12 at this time.

Senator Espy moved that the Senate take a recess until 2 o'clock p. m.

The motion of Senator Espy was lost.

Senator Allen (P. L.) moved that the motion of Senator Nichols be laid on the table.

Senator Allen (P. L.) withdrew his motion.

The motion of Senator Nichols prevailed.

Senator Nichols moved that the vote by which engrossed House bill No. 12 passed the Senate be reconsidered.

On motion of Senator Allen (P. L.), the motion of Senator Nichols was laid on the table.

Senator Falconer moved that the Senate reconsider the vote by which Senate bill No. 17 failed to pass the Senate.

A roll call on the motion of Senator Falconer was demanded by Senators Falconer, Metcalf, Landon, Roberts, Brown, Nichols, Piper, Whitney, Huxtable.

The secretary called the roll, and the motion of Senator Falconer carried by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hammer, Hutchinson, Huxtable, Jackson, Landon, Metcalf, Piper, Ruth, Smithson, Stephens, Troy, Whalley, White, Whitney—28.

Those voting nay were: Senators Anderson, Bassett, Eastham, Hewitt, Jensen, Myers, Nichols, Roberts, Rosenhaupt, Rydstrom, Shaefer, Stevenson, Stewart—18.

Absent or not voting: Senator Hall—1.

Senator Rosenhaupt moved that the Senate take a recess until 2 o'clock p. m.

The motion was lost.

The secretary called the roll on final passage of Senate bill No. 17, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Falconer, Fishback, Hammer, Hutchinson, Huxtable, Jackson, Landon, Metcalf, Piper, Ruth, Stephens, Troy, Whalley, White, Whitney—24.

Those voting nay were: Senators Anderson, Arrasmith, Bassett, Eastham, Espy, Hall, Hewitt, Jensen, Myers, Nichols, Roberts, Rosenhaupt, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Mr. President—18.

There being no objection, the title of the bill was ordered to stand as the title of the act.

At 12:40 o'clock p. m., on motion of Senator Eastham, the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

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

Senator Allen (F. J.) moved that Senate bill No. 28 be withdrawn from the committee on appropriations and placed on general file.

The president ruled the motion out of order for the reason that the hour of 2 o'clock having arrived, the Senate would proceed to consider engrossed House bill No. 14, which was a special order.

Senator Eastham moved that the special order for the consideration of engrossed House bill No. 14 be advanced to such a time as the Senate shall have made disposition of Senate bill No. 28.

The motion of Senator Eastham carried.

Senator Allen (F. J.) renewed his motion.

Senator Anderson moved to amend the motion of Senator Allen so as to include therein Senate bill No. 104.

Senator Cox moved to further amend by including in the motion Senate bill No. 9.

Senator Espy moved as a substitute for all motions now pending, that all bills carrying appropriations now in the committee on appropriations, be withdrawn from that committee and ordered placed on general file.

A roll call on the substitute motion of Senator Espy was demanded by Senators Falconer, Landon, Stephens, Whitney, Ruth, Cox, Whalley, Chappell.

Senators Falconer, Landon, Ruth, Metcalf and Stephens moved a call of the Senate.

The motion carried and a call of the Senate was ordered.

The roll was called and showed absent Senators Davis, Fishback, Myers, Rosenhaupt, Troy.

On motion of Senator Nichols, further proceedings under the order for a call of the Senate were discontinued.

The secretary called the roll on the substitute motion of Senator Espy, and it failed to carry by the following vote:

Those voting aye were: Senators Allen (F. J.), Chappell, Espy, Hammer—4.

Those voting nay were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Collins, Cox, Eastham, Falconer, Hall, Hewitt, Hutchinson, Huxtable, Jackson, Jensen, Landon, Metcalf, Nichols, Piper, Roberts, Rosenhaupt,

Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Whalley, White, Whitney, Mr. President—34.

Absent or not voting were: Senators Davis, Fishback, Myers, Troy—4.

Senator Cox withdrew his motion, by unanimous consent.

A roll call on the amendment proposed by Senator Anderson to the motion of Senator Allen (F. J.), was demanded by Senators Falconer, Roberts, Landon, Brown, Whitney, Cox, Chappell, Jensen.

The secretary called the roll, and the amendment of Senator Anderson was lost by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Chappell, Landon, Rydstrom—6.

Those voting nay were: Senators Allen (P. L.), Bassett, Bowen, Brown, Bryan, Collins, Cox, Eastham, Falconer, Hall, Hammer, Hewitt, Hutchinson, Jensen, Metcalf, Nichols, Piper, Roberts, Ruth, Smithson, Stephens, Stevenson, Stewart, Whalley, White, Whitney, Mr. President—27.

Absent or not voting were: Senators Davis, Espy, Fishback, Huxtable, Jackson, Myers, Rosenhaupt, Shaefer, Troy—9.

The motion of Senator Allen (F. J.), that Senate bill No. 28 be withdrawn from the committee on appropriations and placed on general file, was put and carried.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES.
OLYMPIA, WASH., March 4, 1911.

MR. PRESIDENT:

The speaker has signed Senate bill No. 131, entitled "An act relating to the duties of county treasurers as treasurers of school districts, etc.;"

Also substitute Senate bill No. 105, entitled "An act amending section 193 and repealing section 284 of chapter 249, Session Laws of 1909, entitled 'An act relating to crimes and punishments, etc.';"

Also Senate bill No. 3, entitled "An act relating to the nomination of superior court and supreme court judges, etc."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

REPORT OF COMMITTEE ON ENGROSSED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred engrossed Senate bill No. 191, entitled "An act abolishing the office of county coroner, and imposing the duties thereof upon justices of the peace and prosecuting attorneys;"

Also engrossed Senate bill No. 318, entitled "An act relating to the canvassing of votes cast in municipal elections in cities of the first class, and declaring an emergency;"

Also engrossed Senate bill No. 193, entitled "An act to create the county of White Salmon, subject to the requirements of the state constitution and the statutes in respect to the establishment of new counties;"

—have compared same with the original bills and find them correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman.*

We concur in this report: F. J. Allen, Josiah Collins, Daniel Landon.

Senator Hutchinson moved that Senate bill No. 244 be taken up at this time and that the special order be advanced until the consideration of this measure is concluded.

The motion carried.

Senator Huxtable requested that he be excused from attendance for the remainder of this twelfth session.

On motion of Senator Stevenson, the request was granted.

Senator Fishback requested that he be excused from attendance for the remainder of the session.

By unanimous consent, the request was granted.

Senator Stewart moved that when Senate bill No. 244 shall have been disposed of that the Senate take a recess for fifteen minutes.

Senator Allen (P. L.) moved to amend that the Senate adjourn when it shall have disposed of Senate bill No. 244.

The motion of Senator Allen (P. L.) carried.

Senator Bassett moved that Senate bill No. 135 be substituted for Senate bill No. 244.

Senator Collins moved that the reconsideration of House bill No. 345 go over until Monday morning.

Senator Bassett moved that the Senate adjourn until 10:30 Monday morning.

The motion of Senator Bassett carried and the Senate adjourned at 3 o'clock p. m.

WM T. LAUBE,

Secretary of the Senate.

W. H. PAULHAMUS,

President of the Senate.

FIFTY-SEVENTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASH., Monday, March 6, 1911.

The Senate was called to order at 10:30 o'clock a. m. by President Paulhamus, pursuant to adjournment.

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present except Senators Fishback (excused), Hewitt (excused), Huxtable (excused), and Rosenhaupt (excused).

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

On motion of Senator Landon, Senator Rosenhaupt was excused from further attendance upon the sessions of the Senate.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred Senate bill No. 137, entitled "An act prohibiting any corporation from subscribing for, acquiring, holding, owning, selling or voting any shares of stock in any other corporation and repealing chapter 27 of the Session Laws of 1905," have had the same under consideration, and we respectfully

report the same back to the Senate with the recommendation that it be placed on the general file.

We concur in this report: Ralph D. Nichols, F. J. Allen, J. W. Bryan, Daniel Landon.

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

SENATE CHAMBER,

MR. PRESIDENT: OLYMPIA, WASH., March 6, 1911.

We, your committee on public revenue and taxation, to whom was referred Senate bill No. 227, entitled "An act to amend section 11, chapter 78, of the Session Laws of 1907, entitled 'An act to provide for the assessment of the operating property of railroads,' approved March 6, 1907, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

JOHN L. ROBERTS, *Chairman*.

We concur in this report: George U. Piper, Peder Jensen, Oliver Hall, Ed Brown.

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

SENATE CHAMBER,

MR. PRESIDENT: OLYMPIA, WASH., March 6, 1911.

We, your committee on public revenue and taxation, to whom was referred Senate bill No. 288, entitled "An act relating to the publication of official notices," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

JOHN L. ROBERTS, *Chairman*.

We concur in this report: George U. Piper, Peder Jensen, Oliver Hall, Ed Brown.

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

SENATE CHAMBER,

MR. PRESIDENT: OLYMPIA, WASH., March 6, 1911.

We, your committee on public revenue and taxation, to whom was referred Senate bill No. 220, entitled "An act relating to rights-of-way and fixing the value of property sought therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

JOHN L. ROBERTS, *Chairman*.

We concur in this report: George U. Piper, Peder Jensen, Oliver Hall, Ed Brown.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

We, your committee on public revenue and taxation, to whom was referred Senate bill No. 277, entitled "An act to amend section 42 of an act entitled 'An act to provide for the assessment and collection of taxes in the State of Washington,' approved March 15, 1897," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

JOHN L. ROBERTS, *Chairman*.

We concur in this report: George U. Piper, Peder Jensen, Oliver Hall, Ed Brown.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

We, your committee on public morals, to whom was referred Senate bill No. 279, entitled "An act relating to the regulation of the sale of intoxicating liquors in incorporated cities and amending section 6264 of Remington and Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the bill submitted herewith be substituted therefor and be placed on general file.

CHAS. E. MYERS, *Chairman*.

We concur in this report: Oliver Hall, E. Hammer, A. S. Ruth.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

We, your committee on election and privileges, to whom was referred Senate bill No. 295, entitled "An act relating to the holding of conventions of political parties," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

J. W. BRYAN, *Chairman*.

I concur in this report: Ralph Metcalf.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

We, your committee on medicine, dentistry, surgery and hygiene, to whom was referred Senate bill No. 228, entitled "An act to amend an

act entitled 'An act for the regulation of practice of medicine and surgery, and osteopathy, and other systems or modes of treating the sick or afflicted in the State of Washington, and for the appointment of a board of medical examiners in the mater of said regulation,' approved March 13, 1909," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

We concur in this report: Peder Jensen, E. C. Whitney.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred Senate bill No. 287, entitled "An act making appropriations for salaries and maintenance of the National Guard of Washington for the fiscal term beginning April 1, 1911, and ending March 31, 1913," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In the title, after the figures "1911," strike the balance of the title and insert as follows: "and for the payment of certain deficiencies and certain warrants drawn on the military fund."

In line 10 of the printed bill, the same being in line 11, section 1 of the original bill, strike out the figures "137,000" and insert in lieu thereof "106,000."

Strike the total and add the following: "Deficiency for expenses already incurred by the National Guard, \$13,530.88; parade and encampment pay of enlisted men due and to become due before April 1, 1911, \$8,809.00; payment of warrants Nos. 6431, 6440, 6462 and 6463, drawn upon the military fund of the State of Washington, \$9,953.51; total, \$152,893.39."

J. A. FALCONER, *Chairman.*

We concur in this report: D. H. Cox, Ed Brown, Chas. E. Myers, J. W. Bryan, D. S. Troy, Oliver Hall, John L. Roberts, J. D. Bassett, F. L. Stewart.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred Senate bill No. 320, entitled "An act relating to the state armory at Bellingham and continuing the appropriation for construction thereof," have

had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman*.

We concur in this report: D. S. Troy, Ed Brown, Chas. E. Myers, J. W. Bryan, D. H. Cox, Oliver Hall, John L. Roberts, J. D. Bassett, J. H. Smithson.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred Senate bill No. 9, entitled "An act relating to the construction of an armory for the use of the National Guard of Washington, at Walla Walla, appropriating money from the military fund therefor, creating a board to superintend the construction thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

J. A. FALCONER, *Chairman*.

We concur in this report: D. S. Troy, Ed Brown, Chas. E. Myers, Daniel Landon, D. H. Cox, Oliver Hall, John L. Roberts, J. D. Bassett, J. W. Bryan, J. H. Smithson.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred Senate bill No. 104, entitled "An act relating to the improvement of the Columbia river, creating a commission, making an appropriation therefor and amending section 2 of chapter 234, Session Laws 1909," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass, with the following amendment:

In section 2, line 1 of the printed bill, same being section 2, line 2 of the original bill, strike the figures "5,000.00" and insert the figures "2,500.00" in lieu thereof.

J. A. FALCONER, *Chairman*.

We concur in this report: D. H. Cox, Ed Brown, Chas. E. Myers, Daniel Landon, D. S. Troy, Oliver Hall, John L. Roberts, J. D. Bassett, J. W. Bryan.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred Senate bill No. 307, entitled "An act relating to certain lands of the State of Washington and the acquisition of other lands, providing for the preservation of forests thereon, reforestation of the same, and the care, preservation, management and disposition thereof and of the timber thereon," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

J. A. FALCONER, *Chairman*.

We concur in this report: D. S. Troy, Ed Brown, Chas. E. Myers, Daniel Landon, D. H. Cox, Oliver Hall, John L. Roberts, J. D. Bassett, J. W. Bryan, J. H. Smithson.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred Senate bill No. 304, entitled "An act providing for the completion of the state historical building at Tacoma, Washington, and making an appropriation therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

J. A. FALCONER, *Chairman*.

We concur in this report: D. S. Troy, Ed Brown, Chas. E. Myers, Daniel Landon, D. H. Cox, Oliver Hall, John L. Roberts, J. D. Bassett, J. W. Bryan, J. H. Smithson.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred House bill No. 473, entitled "An act for the relief of Edward J. Carroll, and making an appropriation therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

J. A. FALCONER, *Chairman*.

We concur in this report: D. S. Troy, Ed Brown, Chas. E. Myers, Daniel Landon, D. H. Cox, Oliver Hall, John L. Roberts, J. D. Bassett, J. W. Bryan, J. H. Smithson.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

We, your committee on appropriations, to whom was referred engrossed House bill No. 326, entitled "An act relating to the school for the blind and making an appropriation therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. A. FALCONER, *Chairman.*

We concur in this report: E. Hammer, Ed Brown, Chas. E. Myers, D. S. Troy, Daniel Landon, J. H. Smithson, J. D. Bassett, D. H. Cox, Oliver Hall, John L. Roberts, J. W. Bryan.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred engrossed House bill No. 201, entitled "An act relating to eminent domain proceedings on behalf of the state and amending section 891 of Remington and Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

We concur in this report: Daniel Landon, Ralph Metcalf, J. W. Bryan, Josiah Collins.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred House bill No. 211, entitled "An act relating to fees of witnesses in criminal cases," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

We concur in this report: Daniel Landon, Ralph Metcalf, J. W. Bryan, Josiah Collins.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred House bill No. 169, entitled "An act repealing sections 439 and 440 of the Session Laws of 1909, the same being sections 2691 and 2692 of Remington and

Ballinger's Annotated Codes and Statutes of Washington, relating to the soliciting and receiving of gratuities," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

We concur in this report: Daniel Landon, Ralph Metcalf, J. W. Bryan, Josiah Collins.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 4, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred House bill No. 131, entitled "An act relating to the superior courts of the counties of Douglas and Grant; providing for the election and appointment of judges thereof, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

HARRY ROSENHAUPT, *Chairman*.

We concur in this report: Daniel Landon, Ralph Metcalf, J. W. Bryan.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred House bill No. 426, entitled "An act authorizing the establishment of port districts; providing for the acquirement, construction, maintenance, operation, development and regulation of a system of harbor improvements and rail and water transfer and terminal facilities within such districts, and providing method of payment therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

We concur in this report: Daniel Landon, Ralph Metcalf, J. W. Bryan.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred engrossed House bill No. 263, entitled "An act relating to the signing of pledges by any candidate for the legislature or for any legislative body, and making the signing of such pledge a disqualification," have had the same under consideration, and we respectfully report the same back

to the Senate with the recommendation that it be placed on the general file.

We concur in this report: Daniel Landon, Ralph Metcalf, Josiah Collins.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred House bill No. 244, entitled "An act relating to the superior courts of the counties of Lewis, Pacific and Wahkiakum, and the election and appointment of judges therein, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on the general file.

We concur in this report: Daniel Landon, Ralph Metcalf, J. W. Bryan.

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

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 3, 1911.

MR. PRESIDENT:

The House has passed engrossed House bill No. 184, entitled "An act authorizing cities and towns to acquire by purchase or contract, water for irrigation and domestic purposes, etc.;"

Also engrossed House bill No. 437, entitled "An act making appropriations for the expenses and salaries of assistant and district horticultural inspectors, etc.;"

Also House bill No. 438, entitled "An act relating to horticulture and amending sections 12, 50 and 60, and repealing section 62 of an act entitled 'An act relating to horticulture,' etc.;"

Also Senate joint memorial No. 6, "Relating to construction of canal between the bay of Port Townsend and Oak bay in the State of Washington, etc.;"

Also Senate bill No. 180, entitled "An act relating to the carrying of firearms, requiring of licenses of certain purposes and fixing a penalty for the violation thereof;"

Also substitute Senate bill No. 97, entitled "An act relating to the leasing of harbor areas, tide lands and lands of the State of Washington, etc.;"

Also Senate bill No. 147, entitled "An act relative to legal holidays and declaring the 12th day of October as a legal holiday known as Columbus Day;"

Also engrossed Senate bill No. 37, entitled "An act relating to the protection of black bass and perch in Silver lake in Cowlitz county;"

Also Senate joint memorial No. 4, "Relating to appeals to circuit court of District of Columbia, from decisions rendered by the secretary of the interior;"

Also engrossed Senate bill No. 45, entitled "An act relating to the organization, classification, incorporation and government of municipal corporations, etc.," with the following amendments:

In line 2 of section 1, strike the words "preceding census authorized by law" and substitute therefor the words "state or federal census or by any special census taken by the city in the manner prescribed in section 7485, Remington and Ballinger's Annotated Codes and Statutes of Washington."

In section 14, line 6 of the engrossed Senate bill, strike the figures "500" in the parentheses, and insert in lieu thereof the figures "1200"; in line 7 strike the figures "250" in parentheses and insert in lieu thereof the figures "1000"; in line 10 strike the figures "1200" in the parentheses and insert in lieu thereof the figures "1500"; and in line 11 strike the figures "1000" in the parentheses and insert in lieu thereof the figures "1200."

Also engrossed Senate bill No. 170, entitled "An act relating to the deposit of moneys received by the commissioner of public lands and declaring an emergency," with the following amendments:

After the word "bond" in line 7, section 3, strike words "of a surety company authorized to transact business in this state."

Amend section 3, line 4 of the printed bill, being line 7 of the original bill, after the word "bond" insert the words "or collateral security."

In section 5, line 2 of the printed bill, being line 3 of the original bill, after the word "shall" insert "quarterly." After the words "first of" insert "January, April, July and October." Strike the words "each calendar month."

Strike section 8 and the words "and declaring an emergency" from the title.

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

REPORT OF CONFERENCE COMMITTEE.

OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

We, your conference committee, to whom was referred the House amendments to engrossed substitute Senate bill No. 6, entitled "An act to provide an insurance code for the State of Washington, to regulate the organization and government of insurance companies and insurance business, to provide for an insurance commissioner and define his duties, and to repeal all existing laws in relation thereto; and declaring an emergency," beg leave to report the same back to the Senate

with the recommendation that the Senate do concur in the House amendments to engrossed substitute Senate bill No. 6.

J. D. BASSETT, *Chairman.*

We concur in this report: John A. Whalley, William Wray, Phil S. Locke, Oliver Hall, James McNeely.

Senator Bassett moved that the report of the conference committee on the House amendments to engrossed substitute Senate bill No. 6 be adopted and that the Senate concur in the House amendments to the bill.

The secretary called the roll and the report was adopted, the House amendments being concurred in by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Bowen, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Hall, Hutchinson, Jackson, Jensen, Landon, Myers, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Troy, Whalley, Whitney, Mr. President—28.

Those voting nay were: Senators Brown, Hammer, Metcalf, Nichols, Stevenson, Stewart—6.

Absent or not voting were: Senators Allen (F. J.), Allen (P. L.), Eastham, Hewitt, Huxtable, Rosenhaupt, White, Fishback—8.

INTRODUCTION OF BILLS.

Substitute Senate bill No. 279, by Senator Allen (F. J.), entitled "An act relating to intoxicating liquor licenses."

The bill was read the first time, and on motion of Senator Allen (F. J.), the rules were suspended, the bill was read the second time by title, ordered printed and referred to the committee on public morals.

Engrossed House bill No. 437, by the Committee on Horticulture and Forestry, entitled "An act making appropriations for the expenses and salaries of assistant and district horticultural inspectors and declaring an emergency."

The bill was read the first time, and on motion of Senator Hall, the rules were suspended, the bill was read the second time by title and referred to the committee on horticulture and forestry.

Engrossed House bill No. 184, by Mr. Chamberlin, entitled

"An act authorizing cities and towns to acquire by purchase or contract, water for irrigation and domestic purposes, providing for the construction of a piping system, to levy and collect special assessments and taxes to pay for the same, providing for modes of payment therefor, etc."

The bill was read the first time, and on motion of Senator Ruth, the rules were suspended, the bill was read the second time by title and referred to the committee on irrigation and arid lands.

House bill No. 438, by Committee on Horticulture and Forestry, entitled "An act relating to horticulture and amending sections 12, 50 and 60 and repealing section 62 of an act, entitled 'An act relating to horticulture and prescribing penalties for the violation thereof and declaring an emergency,' approved March 15, 1909."

The bill was read the first time, and on motion of Senator Hall, the rules were suspended, the bill was read the second time by title and referred to the committee on horticulture and forestry.

The motion of Senator Bassett, which was under consideration at the time of adjournment on Saturday, that Senate bill No. 135 be substituted for Senate bill No. 244, was renewed by Senator Bassett.

A roll call on the motion of Senator Bassett was demanded by Senators Whitney, Hutchinson, Landon, Roberts, Falconer, Piper, Jensen, Stewart, Stephens.

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

Those voting aye were: Senators Allen (P. L.), Anderson, Bassett, Bryan, Davis, Espy, Hall, Whalley, Mr. President—9.

Those voting nay were: Senators Allen (F. J.), Arrasmith, Bowen, Brown, Chappell, Collins, Cox, Eastham, Falconer, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, White, Whitney—27.

Absent or not voting were: Senators Fishback, Hewitt, Huxtable, Nichols, Rosenhaupt, Troy—6.

On motion of Senator Hutchinson, the Senate resolved itself into a committee of the whole to consider Senate bill No. 244.

The bill was considered in committee of the whole, Senator Cox in the chair, and reported back to the Senate with the recommendation that it do pass with the following amendments:

In section 2, line 2 of the printed bill, the same being line 4, section 2 of the original bill, strike the word "fifty" and insert in lieu thereof the words "twenty-five."

In section 1, line 1 of the printed bill, the same being in line 2, section 1 of the original bill, after the word "purchase" insert the words "or acquire by condemnation proceedings."

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

On motion of Senator Ruth, the rules were suspended and the reading of the bill had in committee of the whole was considered the third reading.

The secretary called the roll on final passage of Senate bill No. 244, by the Committee on State Charitable Institutions, entitled "An act to provide for the selection and purchase of additional land for the State Institution for Feeble-Minded at Medical Lake, Washington, and making an appropriation therefor," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Bassett, Bowen, Brown, Bryan, Collins, Cox, Davis, Eastham, Espy, Falconer, Hammer, Hutchinson, Jackson, Jensen, Landon, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney—32.

Those voting nay were: Senators Anderson, Arrasmith, Mr. President—3.

Absent or not voting were: Senators Chappell, Fishback, Hall, Hewitt, Huxtable, Metcalf, Rosenhaupt—7.

On motion of Senator Shaefer, the title of the bill was amended by inserting after the word "purchase" the words "or acquirement by condemnation."

There being no objection, the amended title of the bill was ordered to stand as the title of the act.

On motion of Senator Hutchinson, the rules were suspended and Senate bill No. 244 was ordered immediately transmitted to the House.

Senator Stewart withdrew the notice of reconsideration given by him on the vote by which Senate bill No. 243 passed the Senate.

On motion of Senator Stewart, the rules were suspended and Senate bill No. 243 was ordered immediately transmitted to the House.

Senator Allen (F. J.) moved that the Senate concur in the House amendments to Senate bill No. 45.

Senator Bassett moved as a substitute that the Senate refuse to concur in the House amendments to Senate bill No. 45 and request the House to recede therefrom.

The substitute motion of Senator Bassett carried.

Senator Allen (P. L.) moved that the Senate concur in the House amendment to Senate bill No. 170.

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

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—34.

Absent or not voting were: Senators Allen (F. J.), Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Rosenhaupt, Whitney—8.

Senator Bassett moved that the Senate concur in the House amendments to Senate bill No. 87.

The secretary called the roll and the Senate concurred in the House amendments to Senate bill No. 87 by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Hall, Hammer, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Ryd-

strom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—34.

Absent or not voting were: Senators Allen (F. J.), Fishback, Hewitt, Hutchinson, Huxtable, Jackson, Rosenhaupt, Whitney—8.

On motion of Senator Landon, the Senate refused to recede from its amendments to House bill No. 236.

The president appointed Senators Bryan, Allen (P. L.) and Shaefer as members of a conference committee on Senate amendments to House bill No. 236.

By unanimous consent, the secretary read out of order a message from the House.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES.
OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

The House has passed engrossed House bill No. 483, entitled "An act providing for the appointment of a committee to investigate the taking over of state road No. 7, etc.;"

Also engrossed House bill No. 357, entitled "An act amending section 5632, Remington and Ballinger's Annotated Codes and Statutes relating to wages to be paid to chainmen, etc.;"

Also engrossed House bill No. 513, entitled "An act establishing a state road to be known as the Pacific highway, etc.;"

Also engrossed House bill No. 484, entitled "An act appropriating the sum of \$94,929.66 from the state highway fund to complete contracts, etc.;"

Also engrossed House bill No. 482, entitled "An act making appropriation for the salaries, maintenance and sundry expenses of the office of highway commissioner, etc.;"

Also engrossed House bill No. 421, entitled "An act providing for the establishment of certain state roads;"

Also engrossed House bill No. 558, entitled "An act establishing a quarries rotary fund, etc.;"

Also House bill No. 460, entitled "An act relating to rights-of-way and easements over state lands of private logging companies;"

Also House bill No. 481, entitled "An act to provide for the construction and maintenance of a wagon road across the Skagit river, etc.;"

Also House bill No. 554, entitled "An act relating to the creation of a state highway board and the office of state highway commissioner, etc.;"

Also House bill No. 458, entitled "An act making an appropriation for the construction and maintenance of state roads, etc.;"

Also House bill No. 557, entitled "An act providing for the completion of the Meskill rock quarry in Lewis county, etc.;"

Also House bill No. 452, entitled "An act for the relief of Skagit county, and making an appropriation therefor;"

Also, the House has passed House concurrent resolution No. 15, "Relating to the introduction of a bill in the House making certain appropriations;"

Also House concurrent resolution No. 16, "Resolving, That no bill shall be considered after 12 m., Thursday, March 9, 1911, except for the purpose of concurrence in amendments, etc.;"

Also House concurrent resolution No. 17, "Resolving, That 2,000 copies of House bill No. 284 be printed in pamphlet form for the use of the members of the legislature and the state officers, etc.;"

Also Senate bill No. 87, entitled "An act providing for an annual levy for public highway purposes and amending chapter 246 of the Session Laws of 1909," with the following amendments:

Amend the title by inserting in line 1 after the word "for" the word "the." In line 2 strike the word "purposes" and insert in lieu thereof the word "fund."

Also Senate bill No. 271, entitled "An act relating to the opening and closing of polls at special elections held in cities for the purpose of submitting to the qualified electors, any proposition, etc.;"

Also engrossed Senate bill No. 318, entitled "An act relating to the canvassing of votes cast in municipal elections in cities of the first class, etc.."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,

OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

Your committee on enrolled bills, to whom was referred Senate bill No. 271, entitled "An act relating to the opening and closing of polls at special elections held in cities for the purpose of submitting to the qualified electors any proposition or propositions to incur municipal indebtedness and to issue negotiable bonds therefor, and declaring an emergency;"

Also engrossed Senate bill No. 318, entitled "An act relating to the canvassing of votes cast in municipal elections in cities of the first class, and declaring an emergency;"

—have compared same with the original and engrossed bills respectively, and find them correctly enrolled.

Respectfully submitted.

GEO. W. SHAEFER, *Chairman.*

We concur in this report: H. A. Espy, John A. Whalley, B. A. Bowen.

Senator Bryan announced that he had compared enrolled Senate bill No. 271 with the original bill and found it to be properly enrolled and Senator Hutchinson made the same announcement concerning enrolled Senate bill No. 318.

The president signed Senate bill No. 271 and Senate bill No. 318.

By unanimous consent, the Senate returned to the order of business:

INTRODUCTION OF BILLS.

House bill No. 452, by Mr. Conner, entitled "An act for the relief of Skagit county and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Hammer, the rules were suspended, the bill was read the second time by title and referred to the committee on roads and bridges.

House bill No. 554, by Committee on Roads and Bridges, entitled "An act to amend section 1 of an act, entitled 'An act to amend chapter 149, Laws of Washington, approved March 12, 1907, entitled "An act creating a state highway board and the office of the state highway commissioner, fixing his compensation, prescribing their duties and providing for the survey, establishment, construction, maintenance and repair of state highways, and providing for the expenditure of moneys appropriated by the state or counties for the survey, establishment, construction, building, maintenance and repair of state highways, and making an appropriation therefor, and repealing sections 1, 2, 3, 4, 5, 6, 7 and 8 of chapter 174, Session Laws of 1905," and declaring an emergency,' approved March 17, 1909."

The bill was read the first time, and on motion of Senator Nichols, the rules were suspended, the bill was read the second time by title and referred to the committee on road and bridges.

House bill No. 557, by Mr. McNeely, entitled "An act providing for the completion of the Meskill rock quarry, located in Lewis county, and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Nichols, the rules were suspended, the bill was read the second time by title and referred to the committee on roads and bridges.

House bill No. 458, by Mr. Dickson *et al.*, entitled "An act making an appropriation for the construction and maintenance of state roads, and for the examination and survey of proposed state roads and extensions thereof, and apportioning such appropriation."

The bill was read the first time, and on motion of Senator Nichols, the rules were suspended, the bill was read the second time by title and referred to the committee on roads and bridges.

House bill No. 460, by Mr. Farnsworth, entitled "An act relating to rights-of-way and easements over state lands of private logging companies, reserving rights for rights-of-way over state lands hereafter granted, providing for the moving of timber, stone, mineral and other products over state lands hereafter granted, providing penalties for the violation of the act and providing for certain rights-of-way and easements reverting to the state."

The bill was read the first time, and on motion of Senator Myers, the rules were suspended, the bill was read the second time by title and referred to the committee on railroads and transportation.

House bill No. 481, by Mr. McKenna *et al.*, entitled "An act to provide for the construction and maintenance of a wagon bridge across the Skagit river between sections 7 and 8, in township 34, north range 4 E. W. M., and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Fishback, the rules were suspended, the bill was read the second time by title and referred to the committee on roads and bridges.

Engrossed House bill No. 357, by Mr. Eshleman *et al.*, entitled "An act amending section 5632, Remington and Ballinger's Annotated Codes and Statutes, and relating to wages to be paid to chainmen, rodmen, axmen, flagmen, and other necessary assistants employed in surveying and laying out county roads."

The bill was read the first time, and on motion of Senator Rydstrom, the rules were suspended, the bill was read the second time by title and referred to the committee on roads and bridges.

Engrossed House bill No. 421, by Committee on Roads and

Bridges, entitled "An act providing for the establishment of certain state roads."

The bill was read the first time, and on motion of Senator Fishback, the rules were suspended, the bill was read the second time by title and referred to the committee on roads and bridges.

Engrossed House bill No. 482, by Mr. McNeely, entitled "An act making appropriation for the salaries, maintenance, and sundry expenses of the office of highway commissioner of the State of Washington."

The bill was read the first time, and on motion of Senator Rydstrom, the rules were suspended, the bill was read the second time by title and referred to the committee on roads and bridges.

Engrossed House bill No. 483, by Mr. McNeely, entitled "An act providing for the appointment of a committee to investigate the taking over and the use by the Chicago, Milwaukee and St. Paul Railway Company of state road No. 7, Snoqualmie Pass road, authorizing the committee to employ counsel and to institute and conduct negotiations or proceedings to recover such location or proper compensation therefor, and making an appropriation and declaring an emergency."

The bill was read the first time, and on motion of Senator Rydstrom, the rules were suspended, the bill was read the second time by title and referred to the committee on roads and bridges.

Engrossed House bill No. 484, by Mr. McNeely, entitled "An act re-appropriating the sum of ninety-four thousand nine hundred twenty-nine and 66-100 dollars (\$94,929.66) from the state highway fund to complete contracts and construction work now in force on state roads, and declaring an emergency."

The bill was read the first time, and on motion of Senator Rydstrom, the rules were suspended, the bill was read the second time by title and referred to the committee on roads and bridges.

Engrossed House bill No. 513, by Mr. Wright, entitled "An act establishing a state road to be known as the 'Pacific Highway,' creating a fund to be known as the 'Pacific Highway Fund,' and making an appropriation therefor and providing for the levy and collection of a tax upon property more particularly benefited by said highway to supply funds for its

construction, improvement and maintenance and the acquisition of necessary rights-of-way."

The bill was read the first time, and on motion of Senator Rydstrom, the rules were suspended, the bill was read the second time by title and referred to the committee on roads and bridges.

Engrossed House bill No. 558, by Mr. McNeely, entitled "An act establishing a "Quarries Rotary Fund," providing for the appointment of a superintendent of quarries, providing for the completion and maintenance of the rock quarries of the state, making an appropriation therefor, and amending sections 5910, 5911, 5912, 5913 and 5914, Remington and Ballinger's Annotated Codes and Statutes of Washington, relating to the acquisition of rock quarries and the maintenance thereof."

The bill was read the first time, and on motion of Senator Rydstrom, the rules were suspended, the bill was read the second time by title and referred to the committee on roads and bridges.

At 12:20 p. m., on motion of Senator Hammer, the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

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

On motion of Senator Stewart, the Senate took up for consideration substitute Senate bill No. 207, and the special orders which were to be taken up at this time were advanced until the consideration of substitute Senate bill No. 207 is concluded.

Substitute Senate bill No. 207, by the Committee on Roads and Bridges, entitled "An act to provide for the construction and maintenance of a wagon bridge across the north fork of the Lewis river, and making an appropriation therefor," was read third time.

On motion of Senator Stewart, the Senate resolved itself into a committee of the whole to consider substitute Senate bill No. 207.

The bill was considered in the committee of the whole, Senator Allen (P. L.) in the chair, and reported back to the Senate with the recommendation that it do pass with the following amendments:

In section 1, line 7 of the printed bill, the same being line 10, section 1 of the substitute bill, strike the word "each."

At the end of section 2 substitute a colon for the period and add the following: "*Provided further.* That before this appropriation shall become available, an agreement to so maintain said bridge shall be filed in the office of the state auditor binding each of said counties."

On motion of Senator Allen (P. L.), the report of the committee was adopted.

The secretary called the roll on final passage of substitute Senate bill No. 207, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Fishback, Hall, Hammer, Hutchinson, Jensen, Landon, Nichols, Piper, Roberts, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Whalley, White, Whitney—31.

Voting nay: Senator Bassett—1.

Absent or not voting were: Senators Falconer, Hewitt, Huxtable, Jackson, Metcalf, Myers, Rosenhaupt, Ruth, Troy, Mr. President—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Stewart, the rules were suspended and substitute Senate bill No. 207 was ordered immediately transmitted to the House.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

SENATE CHAMBER,

OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

Your committee on engrossed bills to whom was referred engrossed Senate bill No. 244, entitled "An act to provide for the selection and purchase or acquirement by condemnation of additional land, the improvement thereof, for the use of the State Institution for Feeble-Minded at Medical lake, Washington, and making an appropriation therefor:"

Also engrossed substitute Senate bill No. 207, entitled "An act to provide for the construction and maintenance of a wagon bridge across the north fork of the Lewis river and making an appropriation therefor;"

—have compared same with the original and substitute bill and find them correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman.*

We concur in this report: Josiah Collins, Daniel Landon.

By unanimous consent, the secretary read a message from the House out of order.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

The speaker has signed House bill No. 228, entitled "An act for the prevention of fraud in the grain and hay trade;"

Also House bill No. 153, entitled "An act to amend section 1 of article 22 of the constitution of the State of Washington, relating to legislative powers, etc.;"

Also House bill No. 288, entitled "An act relating to township organization, requiring county boards of equalization to equalize property as between townships, etc.;"

Also House bill No. 213, entitled "An act to amend sections 3, 7, 10, 13 and 16 of chapter 190, Session Laws of 1909, relating to powers of juvenile courts, etc.;"

Also House bill No. 356, entitled "An act relating to the improvement of public highways, providing for the payment of the cost thereof, etc.;"

Also Senate bill No. 271, entitled "An act relating to the opening and closing of polls at special elections held in cities for the purpose of submitting to the qualified electors any proposition or propositions to incur municipal indebtedness, etc.;"

Also Senate bill No. 318, entitled "An act relating to the canvassing of votes cast in municipal elections in cities of the first class, etc."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president signed House bills Nos. 228, 153, 288, 213 and 356.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred engrossed Senate bill No. 243, entitled "An act relating to building, loan and

savings associations, * * * and adding a section prohibiting certain foreign building, loan and savings associations from doing business in this state," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman.*

We concur in this report: D. S. Troy, F. J. Allen.

SPECIAL ORDER.

The Senate took up the consideration of engrossed House bill No. 14, substitute Senate bill No. 49 and Senate bill No. 266.

Engrossed House bill No. 14, by Mr. Teats, entitled "An act relating to the compensation of injured workmen in our industries, and the compensation to their dependents where the injuries result in death, creating an industrial insurance department, making an appropriation for its administration, providing for the creation and disbursement of funds, for the compensation and care of workmen injured in hazardous employment, providing penalties for the non-observance of regulations for the prevention of such injuries and for the violation of its provisions, asserting and exercising the police power in such cases, and, except in certain specified cases, abolishing the doctrine of negligence as a ground for recovery of damages against employers, and depriving the courts of jurisdiction of such controversies," was read third time.

Substitute Senate bill No. 49, by Senator Metcalf, entitled "An act relating to the payment of compensation to workmen injured while engaged in dangerous employments, or to persons dependent upon them in case death results from injuries so received; prescribing remedies, providing that such remedies shall be exclusive; providing for arbitration; asserting the police power of the state; providing penalties, and making an appropriation," was read third time."

Senate bill No. 266, by Senator Collins, entitled "An act relating to the payment of compensation to workmen injured while engaged in dangerous employment, or to persons dependent upon them in case results from injuries so received, prescribing remedies, providing that such remedies shall be exclusive, and making an appropriation," was read third time.

Senator Piper moved that the Senate resolve itself into a committee of the whole for the purpose of considering engrossed House bill No. 14 and invite ex-Senator Harold Preston to address the Senate on that bill.

Senator Collins moved as an amendment to the motion that substitute Senate bill No. 49 and Senate bill No. 266 be included in the motion.

The amendment was accepted by Senator Piper as a part of his original motion.

The motion carried.

Engrossed House bill No. 14, substitute Senate bill No. 49 and Senate bill No. 266 were considered in committee of the whole, Senator Stevenson in the chair, and were reported back to the Senate with the recommendation that they be made a special order for 11 o'clock a. m. tomorrow.

On motion of Senator Stevenson, the report of the committee of the whole was adopted.

On motion of Senator Ruth, Senate bill No. 321 and the report of the committee appointed under House concurrent resolution No. 2, which was the special order next under consideration, were held in abeyance until the arrival of Senator Allen (P. L.).

Senate bill No. 289, by Senator Hammer, entitled "An act defining the qualifications of county engineer," was read third time.

On motion of Senator Hammer, section 1 of the bill was stricken and the following substituted therefor:

"Section 1. No person shall be eligible to become a candidate for the office of county engineer or hold such office unless he is either a member of some recognized chartered society of civil engineers or has a diploma from the engineering department of some recognized school in which civil engineering is taught, or has practiced civil engineering within the State of Washington for at least three years preceding his election."

On motion of Senator Hammer, sections 2 and 3 of the bill were stricken.

The secretary called the roll on final passage of Senate bill No. 289, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Collins, Davis,

Espy, Hall, Hammer, Jensen, Landon, Metcalf, Myers, Piper, Roberts, Ruth, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, Mr. President—27.

Those voting nay were: Senators Eastham, White—2.

Absent or not voting were: Senators Allen (P. L.), Bowen, Cox, Falconer, Fishback, Hewitt, Hutchinson, Huxtable, Jackson, Nichols, Rosenhaupt, Rydstrom, Whitney—13.

SPECIAL ORDER.

Senate bill No. 321 and the report of the committee appointed under House concurrent resolution No. 2, which were a special order for this time, were taken up for consideration.

Senator Stevenson moved that the Senate take up for consideration the report of the investigating committee.

Senator Piper moved as a substitute for the motion of Senator Stevenson, that Senate bill No. 321 be read and acted upon.

The motion of Senator Piper was lost.

The motion of Senator Stevenson was put and carried.

On motion of Senator Allen (P. L.), the reading of the report of the committee was dispensed with.

Senator Allen (P. L.) moved that the report of the committee be placed on general file.

Senator Bryan moved as a substitute that the report of the committee be filed with the governor.

Senator Allen (P. L.) accepted the substitute motion of Senator Bryan.

Senator Allen (P. L.), with the consent of his second and Senator Bryan, withdrew his motion.

Senate bill No. 321, by Joint Military Investigating Committee, entitled "An act relating to the state militia, amending sections 26, 31, 44, 54, 55, 57 and 61 of an act, entitled 'An act relating to the state militia, providing for the organization, regulation, maintenance and discipline of the National Guard of Washington, defining certain offenses, prescribing penalties therefor, repealing certain acts and parts of acts and declaring an emergency,' approved March 15, 1909, appropriating cer-

tain moneys therefor and declaring an emergency," was read the third time.

On motion of Senator Bryan, the word "adjutant" was substituted for the word "attorney" in line 29, section 1 of the original bill.

Senator Whalley moved that the figures "40" be substituted for the figures "64" in line 5 of section 4 of the printed bill, the same being in line 7, section 4 of the original bill.

Senator Stevenson moved as a substitute that the figures "50" be substituted for the figures "64" in line 5 of section 4 of the printed bill, the same being in line 7, section 4 of the original bill.

The substitute motion of Senator Stevenson carried.

Senator Allen (P. L.) moved that the following be stricken in section 4 of the bill, beginning with the word "provided" in line 8 of the printed bill, the same being in line 18 of the original bill, strike the remainder of the line, and all of lines 9, 10, 11, 12 and 13 of the printed bill, the same being lines 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 of the original bill.

At 10:25, on motion of Senator Allen (P. L.), the Senate adjourned until 9:30 tomorrow morning.

WM T. LAUBE,
Secretary of the Senate.

W. H. PAULHAMUS,
President of the Senate.

FIFTY-EIGHTH DAY.

MORNING SESSION.

SENATE CHAMBER,
OLYMPIA, WASH., Tuesday, March 7, 1911.

The Senate was called to order at 9:30 o'clock a. m. by President Paulhamus, pursuant to adjournment.

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present except Senators Huxtable and Rosenhaupt, both excused.

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

A telegram from certain citizens of Oroville, praying the passage of Senate bill No. 179, was read and placed on file.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., March 6, 1911.

We, your committee on memorials, to whom was referred House joint memorial No. 20, entitled "Relating to irrigation," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment: In line one of the title strike the word "Honorable."

GEO. W. SHAEFER, *Chairman*.

We concur in this report: F. L. Stewart, George U. Piper.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., March 6, 1911.

We, your committee on horticulture and forestry, to whom was referred House bill No. 438, entitled "An act relating to horticulture and amending sections 12, 50 and 60 and repealing section 62 of an entitled 'An act relating to horticulture and prescribing penalties for the violation thereof and declaring an emergency,' approved March 15, 1909," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

OLIVER HALL, *Chairman*.

We concur in this report: F. J. Allen, D. S. Troy, H. A. Espy, H. O. Fishback.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., March 6, 1911.

We, your committee on horticulture and forestry, to whom was referred engrossed House bill No. 437, entitled "An act making appropriations for the expenses and salaries of assistant and district horticultural inspectors and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In section 1, line 1 of the printed bill, the same being line 3 of the

original bill, insert immediately after the word "for" the word "all" and after the word "expenses" insert the following: "heretofore incurred or hereafter incurred prior to April 1, 1911."

Strike section 2.

In section 3, line 3 in the printed bill, the same being line 5 of the original bill, strike the word "into" and insert in lieu thereof the words "to state treasurer to the credit of."

In section 4, line 2 in the printed bill, the same being line 2 of the original bill, strike the letter "y" in the word "treasury" read "treasurer."

In section 5, line 3 in the printed bill, the same being line 4 of the original bill, strike the word "inspection" and insert in lieu thereof the word "inspectors."

OLIVER HALL, *Chairman.*

We concur in this report: F. J. Allen, D. S. Troy, H. A. Espy, H. O. Fishback.

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

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,

OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

The House has passed engrossed substitute Senate bill No. 102, entitled "An act relating to public service properties and utilities, providing for the regulation of the same, fixing penalties, etc.," with the following amendments:

In section 6, line 1, after the word "the" strike the word "principal."

In section 104, line 5, after the word "other," strike the period, insert a colon, and add the following: "Provided, That no contract, receipt, rule or regulation shall exempt any corporation engaged in transporting live stock by railway from liability of a common carrier, or carrier of live stock, which would exist had no contract, receipt, rule or regulation been made or entered into."

The House has adopted the report of the conference committee on House bill No. 448, entitled "An act making appropriation for the state institutions, etc."

Also, the House has adopted the report of the conference committee on engrossed substitute Senate bill No. 6, entitled "An act providing an insurance code for the State of Washington."

LOREN GRINSTEAD, *Chief Clerk.*

The secretary read:

HOUSE CONCURRENT RESOLUTION NO. 15.

Resolved by the House, the Senate concurring, That consent be and hereby is given for the introduction of a bill in the House making an appropriation for certain items and institutions omitted from House bill No. 448.

On motion of Senator Nichols, the consideration of the resolution was laid over until such time as the Senate should have before it more detailed information as to the items purposed to be covered in the proposed bill.

The secretary read:

HOUSE CONCURRENT RESOLUTION NO. 16.

Resolved by the House, the Senate concurring, That no bills shall be considered after 12:00 o'clock noon of Thursday, March 9, 1911, except for the purpose of concurrence in amendments and for the consideration of the reports of committees on conference and on free conference.

Senator Allen (P. L.) moved to amend the resolution by substituting "4 o'clock p. m." for the words and figures "12 o'clock noon."

Senator Allen (P. L.) withdrew his motion.

The secretary called the roll on passage of House concurrent resolution No. 16, and it was adopted in the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Bryan, Chappell, Collins, Cox, Davis, Eastham, Falconer, Fishback, Hall, Hammer, Jensen, Metcalf, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stevenson, Mr. President—26.

Those voting nay were: Senators Brown, Hutchinson—2.

Absent or not voting were: Senators Allen (F. J.), Espy, Hewitt, Huxtable, Jackson, Landon, Myers, Rosenhaupt, Stephens, Stewart, Troy, Whalley, White, Whitney—14.

The secretary read:

HOUSE CONCURRENT RESOLUTION NO. 17.

WHEREAS, House bill No. 284 embraces the proposed water code heretofore prepared by the code commission appointed by Governor M. E. Hay for that purpose; and,

WHEREAS, No arrangements were made for the printing and publishing of said proposed code until after the introduction of said House bill No. 284; and,

WHEREAS, The members of the committee on irrigation and arid lands, and the members of the legislature, have been unable to give proper consideration to said proposed water code during the present

session because of the fact that due publicity has not been given to the same; therefore,

Be it Resolved by the House, That two thousand copies of said House bill No. 284 be printed in pamphlet form for the use of the members of the legislature and the state officers, for the purpose of giving publicity to said proposed water code, in order that the same may be acted on intelligently at the next session of the legislature.

The secretary called the roll on passage of House concurrent resolution No. 17, and it was adopted in the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Arrasmith, Bowen, Collins, Davis, Hall, Metcalf, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Troy, Mr. President—16.

Those voting nay were: Senators Anderson, Bassett, Brown, Bryan, Chappell, Cox, Eastham, Espy, Falconer, Hammer, Jensen, Nichols, Stevenson—13.

Absent or not voting were: Senators Allen (F. J.), Fishback, Hewitt, Hutchinson, Huxtable, Jackson, Landon, Myers, Rosenhaupt, Stewart, Whalley, White, Whitney—13.

The secretary read the following:

MESSAGE FROM THE GOVERNOR.

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

GENTLEMEN: I desire to call your attention to a few matters which, in my estimation, require your careful consideration and favorable action before adjournment:

1. The segregation of the sexes at the State Training School is almost imperative. Nothing is to be gained by keeping the boys and girls together at this institution and much is to be lost. I can not urge upon you too strongly the necessity for remedying present conditions. At this school, we have about sixty girls housed in the frame administration building, with sleeping quarters in one large room on the third or attic floor. The beds are placed as close together as possible and oft-times two girls have to occupy a single-size bed. The enactment of House bill No. 388, by Mr. Bird, will relieve these unsatisfactory conditions.

2. I recommend that an appropriation of not less than \$20,000 be made for the erection of a gymnasium and study room for the boys at the Training School. In the evenings and during inclement weather, we are compelled to huddle two hundred boys and young men into two

low-ceilinged basement rooms, about 40 x 50 feet each. You will readily realize that such conditions are far from hygienic. There is no study room or place where the boys may gather for recreation or study during the evenings other than these two basement rooms. If a private institution in this state were to crowd its inmates as we are compelled to do at the State Training School, our state health department would immediately compel a change or close the institution.

3. I urge upon you the advisability of providing for the removal of the School for the Blind from Vancouver and the erection of proper buildings adjacent to some one of the higher institutions of learning. Personally, I prefer the location of this institution on or adjacent to the University campus. These pupils will thereby be enabled to derive as much benefit from the oral instruction and lectures at the higher institution of learning as if blessed with all their senses.

4. Senate bill No. 135, providing for the feeble-minded wards of the state, should have your favorable consideration; as should also Senate bill No. 18, which removes the age limit for the idiotic, epileptic and those afflicted in a similar manner that renders them unable to provide for themselves.

5. House bill No. 487, separating the management of the Deaf and Mute institution from the School for the Blind, should receive favorable consideration.

6. House bill No. 447, authorizing the board of control to raze the old capitol building, should be acted upon favorably.

7. Senate bill No. 257, relating to the disposition of the estates of deceased inmates of state institutions, should be amended to require the immediate transfer of such funds now in the hands of the superintendents.

8. The enactment of Senate bill No. 199, relating to convicted prisoners and defining the duties of judges and prosecuting attorneys in relation thereto, would be of much assistance to the prison board.

9. The state board of control urges the enactment of Senate bills Nos. 196, 197 and 208; also Senate bill No. 96, relieving the board of control from the business management of the reformatory.

10. There is a demand for the enactment of a water code and a forestry law, looking to the better protection of the state's forested areas. House bill No. 284 and Senate bill No. 201 cover these subjects. There seems but small likelihood of either of these bills being enacted into law at this session because, if enacted into law, they would be far-reaching in their effects and should be given careful study before being placed upon the statute books. I recommend that you provide for printing 2,000 copies of each of these bills for distribution among the people of the state during the coming biennium.

11. I urge upon you the enactment of House bill No. 341, which authorizes the state auditor to advance to any state officer, department or institution such sums of money as he may deem necessary for the payment of minor accounts, labor and other maintenance charges re-

quiring available money or quick cash. The enactment of this bill will save the state hundreds of dollars each year for clerk hire in the auditor's office alone, besides saving fully as much in the various institutions and departments.

12. The legislature of 1907 appropriated \$2,000 for the purpose of oil paintings of the four former state governors. I recommend that an appropriation of \$1,000, or so much thereof as may be needed, be made for the purchase of oil paintings of former Governor Albert E. Mead and the late Governor Samuel G. Cosgrove.

13. I trust you will not overlook the enactment of a provision to submit to the voters a constitutional amendment providing for the recall and discharge of elective public officials. This is not ultra or advance legislation but is in accordance with the demands of the times and is a measure upon which the people are determined; that they be given the power to recall a public officer who is conducting his office unsatisfactorily and in a manner detrimental to the public welfare. I believe, however, the recall should not be made to apply to judges of courts of record.

Respectfully submitted,

M. E. HAY, *Governor.*

Olympia, Washington, March 6, 1911.

On motion of Senator Metcalf, the message from the governor was refered to the committee on rules.

The president called upon Senator Roberts to preside.

Senator Cox moved that the Senate concur in the House amendments to engrossed substitute Senate bill No. 102.

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

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Jensen, Landon, Metcalf, Myers, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Troy, Whalley, White, Whitney, Mr. President—36.

Those voting nay were: Senators Nichols, Stewart—2.

Absent or not voting were: Senators Chappell, Huxtable, Jackson, Rosenhaupt—4.

Senator Troy moved that the Senate refuse to recede from its amendments to House bill No. 181.

The motion carried.

The president appointed as a conference committee on House

bill No. 181, on the part of the Senate, Senators Troy, Arrasmith and Brown.

The Senate resumed the consideration of Senate bill No. 921.

Senator Allen (P. L.) renewed his motion to amend the bill as follows:

In section 4, line 8 of the printed bill, the same being in line 12, section 4 of the original bill, strike the words beginning with the word "provided" and ending with the words "medical corps" in line 13, section 4, of the printed bill, the same being in line 21, section 4 of the original bill.

A roll call on the amendment was demanded by Senators Nichols, Allen (P. L.), Piper, Whitney, Eastham, Ruth, Troy, Stevenson, Stewart, Espy.

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

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bassett, Bryan, Collins, Cox, Eastham, Espy, Falconer, Hall, Hewitt, Jackson, Jensen, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Stephens, Stewart, Whalley, Whitney—26.

Those voting nay were: Senators Anderson, Bowen, Brown, Chappell, Davis, Fishback, Hutchinson, Landon, Stevenson, Troy, Mr. President—11.

Absent or not voting were: Senators Huxtable, Rosenhaupt, Smithson, White, Hammer—5.

On motion of Senator Allen (P. L.), a new section was added after section 6, as follows:

"Sec. 6½. The commander-in-chief shall have power at will to retire, dismiss for cause or honorably discharge any commissioned officer of the National Guard of Washington."

On motion of Senator Bassett, sections 8 and 9 were stricken from the bill and section 10 was made section 8.

On motion of Senator Bassett, the bill was amended by striking the figures "44" and inserting in lieu thereof the figures "40" in line 1, section 4 of the printed bill, the same being in line 2, section 4 of the original bill.

On motion of Senator Stevenson, the title of the bill was

amended by striking the figures "44" and inserting in lieu thereof the figures "40" and by striking the words "appropriating certain moneys therefor."

On motion of Senator Shaefer, the title of the bill was further amended by striking the words beginning with the word "an" in line 1 of the title of the printed bill, the same being in line 2 of the title of the original bill, down to and including the figures "1909" in the last line of the printed title, the same being in line 8 of the title of the original bill, and inserting in lieu thereof the words "chapter 134 of the Session Laws of 1909."

The secretary called the roll on final passage of Senate bill No. 321, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hewitt, Hutchinson, Jackson, Landon, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, Whitney, Mr. President—36.

Voting nay: Senator Jensen—1.

Absent or not voting were: Senators Hammer, Huxtable, Metcalf, Rosenhaupt, White—5.

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

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Davis, Eastham, Espy, Falconer, Fishback, Hammer, Hewitt, Hutchinson, Jackson, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, Whitney, Mr. President—36.

Voting nay: Senator Jensen—1.

Absent or not voting were: Senators Cox, Hall, Huxtable, Rosenhaupt, White—5.

By unanimous consent, on motion of Senator Shaefer, section 1 of the bill was amended in line 1 by striking all beginning with the word "an" after the word "of" down to and including the

figures "1909" in line 4 of the printed bill, the same being in line 6, section 1 of the original bill, and inserting in lieu thereof the following: "Chapter 134 of the Session Laws of 1909."

Senator Fishback moved that the following bills be made a special order for 11 o'clock tomorrow morning: House bills Nos. 421, 484, 557, 554, 558, 481, 458, 482, 357, 483, 513, 452.

Senator Nichols offered an amendment to the motion of Senator Fishback by placing House bill No. 513 at the head of the special order.

The motion was lost.

The motion of Senator Fishback prevailed.

The Senate took up for consideration House bill No. 373.

On motion of Senator Ruth, the special order for 11 o'clock a. m. today was held in abeyance until the completion of House bill No. 373.

