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# THE JOURNAL OF THE WASHINGTON STATE CONSTITUTIONAL CONVENTION 1889

with Analytical Index

by

Quentin Shipley Smith

Edited by
Beverly Paulik Rosenow

William S. Hein & Co., Inc.
Buffalo, New York
1999

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## PREFACE TO THE 1999 REPRINT

During the past fifteen years, Washington State's constitution has re-emerged in importance for Washington judges, lawyers and residents. Reflecting a national trend toward state constitutionalism, the State Supreme Court in the early 1980's issued several opinions that expressly relied on Washington's Declaration of Rights and departed from the U.S. Supreme Court's approach on similar issues decided under the federal Bill of Rights. To encourage principled reliance on Washington's Constitution and to spur development of an independent state constitutional jurisprudence, the Court in 1986 (*State v. Gunwall*, 106 Wn.2d 54, 720 P.2d 808) laid down six criteria it expected lawyers to apply when briefing Washington constitutional issues that had U.S. Constitutional parallels. These "*Gunwall* criteria" were heavily historical in nature. In effect, they called upon appellate advocates to carefully research the background of relevant provisions, both before, during and after the state's 1889 Convention.

The *Gunwall* criteria, and the steady increase in focus on Washington's Constitution, have vastly augmented the importance of the Rosenow/Smith ***Journal of the Washington State Constitutional Convention, 1889, with Analytical Index.*** But as demand for the book has increased, the volume has become increasingly difficult to find. The republication is extremely important to judges, lawyers, legislators, historians, journalists and others interested in the details of the hotly debated document that established the state in 1889. The accompanying reprint of the contemporary newspaper articles cited in the Journal's analytical index makes the new publication especially useful.

Many thanks to the Gallagher Law Library staff, to William S. Hein & Co. Inc., and also to Book Publishing Company, which has transferred the copyright to the University of Washington Gallagher Law Library and enabled this significant project to be completed successfully.

***–Hugh Spitzer,***
Affiliate Professor,
University of Washington School of Law
Seattle, Washington
May 1999

## PREFACE TO THE 1999 REPRINT

It is deeply satisfying to know that the 1962 publication of ***The Journal of the Washington State Constitutional Convention, 1889, with Analytical Index*** has been of sufficient use to the legal and general community to merit reprinting. I am certain that all those involved in the initial publication would be gratified.

*–Beverly Paulik Rosenow*
Auburn, Washington
May 1999




WASHINGTON TERRITORIAL SEAL

# THE JOURNAL OF THE
# WASHINGTON STATE
# CONSTITUTIONAL CONVENTION
# 1889

with Analytical Index
by
Quentin Shipley Smith

Edited by
Beverly Paulik Rosenow

BOOK PUBLISHING COMPANY
Seattle, Washington

## PUBLISHER'S ACKNOWLEDGMENTS

The publisher wishes to acknowledge the invaluable aid and counsel of Marian Gallagher, librarian of the University of Washington School of Law; Professor Ralph Johnson of the University of Washington School of Law; Judge Frank P. Weaver of the Washington State Supreme Court; and particularly, Professor Charles M. Gates of the University of Washington History Department who graciously wrote the foreword and guided each step in the publication of this volume.

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1962
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# FOREWORD

Independence Day had a special significance in Olympia, Washington, July 4, 1889, for it was on that day that an elected convention of delegates assembled for the purpose of drafting a constitution for the state. The assignment was one conferred upon the delegates by the Congress of the United States in enabling legislation which President Grover Cleveland had signed, appropriately, on February 22, 1889, George Washington's birthday.

This statute, which is often referred to as the Omnibus Bill, provided that North and South Dakota and Montana, as well as Washington, might "form constitutions and state governments, and . . . be admitted into the Union on an equal footing with the original states." Its paragraphs prescribed in detail the steps to be taken. In each territory the voters were to go to the polls "on the Tuesday after the second Monday in May" to elect delegates to their constitutional conventions. These conventions were to assemble on July 4th at their respective territorial capitals and continue their deliberations during the summer. The constitutions which they prepared were then to be presented for ratification by the voters at a second election, presumably during the autumn. The constitutional conventions were further authorized to provide for the election of officers for full state governments, though these governments were to remain in abeyance until admission to the Union was actually accomplished.

It was the second time that a Washington convention had drawn up a state constitution. An earlier effort in 1878 had been initiated and carried through, though unsuccessfully, wholly in Washington Territory itself, as the result of an election authorized by the territorial assembly. The move was then quite premature, for the entire territory possessed a population of some 70,000 inhabitants while the largest settlements, Seattle and Walla Walla, were towns of less than 4,000 persons. Even in the territory itself the proposal drew a small vote and had the appearance of being a political maneuver to annex the Idaho panhandle to Washington's Inland Empire. The convention met in Walla Walla, did its work conscientiously, and won approval for it from the territorial electorate. Admission required favorable action by Congress, however, and this was wholly out of the question. Those who labored for the admission bill failed even to get it out of committee.

In 1889 the situation was very different. The completion of the Northern Pacific Railroad (1883) had brought a large influx of immigrants, increasing the population to a third of a million people. A lively economic boom was in progress. Farming was expanding rapidly in both eastern and western Washington, resource industries were enjoying a similar growth, and a number of urban communities reported a ten-fold population increase within a decade. There could no longer be any doubt that Washington was qualified for statehood. Politically too, the times were favorable, for the Republican Party was now in power, having won by handsome majorities in the election of 1888. The prospect of new Republican states was no longer something to be opposed for political reasons, as had been the case with Cleveland's Democratic Congress. Republicans therefore granted statehood to the territories (so one Democrat complained) "not singly but in bunches." For Washington, admission was not at issue as it had been earlier. On the contrary, it was taken for granted. Except for the drafting of a constitution, statehood was only a matter of time and formalities.

The Olympia convention differed greatly from its predecessor in composition. A mere fifteen delegates had gathered at Walla Walla, and while they deliberated earnestly and produced a constitution that deserved a careful reading, it appears they were not men of large affairs. Newspaper men, looking on, remarked upon a certain awkwardness and inexperience which made it difficult for them to find solutions to the problems of government with which they must deal. The convention of 1889, by comparison, numbered seventy-five delegates, a number of whom were men of considerable wealth and political effectiveness. We need not call the roll, but it is worth noting that J. J. Browne of Spokane and H. G. Blalock of Walla Walla were reputed to be among the richest men in the territory. J. B. Hoyt of Seattle, who won election as chairman of the convention, was a veteran politician, having served as speaker of the lower house of the Michigan State Legislature, governor of Arizona Territory, and supreme court judge in Washington Territory. C. H. Warner of Colfax was chairman of the Democratic territorial committee, while George Turner of Spokane had headed the Alabama delegation at three national Republican conventions. Generally speaking, the membership was a fair cross-section of territorial society, including the newcomers of recent years as well as the old pioneers. The delegates averaged forty-five years of age.

Republican delegates outnumbered the Democrats 43 to 29; the other three members were Independents.

Through the Proceedings of the Convention, which appear on the following pages, the delegates speak for themselves on the many constitutional questions which confronted them. A few general comments may be appropriate however, to put the record in its historical setting. Constitutionalists in Washington, as in other states, showed in their actions and decisions two opposite tendencies. On the one hand there was a disposition on the part of a number of delegates to view such conventions as this as laboratories where the states might correct existing political weaknesses by introducing corrective measures. For some of these matters history offered no precedents; the problems called for new solutions even though they might be untried and experimental. Thus members of the convention put up propositions and counter propositions for consideration on a wide variety of points. Some proposals were submitted by individuals, some were majority reports of committees; still others were minority opinions. The opening weeks of the convention featured especially this kind of originality and inventiveness.

On the other hand, the Washington convention furnished an excellent example of the tendency of American states to follow and copy one another in constitutional practices. The delegates did not come to their task unprepared or empty-handed. They had models and drafts before them to which they unblushingly made reference. Thanks to the researches of the late Arthur Beardsley, former librarian of the Law School of the University of Washington, it is possible to determine the extent to which the convention turned to the experience of other conventions and appropriated provisions from the constitutions of other states. From his study it is clear that the delegates read the Washington constitution of 1878 with great care. They were considerably influenced also by the draft of a proposed constitution which had been prepared by W. Lair Hill, a prominent lawyer of Oregon and California, and published in the Portland **Oregonian** shortly before the convention began its work. Copies of this model were placed on the desks of the members and at times it was used as the basis of discussion. Beyond this, the Washington constitution-makers acknowledged the merits of a number of other state constitutions by reproducing particular provisions either in substance or verbatim. Such rela-

tionships are noted systematically in the analytical index to the present volume.