House bill No. 373, by Joint Committee of Appropriations and Capitol Building and Grounds, entitled "An act relating to the powers of the state capitol commission, providing for the refunding, paying off and canceling existing claims against the capitol building fund, and for the erection and completion of a capitol building or buildings, authorizing said commission to contract obligations and incur indebtedness therefor and to issue bonds or warrants, or to re-issue or re-fund the same, making appropriations and amending sections 3, 5, 6 and 7 of chapter 69, Laws of 1909, regular session, entitled 'An act relating to the sale of lands granted for public buildings at the state capitol, providing for the payment of all the claims against the capitol building fund and for the erection and completion of a capitol building, and making an appropriation for the carrying out of the provisions of this act and declaring an emergency,' approved March 8, 1909, and declaring an emergency," was read third time.

On motion of Senator Ruth, the Senate resolved itself into a committee of the whole for the purpose of considering House bill No. 373.

The bill was considered in committee of the whole, Senator

Troy in the chair, and was reported back to the Senate with the recommendation that it do pass.

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

The secretary called the roll on final passage of House bill No. 373, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hammer, Jackson, Jensen, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Troy, Whalley, White, Whitney, Mr. President—33.

Those voting nay were: Senators Brown, Eastham, Hall—3.

Absent or not voting were: Senators Hewitt, Hutchinson, Huxtable, Landon, Rosenhaupt, Stewart—6.

The emergency clause passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Jensen, Metcalf, Myers, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—34.

Absent or not voting were: Senators Hewitt, Hutchinson, Huxtable, Jackson, Landon, Nichols, Rosenhaupt, Whitney—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORTS OF COMMITTEE ON ENGROSSED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred re-engrossed Senate bill No. 122, entitled "An act relating to weights and measures, establishing standards therefor, providing for the enforcement thereof, prescribing penalties for the violation of this act, making an appropriation therefor, and repealing all acts or parts of acts in conflict herewith," have compared same with the engrossed bill and find it correctly re-engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman.*

We concur in this report: Josiah Collins, D. S. Troy, Daniel Landon.

SENATE CHAMBER,
OLYMPIA, WASH., March 7, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred engrossed Senate bill No. 289, entitled "An act defining the qualifications of county engineer," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman*.

We concur in this report: Josiah Collins, D. S. Troy, Daniel Landon.

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

Your committee on enrolled bills, to whom was referred substitute Senate bill No. 97, entitled "An act relating to the leasing of harbor areas, tide lands and lands of the State of Washington for booming purposes, and amending section 1, chapter 233 of the Session Laws of 1907;"

Also Senate bill No. 147, entitled "An act relative to legal holidays and declaring the 12th day of October of each year to be a legal holiday to be known as 'Columbus Day';"

Also Senate bill No. 180, entitled "An act relating to the carrying of firearms, requiring licenses of certain persons * * *;"

Also engrossed Senate bill No. 170, entitled "An act relating to the deposit of moneys received by the commissioner of public lands;"

Also engrossed Senate bill No. 37, entitled "An act relating to the protection of black bass and perch in Silver lake, in Cowlitz county;"

Also Senate joint memorial No. 6, "Relating to appropriation of \$80,000.00 for the construction of canal between bay of Port Townsend and Oak bay;"

Also Senate joint memorial No. 4, "Relating to appeals to circuit court of District of Columbia from decisions rendered by the secretary of interior;"

—have compared same with the original and engrossed bills and original memorials, respectively, and find them correctly enrolled.

Respectfully submitted.

GEO. W. SHAEFER, *Chairman*.

We concur in this report: B. A. Bowen, H. A. Espy, Peder Jensen, John A. Whalley.

Senator Allen (P. L.) announced that he had compared enrolled substitute Senate bill No. 97 and Senate bill No. 170 with the original and engrossed bills, respectively, and found them to be properly enrolled.

Senator Metcalf made the same statement concerning enrolled Senate bill No. 147, as did Senator Collins concerning enrolled Senate bill No. 180.

Senator Stewart stated that he had compared enrolled Senate bill No. 37 with the engrossed bill and found it to be correctly enrolled. Senator Troy made the same announcement concerning enrolled Senate joint memorial No. 6, as did Senator Allen (F. J.) as to enrolled Senate joint memorial No. 4.

The president signed substitute Senate bill No. 97, Senate bills Nos. 147, 180, 170, 37, Senate joint memorial No. 6 and Senate joint memrrial No. 4.

On motion of Senator Ruth, the rules were suspended, and House bill No. 373 was ordered immediately transmitted to the House.

SPECIAL ORDER.

The Senate resumed the consideration of engrossed House bill No. 14, substitute Senate bill No. 49 and Senate bill No. 266, which were the special order for this time.

Senator Falconer moved that the Senate take up for consideration at this time engrossed House bill No. 14.

Senator Collins moved as a substitute that the Senate take up at this time the consideration of substitute Senate bill No. 49 and Senate bill No. 266.

Senator Falconer moved as a substitute that the Senate now take up substitute Senate bill No. 49.

The motion of Senator Falconer was accepted by Senator Collins as Senator Collins' original motion.

At 12:15 p. m., on motion of Senator Ruth, the Senate took a recess until 2 o'clock this afternoon.

AFTERNOON SESSION.

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

On motion of Senator Stevenson, the rules were suspended,

and Senate bill No. 321 was ordered immediately transmitted to the House.

MESSAGES TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 7, 1911.

MR. PRESIDENT:

The House has concurred in the Senate amendments to House bill No. 118, entitled "An act relating to the exemption of jurors, etc."

Also, the House has refused to concur in the Senate amendments to engrossed House bill No. 12, entitled "An act to regulate and limit the hours of employment of females in any mechanical or mercantile establishments, etc.," and asks the Senate to recede therefrom.

Also, the House has passed House bill No. 269, entitled "An act to authorize the legislative authorities of any city of the first class in the State of Washington to rent or lease wharf or privileges thereon, etc.;"

Also House bill No. 459, entitled "An act relating to the governing and regulation of armories, rifle ranges, etc.;"

Also Senate bill No. 174, entitled "An act relating to the establishment and widening of county roads and to the exercise of the right of eminent domain, etc.;"

Also Senate joint resolution No. 10, "Relating to the use of products of the State of Washington in the erection of state buildings;"

Also House bill No. 559, entitled "An act appropriating the sum of five hundred dollars, or so much thereof as may be necessary, to pay for such additional printing as may be ordered by the twelfth legislature, or either branch thereof;"

Also engrossed House bill No. 386, entitled "An act amending section 3246 of Remington and Ballinger's Annotated Codes and Statutes of Washington, relating to stray animals, etc.;"

Also engrossed House bill No. 560, entitled "An act relating to and making appropriations for miscellaneous purposes;"

Also engrossed House bill No. 173, entitled "An act authorizing the board of regents of the State College of Washington to purchase certain lot or lots of land adjoining or near the college campus;"

Also substitute Senate bill No. 165, entitled "An act relating to the expenditure of road and bridge funds in the construction, improvement and repair of public highways and bridges, etc.," with the following amendment: Section 1, line 9 of the printed bill, after the word "done," strike the words "by the road supervisor of the proper district," and in line 31, same section, after the semi-colon, beginning with "provided," strike all of the printed matter down to line 33 to the word "provided."

Also, the House has passed engrossed Senate bill No. 236, entitled "An act relating to the reinstatement of corporations, amending sections 3715a and 3715b of Remington and Ballinger's Annotated Codes and Statutes of Washington," with the following amendments:

In section 2, line 7, strike the word "fifty" and substitute in lieu thereof the words "one hundred."

Amend title to Senate bill No. 236 by striking all of first line of title to the word "amending" and insert "An act relating to delinquent corporations, providing for their reinstatement, or dissolution, validating the action of corporations having dissolved as provided by this act and"

Amendment by Mr. Gandy:

Insert at end of section 1, Senate bill No. 236, the following words: "Any corporation stricken from the records and dissolved, as provided in this chapter, may at any time thereafter hold a meeting of stockholders, in the same manner as provided during its corporate existence, and pass such resolutions as may be necessary to close out its affairs and wind up the business of such corporation and where such stricken and dissolved corporation has heretofore held such meetings of stockholders for the purpose of passing resolutions to wind up its affairs, such method of procedure is hereby validated and approved."

Also, the House has passed engrossed substitute Senate bill No. 94, entitled "An act relating to the protection, distribution, purchase, propagation and classification of game birds and game fish, etc.," with the following amendment:

Amendment to S. B. 94. By Mr. Taylor.

Strike after enacting clause and substitute:

Section 1. That section 1, chapter 12 of the Laws of the Extraordinary Session 1909, be amended to read as follows: Section 1. Every person who shall, within the State of Washington at any time between the first day of November and the first day of September of the following year, hunt, pursue, take, kill, injure, destroy or possess any deer, mountain goat, mountain sheep or caribou, shall be guilty of a gross misdemeanor, and upon conviction thereof shall be punished as hereinafter provided. Every person who shall, within the State of Washington, during the season when it is lawful to kill same, take or kill more than two deer, or shall kill any female deer or spotted fawn, shall be guilty of a gross misdemeanor, and, upon conviction thereof, shall be punished as hereinafter provided. Every person who shall at any time shoot or kill in any manner a deer when such deer is in any river or lake, or body of salt water, or shall hunt or chase deer with dogs, shall be deemed guilty of a gross misdemeanor, and upon conviction thereof shall be punished as hereinafter provided."

Also, the House has refused to recede from its amendment to Senate bill No. 45, entitled "An act relating to municipal corporations," and the speaker has appointed as the House members of a conference committee thereon Messrs. Christensen (W. P.), Moren and McClure;

Also, the speaker has appointed as the House members of a conference committee on House bill No. 236, entitled "An act relating to attorneys-at-law," Messrs. Wray, Twitchell and Cameron.

Also, the speaker has signed House bill No. 253, entitled "An act to amend section 4 of an act, entitled 'An act to provide for the selec-

tion, survey, management, reclamation, lease and disposition of the state's granted school, tide, oyster and other lands, harbor areas and for the confirmation and completion of the several grants to the state by the United States, etc.'"

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president signed House bill No. 253.

The president appointed as a conference committee on engrossed Senate bill No. 45, on the part of the Senate, Senators Allen (F. J.), Chappell and Stewart.

The secretary read the House amendments to substitute Senate bill No. 165.

Senator Roberts moved that the Senate concur in the House amendments to the bill.

The secretary called the roll and the motion carried, the Senate concurring in the House amendments to substitute Senate bill No. 165, by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Davis, Eastham, Falconer, Hall, Hammer, Jackson, Landon, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Whalley, White, Mr. President—29.

Absent or not voting were: Senators Cox, Espy, Fishback, Hewitt, Hutchinson, Huxtable, Jensen, Metcalf, Rosenhaupt, Stevenson, Stewart, Troy, Whitney—13.

The secretary read the House amendments to engrossed Senate bill No. 236.

Senator Stephens moved that the Senate concur in the House amendments.

The secretary called the roll and the motion carried, the Senate concurring in the House amendments to engrossed Senate bill No. 236 by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Hall, Jackson, Jensen, Landon, Myers, Nichols, Piper, Roberts, Ruth, Ryd-

strom, Shaefer, Smithson, Stephens, Troy, Whalley, Mr. President—80.

Absent or not voting were: Senators Bowen, Fishback, Hammer, Hewitt, Hutchinson, Huxtable, Metcalf, Rosenhaupt, Stevenson, Stewart, White, Whitney—12.

Senator Smithson was granted unanimous consent to introduce a committee report at this time.

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., March 7, 1911.

We, your committee on irrigation and arid lands, to whom was referred engrossed House bill No. 184, entitled "An act authorizing cities and towns to acquire by purchase or contract, water for irrigation and domestic purposes, providing for the construction of a piping system, to levy and collect special assessments and taxes to pay for the same, providing for modes of payment therefor, etc.," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

J. H. SMITHSON, *Chairman.*

I concur in this report: F. J. Allen.

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

INTRODUCTION OF BILLS.

House bill No. 459, by Mr. Eshleman, entitled "An act relating to the governing and regulation of armories and rifle ranges, and amending section 97 of chapter 134, Session Laws, 1909."

The bill was read the first time, and on motion of Senator Brown, the rules were suspended, the bill was read the second time by title and placed on general file.

House bill No. 559, by Committee on Printing and Supplies, entitled "An act appropriating the sum of five hundred dollars, or so much thereof as may be necessary, to pay for such additional printing as may be ordered by the twelfth legislature, or either branch thereof."

The bill was read the first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill was read the second time by title and placed on general file.

Engrossed House bill No. 173, by Mr. McCoy, entitled "An act authorizing the board of regents of the State College of Washington to purchase certain lot or lots of land adjoining or near to the college campus."

The bill was read the first time, and on motion of Senator Hall, the rules were suspended, the bill was read the second time by title and placed on general file.

Engrossed House bill No. 269, by Mr. Dow, entitled "An act to authorize the legislative authorities of any city of the first class in the State of Washington to rent or lease any wharf or privileges thereon owned by such city, for periods not exceeding one year; and declaring an emergency."

The bill was read the first time, and on motion of Senator Jensen, the rules were suspended, the bill was read the second time by title and placed on general file.

Engrossed House bill No. 386, by Mr. Scales, entitled "An act amending section 3246 of Remington and Ballinger's Annotated Codes and Statutes of Washington, relating to estray animals and the fees charged in relation thereto."

The bill was read the first time, and on motion of Senator Troy, the rules were suspended, the bill was read the second time by title and placed on general file.

Senator Collins moved that the Senate do not concur in the House amendments to engrossed substitute Senate bill No. 94.

The motion carried.

SPECIAL ORDER.

The Senate resumed the consideration of engrossed House bill No. 14, substitute Senate bill No. 49 and Senate bill No. 266.

A call of the Senate was demanded by Senators Falconer, Metcalf and Jackson.

The motion for a call of the Senate prevailed.

The secretary called the roll. Those absent were Senators Huxtable and Rosenhaupt, both excused.

On motion of Senator Falconer, further call of the Senate was dispensed with.

The secretary called the roll on the substitute motion of Sen-

ator Collins that substitute Senate bill No. 49 be taken up in place of engrossed House bill No. 14, which motion was pending at the time recess was taken.

The motion was lost by the following vote:

Those voting aye were: Senators Allen (F. J.), Bassett, Brown, Collins, Chappell, Davis, Eastham, Hutchinson, Metcalf, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Stewart, Whalley, Whitney—18.

Those voting nay were: Senators Allen (P. L.), Anderson, Arrasmith, Bowen, Bryan, Cox, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Jackson, Jensen, Landon, Myers, Smithson, Stephens, Stevenson, Troy, White, Mr. President—22.

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

On motion of Senator Falconer, the Senate took up the consideration of engrossed House bill No. 14.

On motion of Senator Jackson, the bill was amended by striking the words "one of whom shall be chosen from the members of organized labor" in line 3, section 21 of the printed bill, the same being in lines 3 and 4, section 21 of the engrossed bill.

Senator Collins moved to amend the bill by inserting a new section after section 9 to read as follows:

"Sec. 9½. Creation of First Aid Fund.

"A fund is hereby created in the state treasury to be known as the First Aid Fund. Into it shall be paid by each employer, on or before the 15th day of November, 1911, and each month thereafter, the sum for each day's work or fraction thereof done by each workman for him during the preceding calendar month or part thereof, as follows:

"Each employer whose schedule of rate exceeds .025, four cents;

"Each employer whose schedule of rate is .025 and exceeds .015, two cents;

"Each employer whose schedule of rate is .015 or less, one cent;

One-half of each sum shall be deducted by the employer from the pay of the workman."

The motion was lost.

Senator Metcalf moved to amend the bill by substituting the words "five thousand" for the word "thirty-six hundred" in line

2 of section 22 of the printed bill, the same being in lines 2 and 3, section 22 of the engrossed bill.

The amendment failed to carry.

Senator Hutchinson moved to amend in line 9, section 4 of the printed bill, the same being in line 9, section 4 of the engrossed bill, by striking therefrom the words "without blasting."

The motion was lost.

Senator Roberts moved to amend the bill by striking the figures "020" in line 58 of section 4 of the printed bill, the same being in line 18, page 8 of the engrossed bill, and substituting therefor the figures "010."

The amendment was lost.

Senator Metcalf moved to amend the bill by striking in line 70, section 4 of the printed bill, the same being in line 6, page 9, section 4 of the engrossed bill, the figures ".100" and substituting therefor the figures ".05."

The motion was lost.

The secretary called the roll on final passage of engrossed House bill No. 14, by Mr. Teats, entitled "An act relating to the compensation of injured workmen in our industries, and the compensation to their dependents where such injuries result in death, creating an industrial insurance department, making an appropriation for its administration, providing for the creation and disbursement of funds for the compensation and care of workmen injured in hazardous employment, providing penalties for the non-observance of regulations for the prevention of such injuries and for violation of its provisions, asserting and exercising the police power in such cases, and, except in certain specified cases, abolishing the doctrine of negligence as a ground for recovery of damages against employers, and depriving the courts of jurisdiction of such controversies," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Jackson, Jensen, Landon, Metcalf, Myers, Piper, Shaefer,

Smithson, Stephens, Stevenson, Stewart, Troy, White, Mr. President—30.

Those voting nay were: Senators Collins, Davis, Eastham, Hutchinson, Nichols, Roberts, Ruth, Rydstrom, Whalley, Whitney—10.

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

On motion of Senator Shaefer, the title of the bill was amended by adding to the end of same the following: "And repealing section 6594, 6595 and 6596 of Remington and Ballinger's Annotated Codes and Statutes of Washington, relating to employes in factories, mills or workshops where machinery is used, actions for the recovery of damages and prescribing a punishment for the violation thereof."

There being no objection, the amended title of the bill was ordered to stand as the title of the act.

Senator Hutchinson filed the following statement to be made a part of the journal, relating to his vote on engrossed House bill No. 14:

"I vote 'no' on the final passage of this bill for the reason that it makes a rate of 6½ per cent. on irrigation ditches with an occasional blast and a rate of only 2½ per cent. on saw mills and only 3 per cent. on coal mines, and, for the further reason, that the rate on other industries is excessive in comparison with the rate on mills and mines.

“(Signed)

“R. A. HUTCHINSON.

The president announced the appointment of Senator Hutchinson as a member of the committee on legislative apportionment, to take the place of Senator Huxtable.

Senator Jackson moved that the rules be suspended and that the appointment of Senator Hutchinson be confirmed by the Senate.

The motion carried and the Secretary called the roll on the confirmation of the appointment, with the following result:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Chappell,

Collins, Davis, Eastham, Falconer, Fishback, Hewitt, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, Whitney, Mr. President—32.

Voting nay: Senator Whitney—1.

Absent or not voting were: Senators Bryan, Cox, Espy, Hall, Hammer, Hutchinson, Huxtable, Rosenhaupt, Rydstrom—9.

By unanimous consent, House bill No. 559, by Committee on Printing and Supplies, entitled "An act appropriating the sum of five hundred dollars, or so much thereof as may be necessary, to pay for such additional printing as may be ordered by the twelfth legislature or either branch thereof," was taken up out of order and read third time.

The secretary called the roll on final passage of House bill No. 559, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Hall, Hammer, Hewitt, Jackson, Jensen, Landon, Myers, Piper, Roberts, Ruth, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, Whitney, Mr. President—34.

Absent or not voting were: Senators Fishback, Hutchinson, Huxtable, Metcalf, Nichols, Rosenhaupt, Rydstrom, White—8.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Falconer moved that the Senate recede from its amendments to engrossed House bill No. 12.

The secretary called the roll, and the Senate receded from its amendments to engrossed House bill No. 12 by the following vote:

Those voting aye were: Senator Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hewitt, Hutchinson, Jackson, Jensen, Landon, Nichols, Piper, Ruth, Stephens, Stevenson, Troy, Whalley, Mr. President—27.

Those voting nay were: Senators Brown, Eastham, Hall, Hammer, Shaefer, Stewart, White—7.

Absent or not voting were: Senators Huxtable, Metcalf, Myers, Roberts, Rosenhaupt, Rydstrom, Smithson, Whitney—8.

The secretary read the report of the conference committee on Senate amendments to House bill No. 448, as follows:

MR. PRESIDENT:

OLYMPIA, WASH., March 6, 1911.

We, your committee on conference on House bill 448, "An act making appropriations for maintenance of and sundry expenses at the various state institutions, schools and state offices and for the sundry civil expenses of the state government for the fiscal term beginning April 1, 1911, and ending March 31, 1913, except as otherwise provided," have had the same under consideration and we respectfully report the same back to the House and Senate with the following recommendations:

We recommend that the Senate do recede from its amendments as follows:

(a) In line 227 of the printed bill, the same being in line 9, page 8 of the original bill, after the word "improvement" insert the words "gymnasium and equipment" and strike the figures "\$153,793.00," substituting for said figures "\$173,793.00."

(b) In line 283 of the printed bill, the same being line 37, page 9 of the original bill, strike the figures "\$30,000.00" and substitute the figures "\$35,000.00."

We further recommend that the House concur in the following Senate amendments:

(a) In the last line of the title strike the period and insert a comma and insert the following words: "and making an appropriation for certain deficiencies."

(b) Between lines 14 and 15 of the printed bill, the same being lines 20 and 21, page 1 of the original bill, insert a line as follows: "For investigation of alleged violations of laws and survey of public lands, \$5,000.00," and in line 15 of the printed bill, the same being line 21, page 1 of the original bill, change the figures "\$42,900.00" to read "\$47,900.00."

(c) After line 28 of the printed bill, same being line 14, page 2 of the original bill, insert line 28 $\frac{1}{4}$ as follows: "Salary of deputy commissioner of statistics and immigration, \$3,600.00," and also insert line 28 $\frac{1}{2}$ as follows: "Postage, traveling expenses and incidentals in department of statistics and immigration, \$1,200.00," and change the total in line 29 of the printed bill, the same being line 15, page 2 of the original bill, from \$32,080.00" to read "\$36,880.00."

(d) Strike lines 98 and 99 of the printed bill, the same being lines 22 and 23, page 4 of the original bill, and substitute therefor line 98 as follows: "Salary of assistant librarian, incidentals, indexing Session Laws and shelving and purchase of books, \$14,000.00," and change the total in line 100 of the printed bill, same being line 24, page 4 of the original bill, from "\$18,000.00" to "\$18,800.00."

(e) Strike lines 116 to 125 inclusive of the printed bill, the same being lines 1 to 10 inclusive, page 5 of the original bill.

(f) In line 128 of the printed bill, the same being in line 14, page 5 of the original bill, strike the figures "\$8,600.00" and substitute the figures "\$5,600.00," and in line 131 of the printed bill, the same being line 18, page 5 of the original bill, strike the figures "\$20,000.00" and substitute the figures "\$10,000.00." Also change the total in line 132 of the printed bill, the same being in line 19, page 5 of the original bill, from "\$40,000.00" to read "\$27,000.00."

(g) In line 135 of the printed bill, the same being in line 22, page 5 of the original bill, strike the word "commissioner" and substitute the words "state dairy instructor," and in the following line, between the words "deputy" and "food" insert the words "dairy and"

(h) In line 139 of the printed bill, the same being in line 26, page 5 of the original bill, strike the figures "\$3,000.00" and substitute the figures "\$2,400.00."

(i) Strike lines 172, 173 and 174 of the printed bill, the same being lines 18, 19 and 20, page 6 of the original bill, and substitute the following: "172. Salary of deputies, \$9,600.00. 173. Traveling expenses, rent, incidentals, office bonds, etc., \$12,500.00. 174. Total, \$31,700.00."

(j) In line 182 of the printed bill, the same being in line 29, page 6 of the original bill, strike the figures "\$7,500.00" and substitute the figures "\$7,000.00."

(k) In line 188 of the printed bill, the same being in line 35, page 6 of the original bill, after the word "of" and preceding the word "game" insert the word "deputy."

(l) In line 192 of the printed bill, the same being in line 40, page 6 of the original bill, strike the figures "\$46,000.00" and substitute therefor the figures "\$71,000.00," and in line 193 of the printed bill, the same being line 41, page 6 of the original bill, change the total to read "\$75,000.00."

(m) In line 202 of the printed bill, the same being in line 10, page 7 of the original bill, after the word "improvements" insert the words "irrigation experiments."

(n) In line 223 of the printed bill, the same being in line 4, page 8 of the original bill, substitute "\$17,500.00" for the figures "\$17,000.00."

(o) In line 249 of the printed bill, the same being in line 31, page 8 of the original bill, after the word "equipment" insert the word "improvements."

(p) At the end of line 251½ of the printed bill, the same being line 35, page 8 of the original bill, add the following: "Provided, That this appropriation be made contingent upon the continuance of the course in military drill, tactics, and other proper theoretical and practical military instruction for all first year male students, and the continuance of theoretical instruction for second year male students, except when excused by a three-fourths vote of the faculty."

(g) In line 253 of the printed bill, the same being in line 37, page 8 of the original bill, after the word "experimental" and preceding the

word "extension" insert the word "and," and after the word "work" insert the words "and buildings, improvements and equipment."

(r) In line 254 of the printed bill, the same being in lines 1 and 2, page 9 of the original bill, strike the letter "s" at the end of the word "extensions" and the words "and buildings" and insert in lieu thereof the word "work."

(s) In line 268 of the printed bill, the same being in line 21, page 9 of the original bill, insert after the word "assist" the words "or inspect."

(t) After line 289 of the printed bill, the same being line 6, page 10 of the original bill, add a new line: "289½. C. C. Dalton, \$525.50."

(u) In line 292 of the printed bill, the same being line 9, page 10 of the original bill, strike the figures "\$784.21" and substitute the figures "\$1,309.71."

(v) After line 298 of the printed bill, the same being line 15, page 10 of the original bill, add line: "298½. Salaries of judges of the supreme court, \$830.58."

(w) In line 299 of the printed bill, the same being line 16, page 10 of the original bill, strike the figures "\$31,100.00" and substitute the figures "\$31,930.58."

(x) In line 345 of the printed bill, the same being in line 17, page 11 of the original bill, after the word "journals" insert the words "and Session Laws" and strike the figures "\$10,000.00" and substitute the figures "\$13,000.00."

(y) After line 345 of the printed bill, the same being line 17, page 11 of the original bill, add a new line: "345½. Bureau of immigration and statistics, \$3,000.00."

(z) In line 346 of the printed bill, the same being in line 18, page 11 of the original bill, strike the figures "\$95,210.00" and substitute the figures "\$101,210.00."

(aa) In line 351 of the printed bill, the same being in line 23, page 11 of the original bill, substitute the figures "\$236.92" for the figures "\$236.25."

(bb) In line 366 of the printed bill, the same being in line 38, page 11 of the original bill, substitute the figures "\$6,000.00" for the figures "\$3,000.00."

(cc) In line 369 of the printed bill, the same being in line 42, page 11 of the original bill, substitute the figures "\$72.00" for the figures "\$36.00," and in line 370 of the printed bill, the same being in line 42, page 11 of the original bill, substitute the figures "\$144.00" for the figures "\$72.00."

(dd) Strike line 379 of the printed bill, the same being line 51, page 11 of the original bill.

(ee) Strike line 383 of the printed bill, the same being line 56, page 11 of the original bill, and substitute the following: "For topographic and hydrographic surveys (conditioned upon a similar sum being expended by the U. S. geological survey), \$37,500.00."

(ff) Add line 384 to the printed bill, same to be known as line 57 of the original bill, as follows: "For geological surveys, \$20,000.00."

(gg) Add line 385 to the printed bill, same to be known as line 58, page 11 of the original bill, as follows: "Total, \$400,144.02."

We concur in this report: J. H. Davis, E. L. French, J. C. Hubbell, Chas. E. Myers, J. R. Stevenson, D. S. Troy.

Senator Piper moved that the Senate do not recede from the following Senate amendment to House bill No. 448: In line 227 of the printed bill, the same being in line 9, page 8 of the original bill, after the word "improvement" insert the words "gymnasium and equipment" and strike the figures "\$153,793.00," substituting for said figures "\$173,793.00."

The motion carried.

Senator Hammer moved that the Senate do recede from the following Senate amendment to the bill: In line 283 of the printed bill, the same being line 37, page 9 of the original bill, strike the figures "\$30,000.00" and substitute the figures "\$35,000.00."

The motion was adopted.

The president called upon Senator Eastham to preside.

Senator Cox moved to reconsider the vote by which the Senate refused to recede from its amendment to line 227 of printed House bill No. 448, the same being in line 9, page 8 of the original bill.

The motion carried.

Senator Espy moved the adoption of the report of the conference committee on Senate amendments to House bill No. 448.

Senators Espy, Whitney, Jensen and Piper moved a call of the Senate.

The motion carried.

The secretary called the roll. Those absent were Senators Collins, Falconer, Hewitt, Huxtable (excused), Metcalf, Roberts, Rosenhaupt (excused), Shaefer, Smithson.

On motion of Senator Bassett, further proceedings under call of the Senate were dispensed with.

The secretary called the roll on the motion of Senator Espy, that the Senate adopt the report of the conference committee on House bill No. 448, and the report was adopted by the following

vote, the Senate thereby receding from the two amendments as specified in the committee's report:

Those voting aye were: Senator Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Cox, Davis, Eastham, Fishback, Hall, Hammer, Jackson, Landon, Myers, Ruth, Rydstrom, Shaefer, Stephens, Stevenson, Stewart, Troy, Mr. President—25.

Those voting nay were: Senators Espy, Hutchinson, Jensen, Nichols, Piper, White, Whitney—7.

Absent or not voting were: Senators Bowen, Collins, Falconer Hewitt, Huxtable, Metcalf, Roberts, Rosenhaupt, Smithson, Whalley—10.

Senator Bryan gave notice that at the proper time he would move to reconsider the vote by which House concurrent resolution No. 16 passed the Senate.

On motion of Senator Allen (P. L.), all bills passed by the Senate thus far, except those on which notice of reconsideration had been given, were ordered transmitted to the House immediately.

REPORT OF CONFERENCE COMMITTEE.

OLYMPIA, WASH., March 7, 1911.

MR. PRESIDENT:

We, your conference committee, to whom was referred the Senate amendments to engrossed House bill No. 236, entitled "An act relating to attorneys and counsellors-at-law, amending sections 4, 5 and 6 of chapter 139, Laws of 1909, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the Senate recede from its amendments.

J. W. BRYAN, *Chairman*.

We concur in this report: William Wray, D. E. Twitchell, James J. Cameron, P. L. Allen, Geo. W. Shaefer.

Senator Allen (P. L.) moved the adoption of the report of the committee.

The secretary called the roll, and the report of the committee was adopted, the Senate thereby receding from its amendments, by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Brown, Bryan, Chappell, Cox, Davis, Eastham,

Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Jensen, Landon, Myers, Nichols, Piper, Ruth, Rydstrom, Shaefer, Stephens, Stewart, Troy, Whalley, Whitney, Mr. President—30.

Those voting nay were: Senators Allen (F. J.), Collins, White—3.

Absent or not voting were: Senators Bassett, Bowen, Huxtable, Jackson, Metcalf, Rosenhaupt, Smithson, Stevenson, Roberts—9.

REPORT OF CONFERENCE COMMITTEE.

OLYMPIA, WASH., March 7, 1911.

MR. PRESIDENT:

We, your conference committee, to whom was referred the House amendments to engrossed Senate bill No. 45, entitled "An act relating to the organization, classification, incorporation and government of municipal corporations, under a commission, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the Senate concur in the House amendments to section 1; and that the House recede from its amendments to section 14.

We concur in this report: Wm. P. Christensen, Walker Moren, H. S. McClure, F. J. Allen, John E. Chappell.

Senator Allen (F. J.) moved that the report of the committee be adopted.

The secretary called the roll, and the report of the committee was adopted by the following vote:

Those voting aye were: Senator Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Jensen, Landon, Myers, Rydstrom, Shaefer, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—30.

Voting nay: Senator Nichols—1.

Absent or not voting were: Senators Bowen, Bryan, Huxtable, Jackson, Metcalf, Piper, Roberts, Rosenhaupt, Ruth, Smithson, Whitney—11.

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was re-referred House bill No. 42, entitled "An act relating to the superior court of the county of Snohomish, the election and appointment of judges therein, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

DANIEL LANDON, *Chairman*.

We concur in this report: Geo. W. Shaefer, Josiah Collins, F. J. Allen.

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

The secretary read:

HOUSE CONCURRENT RESOLUTION NO. 15.

By Committee on Appropriations:

Resolved, by the House, the Senate concurring, That consent be and hereby is given for the introduction of a bill in the House making an appropriation for certain items and institutions omitted from House bill No. 448.

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

Those voting aye were: Senator Allen (F. J.), Allen (P. L.), Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Jensen, Landon, Myers, Nichols, Piper, Shaefer, Stephens, Stewart, Troy, Whalley, White, Mr. President—29.

Voting nay: Senator Hutchinson—1.

Absent or not voting were: Senators Anderson, Hewitt, Huxtable, Jackson, Metcalf, Roberts, Rosenhaupt, Ruth, Rydstrom, Smithson, Stevenson, Whitney—12.

By unanimous consent, at the request of Senator Bassett, the Senate took up for consideration Senate bill No. 319 out of order.

Senate bill No. 319, by Senator Cox, entitled "An act authorizing the board of control to sell certain land belonging to the state penitentiary and to expend the amount received there-

for for the purchase of other lands, which amount so received is hereby appropriated for said purpose," was read the third time.

On motion of Senator Bassett, section 2, line 5 of the printed bill, the same being in line 8, section 2 of the original bill, was amended by inserting the word "if" after the word "that."

The secretary called the roll on final passage of Senate bill No. 319, and it passed the Senate by the following vote:

Those voting aye were: Senator Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Fishback, Hall, Hammer, Hutchinson, Jensen, Landon, Myers, Nichols, Piper, Rydstrom, Shaefer, Stevenson, Stewart, Troy, Whalley, White, Whitney—29.

Absent or not voting were: Senators Bowen, Espy, Falconer, Hewitt, Huxtable, Jackson, Metcalf, Roberts, Rosenhaupt, Ruth, Smithson, Stephens, Mr. President—13.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Bassett, the rules were suspended and Senate bill No. 319 was ordered transmitted to the House immediately.

At 6 o'clock p. m., on motion of Senator Stevenson, the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate was called to order at 8 o'clock p. m. by President Paulhamus.

Engrossed House bill No. 282, by Joint Committees on Municipal Corporations of the First Class and Municipal Corporations other than First Class, entitled "An act relating to local improvements in cities and towns, and repealing certain acts and parts of acts," was read third time.

On motion of Senator Allen (F. J.), engrossed House bill

No. 282 was held over until tomorrow, retaining its place on the calendar.

Senate bill No. 175, by Senator Collins, entitled "An act relating to the abandonment and dismissal of condemnation proceedings begun by corporations, other than municipal, and providing for the allowance of attorney's fees therein," was read third time.

The secretary called the roll on final passage of Senate bill No. 175, and it passed the Senate by the following vote:

Those voting aye were: Senator Allen (F. J.), Allen (P. L.), Bassett, Brown, Chappell, Collins, Cox, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Roberts, Rydstrom, Smithson, Stephens, Troy, Mr. President—24.

Absent or not voting were: Senators Anderson, Arrasmith, Bowen, Bryan, Davis, Eastham, Hewitt, Huxtable, Nichols, Piper, Rosenhaupt, Ruth, Shaefer, Stevenson, Stewart, Whalley, White, Whitney—18.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 205, by Senator Stephens, entitled "An act relating to road and bridge bonds, and amending section 5095 of Remington and Ballinger's Annotated Codes and Statutes of the State of Washington," was read third time.

The secretary called the roll on final passage of Senate bill No. 205, and it passed the Senate by the following vote:

Those voting aye were: Senator Allen (F. J.), Allen (P. L.), Bassett, Brown, Chappell, Collins, Cox, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Roberts, Rydstrom, Smithson, Stephens, Troy, Mr. President—23.

Absent or not voting were: Senators Anderson, Arrasmith, Bowen, Bryan, Davis, Eastham, Espy, Hewitt, Huxtable, Nichols, Piper, Rosenhaupt, Ruth, Shaefer, Stevenson, Stewart, Whalley, White, Whitney—19.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 201, by the Committee on State, Granted, School and Tide Lands, entitled "An act relating to the forests of the state; creating a state board of forest commissioners, providing for a state forester, fire wardens, forest rangers, defining their duties and powers, and making an appropriation therefor, and providing punishments for the violation thereof, and repealing chapter 164 of the Session Laws of the State of Washington of the year 1905," was read the third time.

The secretary called the roll on final passage of Senate bill No. 201, and it passed the Senate by the following vote:

Those voting aye were: Senator Allen (F. J.), Allen (P. L.), Bassett, Brown, Chappell, Collins, Cox, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Roberts, Rydstrom, Smithson, Stephens, Troy, Mr. President—24.

Absent or not voting were: Senators Anderson, Arrasmith, Bowen, Bryan, Davis, Eastham, Hewitt, Huxtable, Nichols, Piper, Rosenhaupt, Ruth, Shaefer, Stevenson, Stewart, Whalley, White, Whitney—18.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 252, by Senator Allen (P. L.), entitled "An act relating to official printing and to an official paper in cities of the first class," was read the third time.

The secretary called the roll on final passage of Senate bill No. 252, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Bassett, Brown, Chappell, Collins, Cox, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Landon, Metcalf, Myers, Piper, Smithson, Stephens, Troy, Mr. President—22.

Those voting nay were: Senators Jensen, Roberts, Rydstrom—3.

Absent or not voting were: Senators Anderson, Arrasmith, Bowen, Bryan, Davis, Eastham, Hewitt, Huxtable, Myers, Rosenhaupt, Ruth, Shaefer, Stevenson, Stewart, Whalley, White, Whitney—17.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 255, by Senator Metcalf, entitled "An act to prevent frauds by employment agencies, and others acting in concert therewith, and making certain acts a misdemeanor," was read the third time.

The secretary called the roll on final passage of Senate bill No. 255, and the bill passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Bassett, Brown, Chappell, Collins, Cox, Espy, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Roberts, Rydstrom, Stephens, Troy, White, Mr. President—23.

Voting nay: Senator Falconer—1.

Absent or not voting were: Senators Anderson, Arrasmith, Bowen, Bryan, Davis, Eastham, Hewitt, Huxtable, Nichols, Piper, Rosenhaupt, Ruth, Shaefer, Smithson, Stevenson, Stewart, Whalley, Whitney—18.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Piper gave notice that at the proper time he would move to reconsider the vote by which Senate bill No. 252 passed the Senate.

Senate bill No. 75, by Senator Smithson, entitled "An act relating to warehouse receipts; duties of warehousemen; providing for liens of warehousemen and the enforcement thereof; and repealing all conflicting laws," was read third time.

The secretary called the roll on final passage of Senate bill No. 75, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Bassett, Brown, Chappell, Collins, Cox, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Piper, Roberts, Rydstrom, Smithson, Stephens, Troy, White, Mr. President—26.

Absent or not voting were: Senators Anderson, Arrasmith, Bowen, Bryan, Davis, Eastham, Hewitt, Huxtable, Nichols,

Rosenhaupt, Ruth, Shaefer, Stevenson, Stewart, Whalley, Whitney—16.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 223, by Senator White, entitled "An act relating to the location and establishment of harbor lines, waterways and slips in the navigable waters of the state and relating to the definition, designation, platting, replatting, appraisal, re-appraisal, reservation, restoration, sale, lease, improvement, occupancy, development, maintenance, direction and use of the beds and shores, except oyster lands, of all navigable waters in the state up to and including the line of ordinary high tide, in waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all navigable rivers and lakes," was read third time.

The secretary called the roll on final passage of Senate bill No. 223 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Bassett, Brown, Chappell, Collins, Cox, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Smithson, Stephens, Troy, White, Mr. President—23.

Absent or not voting were: Senators Anderson, Arrasmith, Bowen, Bryan, Davis, Eastham, Hewitt, Huxtable, Nichols, Piper, Roberts, Rosenhaupt, Ruth, Rydstrom, Shaefer, Stevenson, Stewart, Whalley, Whitney—19.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Jackson, Senate bill No. 299 was allowed to go over and retain its place on the calendar, and Senate bill No. 113 was taken up out of order.

Senator Piper moved to adjourn.

The motion failed to carry.

Senate bill No. 113, by Senator Jackson, entitled "An act relating to intoxicating liquors, and amending section 18 of chapter 81 of the Session Laws of 1909," was read third time.

The secretary called the roll on final passage of Senate bill No. 113 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Bassett, Brown, Chappell, Collins, Cox, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Landon, Metcalf, Myers, Piper, Roberts, Rydstrom, Stephens, Troy, White, Mr. President—24.

Absent or not voting were: Senators Anderson, Arrasmith, Bowen, Bryan, Davis, Eastham, Hewitt, Huxtable, Jensen, Nichols, Rosenhaupt, Ruth, Shaefer, Smithson, Stevenson, Stewart, Whalley, Whitney—18.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Falconer gave notice that at the proper time he would move to reconsider the vote by which Senate bill No. 201 passed the Senate.

Senator Jensen moved to adjourn.

The motion was lost.

Senator Piper gave notice that at the proper time he would move to reconsider the vote by which Senate bill No. 113 passed the Senate.

By unanimous consent, Senate bill No. 226 was allowed to go over and retain its place on the calendar.

By unanimous consent, Senate bill No. 24 was taken up out of order.

Senate bill No. 24, by Senator Myers, entitled "An act providing for the sanitation of bakeries, canneries, packing houses, slaughter houses, dairy depots, creameries, ice cream manufactories, cheese factories, milk condensers, confectioneries, restaurants, hotels, groceries, meat markets, and all other food producing and food distributing establishments, manufactories or other places where food is prepared, manufactured, packed, stored, sold or distributed, and vehicles in which food is placed for transportation, regulating the health of operatives, employes, clerks, drivers, and all other persons working on the premises who handle the material from which food is prepared

or the finished product; defining food; regulating the wholesomeness of food manufactured, prepared, packed, stored, sold, distributed or transported, and defining the duties of dairy and food commissioner, and providing penalties for the violation thereof," was read third time.

On motion of Senator Myers, the bill was allowed to go over and retain its place on the calendar.

On motion of Senator Allen (P. L.), the Senate adjourned at 9 o'clock p. m.

WM. T. LAUBE,

Secretary of the Senate.

W. H. PAULHAMUS,

President of the Senate.

FIFTY-NINTH DAY.

MORNING SESSION.

SENATE CHAMBER,

OLYMPIA, WASH., Wednesday, March 8, 1911.

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

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present except Senators Huxtable and Rosenhaupt, both excused.

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

On motion of Senator Espy, Senate bill No. 218 was ordered re-referred to the committee on fisheries.

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,

OLYMPIA, WASH., March 3, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred engrossed House bill No. 70, entitled "An act regulating advertisements, prohibiting false, fraudulent or misleading, objectionable or pernicious adver-

tisements, and providing a penalty," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on the general file.

DANIEL LANDON, *Acting Chairman.*

We concur in this report: F. J. Allen, Geo. W. Shaefer.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 6, 1911.

MR. PRESIDENT:

We, your committee on fisheries, to whom was referred Senate bill No. 218, entitled "An act relating to fish, oysters, clams and crabs, providing for the protection thereof, licensing and taxing the taking of the same and the boats and appliances used therefor, providing penalties and amending sections 5152, 5159, 5234, 5235, 5236, 5237, 5243, 5245 and 5248 of Remington and Ballinger's Annotated Codes and Statutes of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In section 1, line 3 of the printed bill, strike the word "five" and insert in lieu thereof the word "four."

In section 2, line 9 of the printed bill, strike the words "the fifth deputy to be assigned to office and general field duties."

In section 3, lines 4 and 5 of the printed bill, strike the words "or on any of the beaches of Puget Sound or any of its tributaries."

In section 3, line 7 of the printed bill, strike the period, insert in lieu thereof a comma and add the following: "and with reference to the beaches of Puget Sound between the 1st of May and the 31st day of August of each year."

In section 5, line 5 of the printed bill, strike the word "June."

In section 5, line 6 of the printed bill, the same being in page 3, line 10 of the original bill, strike "and" and insert a comma after the word "July" and the words "and September" after the word "August."

In section 6, line 5 of the printed bill, the same being on page 3, line 33 of the original bill, insert a comma after the words "female crab," strike the word "seven" and insert in lieu thereof the words "six and one-fourth."

In section 6, line 7 of the printed bill, after the word "shall" insert the words "at once."

In section 8, line 26 of the printed bill, the same being in page 5, line 11 of the original bill, strike the period and insert in lieu thereof a comma and add the words, "said price for different districts to be in the same ratio as under the existing law."

In section 10, line 4 of the printed bill, the same being in page 7, line 2 of the original bill, strike the period after the word "dollars" and insert the words "and fifty cents."

In section 10, line 17 of the printed bill, the same being in page 7, line 23 of the original bill, strike the period and insert in lieu thereof a comma and add the following words: "nor from any state oyster reserve at any time."

In section 11, line 2 of the printed bill, the same being in page 7, line 27 of the original bill, strike the word "two" and insert in lieu thereof the words "one and one-half"; also strike the word "cents" and insert in lieu thereof the word "cent."

In section 11, line 3 of the printed bill, the same being in page 7, line 28 of the original bill, strike the period and add the words "for each boat taking crabs from said waters a license fee of two dollars and fifty cents"; also insert the word "under oath" after the word "report."

In section 12, line 6 of the printed bill, the same being in page 8, line 16 of the original bill, after the word "report" insert the words "under oath."

E. HAMMER, *Chairman.*

We concur in this report: John E. Chappell, Peder Jensen, H. M. White, H. A. Espy, D. S. Troy.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., March 7, 1911.

We, your committee on state, granted, school and tide lands, to whom was referred engrossed House bill No. 176, entitled "An act to provide for the sale of certain school land in section 36, township 18 north, range 10 west of the Willamette Meridian," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

P. L. ALLEN, *Chairman.*

We concur in this report: H. O. Fishback, J. D. Bassett, Peder Jensen, E. Hammer, Geo. W. Shaefer, A. W. Anderson, J. A. Falconer.

On motion of Senator Allen (P. L.), the report of the committee was adopted.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., March 7, 1911.

Your committee on engrossed bills, to whom was referred engrossed Senate bill No. 321, entitled "An act relating to the state militia, amending sections 26, 31, 40, 54, 55, 57 and 61 of chapter 134 of the Session Laws of 1909 and declaring an emergency," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman.*

We concur in this report: Josiah Collins, F. J. Allen, D. S. Troy.

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT.
OLYMPIA, March 6, 1911.

To the Senate:

I am directed by the governor to inform you that he has this day approved the following Senate bills:

Senate bill No. 183, "An act relating to the inspection and supervision of public offices and the bureau of inspection and supervision of public offices, and amending section 8351, 8352, 8355 and 8356 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency;"

Senate bill No. 318, "An act relating to the canvassing of votes cast in municipal elections in cities of the first class, and declaring an emergency;"

Senate bill No. 271, "An act relating to the opening and closing of polls at special elections held in cities for the purpose of submitting to the qualified electors any proposition or propositions to incur municipal indebtedness and to issue negotiable bonds therefor, and declaring an emergency."

FRANK M. DALLAM, JR., *Private Secretary.*

MESSAGES TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 8, 1911.

MR. PRESIDENT:

The House has passed engrossed House bill No. 69, entitled "An act relating to the state institutions of higher education and creating a fund to be known as the University Fund, etc.;"

Also engrossed House bill No. 425, entitled "An act to provide for the enforcement of decrees of courts regulating and apportioning the use of water for irrigation, etc.;"

Also House bill No. 428, entitled "An act for the relief of certain persons;"

Also House bill No. 539, entitled "An act making an appropriation for the bureau of statistics, agriculture and emigration for the fiscal year;"

Also House bill No. 419, entitled "An act for the relief of Joseph McCann and making an appropriation therefor;"

Also House bill No. 407, entitled "An act to redistrict and reappportion the members of the Senate and House of Representatives of the State of Washington."

Also, the speaker has signed Senate joint memorial No. 4, entitled "An act providing that appeal may be taken from the decisions rendered by the secretary of the interior to the circuit court of the United States in and for the District of Columbia, etc.;"

Also Senate joint memorial No. 6, "Relating to canal between Seattle and other points on Puget Sound, etc.;"

Also Senate bill No. 37, entitled "An act relating to the protection of black bass and perch in Silver lake, in Cowlitz county;"

Also Senate bill No. 170, entitled "An act relating to the deposit of moneys received by the commissioner of public lands;"

Also Senate bill No. 147, entitled "An act relative to legal holidays, and declaring the 12th day of October of each year to be a legal holiday to be known as Columbus Day;"

Also substitute Senate bill No. 97, entitled "An act relating to the leasing of harbor areas, tidelands, etc., for booming purposes;"

Also Senate bill No. 180, entitled "An act relating to the carrying of firearms, and requiring licenses of certain persons, etc."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

INTRODUCTION OF BILLS.

Engrossed House bill No. 560, by Appropriations Committee, entitled "An act relating to and making an appropriation for miscellaneous purposes."

The bill was read the first time, and on motion of Senator Falconer, the rules were suspended, the bill was read the second time by title and placed on general file.

House bill No. 407, by Messrs. McArdle and French, entitled "An act to re-district and re-apportion the members of the Senate and House of Representatives of the State of Washington."

The bill was read the first time, and on motion of Senator Jackson, the rules were suspended, the bill was read the second time by title and referred to the committee on legislative apportionment.

House bill No. 419, by Mr. Dow, entitled "An act for the relief of Joseph McCann and making an appropriation therefor."

The bill was read the first time, and on motion of Senator Jensen, the rules were suspended, the bill was read the second time by title and placed on general file.

House bill No. 428, by Committee on Appropriations, entitled "An act for the relief of certain persons."

The bill was read the first time, and on motion of Senator Falconer, the rules were suspended, the bill was read the second time by title and placed on general file.

House bill No. 539, by Mr. Zednick *et al.*, entitled "An act making an appropriation for the bureau of statistics, agriculture and immigration for the fiscal period commencing April 1, 1911, and ending April 1, 1913."

The bill was read the first time, and on motion of Senator Allen (P. L.), the rules were suspended, the bill was read the second time by title and placed on general file.

Engrossed House bill No. 69, by Mr. Miller *et al.*, entitled "An act relating to the state institutions of higher education, creating a fund to be known as the University Fund; a fund to be known as the Washington State College Fund; a fund to be known as the Cheney Normal School Fund; a fund to be known as the Ellensburg Normal School Fund; a fund to be known as the Bellingham Normal School fund; and making provision for the annual levy of a tax to produce revenue therein for the maintenance, construction and repair of buildings, and the equipment of said institutions."

The bill was read the first time, and on motion of Senator Bassett, the rules were suspended, the bill was read the second time by title and placed on general file.

Engrossed House bill No. 425, by Mr. Dickson, entitled "An act to provide for the enforcement of decrees of courts regulating and appropriating the use of waters for irrigation, stock and domestic purposes; repealing chapter XXXIII of Session Laws of 1901, and declaring an emergency."

The bill was read the first time, and on motion of Senator Smithson, the rules were suspended, the bill was read the second time by title and placed on general file.

Senator Falconer moved that the Senate reconsider the vote by which Senate bill No. 201 passed the Senate.

The motion carried.

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., March 8, 1911.

MR. PRESIDENT:

Your committee on enrolled bills, to whom was referred Senate bill No. 87, entitled "An act providing for an annual levy for the public

highway fund and amending chapter 246 of the Session Laws of 1909;"

Also substitute Senate bill No. 165, entitled "An act relating to the expenditure of road and bridge funds in the construction, improvement and repair of public highways and bridges, and amending section 5585 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency;"

Also Senate bill No. 174, entitled "An act relating to the establishment and widening of county roads and to the exercise of the right of eminent domain by counties in condemning land and other property for county roads and to secure property containing gravel, stone or other road-building materials and rights-of-way in and to such property and repealing all acts in conflict herewith;"

Also engrossed Senate bill No. 236, entitled "An act relating to delinquent corporations, providing for their reinstatement, or dissolution, validating the action of corporations having dissolved as provided by this act and amending sections 3715a and 3715b of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency;"

Also Senate joint resolution No. 10, "Relating to the use of products of the State of Washington in the erection of state buildings;"
—have compared same with the original and engrossed bills and joint resolution, respectively, and find them correctly enrolled.

Respectfully submitted.

GEO. W. SHAEFER, *Chairman.*

We concur in this report: H. A. Espy, Peder Jensen, B. A. Bowen.

Senator Bassett announced that he had compared enrolled Senate bill No. 87 with the original bill and found it to be properly enrolled.

Senator Roberts made the same statement as to enrolled substitute Senate bill No. 165 and Senator Nichols as to enrolled Senate bill No. 174.

Senator Stephens stated that he had compared enrolled Senate bill No. 236 with the engrossed bill and found it correctly enrolled. Senator Ruth made the same statement concerning enrolled Senate joint resolution No. 10.

The president signed Senate bill No. 87, substitute Senate bill No. 165, Senate bill No. 174, Senate bill No. 236 and Senate joint resolution No. 10.

GENERAL FILE.

Senate bill No. 104 was read third time.

On motion of Senator Ruth, the rules were suspended and engrossed House bill No. 326 was read third time.

On motion of Senator Anderson, the Senate resolved itself into a committee of the whole for the purpose of considering Senate bill No. 104 and engrossed House bill No. 326.

The bills were considered in committee of the whole, Senator Myers in the chair, and were reported back to the Senate with the recommendation that they do pass.

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

The secretary called the roll on final passage of Senate bill No. 104, by Senator Anderson, entitled "An act relating to the improvement of the Columbia river, creating a commission, making an appropriation therefor, and amending section 2 of chapter 234, Session Laws of 1909," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Espy, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Stephens, Stewart, Troy, Whitney, Mr. President—32.

Absent or not voting were: Senators Davis, Falconer, Hewitt, Huxtable, Metcalf, Rosenhaupt, Smithson, Stevenson, Whalley, White—10.

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

The secretary called the roll on final passage of engrossed House bill No. 326, entitled "An act relating to the School for the Blind and making an appropriation therefor," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Troy, White, Whitney, Mr. President—35.

Absent or not voting were: Senators Cox, Davis, Hewitt, Huxtable, Metcalf, Rosenhaupt, Whalley—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Anderson, the rules were suspended and Senate bill No. 104 and engrossed House bill No. 326 ordered transmitted to the House immediately.

Engrossed House bill No. 282, entitled "An act relating to local improvements in cities and towns, and repealing certain acts and parts of acts," was read third time.

On motion of Senator Nichols, the bill was amended as follows:

In section 24 of the bill, at the end of the section, strike the period, insert in lieu thereof a comma and add the following: "Unless such proceeding shall have been already commenced."

Senator Allen (F. J.) offered the following amendment, which was adopted:

In section 24, line 9 of the printed bill, after the word "prescribed" strike the period and insert in lieu thereof a comma and add the following: "Provided, That in cities and towns other than cities of the first class, delinquent assessments, or delinquent installments thereof, shall be certified to the treasurer of the county in which such city or town is situate and by him entered upon the general tax rolls and collected as other general taxes are collected. The county treasurer shall remit to the city treasurer on the tenth of each month all sums so collected."

Senator Bryan offered the following amendment:

In section 12, line 3 of the printed bill, after the comma following the word "resolution" strike the word "when" and insert in lieu thereof the following: "Provided, That in any city of the first class."

The amendment was adopted.

Senator Bryan moved that the bill be amended as follows:

At the end of section 66, strike the period, insert in lieu thereof a comma and add the following: "Provided, That in any city or town, other than cities of the first class, no ordinance providing for any improvement herein authorized shall be effective over the written objection or objections of the owners of a majority of the lineal frontage and of the area within the limits of the proposed improvement district filed with the clerk of any such city or town prior to the final passage of such ordinance, unless such ordinance shall receive the affirmative vote of at least two-thirds of all the members of the council or other legislative body of such city or town."

The amendment carried.

On motion of Senator Nichols, the bill was amended as follows:

In section 60, line 5 of the printed bill, after the word "improvements" strike the colon and the rest of the section and insert in lieu thereof a period.

On motion of Senator Nichols, the bill was further amended as follows:

In section 20, line 1 of the printed bill, strike the word "roll" and insert in lieu thereof the word "lien."

In section 20, lines 2 and 3 of the printed bill, strike line 2 and the words preceding the word "charge" in line 3, and insert in lieu thereof the word "the."

In section 20, line 4 of the printed bill, after the word "property" insert a comma and strike the words "shall be assessed and determined."

In section 20, line 5 of the printed bill, after the word "act" strike the period and the words "such charge."

Senator Nichols moved that the bill be amended as follows:

In section 70 of the printed bill, strike lines 5 to 15 inclusive, and insert in lieu thereof the following: "All rights of action under existing laws which this act in any way supersedes or repeals, if the same at the time of taking effect of this act shall not have been commenced, shall proceed under the provisions of this act. All actions and proceedings, which may be pending in court under existing laws which this act in any way supersedes or repeals, shall proceed without being in any manner affected by the passage of this act. All proceedings commenced by any city or town before the taking effect of this act, relating to the making of any local improvement, shall proceed without being in any manner affected by the passage of this act, except as provided in section 24 of this act."

The amendment carried.

On motion of Senator Nichols, the bill was further amended as follows:

In section 71, line 2 of the printed bill, before the first word in the line, insert the following: "This act shall supersede the provisions of the charter of any city of the first class inconsistent herewith."

The secretary called the roll on final passage of engrossed House bill No. 282, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P.