The Washington constitution, as adopted by the convention, August 22, 1889, exhibited a number of features and characteristics that were typical of the political thinking of the day. A reform mood is evident in the repeated efforts to deal with political corruption, in the well-intentioned, if unwise, attempts to provide safeguards against public extravagance, in a general distrust of government (even of representative government), and in similar doubts about the large business corporations which were then becoming so powerful, especially in manufacturing, transportation, and banking. Reform thinking expressed itself in numerous prohibitions and restraints which included specific stipulations that the convention might well have left for future legislatures to prescribe rather than including them in the constitution itself. When it came to finding protection against public officials who might be guilty of misdeeds, the answer was to make administrative and judicial officers individually responsible to the electorate, and to establish procedures for their impeachment or removal, should disciplinary action become necessary.

Such viewpoints are clear in the constitutional provisions which the convention drafted and approved. They are yet more striking in the proceedings and deliberations by which these decisions were reached. Whether the point at issue was to prevent the corrupt solicitation of members of the legislature, to prescribe the election of judges for a stated term of years, to prohibit the lending of the state's credit to private corporations, or to provide for the regulation of railroad rates, the delegates in their proposals and arguments proved themselves sensitive to the problems of the day. At the same time they showed themselves aware of the danger of excessive restraints which might discourage the immigration of population and put obstacles in the way of business coming into the state. Debates often betrayed a certain tension between these opposite considerations. Sometimes a clear decision was formulated in the final phrasing of an article; sometimes the issue was left unresolved in ambiguous language for interpretation by future generations.

The members of the convention recognized the importance of keeping a record of their proceedings. They wrote a summary abstract of motions and votes in "Minutes of Proceedings" which

were kept in longhand manuscript as the meeting progressed. They also secured the services of court reporters who took down in shorthand the full text of speeches and arguments. Unfortunately the Congressional appropriation for the convention was not sufficient to cover the cost of transcribing the shorthand notes, hence the reporters did their work with nothing more than a promise that the legislature would pay them later. Through the perverse developments of history these papers were destroyed without being transcribed. Only the minute book was preserved afterward by the Secretary of State, and even that has not been printed until the present time. Washington is one of the few states in the Union which has not made available in published form the proceedings of its constitutional convention. It is, therefore, particularly appropriate that this basic constitutional document can now be presented for reference purposes.

The minutes constitute, of course, a daily journal of occurrences and actions, but do not include the arguments presented in debate. These arguments were noted briefly in the newspaper accounts of the time, and since no James Madison has been found, whose notes can supplement more completely those that have been lost, there seems no alternative but to use press reports as far as they go. It has not seemed wise to present news accounts in full text. Photostatic copies have been assembled, however, and they are on file in the Law Library of the University of Washington. Citation to this material, including an indication of the tenor of the arguments used, are incorporated in the analytical index which is a special feature of the present volume. This index is arranged by article and section of the constitution. It is designed to permit a more convenient reference use of the Proceedings by making it possible to trace any constitutional provision through the convention from its first introduction through the various stages of its consideration to its final adoption. References to arguments and positions, as reported in the press, are noted at appropriate places along with references to the minutes.

The task of editing, indexing and printing this documentary source of material makes this a project which has long awaited the necessary labor and effective sponsorship. It is an enterprise which the late Professor Edmond S. Meany dreamed of carrying to completion, though in modified form, to accompany his earlier published record of the convention of 1878. It is indeed a pleasure to ac-

knowledge the active personal interest of Marian Gallagher, librarian of the University of Washington School of Law, Professor Ralph Johnson of the University of Washington School of Law, and Judge Frank P. Weaver of the Washington State Supreme Court; also the constant and generous support given to the venture by Robert Mort Frayn, political leader and publisher whose enterprise has made the present printing possible. Special commendation and thanks are due to Beverly Rosenow and Quentin S. Smith for their meticulous care in collating the text and preparing the index. The cost of transcribing, editing and typing has been met through research grants and allocations by the Law School and Department of History of the University of Washington.

The above collaboration has not been a complicated one, but it is a tangible evidence of mutuality of interest and friendly cooperation on the part of several departments and agencies. The association is occasioned by the nature of the publication itself. The Proceedings of the Constitutional Convention of 1889 is a basic source and a reference document which is important both for the historian and for the jurist. It illuminates a page in the political evolution of the State of Washington, an important step toward the realization of sovereignty within the framework of the Union. Yet its value is not simply historical, for it has relevance for constitutional decisions by the courts of today. Already it has been cited in Supreme Court decisions, and has been consulted by attorneys in the preparation of their briefs. It is to be hoped that it will have a continuing usefulness for such practical purposes, and a timely interest for those concerned with scholarly research.

CHARLES M. GATES

University of Washington

January, 1962

## EDITORIAL GUIDE

### *To General Usage:*

Spelling of the delegates' names has been made consistent throughout the volume. Whenever the correct form was questionable, choice of spelling was made on the basis of the Constitution as found in the **Legislative Manual** published by the Secretary of State.

During the Convention, in response to the wish of the delegates, roll was called in alphabetical order. In our recording of the roll call votes, we have changed the order to conform alphabetically whenever our spelling of the delegates' names demanded it. Errors in alphabetizing occurring in the original were also corrected. In the **Journal,** President Hoyt is listed as "Mr. President" following the names of those with whom he voted. In vote summaries in the Analytical Index this was simply translated to "Hoyt" and left at the end.

Totals of ayes and noes were not checked against the listed names, although some flagrant errors were found and marked [*sic*].

In the **Journal** and in the Analytical Index, categories in roll call voting (aside from either *for* or *against*) are not consistent and the reader should note the differences in:

not voting
absent
on leave
absent *on* leave
absent *or* not voting
absent *and* not voting.

### *To Journal Usage:*

It has been our policy to reproduce the **Journal** in this volume as nearly as possible exactly as it was written. Thus, while the spelling of words in the **Journal** has been corrected according to modern usage and a consistent form has been adopted for punctuation, capitalization, etc., we have changed no language even though it appears to be patently erroneous. We have noted such

patent errors with [*sic*]. Brackets have also been used to enclose words inserted by the editors where the insertion of such word was necessary to provide grammatical sense and the meaning was clear and unmistakable..

In some instances, language had been lined out in the **Journal.** We have retained such stricken language enclosed in brackets and marked with an asterisk. Material enclosed in parentheses was entered as such in the original **Journal.**

Footnotes in the **Journal** are not numbered. Except for asterisks, which always refer to material stricken in the **Journal,** daggers have been used.

### *To Analytical Index Usage:*

Material pertaining to each section of the Constitution begins with the presently existing language of the Constitution in bold face type. Immediately following appears the "original language" of the section or the notation "Original language same as present." In either case, "original language" refers to the wording of the section as it appeared in the Constitution upon final passage and approval.

The final approval of each article as noted under the heading "Passage of Article" records the first final passage. After this vote was taken, each article was sent to the Committee on Revision. This committee would later report the article back to the Convention, at which time a vote on final agreement was again recorded. This later vote, however, was not entered for every article, nor was any article thereby rejected. For these reasons it was determined to record the first and more indicative final vote.

Cited page numbers in parentheses in the Analytical Index refer to pages of the **Journal** as numbered in this volume. Section numbers in parentheses following sections reported from committees were used where the original section number differed from the final number.

Footnotes are numbered consecutively within each Article. For the most part, footnotes *precede* the material to which they refer, and are meant to cover all material under the main heading not otherwise designated by page number as originating in the **Journal.**

Footnotes refering to a specific quotation, fact, number, etc. are numbered in the usual fashion, i.e. at the end of the sentence.

Constitutional references are given in the full form throughout, without the use of **op. cit.** or **ibid.** "Wash., **Const.** (1878)" refers to the document drawn up by the 1878 constitutional convention held in Walla Walla without federal authorization. "Hill, Prop. Wash. **Const.**" refers to the constitution proposed by William Lair Hill and published in the **Morning Oregonian** on the first day of the 1889 Convention.

References, other than to constitutions, are given in the full form, i.e. **Tacoma Morning Globe,** the first time used in each Article and in shortened form, i.e. **Globe,** thereafter. **Ibid** is used when possible in these references.

**Statesman** is the shortened form of the **Walla Walla Weekly Statesman,** all references to the **Oregon Statesman** or the **Daily Oregon Statesman** being in the full form.