L.), Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Falconer, Fishback, Hall, Hammer, Jackson, Jensen, Landon, Nichols, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Whalley, Whitney, Mr. President—30.

Absent or not voting were: Senators Anderson, Davis, Espy, Hewitt, Hutchinson, Huxtable, Metcalf, Myers, Piper, Rosenhaupt, Troy, White—12.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senate bill No. 201, by the Committee on State, Granted, School and Tide Lands, entitled "An act relating to the forests of the state; creating a state board of forest commissioners, providing for a state forester, fire wardens, forest rangers, defining their duties and powers, and making an appropriation therefor, and providing punishments for the violation thereof, and repealing chapter 164 of the Session Laws of the State of Washington of the year 1905," was placed on third reading.

On motion of Senator Falconer, the bill was re-referred to the committee on state, granted, school and tide lands.

On motion of Senator Fishback, the special order for 11 o'clock a. m. was set forward until 7:30 o'clock p. m.

By unanimous consent, at the request of Senator Hammer, the Senate took up the consideration of Senate bill No. 208.

Senate bill No. 208, by Senator Hammer, entitled "An act to provide for the establishment, location and management of a hospital for the insane near Sedro Woolley, in Skagit county," was read third time.

The secretary called the roll on final passage of Senate bill No. 208, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Myers, Piper, Ruth, Shaefer, Smithson, Stephens, Stevenson, Troy, Whalley, White, Mr. President—32.

Voting nay: Senator Allen (F. J.)—1.

Absent or not voting were: Senators Hewitt, Huxtable, Metcalf, Nichols, Roberts, Rosenhaupt, Rydstrom, Stewart, Whitney—9.

There being no objection, the title of the bill as amended was ordered to stand as the title of the act.

On motion of Senator Espy, the rules were suspended and Senate bill No. 218 was taken up out of order.

Senate bill No. 218, by Senator Espy, entitled "An act relating to fish, oyster, clams and crabs, providing for the protection thereof, licensing and taxing the taking of the same," etc., was read third time.

The secretary called the roll on final passage of Senate bill No. 218, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Bryan, Chappell, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hamner, Hutchinson, Jackson, Landon, Myers, Piper, Ruth, Shaefer, Stephens, Stevenson, Troy, Whalley, Mr. President—28.

Those voting nay were: Senators Brown, Collins, White—3.

Absent or not voting were: Senators Hewitt, Huxtable, Jensen, Metcalf, Nichols, Roberts, Rosenhaupt, Rydstrom, Smithson, Stewart, Whitney—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

By unanimous consent, the Senate returned to the order of business "Reports of Standing Committees."

SENATE CHAMBER,
OLYMPIA, WASH., March 7, 1911.

MR. PRESIDENT:

We, a majority of your committee on legislative apportionment, to whom was referred House bill No. 407, entitled "An act to redistrict and reapportion the members of the Senate and House of Representatives of the State of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment: Strike all after the enacting clause and insert in lieu thereof the following:

Section 1. The state shall be divided into forty-six single senatorial

districts, and said districts shall be constituted and numbered as follows:

The counties of Okanogan and Ferry, and that portion of the county of Douglas not included in the thirteenth senatorial district herein described, shall constitute the first senatorial district and be entitled to one senator.

The counties of Stevens and Pend Oreille shall constitute the second senatorial district and shall be entitled to one senator.

The following portion of the city of Spokane, to-wit: The precincts of Earl, Elizabeth, Eugene, Edison, Elgin, Edith, Eden, Echo, Ellen, Eve, Eureka, Ermina, Eagle, Elk, Euclid, Ethel, Eldorado, Edwards and Emmett; the city of Hillyard, and the precinct of East Hillyard in the county of Spokane shall constitute the third senatorial district and be entitled to one senator.

The following portion of the county of Spokane, to-wit: The precincts of Alki, Alice, Arthur, Astor, Austin, Andrew, Anne, Allen, Ashley, Altamont, Ames, Athens, Adolph, Albert and Anson of the city of Spokane, and the townships of East Spokane, Opportunity, Greenacres, Moran, Chester, Mica, South Moran, and Valley Ford shall constitute the fourth senatorial district and be entitled to one senator.

The following portion of the county of Spokane, to-wit: The precincts of Drake, Dealke, Day, Daisy, and Drumheller in the city of Spokane, and the following townships in the county of Spokane, to-wit: Espanola, Meadow Lake, Deep Creek, Spence, West Spokane, Stevens, Coulee, Nine Mile, Five Mile, Mead, Pleasant Prairie, Newman, Peone, Wayside, Colbert, Green Bluff, Mount Carleton, Denison, Chattaroy, Deer Park, Milan, Elk, and Blanchard, and the cities of Medical Lake and Deer Park shall constitute the fifth senatorial district and be entitled to one senator.

The following precincts in the city of Spokane, to-wit: Browne, Burke, Barth, Beacon, Blake, Burton, Bryan, Butler, Blaine, Bernard, Belmont, Baldwin, Brickell, Ada, Alvin, Adams, and Advance shall constitute the sixth senatorial district and be entitled to one senator.

The following precincts in the city of Spokane, to-wit: Cliff, Cleveland, Conklin, Cass, Car, Calhoun, Carlisle, Cannon, Carleton, Custer, Dillon, Douglas, Damon, Dawson, Dexter, Dewey, Daniel, Dayton, Delaware, Dodd, Davis, Dixie, Dora, and Dwight shall constitute the seventh senatorial district and be entitled to one senator.

The following portion of the county of Spokane, to-wit: The townships of Tyler, Cheney, East Cheney, Marshall, Duncan, Graves, Rock Lake, Pioneer, Buckeye, Spangle, Plaza, Waverly, Freeman, McIntosh, Mt. Hope, Fairfield, Rock Creek Valley, Latah, and the cities of Cheney, Spangle, Waverly, Rockford, Fairfield, and Latah, together with the following portion of the county of Whitman, to-wit: The precincts of Lamont, Union, Rock Creek, Cotton Wood, Pine Creek, St. John, Sunset, Rosalia, Thornton, Lone Pine, Tekoa, Oakesdale, Farmington, Belmont, and Matlock, and the cities of Rosalia, Tekoa, Oakesdale, and Farming-

ton shall constitute the eighth senatorial district and be entitled to one senator.

The following portion of the county of Whitman, to-wit: All that portion of said county not included in the eighth senatorial district herein described, shall constitute the ninth senatorial district and be entitled to one senator.

The counties of Asotin, Garfield and Columbia shall constitute the tenth senatorial district and be entitled to one senator.

The counties of Adams, Franklin, and the following portion of the county of Walla Walla, to-wit: The precincts of Baker, Frenchtown, Hill, Lower Dry Creek, Lower Touchet, Two Rivers, Wallula, Whitman precinct of the third ward, and the fourth ward of the city of Walla Walla shall constitute the eleventh senatorial district and be entitled to one senator.

The following portion of the county of Walla Walla, to-wit: The precincts of Braden, Burney, Coppel, Dixie, Hadley, Lincoln, Mill Creek, Prescott, Ritz, Russell Creek, Waitsburg, Clyde, Eureka, Washington, and the first and second wards, and the precincts of Steptoe and Green Park of the third ward of the city of Walla Walla shall constitute the twelfth senatorial district and be entitled to one senator.

The counties of Grant and Chelan and the following precincts in the county of Douglas, to-wit: Trinidad, Hammond, and Valley shall constitute the thirteenth senatorial district and be entitled to one senator.

The county of Kittitas shall constitute the fourteenth senatorial district and be entitled to one senator.

The following portions of the county of Yakima, to-wit: The precincts of Wenas, Upper Naches, Cowiche, Lower Naches, Selah, Tam-pico, Athamun, Nob Hill, Hopdale, East Selah, Moxee, Fruitdale, Nile and Artemesia and the cities of North Yakima, Yakima City, and Naches City shall constitute the fifteenth senatorial district and be entitled to one senator.

The county of Benton and all that portion of the county of Yakima not included in the fifteenth senatorial district, herein described, shall constitute the sixteenth senatorial district and be entitled to one senator.

The county of Lincoln shall constitute the seventeenth senatorial district, and be entitled to one senator.

The counties of Klickitat, Skamania and Cowlitz shall constitute the eighteenth senatorial district and be entitled to one senator.

The county of Clarke shall constitute the nineteenth senatorial district and be entitled to one senator.

The counties of Wahklakum, Pacific, and the following portion of the county of Chehalis, to-wit: The precincts of Simpson, Wilson, Grove, Rayburn, Fairview, Montesano, Satsop, East Elma, West Elma, Summit, Malone, Porter, Fords Prairie, Delezene, Oakville, Connie, Blockhouse, Vesta, Artic, Wynoochee, Cosmopolis, Johns River, Ocosta and Westport shall constitute the twentieth senatorial district and be entitled to one senator.

The county of Lewis shall constitute the twenty-first senatorial district and be entitled to one senator.

The counties of Thurston and Mason shall constitute the twenty-second senatorial district and be entitled to one senator.

The following portion of the county of Chehalis, to-wit: All that portion of the said county not included in the twentieth district herein described shall constitute the twenty-third senatorial district and be entitled to one senator.

The counties of Island and Kitsap shall constitute the twenty-fourth senatorial district and be entitled to one senator.

The counties of Clallam, Jefferson and San Juan shall constitute the twenty-fifth senatorial district and be entitled to one senator.

The following precincts in the county of Pierce, to-wit: Alderton, Brecken; Buckley, first and second precinct; Burnett, Carbonado, Deringer, Earl, Edgewood, Fairfax, Kapowsin, Lake Tapps, Larchmond, Melmont, Milton, Midland, McMillan, Orting; Puyallup, first, second and third wards; Reservation, Rhodes Lake, Soldiers' Home, South Orting, South Prairie, Sumner, Wilkeson, first and eighth precincts of the fourth ward in the city of Tacoma, shall constitute the twenty-sixth senatorial district and be entitled to one senator.

The following precincts in the county of Pierce, to-wit: Alder, Anderson, Island, Artondale, Elbe, Fox Island, Gig Harbor, Hillhurst, Holz, Lake Bay, Lake City, Lakeview, Long Branch, McNeils Island, McKenna, Minter, Muck, Nisqually, Ohop, Purdy, Rosedale, Roy, Silver Lake, Smelter, Spanaway, Stellacoom, Tanwax, Vaughan, and the following precincts and wards in the city of Tacoma: First, second, third, fourth, fifth, sixth and seventh precincts of the first ward; the first, tenth and eleventh precincts of the second ward; and the first, second and third precincts of the eighth ward, shall constitute the twenty-seventh senatorial district and be entitled to one senator.

The following precincts in the city of Tacoma, in the county of Pierce, to-wit: The second, third, fourth, fifth, sixth, seventh, eighth and ninth precincts of the second ward; the twelfth, thirteenth and fourteenth precincts of the third ward; and the first and fifth precincts of the seventh ward, shall constitute the twenty-eighth senatorial district and be entitled to one senator.

The following precincts of the city of Tacoma, in the county of Pierce, to-wit: The first, second, third, fourth, fifth, sixth and seventh precincts of the third ward; the second, third, fourth, fifth, sixth, seventh, ninth, tenth, eleventh and twelfth precincts of the fourth ward, shall constitute the twenty-ninth senatorial district and be entitled to one senator.

The following precincts in the county of Pierce, to-wit: Fern Hill, Hunt's Prairie, Parkland, and the following precincts in the city of Tacoma: Eighth, ninth, tenth and eleventh precincts of the third ward; first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth and eleventh precincts of the fifth ward; and the first, second, third, fourth, fifth and sixth precincts of the sixth ward; and the

second, third and fourth precincts of the seventh ward, shall constitute the thirtieth senatorial district and be entitled to one senator.

The following precincts of the county of King, to-wit: Lester, Hot Springs, Maywood, Eagle Gorge, Bose, Ellison, Birch, Cumberland, Palmer, Durham, Ravensdale, Franklin, Black Diamond, Krain, Enumclaw, Osceola, Wabash, Green River, Covington, Webster, Meridian, Soos Creek, Spring Brook, Orillia, White River, Meeker, Kent, Christopher, Aaron, Auburn, Stuck, Adelaide, Buenna, Valley, Star Lake, Des Moines, Burton, Maury, Quartermaster, Vashon, and Cove shall constitute the thirty-first senatorial district and be entitled to one senator.

The following portion of the county of King, to-wit: The precincts of Newcastle, Kennydale, Cedar River, Elliott, Black River, Sprague, Meadow Gardens, Tukwila, Sunnysdale, McKinley, Mt. View, the city of Renton, the fourteenth ward, the eighth precinct of the first ward, and the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth precincts of the twelfth ward of the city of Seattle, shall constitute the thirty-second senatorial district and be entitled to one senator.

The following precincts in the county of King, to-wit: Oak Lake, Richmond, Greenwood, Maple Leaf, Union, Bothell, Juanita, Woodinville, Avondale, Redmond, Houghton, Bellevue, Medina, Kirkland, Wilburton, Newport, Mercer, Squak, Monahan, Inglewood, Gilman, Cedar Mountain, Arthur, Hobart, Sherwood, Barnston, Preston, Fall City, Albim, Tolt, Novelty, Cherry Valley, Stossel, Snoqualmie, North Bend, Tanner, South Fork, Pass, Cedar Falls, Bagley, Berlin, Baring, Martin Creek, Wellington and Issaquah, shall constitute the thirty-third senatorial district and be entitled to one senator.

The following portion of the city of Seattle, to-wit: All of the second ward, the first and second precincts of the twelfth ward, and the third, sixth and seventh precincts of the first ward, shall constitute the thirty-fourth senatorial district and be entitled to one senator.

The following portion of the city of Seattle, to-wit: All of the fourth ward, and the first, second, fourth and fifth precincts of the first ward, shall constitute the thirty-fifth senatorial district and be entitled to one senator.

The following portion of the city of Seattle, to-wit: All of the fifth ward, the first, second, fourth and fifth precincts of the sixth ward, and the first, second, ninth and tenth precincts of the seventh ward, shall constitute the thirty-sixth senatorial district and be entitled to one senator.

The following portion of the city of Seattle, to-wit: All of the third ward, and the fourth and fifth precincts of the seventh ward, shall constitute the thirty-seventh senatorial district and be entitled to one senator.

The following portion of the city of Seattle, to-wit: The third, sixth, seventh, eighth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth and

twenty-first precincts of the seventh ward shall constitute the thirty-eighth senatorial district and be entitled to one senator.

The following portion of the city of Seattle, to-wit: The third precinct of the sixth ward, all of the eighth ward, and the first, second, third, fourth and fourteenth precincts of the ninth ward, shall constitute the thirty-ninth senatorial district and be entitled to one senator.

The following portion of the city of Seattle, to-wit: All that portion of the ninth ward not included in the thirty-ninth senatorial district, herein described, and all of the thirteenth ward, shall constitute the fortieth senatorial district and be entitled to one senator.

The following wards of the city of Seattle, to-wit: The tenth and eleventh wards, shall constitute the forty-first senatorial district and be entitled to one senator.

The city of Everett, in the county of Snohomish, shall constitute the forty-second senatorial district and be entitled to one senator.

The following portion of the county of Snohomish, to-wit: All that portion of said county not included in the forty-second senatorial district herein described shall constitute the forty-third senatorial district and be entitled to one senator.

The county of Skagit shall constitute the forty-fourth senatorial district and be entitled to one senator.

All of the county of Whatcom, excepting the territory included in the city limits of Bellingham shall constitute the forty-fifth senatorial district and be entitled to one senator.

All that portion of the county of Whatcom included in the city limits of the city of Bellingham shall constitute the forty-sixth senatorial district and be entitled to one senator.

Sec. 2. The state shall be divided into eighty representative districts and said districts shall be constituted and numbered as follows:

The county of Okanogan shall constitute the first representative district and be entitled to one representative.

The county of Ferry shall constitute the second representative district and be entitled to one representative.

The following portion of the county of Douglas, to-wit: All that portion of said county not included in the twenty-sixth representative district, herein described, shall constitute the third representative district and be entitled to one representative.

The county of Stevens shall constitute the fourth representative district and be entitled to one representative.

The county of Pend Oreille shall constitute the fifth representative district and be entitled to one representative.

The following portions of the county of Spokane, to-wit: The precincts of Emmett, Eve, Eagle, Elk, Eden, and Eugene, in the city of Spokane, and the city of Hillyard, and the precinct of East Hillyard in the said county shall constitute the sixth representative district and be entitled to one representative.

The following precincts in the city of Spokane, to-wit: Ermina.

Eureka, Echo, Ellen, Edith, Elizabeth, Earle, Elgin, Edison, Euclid, Ethel, Eldorado, and Edwards shall constitute the seventh representative district and be entitled to one representative.

The following precincts in the city of Spokane, to-wit: Alki, Alice, Arthur, Andrew, Anne, Astor, Austin, Altamont, Ames, and Athens shall constitute the eighth representative district and be entitled to one representative.

The following portion of the county of Spokane, to-wit: The precincts of Allen, Adolph, Ashley, Albert, and Anson of the city of Spokane, and the townships of East Spokane, Opportunity, Greenacres, Moran, Chester, Mica, Valley Ford, and South Moran, shall constitute the ninth representative district and be entitled to one representative.

The following portion of the county of Spokane, to-wit: The townships of Deer Park, Milan, Elk, Blanchard, Denison, Chattaroy, Mt. Carleton, Nine Mile, Wayside, Colbert, Green Bluff, Coulee, Stevens, Five Mile, Mead, Peone, Pleasant Prairie, Newman, and the city of Deer Park, shall constitute the tenth representative district and be entitled to one representative.

The following portion of the county of Spokane, to-wit: The townships of Espanola, Meadow Lake, West Spokane, Spence, Deep Creek, the city of Medical Lake, and the precincts of Drake, Dalke, Day, Daisy, and Drumheller in the city of Spokane, shall constitute the eleventh representative district and be entitled to one representative.

The following precincts in the city of Spokane, to-wit: Brickell, Baldwin, Belmont, Bryan, Butler, Blaine, and Bernard shall constitute the twelfth representative district and be entitled to one representative.

The following precincts in the city of Spokane, to-wit: Beacon, Blake, Burton, Browne, Burke, Barth, Ada, Alvin, Adams, and Advance, shall constitute the thirteenth representative district and be entitled to one representative.

The following precincts in the city of Spokane, to-wit: Cass, Cliff, Cleveland, Conklin, Custer, Carleton, Cannon, Carlisle, Calhoun, and Car shall constitute the fourteenth representative district and be entitled to one representative.

The following precincts in the city of Spokane, to-wit: Dillom, Douglas, Damon, Dexter, Dewey, Daniel, Dayton, Dixie, Dora, Dwight, Davis, Dodd, Delaware, and Dawson, shall constitute the fifteenth representative district and be entitled to one representative.

The following portion of the county of Spokane, to-wit: The townships of Tyler, Cheney, East Cheney, Marshall, Duncan, Graves, Rock Lake, Pioneer, Buckeye, Spangle, Plaza, Waverly, Freeman, McIntosh, Mt. Hope, Fairfield, Rock Creek Valley, and the cities of Cheney, Spangle, Waverly, Latah, Fairfield, and Rockford shall constitute the sixteenth representative district and be entitled to one representative.

The following portion of the county of Whitman, to-wit: The precincts of Lamont, Union, Rock Creek, Cotton Wood, Pine Creek, St.

John, Sunset, Rosalia, Thornton, Lone Pine, Tekoa, Oakesdale, Farmington, Belmont, and Matlock, and the cities of the county of Whitman, to-wit: Rosalia, Tekoa, Oakesdale, and Farmington shall constitute the seventeenth district and be entitled to one representative.

The following portion of the county of Whitman, to-wit: All that portion of said county not included in the seventeenth representative district herein described, shall constitute the eighteenth representative district and be entitled to two representatives.

The county of Asotin shall constitute the nineteenth representative district and be entitled to one representative.

The county of Garfield shall constitute the twentieth representative district and be entitled to one representative.

The county of Columbia shall constitute the twenty-first representative district and be entitled to one representative.

The county of Adams shall constitute the twenty-second representative district and be entitled to one representative.

The county of Franklin shall constitute the twenty-third representative district and be entitled to one representative.

The following portion of the county of Walla Walla, to-wit: The precincts of Baker, Frenchtown, Hill, Lower Dry Creek, Lower Touchet, Two River, Wallula, Whitman precinct of the third ward, and the fourth ward of the city of Walla Walla, shall constitute the twenty-fourth representative district and be entitled to one representative.

The following portion of the county of Walla Walla, to-wit: The precincts of Braden, Burney, Coppel, Dixie, Hadley, Lincoln, Mill Creek, Prescott, Ritz, Russell, Creek, Waitsburg, Clyde, Eureka, Washington, and the first and second wards; the precincts of Steptoe and Green Park of the third ward of said city of Walla Walla shall constitute the twenty-fifth representative district and be entitled to two representatives.

The county of Grant and the following precincts in Douglas county, to-wit: Trinidad, Hammond, and Valley shall constitute the twenty-sixth representative district and be entitled to one representative.

The county of Chelan shall constitute the twenty-seventh representative district and be entitled to one representative.

The county of Kittitas shall constitute the twenty-eighth representative district and be entitled to one representative.

The following portion of the county of Yakima, to-wit: The precincts of Wenas, Upper Naches, Cowiche, Lower Naches, Selah, Tampico, Athamun, Nob Hill, Hopdale, East Selah, Moxee, Fruitdale, Nile and Artemesia and the cities of Yakima City and Naches City shall constitute the twenty-ninth representative district and be entitled to one representative.

The following portion of the county of Yakima, to-wit: The city of North Yakima shall constitute the thirtieth representative district and be entitled to one representative.

The following portion of the county of Yakima, to-wit: All that portion of said county not included in the twenty-ninth and thirtieth districts herein described, shall constitute the thirty-first representative district and be entitled to one representative.

The county of Benton shall constitute the thirty-second representative district and be entitled to one representative.

The county of Lincoln shall constitute the thirty-third representative district and be entitled to one representative.

The county of Klickitat shall constitute the thirty-fourth representative district and be entitled to one representative.

The county of Skamania shall constitute the thirty-fifth representative district and be entitled to one representative.

The county of Cowlitz shall constitute the thirty-sixth representative district and be entitled to one representative.

The county of Clarke shall constitute the thirty-seventh representative district and be entitled to two representatives.

The county of Wahkiakum shall constitute the thirty-eighth representative district and be entitled to one representative.

The county of Pacific shall constitute the thirty-ninth representative district and be entitled to one representative.

The following portions of the county of Chehalis, to-wit: The precincts of Simpson, Wilson, Grove, Rayburn, Fairview, Montesano, East Montesano, Satsop, East Elma, West Elma, Summit, Malone, Porter, Fords Prairie, Delezene, Oakville, Connie, Blockhouse, Vesta, Arctic, Wynooche, Cosmopolis, Johns River, Ocosta and Westport, shall constitute the fortieth representative district, and be entitled to one representative.

The following precincts in the county of Lewis, to-wit: Independence, Lincoln, Creek, Greenwood, Skookum Chuck, Clark, Centralia, Salzer, Kopliah, Agate, Hannaford, Mineral, shall constitute the forty-first representative district and be entitled to one representative.

The following precincts in the county of Lewis, to-wit: Dryad, Doty, McCormick, Mauerman, Boistfort, Eagleton, Claquato, Chehalis, Coal Creek, Union, Newaukum, Napavine, Logan, Forest, Granite, Alpha, Pe Ell, shall constitute the forty-second representative district and be entitled to one representative.

The following precincts in the county of Lewis, to-wit: Veness, Ainslie, Stillwater, Cowlitz Bend, Drews Prairie, Prescott, Cowlitz, Salmon Creek, Eden, Winlock, Little Falls, Ethel, Windon, Salkum, Klickitat, Toledo, Ferry, Sulphur Creek, Harmony, Tildon, Morton, Verndale, Big Bottom, Cinebar, and Randle, shall constitute the forty-third representative district and be entitled to one representative.

The county of Thurston shall constitute the forty-fourth representative district and be entitled to one representative.

The county of Mason shall constitute the forty-fifth representative district and be entitled to one representative.

The following precincts in Chehalis county, to-wit: Junction,

Grand Forks, Coates Landing and Aberdeen, shall constitute the forty-sixth representative district and shall be entitled to one representative.

The following precincts in Chehalis county, to-wit: Moclips, Quinault, Humptulips, Axford, Hoquiam, Wilderness, Damon, Chepalis, and Stearnsville, shall constitute the forty-seventh representative district and be entitled to one representative.

The county of Island shall constitute the forty-eighth representative district and be entitled to one representative.

The county of Kitsap shall constitute the forty-ninth representative district and be entitled to one representative.

The county of Jefferson shall constitute the fiftieth representative district and be entitled to one representative.

The county of Clallam shall constitute the fifty-first representative district and be entitled to one representative.

The county of San Juan shall constitute the fifty-second representative district and be entitled to one representative.

The following portion of the county of Pierce, to-wit: The precincts of Alderton, Breckon, Buckley, first and second precincts, Burnett, Carbonado, Deringer, Earl, Edgewood, Fairfax, Kapowsin, Lake Tapps, Larchmond, Melmont, Milton, Midland, McMillan, Orting, Puyallup, first, second and third wards; Reservation, Rhodes Lake, Soldiers' Home, South Orting, South Prairie, Sumner, Wilkeson, first and eighth precincts of the fourth ward in the city of Tacoma, shall constitute the fifty-third representative district and be entitled to two representatives.

The following precincts in the county of Pierce, to-wit: Alder, Anderson Island, Artondale, Elbe, Fox Island, Gig Harbor, Hillhurst, Holz, Lake Bay, Lake City, Lakeview, Long Branch, McNeils Island, McKenna, Minter, Muck, Nisqually, Ohop, Purdy, Rosedale, Roy, Silver Lake, Smelter, Spanaway, Steilacoom, Tanwax, Vaughan, and the following precincts and wards in the city of Tacoma: First, second, third, fourth, fifth, sixth and seventh precincts of the first ward; the first, tenth and eleventh precincts of the second ward, and the first, second and third precincts of the eighth ward, shall constitute the fifty-fourth representative district and be entitled to two representatives.

The following precincts in the city of Tacoma, in the county of Pierce, to-wit: The second, third, fourth, fifth, sixth, seventh, eighth, and ninth precincts of the second ward; the twelfth, thirteenth and fourteenth precincts of the third ward; and the first and fifth precincts of the seventh ward, shall constitute the fifty-fifth representative district and be entitled to two representatives.

The following precincts of the city of Tacoma, in the county of Pierce, to-wit: The first, second, third, fourth, fifth, sixth, seventh, fifteenth and sixteenth precincts of the third ward shall constitute the fifty-sixth representative district and be entitled to one representative.

The following precincts of the city of Tacoma in the county of Pierce, to-wit: The second, third, fourth, fifth, sixth, seventh, ninth, tenth, eleventh, and twelfth precincts of the fourth ward shall constitute the fifty-seventh representative district and be entitled to one representative.

The following precincts in the county of Pierce, to-wit: Fern Hill, Hunt's Prairie, Parkland, and the following precincts in the city of Tacoma: Eighth, ninth, tenth and eleventh precincts of the third ward; first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth and eleventh precincts of the fifth ward; and the first, second, third, fourth, fifth and sixth precincts of the sixth ward; and the second, third and fourth precincts of the seventh ward, shall constitute the fifty-eighth representative district and be entitled to two representatives.

The following precincts of the county of King, to-wit: Lester, Hot Springs, Maywood, Eagle Gorge, Boise, Ellison, Birch, Cumberland, Palmer, Durham, Ravensdale, Franklin, Black Diamond, Krain, Enumclaw, Osceola, Wabash, Green River, Covington, Webster, Meridian, Soos Creek, Spring Brook, Orillia, White River, Mecker, Kent, Christopher, Aaron, Auburn, Stuck, Adelaide, Buenna, Valley, Star Lake, Des Moines, Burton, Maury, Quartermaster, Vashon and Cove shall constitute the fifty-ninth representative district and be entitled to three representatives.

The following portion of the county of King, to-wit: The precincts of Newcastle, Kennydale, Cedar River, Elliott, Black River, Sprague, Meadow Gardens, Tukwilla, Sunnydale, McKinley, Mt. View, the city of Renton, the fourteenth ward, the eighth precinct of the first ward, and the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth precincts of the twelfth ward of the city of Seattle, shall constitute the sixtieth representative district and be entitled to two representatives.

The following precincts in the county of King, to-wit: Oak Lake, Richmond, Greenwood, Maple Leaf, Union, Bothell, Juanita, Woodinville, Avondale, Redmond, Houghton, Bellevue, Medina, Kirkland, Wilburton, Newport, Mercer, Squak, Monahan, Inglewood, Gilman, Cedar Mountain, Arthur, Hobart, Sherwood, Barnston, Preston, Fall City, Albin, Tolt, Novelty, Cherry Valley, Stossel, Snoqualmie, North Bend, Tanner, South Fork, Pass, Cedar Falls, Bagley, Berlin, Barring, Martin Creek, Wellington, and Issaquah, shall constitute the sixty-first representative district and be entitled to one representative.

The following precincts in the city of Seattle, to-wit: The fourth, fifth, sixth, seventh, eleventh and twelfth precincts of the second ward, and the first and second precincts of the twelfth ward shall constitute the sixty-second representative district and be entitled to one representative.

The following precincts in the city of Seattle, to-wit: The third, sixth and seventh precincts of the first ward, and the first, second, third, eighth, ninth and tenth precincts of the second ward shall con-

stitute the sixty-third representative district and be entitled to one representative.

The following precincts and wards in the city of Seattle, to-wit: The first, second, fourth and fifth precincts of the first ward and all of the fourth ward, shall constitute the sixty-fourth representative district and be entitled to one representative.

The following precincts in the city of Seattle, to-wit: The first, second, third and fourth precincts of the fifth ward, and the first, second, fourth and fifth precincts of the sixth ward shall constitute the sixty-fifth representative district and be entitled to one representative.

The following precincts in the city of Seattle, to-wit: The fifth, sixth, seventh, and eighth precincts of the fifth ward, and the first, second, ninth and tenth precincts of the seventh ward, shall constitute the sixty-sixth representative district and be entitled to one representative.

The following precincts in the city of Seattle, to-wit: The first, second, third, fourth, fifth, twelfth, and thirteenth precincts of the third ward and the fourth precinct of the seventh ward, shall constitute the sixty-seventh representative district and be entitled to one representative.

The following precincts in the city of Seattle, to-wit: Sixth, seventh, eighth, ninth, tenth, eleventh and fourteenth precincts of the third ward, and the fifth precinct of the seventh ward shall constitute the sixty-eighth representative district and be entitled to one representative.

The following precincts of the city of Seattle, to-wit: The third, sixth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, and twentieth precincts of the seventh ward shall constitute the sixty-ninth representative district and be entitled to one representative.

The following precincts in the city of Seattle, to-wit: The seventh, eighth, eleventh, twelfth, thirteenth, fourteenth, and twenty-first precincts of the seventh ward, shall constitute the seventieth representative district and shall be entitled to one representative.

The following precincts in the city of Seattle, to-wit: The third precinct of the sixth ward, and the first, second, third, fourth, fifth, sixth, seventh, and eighth precincts of the eighth ward shall constitute the seventy-first representative district and be entitled to one representative.

The following precincts of the city of Seattle, to-wit: The ninth, tenth, eleventh, and twelfth precincts of the eighth ward, and the first, second, third, fourth and fourteenth precincts of the ninth ward shall constitute the seventy-second representative district and be entitled to one representative.

The following portion of the city of Seattle, to-wit: All that portion of the ninth ward, not included in the seventy-second district, herein described, and all of the thirteenth ward, shall constitute the seventy-third representative district and be entitled to two representatives.

The following portion of the city of Seattle, to-wit: All of the eleventh ward shall constitute the seventy-fourth representative district and be entitled to one representative.

The following portion of the city of Seattle, to-wit: All of the tenth ward shall constitute the seventy-fifth representative district and be entitled to one representative.

The city of Everett in the county of Snohomish shall constitute the seventy-sixth representative district and be entitled to two representatives.

The following portion of the county of Snohomish, to-wit: All that portion of said county, not included in the seventy-sixth representative district herein described, shall constitute the seventy-seventh representative district and be entitled to three representatives.

The county of Skagit shall constitute the seventy-eighth representative district and be entitled to three representatives.

All of the county of Whatcom, except the territory included in the city limits of Bellingham, shall constitute the seventy-ninth representative district and be entitled to two representatives.

All that portion of the county of Whatcom included in the city limits of Bellingham shall constitute the eightieth representative district and be entitled to two representatives.

Sec. 3. At the general election to be held on the first Tuesday after the first Monday in November, 1912, and every four years thereafter, a senator shall be elected in the following numbered single senatorial districts, namely: Third, fourth, fifth, seventh, eighth, tenth, eleventh, twelfth, thirteenth, fourteenth, seventeenth, nineteenth, twenty-first, twenty-second, twenty-fourth, twenty-sixth, twenty-eighth, twenty-ninth, thirty-third, thirty-eighth, forty-first, forty-second, and forty-fifth, as numbered in section 1 of this act, who shall continue in office for the term of four years.

Sec. 4. At the general election to be held on the first Tuesday after the first Monday in November, 1914, and every four years thereafter, a senator shall be elected in each of the following numbered single senatorial districts, namely: The second, sixth, ninth, fifteenth, eighteenth, twentieth, twenty-third, twenty-fifth, twenty-seventh, thirtieth, thirty-first, thirty-second, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-ninth, fortieth, forty-third, forty-fourth, and forty-sixth, as numbered in section one of this act, who shall continue in office for the term of four years.

Sec. 5. At the general election to be held on the first Tuesday after the first Monday in November, 1912, a senator shall be elected in each of the following numbered single senatorial districts, namely: The first and sixteenth, as numbered in section one of this act, who shall continue in office for the term of two years; and at the general election to be held on the first Tuesday after the first Monday in November, 1914, and every four years thereafter, a senator shall be elected in each of said single senatorial districts numbered one and sixteen, as num-

bered in section one of this act, who shall continue in office for the term of four years.

Sec. 6. The representatives provided for in this act shall be elected at the general election to be held on the first Tuesday after the first Monday in November, 1912, and every two years thereafter.

Sec. 7. Precincts which have recently been formed, or which hereafter may be formed, or which for any reason are not mentioned herein by name, shall be part of the same senatorial and representative districts as the precincts from which they were formed.

Sec. 8. This reapportionment shall take effect and be in force on and after the second Monday of January, 1913: *Provided, however,* That the first election of senators and representatives provided for in this act shall be held at the general election to be held on the first Tuesday after the first Monday in November, 1912, as hereinbefore provided.

Sec. 9. All acts and parts of acts in conflict herewith are hereby repealed.

FRANK C. JACKSON, *Chairman.*

We concur in this report: E. M. Stephens, R. A. Hutchinson, Ralph Metcalf, D. H. Cox, George U. Piper.

SENATE CHAMBER,
OLYMPIA, WASH., March 7, 1911.

MR. PRESIDENT:

We, a minority of your committee on legislative apportionment, to whom was referred House bill No. 407, entitled "An act to redistrict and reapportion the members of the Senate and House of Representatives of the State of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

We concur in this report: A. B. Eastham, H. A. Espy, Oliver Hall, F. L. Stewart.

Senator Jackson moved the adoption of the majority report, and that the bill as amended be printed.

Senator Hall moved as a substitute the adoption of the minority report.

Senator Hall stated that he desired to withdraw his motion.

Senator Jackson stated the point of order that a motion before the Senate cannot be withdrawn without unanimous consent of the Senate.

Senator Hall asked unanimous consent to withdraw his motion.

Senator Jackson refused to give consent.

Senator Ruth moved that the rules be suspended and that Senator Hall be allowed to withdraw his motion.

The motion carried.

Senator Hall moved that House bill No. 407, together with both the majority and minority reports, be placed on general file.

The previous question was demanded by Senators Troy, Ruth and Eastham.

The motion for the previous question was put and carried.

The motion of Senator Hall that House bill No. 407, together with both the majority and minority reports, be placed on general file, was lost.

The motion of Senator Jackson that the majority report be adopted prevailed and the amended bill was ordered printed.

Senator Jackson asked unanimous consent to substitute House bill No. 407 for Senate bill No. 299 on the calendar.

Senator Jackson withdrew his motion.

By unanimous consent, on motion of Senator Hall, House bill No. 407 was placed in the position occupied by Senate bill No. 299 on the calendar.

By unanimous consent, on motion of Senator Rydstrom, the Senate took up for consideration Senate bill No. 226.

Senate bill No. 226, by Senator Rydstrom, entitled "An act to apportion the State of Washington into five congressional districts," was read third time.

On motion of Senator Rydstrom, a colon was substituted for the period at the end of section 6 and the following was added thereto:

"Provided, That if in the apportionment by congress the present representation should remain as now provided, then the three congressmen shall be nominated and elected from the districts as now provided by law. If four congressmen are provided for, then three shall be nominated and elected from the present congressional districts and one shall be nominated and elected by the state at large. If more than five are provided for, then and in that event one shall be nominated and elected from each of the congressional districts provided for herein, and the remainder shall be nominated and elected by the state at large."

Senator Brown moved to amend section 1, line 1 of the bill by striking the words "city of Seattle" and inserting in lieu thereof the words "King county."

A roll call on the amendment was demanded by Senators Nichols, Brown, Piper, Rydstrom, Chappell, Landon, Jackson.

The secretary called the roll, and the amendment was lost by the following vote:

Those voting aye were: Senators Arrasmith, Bassett, Brown, Chappell, Cox, Espy, Fishback, Hall, Hammer, Hewitt, Landon, Myers, Stevenson, Troy, White—15.

Those voting nay were: Senator Allen (F. J.), Allen (P. L.), Bowen, Bryan, Collins, Davis, Eastham, Falconer, Hutchinson, Jackson, Jensen, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stewart, Whalley, Whitney, Mr. President—23.

Absent or not voting were: Senators Anderson, Huxtable, Metcalf, Rosenhaupt—4.

Senator Falconer moved to strike in line 2, section 2 of the printed bill, the same being in lines 2, 3 and 4 of the original bill, the following words: "And that portion of King county which is outside of Seattle."

Senator Stevenson moved that Senate bill No. 260 be substituted for Senate bill No. 226.

The motion of Senator Stevenson was lost.

At 12:25 p. m., on motion of Senator Falconer, the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

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

By unanimous consent, the secretary read a message from the House out of order.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 8, 1911.

MR. PRESIDENT:

The House has reconsidered the vote whereby it refused to concur in the Senate amendments to House bill No. 181, and has concurred in such amendments.

Also, the House has adopted the report of the conference committee on House bill No. 236.

Also, the House has adopted the report of the conference committee on Senate bill No. 45.

Also, the House has concurred in the Senate amendments to House bill No. 14.

Also, the House has refused to recede from its amendments to substitute Senate bill No. 94, and the speaker has appointed as members of a conference committee on Senate bill No. 94, Messrs. Deming, Beach and Haroldson.

And Senate bill No. 94 is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., March 8, 1911.

MR. PRESIDENT:

Your committee on enrolled bills, to whom was referred Senate bill No. 45, entitled "An act relating to the organization, classification, incorporation and government of municipal corporations, under a commission, and declaring an emergency," have compared same with the engrossed bill and find it correctly enrolled.

Respectfully submitted.

GEO. W. SHAEFFER, *Chairman.*

We concur in this report: Peder Jensen, H. A. Espy.

Senator Allen (F. J.) announced that he had compared the engrossed with the enrolled copy of Senate bill No. 45 and found it to be properly enrolled.

The president signed Senate bill No. 45.

The Senate resumed the consideration of Senate bill No. 226.

Senator Falconer withdrew the motion to amend made by him and which was pending at the time of the noon adjournment.

Senator White moved to amend the bill by striking in line 2, section 2 of the printed bill, the same being in lines 2, 3 and 4, section 2 of the original bill, the following words: "And

that portion of King county which is outside of the city of Seattle."

The motion was lost.

Senator Espy moved to amend the bill by inserting the word "Wahkiakum" before the word "Lewis" in line 1 of section 3.

The motion carried.

On motion of Senator Bassett, the bill was amended by striking in line 1, section 4 of the printed bill, the same being in lines 1 and 2, section 4 of the original bill, the words "Okanogan, Chelan, Douglas," and inserting after the word "Lincoln" the words "Whitman and Adams."

On motion of Senator Allen (F. J.), the words "Whitman" and "Adams" were stricken in lines 1 and 2, section 5 of the printed bill, the same being in lines 2 and 3, section 5 of the original bill, and the words "Okanogan, Chelan, Douglas" were inserted after the word "Cowlitz" in line 2, section 5 of the printed bill, the same being line 3, section 5 of the printed bill.

On motion of Senator Espy, the word "Wahkiakum" was stricken in line 2, section 5 of the printed bill, the same being in lines 3 and 4, section 5 of the original bill.

On motion of Senator Shaefer, the bill was amended by inserting the words "Pend Oreille" after the word "Stevens" in line 1 of section 4 of the printed bill, the same being in line 2, section 4 of the original bill.

Senator Stewart moved to amend the bill by inserting the words "Cowlitz, Clarke" after the word "Thurston" in line 1, section 3 of the printed bill, the same being in line 2, section 3 of the original bill.

The motion was lost.

Senator Stewart moved that Senate bill No. 226 be indefinitely postponed.

A roll call on the motion was demanded by Senators Falconer, Landon, Nichols, Troy, Eastham, Stewart, Brown.

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

Those voting aye were: Senators Brown, Chappell, East-

ham, Espy, Hammer, Landon, Ruth, Stevenson, Stewart, Troy, White—11.

Those voting nay were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Bryan, Collins, Cox, Davis, Falconer, Fishback, Hall, Hutchinson, Jackson, Jensen, Metcalf, Myers, Nichols, Piper, Rosenhaupt, Rydstrom, Shaefer, Smithson, Stephens, Whalley, Whitney, Mr. President—28.

Absent or not voting were: Senators Hewitt, Huxtable, Rosenhaupt—3.

The secretary called the roll on final passage of Senate bill No. 226, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bowen, Bassett, Bryan, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Metcalf, Myers, Nichols, Piper, Roberts, Rydstrom, Shaefer, Smithson, Stephens, Whalley, Whitney, Mr. President—30.

Those voting nay were: Senators Brown, Chappell, Eastham, Landon, Ruth, Stevenson, Stewart, Troy, White—9.

Absent or not voting were: Senators Hewitt, Huxtable, Rosenhaupt—3.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Myers, the name of Senator Davis was stricken from the roll of those voting on the passage of Senate bill No. 255 at last night's session and Senator Davis was marked absent on said roll.

Senator Allen (P. L.) was granted unanimous consent to introduce a report out of order.

REPORT OF STANDING COMMITTEE.

SENATE CHAMBER,
OLYMPIA, WASH., March 8, 1911.

MR. PRESIDENT:

We, your committee on state, granted, school and tide lands, to whom was referred Senate bill No. 201, entitled "An act relating to the forests of the state; providing for fire wardens and forest rangers

and a state forester and fire warden; defining the powers and duties of such officers and of the state board of forest commissioners, providing punishment for the violation of this act, and repealing sections two to twelve inclusive, of chapter 164, Session Laws of the State of Washington for 1905," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the bill submitted herewith be substituted therefor and that the substitute do pass.

P. L. ALLEN, *Chairman.*

We concur in this report: H. O. Fishback, E. Hammer, H. A. Espy, J. A. Falconer, A. W. Anderson, J. D. Bassett.

On motion of Senator Allen (P. L.), the report of the committee was adopted.

By unanimous consent, the secretary read the following message from the House out of order:

MESSAGES TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 8, 1911.

MR. PRESIDENT:

The speaker has signed substitute Senate bill No. 165, entitled "An act relating to the expenditure of road and bridge funds in the construction, in the improvement and repair of public highways and bridges, etc.;"

Also Senate bill No. 236, entitled "An act relating to delinquent corporations, providing for their reinstatement or dissolution, etc.;"

Also Senate bill No. 174, entitled "An act relating to the establishment and widening of county roads and to exercise of the right of eminent domain by counties, etc.;"

Also Senate bill No. 87, entitled "An act providing for an annual levy for the public highway fund, etc.;"

Also Senate joint resolution No. 10, "Relating to the building of the state capitol building or buildings for the State of Washington, etc.;"

Also House bill No. 12, entitled "An act to regulate and limit hours of employment of females in any mechanical or mercantile establishment, etc.;"

Also House bill No. 118, entitled "An act relating to the selection, exemption and service of jurors in the superior courts of the State of Washington, etc.;"

Also House bill No. 373, entitled "An act relating to the powers of the state capitol commission, providing for the funding, payment of and canceling existing claims against the capitol building fund, etc.;"

Also House bill No. 559, entitled "An act appropriating the sum of five hundred dollars or so much thereof as may be necessary to pay for additional printing as may be ordered by the twelfth legislature;"

Also House bill No. 236, entitled "An act relating to attorneys and counselors-at-law, etc.;"

Also House bill No. 181, entitled "An act regulating the sale of bottled milk and bottled cream in cities of the first class, etc.;"

Also House bill No. 326, entitled "An act relating to the school for the blind and making an appropriation;"

Also House concurrent resolution No. 15, "Relating to the introduction of bills in the House making an appropriation for certain items, etc.;"

Also House concurrent resolution No. 17, "Relating to the proposed water code heretofore prepared by the code commission, etc.;"

Also Senate bill No. 45, entitled "An act relating to the organization, classification, incorporation and government of municipal corporations, etc."

Also, the House has concurred in the Senate amendments to House bill No. 282, "An act relating to local improvements in cities and towns."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Consent having been given, substitute Senate bill No. 201, by Committee on State, School, Granted and Tide Lands, entitled "An act relating to the forests of the state; providing for fire wardens and forest rangers and a state forester and fire warden, defining the powers and duties of such officers and of the state board of forest commissioners, providing punishment for the violation of this act, and repealing sections two to twelve inclusive of chapter 164, Session Laws of the State of Washington of 1905," was read first time, out of order.

On motion of Senator Allen (P. L.), the rules were suspended and substitute Senate bill No. 201 was read second and third times.

On motion of Senator Ruth, the word "trail" in section 16, line 1 of the substitute bill, where it occurs between the words "railroad" and "wagon-road" was stricken.

On motion of Senator Brown, section 17, line 1 of the substitute bill was amended by striking the words "donkey engine or other portable or."

On motion of Senator Brown, the bill was further amended by striking the words "donkey engine or other portable or" in section 17, line 4 of the substitute bill.

Senator Hewitt moved to strike paragraph "b" in section 17. The motion failed to carry.

Senator Roberts moved to strike lines 2, 3 and 4 of section 18 of the substitute bill.

The motion was lost.

The secretary called the roll on final passage of substitute Senate bill No. 201, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Bryan, Collins, Davis, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jensen, Landon, Myers, Nichols, Smithson, Stevenson, Stewart, Troy, Whalley, White, Mr. President—25.

Those voting nay were: Senators Allen (F. J.), Brown, Chappell, Cox, Eastham, Hewitt, Roberts, Ruth, Rydstrom, Stephens—10.

Absent or not voting were: Senators Huxtable, Jackson, Metcalf, Piper, Rosenhaupt, Shaefer, Whitney—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Fishback moved that the rules be suspended and substitute Senate bill No. 201 ordered transmitted to the House immediately.

The motion was carried.

The Senate took up for consideration Senate bill No. 24, by Senator Myers, which was read third time yesterday.

The secretary called the roll on final passage of Senate bill No. 24, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Falconer, Fishback, Hall, Hammer, Hewitt, Jensen, Landon, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Stevenson, Troy, Whalley, White, Mr. President—30.

Absent or not voting were: Senators Davis, Espy, Hutchinson, Huxtable, Jackson, Metcalf, Rosenhaupt, Shaefer, Smithson, Stephens, Stewart, Whitney—12.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Substitute House bill No. 240, entitled "An act to prevent the spread of noxious weeds, relating to the duties of owners, lessees and occupants of land and of district road supervisors in connection therewith, providing a penalty for the violation thereof and amending sections 3038, 3039, 3040 and 3041 of Remington and Ballinger's Annotated Codes and Statutes of Washington," was read the third time.

The secretary called the roll on the final passage of substitute House bill No. 240 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Falconer, Fishback, Hall, Hammer, Jackson, Landon, Myers, Roberts, Ruth, Rydstrom, Smithson, Stephens, Stevenson, Stewart, Troy, White, Mr. President—29.

Absent or not voting were: Senators Davis, Espy, Hewitt, Hutchinson, Huxtable, Jensen, Metcalf, Nichols, Piper, Rosenhaupt, Shaefer, Whalley, Whitney—13.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed House bill No. 76, by Mr. Ennis, entitled "An act relating to the superior court of the county of King; the election and appointment of judges therein, and declaring an emergency," was read third time.

The secretary called the roll on final passage of engrossed House bill No. 76, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Espy, Fishback, Hall, Hammer, Hewitt, Jensen, Landon, Myers, Roberts, Ruth, Rydstrom, Smithson, Stephens, Stewart, Troy, Whalley—27.

Those voting nay were: Senators Arrasmith, Falconer, Nichols, Stevenson, White, Mr. President—6.

Absent or not voting were: Senators Davis, Hutchinson, Huxtable, Jackson, Metcalf, Piper, Rosenhaupt, Shaefer, Whitney—9.

The secretary called the roll on the emergency clause and it was adopted by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Bassett, Bowen, Bryan, Chappell, Collins, Cox, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jensen, Landon, Myers, Piper, Roberts, Ruth, Rydstrom, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley—28.

Those voting nay were: Senators Arrasmith, Brown, Eastham, Hewitt, Nichols, White, Mr. President—7.

Absent or not voting were: Senators Davis, Huxtable, Jackson, Metcalf, Rosenhaupt, Shaefer, Whitney—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Re-engrossed House bill No. 266, by the Committee on Mines and Mining, entitled "An act relating to the handling, storage and distribution of powder and other explosives used in connection with coal mining and providing penalties for the violation thereof," was read third time.

Senator Ruth moved to amend by striking the word "one" in line 4 of section 2 of the re-engrossed bill and inserting in lieu thereof the word "five."

The motion was lost.

The secretary called the roll on the final passage of re-engrossed House bill No. 266, and the bill passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hammer, Hutchinson, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Smithson, Stephens, Stewart, Troy, Mr. President—29.

Those voting nay were: Senators Hewitt, Jensen, Stevenson, White—4.

Absent or not voting were: Senators Allen (P. L.), Hall, Huxtable, Jackson, Rosenhaupt, Rydstrom, Shaefer, Whalley, Whitney—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 161, by Mr. Appleman, entitled "An act relating to the powers and duties of prosecuting attorneys and amending section 116 of Remington and Ballinger's Annotated Codes and Statutes of Washington," was read third time.

Senator Bryan moved to amend by striking in lines 5, 6 and 7, section 1 of the original bill the words "subject to the supervisory control and direction of the attorney general."

The motion was lost.

On motion of Senator White, section 1 was amended by striking lines 12, 13 and 14 of the original bill.

The secretary called the roll on final passage of House bill No. 161, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Jackson, Jensen, Metcalf, Myers, Ruth, Stephens, Stevenson, Stewart, Troy, White, Whitney, Mr. President—27.

Those voting nay were: Senators Allen (F. J.), Bryan, Eastham, Hutchinson, Landon, Nichols, Piper, Roberts, Shaefer—9.

Absent or not voting were: Senators Chappell, Huxtable, Rosenhaupt, Rydstrom, Smithson, Whalley—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed House bill No. 212, by the Judiciary Committee, entitled "An act relating to the office of attorney general, defining his powers and duties, and repealing sections 112 and 9037 of Remington and Ballinger's Annotated Codes and Statutes of Washington," was read third time.

Senator Collins moved to amend by inserting after the word "advise" in the first line or subdivision 4 of section 1 of the

engrossed bill, the word "with" and by striking all of said subdivision 4 after the word "office" in line 3 of the engrossed bill.

The motion was lost.

Senator Espy moved to amend by inserting immediately before subdivision 13 of section 1 in the engrossed bill, a new subdivision as follows: "12½. To do such things as he may deem required by law."

The motion was lost.

Senator Landon moved that House bill No. 212 be indefinitely postponed.

A roll call on the motion was demanded by Senators Falconer, Landon, Nichols, Piper, Hutchinson, Collins, Chappell.

The secretary called the roll on the motion to indefinitely postpone engrossed House bill No. 212, and it was indefinitely postponed by the following vote:

Those voting aye were: Senators Allen (F. J.), Arrasmith, Bowen, Brown, Bryan, Chappell, Cox, Eastham, Hall, Hewitt, Hutchinson, Jensen, Landon, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, White, Whitney—23.

Those voting nay were: Senators Allen (P. L.), Anderson, Bassett, Collins, Espy, Falconer, Fishback, Hammer, Metcalf, Stephens, Stevenson, Stewart, Troy, Mr. President—14.

Absent or not voting were: Senators Davis, Huxtable, Jackson, Rosenhaupt, Whalley—5.

Engrossed House bill No. 63, by Mr. Twitchell, entitled "An act relating to material men's liens and the enforcement thereof, and amending section 1133 of Remington and Ballinger's Annotated Codes and Statutes of Washington," was read third time.

Senator Nichols moved to amend the bill by inserting after the word "thereon" in line 15, section 1 of the printed bill, the same being in line 17, section 1 of the engrossed bill, the following: "Every thirty days thereafter until the account is paid or lien filed on or before the 5th day of each calendar month, a notice in writing signed by the person, firm or corporation authorized to claim a lien under this act, shall be delivered or mailed to the owner or reputed owner of said prop-

erty, which notice shall contain a statement of the amount due, for which a claim of lien may be filed, and in case a claim of lien is filed, notice thereof shall be likewise mailed or delivered to said owner or reputed owner within five days after filing said claim of lien."

Senator Espy moved to amend the amendment by striking the word "a" between the words "contain" and "statement" in the amendment, and substituting the words "an itemized," so as to read "contain an itemized statement."

The motion of Senator Espy was lost.

A roll call on the amendment as offered by Senator Nichols was demanded by Senators Falconer, Nichols, Landon, Piper, Hutchinson, Chappell, Whitney.

The secretary called the roll, and the amendment was lost by the following vote:

Those voting aye were: Senators Allen (P. L.), Bassett, Bowen, Brown, Bryan, Collins, Davis, Falconer, Hammer, Hutchinson, Jackson, Jensen, Nichols, Piper, Shaefer, Whalley, Mr. President—17.

Those voting nay were: Senators Allen (F. J.), Anderson, Arrasmith, Chappell, Cox, Eastham, Espy, Fishback, Hall, Hewitt, Landon, Metcalf, Myers, Roberts, Ruth, Rydstrom, Smithson, Stephens, Stevenson, Stewart, Troy, White, Whitney—23.

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

Senator Piper offered an amendment to section 2 by adding the following at the end of said section: "*Provided, however, That amount of lien shall not be in excess of the contract price.*"

The amendment was lost.

Senator Collins moved to amend as follows: In section 1, line 15 of printed bill, the same being in line 17, section 1 of the engrossed bill, after the word "thereon" strike the words "and no further notice to the owner shall be necessary."

The amendment was lost.

Senator Jensen moved to amend section 1, line 10 of the printed bill, the same being in line 13, section 1 of the en-

grossed bill, by inserting between the words "or" and "mail" the word "register."

The motion was lost.

Senator Collins moved that engrossed House bill No. 63 be indefinitely postponed.

The motion failed to carry.

The secretary called the roll, and engrossed House bill No. 63 passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Brown, Bryan, Collins, Cox, Davis, Eastham, Espy, Fishback, Hall, Hewitt, Jackson, Landon, Metcalf, Myers, Roberts, Ruth, Rydstrom, Shaefer, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—30.

Those voting nay were: Senators Allen (P. L.), Bowen, Collins, Falconer, Hammer, Hutchinson, Jensen, Nichols, Piper—9.

Absent or not voting were: Senators Huxtable, Rosenhaupt, Smithson—3.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The president signed House bills Nos. 236, 559, 373, 118, 12, 181, 326, also House concurrent resolutions Nos. 15 and 17.

Engrossed House bill No. 2, by Mr. Wray, entitled "An act relating to garnishments in justice courts in the State of Washington, and amending sections 1, 2, 3, 4 and 12 of chapter 160 of the Session Laws of 1909," was read third time.

On motion of Senator Nichols, the bill was amended as follows: In section 5, line 12 of the printed bill, the same being section 5, line 21 of the engrossed bill, or the last line in the section, strike the words "and recover his statutory" and insert in lieu thereof the word "without."

The secretary called the roll on final passage of engrossed House bill No. 2, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Collins, Cox,

Davis, Espy, Falconer, Fishback, Hall, Hammer, Jackson, Jensen, Landon, Myers, Nichols, Piper, Ruth, Rydstrom, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—30.

Absent or not voting were: Senators Bryan, Chappell, Eastham, Hewitt, Hutchinson, Huxtable, Metcalf, Roberts, Rosenhaupt, Shaefer, Smithson, Whitney—12.

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Senator Stewart moved that the Senate take a recess until 7:30 this evening.

The motion was lost.

House bill No. 407, by Mr. McArdle *et al.*, entitled "An act to re-district and re-apportion the members of the Senate and House of Representatives of the State of Washington," was read third time.

A call of the Senate was moved by Senators Jackson, Falconer and Whalley.

The motion for a call of the Senate carried.