# TABLE OF CONTENTS


| | Page |
|---|---|
| FOREWORD | iii |
| EDITORIAL GUIDE | ix |
| JOURNAL | |
| **Date** | |
| July 4 | 1 |
| July 5 | 3 |
| July 6 | 14 |
| July 9 | 19 |
| July 10 | 35 |
| July 11 | 47 |
| July 12 | 63 |
| July 13 | 74 |
| July 15 | 89 |
| July 16 | 99 |
| July 18 | 113 |
| July 19 | 116 |
| July 20 | 120 |
| July 22 | 121 |
| July 23 | 130 |
| July 24 | 136 |
| July 25 | 149 |
| July 26 | 165 |
| July 27 | 173 |
| July 29 | 187 |
| July 30 | 191 |
| July 31 | 196 |
| August 1 | 202 |
| August 2 | 213 |
| August 5 | 224 |
| August 6 | 248 |
| August 7 | 272 |
| August 8 | 282 |
| August 9 | 294 |
| August 10 | 316 |
| August 12 | 335 |
| August 13 | 346 |
| August 14 | 352 |
| August 15 | 362 |
| August 16 | 370 |

## TABLE OF CONTENTS (Cont.)


| | | Page |
|---|---|---|
| August 17 | | 376 |
| August 19 | | 395 |
| August 20 | | 411 |
| August 21 | | 428 |
| August 22 | | 449 |
| BIOGRAPHICAL SKETCH OF DELEGATES | | 465 |
| ANALYTICAL INDEX | | |
| **Article of Constitution** | | |
| I | Preamble and Declaration of Rights | 491 |
| II | Legislative Department | 519 |
| III | The Executive | 559 |
| IV | The Judiciary | 593 |
| V | Impeachment | 631 |
| VI | Elections and Elective Rights | 633 |
| VII | Revenue and Taxation | 649 |
| VIII | State, County and Municipal Indebtedness | 667 |
| IX | Education | 685 |
| X | Militia | 693 |
| XI | County, City and Township Organization | 705 |
| XII | Corporations other than Municipal | 733 |
| XIII | State Institutions | 733 |
| XIV | Seat of Government | 775 |
| XV | Harbors and Tidewaters | 781 |
| XVI | Schools and Granted Lands | 793 |
| XVII | Tide Lands | 809 |
| XVIII | State Seal | 829 |
| XIX | Exemptions | 831 |
| XX | Public Health and Vital Statistics | 833 |
| XXI | Water and Water Rights | 835 |
| XXII | Legislative Apportionment | 839 |
| XXIII | Amendments | 843 |
| XXIV | Boundaries | 847 |
| XXV | Jurisdiction | 851 |
| XXVI | Compact with United States | 855 |
| Not Accepted: | Mines and Mining | 859 |
| XXVII | Schedule | 865 |
| XXVIII | Compensation of State Officers | 885 |
| TOPICAL INDEX | | 889 |
| BIBLIOGRAPHY | | 931 |

# MINUTES OF PROCEEDINGS OF CONSTITUTIONAL CONVENTION ASSEMBLED JULY 4th, 1889

Convention met in Capitol Building, Olympia July 4th, 1889, at 4 p.m. and was called to order by O. C. White, Secretary, who read the names of members elected. The following persons responded as their names were called.

S. H. Manly
C. P. Coey
Geo. Turner
J. Z. Moore
J. J. Browne
T. C. Griffitts
H. F. Suksdorf
H. E. Allen
H. W. Fairweather
B. B. Glascock
F. M. Dallam
J. A. Shoudy
A. Mires
J. T. McDonald
J. P. T. McCroskey
C. H. Warner
E. H. Sullivan
J. M. Reed
James Hungate
Geo. Comegys
D. Buchanan
S. G. Cosgrove
W. B. Gray
M. M. Godman
R. F. Sturdevant
Lewis Neace
D. J. Crowley
B. L. Sharpstein
N. G. Blalock
R. O. Dunbar
J. T. Eshelman
W. F. Prosser
Louis Sohns
A. A. Lindsley
G. H. Stevenson
J. A. Burk
O. A. Bowen
Jesse Van Name
Henry Winsor
John McReavey
A. J. West
Allen Weir
H. C. Willison
James Power
Thomas Hayton
J. J. Weisenburger
E. Eldridge
J. C. Kellogg
S. A. Dickey
R. Jeffs
T. T. Minor
T. P. Dyer
D. E. Durie
John R. Kinnear
John P. Hoyt
M. J. McElroy
M. Morgans
Geo. W. Tibbetts
W. L. Newton
T. L. Stiles
P. C. Sullivan
Gwin Hicks
H. M. Lillis
C. T. Fay
R. S. More
Robert Jamieson
John F. Gowey
T. M. Reed
F. Henry
O. H. Joy
S. H. Berry

Those not present were Geo. H. Jones, H. Clothier, A. Schooley and J. J. Travis.

A majority being present, Secretary White declared the Convention in session for business. John P. Hoyt offered the follow-

ing, which was unanimously adopted. "Resolved. That J. Z. Moore of Spokane County be and he is hereby elected as temporary chairman of this Convention." Secretary White appointed J. P. Hoyt and Geo. Turner to conduct the temporary Chairman to the chair. On assuming the duties of presiding officer, Mr. Moore delivered a brief, appropriate address. R. O. Dunbar nominated Allen Weir for temporary Secretary. Carried.

The following telegrams were read: "Sioux Falls, Dakota. July 4th, 1889. South Dakota Constitutional Convention sends greetings to Washington Constitutional Convention. A. J. Edgerton, president." "Bismarck, Dakota. July 4th, 1889. To Constitutional Convention: The Constitutional Convention of North Dakota sends greetings and bids you Godspeed in your advance movement toward statehood and free American citizenship. May the four new stars about to be added to the national flag not lose in brilliancy through lack of care in laying the foundations of the states to be. Let Washington bring fruits and flowers, Montana its precious metals to add to the beauty and wealth of our nation, while the Dakotas will bring wheat and corn to feed the people of the world. F. B. Fancher, president." J. F. Gowey moved that appropriate responses be sent to these telegrams. Carried. For telegrams see page 18.

J. R. Kinnear moved that Convention elect permanent officers by ballot upon convening tomorrow. Carried. T. M. Reed moved that a committee of five on credentials be appointed to report on assembling of the Convention tomorrow. Carried.

T. P. Dyer moved the appointment of a committee of three to apportion seats to members. Mr. Gowey moved an amendment granting E. Eldridge and Francis Henry (members of Washington's former Constitutional Convention of 1878) the privilege of selecting their own seats. Amendment accepted. F. Henry objected to motion on the ground that the body was not yet permanently organized; R. O. Dunbar joined in objection. Point of order sustained by the chair.

Geo. Turner moved to reconsider the vote by which Convention decided to elect officers by ballot. Carried. J. R. Kinnear offered a substitute providing for the election of officers by roll-call on assembly tomorrow. F. Henry and C. H. Warner objected to the substitute on the ground that the Convention was not yet

permanently organized. Point of order overruled by the chair. Appeal taken by Mr. Henry. Appeal sustained.

J. F. Gowey moved to adjourn till 10 a.m. tomorrow. D. Buchanan moved to amend by substituting 9 a.m. Amendment defeated.

Mr. Buchanan called for the appointment of the Committee on Credentials. Whereupon the chair appointed T. M. Reed, T. C. Griffitts, A. Mires, S. H. Manly and C. H. Warner.

The motion to adjourn till 10 a.m. tomorrow carried.

ALLEN WEIR
*Temporary Secretary*

## Second Day

Capitol Building, July 5th, 1889. The Convention met at 10 a.m. Temporary Chairman J. Z. Moore in the chair. All the members of the Convention answered to their names, except A. Schooley, H. Clothier, George H. Jones and Francis Henry; the latter afterwards reported present. On motion the minutes were read and amended and adopted as amended. A recess was then taken to enable the Committee on Credentials to report. The Convention was again called to order at 10:35 a.m. T. M. Reed, Chairman of the Committee on Credentials, proceeded to read the report as follows:

To the Chairman of the Constitutional Convention of Washington Territory

Your Committee on Credentials respectfully reports that it has performed the duty assigned it and find the following named gentlemen present and duly qualified and entitled to membership in this Convention from Districts designated as follows:

From the First District the only credentials presented to your committee for the third member from such district is a certificate of the Auditor of Stevens County, being the senior county of such district, by W. W. Waltman showing him to have received the highest number of votes in said district and entitled to membership in this Convention. No other credentials whatever were

presented to the committee by any person claiming such place and no contest exists therefor. Your committee therefore recommends that Mr. W. W. Waltman be admitted as a member of this Convention from the First District.

We have no credentials presented by any person from the Seventeenth District except those of Mr. Thomas Hayton as shown in the following list all of which is respectfully submitted.

T. M. REED
*Chairman*
THOMAS C. GRIFFITTS
*Secretary*
C. H. WARNER
A. MIRES
S. H. MANLY

**First District:**
S. H. Manly
C. P. Coey

**Second District:**
Geo. Turner
J. Z. Moore
J. J. Browne

**Third District:**
T. C. Griffitts
H. F. Suksdorf
Hiram E. Allen

**Fourth District:**
H. W. Fairweather
Frank M. Dallam
B. B. Glascock

**Fifth District:**
John A. Shoudy
A. Mires
J. T. McDonald

**Sixth District:**
J. P. T. McCroskey
C. H. Warner
E. H. Sullivan

**Seventh District:**
John M. Reed
James Hungate
George Comegys

**Eighth District:**
D. Buchanan
S. G. Cosgrove
W. B. Gray

**Ninth District:**
M. M. Godman
Lewis Neace
R. F. Sturdevant

**Tenth District:**
D. J. Crowley
B. L. Sharpstein
N. G. Blalock

**Eleventh District:**
R. O. Dunbar
W. F. Prosser
J. T. Eshelman

**Twelfth District:**
G. H. Stevenson
Louis Sohns
A. A. Lindsley

**Thirteenth District:**
O. A. Bowen
J. A. Burk
J. F. Van Name

**Fourteenth District:**
Henry Winsor
John McReavey
A. J. West

**Fifteenth District:**
Allen Weir
Geo. H. Jones
H. C. Willison

**Sixteenth District:**
James Power
J. J. Weisenburger
Edward Eldridge

**Seventeenth District:**
Thomas Hayton

**Eighteenth District:**
J. C. Kellogg
S. A. Dickey
R. Jeffs

**Nineteenth District:**
T. P. Dyer
Thomas T. Minor
D. E. Durie

**Twentieth District:**
J. P. Hoyt
J. R. Kinnear
M. J. McElroy

**Twenty-first District:**
G. W. Tibbetts
Morgan Morgans
W. L. Newton

**Twenty-second District:**
P. C. Sullivan
T. L. Stiles
Gwin Hicks

**Twenty-third District:**
C. T. Fay
H. M. Lillis
R. S. More

**Twenty-fourth District:**
John F. Gowey
Thomas M. Reed
Francis Henry

**Twenty-fifth District:**
O. H. Joy
R. Jamieson
S. H. Berry

On motion the report was received. Mr. Geo. Turner moved adoption of all of the report except what refers to W. W. Waltman of the First District; the same to be referred to a special committee hereafter. T. C. Griffitts, member of Committee on Credentials explained the case. Gwin Hicks moved that the Hon. Secretary of Territory be requested to explain the reading of the case. Ruled out of order. T. M. Reed, Chairman of the Committee on Credentials further explained, and after further discussion John McReavey moved to amend the motion so as to adopt the report of the committee as a whole. T. L. Stiles moved to amend by adding a proviso so as to leave the Convention free to act hereafter in case a claimant should appear for Waltman's seat. Carried.

James Power moved to amend the amendment so as to admit H. Clothier and A. Schooley as members who were not present but whose certificates were in the hands of the Secretary of the Territory. Adopted. On motion to adopt the report as amended a division was called, resulting in the adoption of the report by forty-two to twenty-five.

C. H. Warner moved to proceed to the election of permanent officers of the Convention by ballot. The president pro tem called attention to the matter of administering the oath to the members. On motion of John F. Gowey, Chief Justice C. H. Hanford was invited to administer the oath of office to the members. The roll was called and the following named members were sworn in by the Chief Justice: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Coey, Comegys, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Gowey, Gray, Griffitts, Hayton, Henry, Hicks, Hoyt, Hungate, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan; P. C. Sullivan, Tibbetts, Turner, Van Name, Waltman, Warner, Weir, Weisenburger, West, Willison, Winsor.

C. H. Warner called for his motion to elect officers. J. R. Kinnear moved to amend by electing by roll call. Amendment lost. T. M. Reed raised point of order that electing by ballot in a representative body is unprecedented. Overruled. The motion to elect by ballot was adopted.

F. Henry moved to adjourn until 2 p.m. Lost.

Geo. Turner nominated for President John P. Hoyt of King County. T. C. Griffitts nominated for President C. H. Warner of Whitman County. J. A. Burk nominated for President S. G. Cosgrove of Garfield. D. E. Durie raised point of order that the nominations were closed before the last name was announced. Overruled. R. O. Dunbar and Geo. H. Jones were appointed tellers. The vote resulted as follows: Hoyt, forty; Warner, fifteen; Cosgrove, fifteen; scattering, three. John P. Hoyt was declared elected President of the Constitutional Convention of Washington Territory. C. H. Warner moved, and S. G. Cosgrove seconded it, that

the election of John P. Hoyt be made unanimous. Adopted. The chairman pro tem appointed Messrs. C. H. Warner, S. G. Cosgrove and A. A. Lindsley a committee to escort Judge Hoyt to the chair. Judge Hoyt made a brief speech of thanks.

John McReavey moved to adjourn until 2 p.m.

The following communication was ordered to be read by the President:

Olympia, July 4th, 1889.

To the Honorable President of the Constitutional Convention of the Territory of Washington

Sir: under instructions from the First Comptroller of Treasury of the United States, this office is authorized to pay from the appropriation providing for the expenses of the Constitutional Convention, Washington Territory, the number of officers and the same pay as are designated for the Territorial Council, or House during a session of the Legislature by the appropriation Act dated June 19th, 1878, viz:

| | | |
|---|---|---|
| One Chief Clerk | at $6 | per day |
| One Enrolling and Engrossing Clerk | at $5 | per day |
| One Sergeant-at-Arms and Doorkeeper | at $5 | per day |
| One Messenger | at $4 | per day |
| One Watchman | at $4 | per day |
| One Chaplain | at $1.50 | per day. |

The accounts therefore are required to be properly certified by the President and Chief Clerk of the Convention, before they are forwarded to this office.

Very respectfully,
O. C. WHITE
*Secretary*

Mr. Gowey moved authority to the President to express the sympathy of the Convention with the citizens of Ellensburg in their calamity by fire which had just been reported. Carried.

Adjourned until 2 p.m.

The following are the telegrams ordered spread on the record.

Olympia, July 4th, 1889

Hon. F. B. Fancher
President North Dakota Constitutional Convention
Bismarck, Dakota.

The Washington Constitutional Convention appreciates your patriotic greeting. We shall endeavor that [of] the four new stars emblazoned on our national flag, the one bearing the honored name of Washington shall not be less brilliant by reason of our labors. May the Dakotas fulfill all the bright expectations of their friends and wear the chaplet of citizenship with distinction and honor.

JAMES Z. MOORE
*President Pro Tem*

## Second Day Afternoon Session

Called to order. J. A. Shoudy of Kittitas County asked for leave of absence on account of the disastrous fire at Ellensburg. Granted. The chair stated next order of business to be election of a Chief Clerk. W. F. Prosser nominated John I. Booge of Spokane Falls. Geo. Comegys nominated W. A. Mears of Spokane Falls. N. G. Blalock nominated H. Kelling of Walla Walla. Result of vote: J. I. Booge, 37; W. A. Mears, 10; Kelling, 21; scattering, 2. John I. Booge was declared elected.

For Enrolling and Engrossing Clerk, James Power nominated Richard O. Welts of Skagit County, seconded by S. H. Manly. M. M. Godman raised a point of order on the ground that the Enabling Act does not specify what officers we shall have. Moved by M. M. Godman that we proceed to elect Sergeant-at-Arms. Lost. Proceeded to election of Enrolling and Engrossing Clerk. John McReavey nominated J. D. Hannegan. Result of vote: Richard O. Welts, 42; J. D. Hannegan, 25; scattering, 3. Richard O. Welts was declared elected.

For Sergeant-at-Arms and Doorkeeper, E. H. Sullivan nominated J. H. Leiter. A. J. West nominated F. Leavenworth. P. C. Sullivan of Pierce County seconded nomination of J. H. Leiter. Result of vote: J. H. Leiter, 47; Leavenworth, 17; scattering, 3. J. H. Leiter was declared elected.

For Messenger, John F. Gowey nominated H. D. Cowles. James Power seconded the nomination. R. O. Dunbar moved to suspend the rules and that H. D. Cowles be elected by acclamation. Carried.

For Watchman—M. M. Godman asked leave to introduce a resolution as follows, and moved its adoption. "Resolved: That the President appoint a committee of seven to report the designation and number of officers other than President, Secretary, Enrolling and Engrossing Clerk and Sergeant-at-Arms, as, in their opinion, are necessary for the transaction of the business of the Convention and the compensation to be paid to each where not fixed by law."

Geo. Turner rose to a point of order, that we proceed to elect officers under a former resolution. Mr. Burk moved to lay the resolution on the table. Geo. Turner's point of order submitted to the Convention and sustained. Mr. Burk nominated Levi Summers. L. H. Joy nominated Phelix Owen. Result of vote: Levi Summers, 32; Phelix Owen, 15; Bowen, 11; scattering, 7. Levi Summers was declared elected.

For Chaplain, A. A. Lindsley nominated Rev. J. R. Thompson. On motion of T. P. Dyer of King County order suspended and Rev. J. R. Thompson was declared elected Chaplain.

S. G. Cosgrove moved to declare the officers thus far elected to be the officers of this Convention. Carried. The following named officers were then sworn in: R. O. Welts, Enrolling and Engrossing Clerk; J. H. Leiter, Sergeant-at-Arms and Doorkeeper; H. D. Cowles, Messenger; Levi Summers, Watchman.