A call of the Senate was ordered.

The secretary called the roll, which showed the following members absent: Senators Hewitt, Huxtable (excused), Metcalf and Rosenhaupt (excused).

On motion of Senator White, further proceedings under the call of the Senate were suspended.

On motion of Senator Jackson, the bill was amended on page 2, line 35 of the bill by inserting after the word "Belmont" the following words: "Steptoe, Elberton, Garfield, Turnbow" and in line 36 after the word "Tekoa" by inserting the words "Garfield, Palouse."

On motion of Senator Jackson, the bill was amended on page 6, line 55 of the bill, after the word "Belmont" by inserting the following words: "Steptoe, Elberton, Garfield, Turnbow" and in line 56 by inserting after the word "Tekoa" the words "Garfield, Palouse."

On motion of Senator Jackson, the bill was amended by striking in line 86, page 3 of the bill the words "Larchmont" and "Midland" and by inserting in line 105 after the word

"to-wit" the words "Larchmont, Midland," and in lines 87 and 88 of page 3 of the bill by striking the words "first and eighth precincts of the fourth ward" and insert in lieu thereof the words "all of the first precinct and so much of the eighth precinct of the fourth ward as lies north of South Thirty-first street and east of East M street, as said East M street would run if extended northerly to South Nineteenth street," also by inserting in line 103 of page 3 of the bill, after the word "ward" the following: "And so much of the first precinct of the fourth ward as lies north of South Thirty-first street and west of East M street, as said East M street would run if extended northerly to South Nineteenth street."

On motion of Senator Jackson, the bill was amended on page 3, line 99 of the bill, by striking the word "and" between the words "first" and "fifth" and inserting after the word "fifth" the words "sixth" and seventh."

On motion of Senator Jackson, the bill was amended by striking in line 151, page 8 of the bill, the words "Larchmont" and "Midland" and by inserting in line 172 after the word "to-wit" the following: "Larchmont, Midland;" also by striking in line 153 the words "first and eighth precincts of the fourth ward" and insert in lieu thereof the following: "All of the first precinct and so much of the eighth precinct of the fourth ward as lies north of South Thirty-first street and east of East M street, as said East M street would run if extended northerly to South Nineteenth street."

On motion of Senator Jackson, the bill was amended by inserting in line 170, page 8 of the bill, after the word "precincts" the following: "All of the first precinct and so much of the eighth precinct of the fourth ward as lies north of South Thirty-first street and west of East M street as said East M street would run if extended northerly to South Nineteenth street."

On motion of Senator Jackson, the bill was amended in line 164, page 8 of the bill, after the word "first" by striking the word "and" and inserting after the word "fifth" the words "sixth and seventh."

On motion of Senator Jackson, the bill was amended by in-

serting after the word "Everett" in line 154 of section 1 of the bill, the words "and precincts of Lowell and Whaleback" and in line 238, section 2 of the bill by inserting the words "and precincts of Lowell and Whaleback" after the word "Everett."

On motion of Senator Nichols, the word "Barneston" was substituted for "Barnston" in line 126 of section 1 of the bill.

On motion of Senator Cox, the word "Touchett" was substituted for the word "Touchet" in line 42, section 1 of the bill.

On motion of Senator Jackson, the word "Boise" was substituted for the word "Bose" in line 112, section 1 of the bill.

On motion of Senator Hutchinson, the word "Dalke" was substituted for the word "Dealke" in line 17, section 1 of the bill.

On motion of Senator Nichols, the word "Barneston" was substituted for the word "Barnston" in line 193, section 2 of the bill.

On motion of Senator Nichols, the word "Baring" was substituted for the word "Barring" in line 194, section 2 of the bill.

Senator Stevenson moved to amend the bill by striking the word "six" and substituting therefor the word "three" in line 1, section 1 of the bill.

A roll call on the proposed amendment was demanded by Senators Falconer, Landon, Nichols, Piper, Ruth, Myers, Chappell and Whalley.

Senators Allen (P. L.), Falconer and Whalley moved the previous question on the amendment.

The motion for the previous question carried.

The secretary called the roll, and the amendment was lost by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Chappell, Eastham, Espy, Fishback, Hall, Myers, Ruth, Stevenson, Stewart, Troy, White—14.

Those voting nay were: Senators Allen (P. L.), Bassett, Bowen, Brown, Bryan, Collins, Cox, Davis, Falconer, Hammer, Hutchinson, Jackson, Jensen, Landon, Nichols, Piper, Roberts, Rydstrom, Shaefer, Smithson, Stephens, Whalley, Whitney, Mr. President—24.

Absent or not voting were: Senators Hewitt, Huxtable, Metcalf, Rosenhaupt—4.

Senators Ruth, Falconer and Landon moved the previous question on final passage of the bill.

The motion for the previous question carried.

The secretary called the roll, and House bill No. 407 passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Bassett, Bowen, Brown, Bryan, Collins, Cox, Davis, Falconer, Fishback, Hammer, Hutchinson, Jackson, Jensen, Landon, Nichols, Piper, Roberts, Rydstrom, Shaefer, Smithson, Stephens, Whalley, Whitney, Mr. President—26.

Those voting nay were: Senators Anderson, Arrasmith, Chappell, Eastham, Espy, Hall, Myers, Ruth, Stevenson, Stewart, Troy, White—12.

Absent or not voting were: Senators Hewitt, Huxtable, Metcalf, Rosenhaupt—4.

On motion of Senator Landon, the title of the bill was amended by adding to the end of same the following: "And repealing all acts and part of acts in conflict herewith."

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

On motion of Senator Allen (P. L.), the special order for the consideration of the roads and bridges committee bills was advanced to 8 o'clock this evening.

At 6:20 p. m., on motion of Senator Allen (P. L.), the Senate took a recess until 8 o'clock this evening.

EVENING SESSION.

The Senate was called to order at 8 p. m. by President Paulhamus.

By unanimous consent, at the request of Senator Metcalf, the Senate returned to the order of business, "Reports of Committees."

REPORTS OF COMMITTEE ON ENGROSSED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., March 8, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred engrossed substitute Senate bill No. 201, entitled "An act relating to the forests of the state; providing for fire wardens and forest rangers and a state forester and fire warden, defining the powers and duties of such officers and of the state board of forest commissioners, providing punishment for the violation of this act, and repealing sections two to twelve inclusive of chapter 164, Session Laws of the State of Washington of 1905," have compared same with the substitute bill and find it correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman.*

We concur in this report: F. J. Allen, D. S. Troy, Josiah Collins.

SENATE CHAMBER,
OLYMPIA, WASH., March 8, 1911.

MR. PRESIDENT:

Your committee on engrossed bills, to whom was referred engrossed Senate bill No. 226, entitled "An act to apportion the State of Washington into five congressional districts," have compared same with the original bill and find it correctly engrossed.

Respectfully submitted.

JOHN E. CHAPPELL, *Chairman.*

We concur in this report: Josiah Collins, D. S. Troy, F. J. Allen.

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

REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER,
OLYMPIA, WASH., March 8, 1911.

MR. PRESIDENT:

We, your committee on labor and labor statistics, to whom was referred engrossed House bill No. 60, entitled "An act to amend section 1 of article XXIII of the constitution of the State of Washington, relating to amendments, and providing for the amendment of the constitution by the initiative," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file, with the following amendments:

In section 1 in the last line on the first page of the engrossed bill, strike the figure "10" and insert in lieu thereof the word "twenty."

Section 1 in the last line on the first page of the engrossed bill, strike the figure "10" and insert in lieu thereof the word "fifteen."

Section 1, in line 9 on the second page of the engrossed bill, strike the words "a majority" and insert in lieu thereof the word "three-fifths"; also, in the same line, strike the word "thereon" and insert in lieu thereof the words "at such election."

RALPH METCALF, *Chairman*.

We concur in this report: J. A. Falconer, Daniel Landon.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 8, 1911.

MR. PRESIDENT:

We, your committee on judiciary, to whom was referred House bill No. 135, entitled "An act to amend sections 10, 11 and 15 of an act entitled 'An act to regulate the practice of barbering, and licensing of persons to carry on such practice, and providing of persons to carry on such practice, and providing punishment for its violation,' being chapter 172, Session Laws of 1901; approved March 18, 1901, and adding what is to be known as section 16 to said act," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

DANIEL LANDON, *Acting Chairman*.

We concur in this report: F. J. Allen, J. W. Bryan.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 8, 1911.

MR. PRESIDENT:

We, your committee on roads and bridges, to whom was referred engrossed House bill No. 484, entitled "An act reappropriating the sum of ninety-four thousand nine hundred twenty-nine and 66-100 (\$94,929.66) from the state highway fund to complete contracts and construction work now in force on state roads, and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. O. FISHBACK, *Chairman*.

We concur in this report: Arvid Rydstrom, Ed Brown, J. R. Stevenson, Joseph Arrasmith, John E. Chappell, F. L. Stewart, H. A. Espy.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 8, 1911.

MR. PRESIDENT:

We, your committee on roads and bridges, to whom was referred House bill No. 557, entitled "An act providing for the completion of

the Meskill rock quarry located in Lewis county, and making an appropriation therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. O. FISHBACK, *Chairman.*

We concur in this report: Arvid Rydstrom, Ed Brown, J. R. Stevenson, Joseph Arrasmith, John E. Chappell, F. L. Stewart, H. A. Espy.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 8, 1911.

MR. PRESIDENT:

We, your committee on roads and bridges, to whom was referred engrossed House bill No. 483, entitled "An act providing for the appointment of a committee to investigate the taking over and the use by the Chicago, Milwaukee & St. Paul Railway Company of state road No. 7, Snoqualmie Pass road, authorizing the committee to employ counsel and to institute and conduct negotiations or proceedings to recover such location or proper compensation therefor, and making an appropriation and declaring an emergency," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be indefinitely postponed.

H. O. FISHBACK, *Chairman.*

We concur in this report: J. R. Stevenson, Joseph Arrasmith, John E. Chappell, Arvid Rydstrom, Ed Brown.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 8, 1911.

MR. PRESIDENT:

We, your committee on roads and bridges, to whom was referred engrossed House bill No. 482, entitled "An act making appropriation for the salaries, maintenance, and sundry expenses of the office of highway commissioner of the State of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. O. FISHBACK, *Chairman.*

We concur in this report: Arvid Rydstrom, Ed Brown, J. R. Stevenson, Joseph Arrasmith, John E. Chappell, F. L. Stewart, H. A. Espy.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 8, 1911.

MR. PRESIDENT:

We, your committee on roads and bridges, to whom was referred engrossed House bill No. 421, entitled "An act providing for the estab-

lishment of certain state roads," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. O. FISHBACK, *Chairman.*

We concur in this report: Arvid Rydstrom, Ed Brown, J. R. Stevenson, Joseph Arrasmith, John E. Chappell, F. L. Stewart, H. A. Espy.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 8, 1911.

MR. PRESIDENT:

We, your committee on roads and bridges, to whom was referred engrossed House bill No. 357, entitled "An act amending section 5632, Remington and Ballinger's Annotated Codes and Statutes, and relating to wages to be paid to chainmen, rodmen, axmen, flagmen and other necessary assistants employed in surveying and laying out county roads," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. O. FISHBACK, *Chairman.*

We concur in this report: Arvid Rydstrom, Ed Brown, J. R. Stevenson, Joseph Arrasmith, John E. Chappell, F. L. Stewart, H. A. Espy.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 8, 1911.

MR. PRESIDENT:

We, your committee on roads and bridges, to whom was referred engrossed House bill No. 513, entitled "An act establishing a state road to be known as the 'Pacific Highway,' creating a fund to be known as the 'Pacific Highway Fund,' and making an appropriation therefor and providing for the levy and collection of a tax upon property more particularly benefited by said highway to supply funds, for its construction, improvement and maintenance and the acquisition of necessary rights-of-way," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it be placed on general file.

H. O. FISHBACK, *Chairman.*

We concur in this report: Arvid Rydstrom, Ed Brown, J. R. Stevenson, Joseph Arrasmith, John E. Chappell, F. L. Stewart, H. A. Espy.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 8, 1911.

MR. PRESIDENT:

We, your committee on roads and bridges, to whom was referred House bill No. 481, entitled "An act to provide for the construction and

maintenance of a wagon bridge across the Skagit river between sections 7 and 8, in township 34, north range 4 east, W. M., and making an appropriation therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. O. FISHBACK, *Chairman.*

We concur in this report: Arvid Rydstrom, Ed Brown, J. R. Stevenson, Joseph Arrasmith, John E. Chappell, F. L. Stewart, H. A. Espy.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., March 8, 1911.

We, your committee on roads and bridges, to whom was referred engrossed House bill No. 558, entitled "An act establishing a 'Quarries Rotary Fund,' providing for the appointment of a superintendent of quarries, providing for the completion and maintenance of the rock quarries of the state, making an appropriation therefor, and amending sections 5910, 5911, 5912, 5913 and 5914, Remington and Ballinger's Annotated Codes and Statutes of Washington, relating to the acquisition of rock quarries and the maintenance thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass as amended:

In lines 6, 8 and 11, section 1 of the engrossed bill, the same being lines 3, 4 and 6 of the printed bill, strike the word "shall" where it appears and insert in lieu thereof the word "may."

In line 14, page 2 of the engrossed bill, the same being line 10, section 3 of the printed bill, insert after the word "at" and preceding the word "cost" the words "not less than 10 per cent. above estimated."

In line 27, page 2 of the engrossed bill, the same being line 18, section 3 of the printed bill, after the word "at" insert the words "not less than 10 per cent. above."

In lines 27 and 28, page 2 of the engrossed bill, the same being line 18, section 3 of the printed bill, strike the word "actual" and insert in lieu thereof the word "estimated."

Beginning and including line 9, page 3 of the engrossed bill, strike down to and including the word "used" in line 17, the same being all of section 4 of the printed bill.

H. O. FISHBACK, *Chairman.*

We concur in this report: J. R. Stevenson, Arvid Rydstrom, Ed Brown, F. L. Stewart, H. A. Espy, Joseph Arrasmith.

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

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., March 8, 1911.

We, your committee on roads and bridges, to whom was referred House bill No. 452, entitled "An act for the relief of Skagit county and

making an appropriation therefor," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendments:

In line 2, section 1 of the original bill, after the words "moneys" insert the words "in the state highway fund."

In line 2, section 2 of the original bill, strike the word "treasury" and insert in lieu thereof the word "treasurer."

H. O. FISHBACK, *Chairman.*

We concur in this report: Arvid Rydstrom, Ed Brown, J. R. Stevenson, Joseph Arrasmith, John E. Chappell, F. L. Stewart, H. A. Espy.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 8, 1911.

MR. PRESIDENT:

We, your committee on roads and bridges, to whom was referred House bill No. 554, entitled "An act to amend section 1 of an act entitled 'An act to amend chapter 149, Laws of Washington, approved March 12, 1907, entitled "An act creating a state highway board and the office of the state highway commissioner, fixing his compensation, prescribing their duties and providing for the survey, establishment, construction, maintenance, and repair of state highways, and providing for the expenditure of moneys appropriated by the state or counties for the survey, establishment, construction, building, maintenance and repair of state highways, and making an appropriation therefor, and repealing sections 1, 2, 3, 4, 5, 6, 7 and 8 of chapter 174, Session Laws of 1905," and declaring an emergency,' approved March 17, 1909," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass with the following amendment:

In line 14, section 1 of the original bill, the same being line 18, section 1 of the printed bill, after the word "Washington" strike the period, insert a comma, and add the following: "to be named by the governor."

H. O. FISHBACK, *Chairman.*

We concur in this report: Arvid Rydstrom, Ed Brown, J. R. Stevenson, John E. Chappell, F. L. Stewart, Joseph Arrasmith.

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

SENATE CHAMBER,
OLYMPIA, WASH., March 8, 1911.

MR. PRESIDENT:

We, a majority of your committee on roads and bridges, to whom was referred House bill No. 458, entitled "An act making an appropriation for the construction and maintenance of state roads, and for the examination and survey of proposed state roads and extensions thereof,

and apportioning such appropriation," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that it do pass.

H. O. FISHBACK, *Chairman.*

We concur in this report: Arvid Rydstrom, Ed Brown, J. R. Stevenson, John E. Chappell, F. L. Stewart, H. A. Espy.

SENATE CHAMBER,
OLYMPIA, WASH., March 8, 1911.

MR. PRESIDENT:

I, a minority of your committee on roads and bridges, to whom was referred House bill No. 458, entitled "An act making an appropriation for the construction and maintenance of state roads, and for the examination and survey of proposed state roads and extensions thereof, and apportioning such appropriation," have had the same under consideration, and I respectfully report the same back to the Senate with the recommendation that it do not pass.

R. A. HUTCHINSON.

Senator Fishback moved the adoption of the majority report.

Senator Hutchinson moved as a substitute the adoption of the minority report.

The majority report was adopted.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 8, 1911.

MR. PRESIDENT:

The House has indefinitely postponed Senate bill No. 121, entitled "An act to amend sections 1, 2, 3, 4, 5, etc., of 'An act to provide for the submission to the qualified electors of the question whether the sale of intoxicating liquors shall be licensed or prohibited, etc.;"

Also Senate bill No. 171, entitled "An act creating a board of state land commissioners, etc."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senator Fishback moved that the Senate take up for consideration House bill No. 421.

Senator Nichols moved as a substitute that the Senate take up engrossed House bill No. 513.

A roll call on the substitute motion was demanded by Senators Falconer, Landon, Nichols, Brown, Myers, Piper, Whitney, Hutchinson.

The secretary called the roll, and the substitute motion prevailed by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Bowen, Brown, Collins, Cox, Hall, Hammer, Hutchinson, Jensen, Metcalf, Nichols, Piper, Roberts, Shaefer, Smithson, Whalley, White, Whitney, Mr. President—20.

Those voting nay were: Senators Anderson, Arrasmith, Bassett, Chappell, Eastham, Espy, Falconer, Fishback, Hewitt, Jackson, Landon, Myers, Ruth, Rydstrom, Stephens, Stevenson, Stewart, Troy—18.

Absent or not voting were: Senators Bryan, Davis, Huxtable, Rosenhaupt—4.

Engrossed House bill No. 513, by Mr. Wright, entitled "An act establishing a state road to be known as the 'Pacific Highway,' creating a fund to be known as the 'Pacific Highway Fund' and making an appropriation therefor and providing for the levy and collection of a tax upon property more particularly benefited by said highway to supply funds for its construction, improvement and maintenance and the acquisition of necessary rights-of-way," was read third time.

Senator Nichols moved that the bill be amended as follows: Between the words "Pacific" and "Highway" wherever they occur throughout the bill and the title, insert the words "and Inland Empire."

Senators Falconer, Landon, Nichols, Piper, Smithson, Metcalf and Ruth demanded a roll call on the motion of Senator Nichols.

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

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bowen, Brown, Collins, Cox, Davis, Hall, Hammer, Hewitt, Hutchinson, Jackson, Jensen, Metcalf, Myers, Nichols, Piper, Roberts, Rydstrom, Smithson, Shaefer, Stephens, Whalley, White, Whitney, Mr. President—27.

Those voting nay were: Senators Anderson, Bassett, Bryan, Chappell, Eastham, Espy, Falconer, Fishback, Landon, Ruth, Stevenson, Stewart, Troy—13.

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

The president called upon Senator Allen (P. L.) to preside.

Senator Paulhamus moved that the bill be considered by a special committee to consist of Senators Nichols and Fishback, and two other senators, one to be selected by each, and that the special committee so constituted report House bill No. 513 back to the Senate this evening.

The motion was lost.

On motion of Senator Nichols, the bill was amended as follows:

Strike section 1 and substitute therefor the following:

“Section 1. There is hereby established a state highway beginning at the city of Blaine in Whatcom county; thence southerly by the most feasible route to Everett, Washington; thence by the most feasible route through the city of Monroe up the Snoqualmie valley to a connection with state road No. 7, at or near North Bend; thence along and in connection with road No. 7 to the city of Ellensburg, in Kittitas county, and running thence southeasterly by the most practicable route to North Yakima in Yakima county; thence through Union Gap; thence on the north side of the Yakima river through the towns of Donald, and Buena to Zillah, thence following the Yakima river on the north side as closely as practicable to the town of Granger, thence east and southeast on section lines as near as practicable through the towns of Outlook, Sunnyside, Grandview, Prosser, Pasco, Walla Walla and if feasible through Colfax, to the city of Spokane in Spokane county. Said highway is to be known and designated as the Pacific and Inland Empire Highway and it is hereby declared to be a state road.”

Senator Anderson moved to insert in the above amendment, after the word “county” the words: “By the most feasible route to Northport in Stevens county.”

The motion of Senator Anderson failed to carry.

Senator Stevenson moved to amend by inserting in the amendment after the word “Walla Walla” the words “Dayton and Pomeroy.”

The motion of Senator Stevenson failed to carry.

On motion of Senator Nichols, the bill was amended as follows: In line 3, section 4 of the engrossed bill, the same being line 2, section 4 of the printed bill, strike the words “upon property more particularly benefited thereby” and insert in

lieu thereof the following: "Said highway being a special benefit to the entire state," and also beginning with the word "counties" in line 5, section 4 of the engrossed bill, the same being line 3, section 4 of the printed bill, strike down to and including the word "Clarke" in line 7 of the engrossed bill, the same being line 4 of the printed bill, and insert in lieu thereof the words "State of Washington."

On motion of Senator Nichols, the words "west of the summit of the Cascade mountains" were stricken in line 4 of section 9 the printed bill, the same being in lines 6 and 7, section 9 of the engrossed bill.

The president resumed the chair.

On motion of Senator Nichols, the Senate resolved itself into a committee of the whole for the purpose of considering engrossed House bill No. 513.

The bill was considered in committee of the whole, Senator Stevenson in the chair, and was reported back to the Senate with the recommendation that it do pass with the following amendment: In line 3, section 3 of the engrossed bill, the same being line 2, section 3 of the printed bill, strike the word "two" and insert in lieu thereof the word "five," and in line 4, section 3 of the engrossed bill, the same being line 2, section 3 of the printed bill, after the comma following the word "dollars" insert the following: "This appropriation to be distributed as follows: Between Blaine and North Bend the sum of \$125,000.00, at least \$25,000.00 of which shall be spent between Blaine and Bellingham; between North Bend and Cle Elum the sum of \$225,000.00; in the vicinity of North Yakima \$50,000.00; in the vicinity of Walla Walla \$50,000.00 in the vicinity of Colfax \$50,000.00 and in the vicinity of Spokane \$75,000.00."

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

The secretary called the roll on final passage of engrossed House bill No. 513, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bowen, Brown, Bryan, Collins, Cox, Davis, Hall, Hammer, Hutchinson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—29.

Those voting nay were: Senators Bassett, Chappell, Eastham, Espy, Fishback, Ruth, Rydstrom—7.

Absent or not voting were: Senators Falconer, Hewitt, Huxtable, Jackson, Roberts, Rosenhaupt—6.

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Engrossed House bill No. 421, by Committee on Roads and Bridges, entitled "An act providing for the establishment of certain state roads." was read third time.

On motion of Senator Nichols, the bill was amended as follows: Strike out in section 2 all of the lines beginning with and including line 23 of the engrossed bill and ending with and including line 41 of the engrossed bill, the same beginning with and including line 15 in the printed bill and ending with and including line 27, section 2 of the printed bill, and insert in lieu thereof the following: "Extension of state road No. 7. Beginning at the city of Renton; thence along the east side of White river valley through the cities of Kent, Auburn, Sumner, Puyallup, Tacoma, Olympia; thence by way of Mud Bay in a southwesterly direction through Elma and Montesano to Aberdeen, Washington."

On motion of Senator Davis, the bill was amended by striking lines 12, 13 and 14 in section 2 of the printed bill, the same being lines 18, 19, 20, 21 and 22, section 2 of the engrossed bill, and substituting therefor the following: "A change in the location of state road No. 7, the same being a road beginning at the city of Ellensburg, in Kittitas county, thence running southeasterly through Thorp to the city of Cle Elum in Kittitas county, thence running northeasterly to the city of Wenatchee in Chelan county, thence running to Spokane and the Idaho state line by the most practicable route."

On motion of Senator Fishback, the bill was amended by substituting a comma for the period at the end of line 7, section 2 of the printed bill, the same being line 11 of the engrossed bill, and adding the following: "Thence northerly to the city of Aberdeen in Chehalis county."

On motion of Senator Fishback, the amendment inserted after line 9, page 2 of the engrossed bill and reading as follows: "Extension of state road No. 9. Beginning at the easterly terminus at Montesano and running thence easterly and north-easterly through the city of Elma to the city of Olympia" was stricken from the bill.

On motion of Senator Stewart, the bill was amended by adding to the end of section 2 the following: "There shall be and is hereby established state road No. 19, said road beginning at Olympia, in Thurston county, running thence southerly through Centralia, Chehalis, Toledo, Castle Rock, Kelso, Kalama, Woodland and ending in Vancouver, Clarke county."

On motion of Senator Nichols, the bill was amended by adding to the end of section 2: "Extension of state road No. 18, from its present terminus at Alder, Pierce county, by the most feasible route northerly to the extension of Pacific avenue in Tacoma, also from Elbe by the most feasible route through Ashford to a connection with the roads in the Mount Rainier national park."

Senator Espy moved to amend by adding to the end of section 2 the following: "Also from South Bend southerly and easterly through the cities of Skamokawa and Cathlamet to Kelso in Cowlitz county."

The motion of Senator Espy failed to carry.

On motion of Senator Shaefer, the words "Laws of Washington A. D." were stricken in line 3, section 1 of the printed bill, the same being lines 3 and 4, section 1 of the engrossed bill, and the words "Session Laws of" substituted therefor.

The secretary called the roll on final passage of engrossed House bill No. 421, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P.

L.), Arrasmith, Bowen, Brown, Bryan, Collins, Davis, Hall, Hammer, Hewitt, Jensen, Metcalf, Myers, Nichols, Piper, Roberts, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—26.

Those voting nay were: Senators Anderson, Bassett, Chappell, Eastham, Espy, Fishback, Landon, Ruth, Rydstrom—9.

Absent or not voting were: Senators Cox, Falconer, Hutchinson, Huxtable, Jackson, Rosenhaupt, Whitney—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

- Engrossed House bill No. 484, by Mr. McNeely, entitled "An act reappropriating the sum of ninety-four thousand nine hundred twenty-nine and 66-100 (\$94,929.66) dollars from the state highway fund to complete contracts and construction work now in force on state roads and declaring an emergency" was read third time.

On motion of Senator Nichols, the Senate resolved itself into a committee of the whole for the purpose of considering engrossed House bill No. 484.

The bill was considered in committee of the whole, Senator Brown in the chair, and was reported back to the Senate with the recommendation that it do pass.

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

The secretary called the roll on final passage of engrossed House bill No. 484, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Davis, Eastham, Espy, Fishback, Hall, Hammer, Hewitt, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Troy, Whalley, White, Mr. President—36.

Absent or not voting were: Senators Collins, Falconer, Huxtable, Rosenhaupt, Stephens, Whitney—6.

The emergency clause passed by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson,

Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Fishback, Hall, Hammer, Hewitt, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Troy, Whalley, White, Mr. President—33.

Absent or not voting were: Senators Allen (P. L.), Falconer, Hutchinson, Huxtable, Jackson, Rosenhaupt, Ruth, Stephens, Whitney—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 557, by Mr. McNeely, entitled "An act providing for the completion of the Meskill rock quarry located in Lewis county, and making an appropriation therefor," was read third time.

On motion of Senator Fishback, the Senate resolved itself into a committee of the whole for the purpose of considering House bill No. 557.

The bill was considered in committee of the whole, Senator Anderson in the chair and was reported back to the Senate with the recommendation that it do pass.

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

The secretary called the roll on final passage of House bill No. 557 and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Fishback, Hall, Hammer, Hewitt, Hutchinson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Stevenson, Stewart, Troy, Whalley, White, Mr. President—34.

Absent or not voting were: Senators Allen (P. L.), Falconer, Huxtable, Jackson, Rosenhaupt, Smithson, Stephens, Whitney—8.

House bill No. 554, by the Committee on Roads and Bridges, entitled "An act to amend section 1 of an act, entitled 'An act to amend chapter 149, Laws of Washington, approved March

12, 1907, entitled "An act creating a state highway board and the office of state highway commissioner, fixing his compensation, prescribing their duties and providing for the survey, establishment, construction, maintenance and repair of state highways, and providing for the expenditure of moneys appropriated by the state or counties for the survey, establishment, construction, building, maintenance and repair of state highways, and making an appropriation therefor, and repealing sections 1, 2, 3, 4, 5, 6, 7 and 8 of chapter 174, Session Laws of 1905" and declaring an emergency,' approved March 17, 1909," was read third time.

On motion of Senator Fishback, the original bill was amended by inserting the word and figure "section 1" before the word "that" in line 1 of the original bill.

The secretary called the roll on final passage of House bill No. 554, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Fishback, Hall, Hammer, Hutchinson, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rydstrom, Smithson, Stephens, Stevenson, Stewart, White, Mr. President—28.

Those voting nay were: Senators Bassett, Jensen, Ruth—3.

Absent or not voting were: Senators Allen (P. L.), Eastham, Falconer, Hewitt, Huxtable, Jackson, Rosenhaupt, Shaefer, Troy, Whalley, Whitney—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Fishback, the Senate resolved itself into a committee of the whole for the purpose of considering House bills Nos. 558, 481, 482, 458 and 452.

The bills were considered in committee of the whole, Senators Anderson and Ruth in the chair, and were reported back to the Senate with the following recommendations: House bill No. 481, that it do pass with the following amendment: In line 4, section 1 of the printed bill, the same being in line 6, section 1 of the original bill, between the words "Pacific" and "highway" insert the words "and Inland Empire."

House bill No. 458, that it do pass with the following amendments: In section 1 of the printed bill, strike lines 11 and 13, the same being lines 13 and 15 of the original bill, and substitute for line 13, the same being line 15 of the original bill, the following: "15. For state road No. 12, \$10,000.00;" strike line 18, the same being line 20 of the original bill, and in line 17, the same being line 19 of the original bill, substitute the figures "\$100,000.00" for the figures "\$60,000.00;" insert a new line between lines numbered 18 and 19, the same being lines 20 and 21 of the original bill, numbered "20½" and reading as follows: "For completion of about 2 miles of road on Carrollton mountain, between Carrollton and Kalama, on the line of state road No. 19, with the aid of convicts now engaged in said work, \$25,000.00;" beginning with the word "provided" after the word "southward" in line 27 of section 1, the same being line 10, page 2 of the original bill, strike the balance of the section; in line 12, section 1 of the original bill, the same being line 10, section 1 of the printed bill, strike the figures "350,000" and insert in lieu thereof the figures "405,000" and add "divided as follows: "Between Seattle and North Bend \$30,000.00, between North Bend and Ellensburg \$225,000.00, between Ellensburg and Wenatchee \$30,000.00, between Wenatchee and Spokane \$120,000.00."

Engrossed House bills Nos. 558, 482 and House bill No. 452, that they do pass.

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

Engrossed House bill No. 482, by Mr. McNeely, entitled "An act making appropriation for the salaries, maintenance and sundry expenses of the office of highway commissioner of the State of Washington," was read third time.

The secretary called the roll on final passage of engrossed House bill No. 482, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Fishback, Hall,

Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—37.

Absent or not voting were: Senators Falconer, Hewitt, Huxtable, Roberts, Rosenhaupt—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed House bill No. 558, by Mr. McNeely, entitled "An act establishing a 'Quarries Rotary Fund,' providing for the appointment of a superintendent of quarries, providing for the completion and maintenance of the rock quarries of the state, making an appropriation therefor, and amending sections 5910, 5911, 5912, 5913 and 5914, Remington and Ballinger's Annotated Codes and Statutes, relating to the acquisition of rock quarries and the maintenance thereof," was read third time.

The secretary called the roll on final passage of engrossed House bill No. 558, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley White, Whitney, Mr. President—37.

Absent or not voting were: Senators Falconer, Hewitt, Huxtable, Roberts, Rosenhaupt—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 481, by Committee on Roads and Bridges, entitled "An act to provide for the construction and maintenance of a wagon bridge across the Skagit river between sections 7 and 8, in township 34, north range 4 E. W. M., and making an appropriation therefor," was read third time.

The secretary called the roll on final passage of House bill No. 481, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—36.

Absent or not voting were: Senators Anderson, Falconer, Hewitt, Huxtable, Roberts, Rosenhaupt—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 458, by Mr. McNeely, entitled "An act making an appropriation for the construction and maintenance of state roads, and for the examination and survey of proposed state roads and extensions thereof, and apportioning such appropriations," was read third time.

The secretary called the roll on final passage of House bill No. 458, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bowen, Brown, Collins, Cox, Davis, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers Nichols, Piper, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—29.

Those voting nay were: Senators Bassett, Chappell, Eastham, Espy, Fishback, Ruth, Rydstrom—7.

Absent or not voting were: Senators Bryan, Falconer, Hewitt, Huxtable, Roberts, Rosenhaupt—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 452, by Mr. Conner, entitled "An act for the relief of Skagit county and making an appropriation therefor," was read third time.

The secretary called the roll on final passage of House bill No. 452, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P.

L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—37.

Absent or not voting were: Senators Falconer, Hewitt, Huxtable, Roberts, Rosenhaupt—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed House bill No. 357, by Messrs. Eshleman and Groff, entitled "An act amending section 5632, Remington and Ballinger's Annotated Codes and Statutes and relating to wages to be paid to chainmen, rodmen, axmen, flagmen and other necessary assistants employed in surveying and laying out county roads," was read third time.

The secretary called the roll on final passage of engrossed House bill No. 357, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Fishback, Hammer, Hutchinson, Jackson, Jensen, Landon, Myers, Nichols, Piper, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—35.

Absent or not voting were: Senators Falconer, Hall, Hewitt, Huxtable, Metcalf, Roberts, Rosenhaupt—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 234, by Mr. Minard, entitled "An act providing for the survey of a proposed extension to state road No. 9," etc., was read third time.

On motion of Senator Fishback, House bill No. 234 was indefinitely postponed.

The secretary read:

SENATE CONCURRENT RESOLUTION NO. 8.

By Senator Bassett:

Be it resolved, by the Senate, the House concurring, That after 2 o'clock p. m., March 9, 1911, no bill, resolution or memorial shall be considered by either the House or the Senate, and that the Senate shall thereafter confine its consideration to amendments made by the House to Senate bills, and the House shall confine its consideration to amendments made by the Senate to House bills, and no other business whatsoever shall be considered by either, except such as may properly and strictly pertain to the conclusion of the routine business and affairs of the legislature.

Senator Bassett moved the adoption of the resolution.

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

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Myers, Nichols, Piper, Ruth, Rydstrom, Shaefer, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—35.

Absent or not voting were: Senators Falconer, Hewitt, Huxtable, Metcalf, Roberts, Rosenhaupt, Smithson—7.

On motion of Senator Ruth, the rules were suspended and all bills passed by the Senate up to this time were ordered immediately transmitted to the House, excepting such bills on which notice of motion to reconsider had been given.

At 1:20 a. m., on motion of Senator Allen (P. L.), the Senate adjourned until 9 o'clock this morning.

WM. T. LAUBE,

Secretary of the Senate.

W. H. PAULHAMUS,

President of the Senate.

SIXTIETH DAY.

MORNING SESSION.

SENATE CHAMBER,**OLYMPIA, WASH., Thursday, March 9, 1911.**

The Senate was called to order at 9 o'clock a. m. by President Paulhamus.

Rev. G. R. Messias, chaplain of the Senate, offered prayer.

The secretary called the roll, all members being present except Senators Huxtable and Rosenhaupt, both of whom were excused.

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

MESSAGE TO THE SENATE.**HOUSE OF REPRESENTATIVES,****OLYMPIA, WASH., March 9, 1911.****MR. PRESIDENT:**

The House has passed House concurrent resolution No. 19, "Relating to the consideration of bills, resolutions and memorials in the twelfth legislature," and the same is herewith transmitted.

LOBEN GRINSTEAD, *Chief Clerk.*

The secretary read:

HOUSE CONCURRENT RESOLUTION NO. 19.

By Mr. Shutt:

Be it resolved, by the House of Representatives, the Senate concurring, That after 12 o'clock noon, March 9, 1911, no bill, resolution or memorial be considered by either House or Senate, and that the Senate shall confine its consideration to amendments made by the House to Senate bills, and the House shall confine its consideration to amendments made in the Senate to House bills, and that no other business whatsoever shall be considered by either except the consideration of reports of conference committees.

On motion of Senator Ruth, the resolution was amended as follows:

In line 2 strike the figures "12" and insert the figure "2" in lieu thereof; also strike the word "noon" and insert in lieu thereof the letters "p. m."

Also, strike the period at the end of the resolution, substitute a comma, and add the following: "and such other business as may properly and strictly pertain to the conclusion of the routine business and affairs of the legislature."

The secretary called the roll, and House concurrent resolution No. 19 was adopted by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Collins, Cox, Fishback, Hall, Hammer, Hewitt, Hutchinson, Jensen, Landon, Myers, Nichols, Ruth, Rydstrom, Stevenson, Troy, White, Whitney, Mr. President—26.

Absent or not voting were: Senators Bowen, Davis, Eastham, Espy, Falconer, Huxtable, Jackson, Metcalf, Piper, Roberts, Rosenhaupt, Shaefer, Smithson, Stephens, Stewart, Whalley—16.

On motion of Senator Ruth, the rules were suspended and House concurrent resolution No. 19 was ordered transmitted to the House immediately.

Senator Bryan moved that the rules be suspended and that the Senate do now reconsider the vote by which House bill No. 212 was indefinitely postponed.

The motion was lost.

On motion of Senator Falconer, House bill No. 460 was withdrawn from the committee on railroads and transportation and placed on general file.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES.
OLYMPIA, WASH., March 8, 1911.

MR. PRESIDENT:

The House has passed engrossed House bill No. 62, entitled "An act to amend article 1 of the constitution of the State of Washington, authorizing and empowering the voters to call a special election at any time to recall, etc.;"

Also House bill No. 506, entitled "An act creating a commission to have charge of the installing and maintaining an exhibit of the products and resources of the state, etc.;"

Also Senate bill No. 153, entitled "An act appropriating the sum of one hundred eighty-six thousand, three hundred twenty and 75-100 dollars from the state shore land improvement fund, etc.;"

Also re-engrossed Senate bill No. 203, entitled "An act dedicating to the public for street and boulevard purposes, certain tracts of land, etc.," with the following amendments:

Add to end of section 3: "*Provided further*, That if the improvement herein contemplated is not completed before January 1, 1914, that the right-of-way over blocks 7 and 8 of Lake Washington shore lands shall cease and be vacated and in any event said right-of-way over said shore lands shall cease and be vacated at the end of two years after the time that the waters of Lake Washington are lowered by the construction of the Lake Washington canal and any trestle or bridge constructed on said right-of-way may be removed and destroyed at the end of said time."

Section 1: Strike all that portion of line 26, after the word "feet," and all of lines 27 to 45, both inclusive, of said section 1, and all that portion of line 46 to the word "feet," and insert in lieu thereof the following: "to a point of tangency; thence north 11 degrees, 5 minutes, 48 seconds east, a distance of 1905.36."

Add a new section to the bill as follows: "Sec. 5. That the right-of-way across blocks 7 and 8 of Lake Washington shore lands, dedicated in this bill, is granted on condition that, if there is built upon said right-of-way a wooden structure or trestle, that the same shall be of ornamental design, at least sixty feet in width, and shall be paved with asphalt and lighted with a cluster light system equal in design and efficiency to the street lighting system now installed in that part of the city of Seattle commonly known as Moore's University Addition: *Provided*, That under no condition shall any right or franchise be given for the operation of any steam railroad over said right-of-way: *Provided also*, That the board of regents of the state university may, and they are hereby empowered, in consultation with the city of Seattle to agree that the said structure or trestle may be of a less width than sixty feet."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk*.

Senator Allen (P. L.), moved that the Senate concur in House amendments to engrossed Senate bill No. 203.

The secretary called the roll, and the Senate concurred in House amendments to engrossed Senate bill No. 203 by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Chappell, Collins, Cox, Eastham, Hammer, Hewitt, Hutchinson, Jensen, Metcalf, Nichols, Ruth, Rydstrom, Stephens, Stevenson, Troy, White, Whitney, Mr. President—24.

Those voting nay were: Senators Espy, Fishback, Hall, Landon—4.

Absent or not voting were: Senators Bowen, Bryan, Davis, Huxtable, Jackson, Piper, Roberts, Rosenhaupt, Shaefer, Smithson, Stewart, Whalley—12.

INTRODUCTION OF BILLS.

Re-engrossed House bill No. 62, by Messrs. Teats and Todd, entitled "An act to amend article one (1) of the constitution of the State of Washington, authorizing and empowering the voters to call a special election at any time to recall and discharge any elective public officer and to elect his successor, by adding thereto at the end of said article one (1) two new sections which shall be numbered sections 33 and 34 of said article one (1).

The bill was read the first time, and on motion of Senator Ruth, the bill was read the second time by title and ordered placed on general file.

House bill No. 506, by Mr. Dickson, entitled "An act creating a commission to have charge of the installing and maintaining an exhibit of the products and resources of the State of Washington and arranging for a site for a building to house said exhibit, at the Panama Pacific International Exposition and appropriating the necessary funds to pay the expenses thereof."

The bill was read the first time, and on motion of Senator Ruth, the rules were suspended, the bill was read the second time by title and ordered placed on general file.

Engrossed House bill No. 437, by Committee on Horticulture and Forestry, entitled "An act making appropriations for the expenses and salaries of assistant and district horticultural inspectors, and declaring an emergency," was read third time.

On motion of Senator Allen (P. L.), the Senate resolved itself into a committee of the whole for the purpose of considering engrossed House bill No. 437.

The bill was considered in the committee of the whole, Senator Allen (P. L.) in the chair, and reported back to the Senate with the recommendation that it do pass.

The secretary called the roll on final passage of engrossed House bill No. 437, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Collins, Eastham, Fishback Hall, Hammer, Hewitt, Hutchinson, Jensen, Landon, Metcalf, Myers, Nichols, Roberts, Ruth, Rydstrom, Stephens, Stevenson, Troy, White, Whitney, Mr. President—27.

Absent or not voting were: Senators Bowen, Bryan, Chappell, Cox, Davis, Espy, Falconer, Huxtable, Jackson, Piper, Rosenhaupt, Shaefer, Smithson, Stewart, Whalley—15.

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

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Collins, Davis, Eastham, Fishback, Hall, Hammer, Hewitt, Hutchinson, Jensen, Landon, Metcalf, Myers, Nichols, Roberts, Ruth, Smithson, Stephens, Stevenson, Troy, White, Whitney, Mr. President—30.

Absent or not voting were: Senators Bowen, Cox, Espy, Falconer, Huxtable, Jackson, Piper, Rosenhaupt, Rydstrom, Shaefer, Stewart, Whalley—12.

On motion of Senator Landon, the title of the bill was stricken and the following substituted therefor:

“An act relating to salaries and expenses of horticultural inspectors, making an appropriation therefor, and declaring an emergency.”

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

On motion of Senator Stevenson, the rules were suspended and all bills passed thus far by the Senate were ordered immediately transmitted to the House.

Engrossed House bill No. 173, by Mr. McCoy, entitled “An act authorizing the board of regents of the State College of Washington to purchase certain lot or lots of land adjoining or near to the college campus,” was read third time.

The secretary called the roll on final passage of engrossed House bill No. 173, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Chappell, Collins, Cox, Eastham, Fishback, Hall, Hammer, Hewitt, Jensen, Landon, Metcalf, Myers, Nichols, Roberts, Ruth, Rydstrom, Smithson, Stephens, Stevenson, Troy, White, Whitney, Mr. President—29.

Absent or not voting were: Senators Bowen, Bryan, Davis, Espy, Falconer, Hutchinson, Huxtable, Jackson, Piper, Rosenhaupt, Shaefer, Stewart, Whalley—13.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed House bill No. 377, by Messrs. McNeely, Wright, Tonkin and Gandy, entitled "An act making it a gross misdemeanor to fraudulently use the name of any fraternal society or any imitation thereof or without authority solicit membership in such society or any imitation thereof or offering to sell, confer or communicate the secret work or pretended secret work of such society, or upon false representations as to membership therein to seek or obtain admission to any such society or lodge thereof, or to falsely claim membership in any such society or lodge," was read third time.

The secretary called the roll on final passage of engrossed House bill No. 377, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Brown, Chappell, Collins, Cox, Davis, Eastham, Fishback, Hammer, Hewitt, Hutchinson, Landon, Metcalf, Myers, Nichols, Roberts, Ruth, Rydstrom, Smithson, Stephens, Stevenson, Troy, White, Mr. President—27.

Voting nay: Senator Jensen—1.

Absent or not voting were: Senators Allen (P. L.), Bowen, Bryan, Espy, Falconer, Hall, Huxtable, Jackson, Piper, Rosenhaupt, Shaefer, Stewart, Whalley, Whitney—14.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 42, by Mr. Holmes, entitled "An act relating to the superior court of the county of Snohomish, the election and appointment of judges therein, and declaring an emergency," was read third time."

The secretary called the roll on final passage of House bill No. 42, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Jensen, Landon, Metcalf, Myers, Roberts, Rydstrom, Smithson, Stephens, Stevenson, White, Whitney—30.

Voting nay: Senator Ruth—1.

Absent or not voting were: Senators Bowen, Huxtable, Jackson, Nichols, Piper, Rosenhaupt, Shaefer, Stewart, Troy, Whalley, Mr. President—11.

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

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Roberts, Rydstrom, Smithson, Stephens, Stevenson, White, Whitney—31.

Voting nay: Senator Ruth—1.

Absent or not voting were: Senators Bassett, Huxtable, Nichols, Piper, Rosenhaupt, Shaefer, Stewart, Troy, Whalley, Mr. President—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed House bill No. 184, by Mr. Chamberlin, entitled "An act authorizing cities and towns to acquire by purchase or contract, water for irrigation and domestic purposes, providing for the construction of piping system, to levy and collect

special assessments and taxes to pay for the same, providing for modes of payment therefor, making the annual rental for the use of such water a charge and lien against the property furnished and declaring an emergency," was read third time.

On motion of Senator Bryan, line 1, section 2 of the bill was amended by striking the word "such."

The secretary called the roll on final passage of House bill No. 184, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Jensen, Landon, Metcalf, Myers, Nichols, Roberts, Ruth, Rydstrom, Smithson, Stevenson, Troy, White, Whitney, Mr. President—34.

Absent or not voting were: Senators Huxtable, Jackson, Piper, Rosenhaupt, Shaefer, Stephens, Stewart, Whalley—8.

The emergency clause was adopted by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Jensen, Landon, Metcalf, Myers, Nichols, Roberts, Ruth, Rydstrom, Smithson, Stevenson, Troy, White, Whitney, Mr. President—32.

Voting nay: Senator Collins—1.

Absent or not voting were: Senators Hutchinson, Huxtable, Jackson, Piper, Rosenhaupt, Shaefer, Stephens, Stewart, Whalley—9.

On motion of Senator Landon, the title of the bill was stricken and the following substituted therefor:

"An act relating to the powers of municipal corporations, authorizing such corporations to acquire by purchase, condemnation, or otherwise, water for irrigation and domestic purposes, and the construction of a piping system therefor; to levy and collect special assessments and taxaes to pay for the same; providing the modes of payment therefor; making the annual rental for the use of such water a charge and lien against the property furnished; permitting cities and towns owning gas, water or electric plants to dispose of any surplus remaining

after the inhabitants thereof have been supplied, and declaring an emergency."

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

The secretary read the following communication from Mr. H. G. Ballou, secretary state board of control:

STATE BOARD OF CONTROL,
OLYMPIA, WASH., March 9, 1911.

Hon. W. H. Paulhamus, President, State Senate;
Hon. Howard D. Taylor, Speaker, House of Representatives, Building:

DEAR SIRS—Will you kindly have a general request made to the members to leave their keys in their desks?

Please have instructions given to all employes to turn over their keys to the sergeant-at-arms.

It is understood that you wish the legislative rooms taken in charge by this department immediately after adjournment.

Please advise if you wish this department to inventory, pack and store, for use the next session, supplies on hand. On account of having purchased and passed bills for supplies, this department has a record which would be useful in making and checking inventory.

Yours very truly,

STATE BOARD OF CONTROL,
By H. G. BALLOU, *Secretary.*

Senator Nichols moved that the state board of control be directed to take charge of the rooms and supplies of the Senate until the next session of the legislature convenes.

The motion carried.

Senator Hutchinson asked unanimous consent to take up House bill No. 144 out of order.

Senator Nichols refused to give consent.

House bill No. 244, by Mr. Drissler, entitled "An act relating to the superior courts of the counties of Lewis, Pacific and Wahkiakum, the election and appointment of judges therein and declaring an emergency," was read third time.

The secretary called the roll on final passage of House bill No. 244, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Fishback, Hall,

Hammer, Hewitt, Jensen, Metcalf, Myers, Ruth, Rydstrom, Smithson, Troy, White, Mr. President—27.

Those voting nay were: Senators Hutchinson, Stevenson, Whitney—3.

Absent or not voting were: Senators Falconer, Huxtable, Jackson, Landon, Nichols, Piper, Roberts, Rosenhaupt, Shaefer, Stephens, Stewart, Whalley—12.

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

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Cox, Davis, Espy, Fishback, Hall, Hammer, Hewitt, Jensen, Landon, Metcalf, Myers, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stewart, Troy, White, Mr. President—28.

Those voting nay were: Senators Bowen, Collins, Eastham, Hutchinson, Jackson, Nichols, Stevenson, Whitney—8.

Absent or not voting were: Senators Falconer, Huxtable, Piper, Roberts, Rosenhaupt, Whalley—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 154, by Mr. Teats, entitled "An act allowing foreign corporations to loan money in the state, and amending section 1 of chapter 176 of the Laws of 1903," was read third time.

Senator Hutchinson moved that the bill be indefinitely postponed.

The motion was lost.

Senator Hutchinson moved to strike the word "not" in section 1, line 17 of the printed bill.

The motion failed to carry.

Senator Hutchinson moved to strike the enacting clause.

The motion was lost.

Senator Hutchinson moved to strike the word "foreign" in section 1, line 20 of the printed bill.

The motion was lost.

Senator Hutchinson moved to strike line 22, section 1 of the printed bill.

The motion failed to carry.

The previous question was demanded by Senators Rydstrom, Brown and Ruth.

The motion, shall the previous question be now placed before the Senate, was put and carried.

The secretary called the roll on final passage of House bill No. 154, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Jensen, Landon, Metcalf, Myers, Nichols, Roberts, Ruth, Rydstrom, Shaefer, Stevenson, Stewart, Troy, White, Mr. President—30.

Those voting nay were: Senators Eastham, Hutchinson, Whitney—3.

Absent or not voting were: Senators Bryan, Hewitt, Huxtable, Jackson, Piper, Rosenhaupt, Smithson, Stephens, Whalley—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the secretary read the following message from the House out of order:

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

The House has concurred in the Senate amendments to House concurrent resolution No. 19, "Placing a time limit for the consideration of bills, resolutions and memorials."

Also, the House has passed Senate bill No. 206, entitled "An act to amend sections 1 and 2 of an act entitled 'An act to authorize the cities of the first class in the State of Washington, which at the government census in 1900 had a population in excess of 80,000 to construct and maintain waterways, rivers and canals, etc.:'"

Also Senate bill No. 232, entitled "An act to amend section 16, of chapter 142, of the statutes of Washington for the year 1907, entitled 'An act providing for the furnishing of cars to shippers, etc.:'"

Also Senate bill No. 143, entitled "An act to amend section 4066 of Ballinger's Annotated Codes and Statutes of the State of Washington, etc.;"

Also engrossed substitute Senate bill No. 207, entitled "An act to provide for the construction and maintenance of a wagon bridge across the north fork of the Lewis river, etc.;"

Also engrossed Senate bill No. 112, entitled "An act relating to the operation of coal mines," with the following amendments: Section 1: In line 6 strike all the words following the word "state." Section 2: In line 2 strike the word "five" and insert in lieu thereof "four."

In line 4 strike the word "three" and insert in lieu thereof the word "two."

In lines 5, 6 and 7, strike the words "selected from nine names certified to the governor by the mine workers of this state."

Also engrossed Senate bill No. 103, entitled "An act relating to actions for the possession of and quieting title to real property, etc.," with the following amendment: Amend section 1, in line 2 of the printed bill, being line 2 of the engrossed bill, after the word "Washington" strike all words from and including the word "being" to and including the word "property" in line 3 of the printed bill."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Engrossed House bill No. 336, by Mr. Jones, entitled "An act providing for the auditing and paying of claims of county commissioners for extra services performed or expenditures made and repealing sections 3884, 3885, 3886 and 3887 of Remington and Ballinger's Annotated Codes and Statutes of Washington," was read third time.

The secretary called the roll on final passage of engrossed House bill No. 336, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bowen, Brown, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jensen, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Troy, White, Whitney, Mr. President—31.

Absent or not voting were: Senators Anderson, Bassett, Bryan, Hewitt, Huxtable, Jackson, Landon, Metcalf, Rosenhaupt, Stephens, Whalley—11.

On motion of Senator Landon, the title of the bill was stricken and the following substituted therefor:

“An act relating to the auditing and payment of claims of county commissioners and repealing sections 3884, 3885, 3886 and 3887 of Remington and Ballinger’s Annotated Codes and Statutes of Washington.”

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

Engrossed House bill No. 269, by Mr. Dow, entitled “An act to authorize the legislative authorities of any city in the State of Washington to rent or lease any wharf or privileges thereon owned by such city, for periods not exceeding five years; and declaring an emergency,” was read third time.

The secretary called the roll on final passage of engrossed House bill No. 269, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bowen, Brown, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Rydstrom, Shaefer, Smithson, Stevenson, Troy, White, Mr. President—29.

Those voting nay were: Senators Hutchinson, Whitney—2.

Absent or not voting were: Senators Bassett, Bryan, Hammer, Hewitt, Huxtable, Jackson, Rosenhaupt, Ruth, Stephens, Stewart, Whalley—11.

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

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Smithson, Stevenson, Troy, White, Whitney, Mr. President—32.

Absent or not voting were: Senators Anderson, Hall, Hammer, Hewitt, Huxtable, Rosenhaupt, Shaefer, Stephens, Stewart, Whalley—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 311, by Messrs. Leonard, Martin and Scales, entitled "An act for the relief of C. A. Ives," was read third time.

On motion of Senator Fishback, the bill was amended as follows:

In section 1, lines 4, 6 and 10 of the printed bill, the same being in lines 6, 9 and 15, section 1 of the original bill, strike the word "high" wherever said word occurs in said lines, and substitute therefor the word "low."

The secretary called the roll on final passage of House bill No. 311, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Brown, Chappell, Cox, Eastham, Espy, Falconer, Fishback, Hall, Hewitt, Jensen, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Smithson, Stevenson, Stewart, Troy, White, Mr. President—27.

Those voting nay were: Senators Bowen, Collins, Hutchinson, Whitney—4.

Absent or not voting were: Senators Bassett, Bryan, Davis, Hammer, Huxtable, Jackson, Landon, Rosenhaupt, Shaefer, Stephens, Whalley—11.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 40, by Mr. Moren, entitled "An act relating to the superior court of the county of Yakima, the election and appointment of judges therein, and declaring an emergency," was read third time.

The secretary called the roll on final passage of House bill No. 40, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Bassett, Bowen, Brown, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hewitt, Hutchinson, Jensen, Landon, Metcalf, Myers, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Troy, White, Whitney—31.

Those voting nay were: Senators Anderson, Arrasmith, Mr. President—3.

Absent or not voting were: Senators Bryan, Hammer, Huxtable, Jackson, Nichols, Rosenhaupt, Stephens, Whalley—8.

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

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Bassett, Bowen, Chappell, Cox, Davis, Espy, Falconer, Fishback, Hammer, Hewitt, Hutchinson, Jensen, Landon, Metcalf, Myers, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Troy, White, Whitney, Mr. President—29.

Those voting nay were: Senators Anderson, Arrasmith, Brown, Collins, Eastham, Nichols—6.

Those absent or not voting were: Senators Bryan, Hall, Huxtable, Jackson, Rosenhaupt, Stephens, Whalley—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The president called Senator Falconer to the chair.

House bill No. 438, by Committee on Horticulture and Forestry, entitled "An act relating to horticulture and amending sections 3072, 3080, 3118 and 3129 and repealing section 3131 of Remington and Ballinger's Annotated Codes and Statutes of the State of Washington," was read third time.

Senator Allen (F. J.) moved to amend by striking all of section 1 and numbering the remainder of the sections consecutively in accordance with such change.

The motion was lost.

The secretary called the roll on the final passage of House bill No. 438, and it passed the Senate by the following vote:

Those voting aye were: Senators Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, White, Whitney, Mr. President—34.

Those voting nay were: Senators Allen (F. J.), Arrasmith, Espy—3.

Absent or not voting were: Senators Allen (P. L.), Anderson, Huxtable, Rosenhaupt, Whalley—5.

There being no objection, the title of the bill was ordered to stand as the title of the act.

The president resumed the chair.

House bill No. 426, by Mr. Ennis, entitled "An act authorizing the establishment of port districts; providing for the acquirement, construction, maintenance, operation, development and regulation of a system of harbor improvements and rail and water transfer and terminal facilities within such districts, and providing the method of payment therefor," was read third time.