J. R. Kinnear of King County offered the following resolution which was on motion adopted unanimously by roll call. "Be it remembered that in the Convention of the representatives of Washington Territory chosen in pursuance of an act of Congress of the United States, entitled 'An act to provide for the division of Dakota into two states and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and state governments and to be admitted into the Union on an equal footing with the original states and to make donations of public lands to such states' approved February 22nd, 1889, and assembled at the seat of government of said Territory in pursuance of said Act on the fourth day of July A. D. 1889, after the organization of said Convention and before proceeding to other business it was on the fifth day of July, 1889, Resolved, That in pursuance

of the Enabling Act and in behalf of the people of Washington we, in Convention assembled, do adopt the Constitution of the United States."

W. F. Prosser offered the following: "Resolved that a committee of five be appointed by the President to report to the Convention rules and order of business with a list of standing committees of the Convention and that this committee be requested to report tomorrow morning at 10 a.m." T. C. Griffitts moved the following as a substitute: "Resolved that a committee of seven be appointed by the President to report a body of rules for the government of this Convention and to facilitate its business." Substitute adopted.

T. P. Dyer offered the folowing which was adopted. "Resolved: That a committee of three be appointed by the President of this Convention, whose duty it shall be to confer with one or more reporters upon the subject of reporting the debates and proceedings of this body, said reporter or reporters engaging their services upon the faith of a further appropriation by either Congress or the territorial or state Legislature to liquidate said expenses, and reporting to this Convention the result of such conference."

C. A. Bowen introduced the following which was adopted. "Resolved: That the representatives of the press be invited to take seats within the bar, and that the Sergeant-at-Arms be instructed to provide suitable accommodations for the same."

J. Z. Moore submitted the following telegram from the Montana Constitutional Convention.

"Helena, Montana, July 5th, 1889

"Hon. J. Z. Moore: Montana, standing on the threshold of statehood, reciprocates your cordial greeting, and indulges the hope that the Constitution which you have met to form may be based upon the virtue and intelligence of the people, and, when so formed, that it may survive the years to come in all its vigor unimpaired until a hundred sovereign states shall have been erected into one confederacy, then to remain an indestructible and indissoluble Union.

"J. K. TOOLE,
*President Pro Tem.*"

On motion of J. F. Gowey these telegrams and responses and those acted upon yesterday were ordered spread upon the records of the Convention.

E. H. Sullivan moved to have a committee of three be appointed to allot seats to members. D. Buchanan moved to amend by having members draw keys. Member from Klickitat moved amendment to amendment by permitting members to sit as at present located. On motion of John McReavey the whole matter was postponed indefinitely.

On motion of Geo. Turner the Convention proceeded to elect Reading Clerk and Page. T. L. Stiles nominated C. M. Barton for Reading Clerk. On motion of R. O. Dunbar, order of election suspended and C. M. Barton elected by acclamation. H. S. Manly nominated Willie Hagemeyer for Page. On motion of T. M. Reed the rules were suspended and Willie Hagemeyer was declared elected by acclamation. John F. Gowey nominated Master Thompson for other Page. On motion action postponed until tomorrow. C. M. Barton as Reading Clerk and Willie Hagemeyer as Page were sworn in.

The following communications from the Territorial Secretary were read and filed.

"Olympia, July 4th, 1889

"To the Honorable President of the Constitutional Convention of the Territory of Washington.

"Sir: I have the honor to inform you that under instructions from the First Comptroller Treasury of the United States, Thomas H. Cavanaugh has been designated as Public Printer for miscellaneous printing during the session of the Constitutional Convention for Washington Territory. The appropriation for printing being limited to $3,750 no amount in excess of this can be paid for by this office. Very respectfully,

O. C. WHITE,
*Secretary.*"

"Olympia, July 4th, 1889

"To the Honorable President of the Constitutional Convention of the Territory of Washington.

"Sir:

"I have the honor to transmit herewith enclosed copy of letter dated Washington D. C., April 19, 1889, from the First Comptroller Treasury of the United States relative to pay of members, etc., of the Constitutional Convention for the Territory of Washington. Very respectfully,

O. C. WHITE, *Esq.*
*Secretary,*
*Washington Territory.*"

"Sir:

"I am in receipt of your letter of the 10th instant, in which you refer to the Act of Congress approved April [sic] 22, 1889, providing for the admission of Washington Territory; and you request full instructions in regard to the expenditure of the twenty thousand dollars appropriated for the expenses of holding the Convention. You desire to be specially informed as to the per diem to be allowed to members of the Convention and for stationery, printing, etc. You will observe by the twentieth section of the Act above referred to the sum of twenty thousand dollars, or so much thereof as may be necessary, is appropriated to defray the expenses of the Convention in your Territory as well as in each of the other Territories mentioned in said act. Said twenty thousand dollars in the language of the act is 'for the payment of the members thereof under the same rules and regulations and at the same rates as are now provided by law for payment of the territorial legislature'. In the third section of the act it is provided that the number of delegates to each of the said Conventions shall be seventy-five. I find, upon an examination, that the number of delegates to the Conventions largely exceeds the numbers of the legislatures—nearly twice as many. The ordinary appropriation for the expenses of a session of the legislature is about twenty thousand dollars.

"In my opinion Congress did not fully consider the amount which would be necessary for the expenses of the

Convention; but be that as it may, you are not authorized to expend for said expenses more than the amount appropriated; and I suggest that the incidental expenses be first provided for, the mileage of members then paid and the remainder be applied to the payment of members. The amount of the per diem, of course, would depend on the length of the session. If that be short, the rate per day might be as much as members of the legislature receive, while in no case should it exceed that amount. I suggest that if under this ruling the members of the Convention should not receive all to which they think they are properly entitled, they must look to the territorial fund for whatever additional compensation they may expect. Respectfully Yours,

M. J. DURHAM,
*Comptroller.*"

The following committees were announced by the President. On rules, etc.: W. F. Prosser, T. C. Griffitts, C. H. Warner, James Power, S. G. Cosgrove, [D. J. Crowley, T. L. Stiles, L. Sohns, T. M. Reed, D. E. Durie, Walter W. Waltman, A. J. West]†. On reporting proceeding: T. P. Dyer, N. G. Blalock, A. A. Lindsley. James Power moved to refer [(the latter)]* to [the]* Committee [on Rules]* already named. Carried. John F. Gowey moved to increase number of Committee on Rules to thirteen. Carried. On motion of T. L. Stiles Committee instructed to report (partially at least) tomorrow a.m. on assembling of Convention. E. Eldridge moved that we adopt the rules of parliamentary practice in Jefferson's Manual until otherwise ordered. Lost. On motion of J. Z. Moore Convention took a recess of ten minutes.

Convention reconvened. Chairman announced the following additional names for the Committee on Rules, etc.: D. J. Crowley of Walla Walla, T. L. Stiles of Pierce, D. E. Durie of King, A. Weir of Jefferson, A. J. West of Chehalis, and W. W. Waltman of Stevens.

T. C. Griffitts offered the following. "Resolved, That until further ordered, the hours of the session of this Convention be fixed as follows, to wit: Commencing at 10 a.m. and adjourn at 12 noon, commence at 2 p.m. and adjourn at 5 p.m." C. H. Warner moved

† Correction made in journal.
* Stricken in journal.

to strike out all after the words "10 a.m." Carried. D. Buchanan moved to further amend by changing to 9 a.m. D. J. Crowley moved to adjourn. A. A. Lindsley moved that when the Convention adjourns it adjourn until 10 a.m. tomorrow. Carried. On motion of J. R. Kinnear the resolution as to time of session was indefinitely postponed. On motion of J. F. Gowey, adjourned.

ALLEN WEIR
*Secretary Pro Tem*

## Third Day

### A. M. Session (Saturday, July 6th)

At roll call all the members responded to their names except Messrs. Durie, Schooley and Shoudy. Prayer by Chaplain Thompson. Mr. James Power presented the credentials of H. Clothier of Skagit County; he was sworn in by the President. The minutes of the second day's session were read and approved.

Mr. Power offered a resolution as follows: "Resolved, that the thanks of this Convention are due and are hereby tendered to Hon. J. Z. Moore and Hon. Allen Weir for the very able and efficient manner in which they respectfully performed the duties of Temporary President and Secretary of this Convention. Also to the Governor, Chief Justice and the Hon. Secretary of the Territory." Adopted.

Mr. Allen Weir offered the following. "Resolved, that this Convention now proceed to elect a Journal Clerk and a Doorkeeper." Amended to include a Page, and on motion of Mr. Gowey referred to the committee of thirteen on Rules and Order of Business.

Mr. Prosser from the Committee on Rules and Order of Business reported as follows:

To the Honorable President of the Convention: Pursuant to instructions your Committee on Rules and Order of Business respectfully submits the following as the standing committees of the Convention, to be composed of the number of members designated.

| | |
|---|---|
| 1. Preamble and Bill of Rights | 7 Members |
| 2. Election and Election Rights | 7 Members |
| 3. Legislative Department | 9 Members |

| | | |
|---|---|---|
| 4. | Executive Department and Pardoning Power | 5 Members |
| 5. | Judicial Department | 13 Members |
| 6. | Military Affairs | 5 Members |
| 7. | State, County and Municipal Indebtedness | 9 Members |
| 8. | Education and Educational Institutions | 7 Members |
| 9. | State Institutions and Public Buildings | 7 Members |
| 10. | County, City and Township Organization | 9 Members |
| 11. | Apportionment and Representation | 15 Members |
| 12. | Revenue and Taxation | 9 Members |
| 13. | Corporations, other than Municipal | 9 Members |
| 14. | Miscellaneous Subjects, Schedule and Future Amendment | 9 Members |
| 15. | Revision, Adjustment and Enrollment | 5 Members |
| 16. | Water and Water Rights | 5 Members |
| 17. | Agriculture, Manufacture, Fisheries and Commerce | 7 Members |
| 18. | Mining and Mining Interests | 7 Members |
| 19. | Printing, Mileage and Contingent Expenses | 7 Members |
| 20. | Harbors, Tidewater and Navigable Streams | 9 Members |
| 21. | Homestead and Property Exemptions | 5 Members |
| 22. | State, School and Granted Lands | 15 Members |
| 23. | Federal Relations, Boundaries and Immigration | 5 Members |

Your Committee, requiring further time to complete their duties, respectfully request same.

WM. F. PROSSER,
*Chairman*

THOMAS C. GRIFFITTS,
*Secretary*

Mr. Kinnear moved to adopt the report. Mr. Hicks asked for a division of the question by acting on each of the twenty-three subjects separately. Mr. Eldridge moved the report be accepted and ordered to be printed. Lost. Mr. Dunbar moved that the chair be instructed to ask the Convention to refuse to divide the question and that the report be adopted as a whole. The Convention so ordered it.

Mr. Dyer made the following report. "Mr. President: Your Committee appointed to consider the subject of a stenographic report of the proceedings of the Constitutional Convention of Washington have the honor to submit the following report.

"Messrs. A. C. Bowman and C. B. Eaton have made a proposition to report said proceedings, a copy of which proposition accompanies this report.

"We consider their offer a fair one; we have abundant proof of their ability; are convinced of their good faith and respectfully advise that their offer be accepted and that they be sworn in as official reporters. Trusten P. Dyer, Chairman, W. G. Blalock, A. A. Lindsley—Dated at Olympia, July 6, 1889."

"Olympia, July 6, 1889—Hon. T. P. Dyer, Chairman of Committee on Official Stenographer of Constitutional Convention. Sir: We will report in shorthand the proceedings and debates of this Convention at compensation usual for such services and will present our claim therefor to Legislature to assemble next after this date. Said Legislature to arrange for transcript of shorthand report. This proposition is on basis that we will be recognized as official stenographers of this Convention by this Convention. Respectfully, A. C. Bowman, C. B. Eaton."

The report was adopted by a rising vote.

Mr. Lindsley offered a resolution that the Sergeant-at-Arms be instructed to order ice for the use of this Convention. Adopted.

Mr. Gowey offered the following. "Resolved, that the Committee on Rules and Order of Business be instructed to consider the subject of Clerks for the standing committees of this Convention and report as early as possible." The resolution was rejected.

Mr. Prosser offered the following. "Resolved, that the President of this Convention is hereby authorized and instructed to appoint the members of the standing committees which have been ordered by the Convention." Mr. Stiles moved to amend "That the first person named on each committee be the chairman thereof." Accepted by Mr. Prosser. Mr. Sullivan of Whitman moved to amend "that the Convention appoint the chairman and the President select the rest of the members of the committee." Mr. Glascock moved to lay the resolution on the table. Lost. Mr. Griffitts moved to amend to strike out "that the first person named on each committee be the chairman thereof" and insert "The committee shall select their own chairman." Lost. The original resolution with Mr. Stiles' amendment, which had been accepted by Mr. Prosser, was then adopted.

Mr. Kinnear offered the following. "Resolved, that this Convention adopt the rules of the last House of Representatives, so far as applicable to this Convention, pending the report of the Committee of this Convention on Rules and Regulations." Lost.

Mr. Buchanan offered the following. "Resolved, that in accepting the offer of Messrs. Bowman and Eaton to report the proceedings of this Convention it is distinctly understood that the said reports, when paid for by the Legislature, shall be the exclusive property of the state." Lost.

Mr. Turner moved to proceed to the election of a Page provided for by the resolution on the second day's session. Adopted by a rising vote. Mr. Dyer nominated Louis Lee of Olympia. Mr. Manly nominated John T. Carrere, of Spokane Falls. The roll was called as follows:

Berry, Blalock, Bowen, Browne, Cory, Comegys, Crowley, Dallam, Dunbar, Eldridge, Fairweather, Glascock, Godman, Gray, Griffitts, Jamieson, Jeffs, Joy, Kinnear, Lillis, Manly, McCroskey, McDonald, McReavey, Mires, J. Z. Moore, Neace, Power, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Turner, Van Name, Waltman, Warner, Weir—thirty-nine voting for Carrere.

Allen, Buchanan, Burk, Clothier, Cosgrove, Dickey, Dyer, Eshelman, Fay, Gowey, Hayton, Henry, Hicks, Hungate, Jones, Kellogg, Lindsley, McElroy, Minor, R. S. More, Morgans, Newton, Prosser, J. M. Reed, T. M. Reed, Sharpstein, Sohns, Stevenson, Weisenburger, West, Willison, Winsor, President Hoyt—thirty-three for Lee.

John T. Carrere was declared elected. Mr. Power moved that Louis Lee be elected by acclamation the third Page. Lost.

Mr. Gowey moved to adjourn until Monday at 10 a.m. Mr. Jones moved to amend by making it 2 p.m. on Tuesday. Mr. Gowey accepted the amendment. Mr. Turner moved to amend to Monday at 11 a.m. Lost. Pending this motion Mr. Bowman was sworn in by the President as official stenographer of the Convention.

The President then made some announcements relative to the committees and duties of officers of the Convention and requested the Clerk to read the following telegram.

Ellensburg, W. T., July 5th, 1889. John P. Hoyt, President, Constitutional Convention.

Your kind expressions are gratefully received. A large number of our people have lost all. Are doing all we can for them. Anything you see proper will be fully appreciated.

W. R. ABRAMS,
*Mayor*

Mr. Mires of Ellensburg asked indefinite leave of absence which was granted. Mr. Lindsley called the attention of the members to the needs of the people of Ellensburg and suggested a subscription. It was arranged that such a subscription be taken up after adjournment.

Mr. Gowey's motion to adjourn until 2 p.m. Tuesday was then adopted and the Convention adjourned.

Olympia, July 4th, 1889

Hon. A. J. Edgerton

President, Constitutional Convention at Sioux Falls, Dakota.

The Washington Constitutional Convention returns greeting to the South Dakota Convention. The time is auspicious, the empire state of the Pacific Northwest will join her in every onward development.

JAMES Z. MOORE
*President Pro Tem*

Olympia, July 4th, 1889

Hon. J. K. Toole

President, Montana Constitutional Convention:

Washington congratulates Montana on approaching statehood, and predicts that the stars of the new states will rise higher, and be resplendent in its firmament, and honorable fame will grow with the centuries.

JAMES Z. MOORE
*President Pro Tem*

## July, 9th, 1889

Convention called to order by the President at 2 p.m. and all members present except the following: Glascock, Jones, Kellogg, Manly, Morgans, Weir, Willison, also Mr. Mires on leave.

Chief Clerk-elect John I. Booge was then sworn.

Mr. Prosser presented the credentials of Mr. A. Schooley of the 17th District. Mr. Schooley sworn.

The minutes of July 5th were then read and approved.

The President then named the standing committees as follows:

**No. 1. Preamble and Bill of Rights:**
**Warner,** Hicks, Comegys, Henry, Dallam, Kellogg, Sohns.

**No. 2. Elections and Elective Rights:**
**P. C. Sullivan,** J. Z. Moore, Dyer, Glascock, Waltman, Burk, Neace.

**No. 3. Legislative Department:**
**J. Z. Moore,** Buchanan, Stevenson, Neace, McReavey, Morgans, Coey, Gray, Tibbetts.

**No. 4. Executive Department and Pardoning Power:**
**Weir,** Fairweather, Hicks, Clothier, Hungate.

**No. 5. Judicial Department:**
**Turner,** Dunbar, Gowey, Stiles, Godman, Sturdevant, Griffitts, Mires, Sharpstein, Jones, Kinnear, Weisenburger, Crowley.

**No. 6. Military Affairs:**
**Prosser,** Tibbetts, Cosgrove, Berry, Glascock.

**No. 7. State, County and Municipal Indebtedness:**
**Browne,** Blalock, T. M. Reed, Durie, Coey, Hungate, Sturdevant, Fairweather, Fay.