The secretary called the roll on final passage of House bill No. 426, and the bill passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Chappell, Cox, Davis, Espy, Falconer, Hall, Hammer, Hewitt, Hutchinson, Jensen, Landon, Nichols, Piper, Ruth, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, White, Whitney—27.

Those voting nay were: Senators Bowen, Collins, Eastham, Roberts, Rydstrom, Mr. President—6.

Absent or not voting were: Senators Allen (F. J.), Bryan, Fishback, Huxtable, Jackson, Metcalf, Myers, Rosenhaupt, Whalley—9.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed House bill No. 70, by Mr. Minard, entitled "An act regulating advertisements, prohibiting false, fraudulent or misleading, objectionable or pernicious advertisements and providing a penalty," was read third time.

Senator Piper moved that engrossed House bill No. 70 be indefinitely postponed.

The motion was lost by a vote of 17 to 15.

The secretary called the roll on final passage of engrossed

House bill No. 70 and it failed to pass the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Espy, Falconer, Fishback, Hammer, Jensen, Myers, Stewart, Whalley, White, Mr. President—19.

Those voting nay were: Senators Allen (F. J.), Davis, Eastham, Hall, Hutchinson, Metcalf, Piper, Roberts, Ruth, Rydstrom, Stevenson, Whitney—12.

Absent or not voting were: Senators Allen (P. L.), Hewitt, Huxtable, Jackson, Landon, Nichols, Rosenhaupt, Shaefer, Smithson, Stephens, Troy—11.

Senator Bassett moved that the rules be suspended and that all bills passed by the Senate this morning be immediately transmitted to the House.

The motion carried.

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

Your committee on enrolled bills, to whom was referred Senate bill No. 153, entitled "An act appropriating the sum of one hundred eighty-six thousand, three hundred twenty and 75-100 dollars from the state shore land improvement fund (said sum being the unexpended balance of the two hundred and fifty thousand dollars set apart and appropriated by chapter 218 of the Laws of 1909), and providing for the expenditure thereof in connection with the construction and improvement of the Lake Washington canal in King county, Washington;"

Also re-engrossed Senate bill No. 203, entitled "An act dedicating to the public for street and boulevard purposes certain tracts of land in section 16, township 25 north, range 4 east, W. M., and in blocks 7 and 8 of Lake Washington shore lands, upon condition that no assessments for the improvement thereof shall be levied against the property above described, and vacating certain streets;"

—have compared same with the original and re-engrossed bills, and find them correctly enrolled.

Respectfully submitted.

GEO. W. SHAEFER, *Chairman.*

We concur in this report: H. A. Espy, B. A. Bowen, Peder Jensen.

Senator Landon stated that he had compared enrolled Senate bill No. 153 with the original and found it to be properly en-

rolled and Senator Nichols made the same statement concerning Senate bill No. 203.

The president signed Senate bills Nos. 153 and 203.

Engrossed House bill No. 201, by Mr. Goss, entitled "An act relating to eminent domain proceedings on behalf of the state, and amending section 891 of Remington and Ballinger's Annotated Codes and Statutes of Washington," was read third time.

The secretary called the roll on final passage of engrossed House bill No. 201, and the bill passed the Senate by the following vote:

Those voting aye were: Senators Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Stevenson, Stewart, White, Whitney, Mr. President—32

Absent or not voting were: Senators Allen (F. J.), Allen (P. L.), Hewitt, Huxtable, Rosenhaupt, Shaefer, Smithson, Stephens, Troy, Whalley—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 382, by Committee on State, School and Granted Lands, entitled "An act relating to the sale and removal of timber from state, school and granted land," was read third time.

The secretary called the roll on final passage of House bill No. 382, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Smithson, Stevenson, Stewart, Whalley, White, Whitney, Mr. President—31.

Those voting nay were: Senators Anderson, Eastham, Jensen, Rydstrom—4.

Absent or not voting were: Senators Hewitt, Huxtable, Jackson, Rosenhaupt, Shaefer, Stephens, Troy—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 8, 1911.

MR. PRESIDENT:

The House has passed engrossed Senate bill No. 166, entitled "An act relating to the safety of employes and passengers on railroads, etc.;"

Also, the House has passed Senate bill No. 89, entitled "An act to enable counties, cities and towns to validate certain warrants and other obligations, etc.;"

Also engrossed Senate bill No. 167, entitled "An act relating to the State Soldiers' Home and admission thereto, etc.," with the following amendments:

In section 2, line 1 of the printed bill, being line 5 of the original bill, between the word "soldiers" and the word "veterans" insert the words "Mexican war veterans."

In section 2, line 15 of the printed bill, being line 21 of the original bill, after the word "home" and before the word "may" insert "and the Veterans' Home at Port Orchard."

Lines 16 and 17 of the printed bill, being line 21 of the original bill, change the words "home" to read "homes."

Also Senate bill No. 247, entitled "An act relating to the granting to persons, firms and corporations an easement over, upon and across the beds of the rivers of the state, etc.," with the following amendments:

In line 9 of the printed bill, after the word "thereto" strike out all over to and including the word "work" in line 11, and insert in lieu thereof the following: "and such construction work shall be diligently prosecuted to completion."

In line 7 of the printed bill, after the word "uses" insert the following: "All such dams and works shall be completed within five years after the commencement of construction work upon the same."

Strike the period after the word "act" in line 22, and insert a comma in lieu thereof and add the following: "but no such persons, firms or corporations shall have any right to construct any such dams or works over, upon or across the land between ordinary high water and extreme low water of any river of this state without first having acquired the right to do so from the owner or owners of the lands adjoining the land between ordinary high water and extreme low water over or across which said dam or works are constructed."

Also, the House has indefinitely postponed Senate bill No. 78, entitled "An act relating to the purchase, sale and transfer of stocks of goods, etc."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

At 11:45 o'clock a. m., on motion of Senator White, the Senate took a recess until 12:30 o'clock p. m.

AFTERNOON SESSION.

The Senate convened at 12:30, the president in the chair.

The secretary read Senate concurrent resolution No. 9, by Senators Stevenson and Jackson, as follows:

SENATE CONCURRENT RESOLUTION NO. 9.

Be it resolved, by the Legislature of the State of Washington, the Senate and House concurring:

A nation to be great must be managed by great men. This nation, in a few more than one hundred years, has risen from a mere handful of liberty-loving, God-fearing people, scattered for more than twelve hundred miles along the Atlantic seaboard, to a domain stretching from ocean to ocean, and from the frozen zones of the north to the tropic climes of the equatorial regions—form the orient to the occident—until the sun never ceases to shine on its territorial expanse. When the westward star of empire took its westward way the limits on the growth, power and wealth of this nation became obsolete and were forever removed, and in shaping and engineering our course to eminence wise and far-sighted have been the directing minds responsible therefor; nor is this statement limited to mere ancestral worship; genius of statesmanship is in the present as well as in the past. In this great nation "time is" and never "was." In this work of building and maintaining a great nation, we of the Pacific slope have a just pride, not only in the great wealth and territorial area we have given to the nation, but in the character of the men from our midst that have helped shape its destinies. But four men from our section have been chosen as great vice-premiers of this nation and but one from this section has ever been assigned to the duty of handling the internal affairs of our country or more particularly that department charged with the fostering and developing the great resources and latent possibilities of the west, and it is with exultant pride that from among the names of those in our section we have graced cabinet positions or to any who have ever held the portfolio of secretary of interior since its

creation in 1849 to the present day or to any position of trust and honor, we can say to the Honorable Richard A. Ballinger, "Well done thou good and faithful servant." It is with regret that we learn of his putting aside, because of ill-health, his post in the executive branch of our government. It is with condemnation that we view the bitter attacks which have been made on him since assuming the high and exalted position as secretary of the interior.

We know Richard A. Ballinger as citizen, as judge, as lawyer, as chief executive of our chief city and as one of the chief advisors of the honored head of this great nation. He has ever been, and is true, loyal, upright, law-abiding, liberty-loving, honest and courageous; as citizen, a model; as jurist, irreproachable, dignified, respected; as lawyer, courteous, learned, esteemed; as mayor of our chief city, clean, fearless, systematic and forceful; as commissioner of the general land office, alert, energetic; as secretary of the interior, wise, thoughtful, statesmanlike, noble and efficient; always emulating, loving, kind-hearted, shrewd, respected by those who know him. We deplore his loss to the nation and especially to the great west. We commend his great chief for his original selection of Mr. Ballinger and of his expression of confidence upon Mr. Ballinger's severing himself from the official position as secretary of the interior. With the president, we can say of Mr. Ballinger in contrast with his enemies that he is a

"Statesman, yet friend to truth; of soul sincere,
In action faithful, and in honor clear;
Who broke no promise, serv'd no private end,
Who gain'd no title, and who lost no friend."

We welcome Mr. Ballinger's return to our midst and wish for him all the blessings that may fall to mortal man.

On motion of Senator Ruth, the rules were suspended and the secretary called the roll on the adoption of Senate concurrent resolution No. 9, and the resolution was adopted by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Bowen, Brown, Bryan, Chappell, Collins, Cox, Eastham, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Piper, Roberts, Ruth, Rydstrom, Smithson, Stephens, Troy—28.

Absent or not voting were: Senators Anderson, Arrasmith, Bassett, Davis, Espy, Huxtable, Nichols, Rosenhaupt, Shaefer, Stevenson, Whalley, White, Whitney, Mr. President—14.

Re-engrossed House bill No. 62, by Messrs. Teats and Todd, entitled "An act to amend article one (1) of the constitution of the State of Washington, authorizing and empowering the

voters to call a special election at any time to recall and discharge any elective public officer and to elect his successor, by adding thereto at the end of said article one (1) two new sections which shall be numbered sections 33 and 34 of said article one (1)," was read third time.

Senator Collins moved to amend by inserting immediately after the word "Washington" in line 14 in the re-engrossed bill the words "except judges of courts of record."

Roll call on the motion was demanded by Senators Ruth, Piper, Brown, Chappell, Hammer, Collins.

The secretary called the roll on the adoption of the amendment proposed by Senator Collins, and the amendment was adopted by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bassett, Bowen, Brown, Collins, Cox, Davis, Eastham, Fishback, Hall, Hewitt, Jackson, Metcalf, Myers, Nichols, Piper, Smithson, Stevenson, Stewart, Mr. President—22.

Those voting nay were: Senators Bryan, Chappell, Espy, Falconer, Hammer, Hutchinson, Jensen, Landon, Roberts, Ruth, Stephens, Troy, White, Whitney—14.

Absent or not voting were: Senators Anderson, Huxtable, Rosenhaupt, Rydstrom, Shaefer, Whalley—6.

On motion of Senator Allen (P. L.), the bill was amended by striking the word "to" in the last line of section 3 in the re-engrossed bill and inserting in lieu thereof the word "of."

The secretary called the roll on the final passage of re-engrossed House bill No. 62, and the bill passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hammer, Hewitt, Hutchinson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Ruth, Smithson, Stephens, Troy, White, Mr. President—29.

Those voting nay were: Senators Eastham, Hall, Roberts, Rydstrom, Stevenson, Stewart, Whitney—7.

Absent or not voting were: Senators Anderson, Huxtable, Jackson, Rosenhaupt, Shaefer, Whalley—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Metcalf, the Senate resolved itself into a committee of the whole for the consideration of Senate bill No. 198.

The bill was considered in committee of the whole, Senator Piper in the chair, and reported back to the Senate with the recommendation that it do pass.

On motion of Senator Piper, the report of the committee of the whole was adopted.

On motion of Senator Metcalf, the rules were suspended, the reading of the bill had in the committee of the whole considered the third reading of the bill and the bill placed on final passage.

The secretary called the roll on the final passage of Senate bill No. 198, by Senator Metcalf, entitled "An act for the relief of the Tacoma Humane Society of Pierce county, Washington, for money collected by county officials belonging to said society and paid by error into the state school fund, and making an appropriation therefor," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Troy, White, Whitney, Mr. President—35.

Absent or not voting were: Senators Anderson, Eastham, Huxtable, Jackson, Rosenhaupt, Stephens, Whalley—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Metcalf moved that the rules be suspended and that Senate bill No. 198 be immediately transmitted to the House.

The motion carried.

Engrossed House bill No. 69, by Messrs. Miller and McClure, entitled "An act relating to the state institutions of higher edu-

cation, creating a fund to be known as the University Fund; a fund to be known as the Washington State College Fund; a fund to be known as the Cheney Normal School Fund; a fund to be known as the Bellingham Normal School Fund, and making provision for the annual levy of a tax to produce revenue therein for the maintenance, construction and repair of buildings, and the equipment of said institutions," was read third time.

The previous question was demanded by Senators Collins, Landon, Brown.

The motion for the previous question carried.

The secretary called the roll on the final passage of engrossed House bill No. 69, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Espy, Fishback, Hall, Hammer, Hutchinson, Jensen, Landon, Myers, Piper, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stevenson, Stewart, Troy, White, Whitney, Mr. President—31.

Those voting nay were: Senators Eastham, Falconer, Metcalf, Nichols—4.

Absent or not voting were: Senators Davis, Hewitt, Huxtable, Jackson, Rosenhaupt, Stephens, Whalley—7.

There being no objection, the title of the bill was ordered to stand as the title of the act.

House bill No. 460, by Mr. Farnsworth, entitled "An act relating to rights-of-way and easements over state lands of private logging companies, reserving rights for rights-of-way over state lands hereafter granted, providing for the moving of timber, stone, mineral and other products over state lands hereafter granted, providing penalties for the violation of the act and providing for certain rights-of-way and easements reverting to the state," was read third time.

Senators Allen (F. J.) moved that the bill be indefinitely postponed.

The motion was lost.

On motion of Senator Nichols, the bill was amended by inserting after the word "thereof" in line 7 of section 2 in the original bill the words "or other person owning or."

The secretary called the roll on the final passage of House bill No. 460, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Eastham, Espy, Falconer, Fishback, Hall, Hamer, Hewitt, Hutchinson, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Shaefer, Stephens, Stevenson, Stewart, Troy, White, Whitney, Mr. President—32.

Those voting nay were: Senators Allen (F. J.), Arrasmith, Collins, Davis, Jensen, Smithson—6.

Absent or not voting were: Senators Huxtable, Jackson, Rosenhaupt, Whalley—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Engrossed House bill No. 190, by Mr. McArdle, entitled "An act controlling the sanitation of shell fish grounds and premises where shell fish are opened, packed or prepared for the market, and controlling the sale of oysters and shell fish for food purposes and providing a penalty," was read third time.

On motion of Senator Nichols, engrossed House bill No. 190 was indefinitely postponed.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

The speaker has signed House bill No. 448, entitled "An act making appropriations for maintenance of and sundry expenses at the various state institutions, etc.;"

Also House bill No. 42, entitled "An act relating to the superior court of the county of Snohomish and the election and appointment of judges therein, etc."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president signed House bill No. 42 and House bill No. 448.

Engrossed House bill No. 176, by Mr. Straub, entitled "An act to provide for the sale of certain school land in section 36, township 18 north, range 10 west of the Willamette meridian," was read third time.

On motion of Senator Fishback, the bill was amended by inserting after the word "sell" in line 2, section 1 of the engrossed bill the words "to the city of Hoquiam."

The secretary called the roll on final passage of engrossed House bill No. 176, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—38.

Absent or not voting were: Senators Anderson, Huxtable, Rosenhaupt, Shaefer—4.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Hutchinson moved that the rules be suspended and that House bill No. 144 be taken up out of order.

The motion was lost.

On motion of Senator Brown, the Senate resolved itself into a committee of the whole for the consideration of engrossed House bill No. 560, House bill No. 539, engrossed House bill No. 39 and House bill No. 428.

Engrossed House bill No. 560 was considered in committee of the whole, Senator Ruth in the chair, and reported back with the recommendation that it do pass with the following amendments:

Add to the end thereof the following, to-wit:

"From Military Fund.

"Salaries and maintenance of the National Guard of Washington, for the fiscal term beginning April 1, 1911, and ending March 31, 1913, the following sums or so much thereof as shall be found necessary:

"Salary of adjutant general, at \$2,500 per year, \$5,000; salary of

assistant adjutant general, at \$1,500 per year, \$3,000; salary of chief clerk, at \$1,200 per year, \$2,400; salary of storekeeper, at \$1,200 per year, \$2,400; salary of stenographer, at \$900 per year, \$1,800; maintenance, \$137,000; additional printing, \$1,850; for maintenance expenses of the National Guard, already incurred or to be incurred prior to April 1, 1911, \$13,530.88; for parade and encampment pay of enlisted men, retained under previously existing law, \$8,809; for payment of warrants Nos. 6431, 6440, 6462, 6463, drawn upon the military fund of the State of Washington, \$9,953.51.

"The appropriation of \$75,000 made in chapter 68 of the Session Laws of 1909 for construction of an armory at Bellingham, is hereby continued and reappropriated, to the end that any balance of said appropriation remaining unexpended shall not lapse at the end of this fiscal period but shall continue thereafter available until the completion of said armory: *Provided*, The total cost of said armory shall not exceed the original appropriation of \$75,000."

Immediately after line 27 in the engrossed bill insert the following:

"Peter Henretty, \$112.50; Geo. Von Eschen, \$79.20; E. S. Jones, \$92.30; Clarence Parker, \$40.00; total, \$323.00. For gymnasium at State Training School, \$20,000; Washington State Historical Society (but in no event to exceed the amount reverting from the appropriation of the \$25,000 already appropriated, by the legislature of 1909, remaining at the close of the present fiscal year), \$8,000; additional building for Eastern Washington Hospital for the Insane, \$75,000; for the relief of the Bellingham normal, \$1,360.

"That there be and hereby is appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of three hundred thirteen and fifty-six one-hundredths (\$313.56) dollars for the relief of the legatees of Abraham Barendse, deceased, said sum having been paid into the treasury of the State of Washington as an inheritance tax in the matter of the estate of Abraham Barendse, deceased, being probate case No. 1490, Whatcom county, Washington, and said amount having been paid in excess of the amount properly chargeable against said estate and never refunded.

"The state auditor is hereby authorized and directed to draw his warrant for the said sum of three hundred thirteen and fifty-six one-hundredths (\$313.56) dollars in favor of the legatees of Abraham Barendse, deceased, and the state treasurer is hereby authorized and directed to pay such warrant out of any moneys in the state treasury not otherwise appropriated, upon the presentation thereof indorsed "Peter Schuyleman, Executor," "Hurlbut & Neal, Attorneys for said Legatees."

Immediately after line 16 in the engrossed bill insert the following: "\$800 of which to apply as additional salary for actuary in insurance commissioner's office."

Strike lines 4, 5 and 6 in the engrossed bill, and insert in lieu thereof the following: "Railroad commission, \$11,000; grain inspection, \$4,000."

House bill No. 539 was considered in committee of the whole, Senator Ruth in the chair, and reported back with the recommendation that it do not pass.

House bill No. 428 and engrossed House bill No. 39 were considered in committee of the whole, Senator Ruth in the chair, and reported back with the recommendation that they do pass.

On motion of Senator Ruth, the reports of the committee of the whole on engrossed House bills Nos. 560 and 39 and on House bills No. 539 and 428 were adopted.

On motion of Senator Nichols, the rules were suspended, the reading of engrossed House bill No. 560 had in the committee of the whole considered third reading and the bill placed on final passage.

The secretary called the roll on the final passage of engrossed House bill No. 560, by Appropriation Committee, entitled "An act relating to and making an appropriation for miscellaneous purposes," and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Espy, Falconer, Fishback, Hall, Hammer, Landon, Metcalf, Myers, Piper, Roberts, Ruth, Rydstrom, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney—29.

Those voting nay were: Senators Allen (P. L.), Arrasmith, Eastham, Hutchinson, Jensen, Nichols, Mr. President—7.

Absent or not voting were: Senators Hewitt, Huxtable, Jackson, Rosenhaupt, Shaefer, Smithson—6.

There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Allen (P. L.) gave notice that he would enter a protest on the record that engrossed House bill No. 560 was passed after 2 o'clock p. m.

On motion of Senator Nichols, the rules were suspended, the reading of engrossed House bill No. 39 had in committee of the whole considered third reading and the bill placed on final passage.

The secretary called the roll on final passage of engrossed House bill No. 39, by Mr. French, entitled "An act for the re-

lief of Indian war veterans of the wars of 1855 and 1856," and the bill passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hutchinson, Landon, Myers, Nichols, Piper, Roberts, Ruth, Rydstrom, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—33.

Voting nay: Senator Jensen—1.

Absent or not voting were: Senators Allen (P. L.), Hewitt, Huxtable, Jackson, Metcalf, Rosenhaupt, Shaefer, Smithson—8.

There being no objection, the title of the bill, as amended, was ordered to stand as the title of the act.

On motion of Senator Nichols, the rules were suspended, the reading of House bill No. 428 had in committee of the whole was considered third reading and the bill placed on final passage.

The secretary called the roll on the final passage of House bill No. 428, by Committee on Appropriations, entitled "An act for the relief of certain persons," and the bill passed the Senate by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hammer, Hutchinson, Jensen, Landon, Myers, Piper, Roberts, Ruth, Rydstrom, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—32.

Absent or not voting were: Senators Allen (F. J.), Hall, Hewitt, Huxtable, Jackson, Metcalf, Nichols, Rosenhaupt, Shaefer, Smithson—10.

There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Cox, the rules were suspended and all bills passed by the Senate today, upon which notice of reconsideration had not been given, were ordered immediately transmitted to the House.

Senator Bryan gave notice that at 3:30 o'clock p. m. today he would ask that House bill No. 60 be taken up for consideration.

At 2 o'clock p. m., on motion of Senator Ruth, the Senate took a recess until 3:30 o'clock this afternoon.

AFTERNOON SESSION.

The Senate was called to order at 3:30 o'clock p. m. by President Paulhamus.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

The House has concurred in the Senate amendments to House bills Nos. 161, 240 and 2.

The House has refused to concur in the Senate amendments to House bill No. 266 and asks the Senate to recede therefrom.

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senator Collins moved that the Senate refuse to recede from its amendments to House bill No. 266, and that a conference committee be appointed.

The motion carried.

The president appointed Senators Bowen, Roberts and Smithson as a conference committee on the part of the Senate on the Senate amendments to House bill No. 266.

The president appointed Senators Collins, Rydstrom and Myers as a conference committee on the part of the Senate on House amendments to substitute Senate bill No. 94.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

The House has passed engrossed Senate bill No. 244, entitled "An act to provide for the selection and purchase or acquirement by con-

demnation of additional land, the improvement thereof for the use of the State Institution for Feeble-Minded, etc.;"

Also engrossed Senate bill No. 248, entitled "An act providing for the payment of costs and expenses incurred pursuant to an act entitled, etc.;"

Also Senate bill No. 230, entitled "An act relating to the disqualification of judges of the superior court, etc.;"

Also engrossed substitute Senate bill No. 201, entitled "An act relating to the forests of the state, providing for fire wardens, etc.," with the following amendments:

In section 13, line 5, strike the words "within fire wall."

In section 13, strike all the second paragraph.

In section 17, strike all of paragraph (a); make paragraph (b) to read (a), and (c) to read (b).

Also engrossed Senate bill No. 150, entitled "An act relating to offenses against suffrage, fixing the punishment and penalties therefor," with the following amendments:

In section 1, as amended, following the word "elections," following the words and figures "Sec. 4967," insert the following: "or to any September primary, or any other primary election held pursuant to law or the provisions of any charter or ordinance of any town or city of this state."

Amend line 1 of section 1 of the engrossed bill, to read as follows: "Section 1. That sections 4958, 4959, 4960, 4961, 4962, 4963 and 4967 of Remington and."

Strike the first three lines of section 2 of the engrossed bill.

Strike the first three lines of section 3 of the engrossed bill.

Strike the first three lines of section 4 of the engrossed bill.

Strike the first three lines of section 5 of the engrossed bill.

Strike the first three lines of section 6 of the engrossed bill.

Strike the first three lines of section 7 of the engrossed bill.

Also engrossed Senate bill No. 132, entitled "An act relating to the duties of county auditors;"

Also engrossed Senate bill No. 195, entitled "An act relating to apportionment of the state current school fund, etc.;"

Also Senate bill No. 189, entitled "An act relating to the terms of office and the election of judges of the supreme court, etc.;"

Also engrossed Senate bill No. 315, entitled "An act repealing sections 6275 and 6276 of Remington and Ballinger's Annotated Codes relating to the dispensation and sale of spirituous malt and fermented liquors;"

Also Senate bill No. 200, entitled "An act providing for an organized naval militia;"

Also engrossed Senate bill No. 212, entitled "An act relating to the management of the jute mill at the state penitentiary, etc.;"

Also Senate bill No. 152, entitled "An act relating to the taking of food fishes, etc.," with the following amendments:

In section 1, lines 17 and 18 of the printed bill, being lines 25 and 26 of the original bill, after the word "April" strike the remainder of the sentence and add in lieu thereof the following: "and the 1st day of August to the 1st day of September and from the 5th day of December to the 5th day of January in each year."

In section 1, line 20 of the printed bill, being line 29 of the original bill, strike the word "and" preceding the word "nasel." Strike the period after the word "river," insert in lieu of period a comma and add the following: "Palix river, Nema river, and Bear river, and for the purpose of this act the head of the tide water shall be on North River at the upper end of the lower log boom; on the Willapa river, the main wagon bridge near Willapa city; on the Nasel river, the gap of the main log boom; on the Bear river, Masny's landing; on the Nema and Palix rivers at the head of navigation for fish boats at mean low tide: *Provided*, That for two years next ensuing after the passage of this act, all licenses now in force above these specific points may be renewed and continued in force, but no new licenses shall be issued for fishing above these points."

Also Senate bill No. 111, entitled "An act to amend section 1, chapter 19, title 3, Code of Public Instruction, etc.," with the following amendments:

Amend the title to read: "An act relating to the establishment of free kindergartens and amending sections 1 and 3 of chapter 19 of title 3 of the Code of Public Instruction, being chapter 97 of the Session Laws of 1909."

Amend title by inserting in lieu of the words "section 1" the words "sections 1 and 3."

Amend section 1 to read as follows: "Section 1. That sections 1 and 3 of chapter 19, title 3, Code of Public Instruction, be amended to read as follows: "The board of directors of any school district of the first and second classes shall have power to establish and maintain three kindergartens in connection with the common schools of said district for the instruction of children between the ages of four and six years, residing in said district, and shall establish such course of training, study and discipline and such rules and regulations governing such kindergartens as such board may deem best."

"Section 3. The cost of establishing and maintaining such kindergartens shall be paid from the general fund of the district."

Also Senate bill No. 134, entitled "An act amending sections 4610, 4613, 4615 and 4621, Remington and Ballinger's Annotated Codes and Statutes of Washington relating to bonds of school districts," with the following amendments:

In line 17 of section 2 of the original bill, after the word "accumulated" insert the words "or other."

In line 20 of section 2 of the original bill, after the word "sinking" insert the words "or other."

Also Senate bill No. 90, entitled "An act authorizing school dis-

tricts of the first class to create and maintain permanent insurance fund, etc."

And the same are herewith transmitted.

LOBEN GRINSTEAD, *Chief Clerk.*

Senator Falconer moved that the Senate concur in House amendments to Senate bill No. 112.

The secretary called the roll, and the Senate concurred in House amendments to Senate bill No. 112 by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Espy, Falconer, Fishback, Hall, Hammer, Jensen, Landon, Metcalf, Nichols, Piper, Roberts, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—29.

Those voting nay were: Senators Anderson, Eastham, Ruth—3.

Absent or not voting were: Senators Collins, Davis, Hewitt, Hutchinson, Huxtable, Jackson, Myers, Rosenhaupt, Rydstrom, Whitney—10.

The secretary read:

SENATE CONCURRENT RESOLUTION NO. 10.

By Senator Landon:

Be it resolved, by the Senate, the House of Representatives concurring, That the House of Representatives may continue consideration of Senate bill No. 321, notwithstanding provisions of House concurrent resolution No. 19.

Senator Bryan moved to amend the resolution by inserting after the words and figures "Senate bill No. 321" the words and figures "and the Senate may consider House bill No. 60."

A roll call on the amendment was demanded by Senators Falconer, Landon, Ruth, Nichols, Troy, Anderson, Allen (P. L.), Jackson.

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

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Espy, Falconer, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Piper, Stephens, Troy, Whalley, White, Mr. President—24.

Those voting nay were: Senators Allen (F. J.), Collins, Eastham, Fishback, Hall, Nichols, Roberts, Ruth, Rydstrom, Smithson, Stevenson, Stewart, Whitney—13.

Absent or not voting were: Senators Davis, Hewitt, Huxtable, Rosenhaupt, Shaefer—5.

The secretary called the roll on the adoption of Senate concurrent resolution No. 10, and it passed the Senate by the following vote:

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Cox, Espy, Falconer, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Piper, Ruth, Stephens, Stevenson, Troy, Whalley, White, Whitney, Mr. President—28.

Those voting nay were: Senators Allen (F. J.), Collins, Eastham, Fishback, Nichols, Roberts, Rydstrom, Smithson, Stewart—9.

Absent or not voting were: Senators Davis, Hewitt, Huxtable, Rosenhaupt, Shaefer—5.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES.
OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

The House has refused to concur in the Senate amendments to House bill No. 407, entitled "An act reapportioning the senatorial and legislative districts of the State of Washington," and asks the Senate to recede therefrom, and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

Senator Jackson moved that the Senate refuse to recede from its amendments to House bill No. 407, and that a conference committee be appointed.

The motion carried.

The president appointed as a conference committee on House bill No. 407, on the part of the Senate, Senators Jackson, Hammer and Bassett.

On motion of Senator Bassett, the Senate took up for consideration House amendments to Senate bill No. 111.

Senator Bassett moved that the Senate concur in House amendments to Senate bill No. 111.

The secretary called the roll, and the Senate concurred in the House amendments to Senate bill No. 111 by the following vote:

Those voting aye were: Senators Allen (F. J.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Espy, Falconer, Hall, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Roberts, Ruth, Shaefer, Stephens, Stewart, Troy, Whalley, White, Whitney, Mr. President—32.

Absent or not voting were: Senators Allen (P. L.), Davis, Eastham, Fishback, Hewitt, Huxtable, Rosenhaupt, Rydstrom, Smithson, Stevenson—10.

The Senate took up for consideration House amendments to Senate bill No. 247.

Senator Allen (F. J.) moved that the Senate concur in House amendments to Senate bill No. 247.

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

Those voting aye were: Senators Allen (F. J.), Arrasmith, Bassett, Bowen, Brown, Chappell, Collins, Eastham, Espy, Falconer, Fishback, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Myers, Roberts, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—31.

Absent or not voting were: Senators Allen (P. L.), Anderson, Bryan, Cox, Davis, Hall, Hewitt, Huxtable, Nichols, Piper, Rosenhaupt—11.

The Senate took up for consideration House amendments to engrossed substitute Senate bill No. 201.

Senator Fishback moved that the Senate do not concur in the House amendments.

Senator Stewart moved as a substitute for the motion of Senator Fishback that the Senate do concur in House amendments to substitute Senate bill No. 201.

The motion of Senator Stewart was lost.

The motion of Senator Fishback that the Senate do not con-

cur in House amendments to engrossed substitute Senate bill No. 201 prevailed.

MESSAGES TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

The speaker has appointed as the House members of the conference committee on House bill No. 266, Messrs. Tonkin, Leonard and Hubbell.

Also, the speaker has appointed as the House members of the conference committee on House bill No. 407, Messrs. Cameron, Wright, McArdle and French.

LOREN GRINSTEAD, *Chief Clerk.*

The president appointed Senator Falconer as an additional member of the conference committee on House bill No. 407.

The Senate took up for consideration House amendments to Senate bill No. 134.

Senator Bassett moved that the Senate do concur in House amendments to Senate bill No. 134.

The secretary called the roll, and the Senate concurred in House amendments to Senate bill No. 134 by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Brown, Bryan, Chappell, Cox, Espy, Fishback, Hall, Hammer, Jensen, Landon, Metcalf, Nichols, Roberts, Ruth, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—28.

Voting nay: Senator Whitney—1.

Absent or not voting were: Senators Bowen, Collins, Davis, Eastham, Falconer, Hewitt, Hutchinson, Huxtable, Jackson, Myers, Piper, Rosenhaupt, Rydstrom—13.

The Senate took up for consideration House amendments to Senate bill No. 152.

Senator Stevenson moved that the Senate do not concur in House amendments to Senate bill No. 152.

The motion carried.

Senator Cox moved that the Senate do concur in House amendments to Senate bill No. 103.

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

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bowen, Brown, Bryan, Chappell, Collins, Cox, Fishback, Hall, Hutchinson, Jensen, Landon, Metcalf, Piper, Ruth, Shaefer, Smithson, Stewart, Troy, Whalley, White, Mr. President—25.

Absent or not voting were: Senators Bassett, Davis, Eastham, Espy, Falconer, Hammer, Hewitt, Huxtable, Jackson, Myers, Nichols, Roberts, Rosenhaupt, Rydstrom, Stephens, Stevenson, Whitney—17.

The secretary read the House amendments to engrossed Senate bill No. 167.

Senator Roberts moved that the Senate concur in the House amendments to engrossed Senate bill No. 167.

The motion carried, and the Senate concurred by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bowen, Brown, Bryan, Chappell, Collins, Fishback, Hall, Jensen, Landon, Metcalf, Piper, Roberts, Ruth, Shaefer, Smithson, Stephens, Stewart, Troy, Whalley, White, Mr. President—25.

Absent or not voting were: Senators Bassett, Cox, Davis, Eastham, Espy, Falconer, Hammer, Hewitt, Hutchinson, Huxtable, Jackson, Myers, Nichols, Rosenhaupt, Rydstrom, Stevenson, Whitney—17.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

The speaker has signed Senate bill No. 203, entitled "An act dedicating to the public for street and boulevard purposes, certain tracts, section 16, township 25, etc.;"

Also Senate bill No. 153, entitled "An act appropriating the sum of \$186,320.75 from the state shore land improvement fund, etc.;"

Also House bill No. 2, entitled "An act relating to garnishments in justice courts, etc.;"

Also House substitute bill No. 240, entitled "An act to prevent the spread of noxious weeds, etc.;"

Also House bill No. 63, entitled "An act relating to materialmen's liens and the enforcement thereof;"

Also House bill No. 76, entitled "An act relating to the superior court of the county of King, etc.;"

Also House bill No. 161, entitled "An act relating to the powers and duties of prosecuting attorneys, etc.;"

Also House bill No. 14, entitled "An act relating to the compensation of injured workmen; etc.;"

Also House concurrent resolution No. 19, "Limiting the time for the consideration by either House or Senate of House and Senate bills, etc."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

REPORTS OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,

OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

Your committee on enrolled bills, to whom was referred engrossed substitute Senate bill No. 102, entitled "An act relating to public service properties and utilities, providing for the regulation of the same, fixing penalties for the violation thereof, making an appropriation and repealing certain acts;"

Also engrossed substitute Senate bill No. 6, entitled "An act to provide an insurance code for the State of Washington, to regulate the organization and government of insurance companies and insurance business, to provide penalties for the violation of the provisions of this act, to provide for an insurance commissioner and define his duties, and to repeal all existing laws in relation thereto;"

—have compared same with the engrossed bills and find them correctly enrolled.

Respectfully submitted.

GEO. W. SHAEFER, *Chairman.*

We concur in this report: John A. Whalley, Peder Jensen, H. A. Espy, B. A. Bowen.

SENATE CHAMBER,

OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

Your committee on enrolled bills, to whom was referred Senate bill No. 230, entitled "An act relating to the disqualification of judges of the superior courts, and providing change of venue or change of judges on account thereof;"

Also Senate bill No. 206, entitled "An act to amend sections 1 and 2 of an act entitled 'An act authorizing cities of the first class in the State of Washington, which at the government census of 1900 had a population in excess of 80,000, * * * and declaring an emergency;"

Also Senate bill No. 89, entitled "An act to enable counties, cities

and towns to validate certain warrants * * * and declaring an emergency;"

Also Senate bill No. 232, entitled "An act to amend section 16 of chapter 142 of the statutes of Washington for the year 1907 * * *;"

Also Senate bill No. 143, entitled "An act to amend section 4266 of Ballinger's Annotated Codes and Statutes of the State of Washington * * *;"

Also engrossed substitute Senate bill No. 207, entitled "An act to provide for the construction and maintenance of a wagon bridge across the north fork of the Lewis river and making an appropriation therefor;"

Also engrossed Senate bill No. 244, entitled "An act to provide for the * * * purchase * * * of additional land * * * for the use of the State Institution for Feeble-Minded at Medical Lake, Washington, * * *;"

Also engrossed Senate bill No. 248, entitled "An act providing for the payment of costs and expenses incurred pursuant to an act entitled 'An act providing for the establishment and construction of ditches * * *;"

—have compared same with the original and engrossed bills respectively, and find them correctly enrolled.

Respectfully submitted.

GEO. W. SHAEFER, *Chairman.*

We concur in this report: H. A. Espy, Peder Jensen, B. A. Bowen.

Senator Whalley reported that he had compared enrolled substitute Senate bill No. 6 with the engrossed copy and found it to be properly enrolled.

Senator Cox made the same report as to enrolled substitute Senate bill No. 102, Senator Landon as to enrolled Senate bill No. 230, Senator Nichols as to enrolled Senate bill No. 206, Senator Falconer as to enrolled Senate bill No. 89, Senator Cox as to enrolled Senate bill No. 232, Senator Davis as to enrolled Senate bill No. 143, Senator Fishback as to enrolled substitute Senate bill No. 207, Senator Hutchinson as to enrolled Senate bill No. 244 and Senator Allen (F. J.) as to enrolled Senate bill No. 248.

The president signed House bills No. 2, substitute House bill No. 240, House bills Nos. 63, 76, 161, 14 and House concurrent resolution No. 19.

The president also signed substitute Senate bills Nos. 6, 102 and 207 and Senate bills Nos. 230, 206, 89, 232, 143, 244 and 248.

At 5 o'clock p. m. the Senate took a recess until 7:30 this evening.

EVENING SESSION.

The Senate was called to order at 7:30 p. m. by President Paulhamus.

MESSAGES TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

The speaker has signed substitute Senate bill No. 6, entitled "An act to provide for an insurance code for the State of Washington;"

Also substitute Senate bill No. 102, entitled "An act relating to public service properties and utilities, etc.;"

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

REPORT OF CONFERENCE COMMITTEES.

OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

We, your conference committee on Senate amendments to House bill No. 266, entitled "An act relating to the handling, storage and distribution of powder and other explosives used in connection with mining and providing penalties for the violation thereof," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the House concur in the Senate amendments.

B. A. BOWEN, *Chairman.*

We concur in this report: F. H. Tonkin, J. C. Hubbell, J. E. Leonard, J. H. Smithson.

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

OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

We, a majority of your conference committee, to whom was referred the Senate amendments to House bill No. 407, entitled "An act to reapportion and redistrict the State of Washington," have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the Senate recede from its amendment to line 86, on page 6 of the printed amended House bill

No. 407, wherein the Senate struck the word "two" and inserted the word "one," and that the House concur in the other amendments.

We concur in this report: J. D. Bassett, Frank C. Jackson, J. A. Falconer, E. Hammer, Edgar J. Wright.

OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

We, a minority of your conference committee, to whom was referred the Senate amendments to House bill No. 407, entitled "An act to re-apportion and redistrict the State of Washington," have had the same under consideration, and we, a minority, respectfully report that they cannot agree and ask for the appointment of a free conference committee.

We concur in this report: L. D. McArdle, E. L. French, J. J. Cameron.

Senator Jackson moved the adoption of the majority report.

Senator Stewart moved as a substitute that the minority report be adopted.

The motion of Senator Stewart was lost.

Senator Jackson's motion carried and the majority report was adopted.

SENATE CHAMBER,

OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

We, your conference committee on House amendments to engrossed substitute Senate bill No. 94, beg to report that we cannot agree and ask that a free conference committee be appointed.

JOSIAH COLLINS, *Chairman*.

We concur in this report: Arvid Rydstrom, Chas. E. Myers, Wm. Beach, A. W. Deming, O. M. Haroldson.

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

On motion of Senator Falconer, the conference committee on House amendments to substitute Senate bill No. 94 was given the power of free conference.

Senator Whalley moved that the Senate concur in the House amendments to engrossed Senate bill No. 150.

The motion carried and the Senate concurred in the House amendments to engrossed Senate bill No. 150 by the following vote:

Those voting aye were: Senators Allen (F. J.), Allen (P. L.), Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Hutchinson, Jensen, Landon, Metcalf, Nichols, Piper, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, White, Whitney, Mr. President—36.

Absent or not voting were: Senators Anderson, Huxtable, Jackson, Myers, Roberts, Rosenhaupt—6.

Senator Stevenson moved that the Senate reconsider its action and concur in the House amendments to Senate bill No. 152.

The motion carried and the Senate concurred in the House amendments to Senate bill No. 152 by the following vote:

Those voting aye were: Senators Arrasmith, Bowen, Brown, Bryan, Chappell, Cox, Davis, Eastham, Espy, Falconer, Fishback, Hall, Hammer, Hewitt, Jensen, Landon, Metcalf, Nichols, Roberts, Shaefer, Stephens, Stevenson, Stewart, Troy, Whalley, White, Mr. President—27.

Absent or not voting were: Senators Allen (F. J.), Allen (P. L.), Anderson, Bassett, Collins, Hutchinson, Huxtable, Jackson, Myers, Piper, Rosenhaupt, Ruth, Rydstrom, Smithson, Whitney—15.

REPORTS OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., March 9, 1911.

Your committee on enrolled bills, to whom was referred Senate bill No. 90, entitled "An act authorizing school districts of the first class to create and maintain a permanent insurance fund, to be used to meet losses by fire, if any, to the school property of the district, and providing for the investment of said fund;"

Also Senate bill No. 189, entitled "An act relating to the terms of office and the election of judges of the supreme court, and amending section 9043 of Remington and Ballinger's Annotated Codes and Statutes of Washington;"

Also Senate bill No. 200, entitled "An act providing for an organized naval militia;"

Also engrossed Senate bill No. 195, entitled "An act relating to apportionment of the state current school fund and amending section 4562, Remington and Ballinger's Annotated Codes and Statutes of Washington;"

Also engrossed Senate bill No. 132, entitled "An act relating to the duties of county auditors and amending title 3, chapter 4, article 8 of chapter 97 of the Session Laws of 1909, by adding certain sections thereto;"

Also engrossed Senate bill No. 315, entitled "An act repealing sections 6275 and 7276 of Remington and Ballinger's Annotated Codes and Statutes of Washington relating to the dispensation and sale of spirituous, fermented, malt or other intoxicating liquors by druggists;"

Also engrossed Senate bill No. 212, entitled "An act relating to the management of the jute mill at the state penitentiary * * *;"
—have compared same with the original and engrossed bills, respectively, and find them correctly enrolled.

Respectfully submitted.

GEO. W. SHAEFER, *Chairman.*

We concur in this report: Peder Jensen, B. A. Bowen.

SENATE CHAMBER,
OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

Your committee on enrolled bills, to whom was referred Senate bill No. 247, entitled "An act relating to the granting to persons, firms and corporations an easement over, upon and across the beds of the rivers of the State of Washington for the construction and maintenance of dams and works incident thereto for irrigation and power purposes;"

Also engrossed Senate bill No. 166, entitled "An act relating to the safety of employes and passengers on railroads, prescribing the number of men that shall constitute a train crew; and providing a penalty for the violation thereof;"

—have compared same with the original and engrossed bills, respectively, and find them correctly enrolled.

Respectfully submitted.

GEO. W. SHAEFER, *Chairman.*

We concur in this report: Peder Jensen, B. A. Bowen.

Senator Bassett announced that he had compared enrolled Senate bill No. 90, Senate bill No. 195 and Senate bill No. 132 with the original and engrossed bills respectively, and found them to be properly enrolled.

Senator Landon made the same statement as to Senate bills Nos. 189 and 200, Senator Jensen as to Senate bill No. 315, Senator Cox as to Senate bill No. 212, Senator Allen (P. L.) as to Senate bill No. 166 and Senator Smithson as to Senate bill No. 247.

The president signed Senate bills Nos. 90, 189, 200, 195, 132, 315, 212, 247 and 166.

The president appointed Senators Allen (P. L.), Fishback and Stewart as a conference committee on House amendments to engrossed substitute Senate bill No. 201.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

The House has adopted the report of the conference committee on House amendments to substitute Senate bill No. 94, and the speaker has appointed as the House members of the committee on free conference thereon, Messrs. Deming, Beach and Haroldson.

Also, the House has adopted the report of the conference committee on Senate amendments to House bill No. 266;

Also, the House has adopted the minority report of the conference committee on Senate amendments to House bill No. 407, and the speaker has appointed as an additional member on said committee, Mr. Twitchell.

Also, the House has refused to recede from its amendments to engrossed substitute Senate bill No. 201, and the speaker has appointed as a conference committee thereon, Messrs. Sims, McNeely and Martin, and the House has by resolution granted to said committee the powers of a committee on free conference.

Also, the House has refused to concur in the Senate amendments to House bill No. 481, which is transmitted herewith, and asks the Senate to recede therefrom.

Also, the House has concurred in the Senate amendments to House bill No. 452.

Also, the House has concurred in the Senate amendments to House bill No. 554.

Also, the House has refused to concur in the Senate amendments to House bill No. 421, which is transmitted herewith, and asks the Senate to recede therefrom.

Also, the House has refused to concur in the Senate amendments to House bill No. 513, and asks the Senate to recede therefrom.

Also, the House has concurred in the Senate amendments to House bill No. 558.

Also, the House has refused to concur in the Senate amendments to House bill No. 458, which is transmitted herewith and asks the Senate to recede therefrom.

Also, the House has refused to concur in the Senate amendments to House bill No. 560, which is transmitted herewith and asks the Senate to recede therefrom.

Also, the House has concurred in the Senate amendments to House bill No. 176.

Also, the House has refused to concur in the Senate amendments to

House bill No. 39, which is transmitted herewith, and asks the Senate to recede therefrom.

Also, the House has concurred in the Senate amendments to House bill No. 62.

Also, the House has concurred in the Senate amendments to House bill No. 437.

Also, the House has concurred in the Senate amendments to House bill No. 460.

Also, the House has concurred in the Senate amendments to House bill No. 311.

Also, the House has concurred in the Senate amendments to House bill No. 382.

Also, the House has concurred in the Senate amendments to House bill No. 184.

Also, the House has concurred in the Senate amendments to House bill No. 336.

LOREN GRINSTEAD, *Chief Clerk.*

Senator Fishback moved that the Senate recede from its amendments to House bill No. 481.

Senator Nichols moved as a substitute that the Senate do not recede from its amendments to House bill No. 481.

The substitute motion of Senator Nichols carried.

Senator Fishback moved that the Senate recede from its amendments to House bill No. 421.

Senator Nichols moved as a substitute that the Senate do not recede from its amendments to House bill No. 421.

The substitute motion of Senator Nichols carried.

Senator Fishback moved that the Senate recede from its amendments to House bill No. 513.

Senator Nichols moved as a substitute that the Senate do not recede from its amendments to House bill No. 513.

The substitute motion of Senator Nichols carried.

Senator Fishback moved that the Senate recede from its amendments to House bill No. 458.

Senator Nichols moved as a substitute that the Senate do not recede from its amendments to House bill No. 458.

The substitute motion of Senator Nichols carried.

Senator Allen (F. J.) moved that the Senate recede from its amendments to engrossed House bill No. 39.

Senator Fishback moved as a substitute that the Senate re-

fuse to recede from its amendments to engrossed House bill No. 39.

The substitute motion of Senator Fishback carried.

Senator Ruth moved that the Senate refuse to recede from its amendments to House bill No. 560.

The motion prevailed.

The president appointed as members of a conference committee on the part of the Senate on the Senate amendments to House bills Nos. 481, 421, 513 and 458, Senators Fishback, Nichols and Cox.

Senators Troy, Eastham and Allen (F. J.) were appointed as Senate members of a conference committee on Senate amendments to engrossed House bill No. 39.

As Senate members of a conference committee on Senate amendments to House bill No. 560, the president appointed Senators Myers, Hall and Stevenson.

REPORT OF FREE CONFERENCE COMMITTEE.

SENATE CHAMBER,
OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

We, your free conference committee, to whom was referred engrossed substitute Senate bill No. 94, entitled "An act relating to the protection, distribution, purchase, propagation and classification of certain animals, birds and fishes in the State of Washington, etc.," and the House amendment thereto, have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the Senate concur in the House amendments and that the following amendments be adopted:

Strike the title and substitute the following as the title: "An act relating to the protection, propagation and sale of certain animals, birds and fishes, providing for searches therefor, fixing penalties for the violation thereof and amending section 1 of chapter 12 of the laws of the extraordinary session of 1909."

At the end of section 1 add the following new sections:

"Sec. 2. Any game wardens, any sheriff, deputy sheriff, constable or police officer, shall have power to search without warrant any person and examine any conveyance, vehicle, game bag, game basket, game coat or other receptacle for game or game fish, and all cold storage rooms, warehouses, markets, taverns, boarding houses, restaurants, clubs, eating houses, saloons and other places where game or game fish may be kept or sold, and to search and examine all packages or boxes, which he has reason to believe contain evidence of the infrac-

tion of the laws of this state, for the protection of wild fowl, trout or other game fish, game, game birds and song birds, and if upon diligent inquiry he can discover evidence sufficient in his judgment to secure the conviction of the alleged offenders or shall have cause to believe that sufficient evidence exists to justify the same he shall at once institute proceedings to punish the alleged offenders, and hindrance or interference with such search and examination shall be *prima facie* evidence of the violation of the law by the party or parties who hinder or interfere with such search or examination. Any of the persons above mentioned may at any time seize and take possession of any and all game, wild fowl, game fish, game birds, song birds, or trout which has been caught, taken or killed at any time, in any manner, or for any purpose, or had in possession or under control or which have been shipped, contrary to the laws of this state. The search and seizure provided for in this act may be made without warrants.

"Sec. 3. It shall be unlawful for any person at any time to sell or offer for sale any of the song birds, game birds or game animals protected by the laws of the State of Washington.

"Sec. 4. Whenever any lake or stream shall have been stocked or planted with game fish under the laws of the State of Washington, county commissioners shall give notice thereof by publication for three successive weeks in a newspaper published at the county seat of the county in which such lake or stream is situated, it shall be unlawful for any person to take or fish for, or take fish of any species whatever, in the waters of the lake or stream so stocked or planted, for two years after the first publication of such notice.

"Sec. 5. Whenever any imported species of game birds shall have been liberated in any county of this state by the county commissioners, such commissioners shall give notice thereof by publication for three successive weeks in a newspaper published at the county seat of such county, and thereafter it shall be unlawful to hunt, take, kill, or molest any such imported birds within such county for three years after the date of the first publication of such notice.

"Sec. 6. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

"Sec. 7. All laws and parts of laws in conflict with this act are hereby repealed."

JOSIAH COLLINS, *Chairman.*

We concur in this report: O. M. Haroldson, Wm. Beach, Chas. E. Myers, A. W. Deming, Arvid Rydstrom.

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

Senator Myers moved that the Senate concur in the House amendments and the amendments contained in the report of the free conference committee on engrossed substitute Senate bill No. 94.

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

Those voting aye were: Senators Anderson, Arrasmith, Bowen, Brown, Bryan, Chappell, Collins, Davis, Eastham, Falconer, Fishback, Hall, Hutchinson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Ruth, Rydstrom, Shaefer, Smithson, Stephens, Stevenson, Stewart, Troy, Whalley, Whitney, Mr. President—30.

Absent or not voting were: Senators Allen (F. J.), Allen (P. L.), Bassett, Cox, Espy, Hammer, Hewitt, Huxtable, Jackson, Roberts, Rosenhaupt, White—12.

Senator Metcalf moved that the conference committee on Senate amendments to House bill No. 407 be granted the power of free conference.

The motion carried.

MESSAGES TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

The speaker has signed Senate bill No. 230, entitled "An act relating to the disqualification of judges of the superior court, etc.;"

Also Senate bill No. 206, entitled "An act to amend sections 1 and 2 of an act authorizing cities of the first class in the State of Washington to construct and maintain upon public streets the connections or extensions thereof across waterways, etc.;"

Also Senate bill No. 89, entitled "An act to enable counties, cities and towns to validate certain warrants, etc.;"

Also Senate bill No. 232, entitled "An act to amend section 16 of chapter 142, statutes of Washington for 1907, providing for the furnishing of cars to shippers, etc.;"

Also Senate bill No. 143, entitled "An act to amend section 4266 of Ballinger's Annotated Codes and Statutes relating to the issuance of bonds and notes to corporations, etc.;"

Also substitute Senate bill No. 207, entitled "An act to provide for the construction and maintenance of a wagon bridge across the north fork of the Lewis river, etc.;"

Also Senate bill No. 244, entitled "An act to provide for the selection and purchase or acquirement by condemnation of additional land for the feeble-minded at Medical Lake;"

Also Senate bill No. 248, entitled "An act providing for the payment of costs and expenses incurred pursuant to an act for the establishment and construction of ditches for drainage purposes, etc.;"

Also House bill No. 154, entitled "An act allowing foreign corporations to loan money in the state;"

Also House bill No. 426, entitled "An act authorizing the establishment of port districts;"

Also House bill No. 482, entitled "An act making appropriation for the salaries and sundry expenses of the office of highway commissioner, etc.;"

Also House bill No. 484, entitled "An act appropriating the sum of \$94,929.66 from the state highway fund, etc.;"

Also House bill No. 357, entitled "An act relating to the wages to be paid chainmen, rodmen, axmen, etc.;"

Also House bill No. 173, entitled "An act authorizing the board of regents of the State College of Washington to purchase certain lot or lots;"

Also House bill No. 452, entitled "An act for the relief of Skagit county;"

Also House bill No. 554, entitled "An act creating a state highway board and the office of state highway commissioner, etc.;"

Also House bill No. 557, entitled "An act providing for the completion of the Meskill rock quarry, etc.;"

Also House bill No. 558, entitled "An act establishing a quarries rotary fund, etc."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president signed House bills Nos. 154, 426, 482, 484, 357, 173, 452, 554, 557 and 558.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

The speaker has appointed as the House members on a conference committee on House bills Nos. 481, 421, 513 and 458, Messrs. McCoy, Dickson, and McNeely.

LOREN GRINSTEAD, *Chief Clerk.*

REPORT OF CONFERENCE COMMITTEE.

SENATE CHAMBER,
OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

We, your conference committee on House amendments to engrossed substitute Senate bill No. 201, have had the same under consideration, and we respectfully report the same back to the Senate with the recommendation that the Senate concur in the House amendments to line 5 of section 13; also to House amendments in section 17, and that the

Senate refuse to concur in the House amendment to strike the second paragraph of section 13, and that the House recede from its amendment thereto.

We concur in this report: P. L. Allen, James McNeely, H. O. Fishback, F. L. Stewart, E. A. Sims, F. A. Martin.

On motion of Senator Allen (P. L.), the report of the committee was adopted.

Senator Allen (P. L.) moved that the Senate concur in the House amendments to engrossed substitute bill No. 201 in accordance with the report of the conference committee.

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

Those voting aye were: Senators Allen (P. L.), Anderson, Arrasmith, Bowen, Brown, Chappell, Collins, Davis, Eastham, Espy, Falconer, Hutchinson, Jensen, Landon, Metcalf, Ruth, Rydstrom, Smithson, Stevenson, Stewart, Troy, White, Whitney, Mr. President—24.

Absent or not voting were: Senators Allen (F. J.), Bassett, Bryan, Cox, Fishback, Hall, Hammer, Hewitt, Huxtable, Jackson, Myers, Nichols, Piper, Roberts, Rosenhaupt, Shaefer, Stephens, Whalley—18.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES.

MR. PRESIDENT:

OLYMPIA, WASH., March 9, 1911.

The speaker has signed House bill No. 269, entitled "An act to authorize the legislative authorities of any city of the first class to rent or lease any wharf or privilege thereof, etc.;"

Also House bill No. 377, entitled "An act making it a gross misdemeanor to fraudulently use the name of any fraternal society, etc.;"

Also House bill No. 244, entitled "An act relating to the superior courts of the counties of Lewis, etc.;"

Also House bill No. 428, entitled "An act for the relief of certain persons;"

Also House bill No. 40, "An act relating to the superior court in the county of Yakima, etc.;"

Also House bill No. 69, entitled "An act relating to the state institutions of higher education, etc.;"

Also House bill No. 176, entitled "An act to provide for the sale of certain school lands in section 36, township 18, etc."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president signed House bills Nos. 269, 377, 244, 428, 40, 69 and 176.

On motion of Senator Davis, the conference committee appointed on Senate amendments to House bill No. 560 was made a free conference committee.

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

Resolved, That Wm. T. Laube, secretary of the Senate, be authorized to have a copy of the Senate Journal prepared for the printer and a suitable index prepared, and that he be allowed for said work the amount allowed for that purpose in the general appropriation bill. The state auditor is authorized and directed to issue a warrant for one-half of the amount when the printer's receipt for copy is filed in his office, and the balance when the printer shall certify that the reading of the proof on the journal index has been completed and the same found to be correct.

The secretary read the following resolution:

By Committee on Senate Employees:

RESOLUTION.

WHEREAS, It has been necessary, during the closing days of the session, for the employes to remain in the Senate chamber until late at night; therefore, be it

Resolved, That the employes of the Senate be allowed two days' extra compensation at the regular per diem, and that the president and secretary be, and are hereby authorized, to make out the necessary vouchers upon which warrants for the same shall be drawn.

On motion of Senator Collins, the resolution was adopted.

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

Resolved, That the secretary be authorized and instructed to have printed, in pamphlet form, copies of the employers' liability act and the initiative and referendum, and mail at least ten copies to each senator.

The secretary read the following resolution:

Resolution by Committee on Senate Employees:

Resolved, That for cleaning up the Senate chamber after the close of the session, the three janitors, A. H. Haynes, Robert Taylor and W. T. Jordan, be each allowed two days extra at the regular per diem.

On motion of Senator Collins, the resolution was adopted.

The secretary read the following resolution:

Resolution by Committee on Senate Employees:

Resolved, That for completing, comparing and signing the journal and other records of the Senate, and for indexing and mailing to the senators copies of title of all bills passed by the twelfth legislature, after the close of the session, the president be allowed ten days' time, the secretary and his assistant, R. D. Rudio, and the journal clerk be allowed not to exceed fifteen days' extra pay, and that the secretary be authorized to employ not more than six additional clerks who shall be allowed not to exceed ten days' extra pay, all of said extra time to be at the regular per diem.

On motion of Senator Collins, the resolution was adopted.

The secretary read the following resolution:

Resolution by Committee on Senate Employees:

Resolved, That after the close of the session, the president and secretary be authorized to execute proper vouchers to the state auditor for the payment of any expenses that have been incurred by the Senate or that may be incurred in closing the business of the Senate, and which have not been paid at this time.

On motion of Senator White, the resolution was adopted.

The secretary read the following resolution:

Resolution by Senator Ruth:

WHEREAS, The resolution fixing the wages of the Senate janitors at \$85.00 per month for A. P. Haynes, and \$75.00 per month for W. T. Jordan and Robert Taylor, has been paid on a basis of thirty days per month, and

WHEREAS, Twenty-six days constitute a month's work; therefore, be it

Resolved, by the Senate, That A. P. Haynes be paid a difference of \$26.15 and W. T. Jordan and Robert Taylor \$23.05 each, being the difference between what they have received and what they are justly entitled to.

On motion of Senator Ruth, the resolution was adopted.

REPORT OF CONFERENCE COMMITTEE.

SENATE CHAMBER,
OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

We, your conference committee on Senate amendments to engrossed House bill No. 39, entitled "An act for the relief of Indian war veterans of the wars of 1855 and 1856," have had the same under consideration,

and we respectfully report the same back with the recommendation that the House concur in the Senate amendments.

D. S. TROY, *Chairman*.

We concur in this report: A. B. Eastham, F. J. Allen, Geo. F. Ward, Oliver Byerly, F. A. LeSourd.

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

Senator Stewart requested unanimous consent to introduce a special report of the committee on fisheries.

Objection was made and the president ruled the report to be out of order.

The secretary read the following report:

REPORT OF SPECIAL COMMITTEE.

We, your special committee appointed to investigate the condition of the Senate records, find all of them in excellent shape.

The daily journal is completed up to the present minute.

The Senate docket is fully posted, containing a complete and accurate record of all Senate bills, memorials and resolutions, and of all House measures which have come before the Senate.

The enrolling of Senate bills is well advanced, and this despite the fact that there have been a large number of extremely long bills to enroll.

Notwithstanding the limited number of employes, and the fact that this is said to be the busiest legislative session in the history of this state, we believe that a high standard has been set which employes of future sessions will have difficulty in equaling.

The excellence of the clerical work this session has been due largely to the executive ability and the careful and efficient work of the secretary, William T. Laube, his assistant, R. D. Rudlo, and the clerical corps of expert employes who, without exception, have, in their conscientious devotion to duty, merited your most praiseworthy commendation.

We wish also to commend the system which has been inaugurated this session of having the secretary select all of the employes and of adopting the use of typewriters in the work of enrolling and of keeping the daily journal.

H. A. ESPY,
B. A. BOWEN,
FRANK J. ALLEN.

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

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

The speaker has signed House bill No. 266, entitled "An act relating to the handling, storage and distribution of powder, etc.;"

Also House bill No. 311, "An act for the relief of C. A. Ives;"

Also House bill No. 184, entitled "An act relating to the powers of municipal corporations, etc.;"

Also House bill No. 336, entitled "An act relating to the auditing and payment of claims of county commissioners, etc.;"

Also House bill No. 382, entitled "An act relating to the sale and removal of timber from state, school and granted lands;"

Also House bill No. 438, entitled "An act relating to horticulture, etc.;"

Also Senate bill No. 315, entitled "An act repealing sections 6275 and 6276 of Remington and Ballinger's Annotated Codes and Statutes of Washington, etc.;"

Also Senate bill No. 132, entitled "An act relating to the duties of county auditors, etc.;"

Also Senate bill No. 195, entitled "An act relating to the apportionment of the state current school fund, etc.;"

Also Senate bill No. 200, entitled "An act providing for an organized naval militia;"

Also Senate bill No. 189, entitled "An act relating to the terms of office and election of judges of the supreme court, etc.;"

Also Senate bill No. 90, entitled "An act authorizing school districts of the first class to create and maintain a permanent insurance fund;"

Also Senate bill No. 166, entitled "An act relating to the safety of employes and passengers on railroads, etc.;"

Also Senate bill No. 247, entitled "An act relating to the granting to persons, firms and corporations an easement over, upon and across beds of the rivers, etc.;"

Also Senate bill No. 212, entitled "An act relating to the management of the jute mill at the state penitentiary, etc."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president signed House bills Nos. 266, 311, 184, 336, 382 and 438.

REPORT OF CONFERENCE COMMITTEE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

We, your committee on conference on Senate amendments to House bill No. 560, entitled "An act relating to and making an appropriation

for miscellaneous purposes," have had the same under consideration, and we respectfully report the same back to the House and Senate with the following recommendations:

(a) We recommend that the Senate do recede from its amendment as follows:

(1) For gymnasium at State Training School, \$20,000.00.

(b) We further recommend that the House do concur in the following Senate amendments:

(1) Strike lines 4, 5 and 6 in the engrossed bill, and insert in lieu thereof the following: Railroad commission, \$11,000.00; grain inspection, \$4,000.00.

(2) Immediately after line 26 in the engrossed bill insert the following: Peter Henretty, \$112.50; Geo. Von Eschen, \$79.20; E. S. Jones, \$92.30; Clarence Parker, \$40.00; total, \$323.00.

(3) Washington State Historical Society (but in no event to exceed the amount reverting from the appropriation of the \$25,000.00 already appropriated, by legislature of 1909, remaining at the close of the present fiscal year), \$8,000.00.

(4) Additional building for Eastern Washington Hospital for Insane, \$75,000.00.

(5) For the relief of Bellingham Normal, \$1,360.00.

(6) That there be and hereby is appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of three hundred thirteen and fifty-six one-hundredths (\$313.56) dollars for the relief of the legatees of Abraham Barendse, deceased, said sum having been paid into the treasury of the state treasury of the State of Washington as an inheritance tax in the matter of the estate of Abraham Barendse, deceased, being probate case No. 1490, Whatcom county, Washington, and said amount having been paid in excess of the amount properly chargeable against said estate and never refunded. The state auditor is hereby authorized and directed to draw his warrant for the said sum of three hundred thirteen and fifty-six one-hundredths (\$313.56) dollars in favor of the legatees of Abraham Barendse, deceased, and the state treasurer is hereby authorized and directed to pay such warrant out of any moneys in the state treasury not otherwise appropriated upon the presentation thereof endorsed "Peter Schuyleman, Executor," "Hurlbut and Neal, Attorneys for said Legatees."

(7) Add to the end of the bill the following:

"From the Military Fund.

"Salaries and maintenance of the National Guard of Washington, for the fiscal term beginning April 1, 1911, and ending March 31, 1913, the following sums or so much thereof as shall be found necessary:

"Salary of adjutant general, at \$2,500 per year, \$5,000; salary of assistant adjutant general, at \$1,500, \$3,000; salary of chief clerk, at \$1,200 per year, \$2,400; salary of storekeeper, at \$1,200 per year, \$2,400; salary of stenographer, at \$900 per year, \$1,800; maintenance, \$137,000; additional printing, \$1,850; for maintenance expenses of the

National Guard already incurred or to be incurred prior to April 1, 1911, \$13,530.88; for parade and encampment pay of enlisted men, retained under previously existing law, \$8,809; for payment of warrants Nos. 6431, 6440, 6462, 6463, drawn upon the military fund of the State of Washington, \$9,953.51.

"The appropriation of \$75,000.00 made in chapter 68 of the Session Laws of 1909 for the construction of an armory at Bellingham, is hereby continued and reappropriated, to the end that any balance of said appropriation remaining unexpended shall not lapse at the end of this fiscal period but shall continue thereafter available until the completion of said armory: *Provided*, The total cost of said armory shall not exceed the original appropriation of \$75,000.00."

After line 16 of the engrossed bill insert the following: "\$800 of which to apply as additional salary for actuary in insurance commissioner's office."

We concur in this report: Oliver Hall, J. R. Stevenson, Chas. E. Myers, J. H. Davis, J. C. Hubbell, W. M. Beach.

On motion of Senator Hall, the report of the conference committee was adopted.

The secretary called the roll, and the Senate recessed from its amendment to House bill No. 560, relating to an appropriation for the State Training School by the following vote:

Those voting aye were: Senator Allen (F. J.), Allen (P. L.), Anderson, Arrasmith, Bassett, Bowen, Brown, Bryan, Chappell, Collins, Eastman, Espy, Falconer, Hall, Hammer, Hewitt, Hutchinson, Landon, Metcalf, Myers, Ruth, Rydstrom, Smithson, Stevenson, Stewart, Troy, White, Mr. President—28.

Those voting nay were: Senators Jensen, Piper—2.

Absent or not voting were: Senators Cox, Davis, Fishback, Huxtable, Jackson, Nichols, Roberts, Rosenhaupt, Shaefer, Stephens, Whalley, Whitney—12.

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,

MR. PRESIDENT:

OLYMPIA, WASH., March 9, 1911.

Your committee on enrolled bills, to whom was referred Senate bill No. 111, entitled "An act relating to the establishment of free kindergartens * * *";

Also Senate bill No. 134, entitled "An act amending sections 4610, 4613, 4615, and 4621 * * *";

Also Senate bill No. 152, entitled "An act relating to the taking of food fishes * * *";

Also engrossed Senate bill No. 167, entitled "An act relating to the State Soldiers' Home and admission thereto * * *";

Also engrossed Senate bill No. 103, entitled "An act relating to actions for the possession of and quieting title to real property * * *;"

Also engrossed Senate bill No. 112, entitled "An act relating to the operation of coal mines in the State of Washington * * *;"

Also engrossed Senate bill No. 150, entitled "An act relating to offenses against suffrage * * *;"

Also engrossed substitute Senate bill No. 94, entitled "An act relating to the protection, propagation and sale of certain animals, birds and fishes * * *;"

—have compared same with the original and engrossed bills, respectively, and find them correctly enrolled.

Respectfully submitted.

GEO. W. SHAEFER, *Chairman.*

We concur in this report: B. A. Bowen, Peder Jensen.

Senator Bassett announced that he had compared enrolled Senate bill No. 111 and enrolled Senate bill No. 134 with the original bills and found them to be properly enrolled.

Senator Stevenson made the same statement concerning enrolled Senate bill No. 152, Senator Paulhamus as to enrolled Senate bill No. 167, Senator Cox as to enrolled Senate bill No. 103, Senator Falconer as to enrolled Senate bill No. 112, Senator Whalley as to enrolled Senate bill No. 150 and Senator Collins as to enrolled substitute Senate bill No. 94.

The president signed Senate bills Nos. 111, 134, 152, 167, 112, 103, 150 and substitute Senate bill No. 94.

Senators Falconer, Ruth and Troy moved a call of the Senate.

The motion carried and a call of the Senate was ordered.

The secretary called the roll, which showed the following members absent: Senators Davis, Roberts, Huxtable (excused) and Rosenhaupt (excused).

The sergeant-at-arms locked the doors of the Senate chamber.

On motion of Senator Falconer, further proceedings under the call of the Senate were suspended.

Senator Falconer moved that the Senate recede from its amendments to House bill No. 513.

Senator Allen (P. L.) moved as a substitute that the Senate take a recess for fifteen minutes.

The substitute motion carried.

The president called the Senate to order at the conclusion of the fifteen-minute recess.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

The House has adopted the report of the conference committee on Senate amendments to House bill No. 39;

Also, the House has adopted the report of the conference committee on House amendments to substitute Senate bill No. 201;

Also, the House has adopted the report of the free conference committee on engrossed substitute Senate bill No. 94.

Also, the speaker has signed House bill No. 62, entitled "An act to amend article (1) of the constitution of the State of Washington, authorizing and empowering the voters to call a special election at any time to recall, etc.;"

Also House bill No. 282, entitled "An act relating to local improvements in cities and towns, etc.;"

Also House bill No. 437, entitled "An act relating to salaries and expenses of horticultural inspectors, etc.;"

Also House bill No. 201, entitled "An act relating to eminent domain proceedings on behalf of the state, etc.;"

Also House bill No. 460, entitled "An act relating to rights-of-way and easements over state lands of private logging companies, etc.;"

Also House bill No. 39, entitled "An act for the relief of Indian war veterans of the wars of 1855 and 1856;"

Also Senate bill No. 111, entitled "An act relating to the establishment of free kindergartens, etc.;"

Also Senate bill No. 134, entitled "An act amending sections 4610, 4613, 4615, 4621, Remington and Ballinger's Annotated Codes and Statutes, relating to the bonds of school districts;"

Also Senate bill No. 152, entitled "An act relating to the taking of food fishes, etc.;"

Also Senate bill No. 167, entitled "An act relating to the State Soldier's Home, etc.;"

Also Senate bill No. 103, entitled "An act relating to the actions for the possession of and quieting title to real property;"

Also Senate bill No. 112, entitled "An act relating to the operation of coal mines in the State of Washington;"

Also Senate bill No. 150, entitled "An act relating to offenses against suffrage, etc.;"

Also substitute Senate bill No. 94, entitled "An act relating to the protection, propagation and sale of certain animals, birds and fishes, etc."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president signed House bills Nos. 62, 282, 437, 201, 460 and 39.

REPORT OF CONFERENCE COMMITTEE.

OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

We, a majority of your free conference committee, to whom was referred House bill No. 407, entitled "An act relating to reapportionment," and the Senate amendments thereto, have had the same under consideration, and we respectfully report the same back with the recommendation that the Senate adopt the following amendments to its amendments and that the Senate refuse to recede therefrom, and that the House concur in said amendments:

Page 5, section 2 of the printed bill, strike lines 28-31, inclusive, and insert the following:

"The following portions of the county of Spokane, viz.: The townships of Blanchard, Chattaroy, Colbert, Coulee, Deer Park, Dennison, Elk, Five Mile, Green Bluffs, Milan, Mount Carleton, Newman, Nine Mile, Peone, Pleasant Prairie, Stevens, Wayside, and the incorporated town of Deer Park, and all of Mead township except that part lying south of section twenty-seven in said township between the incorporated town of Hillyard and the city of Spokane; and the townships of Buckeye, Cheney, Deep Creek, Duncan, East Cheney, Espanola, Graves, Marshall, Meadow Lake, Pioneer, Plaza, Rock Lake, Spangle, Spence, Tyler, West Spangle, and the incorporated city of Cheney, shall constitute the third senatorial district and be entitled to one senator."

After the word "Mead" in line 20, page 1, insert the following: "except that part lying south of section 27 in said township between the incorporated town of Highland and the city of Spokane."

Section 1, page 3, strike all of lines 90 to 96, inclusive, and substitute in lieu thereof the following:

"The following precincts in the county of Pierce, to-wit: Alder, American Lake, Anderson Island, Artondale, Ashford, Eatonville, Elbe, Fox Island, Gig Harbor, Hillhurst, Holz, Lake Bay, Lake City, Lake View, Long Branch, Minter, Muck, McKenna, McNeil's Island, Purdy, Regents Park, Rosedale, Roy, Ruston, Silver Lake, Spanaway, Stella-coom, Tanwax, Vaughn, Wollochet, and the following precincts and wards in the city of Tacoma: First, second, third, fourth, fifth, sixth, seventh and eighth precincts of the first ward; the first, tenth and eleventh precincts of the second ward; and the first, second, third, and fourth precincts of the eighth ward shall constitute the twenty-seventh senatorial district and be entitled to one senator."

Section 2, page 8, strike all of lines 155 to 161, inclusive, and substitute in lieu thereof the following:

"The following precincts in the county of Pierce, to-wit: Alder, American Lake, Anderson Island, Artondale, Ashford, Dupant, Eatonville, Elbe, Fox Island, Gig Harbor, Hillhurst, Holz, Lake Bay, Lake

City, Lake View, Long Branch, Minter, Muck, McKenna, McNeil's Island, Purdy, Regents Park, Rosedale, Roy, Ruston, Silver Lake, Spanaway, Steilacoom, Tanwax, Vaughn, Wollochet, and the following precincts and wards in the city of Tacoma: First, second, third, fourth, fifth, sixth, seventh, and eighth precincts of the first ward; the first, tenth, and eleventh precincts of the second ward; and the first, second, third, and fourth precincts of the eighth ward shall constitute the fifty-fourth representative district and be entitled to two representatives."

Change the word "one" in line 86 of page 6 of the bill to read "two."

In section 1, page 3, strike all of lines 84 to 89, inclusive, and insert in lieu thereof the following:

"The following precincts in the county of Pierce, to-wit: Alderton, Breckon, Buckley, first and second precincts; Burnett, Carbonado, Dieringer, Edgewood, Fairfax, Gardenville, Graham, Hyada Park, Kapowsin, Lake Tapps, Melmont, Milton, McMillan, North Puyallup, Northeast Tacoma, Orting, Puyallup, first ward, first precinct, second precinct; second ward, first precinct, second precinct; third ward, first precinct and second precinct; Rhodes Lake, Riverside, Soldiers' Home, South Prairie, Spiketown, Sumner, Wilkeson, all of the eighth and so much of the first precinct of the fourth ward as lies north of south 31st street and east of east M street as said east M street would run if extended northerly to south 19th street, in the city of Tacoma, shall constitute the twenty-sixth senatorial district and be entitled to one senator."

In section 2, page 8, line 170, insert after the word "precincts" the words "and so much of the first precinct of the fourth ward as lies north of south 31st street and west of east M street, as said east M street would run if extended northerly to south 19th street."

In section 2, page 8, strike all of lines 172 to 177, inclusive, and insert in lieu thereof the following:

"The following precincts in the county of Pierce, to-wit: Larchmont, Midland, Hunts Prairie, Parkland, and the following precincts in the city of Tacoma: Eighth, ninth, tenth, and eleventh precincts of the third ward; first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth precincts of the fifth ward; first, second, third, fourth, fifth and sixth precincts of the sixth ward; second, third, fourth and eighth precincts of the seventh ward, shall constitute the fifty-eighth representative district and be entitled to two representatives."

In section 2, page 8, strike all of lines 149 to 154, inclusive, and insert in lieu thereof the following:

"The following precincts in the county of Pierce, to-wit: Alderton, Breckon, Buckley, first and second precincts; Burnett, Carbonado, Dieringer, Edgewood, Fairfax, Gardenville, Graham, Hyada Park, Kapowsin, Lake Tapps, Melmont, Milton, McMillan, North Puyallup, Northeast Tacoma, Orting, Puyallup, first ward, first precinct, second pre-

cinct; second ward, first precinct, second precinct; third ward, first precinct and second precinct; Rhodes Lake, Riverside, Soldiers' Home, South Prairie, Spiketon, Sumner, Wilkeson, all of the eighth and so much of the first precinct of the fourth ward as lies north of south 31st street and east of east M street as said east M street would run if extended northerly to south 19th street, in the city of Tacoma, shall constitute the fifty-third representative district, and be entitled to two representatives."

We concur in this report: Frank C. Jackson, Jim Cameron, Edgar J. Wright, J. A. Falconer, J. D. Bassett, E. Hammer.

OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

We, a minority of your free conference committee, to whom was referred House bill No. 407, entitled "An act relating to reapportionment," and the Senate amendments thereto, have had the same under consideration, and we respectfully report the same back with the recommendation that the Senate recede from its amendments thereto.

L. D. McARDLE,

E. L. FRENCH.

Senator Jackson moved the adoption of the majority report.

Senator Ruth moved as a substitute that the minority report be adopted.

The substitute motion failed to carry.

A roll call on the motion of Senator Jackson that the majority report be adopted was demanded by Senators Falconer, Ruth, Troy, Allen (P. L.), Chappell, Arrasmith, Stewart.

The secretary called the roll, and the majority report was adopted by the following vote, the Senate thereby adopting the amendments recommended by the free conference committee:

Those voting aye were: Senators Allen (F. J.), Allen (P. L. Bassett, Bowen, Bryan, Collins, Davis, Falconer, Hammer, Hutchinson, Jackson, Jensen, Landon, Metcalf, Nichols, Piper, Rydstrom, Shaefer, Smithson, Stephens, Whalley, Whitney, Mr. President—23.

Those voting nay were: Senators Anderson, Arrasmith, Chappell, Eastham, Espy, Hall, Hewitt, Myers, Ruth, Stevenson, Stewart, Troy, White—13.

Absent or not voting were: Senators Brown, Cox, Fishback, Huxtable, Roberts, Rosenhaupt—6.

REPORT OF COMMITTEE ON ENROLLED BILLS.

SENATE CHAMBER,
OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

Your committee on enrolled bills, to whom was referred engrossed substitute Senate bill No. 201, entitled "An act relating to the forests of the state; providing for fire wardens and forest rangers and a state forester and fire warden, defining the powers and duties of such officers and of the state board of forest commissioners, providing punishment for the violation of this act, and repealing sections 2 to 12, inclusive, of chapter 164, Session Laws of the State of Washington of 1905," have compared same with the engrossed bill and find it correctly enrolled. Respectfully submitted.

GEO. W. SHAEFER, *Chairman.*

We concur in this report: H. A. Espy, B. A. Bowen, John A. Whalley.

Senator Espy announced that he had compared enrolled substitute Senate bill No. 201 with the engrossed bill and found it properly enrolled.

The president signed substitute Senate bill No. 201.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

The speaker has signed substitute Senate bill No. 201, entitled "An act relating to the forests of the state, providing for fire wardens and forest rangers, etc.," and the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

MESSAGE FROM THE GOVERNOR.

STATE OF WASHINGTON, EXECUTIVE DEPARTMENT.
OLYMPIA, March 9, 1911.

To the Senate:

I am directed by the governor to inform you that he has this day approved Senate bill No. 236, entitled "An act relating to delinquent corporations, providing for their reinstatement, or dissolution, validating the actions of corporations having dissolved as provided by this act, and amending sections 3715a and 3715b of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency."

FRANK M. DALLAM, JR., *Private Secretary.*

OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

We, a majority of your conference committee to whom was referred Senate amendments to House bills Nos. 481, 458, and engrossed House bills Nos. 421 and 513, recommend that the Senate recede from its amendments.

H. O. FISHBACK,
JAMES MCNEELY,
W. C. MCCOY,
G. E. DICKSON.

OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

We, a minority of your conference committee on Senate amendments to House bill No. 458 and engrossed House bills Nos. 421 and 513, respectfully report the same back with the recommendation that the Senate do not recede from its amendments.

We concur in this report: Ralph D. Nichols, D. H. Cox.

OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

We, a minority of your conference committee on Senate amendments to House bill No. 481, entitled "An act to provide for the construction and maintenance of a wagon road across the Skagit river between sections 7 and 8, in township 34, north range 4 east W. M., and making an appropriation therefor," have had the same under consideration, and we respectfully report back with the recommendation that the Senate recede from its amendments.

We concur in this report: Ralph D. Nichols, D. H. Cox.

Senator Fishback moved the adoption of the majority report.

Senator Nichols moved as a substitute that the minority reports be adopted.

The secretary called the roll, and the substitute motion of Senator Nichols carried, the Senate receding from its amendments to House bill No. 481, and refusing to recede from its amendments to House bills Nos. 421, 458 and 513, by the following vote:

Those voting aye were: Senator Allen (F. J.), Allen (P. L.), Arrasmith, Bowen, Brown, Bryan, Collins, Cox, Davis, Hall, Hammer, Hewitt, Hutchinson, Jensen, Landon, Metcalf, Myers, Nichols, Piper, Shaefer, Smithson, Stephens, Whalley, White, Whitney, Mr. President—26.

Those voting nay were: Senators Chappell, Eastham, Espy, Falconer, Fishback, Ruth, Rydstrom, Stevenson, Stewart, Troy—10.

Absent or not voting were: Senators Anderson, Bassett, Huxtable, Jackson, Roberts, Rosenhaupt—6.

Senator Ruth moved that the Senate advise the House that it would receive no more conference reports.

The motion carried.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

The House has adopted the report of the conference committee on Senate amendments to House bill No. 560.

The House has also adopted the minority report of the committee on free conference on House bill No. 407.

Also, the House has adopted the majority report of the conference committee on House bills Nos. 481, 458, 421 and 513.

The speaker has signed House bill No. 481, entitled "An act to provide for the construction and maintenance of a wagon bridge across the Skagit river;"

Also House bill No. 560, entitled "An act relating to making an appropriation for miscellaneous purposes."

And the same are herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president signed House bill No. 560 and House bill No. 481.

The secretary read:

SENATE CONCURRENT RESOLUTION NO. 11.

By Senator Stevenson:

WHEREAS, The twelfth legislature of the State of Washington is about to adjourn; now, therefore, be it

Resolved, by the Senate, the House of Representatives concurring, That the president of the Senate appoint two senators and the speaker of the House appoint two representatives, which shall constitute a committee to notify His Excellency, Governor M. E. Hay, that the legislature is about to adjourn, and ask if he has any communications to make to said legislative body.

On motion of Senator Stevenson, the resolution was adopted.

MESSAGE TO THE SENATE.

HOUSE OF REPRESENTATIVES,
OLYMPIA, WASH., March 9, 1911.

MR. PRESIDENT:

The House has passed Senate concurrent resolution No. 11, "Relating to adjournment of the twelfth legislature," and the speaker has appointed as the House members of the committee authorized thereunder, Messrs. Carlyon, Shutt and Dickson.

And the same is herewith transmitted.

LOREN GRINSTEAD, *Chief Clerk.*

The president appointed as Senate members of the committee under Senate concurrent resolution No. 11, Senators Collins and Stevenson.

Senator Stevenson moved that a committee of two senators be appointed to notify the House that the Senate is ready to adjourn.

The motion carried.

The president appointed as such committee Senators Troy and Landon.

The committee appointed under Senate concurrent resolution No. 11 announced that it had notified the governor that the legislature was about to adjourn and that the governor stated he had no further business to put before the legislature.

A committee from the House, consisting of Messrs. Beach, Sims and Stevens, appeared at the bar of the Senate and announced that the House was ready to adjourn.

On motion of Senator Stevenson, the journal of today was approved.

At 11:59 p. m., on motion of Senator Allen (P. L.), the Senate adjourned *sine die*.

WM. T. LAUBE,
Secretary of the Senate.

W. H. PAULHAMUS,
President of the Senate.

PROPOSED AMENDMENTS TO THE CONSTITUTION.

HOUSE BILL NO. 137.

TERMS OF OFFICE OF COUNTY OFFICERS.

An act to amend section 7 of article XI of the Constitution of the State of Washington, relating to terms of office of county officers.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1912, there shall be submitted to the qualified electors of the State of Washington a proposed amendment to section 7, article XI of the Constitution of the State of Washington, so that the same shall read, when so amended, as follows:

Section 7. No county treasurer shall be eligible to hold his office more than two terms in succession.

SEC. 2. The secretary of the state shall cause the amendment proposed in section one (1) of this act to be published for three months next preceding the said election therein described in some weekly newspaper in every county wherein a newspaper is published throughout the state.

SEC. 3. There shall be printed on all ballots provided for the said election the word "For the proposed amendment to section (7) of article eleven (XI) of the Constitution, removing the prohibition against county officers, except county treasurer, holding office for more than two terms;" "Against the proposed amendment to section seven (7) of article eleven of the Constitution removing the prohibition against county officers, except county treasurer, holding office for more than two terms."

SEC. 4. If it shall appear from the ballots cast at the said election that a majority of the qualified electors voting upon the question of the adoption of the said amendment have voted in favor of same, the governor shall make proclamation of the same in the manner provided by law and the said amendment shall be held to have been adopted and to have been a part of the Constitution from the time of such proclamation.

Passed by the House January 31, 1911.

Passed by the Senate February 16, 1911.

Approved by the Governor February 23, 1911.

HOUSE BILL NO. 153.

INITIATIVE AND REFERENDUM.

An act to amend section 1 of article II of the Constitution of the State of Washington, relating to legislative powers, providing for the initiative and referendum, and striking section 31 of said article II, relating to the time when laws take effect.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1912, there shall be submitted to the qualified electors of the state for adoption and approval or rejection an amendment to article II of the Constitution of the State of Washington, relating to legislative powers, by striking from article II all of sections 1 and 31, and inserting in lieu thereof as section 1 the following, so that the same shall read as follows:

Article II, section 1. The legislative authority of the State of Washington shall be vested in the legislature, consisting of a Senate and House of Representatives, which shall be called the legislature of the State of Washington, but the people reserve to themselves the power to propose bills, laws, and to enact or reject the same at the polls, independent of the legislature, and also reserve power, at their own option, to approve or reject at the polls any act, item, section or part of any bill, act or law passed by the legislature.

(a) Initiative: The first power reserved by the people is the initiative. Ten per centum, but in no case more than fifty thousand, of the legal voters shall be required to propose any measure by such petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the secretary of the state not less than four months before the election at which they are to be voted upon, or not less than ten days before any regular session of the legislature. If filed at least four months before the election at which they are to be voted upon, he shall submit the same to the vote of the people at the said election. If such petitions are filed not less than ten days before any regular session of the legislature, he shall transmit the same to the legislature as soon as it convenes and organizes. Such initiative measure shall take precedence over all other measures in the legislature except appropriation bills and shall be either enacted or rejected without change or amendment by the legislature before the end of such regular session. If any such initiative measure shall be enacted by the legislature it shall be subject to the referendum petition, or it may be enacted and referred by the legislature to the people for approval or rejection at the next regular election. If it is rejected or if no action is taken upon it by the legislature before the end of such regular session, the secretary of state shall submit it to the people for approval or rejection at the next ensuing regular general election. The legislature may reject any measure so proposed by initiative petition and propose a different one dealing with the same subject.

and in such event both measures shall be submitted, by the secretary of state to the people for approval or rejection at the next ensuing regular general election. When conflicting measures are submitted to the people the ballots shall be so printed that a voter can express separately by making one cross(X) for each, two preferences, first, as between either measure and neither, and secondly, as between one and the other. If the majority of those voting on the first issue is for neither, both fail, but in that case the votes on the second issue shall nevertheless be carefully counted and made public. If a majority voting on the first issue is for either, then the measure receiving a majority of the votes on the second issue shall be law.

(b) Referendum. The second power reserved by the people is referendum, and it may be ordered on any act, bill, law, or any part thereof passed by the legislature, except such laws as may be necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions, either by petition signed by the required percentage of the legal voters, or by the legislature as other bills are enacted.

Six per centum, but in no case more than thirty thousand, of the legal voters shall be required to sign and make a valid referendum petition.

(c) No act, law, or bill subject to referendum shall take effect until ninety days after the adjournment of the session at which it was enacted. No act, law or bill approved by a majority of the electors voting thereon shall be amended or repealed by the legislature within a period of two years following such enactment. But such enactment may be amended or repealed at any general regular or special election by direct vote of the people thereon.

(d) The filing of a referendum petition against one or more items, sections or parts of any act, law or bill shall not delay the remainder of the measure from becoming operative. Referendum petitions against measures passed by the legislature shall be filed with the secretary of state not later than ninety days after the final adjournment of the session of the legislature which passed the measure on which the referendum is demanded. The veto power of the governor shall not extend to measures initiated by or referred to the people. All elections on measures referred to the people of the state shall be had at the biennial regular elections, except when the legislature shall order a special election. Any measure initiated by the people or referred to the people as herein provided shall take effect and become the law if it is approved by a majority of the votes cast thereon: *Provided*, That the vote cast upon such question or measure shall equal one-third of the total votes cast at such election and not otherwise. Such measure shall be in operation on and after the thirtieth day after the election at which it is approved. The style of all bills proposed by initiative petition shall be: "Be it enacted by the people of the State of Washington." This section shall not be construed to deprive any member of the legislature of the right to intro-

duce any measure. The whole number of electors who voted for governor at the regular gubernatorial election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted. All such petitions shall be filed with the secretary of state, who shall be guided by the general laws in submitting the same to the people until additional legislation shall especially provide therefor. This section is self-executing, but legislation may be enacted especially to facilitate its operation.

The legislature shall provide methods of publicity of all laws or parts of laws, and amendments to the constitution referred to the people with arguments for and against the laws and amendments so referred, so that each voter of the state shall receive the publication at least fifty days before the election at which they are to be voted upon.

SEC. 2. The secretary of the state shall cause the amendment proposed in section 1 of this act to be published for three months next preceding the said election therein described in some weekly newspaper in every county where such newspaper is published throughout the state.

SEC. 3. There shall be printed on all ballots provided for the said election, the words:

"For the proposed amendment of section 1 of article II of the Constitution of the State of Washington, relating to legislative powers and providing for the initiative and referendum."

"Against the proposed amendment of section 1 of article II of the Constitution of the State of Washington, relating to legislative powers, and providing for the initiative and referendum."

"For the proposed amendment of article II of the Constitution of the State of Washington, by striking section 31 therefrom, which relates to the time when laws take effect."

"Against the proposed amendment of article II of the Constitution of the State of Washington, by striking section 31 therefrom, which relates to the time when laws take effect."

SEC. 4. If it shall appear from the ballots cast at the said election that a majority of the qualified electors voting upon the question of the adoption of said amendment have voted in favor of the same, the governor shall make proclamation of the same in the manner provided by law, and the said amendment shall be held to have been adopted and to have been a part of the Constitution from the date of such proclamation.

Passed by the House February 14, 1911.

Passed by the Senate March 1, 1911.

Approved by the Governor March 10, 1911.

HOUSE BILL NO. 62.

CONSTITUTIONAL AMENDMENT FOR RECALL OF ELECTIVE OFFICERS.

An act to amend article one (I) of the Constitution of the State of Washington, authorizing and empowering the voters to call a special election at any time to recall and discharge any elective public officer and to elect his successor, by adding thereto at the end of said article one (I) two new sections which shall be numbered sections 33 and 34 of said article one (I).

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1912, there shall be submitted to the qualified electors of the state, for their adoption and approval or rejection, an amendment of article one (I) of the Constitution of the State of Washington, authorizing and empowering the voters to call a special election at any time to recall and discharge any elective public officer and to elect his successor, by adding thereto at the end of said article sections 33 and 34 of said article one (I) and which shall read as follows:

ARTICLE I.

Section 33. Every elective public officer in the State of Washington except judges of courts of record is subject to recall and discharge by the legal voters of the state, or of the political subdivision of the state, from which he was elected whenever a petition demanding his recall, reciting that such officer has committed some act or acts of malfeasance or misfeasance while in office, or who has violated his oath of office, stating the matters complained of, signed by the percentages of the qualified electors thereof, hereinafter provided, the percentage required to be computed from the total number of votes cast for all candidates for his office to which he was elected at the preceding election, is filed with the officer with whom a petition for nomination, or certificate of nomination, to such office must be filed under the laws of this state, and the same officer shall call a special election as provided by the general election laws of this state, and the result determined as therein provided.

Section 34. The legislature shall pass the necessary laws to carry out the provisions of section thirty-three (33) of this article, and to facilitate its operation and effect without delay: *Provided*, That the authority hereby conferred upon the legislature shall not be construed to grant to the legislature any exclusive power of lawmaking nor in any way limit the initiative and referendum powers reserved by the people. The percentages required shall be, state officers, other than judges, senators and representatives, city officers of cities of the first class, school district boards in cities of the first class, county officers of counties of the first class, second and third classes, twenty-five per cent. Officers of all other political subdivisions, cities, towns,

townships, precincts and school districts not herein mentioned, and state senators and representatives, thirty-five per cent.

SEC. 2. The secretary of the state shall cause the amendment proposed in section one of this act to be published for three weeks next preceding the said election therein described in some weekly newspaper in every county where a newspaper is published throughout the state.

SEC. 3. There shall be printed on all ballots provided for the said election, the words:

"For the proposed amendment to article one (I) of the Constitution, by adding thereto at the end of said article one (I) two new sections to be numbered sections 33 and 34 of said article one (I) authorizing and providing for the recall and discharge of any elective public officer and election of his successor." "Against the proposed amendment to article one (I) of the Constitution, by adding thereto at the end of said article one (I) two new sections to be numbered sections 33 and 34 of said article one (I), authorizing and providing for the recall and discharge of any elective public officer and election of his successor."

SEC. 4. If it shall appear from the ballots cast at the said election that a majority of the qualified electors voting upon the question of the adoption of the said amendment have voted in favor of the same, the governor shall make proclamation of the same in the manner provided by law, and the said amendment shall be held to have been adopted and to have been a part of the Constitution from the time of such proclamation.

Passed by the House March 8, 1911.

Passed by the Senate March 9, 1911.

Approved by the Governor March 17, 1911.

SENATE JOURNAL

OF THE

TWELFTH LEGISLATURE

OF THE

STATE OF WASHINGTON

BEGUN AND HELD AT

OLYMPIA, THE STATE CAPITAL

JANUARY 9, 1911

Adjourned Sine Die, March 9, 1911

W. H. PAULHAMUS, PRESIDENT
WM. T. LAUBE, SECRETARY

OLYMPIA, WASH.:
E. L. BOARDMAN, PUBLIC PRINTER

1911

APPENDIX

CONTAINING

ROSTER OF THE SENATE—EMPLOYEES OF THE
SENATE—STANDING COMMITTEES OF THE
SENATE, ASSIGNMENTS, ETC.

AND

SENATE RULES AND INDEX

LIST OF MEMBERS OF THE SENATE OF THE STATE OF WASHINGTON FOR THE YEARS 1911-12, WITH POLITICS, OCCUPATION, COUNTY, RESIDENCE AND POSTOFFICE ADDRESS OF EACH.

SENATOR W. H. PAULHAMUS, *President of the Senate.* WM. T. LAUBE, *Secretary of the Senate.*

NAME.	DISTRICT.	COUNTIES.	RESIDENCE.	AGE.	BIRTHPLACE.	OCCUPATION.	POLITICS.		Previous legislative service.
							Senate.	House.	
Allen, F. J.	15	Yakima	North Yakima	31	Iowa	Lawyer.	Rep.	1907-09	
Allen, P. I.	33	King	Seattle.	37	Wisconsin	Printer and Publisher.	Rep.	1897-09	
Anderson, A. W.	2	Stevens.	Aldy.	40	Illinois	Lumber and Gen'l Mer.	Rep.	1897-09	
Atrasmith, Joseph.	9	Whitman.	Pulouse.	65	Indiana	Farmer	Rep.	1909	1891
Bassett, John D.	11	Franklin	Ritzville	52	Connecticut	Banker	Rep.	1909	1905-7
Bowen, B. A.	30	Walla Walla	Kent	50	Illinois	Real Estate and Ins.	Rep.	1909	1899-01
Brown, Ed	41	Wahcom.	Blaine.	55	Canada	Farmer	Rep.	1909	1899-01
Bryan, James W.	23	Island	Bremerton	37	Louisiana	Lawyer.	Rep.	1909	
Chappell, J. E.	16	Mason	Goldendale	38	Oregon	Merchant	Dem.		
Cox, D. H.	12	Klickitat	Walla Walla	45	Tennessee	Grain Dealer	Rep.	1909	
Collins, Josiah.	35	Skamania	Seattle.	46	North Carolina	Lawyer.	Rep.		
Davis, Evan C.	1	King	Ephrata.	37	Ohio	Banker	Rep.	1909	1907
Eastham, A. B.	17	Ferry	Vancouver.	53	Oregon	Dentist.	Rep.	1909	
Espy, H. A.	19	Clark	Oysterville	34	Washington	Dairyman.	Rep.		
Falconer, J. A.	38	Pacific	Everett	41	Canada	Lumberman.	Rep.	1909	1905-7
Fishback, H. O.	20	Wahkiakum	Adna.	52	Minnesota	Farmer.	Rep.	1909	
Hall, Oliver	8	Lewis	Cofax.	58	New York	Farmer	Rep.	95-7-9-01	
Hammer, E.	21	Whitman.	Sedro-Woolley	54	Indiana	Merchant	Rep.	1899-06	
Hewitt, H. B.	40	Skagit	Hoopium	36	Wisconsin	Lumberman	Rep.		1907-9
Hutchinson, R. A.	4	Challis	Spokane.	58	Mississippi	Farmer	Rep.	93-5-00	1901-07
Huxtable, Jesse.	3	Spokane	Spokane.	47	England	Railway Conductor	Rep.	1900	1905-7
Jackson, P. C.	37	King	Seattle.	31	Colorado	Real Estate	Rep.	1900	1907-9
Jensen, Peter	50	Pierce	Tacoma.	47	Denmark	Pharmacist.	Dem.		
Landon, Daniel	32	King	Seattle.	35	Wisconsin	Lawyer.	Rep.		

Metcalf, Ralph	26	Pierce	Tacoma	49	Rhode Island	Lumber and Shingles	Rep.	1907-9
Myers, Charles E.	14	Lincoln	Davenport	44	Ohio	Jeweler	Rep.	1906
Nichols, Ralph D.	31	King	Seattle	36	Iowa	Lawyer	Rep.	1907-9
Paulhamus, W. H.	25	Pierce	Sumner	45	Pennsylvania	Farmer	Rep.	1907-9
Piper, George U.	34	King	Seattle	44	Indiana	Real Estate	Rep.	1907-9
Roberts, John L.	27	Pierce	Tacoma	66	Wales	Manufacturer	Rep.	93-5-09
Rosenhaupt, Harry	7	Spokane	Spokane	42	Illinois	Lawyer	Rep.	1907-9
Ruth, A. S.	22	Thurston	Olympia	45	Main	Civil Engineer	Rep.	01 to 06
Rydstrom, Arvid	28	Pierce	Tacoma	54	Sweden	Civil Eng. and Contr.	Rep.	1906
Schaefer, Geo. W.	6	Spokane	Spokane	48	Pennsylvania	Lawyer	Rep.	
Smithson, John H.	13	Chelan	Ellensburg	54	Canada	Banker	Rep.	1909
Stephens, E. Milton	39	Kittitas	Monroe	42	Oregon	Banker and Lumberman	Rep.	1907-9
Stevenson, John R.	10	Asotin	Pomeroy	56	Michigan	Merchant	Rep.	1907-9
Stewart, F. L.	18	Columbia	Kelso	37	Wisconsin	Banker	Rep.	1909
Troy, D. S.	24	Garfield	Chimacum	40	Washington	Farmer	Dem.	1907
Whalley, John A.	36	Cowlitz	Seattle	48	England	Insurance	Rep.	1909
White, Henry M.	42	Jefferson	Bellingham	36	West Virginia	Lawyer	Dem.	
Whitney, E. C.	5	San Juan	Foothills	50	Pennsylvania	Nurseryman	Rep.	1909
		King						1903
		Whatcom.						
		Spokane						

SENATE EMPLOYEES—SESSION 1911.

<i>Name.</i>	<i>Service.</i>	<i>Residence.</i>
Wm. T. Laube.....	Secretary.....	Seattle.
J. D. Logan.....	Sergeant-at-Arms.....	Waterville.
A. A. Kirby.....	Reading Clerk.....	Spokane.
George Gregory.....	Minute Clerk.....	Seattle.
R. D. Rudlo.....	Engrossing Clerk.....	Walla Walla.
Colonel S. Sapp.....	Enrolling Clerk.....	Snohomish.
H. B. LaMonte.....	Docket Clerk.....	Everett.
R. E. Pitchforth.....	Journal Clerk.....	Tacoma.
A. J. Laughon.....	Judiciary Committee Clerk.....	Spokane.
A. J. Hoskin.....	Bill Clerk.....	Valley.
W. W. Swing.....	Doorkeeper.....	Port Townsend.
Arthur Prague.....	Postmaster.....	Spokane.
M. M. Hyde.....	Stenographer.....	Tacoma.
J. D. McKinney.....	Stenographer.....	Seattle.
Amle L. Mook.....	Stenographer.....	North Yakima.
Edward J. Eisele.....	Stenographer.....	Seattle.
Robert W. Kelsey.....	Stenographer.....	Olympia.
John A. Homer.....	Stenographer.....	Olympia.
Harry R. Lindley.....	Stenographer.....	Olympia.
F. Marion Garland.....	Stenographer.....	Bremerton.
Roger W. Watts.....	Stenographer.....	Tacoma.
Lawrence Mack.....	Page.....	Olympia.
Edgar Strock.....	Page.....	Olympia.
Archie Springer.....	Page.....	Olympia.
A. F. Haynes.....	Janitor.....	Seattle.
W. T. Jordan.....	Janitor.....	Olympia.
R. H. Taylor.....	Janitor.....	Cle Elum.

STANDING COMMITTEES OF THE SENATE, 1911.

AGRICULTURE.—Senators Arrasmith (Chairman), Chappell, Troy, Stephens, Fishback, Whitney, Hall.

APPROPRIATIONS.—Senators Falconer (Chairman), Bassett, Landon, Hall, Smithson, Anderson, Hammer, Roberts, Myers, Fishback, Troy, Stevenson, Jackson, Cox, Eastham, Brown, Rosenhaupt, Stewart, Ruth, Allen (F. J.), Bryan.

BANKS AND BANKING.—Senators Davis (Chairman), Smithson, Stephens, Bassett, Stewart, Fishback, Bowen, Hammer, Troy.

CITIES OF THE FIRST CLASS.—Senators Nichols (Chairman), White, Shaefer, Metcalf, Falconer, Piper, Hutchinson.

CLAIMS AND AUDITING.—Senators Huxtable (Chairman), Arrasmith, Brown, Chappell, Jackson.

COMMERCE AND MANUFACTURING.—Senators Stevenson (Chairman), Myers, Roberts, Hewitt, Stewart, Hammer, Whalley.

CONGRESSIONAL APPOINTMENT.—Senators Rydstrom (Chairman), Allen (P. L.), Rosenhaupt, Falconer, Hewitt, Anderson, Stevenson, Myers, Bryan, Brown, Fishback.

CONSTITUTION AND CONSTITUTIONAL REVISION.—Senators Huxtable (Chairman), Piper, Hutchinson, Rosenhaupt, Landon, Collins, Davis.

CORPORATIONS OTHER THAN MUNICIPAL.—Senators Piper (Chairman), Stephens, Roberts, Hammer, Jackson.

COUNTIES AND COUNTY BOUNDARIES.—Senators Whitney (Chairman), Anderson, Hall, Eastham, Shaefer, Roberts, Piper, Rosenhaupt.

DAIRY AND LIVESTOCK.—Senators Troy (Chairman), Arrasmith, Whitney, Smithson, Stephens, Espy, Brown.

DIKES AND DRAINS.—Senators White (Chairman), Hammer, Allen (F. J.).

EDUCATION.—Senators Bassett (Chairman), Myers, Stevenson, Jensen, Hall, Whalley, Espy.

EDUCATIONAL INSTITUTIONS.—Senators Landon (Chairman), White, Hall, Smithson, Whitney, Troy, Jensen.

ELECTIONS AND PRIVILEGES.—Senators Bryan (Chairman), White, Allen (P. L.), Metcalf, Shaefer.

ENGROSSED BILLS.—Senators Chappell (Chairman), Allen (F. J.), Landon, Troy, Collins.

ENROLLED BILLS.—Senators Shaefer (Chairman), Jensen, Bowen, Espy, Whalley.

FISHERIES.—Senators Hammer (Chairman), Stewart, White, Troy, Collins, Jensen, Espy, Chappell, Ruth.

GAME.—Senators Collins (Chairman), Rydstrom, Brown, Myers, Stewart, Chappell, Eastham.

GAME FISH.—Senators Stewart (Chairman), Myers, Anderson, Stevenson, Eastham.

HARBOR AND HARBOR LINES.—Senators Hewitt (Chairman), Whalley, Rydstrom, White, Ruth, Falconer, Bryan.

HORTICULTURE AND FORESTRY.—Senators Hall (Chairman), Fishback, Espy, Troy, Allen (F. J.).

INSURANCE.—Senators Whalley (Chairman), Bassett, Bowen, Stephens, Allen, (P. L.), Hall, Metcalf.

IRRIGATION AND ARID LANDS.—Senators Smithson (Chairman), White, Allen (F. J.), Hutchinson, Chappell, Jensen, Whitney.

JUDICIARY.—Senators Rosenhaupt (Chairman), Landon, White, Bryan, Allen (F. J.), Shaefer, Nichols, Metcalf, Collins.

LABOR AND LABOR STATISTICS.—Senators Metcalf (Chairman), Huxtable, Landon, Roberts, Hewitt, Jackson, Falconer.

LEGISLATIVE APPORTIONMENT.—Senators Jackson (Chairman), Metcalf, Huxtable, Hall, Stephens, Eastham, Cox, Allen (F. J.), Stewart, Espy, Piper.

MEDICINE, DENTISTRY, SURGERY AND HYGIENE.—Senators Eastham (Chairman), Jensen, Whitney.

MEMORIALS.—Senators Shaefer (Chairman), Stewart, Piper.

MILITARY.—Senators Brown (Chairman), Falconer, Allen (F. J.), Piper, Hutchinson, Cox, Roberts, Hewitt, Bryan.

MINES AND MINING.—Senators Bowen (Chairman), Roberts, Smithson, Fishback, Brown, Anderson, Davis.

MUNICIPAL CORPORATIONS.—Senators Allen (F. J.) (Chairman), Stevenson, Eastham, Ruth, Bryan, Chappell, Hall.

PRINTING.—Senators Anderson (Chairman), Allen (P. L.), Whalley, Metcalf, Ruth, Bryan, Cox.

PUBLIC BUILDINGS AND GROUNDS.—Senators Ruth (Chairman), Arrasmith, Davis, Stephens, Bowen.

PUBLIC MORALS.—Senators Myers (Chairman), Anderson, Hall, Hammer, Allen (F. J.), Collins, Eastham.

PUBLIC REVENUES AND TAXATION.—Senators Roberts (Chairman), Jackson, Huxtable, Hall, Stephens, Jensen, Piper, Bassett, Hewitt, Brown.

PURE FOOD AND DRUGS.—Senators Jensen (Chairman), White, Huxtable, Chappell, Bowen.

RAILROADS AND TRANSPORTATION.—Senators Cox (Chairman), Huxtable, Anderson, Smithson, Arrasmith, Rydstrom, Stevenson, Myers, Allen (F. J.), Jensen, Hewitt, Bowen, Nichols.

ROADS AND BRIDGES.—Senators Fishback (Chairman), Brown, Rydstrom, Stewart, Nichols, Chappell, Arrasmith, Anderson, Bowen, Stevenson, Hutchinson, Espy, Stephens.

RULES AND JOINT RULES.—Senators Paulhamus (Chairman), Collins, Ruth, Bassett, Metcalf, Shaefer, Anderson.

SALARIES AND MILEAGE.—Senators Jensen (Chairman), Brown, Hall, Myers, Cox.

SENATE EMPLOYEES OTHER THAN REGULAR.—Senators Myers (Chairman), Falconer, Jackson, White, Fishback.

STATE CHARITABLE INSTITUTIONS.—Senators Hutchinson (Chairman), Jensen, Hammer, Whitney, Eastham, Chappell, Piper.

STATE, GRANTED, SCHOOL AND TIDE LANDS.—Senators Allen (P. L.) (Chairman), Fishback, Falconer, Hammer, Jensen, Espy, Bassett, Anderson, Shaefer.

STATE LIBRARY.—Senators Espy (Chairman), Metcalf, Fishback.

STATE PENAL AND REFORMATORY INSTITUTIONS.—Senator Stephens (Chairman), Jackson, Cox, Fishback, Hutchinson, Davis, Huxtable.

COMMITTEE ASSIGNMENTS IN SENATE.

SENATOR ALLEN (F. J.)—

Municipal Corporation (Chairman).
 Appropriations.
 Dikes and Drains.
 Engrossed Bills.
 Horticulture and Forestry.
 Irrigation and Arid Lands.
 Judiciary.
 Military.
 Public Morals.
 Railroads and Transportation.
 Legislative Apportionment.

SENATOR ALLEN (P. L.)—

State, Granted, School and Tide Lands (Chairman).
 Elections and Privileges.
 Insurance.
 Printing.
 Congressional Apportionment.

SENATOR ANDERSON—

Printing (Chairman).
 Appropriations.
 Counties and County Boundaries.
 Game Fish.
 Mines and Mining.
 Public Morals.
 Railroads and Transportation.
 Roads and Bridges.
 State, Granted, School and Tide Lands.
 Congressional Apportionment.
 Rules and Joint Rules.

SENATOR ARRASMITH—

Agriculture (Chairman).
Claims and Auditing.
Dairy and Livestock.
Public Buildings and Grounds.
Railroads and Transportation.
Roads and Bridges.

SENATOR BASSETT—

Education (Chairman).
Appropriations.
Banks and Banking.
Insurance.
Public Revenues and Taxation.
Rules and Joint Rules.
State, Granted, School and Tide Lands.

SENATOR BOWEN—

Mines and Mining (Chairman).
Banks and Banking.
Enrolled Bills.
Insurance.
Public Buildings and Grounds.
Railroads and Transportation.
Roads and Bridges.
Pure Food and Drugs.

SENATOR BROWN—

Military (Chairman).
Appropriations.
Claims and Auditing.
Game.
Mines and Mining.
Public Revenues and Taxation.
Roads and Bridges.
Salaries and Mileage.
Congressional Apportionment.
Dairy and Livestock.

SENATOR BRYAN—

Elections and Privileges (Chairman).
Appropriations.
Harbors and Harbor Lines.
Judiciary.
Municipal Corporations.
Printing.
Congressional Apportionment.
Military.

SENATOR CHAPPELL—

Engrossed Bills (Chairman).
Agriculture.
Claims and Auditing.
Fisheries.
Game.
Irrigation and Arid Lands.
Municipal Corporations.
Roads and Bridges.
State Charitable Institutions.
Pure Food and Drugs.

SENATOR COLLINS—

Game (Chairman).
 Constitution and Constitutional Revision.
 Engrossed Bills.
 Fisheries.
 Judiciary.
 Public Morals.
 Rules and Joint Rules.

SENATOR COX—

Railroads and Transportation (Chairman).
 Appropriations.
 Military.
 Printing.
 Salaries and Mileage.
 State Penal and Reformatory Institutions.
 Legislative Apportionment.

SENATOR DAVIS—

Banks and Banking (Chairman).
 Constitution and Constitutional Revision.
 Mines and Mining.
 Public Buildings and Grounds.
 State Penal and Reformatory Institutions.

SENATOR EASTHAM—

Medicine, Dentistry, Surgery and Hygiene (Chairman).
 Appropriations.
 Counties and County Boundaries.
 Game Fish.
 Municipal Corporations.
 Public Morals.
 State Charitable Institutions.
 Legislative Apportionment.
 Game.

SENATOR ESPY—

State Library (Chairman).
 Education.
 Enrolled Bills.
 Fisheries.
 Horticulture and Forestry.
 Roads and Bridges.
 State, Granted, School and Tide Lands.
 Legislative Apportionment.
 Dairy and Livestock.

SENATOR FALCONER—

Appropriations (Chairman).
 Cities of the First Class.
 Harbors and Harbor Lines.
 Labor and Labor Statistics.
 Military.
 State, Granted, School and Tide Lands.
 Senate Employes other than Regular.
 Congressional Apportionment.

SENATOR FISHBACK—

Roads and Bridges (Chairman).
Agriculture.
Appropriations.
Banks and Banking.
Horticulture and Forestry.
Mines and Mining.
State, Granted, School and Tide Lands.
State Library.
State Penal and Reformatory Institutions.
Senate Employes other than Regular.
Congressional Apportionment.

SENATOR HALL—

Horticulture and Forestry (Chairman).
Agriculture.
Appropriations.
Counties and County Boundaries.
Education.
Educational Insititutions.
Insurance.
Municipal Corporations.
Public Morals.
Public Revenues and Taxation.
Salaries and Mileage.
Legislative Apportionment.

SENATOR HAMMER—

Fisheries (Chairman).
Appropriations.
Banks and Banking.
Commerce and Manufactures.
Coroprations other than Municipal.
Dikes and Drains.
Public Morals.
State, Granted, School and Tide Lands.
State Charitable Institutions.

SENATOR HEWITT—

Harbors and Harbor Lines (Chairman).
Commerce and Manufactures.
Labor and Labor Statistics.
Military.
Public Revenues and Taxation.
Railroads and Transportation.
Congressional Apportionment.

SENATOR HUTCHINSON—

State Charitable Institutions (Chairman).
Cities of the First Class.
Constitution and Constitutional Revision.
Irrigation and Arid Lands.
Military.
Roads and Bridges.
State Penal and Reformatory Institutions.