**No. 8. Education and Educational Institutions:**
**Blalock,** Lindsley, Lillis, Dickey, Eshelman, Dunbar, Allen.

**No. 9. State Institutions and Public Buildings:**
**T. M. Reed,** Lindsley, Winsor, Hayton, McCroskey, Waltman, McElroy.

**No. 10. County, City and Township Organization:**
**Stiles,** Lindsley, Dallam, Bowen, Glascock, E. H. Sullivan, Jeffs, Griffitts, Willison.

**No. 11. Apportionment and Representation:**
**Crowley,** Allen, Dyer, Gowey, Hicks, Eshelman, Sohns, West,

P. C. Sullivan, Prosser, Hungate, Van Name, Willison, Cosgrove, Sturdevant.

**No. 12. Revenue and Taxation:**
**Gowey,** Dyer, Fairweather, Berry, Bowen, Browne, Suksdorf, Godman, Sohns.

**No. 13. Corporations Other Than Municipal:**
**Kinnear,** Weisenburger, McCroskey, P. C. Sullivan, Neace, Sharpstein, Shoudy, Henry, Coey.

**No. 14. Miscellaneous Subjects, Schedule and Future Amendment:**
**Sharpstein,** McElroy, Buchanan, Lillis, J. M. Reed, Comegys, Gray, Dickey, Jamieson.

**No. 15. Revision, Adjustment and Enrollment:**
**Minor,** J. M. Reed, T. M. Reed, Eldridge, Stevenson.

**No. 16. Water and Water Rights:**
**Mires,** Manly, R. S. More, McCroskey, E. H. Sullivan.

**No. 17. Agriculture, Manufactures, Fisheries and Commerce:**
**E. H. Sullivan,** Burk, McDonald, Newton, Hayton, Fay, J. M. Reed.

**No. 18. Mining and Mining Interests:**
**Manly,** Morgans, Jamieson, Newton, McDonald, Gray, Weisenburger.

**No. 19. Printing, Mileage and Contingent Expenses:**
**Power,** Joy, Suksdorf, Van Name, Lillis, Clothier, Dallam.

**No. 20. Harbors, Tidewaters and Navigable Streams:**
**Durie,** Prosser, R. S. More, West, Power, Schooley, Stevenson, Weir, Turner.

**No. 21. Homestead and Property Exemptions:**
**Godman,** Jeffs, Jones, Winsor, Allen.

**No. 22. State, School and Granted Lands:**
**Dunbar,** Browne, Warner, Dickey, Minor, Henry, Shoudy, Schooley, Eldridge, Suksdorf, Waltman, Cosgrove, Eshelman, Joy, Kellogg.

**No. 23. Federal Relations, Boundaries and Immigration:**
**Comegys,** Buchanan, McElroy, West, McReavey.

Mr. Prosser submitted the following report from the Committee on Rules and Order of Business.

To the Honorable President of the Constitutional Convention:

Your Committee on Rules most respectfully submit the following report.

We recommend that the additional officers of this Convention consist of one Journal Clerk.

We further recommend that Committee Clerks be employed only at the request of each Committee respectively, when a necessity therefor shall appear; such request to be made to the Convention, and if granted by it, clerks shall then be engaged.

We recommend that this Committee on Rules be a standing committee of the Convention, and that two additional committees be added to the list heretofore reported, being first, a Committee on Engrossment, and, second, a Committee on State Medicine and Public Hygiene, each to consist of five members.

The following rules for the government of the Convention are herewith presented:

## Rules of the Constitutional Convention

### Rule 1

**Hour of Meeting**

The Convention shall meet each day of sitting at 1:30 p.m., unless it shall have adjourned to some other hour.

### Rule 2

**Rights and Duties of the President**

The President shall take the chair every day precisely at the hour to which the Convention shall have adjourned on the preceding day. He shall immediately call the members to order, and on the appearance of a quorum shall cause the journal of the preceding day to be read, and proceed to business.

### Rule 3

**President Pro Tem**

In case the President should be absent at the hour to which the Convention was adjourned the Convention may choose one of its members as President pro tempore.

## Rule 4

The President shall preserve order and decorum, may speak to points of order in preference to other members, arising from his seat for that purpose, and shall decide all questions of order, subject to an appeal to the Convention by any five members, on which appeal no member shall speak more than once, unless by leave of the Convention.

## Rule 5

The President shall have the general direction of the hall and lobby; he shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment. He shall appoint all committees, unless otherwise directed by the Convention.

## Rule 6

### Standing Committees

The President shall appoint the following Standing Committees:

| | | |
|---|---|---|
| 1. | Preamble and Bill of Rights | Seven Members |
| 2. | Elections and Elective Rights | Seven Members |
| 3. | Legislative Department | Nine Members |
| 4. | Executive Department and Pardoning Power | Five Members |
| 5. | Judicial Department | Thirteen Members |
| 6. | Military Affairs | Five Members |
| 7. | State, County and Municipal Indebtedness | Nine Members |
| 8. | Education and Educational Institutions | Seven Members |
| 9. | State Institutions, Seat of Government and Public Buildings | Seven Members |
| 10. | County, City and Township Organizations | Nine Members |
| 11. | Apportionment and Representation | Fifteen Members |
| 12. | Revenue and Taxation | Nine Members |
| 13. | Corporations Other Than Municipal | Nine Members |
| 14. | Miscellaneous Subjects, Schedule and Future Amendments | Nine Members |
| 15. | Revision, Adjustment and Enrollment | Five Members |
| 16. | Committee on Engrossment | Five Members |
| 17. | Water and Water Rights | Five Members |
| 18. | Agriculture, Manufacture, Fisheries and Commerce | Seven Members |

| | | |
|---|---|---|
| 19. | Mining and Mining Interests | Seven Members |
| 20. | Printing, Mileage and Contingent Expenses | Seven Members |
| 21. | Harbors, Tidewater and Navigable Streams | Nine Members |
| 22. | Homestead and Property Exemptions | Five Members |
| 23. | State, School, and Granted Lands | Fifteen Members |
| 24. | Federal Relations, Boundaries and Immigration | Five Members |
| 25. | State Medicine and Public Hygiene | Five Members |
| 26. | Rules of Order | Thirteen Members |

## Rule 7

### Standing Committees

Standing committees shall report on any article or proposition introduced by any member within three days from the date of such reference of the same to such committee, unless further time be granted.

## Rule 8

All reports of committees shall be signed by such members thereof as concur therein, and report, with the names of the member or members signing the same, shall be read by the Clerk, or at the Clerk's desk by the member making the report, without a motion, unless the reading be dispensed with by the Convention.

## Rule 9

No committee shall sit during the daily sessions of the Convention, unless by special leave.

## Rule 10

All warrants, writs and subpoenas issued by order of Convention shall be under the hand of the President, attested by the Clerk.

## Rule 11

### Duties of Subordinate Officers

The subordinate officers of this Convention 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 Convention may impose upon them.

## Rule 12
### Rights and Duties of Members

When any member is about to speak in debate, or submit any matter to the Convention, he shall rise from his seat, and respectfully address himself to Mr. President, and shall confine himself to the question under debate and avoid personalities; and no member shall impeach the motives of any other member.

## Rule 13

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

## Rule 14

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

## Rule 15

If two or more members happen to rise at once, the President shall name who is the first to speak.

## Rule 16

No member shall speak more than twice to the same question without leave of the Convention, nor more than once until every member choosing to speak shall have spoken.

## Rule 17

While the President is putting the question or addressing the Convention, no member shall walk across or out of the hall, nor

when a member is speaking shall any other member pass between him and the chair.

## Rule 18

When the ayes and noes are taken no member shall be allowed to vote who shall have entered the Convention after the calling of the roll is finished; and no member shall be permitted to record his vote on either side of any question unless he was present in the hall at the time such question was put, except by unanimous consent of the Convention. The names of members shall be called in alphabetical order.

## Rule 19

Every member present in the hall when the question is put shall give his vote, unless the Convention for special reasons shall excuse him. All motions to excuse a member from voting shall be made before the Convention decides, or before the call of the ayes and noes is commenced, and any member requesting to be excused from voting may make a brief statement of the reasons for making such request, and the question shall then be taken without further debate.

## Rule 20

No member shall absent himself unless he shall have leave, or be sick and unable to attend.

## Rule 21

It shall be in order for any member, or members, to protest in writing against the action of the Convention, and have such protest entered upon the minutes.

## Rule 22

### Quorum

A majority of all the members elected to the Convention shall be necessary to constitute a quorum to do business, and except as provided a majority of those voting shall be sufficient to decide pending questions.

## Rule 23

### Order of Business

After the roll is called and the journal read business shall be disposed of in the following order.