SENATOR HUXTABLE—

Claims and Auditing (Chairman).
Constitution and Constitutional Revision (Chairman).
Elections and Privileges.
Labor and Labor Statistics.
Public Revenues and Taxation.
Railroads and Transportation.
State Penal and Reformatory Institutions.
Legislative Apportionment.
Pure Food and Drugs.

SENATOR JACKSON—

Legislative Apportionment (Chairman).
Appropriations.
Claims and Auditing.
Corporations other than Municipal.
Labor and Labor Statistics.
Public Revenues and Taxation.
State Penal and Reformatory Institutions.
Senate Employees other than Regular.

SENATOR JENSEN—

Salaries and Mileage (Chairman).
Pure Foods and Drugs (Chairman).
Education.
Educational Institutions.
Enrolled Bills.
Fisheries.
Irrigation and Arid Lands.
Medicine, Dentistry, Surgery and Hygiene.
Public Revenues and Taxation.
Railroads and Transportation.
State, Granted, School and Tide Lands.
State Charitable Institutions.

SENATOR LANDON—

Educational Institutions (Chairman).
Appropriations.
Constitution and Constitutional Revision.
Engrossed Bills.
Judiciary.
Labor and Labor Statistics.

SENATOR METCALF—

Labor and Labor Statistics (Chairman).
Cities of the First Class.
Elections and Privileges.
Insurance.
Judiciary.
Printing.
Rules and Joint Rules.
State Library.
Legislative Apportionment.

SENATOR MYERS—

Public Morals (Chairman).
Senate Employes other than Regular (Chairman).
Appropriations.
Commerce and Manufactures.
Education.
Game.
Game Fish.
Railroad and Transportation.
Salaries and Mileage.
Congressional Apportionment.

SENATOR NICHOLS—

Cities of the First Class (Chairman).
Judiciary.
Roads and Bridges.
Railroads and Transportation.

SENATOR PIPER—

Corporations other than Municipal (Chairman).
Cities of the First Class.
Constitution and Constitutional Revision.
Counties and County Boundaries.
Memorials.
Military.
Public Revenues and Taxation.
State Charitable Institutions.
Legislative Apportionment.

SENATOR ROBERTS—

Public Revenues and Taxation (Chairman).
Appropriations.
Commerce and Manufactures.
Corporations other than Municipal.
Counties and County Boundaries.
Labor and Labor Statistics.
Military.
Mines and Mining.

SENATOR ROSENHAUPT—

Judiciary (Chairman).
Appropriations.
Constitution and Constitutional Revision.
Congressional Apportionment.
Counties and County Boundaries.

SENATOR RUTH—

Public Buildings and Grounds (Chairman).
Appropriations.
Fisheries.
Harbors and Harbor Lines.
Municipal Corporations.
Printing.
Rules and Joint Rules.

SENATOR RYDSTROM—

Congressional Apportionment (Chairman).
Game.
Harbors and Harbor Lines.
Railroads and Transportation.
Roads and Bridges.

SENATOR SHAEFER—

Enrolled Bills (Chairman).
 Memorials (Chairman).
 Cities of the First Class.
 Counties and County Boundaries.
 Judiciary.
 Legislative Apportionment.
 Elections and Privileges.
 State, Granted, School and Tide Lands.
 Rules and Joint Rules.

SENATOR SMITHSON—

Irrigation and Arid Lands (Chairman).
 Appropriations.
 Banks and Banking.
 Dairy and Livestock.
 Educational Institutions.
 Mines and Mining.
 Railroads and Transportation.

SENATOR STEPHENS—

State Penal and Reformatory Institutions (Chairman).
 Agriculture.
 Banks and Banking.
 Corporations other than Municipal.
 Dairy and Livestock.
 Insurance.
 Public Buildings and Grounds.
 Public Revenues and Taxation.
 Roads and Bridges.
 Legislative Apportionment.

SENATOR STEVENSON—

Commerce and Manufactures (Chairman).
 Appropriations.
 Education.
 Game Fish.
 Municipal Corporations.
 Railroads and Transportation.
 Roads and Bridges.
 State, Granted, School and Tide Lands.
 Congressional Apportionment.

SENATOR STEWART—

Game Fish (Chairman).
 Appropriations.
 Banks and Banking.
 Commerce and Manufactures.
 Fisheries.
 Game.
 Memorials.
 Roads and Bridges.
 Legislative Apportionment.

SENATOR TROY—

Dairy and Livestock (Chairman).
 Agriculture.
 Appropriations.
 Banks and Banking.
 Educational Institutions.
 Engrossed Bills.
 Fisheries.
 Horticulture and Forestry.

SENATOR WHALLEY—

Insurance (Chairman).
Commerce and Manufactures.
Education.
Enrolled Bills.
Harbors and Harbor Lines.
Printing.

SENATOR WHITE—

Dikes and Drains (Chairman).
Cities of the First Class.
Educational Institutions.
Elections and Privileges.
Fisheries.
Harbors and Harbor Lines.
Irrigation and Arid Lands.
Judiciary.
Railroads and Transportation.
Senate Employes other than Regular.
Pure Food and Drugs.

SENATOR WHITNEY—

Counties and County Boundaries (Chairman).
Agriculture.
Dairy and Livestock.
Educational Institutions.
Irrigation and Arid Lands.
State Charitable Institutions.
Medicine, Dentistry, Surgery and Hygiene.

MR. PRESIDENT—

Rules and Joint Rules (Chairman).

RULES OF THE SENATE.

SESSION 1911.

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

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

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

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

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

In the event that the lieutenant-governor is acting as governor the Senate shall also elect one of its members temporary president, who in the absence or disability of the president elected by the Senate shall have all the power and authority and who shall discharge the duties of such president.

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

Rule 6. The president shall appoint all special, joint and hereinafter named standing committees on the part of the Senate: *Provided, however,* That the committee on rules and joint rules shall consist of seven (7) members, four (4) of whom shall be from Western Washington, and three from Eastern Washington, of which the president shall be a member: *And provided further,* That the appointment of the said standing committees shall be subject to the confirmation of the Senate, such confirmation to be made a special order at 2:30 p. m. on the day following the announcement of the appointment by the president.

In the event the Senate shall refuse to confirm any committee or committees, such committee or committees shall be forthwith elected by the Senate.

The following standing committees shall constitute the standing committees of the Senate:

<i>Committee.</i>	<i>No. of Members.</i>
1. Agriculture	7
2. Appropriations	21
3. Banks and Banking.....	9
4. Cities of the First Class.....	7
5. Claims and Auditing.....	5
6. Commerce and Manufactures.....	7
7. Congressional Apportionment	11
8. Constitution and Constitutional Revision.....	7
9. Corporations other than Municipal.....	5
10. Counties and County Boundaries.....	8
11. Dairy and Livestock.....	7
12. Dikes, Drains and Drainage.....	3
13. Education	7
14. Educational Institutions	7
15. Elections and Privileges.....	5
16. Engrossed Bills	5
17. Enrolled Bills	5
18. Fisheries	9
19. Game	7
20. Game Fish	5
21. Harbor and Harbor Lines.....	7
22. Horticulture and Forestry.....	5

23. Insurance	7
24. Irrigation and Arid Lands.....	7
25. Judiciary	9
26. Labor and Labor Statistics.....	7
27. Legislative Apportionment	11
28. Medicine, Dentistry, Surgery and Hygiene.....	3
29. Memorials	3
30. Military	9
31. Mines and Mining.....	7
32. Municipal Corporations	7
33. Printing	7
34. Public Buildings and Grounds.....	5
35. Public Morals	7
36. Public Revenues and Taxation.....	10
37. Pure Food and Drugs.....	5
38. Railroads and Transportation.....	13
39. Roads and Bridges.....	13
40. Rules and Joint Rules.....	5
41. Salaries and Mileage.....	5
42. State, Granted, School and Tide Lands.....	9
43. State Library	3
44. State Penal and Reformatory Institutions.....	7
45. State Charitable Institutions.....	7
46. Senate Employees other than Regular.....	5

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

First: The committee of the whole Senate.

Second: A standing committee.

Third: A select committee.

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

The committees shall acquaint themselves with the interest of the state specially represented by the committee, and from time to time present such bills and reports as in their judgment will advance the interests and promote the welfare of the people of the state.

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

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

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

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

The Senate shall elect a secretary, who shall perform the usual duties pertaining to such office. He shall appoint, subject to the approval of the Senate, the necessary clerks and stenographers, whose hours of duty and assignments shall be under his direction and instructions and who may be dismissed by him at his discretion.

All other employes shall report to the sergeant-at-arms and be under his supervision and direction.

All Senate employes shall remain on duty daily during the hours designated by the secretary and sergeant-at-arms, respectively.

Rule 11. In forming the committee of the whole, the president shall name a chairman to preside, and all bills considered shall be read by sections and the chairman shall call for amendments and debates thereon at the conclusion of the reading of each section. The body of the bill shall not be defaced or interlined, but all amendments (noting the page and line) shall be duly entered by the secretary on a separate paper as the same shall be agreed to by the committee, and so reported to the Senate for action.

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

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

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

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

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

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

- First.* Presentation of petitions, memorials, resolutions and motions.
- Second.* Reports of standing committees.
- Third.* Reports of select committees.
- Fourth.* Messages from the governor and other state officers.
- Fifth.* Messages from the House of Representatives.
- Sixth.* Introduction and first reading of bills.
- Seventh.* Second reading and reference of bills.
- Eighth.* Business on general file and third reading of bills.
- Ninth.* Business lying on the table.
- Tenth.* The orders of the day.
- Eleventh.* Unfinished business.

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

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

Rule 20. Every bill shall receive three readings previous to its passage. The president shall give notice at each, whether it be the first, second or third reading. The first and second readings may, by consent of a majority

of the Senate, be on the same day. The third reading of every bill shall be by sections, and upon its final passage the vote must be taken by yeas and nays, the names of the senators voting for and against the same to be entered upon the Journal, and the majority of the members elected to the Senate must be recorded thereon as voting in its favor to secure its passage by the Senate.

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

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

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

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

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

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

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

Rule 28. After the final vote on any bill, before the adjournment of that day's session or during the session of the following day, and at such times only, any member who voted with the prevailing side may give notice of reconsideration. Such motion to reconsider shall be in order only on the first or second day after such final vote.

A motion to reconsider shall have precedence over every other motion, except a motion to adjourn; and when the Senate adjourns while a motion to reconsider is pending or before passing the order of motions, resolutions and notices, the right to move a reconsideration shall continue to the next day of sitting. No notice of reconsideration of any final vote shall be in order on the day preceding the last day of the session. Motions to reconsider a vote upon amendments to any pending question may be made and decided at once.

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

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

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

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

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

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

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

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

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

First. To fix the time to which to adjourn.

Second. To adjourn.

Third. For a call of the Senate.

Fourth. To lay on the table.

Fifth. For the previous question.

Sixth. To postpone to a day certain.

Seventh. To commit.

Eighth. To amend.

Ninth. To postpone indefinitely.

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

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

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

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

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

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

Rule 43. When the reading of any paper is called for, and is objected to by any senator, it shall be determined by a vote of the Senate, without debate.

Rule 44. Messages from the governor, other state officers, and from the

House of Representatives may be considered at any time by consent of the Senate.

Rule 45. When any senator is about to speak in debate, or submit any matter to the Senate, he shall rise from his seat, and, standing in his place, respectfully address himself to "Mr. President," and when recognized shall, in a courteous manner, confine himself to the question under debate, avoiding personalities, and when finished shall resume his seat. No senator shall impeach the motives of any other member, nor speak more than twice (except for explanation) during the consideration of any one question, on the same day, nor a second time without leave, when others who have not spoken desire the floor; but incidental and subsidiary questions arising during the debate shall not be considered the same question.

Rule 46. If any senator in speaking, or otherwise, transgresses the rules of the Senate, the president shall, or any senator may, call him to order, and when a senator shall be so called to order he shall resume his seat and not proceed without leave of the Senate, which leave, if granted, shall be upon motion "that he be allowed to proceed in order," when if carried, he shall confine himself to the question under consideration.

Rule 47. Every decision of points of order by the president shall be subject to appeal, and no discussion of a question of order shall be allowed except on appeal of three senators, and in all cases of appeal the question shall be "Shall the decision of the chair stand as the judgment of the Senate?"

Rule 48. In cases of breach of decorum or propriety, any senator, officer or other person shall be liable to such censure or punishment as the Senate may deem proper, and if any senator be called to order for offensive or indecorous language or conduct, the person calling him to order shall report the language excepted to, which shall be taken down or noted at the secretary's desk, and no member shall be held to answer for any language used upon the floor of the Senate if business has intervened before exception to the language was thus taken and noted.

Rule 49. When two or more senators rise at the same time to address the chair, the president shall name the one who shall speak first, giving preference, when practicable, to the mover or introducer of the subject under consideration.

Rule 50. The author of a bill, motion or resolution shall have the privilege of opening and closing debate upon the same, unless the previous question has been moved and sustained.

Rule 51. Any senator or senators may protest against the action of the Senate upon any question, and have such protest entered upon the journal.

Rule 52. Any senator may rise to a question of privilege and explain a matter personal to himself by leave of the president, but he shall not discuss any pending question in such explanation.

Rule 53. No senator shall absent himself from the service of the Senate without leave, except in case of accident or sickness, and if any senator or officer shall absent himself his per diem shall not be allowed or paid him, and no senator, officer or attache shall obtain leave of absence or be excused from attendance without the consent of two-thirds of the members present.

Rule 54. A call of the Senate may be moved by three senators, whose names shall be entered upon the journal, and if carried by a majority of all present the secretary shall call the roll and note the absentees, after which the names of the absentees shall again be called. The doors shall then be closed and the sergeant-at-arms directed to take into custody all who may be absent without leave, and all the senators so taken into custody shall be presented at the bar of the Senate for such action as the Senate may deem proper.

Rule 55. A senator having been absent during roll call may ask to have his name called.

Rule 56. In all cases of election by the Senate the votes shall be taken *viva voce*, and no senator or other person shall remain by the secretary's desk while the roll is being called or the votes are being counted. No senator shall be allowed to vote except when within the bar of the Senate, nor upon any question in which he is in any way personally or directly interested, nor be allowed to explain his vote or discuss the question while the yeas and nays are being called, nor change his vote after the result has been announced.

Rule 57. The announcement of all votes shall be made by the president, and the announcement of the result of any vote shall not be postponed.

Rule 58. Witnesses summoned by or on behalf of the Senate to appear before the Senate, or any of its committees, shall be paid for each day's attendance three dollars. For each mile traveled in coming to the place of examination, ten cents; and nothing shall be paid for travel where the witness was served at the place of examination, and no mileage shall be paid except where the witness actually traveled for the purpose of giving testimony.

Rule 59. The Senate chamber shall not be used for any but legislative business during the session, except by permission of the Senate given by two-thirds vote.

Rule 60. The sergeant-at-arms and doorkeepers shall not admit to the floor of the Senate during the session any person other than a member of the Senate, except:

The governor,

Members of the House of Representatives,

State officers,

Officers and employes of the Senate,

Representatives of the press or other persons designated by name by resolution of the Senate and holding cards of admission signed by the president.

Rule 61. The gallery back of the president's desk is reserved for the use of the governor and state officers and their families, for the families of senators, and for members of the House of Representatives and their families.

Rule 62. Smoking shall not be allowed in the Senate chamber during the session of the Senate, nor shall indecorous conduct, boisterous or unbecoming language be permitted there at any time.

Rule 63. The rules of parliamentary practice as contained in Reed's Parliamentary Rules shall govern the Senate in all cases to which they are applicable, and in which they are not inconsistent with the rules and orders of this Senate and the joint rules of this Senate and the House of Representatives.

Rule 64. No standing rule or order of this Senate shall be rescinded or changed without a vote of two-thirds of the members, and one day's notice of the motion thereof; but a rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present. When the suspension of a rule is called, and after due notice from the president, no objection is offered, he may announce the rule suspended, and the Senate may proceed accordingly; but this shall not apply to that portion of Rule 20 relating to the third reading of bills, which cannot be suspended.

Rule 65. The board of control shall furnish all necessary supplies for the Senate upon the requisition of the sergeant-at-arms, when signed by the president of the Senate.

Rule 66. Any senator shall have the right to compare an enrolled bill with the engrossed bill before the president signs the same.

JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

REGULAR SESSION OF 1911.

Rule 1. In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one house, dissented from in the other and not receded from by the one making the same, such house shall appoint a committee to confer with a like committee to be appointed by the other, and the committee so appointed shall meet at a convenient hour, to be agreed upon by their respective chairmen, and shall confer upon the differences between the two houses as indicated by the amendment made in one and rejected in the other, and report as early as convenient the result of their conference to their respective houses. If after such a report the two houses shall disagree upon the recommendations of the reporting committees as to their differences between the two houses, a committee of free conference shall be appointed to whom the whole subject matter embraced in the bill or resolution shall be committed, and the committee of free conference may report by new bill or resolution, or otherwise, and bills or resolutions so reported shall be treated as amendments, unless such bills or resolutions are comprised entirely of original matter, in which case they shall receive the treatment required in the respective houses for original bills or resolutions, as the case may be.

Rule 2. Messages from the Senate to the House of Representatives shall be delivered by the secretary or assistant secretary, and messages from the House of Representatives to the Senate shall be delivered by the chief clerk or assistant clerk, who shall be announced by the doorkeeper, enter within the bar, announce or deliver his message.

Rule 3. Each house shall communicate its final action on any bill, or resolution, or matter in which the other may be entrusted, in writing, signed by the secretary or clerk of the house from which such notice is sent.

Rule 4. After a bill shall have passed both houses, it shall be duly enrolled by the enrolling clerk of the house in which it originated, and shall be examined by the enrolling committee of such house, who shall carefully compare the enrollment with the engrossed bill, as passed, correcting any errors that may be discovered in the enrolled bill, procure in open session the signature thereto of the necessary officers of the two houses, present the same to the governor, and forthwith report to such house the time when such presentation to the governor was made. The enrolling clerk shall endorse on the back of each bill the house in which said bill originated.

Rule 5. All joint resolutions to be presented to the governor, excepting such as may be addressed to him, shall take the usual course of bills.

Rule 6. Each house shall transmit to the other papers on which any bill or resolution may be founded.

Rule 7. The standing committees on printing of the two houses shall be a joint standing committee, who shall examine all matters proposed to be printed by concurrent order, and shall report what part of such matter is needful to print. Each house may order the printing of bills introduced, reports of its own committees, and other matters pertaining to such house only; but no other printing shall be ordered except by a concurrent resolution passed by both houses. It shall be the duty of the secretary of the Senate and the clerk of the House to compare the bills introduced in each house and such bills as are introduced in both houses and are of the same wording shall only be printed in one house.

Rule 8. Joint resolutions and memorials addressed to congress, or either house thereof, or to the president of the United States, or to the head of any of the national departments, or proposing amendments to the state constitution, shall be treated in all respects as bills.

Rule 9. Bills which have passed a previous legislature, and which are transmitted to the legislature next sitting, accompanied by a message or statement of the governor's disapproval, or veto of the same, shall become the subject of a special order; and when the special order for their consideration is reached and called, the said message or statement shall be read, together with the bill or bills so disapproved or vetoed, and the message and bill shall be read by the clerk without interruption, consecutively, one following the other, and not upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon, save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the speaker is, "Shall the bill pass, notwithstanding the objections of the governor?" It shall not be in order, any time, to vote upon such vetoed bill without the same shall have first been read, from the first word of its title to and including the last word of its final section; and no motion shall be entertained after the chair has stated the question save a motion for the "previous question," but the merits of the bill itself may be debated.

Rule 10. That the Senate bills in the House and House bills in the Senate be the special order on Wednesday of each week during the session.

Rule 11. All amendatory acts shall refer to the title of the act amended in full and date of approval. Committees shall amend or substitute all titles to conform to this rule.

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49. Senator METCALF: An act relating to the payment of compensation to workmen injured while engaged in dangerous employments, or to persons dependent upon them in case death results from injuries so received; prescribing remedies, providing that such remedies shall be exclusive; providing for arbitration; asserting the police power of the state; providing penalties and making an appropriation.....	108 477								
50. Senator ALLEN (P. L.): An act to amend sections 1 and 2 of an act entitled "An act to provide for the issuance of licenses to honorably discharged soldiers, sailors and marines of the military and naval service of the United States, in the late war of the rebellion, who desire to carry on the business of peddler," etc.....	100	300	332						382

51. Senator COLLINS: An act appropriating money to defray the expenses of establishing and maintaining an exhibit of the products of the State of Washington at the Panama-Pacific International Exposition to be held in the city of San Francisco, California, in 1915, and providing for the appointment of a commission to prepare and manage said exhibit.....	100						
52. Senator NICHOLS: An act to legalize and validate the organization, establishment and creation of commercial waterway districts organized, or established, or created, or attempted to be organized or established or created under an act approved August 23d, 1909, etc.	117	236	246	254	254	296	335
53. Senator BRYAN: An act relating to paroling of inmates of penal and reformatory institutions.....	118	513					
54. Senator BARRETT: An act relating to the commitment of persons to the insane hospitals of the state, and amending section twenty-six hundred and sixty of Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency.....	118						
55. Senator ANDERSON: An act relating to the state institutions of higher education, creating a fund to be known as the University fund; a fund to be known as the Washington State College fund; a fund to be known as the Cheney Normal School fund; a fund to be known as the Ellensburg Normal School fund, etc.....	118						
56. Senator ALLEN (F. J.) (by request): An act to amend section one of an act entitled "An act to prohibit the sale or disposal of intoxicating drinks to Indians or mixed bloods, and providing penalties for the violation thereof, and repealing section 7316 Ballinger's Annotated Codes and Statutes of Washington," as approved March 11, 1909, being chapter 140 of the Session Laws of 1909.....	119	353					
57. Senator FALCONER: An act relating to and regulating the filing and approval of plats of land within and without cities of the first, second and third class and other cities and towns having a population of ten thousand or more persons, and prescribing public places, parks, commons and playgrounds therein.....	128	638					
58. JOINT ROADS AND BRIDGES COMMITTEE: An act repealing an act entitled "An act for the purchase of the highway bridge across the Columbia river at Wenatchee, Washington, by the State of Washington, from the Washington Bridge Company, providing means, method and time of payment therefor and the manner of future maintenance and supervision thereof, etc.....	129						141

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first and second time and referred...	Report of committee.....	Third reading and amendments.....	Other action in Senate.....	Vote on final passage.....	Message from House.....	Signed by President.....	Signed by Speaker.....	Approved and signed by Governor.....
59. Senator COLLINS: An act providing for the amendment of section 33 of article II of the Constitution of the State of Washington relating to the ownership of lands by aliens.....	129	259	294	282	295				
60. Senator STEPHENS: An act to provide for the formation of banking corporations, and to regulate the business of banking and securing state supervision thereof; for the appointment of a state examiner, defining his duties, fixing his compensation and making an appropriation therefore, etc.....	129	518 687	782		786				
61. Senator JESSEN: An act abolishing the doctrine of fellow servant and assumption of risk.....	129								
62. Senator STEWART: An act pertaining to the making and use of false statements to obtain property or credit, and providing a penalty therefor.....	138	277	296	296					
63. Senators ROSENHAUER and HUXTABLE: An act relating to elections and primary elections, and providing that certain electors may cast their ballots in precincts other than those in which they reside.....	138	366 882	476	476					
64. Senator STEWART: An act regulating notaries public who are stockholders, directors, officers or employees of banks or other corporations.....	138								
65. Senator ROSENHAUER: An act relating to the conduct of judges of courts not of record.....	138	209	228		228	778		888	
66. APPROPRIATIONS COMMITTEE: An act making appropriations for certain deficiencies for the fiscal period ending March 31, 1911.....	138	144	154		154	000			

67. Senator COLLINS: An act to amend sections 3 and 4 of an act entitled "An act creating the state shore land improvement fund, providing for certain warrants to be drawn upon said fund, making such warrants preferential and appropriating and providing for the expenditure and disbursement thereof," approved March 17, 1909, making an appropriation and declaring an emergency.....	138	716		
68. Senators LANDEX and WHITE: An act to amend section 1 of article XXVII of the Constitution of the State of Washington relating to amendments, and providing for the amendment of the constitution by the initiative.....	139			
69. Senators LANDEX and WHITE: An act to amend section 1 of article II of the Constitution of the State of Washington relating to legislative powers, providing for the initiative and referendum, and striking section 31 of said article II relating to the time when laws take effect.....	139			
70. Senator STEWART: An act relating to the taking of smelt in the Columbia river, and its tributaries within the State of Washington, and fixing penalties for the violation thereof.....	139			
71. Senators LANDEX and WHITE: An act to amend article one (1) of the Constitution of the State of Washington, authorizing and empowering the voters to call a special election at any time to recall and discharge any elective public officer and to elect his successor, by adding thereto at the end of said article one (1) two new sections which shall be numbered sections 33 and 34 of said article one (1).....	139			
72. Senator JACKSON: An act appropriating the sum of nine thousand dollars for the use and benefit of the Florence Crittenton and the White Shield Home rescue work for the State of Washington.....	140			
73. Senator WHITE: An act providing that whenever in any action, suit or other proceeding before any court, judicial, legislative or executive tribunal or before any commission or other authority any pleading, notice, exception, motion for new trial, notice of appeal, statement of facts, or other document or written instrument, etc.....	140	353	459	459
74. Senator HUXTABLE: An act to regulate and limit the hours of employment of females in any mechanical or mercantile establishment, laundry, hotel or restaurant; to provide for its enforcement and a penalty for its violation.....	140			
75. Senator SMITHSON: An act to make uniform the law of warehouse receipts.....	146	584	967	967

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first and second time and referred...	Report of committee.....	Third reading and amendments.....	Other action in Senate.....	Vote on final passage.....	Message from House.....	Signed by President.....	Signed by Speaker.....	Approved and signed by Governor.....
76. COMMITTEE ON GAME: An act creating a game preserve of Moses lake, Grant county, Washington; prohibiting the killing of game or wild birds thereon, and providing penalties for the violation thereof.....	146 343	338							450
77. Senators NICHOLS and MITCHELL: An act relating to all commercial waterway districts, providing for their establishment, organization and creation, prescribing the powers, duties and authority of all commercial waterway districts, etc.....	147	234	242		272	286	335	413	
78. Senator COLLINS (by request): An act to regulate the purchase, sale, transfer and encumbrance of stocks of goods, wares or merchandise in bulk, and fixtures or equipment used, or to be used, in the sale, display, manufacture, care or delivery of said goods, wares or merchandise, and prescribing penalties for the violation thereof, and to amend sections, etc.....	147	239 245	255		256				
79. Senator STEPHENS: An act relating to railroad crossings, cattle-guards and fences, and amending section 8730 of Remington and Ballinger's Annotated Codes and Statutes of Washington.....	148	352 767							
80. Senator TROY: An act relating to the registration and licensing of stallions and jacks, providing for the fees therefor and fixing the penalties for a violation of the provisions hereof.....	152	301	347	791	348	779	835	868	
81. Senator JACKSON: An act ceding to the United States exclusive jurisdiction over title lands in front of the McNellis Island penitentiary site.....	152	300	332		332				
82. Senator COLLINS (by request): An act for the securing of claims, and creating and providing for the enforcement of liens for labor and material, and repealing certain laws in relation thereto.....	152								

83. Senator ROSENHAUPT: An act relating to the compensation of judges of the supreme court.....	234	241 251	242	241 251	214	214	863	866	868	803
84. JUDICIARY COMMITTEE: An act to adopt Pierce's Washington Code as an official compilation, and declaring an emergency.....	152	152	214	214	230	711	727	727	868	
85. JUDICIARY COMMITTEE: An act amending section 2 of an act entitled "An act defining forcible entry, forcible detainer and unlawful detainer of real property, and providing remedies therefor by summary proceedings," approved March 7, 1891," approved March 6, 1905, and declaring an emergency.....	153	153	229	229	230	711	727	727	868	803
86. Senator BASSETT: An act relating to the charitable and correctional institutions of the state, counties and municipalities, and those of a public and private nature, and creating a state charities and corrections commission, prescribing its duties and powers with respect to both public and private charitable and correctional institutions, and appropriating money therefor and prescribing penalties.....	133	510								
87. Senator BASSETT: An act providing for an annual levy for public highway purposes and amending chapter 246 of the Session Laws of 1909, etc.....	133	260	282	913	283	915	966	966	960	
88. Senator Cox: An act to validate deeds, authorized by county commissioners, of real property acquired by the county through tax sales, and declaring an emergency.....	153									
89. Senator FALGONER: An act to enable counties, cities and towns to validate certain warrants and other obligations and evidences of indebtedness on the part of such counties, cities and towns, issued by the corporate authorities thereof in excess of their legal authority, and declaring an emergency.....	209	275	297	297	297	1041	1061	1070	1070	
90. Senator BASSETT: An act authorizing school districts of the first class to create and maintain a permanent insurance fund, to be used to meet losses by fire, if any, to the school property of the district, and providing for the investment of said fund.....	210	466	501	501	501	1064	1065	1076	1076	
91. Senator Cox: An act to provide for the qualification of the judges of the supreme court and the superior courts of the State of Washington.....	210	365	458	458	459					
92. Senator LAMBON (by request): An act providing when plaintiff may sue as a poor person.....	210									

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first and second time and referred...	Report of committee.....	Third reading and amendments.....	Other action in Senate.....	Vote on final passage.....	Message from House.....	Signed by President.....	Signed by Speaker.....	Approved and signed by Governor.....
93. Senator LANDOX (by request) : An act providing for the relief of Julius Elder and making an appropriation.....	210								
94. Senator COLLINS : An act relating to the protection, distribution, purchase, propagation and classification of certain animals, birds and fishes in the State of Washington; providing penalties for the violation thereof; creating a state game fund, a state game commission, state game wardens and deputies, and repealing all laws in conflict therewith.....	210 430	423 567 646	646	987 1048	672	939	1079	1080	
95. Senator HURSTABLE : An act to amend sections twelve (12) and twenty-three (23) of article two (2) of the Constitution of the State of Washington relating to time of meeting of the legislature and fixing the compensation of members thereof.....	211	642							
96. Senator STEPHENS : An act repealing section 19 of an act approved March 14, 1907, entitled "An act creating the Washington State Reformatory, providing for the erection and management thereof," and making an appropriation therefor.....	211	286	234		234				
97. COMMITTEE ON STATE, GRANTED, SET-ASIDE AND TIDE LANDS : An act relating to the leasing of harbor areas, tide lands and lands of the State of Washington for boating purposes, and amending section 1, chapter 233 of the Laws of 1907.....	211 475	463	591		591	908	937	904	
98. Senator COLLINS : An act to amend sections 7, 10 and 16 of chapter 190 of an act of the legislature of the State of Washington approved March 17th, 1909, entitled "An act in aid of children, providing for the custody, control, treatment, maintenance and education of neglected and delinquent children, under the direction and by the order of the superior court, etc....."	212	722							

99.	Senator Browns: An act making an appropriation for the relief of the State Normal School at Bellingham.....	212						
100.	Senator BRYAN: An act providing for the labeling of all convict-made goods offered for sale in this state and providing penalties for the violation thereof.....	212	479					
101.	SENATORS FROM SPOKANE AND WHEATON COUNTIES: An act to provide for a general system of township organization and providing a method of adopting township officers in counties which may adopt or have adopted township organization; prescribing the powers and duties of such boards and the powers and duties of the electors at town meetings, etc.....	212 586						
102.	JOINT COMMITTEE ON RAILROADS AND TRANSPORTATION: An act relating to public service properties, providing for the regulation of the same, fixing penalties for the violation thereof, and repealing certain acts.....	213 646	816	821	927	1061	1062	
103.	Senator Cox: An act to amend section 585 of Remington and Ballinger's Annotated Codes and Statutes of Washington, being section 5540 of Remington's Codes and Statutes of Washington, relating to actions for the possession of and to quiet title to real property.....	219	705	706	1084	1079	1080	
104.	Senator ANDERSON: An act to amend section 2 of chapter 224, Session Laws of 1909, relating to the improvement of the Columbia river, and making an appropriation.....	219	949	947				
105.	Senator COLLINS: An act amending section 193, and repealing section 284, of chapter 249, Session Laws of 1909, entitled "An act relating to crimes and punishments and the rights and custody of persons accused or convicted of crime, and repealing certain acts," approved March 22, 1909.....	219 750	749	750	863	862	868	
106.	Senator ALEX (P. L.): An act classifying the counties according to population, enumerating the county officers and fixing their salaries and compensation and repealing all acts and parts of acts in conflict therewith.....	220						
107.	Senator BASSETT: An act relating to the operation of and requiring the registration of all motor vehicles, providing for an annual registration or license fee, making a violation of the provisions of this act a misdemeanor and providing a punishment.....	220	648	649				
108.	Senator BASSETT: An act in relation to persons accused of crime and pleading insanity as a defense or justification, and prescribing the method of procedure therein.....	220						

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first and second time and referred...	Report of committee.....	Third reading and amendments.....	Other action in Senate.....	Vote on final passage.....	Message from House.....	Signed by President.....	Signed by Speaker.....	Approved and signed by Governor.....
109. Senator STEWART: An act relating to false statements, and making the same a gross misdemeanor.....	225	276	295		296				
110. Senator HEWITT: An act relating to and providing for the election of the city attorney and police judge in cities of the second class, repealing all laws or parts of laws in conflict with the provisions of this act.....	225	425 511	747		747				
111. COMMITTEE ON EDUCATION: An act to amend section 1, of chapter 19, of title 3 of the Code of Public Instruction, being chapter 97 of the Session Laws of 1909.....	225		255 273	1057	273	1054	1079	1080	
112. Senator FALCONER: An act creating a commission to investigate the operation of coal mines in the State of Washington, to revise the coal mining laws of the state, to report their conclusions to the next legislature, and providing an appropriation therefor.....	225	425 465	484	1055	485	1034	1079	1080	
113. Senator JACKSON: An act amending section 18 of an act entitled "An act to provide for the submission to the qualified electors of the question whether the sale of intoxicating liquors shall be licensed or prohibited, providing for the enforcement of the result of the elections hereunder, defining offenses," etc.....	226	332 682	948		950				
114. JUDICIARY COMMITTEE: An act relating to legal holidays and declaring an emergency.....	226		253		253	412	418	421	427
115. Senators BROWN and WHITE: An act relating to and providing for the payment of obligations existing against road districts in counties which have heretofore, or which shall hereafter adopt township organization government, and declaring an emergency.....	226	245	269		270	450	482	497	583

116.	Senator ALLEN (F. J.) : An act authorizing cities and towns to acquire by purchase or contract, water for irrigation and domestic purposes, providing for the construction of a piping system, to levy and collect special assessments and taxes to pay for the same, providing for modes of payment therefor, etc.....	226	653				
117.	Senator BROWNS : An act to establish and regulate the salaries of county commissioners in counties having a township organization, other than counties of the first class.....	227					
118.	Senator STEPHENS : An act amending section 4 of an act entitled "An act relating to attorneys and counselors-at-law," approved March 15th, 1909.....	240					
119.	Senator STEPHENS : An act appropriating \$15,000.00 for the improvement of the Skykomish river in Snohomish county, Washington, providing for the appointment of a commission to expend the same, and conferring upon such commission the power of eminent domain.....	240					
120.	Senator JENSEN : An act amendatory—A bill amending section 140 of chapter 249 of the Session Laws of 1909, and abolishing the infliction of death as a penalty for the crime of murder in the first degree and substituting therefor imprisonment in the state penitentiary for life.....	240	338	420	420		
121.	Senator FALCONER <i>et al.</i> : An act to amend sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 16, 18, 19, 20 and 23 of "An act to provide for the submission to the qualified electors of the question whether the sale of intoxicating liquors shall be licensed or prohibited, providing for the enforcement of the result of the elections hereunder," etc.....	241	506	625	1009	628	
122.	Senator JACKSON : An act relating to weights and measures; establishing standards therefor; providing for the enforcement thereof; providing penalties for the violation of this act, and repealing sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 of an act entitled "An act to establish a uniform standard of weights and measures, and to provide for a state sealer and inspector of the same," approved March 20, 1890.....	241	464	494	495	872	
123.	JUDICIARY COMMITTEE : An act relating to elections held under city charter recall provisions, providing for challenges thereat, and declaring an emergency.....	247		282		287	271 278 274
124.	Senator SHAEFER (by request) : An act to amend section 6255 of title Remington and Ballinger's Annotated Codes and Statutes of title XLVI entitled "An act to establish the legal interest in the State of Washington, to prevent usury, and to provide for the establishment of the rate of interest on public warrants, effect of legal interest rate, when brought thereon".....	247					

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first and second time and referred...	Report of committee.....	Third reading and amendments.....	Other action in Senate.....	Vote on final passage.....	Message from House.....	Signed by President.....	Signed by Speaker.....	Approved and signed by Governor.....
125. Senator STEPHENS: An act to amend chapter 60 of the Session Laws of 1909, relating to drainage and sewerage in cities of the third class, and declaring an emergency.....	248								
126. Senator ARASMITH: An act permitting the formation of special road districts, providing for a special tax levy within such districts, the election of road foreman, and relating to the construction and repair of roads within such districts.....	248	657	748		748				
127. Senator ALLEN (P. L.): An act relating to or affecting the leasing of what is known as the "Old University Tract" in the city of Seattle.....	248	441	482		482				
128. Senator ALLEN (F. J.): An act appropriating two thousand, nine hundred and twenty-three (\$2,923.00) dollars to pay witness fees and mileage to persons summoned before the state board of tax commissioners to testify as to valuation of property.....	248	424	460		480				
129. COMMITTEE ON ELECTIONS AND PRIVILEGES: An act relating to the classification of counties, naming the officers thereof, fixing the compensation and office hours, and repealing all acts in conflict herewith.....	248 462	468	751		756				
130. Senator BASSETT: An act amending section 4504, Remington and Ballinger's Annotated Codes and Statutes, relating to the duties of school directors of districts of the first class.....	240	299	418		418				
131. Senator BASSETT: An act amending section 4558, Remington and Ballinger's Annotated Codes and Statutes, relating to the duties of county treasurers in school districts.....	240	300	410		419	864	862	806	

132.	Senator BASSETT: An act amending article 8, chapter 4, title 3, chapter 97, Session Laws, 1909, by adding certain new sections thereto and relating to the duties of county auditors in connection with the work of the school districts of the county.....	249	300	419	420	1063	1065	1076	.....
133.	Senator BASSETT: An act amending sections 4554, 4555, 4556, and 4557, Remington and Ballinger's Annotated Codes and Statutes, relating to the duties of county auditors in auditing the accounts of school districts.....	249							.....
134.	Senator BASSETT: An act amending sections 4610, 4613, 4615 and 4624, Remington and Ballinger's Annotated Codes and Statutes, relating to the bonds of school districts.....	250	466	541	1068	1054	1079	1080	.....
135.	Senator BASSETT: An act to provide for the selection and purchase of a site, construction of buildings for the State Institution for Feeble-Minded; making an appropriation therefor, and declaring an emergency.....	250	500						.....
			802						.....
136.	Senator COX: An act to repeal section 1643 of Remington and Ballinger's Annotated Codes and Statutes of Washington, relating to the appointment of guardians by will.....	250	365						.....
137.	Senator BRYAN: An act prohibiting any corporation from subscribing for, acquiring, holding, owning, selling or voting any shares of stock in any other corporation, and repealing chapter 27 of the Session Laws of 1905.....	250	500						.....
138.	Senator NICHOLS: An act relating to private corporations and allowing minority stockholders representation on the board of trustees.....	250							.....
139.	Senator BASSETT: An act amending section 3954, Remington and Ballinger's Annotated Codes and Statutes, relating to the settlements of county treasurers with county commissioners.....	264	638						.....
140.	Senator BASSETT: An act amending section 3930, Remington and Ballinger's Annotated Codes and Statutes, relating to the counting of moneys in the county treasury by county commissioners.....	265	639						.....
141.	Senator METCALF: An act relating to corporations and amending sections 3679, 3683 and 3686 of Remington and Ballinger's Annotated Codes and Statutes of Washington.....	265							.....
142.	Senator DAVIS: An act to provide for the making a survey to locate canals, flumes, aqueducts and water courses Lake Wenatchee and certain lands lying in Grant county, Washington; also to investigate the water supply for the purposes of irrigation.....	265							.....

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first and second time and referred...	Report of committee.....	Third reading and amendments.....	Other action in Senate.....	Vote on final passage.....	Message from House.....	Signed by President.....	Signed by Speaker.....	Approved and signed by Governor.....
143. Senator DAVIS: An act to amend section 4268 of Ballinger's Annotated Codes and Statutes of the State of Washington, relating to the issuance of bonds and notes by corporations.....	364 344	364 344	826		827	1084	1081	1070	
144. Senator ALLEN (F. J.): An act providing for a lien in favor of nurserymen upon the sale of nursery stock and for the filing of notice of lien and for the foreclosure of the same.....	295	766							
145. Senator BASSETT: An act creating a state library commission, providing for the management of the state library and the state traveling libraries, the appointment of a state librarian, etc.....	295								
146. Senator BASSETT: An act amending section 4541, Remington and Ballinger's Annotated Codes and Statutes, relating to the duties of school district clerks.....	296								
147. Senator MERCALF: An act relative to legal holidays and declaring the 12th day of October of each year to be a legal holiday to be known as "Columbus Day".....	279	354	660 734		650 734	908	987	964	
148. Senator STEVENSON: An act to provide for the incorporation of grand lodges of fraternal societies.....	279	798							
149. Senator ESBY: An act to protect the improved highways of the State of Washington, and of the various counties thereof, by regulating the loading of wheeled vehicles according to the width of their tires, etc.....	279								
150. Senator WHALLEY: An act relating to offenses against suffrage, fixing punishments and penalties therefor, and amending sections 4958, 4959, 4960, 4961, 4962, 4963 and 4967 of Remington and Ballinger's Annotated Codes and Statutes of Washington.....	279	351	459	1003	460	1053	1079	1080	

151.	Senators ESKY and ANDERSON: An act proposing an amendment to sections 2 and 3 of article 2 of the Constitution of the State of Washington, relating to the membership of the legislature.....	289	338	339				
152.	Senator STEVENSON: An act relating to the taking of food fishes, and amending section 5187 of Remington and Ballinger's Annotated Codes and Statutes of Washington.....	290	642	783	1064	794	1033	1079 1080
153.	Senator LANDON: An act appropriating the sum of one hundred eighty-six thousand three hundred twenty and 75-100 dollars from the state shore land improvement fund, and providing for the expenditure thereof in connection with the construction and improvement of the Lake Washington canal in King county, Washington.....	290	424	500		501	1024	1040 1069
154.	Senator LANDON: An act providing for the sale by common carriers of refused or unclaimed property.....	290	512	714		714		
155.	JUDICIARY COMMITTEE: An act relating to funds deposited with or paid into the superior courts; prescribing the duties of county officers with relation thereto, and declaring an emergency.....	290		333		333		
156.	Senator LANDON: An act to prevent the keeping or distribution of obligations resembling money of defunct banks, insurance companies, railroad companies and other corporations, associations or individuals, and to provide a punishment for the violation thereof.....	291						
157.	Senator ALLEN (P. L.): An act ceding to the United States certain state school lands whenever the United States shall grant the state forest reserve lands in lieu thereof.....	305	639					
158.	Senator JENSEN: An act for the creation of a tuberculosis commission.....	305	350, 689					
159.	Senator COLLINS: An act for the protection of game animals, game birds and song birds in certain designated territory in the State of Washington; to prohibit the firing of firearms therein, and providing a punishment for the violation thereof.....	306	499	599		590		
160.	Senator COLLINS: An act authorizing cities of the first class to appropriate money, or incur indebtedness, for the construction of tubercular hospitals upon lands owned by charitable organizations, and to aid in the care of indigent tubercular patients, etc.....	306	697					
161.	Senator MYERS: An act prohibiting the sale or offering for sale of poultry, game and fish under certain circumstances; providing for its enforcement, and prescribing a penalty for the violation thereof..	306	490	664		665		

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first and second time and referred...	Report of committee.....	Third reading and amendments.....	Other action in Senate.....	Vote on final passage.....	Message from House.....	Signed by President.....	Signed by Speaker.....	Approved and signed by Governor.....
162. Senator HEWITT: An act authorizing cities of the first, second, third and fourth classes to create a publicity fund, and to levy taxes for that purpose, and providing for the manner of the expenditure of such fund.....	306	737							
163. Senator MYERS: An act to provide for the licensing of transient or itinerant merchants, and prescribing a penalty.....	307	488							
164. Senator ALLEN (P. L.): An act relating to the liability of surety companies, and to prevent discrimination by such companies.....	307 845	801							
165. Senator ROBERTS: An act relating to the expenditure of road and bridge funds in the construction, improvement and repair of public highways and bridges, and amending section 15 of chapter 119, of the Laws of 1903, being section 5585 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency.....	307 642	655	823	940	823	938	960	960	
166. Senator ALLEN (P. L.): An act to promote the safety of employees and passengers on railroads by prescribing the number of men that shall constitute a train crew, and providing a penalty for the violation of this act.....	307	637	747		747	1041	1065	1076	
167. Senator PAULHAMUS: An act relating to the State Soldiers' Home and admission thereto, and amending section 1 of chapter 152 of the Laws of 1905.....	308	480	538	1059	589	1041	1079	1080	
168. Senator FALCONER: An act making legal and valid all ordinances of towns of the fourth class, heretofore typewritten and posted in three public places.....	310								

169.	Senator FALCONER: An act to amend section 155 of "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency."	517				
170.	COMMITTEE ON STATE, GRANTED, SCHOOL AND TIDE LANDS: An act relating to the deposit of moneys received by the commissioner of public lands, and declaring an emergency.	486	913	437	909	964
171.	COMMITTEE ON STATE, GRANTED, SCHOOL AND TIDE LANDS: An act creating a board of state land commissioners; defining its duties, and declaring an emergency.	486	542	439	1009	
172.	Senator BASSETT: An act to provide for the transferring of certain county territory and the annexation of the same to a contiguous county.					
173.	Senator ALLEN (P. L.): An act for the relief of the suffering and starving victims of the famine in China, and making an appropriation therefor, and declaring an emergency.	423				
174.	Senator NICHOLES: An act relating to the establishment and widening of county roads and to the exercise of the right of eminent domain by counties in condemning land and other property for county roads and to secure property containing gravel, stone or other road building materials and rights-of-way in and to such property and repealing all acts in conflict herewith.	588	704	794	968	980
175.	Senator COLLINS: An act providing for the abandonment or dismissal of condemnation proceedings begun by corporations, other than municipal, and for the allowance of reasonable attorney's fees to the owner of the property sought to be condemned.	769	955	965		
176.	Senator RUTH: An act to amend section 16 of an act entitled "An act in relation to the insane of the State of Washington and making appropriations for the maintenance thereof, and declaring an emergency," etc.	514				
177.	Senator ROSENHAUPT: An act providing for the amendment of section 25 of article 2 of the Constitution of the State of Washington, relating to sessions of the state legislature and the compensation and mileage for the members thereof.	766				
178.	COMMITTEE ON BANKS AND BANKING: An act amending chapter 76, Session Laws, 1909, relating to the creating of a bureau of inspection and supervision of public officers, and establishing a uniform system of public accounting by adding thereto an additional section permitting the state auditor to call together annually for instruction certain county officers and state examiners, and providing for the payment of the expenses thereof.	667	457	467		

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first and second time and referred...	Report of committee....	Third reading and amendments.....	Other action in Senate.....	Vote on final passage.....	Message from House.....	Signed by President.....	Signed by Speaker.....	Approved and signed by Governor.....
179. Senator WHITNEY: An act to create the county of Cosgrove subject to the requirements of the state constitution and the statutes in respect to the establishment of new counties, and declaring an emergency.....	342	466	541	541	456	906	907	904	907
180. COMMITTEE ON GAME: An act relating to the carrying of firearms, requiring licenses of certain persons, and fixing a penalty for the violation thereof.....	342		456						
181. Senators TROY, CHAPPELL, JESSEN and WHITE: An act to amend section thirty-six (36) and thirty-seven (37) of chapter 209 of the Session Laws of 1907, being an act entitled "An act relating to regulating and providing for the nomination of candidates for public office in the State of Washington, and providing penalties for the violation thereof, and declaring an emergency," approved March 15th, 1907.....	342								
182. Senator WHITE (by request): An act relating to a public administrator and to provide for the administration of certain estates, and to change the fees of probate applicable thereto.....	343								
183. COMMITTEE ON BANKS AND BANKING: An act amending sections 8351, 8355 and 8356 of Remington and Ballinger's Annotated Codes and Statutes relating to the inspection and supervision of public offices and the bureau of inspection and supervision of public offices.....	343		455	8405	456	778	835	868	907
184. Senator WHITE: An act amending section 4164, Remington and Ballinger's Annotated Codes and Statutes, relating to drainage districts.....	413								
185. Senator HOWITT: An act providing for the holding of sessions of the superior court elsewhere than at the county seat in any county									

186.	the state containing any city not the county seat having a population exceeding the population of the county seat, and authorizing the county commissioners of any such county to defray the expenses of said sessions, and declaring an emergency.	414	788				
	Senator METCALF: An act relating to the prevention of wrongs to children and dumb animals and providing for a bureau of child and animal protection.	414	674				
187.	Senator COLLINS: An act to amend sections three (3) and fifty-one (51) and to repeal section fifty-two (52) of an act entitled "An act relating to the restriction and confinement of tilles to land," and declaring an emergency, being chapter 250 of the Session Laws of Washington for 1907.	414					
188.	Senator POWEN: An act defining adulteration of and establishing standards for certain dairy products.	414	543	746			
189.	JUDICIARY COMMITTEE: An act relating to the terms of office and the election of judges of the supreme court, and amending section 1043 of Remington and Ballinger's Annotated Codes and Statutes of Washington.	414		478	1053	1065	1076
190.	Senator STEWART (by request): An act to provide for the removal and disposal of saw logs, spars, piles, poles, cordwood, shingle bolts and other timber products deposited upon lands by floods, freshets and other natural causes.	415	657				
191.	Senator BASSETT: An act abolishing the office of county coroner, and imposing the duties thereof upon Justices of the peace.	415	644	876			
192.	Senator MYERS: An act providing for screens at the head of irrigating canals, flumes or ditches, and amending section 1, chapter 79, Session Laws, 1905.	428	656				
193.	Senator CHAPPELL: An act to create the county of White Salmon subject to the requirements of the state constitution and the statutes in respect to the establishment of new counties, and declaring an emergency.	429	488	874	875		
194.	Senator RYAN: An act amending sections 1 and 2, chapter 220, Session Laws of 1909, relative to the hours of employment of persons employed under ground in coal mines, making a violation thereof a misdemeanor, and providing penalties.	428					
195.	Senator BASSETT: An act amending section 4562, Remington and Ballinger's Annotated Codes and Statutes, relating to apportionment of the state current school fund.	429	608	508	1053	1065	1076

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first and second time and referred...	Report of committee....	Third reading and amendments.....	Other action in Senate.....	Vote on final passage.....	Messages from House.....	Signed by President.....	Signed by Speaker.....	Approved and signed by Governor.....
196. Senator HUTCHINSON: An act to amend section 5928 of Remington and Ballinger's Annotated Codes and Statutes of Washington, relating to the hospital for the insane at Fort Steilacoom.....	429	511	714		714				
197. Senator HUTCHINSON: An act to amend section 5939 of Remington and Ballinger's Annotated Codes and Statutes of Washington, relating to the hospital for the insane at Medical Lake.....	429	512	714		714				
198. Senator METCALF: An act for the relief of the Tacoma Humane Society of Pierce county, Washington, for money collected by county officials belonging to said society and paid by error into the state school fund, and making an appropriation therefor.....	451	599	1045		1045				
199. Senator ROSENHAUPT: An act relating to convicted prisoners, and defining the duties of the judges and county attorneys in relation thereto.....	451 789	789							
200. COMMITTEE ON MILITARY AFFAIRS: An act providing for an organized naval militia.....	451		501		502	1053	1046	1076	
201. COMMITTEE ON STATE GRANTED, SCHOOL AND TIDE LANDS: An act relating to the forests of the state; creating a state board of forest commissioners; providing for a state forester, fire wardens, forest rangers; defining their duties and powers, and making an appropriation therefor, and providing punishments for the violation thereof, etc.....	451 991	796 1067	936 992	965 1057 1072	936 992	1063	1064	1084	
202. Senator CHARPILL: An act relating to the creation of bonded road districts.....	452								

203.	Senators ALLEN (P. L.), NICHOLS and JACKSON: An act dedicating to the city of Seattle for street and boulevard purposes certain tracts of land in section 16, township 25 north, range 4 east W. M., and in blocks 7 and 8 of Lake Washington shore lands, upon condition that no assessments for the improvement thereof shall be levied against the property above described, and declaring an emergency	452	520 644	724	1025	726	1025	1040	1059
204.	Senator IRTH: An act providing for the care and education of defective and feeble-minded youth of the State of Washington and requiring persons legally liable for their support to pay the cost thereof	452	717						
205.	Senator STEPHENS: An act relating to road and bridge bonds, and amending section 5095 of Remington and Ballinger's Annotated Codes and Statutes of the State of Washington	453	652	955		955			
206.	Senator NICHOLS: An act to amend sections one and two of an act entitled "An act authorizing cities of the first class in the State of Washington which at the government census in 1900 had a population in excess of 80,000, to construct and maintain, upon public streets, and upon the extensions or connections thereof across waterways, rivers, canals or other channels, wherever public necessity may require, bridges, etc.	453	641	792		783	1063	1061	1070
207.	Senators EASTHAM and STEWART: An act to provide for the erection and maintenance of a wagon bridge across the north fork of the Lewis river on the line of the Blaine-Vancouver state highway, creating a commission and providing an appropriation of \$15,000 therefor	453 744	737	919		920	1084	1061	1070
208.	Senator HAMMER: An act to provide for the establishment, location, construction and management of a hospital for the insane near Sedro Woolley, in Skagit county, and making an appropriation therefor	470	511 669	970		970			
209.	Senator HAMMER: An act providing for the improvement of the Skagit river, in Skagit county, making an appropriation therefor, authorizing the county of Skagit to contribute thereto, creating a board to administer the same, and extending to said board the power of eminent domain	470							
210.	PUBLIC MORALS COMMITTEE: An act to amend section 441 of chapter 249, Laws of 1909, being "An act relating to crime and punishments and the rights and custody of persons accused or convicted of crime, and repealing certain acts," approved March 22, 1909	470		560					591

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first and second time and referred...	Report of committee.....	Third reading and amendments.....	Other action in Senate.....	Vote on final passage.....	Message from House.....	Signed by President.....	Signed by Speaker.....	Approved and signed by Governor.....
211. Senator RUTH: An act relating to the soliciting or receiving by or giving to, any gratuity to any employe of any public house or public service corporation, and repealing sections 2691 and 2692 of Remington and Ballinger's Codes and Statutes of Washington.....	470		853		854	1053	1065	1076	
212. Senator COX: An act relating to the management of the Jute mill at the state penitentiary, regulating the purchase, manufacture and sale of jute and other products manufactured at the state penitentiary, etc.	471	548							
213. Senator NICHOLS and WHITE: An act relating to the management of the institutions of higher education of the State of Washington, and repealing all laws in conflict herewith.....	471								
214. Senator BASSETT: An act to establish uniformity in the size of boom plats to be filed in the office of the secretary of state, and amending section 7124 of Remington and Ballinger's Annotated Codes and Statutes of Washington.....	471	545							
215. Senator FALCONER: An act to amend article VII of the Constitution of the State of Washington, relating to assessment and taxation.....	471	739							
216. Senator COX: An act authorizing the state board of control to provide pecuniary assistance to convicts in the state penitentiary.....	472								
217. Senator EASTMAN: An act for the protection of fish in Lake river and sloughs of the Columbia river in Clarke county, limiting the catch of black bass and croppies in the same waters, and declaring an emergency.....	472	656							

218.	Senator Esay: An act relating to fish, oyster, clams and crabs, providing for the protection thereof, licensing and taxing the taking of the same and boats and appliances used therefor, providing penalties and amending sections 5152, 5159, 5234, 5235, 5236, 5237, 5243, 5245, and 5248 of Remington and Ballinger's Annotated Codes and Statutes of Washington.....	472	680	970	970	961	970	.....
219.	Senator Esay: An act relating to the publication of notices in regard to delinquent taxes.....	472	655	.....	.....	.....	.....	.....
220.	Senator Esay: An act relating to rights-of-way and fixing the value of property sought therefor.....	473	590	.....	.....	.....	.....	.....
221.	Senator Hutchinson: An act to prohibit the blowing of steam or compressed air whistles in incorporated cities and towns.....	473	545	.....	874	873	.....	.....
222.	Senator Hutchinson: An act prohibiting in public institutions, the administering of corporal punishment to minors.....	473	501	.....	.....	.....	.....	.....
223.	Senator White: An act relating to the location and establishment of harbor lines, waterways and slips in the navigable waters of the state and relating to the definition, designation, blattling, replattling, appraisal, reappraisal, reservation, restoration, sale, lease, improvement, occupancy, development, maintenance, direction and use of the beds, etc.....	473	748	.....	.....	958	958	.....
224.	Senator White: An act authorizing the establishment of port districts; providing for the acquirement, construction, maintenance, operation, development and regulation of a system of harbor improvements and rail and water transfer and terminal facilities within such districts, and providing the method of payment therefor.....	475	.....	.....	.....	.....	.....	.....
225.	Senator Stewart: An act localizing and validating the incorporation and re-incorporation of towns and cities heretofore incorporated or re-incorporated or attempted to be incorporated or re-incorporated under the provisions of any general law of the state heretofore at any time in effect, declaring the effect thereof, localizing and validating existing contracts and obligations of such towns and cities and the acts of the officers thereof, and declaring an emergency.....	475	.....	.....	.....	.....	.....	.....
226.	Senator Rynstrom: An act to apportion the State of Washington into five congressional districts.....	491	738	965	967	968	968	.....
227.	Senator Romers: An act to amend section 11, chapter 78 of the Session Laws of 1907, entitled "An act to provide for the assessment of the operating property of railroads," approved March 6, 1907, and declaring an emergency.....	491	901	.....	.....	.....	.....	.....

TITLE AND HISTORY OF SENATE BILLS—(CONTINUED.)

NUMBER, AUTHOR AND TITLE.	Read first and second time and referred...	Report of committee.....	Third reading and amendments.....	Other action in Senate.....	Vote on final passage.....	Message from House.....	Signed by President.....	Signed by Speaker.....	Approved and signed by Governor.....
228. Senator SHAEFER (by request): An act to amend an act entitled "An act for the regulation of practice of medicine and surgery, and osteopathy, and other systems or modes of treating the sick or afflicted in the State of Washington, and for the appointment of a board of medical examiners in the matter of regulation," approved March 13, 1909.....	492	902							
229. Senator BRYAN: An act relating to and providing for the nomination of candidates for public office, and for the printing of the names of candidates on the general election ballot, providing penalties for the violation thereof, repealing chapter 209 of the Session Laws of 1907, and chapter 82 of the Session Laws of 1909, and providing an emergency.....	492								
230. JUDICIARY COMMITTEE: An act relating to the disqualification of the superior courts, and providing change of venue or change of judges on account thereof.....	492		650		650	1053	1061	1070	
231. JUDICIARY COMMITTEE: An act relating to fees of clerks of the superior court and repealing all acts in conflict therewith.....	387		712 838		713 838				
232. COMMITTEE ON RAILROADS AND TRANSPORTATION: An act to amend section 16 of chapter 142 of the Statutes of Washington for the year 1907, entitled "An act providing for the furnishing of cars to shippers and prescribing the time of loading, transporting and unloading the same, with storage and charges incidental thereto and providing charges and penalties for delay and for the violation of this act and authorizing the Railroad commission of Washington to prescribe additional rules and to enforce the same and the provisions of this act," and declaring an emergency.....	537		850						

233. Senator Rydstrom (by request) : An act to amend section 9 of chapter 77, an act entitled "An act relating to county surveyors, defining their powers and regulating their duties," approved March 19, 1895	537								
234. Senator Collins: An act authorizing the appropriation, changing, and changing of public and private property and rights therein by certain classes of corporations.	538								
235. APPROPRIATIONS COMMITTEE: An act to provide for the making of topographic maps within the State of Washington, and the investigation of its water resources in co-operation with the United States government; also for geologic investigations within the State of Washington, and appropriating moneys therefor.	538								
236. Senator Stephens: An act to amend sections 1 and 2 of "An act to provide for the restatement of corporations whose names have been or may be stricken from the records of the office of the secretary of state, declaring the effect of a failure to secure such restatement, and declaring an emergency," and declaring an emergency	538	674	825	851	940	832	938	966	1084
237. Senator ROSENHAUPT: An act relating to Judges <i>pro tempore</i> , and amending section 40, of Remington and Ballinger's Annotated Codes and Statutes of Washington.	538	697							
238. Senator Troy (by request) : An act for the protection of livestock, providing for payment for diseased cattle by the state, making an appropriation therefor and providing penalties for the violation of this act.	534								
239. COMMITTEE ON PUBLIC MORALS: An act to protect the health and morals of minors and females by regulating places of entertainment and public resort, and by prohibiting the sale or gift of intoxicating liquor, opiates, cigars, or cigarettes or tobacco in any form to minors, etc.	584								
240. Senator ALLEN (P. L.) : An act to authorize the sale by the State of Washington of certain tide lands to the Mats Mats Lobster and Shell Fish Company, and to authorize the closing of Mats Mats bay to navigation.	584								
241. Senator ALLEN (P. L.) : An act amending section 1 of chapter 177, Session Laws of 1909.	585								

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first and second time and referred...	Report of committee.....	Third reading and amendments.....	Other action in Senate.....	Vote on final passage.....	Message from House.....	Signed by President.....	Signed by Speaker.....	Approved and signed by Governor.....
242. Senator ALLEN (P. L.): An act authorizing the state board of control to select tracts of lands from the grant to state charitable, educational, penal and reformatory institutions, to be utilized for the establishment and maintenance of state institutions.....	585								
243. Senator FALCONER: An act relating to building, loan and savings associations and amending sections 9 and 19 and repealing sections 36 and 37 of chapter 4 of the Session Laws of 1890, and adding to said act a section prohibiting foreign building, loan and savings associations from doing business in this state.....	585	673	867		868				
244. COMMITTEE ON STATE CHARITABLE INSTITUTIONS: An act to provide for the selection and purchase of additional land, the improvement thereof for the use of the State, Institution for Feeble-Minded at Medical Lake, Washington, and making an appropriation therefor.....	585		912		912	1052	1061	1070	
245. Senator JENSEN: An act relating to the monthly payment of wages or salary, and providing a penalty.....	585								
246. Senator HUTCHINSON: An act amending section 140 of chapter 249 of the Session Laws of 1909, and abolishing the infliction of death as a penalty for the crime of murder in the first degree and substituting therefor imprisonment in the state penitentiary for life, and providing for pardon.....	596	656							
247. COMMITTEE ON IRRIGATION: An act relating to the granting to persons, firms and corporations an easement over, upon and across the beds of the rivers of the State of Washington for the construction and maintenance of dams and works incident thereto for irrigation and power purposes.....	596		792	1067	792	1041	1005	1076	

248.	Senator ALLEN (F. J.): An act providing for the payment of costs and expenses incurred pursuant to an act entitled "An act providing for the establishment and construction of ditches for drainage purposes," approved March 8, 1901, and providing for the re-establishment and re-organization of abandoned ditches and drains as drainage districts.....	386	698	855	886	1052	1061	1070
249.	Senator FISHBACK: An act relating to former verification of expenses vouchers, repealing section 8342 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency.....	689						
250.	Senator ALLEN (P. L.): An act preventing the sale of lands set apart for the use, support, establishment, maintenance and endowment of the State Agricultural College and School of Science, now known as the State College of Washington, or of any of the several state normal schools, without the consent of the board of regents, or boards of trustees of said college or schools.....	632	743					
251.	Senator JENSEN: An act requiring all vehicles drawn by horse to show a light at night.....	610						
252.	Senator ALLEN (P. L.): An act relating to official printing and to an official paper in cities of the first class.....	610	750	956	956			
253.	Senator ROSENHART: An act relating to the manufacture, storage and sale of shoddy, and providing a penalty for the violation thereof.....	610						
254.	Senator DAVIS (by request): An act making an appropriation for the purchase of oil-painted portraits of Lincoln and McKinley.....	610						
255.	Senator METCALF: An act to prevent fraud by employment agencies and others acting in consort therewith, and making certain acts a misdemeanor.....	611	796	957	957			
256.	Senator METCALF: An act to amend article IV of the constitution relating to the judiciary, by adding section 29 thereto, requiring the nomination of supreme and superior court judges by direct primary.....	611						
257.	Senator FISHBACK: An act relating to the disposition of the estates of inmates of state institutions.....	611	884					
258.	Senator DAVIS: An act providing for the establishment and maintenance of free high schools in any county in the State of Washington.....	611						

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first and second time and referred...	Report of committee.....	Third reading and amendments.....	Other action in Senate.....	Vote on final passage.....	Message from House.....	Signed by President.....	Signed by Speaker.....	Approved and signed by Governor.....
259. Senator METCALF: An act relating to licenses to practice systems and modes of treating the sick and afflicted, and amending section 8391 of Remington and Ballinger's Annotated Codes and Statutes of Washington.....	611								
260. Senator BASSETT: An act to apportion the State of Washington into five congressional districts.....	612								
261. Senator RYDSTROM: An act for the protection of birds, their nests and eggs, and amending section 5349 and repealing section 5341 of Remington and Ballinger's Annotated Codes and Statutes of Washington, relating to certificates to scientists.....	612								
262. Senator ALLEY (P. L.) (by request): An act declaring the anniversary of the birth of Ulysses S. Grant a legal holiday.....	612								
263. Senator NICHOLS: An act relating to justices of the peace and constables in cities having a population of two hundred thousand or more inhabitants, providing for their election and appointment, fixing their salaries, and providing for the appointment of clerks and bailiffs of such courts, authorizing such clerks to administer oaths, and declaring an emergency.....	612								
264. Senator BASSETT: An act relating to the trial of persons charged with crime and acquitted on the grounds of insanity, declaring such persons dangerous and unsafe to be at large, and providing for their detention until cured.....	612	740	850		867				
265. Senator COLLINS: An act fixing the time when a judgment shall become a lien upon the real property of a judgment debtor, and providing for the filings and recording in the office of the county auditor of notice or notices of judgment liens.....	613								

266.	Senator COLLINS: An act relating to the payment of compensation to workmen injured while engaged in dangerous employment, or to persons dependent upon them in case death results from injuries so received, prescribing remedies, providing that such remedies shall be exclusive, and making an appropriation.....	613	799	922	922		
267.	Senator BRYAN: An act validating sales of county property heretofore made by counties wherein there has been no collusion or fraud.....	613					
268.	Senator RUTH: An act to define, license and regulate hospital associations; to provide for a license to transact such business; to determine the conditions under which persons, firms, companies and corporations may transact the business of hospital associations in this state and to provide penalties for the violations of this act.....	613	862				
269.	Senator Cox: An act fixing the salary of the warden of the state penitentiary, and declaring an emergency.....	614	680				
270.	APPROPRIATIONS COMMITTEE: An act fixing the rate to be charged for public printing and binding and amending sections 8622, 8622½ and 8624 of Remington and Ballinger's Annotated Codes and Statutes of Washington.....	614					
271.	Senator BRYAN: An act relating to the opening and closing of polls at special elections held in cities for purpose of submitting to the qualified electors any proposition or propositions to incur municipal indebtedness and to issue negotiable bonds therefor and declaring an emergency.....	614	717	733	733	915	916 921 963
272.	Senator ROSENHAUPT: An act relating to the salaries of judges of the superior courts.....	614	765				
273.	Senator METCALF (by request): An act making an appropriation for maintenance of building and sundry expenses of Washington State Historical Society for the fiscal term beginning April first, 1911, and ending March 31st, 1913, except as otherwise provided....	615					
274.	Senator ESPY: An act amending section 1162 of Remington and Ballinger's Annotated Codes and Statutes of Washington, the same being section 1 of chapter 9 of Session Laws of 1907, entitled "An act to amend section 1 of an act entitled 'An act to amend an act entitled 'An act providing liens upon saw logs, spars, piles or other timber, and upon lumber,' etc.".....	615					
275.	Senator ESPY: An act relating to false statements in newspapers.....	615					

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first and second time and referred...		Report of committee...	Third reading and amendments...	Other action in Senate...	Vote on final passage...	Message from House...	Signed by President...	Signed by Speaker...	Approved and signed by Governor...
	615	850	828							
276. Senator Espy: An act relating to the nomination of candidates for public office and amending section 4 of chapter 269 of the Session Laws of 1897.....										
277. Senator Espy: An act to amend section 42 of an act entitled "An act to provide for the assessment and collection of taxes in the State of Washington," approved March 15, 1897.....	616		492							
278. Senator Espys: An act to prohibit the giving away of intoxicating liquor.....	616		768							
279. Senator ALLEN (F. J.): An act relating to the regulation of the sale of intoxicating liquors in incorporated cities and amending section 6244 of Remington and Ballinger's Annotated Codes and Statutes of Washington.....	616	910	902							
280. Senator ALLEN (F. J.): An act for the suppression of contagious diseases among bees in the State of Washington, creating the office of state inspector of apiaries, defining the duties of such inspector, appropriating moneys therefor, repealing sections 3258, 3259, 3260, 3261, 3262, 3263 and 3264 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency.....	616		764							
281. Senator ALLEN (F. J.): An act relating to the keeping for sale intoxicating liquors.....	617		680							
282. Senator ALLEN (F. J.): An act making appropriations for the expenses and salaries of assistant and district horticultural inspectors, and declaring an emergency.....	617		745							

283.	Senator ALLEN (F. J.): An act relating to horticulture and amending sections 12, 50, and 60, and repealing section 62 of an act entitled "An act relating to horticulture and prescribing penalties for the violation thereof and declaring an emergency," approved March 15, 1909.	617	763
284.	Senator LANBORN (by request): An act relating to pandering, and punning to dupe, and prohibit the same, and providing for the competency of certain evidence at the trial thereof, and what shall be a defense, etc.	617	811
285.	Senator METCALF (by request): An act relating to exemptions from an inheritance tax and amending section 9199 of Remington and Ballinger's Annotated Codes and Statutes of Washington.	618	776
286.	Senator METCALF (by request): An act amending section 9099, Remington and Ballinger's Annotated Codes and Statutes of Washington.	618	775
287.	APPROPRIATIONS COMMITTEE: An act making appropriations for salaries and maintenance of the National Guard of Washington for the fiscal term beginning April 1, 1911, and ending March 31, 1913.	618	903
288.	Senator ESTY: An act relating to the publication of official notices.	618	901
289.	Senator HAMMER: An act defining the qualifications of county engineer.	618	800 806 925 866 923
290.	Senator HAMMER: An act to repeal section 10 of article 6, chapter 3, title III, Code of Public Instruction, being chapter 97 of the Session Laws of 1909, approved by the governor March 11, 1909.	619	
291.	Senator STEPHENS: An act relating to the business of abstracting titles to real estate and providing security to such as may be damaged by reason of any error, omission or defect in any abstract of title to real estate.	619	
292.	Senator ROSENHAUPT: An act relating to trial by jury in civil actions, and amending section 316 of Remington and Ballinger's Annotated Codes and Statutes of Washington.	619	
293.	Senators ESTY and COLLINS: An act relating to the issuance of intoxicating liquor licenses by boards of county commissioners, and repealing section 6263 of Remington and Ballinger's Annotated Codes and Statutes of Washington.	619	764
294.	Senator ROSENHAUPT: An act amending section 28 of chapter 249, relating to crimes and punishments and the rights and custody of persons accused or convicted of crime, approved March 22, 1909.	620	767

TITLE AND HISTORY OF SENATE BILLS—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Read first and second time and referred...	Report of committee.....	Third reading and amendments.....	Other action in Senate.....	Vote on final passage.....	Message from House.....	Signed by President.....	Signed by Speaker.....	Approved and signed by Governor.....
295. Senator ESBY: An act relating to the holding of conventions of political parties.....	620	792							
296. Senator ESBY: An act relating to the regulation of moving pictures, and appointing an inspector therefor, and providing penalties for the violation thereof.....	620	764							
297. Senator PARLIAMUS: An act prohibiting the sale of intoxicating liquor within five miles of the State Soldiers' Home at Orting, and providing a penalty for the violation thereof.....	620	713	877		877				
298. Senator COLLINS (by request): An act creating a board of administration of state benefit farm for the care and treatment of certain classes of persons abnormal in physical conditions, making an appropriation and declaring an emergency.....	620								
299. Senator JACKSON: An act to redistrict and reapportion the membership of the legislature of the State of Washington.....	621								
300. Senator ESBY: An act creating a shell fish commission, defining its duties, preventing the sale of tide lands without the approval of said commission and making an appropriation.....	621	845							
301. Senator ROSENTHAL: An act relating to the office of attorney general and defining his powers and duties, repealing sections 112 and 90.37 of the Constitution and Hallinger's Annotated Codes and Statutes of Washington, and declaring an emergency.....	621								
302. Senator STEWART: An act to provide for the paroling of persons confined in the state penitentiary after having been acquitted of crime under plea of insanity.....	621								

303.	Senator COLLINS: An act to provide funds for the protection of the State of Washington from the spread of bubonic plague, cholera and other menacing Asiatic diseases.....	682	736
304.	Senator METCALF (by request): An act providing for the completion of the State Historical Building at Tacoma, Washington, and making an appropriation therefor.....	683	905
305.	Senator ALLEN (P. L.): An act providing for the inspection, examination and appraisal of state timber lands, making an appropriation therefor, and declaring an emergency.....	683	743
306.	Senator JACKSON: An act to redistrict and reapportion the State of Washington into five congressional districts.....	683	
307.	Senator ALLEN (P. L.): An act relating to certain lands of the State of Washington and the acquisition of other lands, providing for the preservation of forests thereon, reforestation of the same, and the care, preservation, management and disposition thereof and of the timber thereon.....	683	905
308.	Senator PAULHART'S: An act relating to certain state roads, and amending section 5905 of Remington and Ballinger's Annotated Codes and Statutes of Washington.....	683	
309.	Senators ESLEY and ARRASMITH: An act relating to crimes and punishments and amending section 7 and section 187, chapter 249, Session Laws, 1903.....	684	762
310.	Senator BRYAN (by request): An act relating to the acquisition, control, management and disposition of the granted school lands, oyster and other lands and harbor areas of the State of Washington, and amending section three of chapter two hundred and twenty-three of the Session Laws of nineteen hundred and nine of the State of Washington.....	685	
311.	Senator ALLEN (F. J.): An act relating to crossings of railroads over railroads, streets and highways, and streets and highways over railroads, providing penalties for the violation of the act, repealing chapter 162 of the Laws of 1909 relating to railroad crossings, and making an appropriation.....	646	828
312.	Senator WHITE: An act amending section 4122, Remington and Ballinger's Annotated Codes and Statutes of Washington relating to diking districts.....	646	

TITLE AND HISTORY OF SENATE BILLS—CONCLUDED.

NUMBER, AUTHOR AND TITLE.	Read first and second time and referred	Report of committee	Third reading and amendments	Other action in Senate	Vote on final passage	Message from House	Signed by President	Signed by Speaker	Approved and signed by Governor
313. APPROPRIATIONS COMMITTEE: An act making appropriations for maintenance of and sundry expenses at the various State Institutions, schools and state offices and for the sundry civil expenses of the state government for the fiscal term beginning April 1, 1911, and ending March 31, 1915, except as otherwise provided.	651								
314. Senator EASTMAN: An act providing for the building of a dormitory at the School for the Blind of Vancouver, Washington, and making an appropriation therefor	661								
315. Senator JENSEN: An act to repeal sections 6 and 7 of chapter LXII, Session Laws of 1888, same being section 6275 of Remington and Ballinger's Annotated Codes and Statutes of Washington.	682	686	791		791	1653	1065	1076	
316. Senator JENSEN: An act relating to the registration of tuberculosis in human beings	700								
317. Senator PAULHART'S: An act to prohibit the sale, gift, disposal or delivery of intoxicating liquor without valid licenses therefor, or in any portion of the state where the sale of intoxicating liquor, etc.	723	763							
318. Senator HUTCHINSON: An act providing for the canvassing of the votes cast in municipal elections in cities of the first class, for the declaring of the result thereof, declaring the application of this act, and declaring an emergency	723	723	872		872	915	910	921	923
319. Senator CUX: An act authorizing the board of control to sell certain land belonging to the state penitentiary and to expend the amount received therefor for the purchase of other lands, which amount so received is hereby appropriated for said purchase.	732	736	953		954				
320. Senator BROWN: An act relating to the state armory at Beltingham and continuing the appropriation for construction thereof.	746	801							

<p>321. JOINT MILITARY INVESTIGATION COMMITTEE: An act relating to the state militia, amending sections 20, 31, 44, 54, 55, 57, and 61 of an act entitled "An act relating to the state militia, providing for the organization, regulation, maintenance and discipline of the National Guard of Washington," etc.....</p>	<p>822</p>	<p>924</p>	<p>932</p>	<p>933</p>	
<p>322. Senator FISHBACK: An act making an appropriation for the construction and maintenance of state roads, and for the examination and survey of proposed state roads and extensions thereof, and apportioning such appropriation.....</p>	<p>827</p>				

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE.

NUMBER, AUTHOR AND TITLE.	Received from House.....	Read first and second time and referred....	Report of committee.....	Third reading and amendments.....	Vote on final passage.....	Other action of bill.....	Signed by Speaker.....	Signed by President.....
2. Mr. WRAY: An act to amend an act entitled "An act in relation to garnishments in justice courts in the State of Washington," approved March 17, 1909, (Laws of 1909, chapter 160) and declaring an emergency.....	155	213	516	998	998	.....	1069	1061
5. Mr. HASTINGS: An act to amend sections 1, 4, 8, 11, 13 and 14 of an act entitled "An act to create a police relief, health and insurance fund in incorporated cities of the first class; providing for the disbursement thereof, and creating a board of police pension fund commissioners," approved March 2, 1909, and being chapter 33 of the Session Laws of 1909.....	252	296	362	454	454	569	600	600
12. Mr. CAMPBELL: An act to regulate and limit the hours of employment of females in any mechanical or mercantile establishment, laundry, hotel, restaurant; to provide for its enforcement and penalty for its violation.....	744	745	880	892	896	968	990	998
14. Mr. TEATS: An act relating to the compensation of injured workmen in our industries, creating an industrial insurance department, making an appropriation for its administration, providing for the creation and disbursement of funds for the compensation and care of workmen injured in hazardous employment, etc.....	687	700	831	922	944	946 967	1000	1061
27. Mr. HAROLDSON: An act appropriating ten thousand dollars for legislative printing.....	88	99	126	141	141	.....	209	223
29. Mr. RUCHANAN (H. D.): An act for the relief of Stewart E. Smith, King county, State of Washington, and making appropriation therefor.....	289	291	496	485	486	540	540

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36. Mr. FRENCH: An act amending an act entitled "An act to authorize certain officers and persons to solemnize marriages," approved December 12, 1889.....	251	089	1030	1077 1074	1080	1081
39. Mr. FRENCH: An act for the relief of Indian war veterans of the wars of 1855 and 1858.....	281	632	1030	1070	1080	1081
40. Mr. MOREX: An act relating to the superior court of the county of Yakima, the election and appointment of judges therein, and declaring an emergency.....	711	770	1036	1086	1072	1073
42. Mr. HOLMES: An act relating to the superior court of the county of Snohomish, the election and appointment of judges therein, and declaring an emergency.....	647	773	1029	1029	1047	1047
60. Messrs. TAPP and TAPP: An act to amend section 1 of article XXIII of the Constitution of the State of Washington relating to amendments and providing for the amendment of the constitution by the initiative.....	289	441 885 1043				
62. Messrs. TAPP and TAPP: An act to amend article one (1) of the Constitution of Washington, authorizing and empowering the voters to call a special election at any time to recall and discharge any elective public officer, etc.....	1024	1026	1043	1044	1060	1061
63. Mr. TWITCHILL: An act relating to materialmen's liens and the enforcement thereof, and amending section 1133 of Remington and Ballinger's Annotated Codes and Statutes of Washington.....	887	880	996	998	1040	1041
69. Mr. MILLER <i>et al.</i> : An act relating to state institutions of higher education, creating a fund to be known as the University Fund; a fund to be known as the Washington State College fund, etc.....	963	963	1045	1046	1072	1073
70. Mr. MINARD: An act regulating advertisements: prohibiting false, fraudulent or misleading, objectionable or pernicious advertisements, and providing a penalty.....	278	990	1038	1038		
76. Mr. ENNIS: An act providing for ten judges for the superior court of the State of Washington in and for King county, and fixing the term of office of the additional judges appointed, etc.....	584	769	993	993	1000	1001
80. COMMITTEE ON EDUCATION: An act to amend sections 5, 7 and 9 of article 1, chapter 12, title III, and section 1 of article IV, chapter 12, title III, and section 1 of article VII, chapter 12, title III, of "An act establishing providing for the maintenance of, and relating to, a general and uniform public school system for the State of Washington, etc.....	238	251	432	433	540	540

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Received from House.	Read first and second time and referred.	Report of committee.	Third reading and amendments.	Vote on final passage.	Other action of bill.	Signed by Speaker.	Signed by President.
85. Mr. DRESSLER: An act relating to poll tax in cities of the third and fourth class, and amending section 7766 of Remington and Ballinger's Annotated Codes and Statutes of Washington.	278	280	890					540
98. Mr. PHIPPS: An act for the relief of Mary A. Bradley, William C. Bradley, Janie Bradley and Florence Bradley, of Spokane county, and making an appropriation therefor.	239	291	426	435	435		540	
99. Mr. CARLSON: An act relating to furnishing of supplies or materials for public use.	278	281	690					
100. Mr. CARLSON: An act to prevent fraud and misrepresentation in the selling and serving of oysters, and providing a punishment therefor.	238	281	692					
113. Messrs. MCQUESTEN and JOHNSON: An act authorizing boards of county commissioners to create districts in which livestock shall not run at large; repealing chapter 230 of the Session Laws of 1907, and also repealing sections 3166 to 3180, inclusive, of Remington and Ballinger's Annotated Codes and Statutes of Washington; providing a penalty for violation thereof, and declaring an emergency.	276	280	362	433	433	651	688	688
118. Mr. WEBSTER: An act relating to the selection, exemption, registration and service of jurors in the superior courts of the State of Washington, and repealing chapter 73 of the Session Laws of 1900.	262	267	774	861	863	968	900	906
123. Mr. APPLEMAN: An act to create the county of Pend d'Oreille, subject to the requirements of the state constitution and the statutes in respect to the establishment of new counties, providing for the election and appointment of a judge of the superior court for said county and the county of Spokane jointly, and declaring an emergency.	491		516	628	629		711	713

130. Mr. GANDY: An act relating to the registration of voters and amending section 1452 of Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency.....	278	290					
131. Mr. JONES: An act relating to the superior courts of the counties of Douglas and Grant; providing for the appointment and election of Judges thereof, and declaring an emergency.....	888	907					
134. Mr. MILLER: An act amending section 1 of chapter 58, Session Laws of 1905, being section 5289 of Remington and Ballinger's Annotated Codes and Statutes of Washington, relating to contracts and providing that certain contracts shall be void unless in writing..	428	740					
135. Mr. MILLER: An act regulating the practice of barbering and amending sections 7015, 7016 and 7020 of Remington and Ballinger's Annotated Codes and Statutes of Washington.....	887	1004					
137. Mr. WARD: An act providing for the amendment of section 7, article 11, of the Constitution of the State of Washington, relating to county officers, and providing that no county treasurer shall be eligible to hold his office more than two terms in succession.....	290	337 339	416	418	424 522	661	661
144. Mr. GUENT: An act providing for the establishment and maintenance of mortgages and mortgage keepers in counties containing cities of eighty thousand inhabitants and over.....	778	880					
150. Mr. MARTIN: An act amending an act entitled "An act relating to the classification of counties, and amending section 1563 of Ballinger's Annotated Codes and Statutes of Washington," approved March 18, 1901.....	609	623					
153. Messrs. TEATS, TOPP, BUCHANAN, DENMAN, PHIPPS, HALSEY and WRIGHT: An act to amend section 1 of article 11 of the Constitution of the State of Washington, relating to legislative powers, providing for the initiative and referendum and striking section 31 of said article 11, relating to the time when laws take effect....	537	641	787	790	890	921	921
154. Mr. TEATS: An act allowing foreign corporations to loan money in the state, and amending section 1 of chapter —, Laws of 1903....	491	498	1032	1033		1071	1071
155. JUDICIARY COMMITTEE: An act relating to criminal proceedings against corporations.....	340	639	707	707		744	744
156. COMMITTEE ON REVENUE AND TAXATION: An act amending section 2 of chapter 217, Session Laws of 1907, relating to the taxation of inheritances, by striking from said section the proviso.....	340	343	487	488		609	609

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Received from House.....	Read first and second time and referred.....	Report of committee.....	Third reading and amendments.....	Vote on final passage.....	Other action of bill.....	Signed by Speaker.....	Signed by President.....
158. COMMITTEE ON REVENUE AND TAXATION: An act providing for an annual convention of the county assessors of the state.....	289	291	315	348	348		497	497
159. COMMITTEE ON REVENUE AND TAXATION: An act to amend section 12 of chapter 78, Session Laws of 1907, relating to the assessment of the operating property of railroads, approved March 6, 1907, and declaring an emergency.....	340	343	487	499	499		609	600
161. Mr. APPEMAN: An act relating to the powers and duties of prosecuting attorneys and amending section 116 of Remington and Ballinger's Annotated Codes and Statutes of Washington.....	383	387	699	995	995		1090	1071
165. Mr. ENNIS: An act to provide for the construction, deepening and widening of public waterways for the floatage of vessels and the drainage of swamps and overflowed lands, by assessments upon property benefited thereby; for the organization of waterway districts, etc.....	340	343	516	592 621	625		661	661
169. Mr. Goss: An act repealing sections 439 and 440 of chapter 249 of the Session Laws of 1906, the same being sections 2691, 2692 of Remington and Ballinger's Annotated Codes and Statutes, relating to the soliciting and receiving of gratuities.....	82	880	900					
173. Mr. McCoy: An act authorizing the board of regents of the State College of Washington to purchase certain lot or lots of land adjoining or near the college campus.....	928	912		1027	1028		1071	1071
174. Mr. McNEELY: An act relating to officers in cities of the fourth class and amending section 5, chapter 113, Laws of 1903, the same being section 7721 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency.....	609	623	659	898	898		898	892

175.	Mr. MILLER (J. A.): An act providing for the relief of the legatees of Abraham Barendse, deceased.....	428	430	514					
176.	Mr. STRUBB: An act to provide for the sale of certain school lands in section 36, township 18 north, range 10 west of Willamette meridian.....	882	890	962	1048	1048	1072	1073	
179.	Mr. WRAY: An act amending section 260, chapter 249, Session Laws of 1909, regulating the sale of milk and cream in cities of the first class, and declaring an emergency.....	428	431	467	498	498	609	609	
181.	Mr. WRAY: An act regulating the sale of bottled milk and bottled cream in cities of the first class, and providing a penalty for the violation thereof.....	428	431	486	486	486	901	908	
184.	Mr. CHAMBERLIN: An act authorizing cities and towns to acquire by purchase or contract water for irrigation and domestic purposes, providing for the construction of a piping system, to levy and collect special assessments, etc.....	908	910	941	1029	1030	1076	1076	
187.	Mr. HONOREAN: An act for the relief of R. A. Klinge, and making an appropriation therefor.....	468	474	514					
188.	Mr. HONOREAN: An act for the relief of R. P. Norton and making an appropriation therefor.....	645	647	659					
189.	Mr. KENNEDY: An act to amend sections 2, 3 and 19 of an act entitled "An act to provide a system of registration of births and deaths and the method of reporting births and deaths and for the issuance of permits for the burial removal or transportation of bodies of deceased persons, and fixing the penalty for violation," approved March 7th, 1907.....	428	430						
190.	Mr. McARDLE: An act controlling the sanitation of shellfish grounds and premises whose shellfish are opened, packed or prepared for the market, and controlling the sale of oyster and shellfish for food purposes and providing a penalty.....	367	415	660	1047	1047			
197.	APPROPRIATIONS COMMITTEE: An act fixing the salaries of the officers and employees in adjutant general's department of the state militia, and declaring an emergency.....	340	343	515					
199.	Mr. CONNER: An act relating to, regulating and providing for the nomination of candidates for public office in the State of Washington, and amending sections 3 and 12 of chapter 82 of the Session Laws of 1909, and sections 19, 21, 23 and 24 of chapter 209 of the Session Laws of 1907, and repealing section 18 of said chapter 209 of the Session Laws of 1909, etc.....	711	704	804			724		

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—CONTINUED.

	Received from House.....	Read first and second time and referred.....	Report of committee.....	Third reading and amendments.....	Vote on final passage.....	Other action of bill.....	Signed by Speaker.....	Signed by President.....
201. MR. GOSS: An act relating to eminent domain proceedings on behalf of the state, and amending section 891 of Remington and Ballinger's Annotated Codes and Statutes of Washington.....	711	703	906	1040	1040		1080	1061
206. MR. TONKIN: An act relating to the appointment of a mine inspector and deputy mine inspector, and amending section one, chapter seventy-seven of the Laws of nineteen hundred and seven.....	468	474	640	808	809		888	872
211. JUDICIARY COMMITTEE: An act relating to fees of witnesses in criminal cases, when detained for want of security for their appearance.....	428	431	406					
212. JUDICIARY COMMITTEE: An act relating to the office of attorney general, defining his powers and duties.....	778	780	797	995		908		
213. JUDICIARY COMMITTEE: An act to amend sections 3, 7, 10, 13 and 16 of chapter 190, of the Session Laws of 1909, approved March 17, 1909, relating to the powers of juvenile courts, and the care, custody and control of delinquent children.....	468	474	721	774 790	807		921	921
220. MESSRS. GANDY and PHIPPS: An act relating to the forms of organization of cities of the first class and exercise of the powers of such cities, declaring the application of this act, repealing all laws or parts of laws inconsistent therewith, and declaring an emergency.....	401	404		630	630		636	636
224. MR. HASTINGS: An act relating to direct amendments of city charters and amending section 7004 of Remington and Ballinger's, &c.....	711	715						

NUMBER, AUTHOR AND TITLE.

220.	Mr. KENNEDY: An act making the drawing, or uttering, of a bank check or draft for the payment of money, without funds or credit to meet the same upon presentation, a felony, and prescribing a penalty therefor.	647				
228.	Mr. McCLEURE <i>et al.</i> : An act for the prevention of fraud in the grain and hay trade, for the establishment and preservation of standards for grain and hay.	648	685 678	794	795	921 921
234.	Mr. MINARD: An act providing for the survey of an extension to State Road No. 9, by the state highway commissioner and report on the feasibility of the same.	367	638	1021		1021
236.	JUDICIARY COMMITTEE: An act relating to attorneys and counsellors-at-law, amending sections 4, 5 and 6 of chapter 139, Laws of 1909, and declaring an emergency.	491	640 712	748	749	951 987
240.	Mr. FARNSWORTH: An act for the protection against the spread of Canadian thistle and other noxious weeds and for the destruction thereof, and for the payment of costs of destroying same, and providing for the punishment for violation thereof, and amending section 6, chapter 84 of the Session Laws of 1907.	778	881	963	968	1030 1061
241.	Mr. FARNSWORTH: An act for the relief of John Roberts and making an appropriation therefor.	468	514			
243.	MESSErs. FRENCH, BYERLY, CHRISTENSEN (W. F.), HORNIBROOK and Moody: An act relating to the superior courts in the counties of Cowitz, Clarke, Skamania and Klickitat, and declaring an emergency.	711	773	815	816	868 892
244.	Mr. BRISLER: An act relating to the superior courts of the counties of Lewis, Pacific and Wahkiakum, the election and appointment of judges therein and declaring an emergency.	888	908	1081	1081	1072 1073
253.	Mr. MILLER (J. A.): An act to provide for the selection, survey, management, reclamation, lease and disposition of the state's granted school, tide, oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the state by the United States, etc.	537	640	813	814	939 959
257.	COMMITTEE ON JUDICIARY: An act relating to the suspension of sentences and amending section 28 of chapter 249, Laws of 1909.	563	879			
263.	Mr. GHENT: An act relating to the signing of pledges by any candidate for the legislature, for supervisor, school director, or for any legislative body, and making the signing of such pledge a disqualification.	832	907			

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Received from House.....	Read first and second time and referred....	Report of committee.....	Third reading and amendments.....	Vote on final passage.....	Other action of bill.....	Signed by Speaker.....	Signed by President.....
266. COMMITTEE ON MINES AND MINING: An act relating to the handling, storage and distribution of powder and other explosives used in connection with mining and providing penalties for the violation thereof.....	609	624	603	994	994	1062	1076	1076
267. COMMITTEE ON STATE SCHOOL FOR DEFECTIVE YOUTH, REFORM SCHOOL AND REFORMATORY: An act granting rights-of-way through lands in the State of Washington held for state training school purposes and declaring an emergency.....	468	474	513	706	706	.....	744	744
269. Mr. Dow: An act to authorize the legislative authorities of any city of the first class to rent or lease any wraif or privileges thereon, etc.	888	942	.....	1085	1085	.....	1072	1078
270. Mr. McQUESTEN: An act relating to school elections in school districts of the first class and amending sections 1, 6, 7 and 11 of article IV, chapter 13, title III of the Code of Public Instruction, the same being chapter 97 of the Session Laws of 1909, approved by the governor March 11, 1909.....	711	704	719	809	810	.....	888	882
280. Mr. McQUESTEN: An act relating to the elections in school districts of the first class and amending section 4669 of Remington and Ballinger's Annotated Codes and Statutes of Washington.....	711	708	719	810	810	.....	888	882
282. JOINT COMMITTEE ON MUNICIPAL CORPORATIONS OF THE FIRST CLASS and MUNICIPAL CORPORATIONS OTHER THAN FIRST CLASS: An act relating to local improvements in cities and towns, and repealing certain acts and parts of acts.....	804	804	880	964 968	969	.....	1080	1081
288. Mr. MILLER (CLYDE): An act relating to township organization and requiring county board of equalization to equalize property as between townships and amending an act entitled "An act to pro-								

vide for township organization, and prescribing the duties and fixing the compensation of township officers and providing for the assessment, levy and collection of town taxes, etc.....	645	647	695 770	811	811	921	921
293. Mr. PHIPPS: An act in relation to the possession, sale, use and disposition of milk cans, milk bottles and milk jars, butter boxes, ice cream cans, ice cream tubs, ice cream molds, and other containers	711	703	771				
294. Mr. APPLEMAN <i>et al.</i> : An act relating to the Washington State Reformatory and the management thereof, and amending section 8578 of Remington and Ballinger's Annotated Codes and Statutes of the State of Washington.....	491	494					
311. Messrs. LEONARD, MARIN and SCALESS: An act for the relief of C. A. Ives.....	744	745	881	1036	1036	1076	1076
318. COMMITTEE ON RAILROADS: An act directing railroads to post notices against trespassers on all lines of railroad containing more than one main track and declaring it to be a misdemeanor for persons without lawful authority to go upon or walk along certain railroad rights-of-way.....	711	703	885				
320. COMMITTEE ON REVENUE AND TAXATION: An act relating to assessment and taxation, declaring certain property to be personal property, fixing its situs for taxation, providing for interest on unpaid personal property taxes, providing methods of distraint, making taxes a lien upon the proceeds of insurance, making a violation of the act a misdemeanor and declaring an emergency.....	564	567	637	663	663	687	688
321. JUDICIARY COMMITTEE: An act relating to the power of counties to engage or aid in the construction, enlargement, modification and repair or operation of waterways, hot springs and mineral waters, and other facilities and public improvement for the purposes of sanitation, sanitariums and drainage, etc.....	778	781	880				
326. Mr. FRENCH: An act relating to the School for the Blind and making an appropriation therefor.....	744	745	906	966	967	991	908
336. Mr. JONES: An act providing for the auditing and paying of claims of county commissioners and repealing sections 3854, 3855, 3856 and 3857 of Remington and Ballinger's Annotated Codes and Statutes of Washington.....	887	890	891	1034	1034	1076	1076
345. Messrs. WRAY, KENNEDY, BEACH, SIMS, ZEDNICK, HAROLDSON, CONNER, CAMERON and ESHLEMAN: An act to amend section 304 of an act entitled "An act relating to crimes and punishments and the rights and custody of persons accused or convicted of crime, and repealing certain acts," approved March 22, 1909.....	687	701	771				

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—CONTINUED.

NUMBER, AUTHOR AND TITLE.	Received from House.....	Read first and second time and referred....	Report of committee.....	Third reading and amendments.....	Vote on final passage.....	Other action of bill.....	Signed by Speaker.....	Signed by President.....
356. COMMITTEE ON ROADS AND BRIDGES: An act relating to the improvement of public highways, providing for the payment of the cost thereof, making appropriation therefor, repealing chapter 150 of the Laws of 1907, and declaring an emergency.....	645	647	684	811	813		921	921
357. Mr. ESHLEMAN: An act relating to wages to be paid to chainmen, rodmen, axmen, flagmen and other necessary assistants employed in surveying and laying out county roads.....	914	917	1006	1021	1021		1071	1071
373. JOINT COMMITTEE ON APPROPRIATIONS AND STATE CAPITOL AND GROUNDS: An act relating to the powers of the state capitol commission providing for the refunding, paying of and canceling existing claims against the capitol building fund, and for the erection and completion of a capitol building or buildings, etc.....	687	701		934	935		990	986
377. Mr. MCNEELY <i>et al.</i> : An act making it a gross misdemeanor to fraudulently use the name of any fraternal society or any limitation thereof, etc.....	778	781		1028	1028		1072	1073
382. COMMITTEE ON STATE, SCHOOL AND GRANTED LANDS: An act relating to the sale and removal of timber from state, school and granted lands.....	778	780	829	1040	1040		1076	1076
386. Mr. SCALDS: An act amending section 3246 of Remington and Ballinger's Annotated Codes and Statutes of Washington, relating to stray animals and the fees charged in relation thereto.....	938	942						
407. Messrs. MCARDLE and FRENCH: An act to re-district and re-appoint the members of the Senate and House of Representatives of the State of Washington.....	943	944	971	999	1008	1056 1062 1080		

419.	Mr. Dow: An act for the relief of Joseph McCann and making an appropriation therefor.....	983	984						
421.	COMMITTEE ON ROADS AND BRIDGES: An act providing for the establishment of certain state roads.....	914	917	1006	1013	1014		1087 1086	
425.	Mr. DICKSON: An act to provide for the enforcement of decrees of courts regulating and appropriating the use of waters for irrigation, stock and domestic purposes; repealing chapter XXXIII of Session Laws of 1901, and declaring an emergency.....	983	985						
426.	Mr. ENNIS: An act authorizing the establishment of port districts; providing for the acquirement, construction, maintenance, operation, development and regulation of a system of harbor improvements and rail and water transfer and terminal facilities within such districts, and providing the method of payment therefor.	888	888	907	1068	1068			1071
428.	COMMITTEE ON APPROPRIATIONS: An act for the relief of certain persons.....	969	964	1060	1061	1061			1073
437.	COMMITTEE ON HORTICULTURE AND FORESTRY: An act making appropriations for the expenses and salaries of assistant and district horticultural inspectors and declaring an emergency.....	908	910	928	1026	1027			1081
438.	COMMITTEE ON HORTICULTURE AND FORESTRY: An act relating to horticulture and amending sections 12, 50 and 60 and repealing section 62 of an act, entitled "An act relating to horticulture and prescribing penalties for the violation thereof and declaring an emergency," approved March 15, 1909.....	908	911	926	1087	1087			1076
446.	APPROPRIATIONS COMMITTEE: An act making appropriations for maintenance of and sundry expenses at the various state institutions, schools and state offices and for the sundry civil expenses of the state government for the fiscal term beginning April 1, 1911, and ending March 31, 1913, except as otherwise provided.....	704	711	728	728 781	781		927 947	1047
452.	Mr. CONNER: An act for the relief of Skagit county and making an appropriation therefor.....	916	916	1007	1080	1080			1071
458.	Mr. DICKSON <i>et al.</i> : An act making an appropriation for the construction and maintenance of certain state roads, etc.....	914	917	1008	1080	1080		1087 1086	
459.	Mr. ESHLEMAN: An act relating to the governing and regulation of armories and rifle ranges, and amending section 97 of chapter 134, Session Laws, 1909.....	988	941						

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NUMBER, AUTHOR AND TITLE.	Received from House.....	Read first and second time and referred....	Report of committee.....	Third reading and amendments.....	Vote on final passage.....	Other action of bill.....	Signed by Speaker.....	Signed by President.....
460. Mr. FARNSWORTH: An act relating to rights-of-way and easements over state lands of private logging companies, reserving rights for rights-of-way over state lands heretofore granted, providing for the moving of timber, stone, mineral and other products over state lands heretofore granted, providing penalties for the violation of the act, and providing for certain rights-of-way and easements reverting to the state.....	914	917		1016	1047		1060	1081
464. Mr. Goss (by request): An act conferring upon cities of the first class the power to acquire sites for the construction thereon of museums of arts and sciences, and power to lease the same for the construction thereon of museums of arts and sciences.....	863	880						
478. Mr. JOHNSON: An act for the relief of Edward J. Carroll and making an appropriation therefor.....	804	805	905					
481. Mr. MCKENNA <i>et al.</i> : An act to provide for the construction and maintenance of a wagon bridge across the Skagit river between sections 7 and 8, in township 34, north range 4 E. W. M., and making an appropriation therefor.....	914	917	1006	1019	1020	1067 1086	1086	1086
482. Mr. McNEELY: An act making appropriation for the salaries, maintenance, and sundry expenses of the office of highway commissioner, etc.....	914	918	1005	1018	1018		1071	1071
483. Mr. McNEELY: An act providing for the appointment of a committee to investigate the taking over by the Chicago, Milwaukee & St. Paul Railway Company of State Road No. 7.....	914	919	1005					
484. Mr. McNEELY: An act re-appropriating the sum of \$94,929.66 to complete contracts and construction work now in force on state roads.....	914	918	1004	1015	1015		1071	1071

506. Mr. DICKSON: An act creating a commission to have charge of the installing and maintaining an exhibit of the products and resources of the State of Washington and arranging for a site for a building to house said exhibit, at the Panama-Pacific International Exposition and appropriating the necessary funds to pay the expenses thereof.....	1024	1026							
513. Mr. WRIGHT: An act establishing a state road to be known as the "Pacific Highway," creating a fund to be known as the "Pacific Highway Fund," and making an appropriation therefor and providing for the levy and collection of a tax upon property, etc.....	914	918	1008	1010	1012	1067 1086			
539. Mr. ZEONICK: An act making an appropriation for the bureau of statistics, agriculture and immigration for the fiscal period commencing April 1, 1911, and ending April 1, 1913.....	988	985	1060			1060			
554. COMMITTEE ON ROADS AND BRIDGES: An act to amend section 1 of an act, entitled "An act to amend chapter 149, Laws of Washington, approved March 12, 1907, entitled 'An act creating a state highway board and the office of state highway commissioner, fixing his compensation, prescribing their duties and providing for the survey, establishment, construction, maintenance and repair of state highways,'" etc.....	914	916	1008	1016	1017			1071	1071
557. Mr. McNEELY: An act providing for the completion of the Meskill rock quarry, located in Lewis county, and making an appropriation therefor.....	915	916	1004	1016	1016			1071	1071
558. Mr. McNEELY: An act establishing a "Quarries Rotary Fund," providing for the appointment of a superintendent of quarries, etc.....	914	919	1007	1018	1018			1071	1071
559. COMMITTEE ON PRINTING AND SUPPLIES: An act appropriating the sum of five hundred dollars, or so much thereof as may be necessary, to pay for such additional printing as may be ordered by the twelfth legislature, or either branch thereof.....	988	941		946	946			980	988
560. APPROPRIATIONS COMMITTEE: An act relating to and making an appropriation for miscellaneous purposes.....	988	984		1048	1080	1049 1088, 1077		1086	1086

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NUMBER, AUTHOR AND SUBJECT.	Read first and second time and referred.....	Report of committee.....	Third reading and amendments.....	Vote on final passage.....	Message from House.....	Signed by President.....	Signed by Speaker.....
1. Senator Espy: To promote the efficiency of the life-saving service.....	20	.....	21	21	114	128	134
2. Senator COLLINS: Granting the buildings and land of Fort Walla Walla to Whitman College.....	102	.....	103	105	114	128	134
3. Senator HUTCHINSON: Relating to the treaty between the United States and Japan; to bar coolie labor.....	136	218	227	227	.....	.....	.....
4. Senator ALLEN (F. J.): Relating to appeals to circuit court of District of Columbia from decisions rendered by the secretary of the Interior.....	294	286 384	436	436	909	957	963
5. Senator RYDSTROM: Relating to an appropriation by congress for building of roads in the Rainier National Park.....	285	315	346	347	457	482	497
6. Senator TRACY: Relating to construction of canal between the bay of Port Townsend and Oak Bay in the State of Washington and requesting an appropriation therefor.....	622	720	746	746	908	957	963
7. Senator NICHOLS: Relating to the adoption of the Taft reciprocity agreement with Canada.....	682	717	732	732	.....	.....	.....
8. Senator ROSENHAUPT: Relating to the universal recognition of American passports so that no discrimination will be made against passports carried by American citizens, regardless of race or creed.....	843	.....	843	843	822	806	898

HISTORY OF HOUSE JOINT MEMORIALS IN THE SENATE.

NUMBER, AUTHOR AND SUBJECT.

	Received from House.....	Read first and second time and referred.....	Report of committee.....	Third reading and amendments.....	Vote on final passage.....	Signed by Speaker.....	Signed by President.....
2. MR. CAMPBELL: Memorializing senate and house of representatives regarding restrictive legislation.....	155	207	.....	278	208	283	264
3. MR. GOSS: Relating to the creation of legislative body in Alaska.....	121	124	137	148	148	209	223
4. MR. CHRISTENSEN: Relating to the opening for settlement of a part of the Columbia forest reserve.....	252	266	263	431	431	497	497
5. MR. LEONARD: Relating to State Road No. 5.....	228	247	261	308	308	367	397
6. MR. BEACH: Relating to the growth and development of the territory of Alaska.....	115	125	137	220	223	383	385
7. MR. GHENT: Praying congress for the extension of time and the relief of desert landowners in the counties of Benton, Yakima and Klickitat.....	228	247	441	481	481	584	.....
8. MR. LARTE: Relating to the proper protection of the Pacific coast.....	537	540	800	.....	.....	.....	.....
9. MR. CONNER: Memorializing congress with reference to the distribution of battleships and cruisers of the United States navy.....	279	281	298	309	300	413	413
10. MR. CARLSON: Relating to the pensioning of the blind soldiers and sailors of the Mexican and Civil wars.....	272	256	.....	256	257	297	288
14. MR. CARLSON: Relating to the Sulloway pension bill now pending before the senate of the United States.....	340	340	.....	340	341	413	413
15. MR. TAYLOR: Relating to the revision of tariff on Washington products.....	340	345	367	421	421	427	489
20. MR. DICKSON: Relating to irrigation.....	882	889	926	.....	.....	.....	.....

SENATE JOINT RESOLUTIONS.

NUMBER, AUTHOR AND SUBJECT.	Read first and second time and referred....	Report of committee.....	Third reading and amendments.....	Vote on final passage.....	Message from House.....	Signed by President.....	Signed by Speaker.....
1. Senator BRYAN: Relating to ratification of amendment to the Constitution of the United States providing for an income tax.....	52	126	155 229	229	252	278	289
2. Senator Cox: Appointing a committee to investigate certain oyster lands leased by the state.....	77	.....	77	77	80	284	287
3. Senator FISHBACK: Appointing joint committee to investigate rock quarries.	79	90	90	90	80	284	288
4. Senator STEWART: Relating to conference with a similar committee of the Oregon legislature concerning fishing laws.....	79	.....	79	80	88	284	288
5. Senator FISHBACK: Relating to the purchase of the Wenatchee bridge.....	231	.....	232	232	279	335	413
6. Senator JENSEN: Relating to the investigation of conditions at the state industrial school at Chelalis.....	364	.....	.....	.....	.....	.....	.....
7. Senator BRYAN: Relating to an amendment to the constitution relative to the election of United States senator.....	349	361 427	421	.....	.....	.....	.....
8. Senator NICHOLS: Relating to appointing a committee of five members to investigate the fishing industry of the State of Washington, especially with reference to the manner in which the laws and regulations are being enforced in American waters adjoining British Columbia.....	469	637	708	709	.....	.....	.....
9. Senator STEPHENS: Relating to the appointment of a commission to investigate the advisability and feasibility of a water grade tunnel under the Cascade mountains connecting Eastern and Western Washington.....	539	654	.....	.....	.....	.....	.....
10. Senators RUTH and ALLEN (P. L.): Relating to the use of products of the State of Washington in the erection of state buildings.....	732	829	878	878	968	940	990

HOUSE JOINT RESOLUTIONS IN THE SENATE.

NUMBER, AUTHOR AND SUBJECT.	Received from House.....		Read first and second time and referred....		Report of committee.....		Third reading and amendments.....		Vote on final passage.....		Signed by Speaker.....		Signed by President.....	
2. MR. McMILLAN: Relating to fisheries and control by the State of Washington	153	307	283	283	283	283	283	283	283	283	283	283	283	283
5. MR. MILLER: Relating to the appointment of a committee to investigate the Bellingham armory.....	367	415	442	442	442	442	442	442	442	442	442	442	442	442

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NUMBER, AUTHOR AND SUBJECT.

	Presented to Senate.....	Action in Senate.....	Message from House.....
1. Senator COLLINS: Relating to holding at San Francisco an international exposition to celebrate the completion of the Panama canal.....	15	15	19
2. Senator ALLEN (F. J.): Relating to holding of memorial exercises in honor of the late Senator S. J. Cameron and others.....	18	19	89
3. Senator ROSENHAUPT: Relating to holding a joint session of the Senate and House in the House chamber, Jan. 10, 1911, for the purpose of hearing the governor's message.....	21	21	21
4. Senator STEVENSON: Relating to memorial services for the late Governor Samuel G. Cosgrove.....	100	101	122
5. Senator BROWN: Relating to the introduction of a bill pertaining to the state armory of Bellingham.....	761	761	779
6. Senator FISHBACK: Relating to the introduction of an appropriation bill for certain state roads, etc.....	782	782	822
7. Senator LANDON: Providing for introduction of bill relating to the National Guard.....	806	806	822
8. Senator HASSETT: Relating to consideration of legislation after 2 p. m. March 9.....	1022	1022	.....
9. Senators STEVENSON and JACKSON: Relating to Richard A. Ballinger.....	1042	1043	.....
10. Senator LANDON: Relating to consideration of Senate bill No. 321, amending military laws.....	1055	1056	.....
11. Senator STEVENSON: Notifying governor that legislature is to adjourn.....	1086	1086	1087

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NUMBER, AUTHOR AND SUBJECT.	Received from House.....	Taken up in Senate.....	Action in Senate.....
1. Mr. BUCHANAN: Notifying governor that legislature is organized and ready to receive messages.....	16	17	17
2. Mr. Goss: Relating to the investigation of the National Guard.....	252	257, 259	267
5. COMMITTEE ON PRINTING AND SUPPLIES: Relating to the printing of the legislative manuals for the session of 1911.....	155	206	207
6. RULES COMMITTEE: Relating to adjournment of the legislature on February 14th, 1911.....	450	454	455
9. MILITARY INVESTIGATING COMMITTEE: Relating to the extension of time to be allowed the committee to make its report.....	491	494	494
11. Mr. HUBBELL: Relating to the hospitality extended to members of the legislature by the citizens of Olympia.....	687	702	702
13. MILITARY COMMITTEE: Allowing extension of time for investigating committee to file report.....	711	712	712
14. RULES COMMITTEE: Relating to introduction of certain bills.....	822	850	850
15. RULES COMMITTEE: Permitting introduction of miscellaneous appropriation bill.....	915	927	963
16. RULES COMMITTEE: Relating to consideration of legislation after 12 o'clock noon March 9.....	915	928	928
17. Mr. DICKSON: Relating to printing of water code.....	915	928	929
19. RULES COMMITTEE: Relating to consideration of legislation on March 9.....	1023	1023	1023

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- Providing for poor person to sue. Senate bill No. 92.
- Relating to quieting title to real property. Senate bill No. 103.
- Relating to trials by jury in civil. Senate bill No. 292.

ADULTERATION—In dairy products prohibited. Senate bill No. 188.

ADVERTISEMENTS—Pernicious and fraudulent, prohibited. House bill No. 70.

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- Same. Senate joint resolution No. 1.
- Manner of making, to city charters. House bill No. 224.

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- Of state into senatorial and representative districts. Senate bill No. 299, and House bill No. 407.

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- For state institutions, state offices and state government. House bill No. 448, and Senate bill No. 313.
- For miscellaneous purposes. House bill No. 560.

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- For Agricultural Experiment Station at Hartline. Senate bill No. 48.
- For armory at Walla Walla. Senate bill No. 9.
- For armory at Everett. Senate bill No. 17.
- For armory at North Yakima. Senate bill No. 28.
- For armory at Bellingham. Senate bill No. 320.
- For bureau of statistics, agriculture and immigration. House bill No. 539.
- For Columbia river improvement. Senate bill No. 104.
- For certain deficiencies. Senate bill No. 66.
- For exhibit at Panama-Pacific Exposition. House bill No. 506, and Senate bill No. 51.
- For extradition expenses and rewards. Senate bill No. 22.
- For Florence Critenden Home. Senate bill No. 72.
- For White Shield Home. Senate bill No. 72.
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- For Historical building at Tacoma. Senate bill No. 304.
- For horticultural inspection. House bill No. 437, and Senate bill No. 282.
- For Meskill quarry completion. House bill No. 557.
- For Lake Washington canal. Senate bills Nos. 39 and 153.
- For legislative expenses. Senate bill No. 1.
- For legislative printing. House bill No. 27.
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- For relief of Bradleys. House bill No. 98.
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- Act relating to delinquent. Senate bill No. 98, and House bill No. 213.

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