I. Petitions, memorials, and remonstrances.
II. Reports from standing committees.
III. Reports from select committees.
IV. Propositions and motions.
V. Second reading of articles and propositions.
VI. Articles and propositions on third reading.
VII. Business lying on the table.
VIII. Other business of the Convention.
IX. Special orders of the day.
X. Adjournment.

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

## Rule 24

The President shall on each day announce to the Convention the business in order, agreeably to the preceding rule, and no business shall be taken up or considered until the class to which it belongs shall be declared to be in order.

## Rule 25

### Unfinished Business

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

## Rule 26

### Motions

Every motion shall be reduced to writing if the President or a member may desire it.

## Rule 27
### Privileged Questions

When a question is under debate, or before the Convention, no motion shall be received but

1st, to adjourn;
2nd, to lay on the table;
3rd, for the previous question;
4th, to postpone to a day certain;
5th, to commit or amend;
6th, to postpone indefinitely;

which several motions shall have precedence in the order in which they are named, and no motion to postpone to a day certain, to commit or to postpone indefinitely being decided, shall again be allowed on the same day, and at the same stage of the proceedings. The following questions shall be decided without debate, to wit: To adjourn, to take a recess, to lay on the table, to take from the table, and to go into committee of the whole on orders of the day.

## Rule 28
### Indefinite Postponement

When a question is postponed indefinitely the same shall not be acted upon again during the session, provided that a two-thirds vote shall be required to postpone any measure indefinitely.

## Rule 29
### The Previous Question

The previous question shall be in this form "Shall the main question be now put?" and until decided shall preclude further debate, and all amendment and motions excepting one motion to adjourn, and one to lie on the table. All incidental questions, or questions of order, arising after the motion is made for the previous question, and pending such motion shall be decided whether on appeal or otherwise without debate.

## Rule 30
### Commitment

Motions, propositions and reports may be committed or recommitted at the pleasure of the Convention, and with or without instruction from the Convention.

## Rule 31

Any member may call for the division of a question, which shall be divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Convention. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out, being lost, shall preclude neither amendment nor a motion to strike out and insert.

## Rule 32

### Color of Amendment

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

## Rule 33

On the second day succeeding that on which the final vote on any proposition or resolution concerning the Constitution, or other resolution, has been taken, said vote may be reconsidered on motion of any member, provided notice of such intention shall have been given the day succeeding the day on which such final vote was taken by a member who voted with the majority, and it shall not be in order for any member to move a reconsideration on the day on which such final vote was taken. Such motion of reconsideration shall have precedence over any other motion excepting a motion to adjourn. No notice of reconsideration shall be in order on the day preceding the last day of the session.

## Rule 34

### Reading of Papers

When the reading of any paper is called for, if any objection is made, it shall be decided by a vote of the Convention.

## Rule 35

### Reading of Articles

Every article to be inserted in the Constitution shall have three several readings before it shall be adopted, and the last two readings shall not be on the same day.

## Rule 36

### First and Second Readings

The first reading of an article or proposition shall be for information only, and it shall be read entire, and shall be read the second time by title and referred by the President to the appropriate committee unless otherwise ordered by the Convention.

## Rule 37

### Committee of the Whole

In the committee of the whole an article shall be read throughout by the Clerk, and then again read and debated by clauses.

The body of the article shall not be defaced or interlined, but all amendments (noting the page and line) shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the Convention.

After report, the article shall again be subjected to debate and amendment, by clauses, before a question to engross it be taken.

## Rule 38

The rules of the Convention shall be observed in the committee of the whole so far as they may be applicable except that the ayes and noes shall not be taken, and that the previous question shall not be moved.

## Rule 39

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

## Rule 40

On going into committee of the whole the President shall designate some member as chairman thereof, but a motion that the committee rise shall always be in order, and shall be decided without debate.

## Rule 41
### Closing Debate

The author of a motion, proposition or resolution shall have the privilege of closing a debate, unless the previous question has been sustained.

## Rule 42
### Printing

At the time an article or proposition is referred, as directed in Rule 36, it shall also be printed and copies laid upon the desks of members, unless otherwise directed by the Convention.

## Rule 43
### Calendar

A calendar of each successive day's business shall be prepared by the Clerk, printed, and laid upon the desks of members each morning. Upon such calendar, all propositions for final reading and all special orders shall be placed, in the order of priority in which the order is made. Propositions for final reading on a particular day not reached on that day shall be placed first upon the calendar in the order of final reading of each succeeding day until disposed of. No proposition found upon the calendar shall be taken up and read by the Clerk out of its order thereon, except by direction of the Convention.

## Rule 44
### Final Passage

On the final passage of any article, section or proposition the President shall order the ayes and noes, and the Clerk shall enter in the journal of the Convention the vote of each member so taken.

## Rule 45
### Ayes and Noes

On all questions and motions whatsoever the President shall take the sense of the Convention by ayes and noes, provided three members present shall so desire it.

## Rule 46
### Call of the House

The Convention may order a call of the house at any time upon motion seconded by two members. Upon the call of the house the names of the members shall be called over by the Clerk, and the absentees noted, after which the names of the absentees shall again be called over. The doors shall then be shut, and those for whom no sufficient excuses are made may, by order of those present, be taken into custody as they appear, or may be sent for and taken into custody wherever found by the Sergeant-at-Arms, or by a special messenger to be appointed for that purpose.

## Rule 47
### Revision

As soon as an entire proposition pending before the Convention shall have been disposed of, such proposition, if agreed to by the Convention, shall be referred to the Committee on Revision, to be by that Committee embodied in the Constitution. The Committee shall have full power to revise the language used in the various propositions, and arrange the same so as to be clearly expressive of the sense of the Convention, and to make the instrument complete and consistent with itself.

## Rule 48

The Committee on Revision having completed its revision as provided in the preceding rule, shall report the article or articles of the Constitution, as amended and revised, to the Convention, when it shall be fully read, and having been thus read, the question shall be on agreeing to the article or articles so amended and revised, and if the same shall be decided in the affirmative, the Constitution as a whole shall be carefully enrolled under the supervision of the Committees on Enrollment and Revision, and signed by the President and members of the Convention.

## Rule 49
### Final Vote

The final vote upon agreeing to each proposition shall be taken by ayes and noes, and no such proposition shall be considered as agreed to except a majority of all the delegates elected to the Convention vote therefor.

## Rule 50

### Resolutions

Resolutions giving rise to debate shall lie over for one day before being acted upon, if, upon their introduction, any member shall give notice of a desire to discuss the proposition therein contained.

## Rule 51

### Suspension of Rules

The Convention may at any time, by a vote of a majority of the members present, suspend the rules and orders of the Convention for the purpose of going into the committee of the whole for the consideration of any article or proposition before the Convention.

## Rule 52

### Filing Papers

When a proposition has been agreed to by the Convention, the President shall announce that fact, and the Clerk shall file the same certifying the agreement of the Convention thereto upon the back thereof.

## Rule 53

### Amendment of Rules

These rules shall not be altered or amended excepting after at least one day's notice of the intended alteration or amendment, and then only by a vote of a majority of those elected to the Convention, and no rule shall be suspended excepting by a vote of at least two-thirds of those present.

The Committee on Rules and Order of Business may report at any time.

## Rule 54

In all matters not herein specially provided for, the proceedings of this Convention shall be governed by the ordinary and usual parlimentary rules applicable to bodies of this nature, as laid down by Cushing's manual.

Your Committee have found it necessary to have the services of a clerk, and have engaged Miss May Sylvester and ask the allowance of the same to the extent found necessary.

All of which is respectfully submitted.

WM. F. PROSSER
*Chairman*

THOMAS C. GRIFFITTS
*Secretary*

| | |
|---|---|
| T. M. REED | T. L. STILES |
| JAMES POWER | S. G. COSGROVE |
| DAVID E. DURIE | LOUIS SOHNS |
| WILBUR W. WALTMAN | D. J. CROWLEY |
| ARNOLD J. WEST | C. H. WARNER |

Mr. Gowey moved that the Convention go into a committee of the whole to consider the same. Mr. Griffitts called attention to some clerical errors, and they were corrected by order of the President. Mr. Gowey then renewed his motion to go into committee of the whole for the purpose of considering the report, and a vote being cast was carried. The President called Mr. Gowey to the chair and the committee proceeded to consider the report.

On motion of Mr. Kinnear the committee rose to report progress. Mr. Gowey the chairman reported that the committee recommended the adoption of the whole of the recommendation and rules with the exception of the words "and one page" and moved that the same be done. Carried.

Mr. Prosser moved that three hundred copies of the rules which have been adopted together with the standing committees be printed for the use of members of this Convention. Mr. Dyer moved to amend by striking out three hundred and inserting five hundred. Amendment carried and motion as amended carried.

Mr. Durie moved to proceed to the election of a Journal Clerk. Carried and the President announced that nominations were in order.

Mr. Crowley nominated Mrs. Belle Lampkin.

Mr. Gowey nominated Mr. Brad Davis.

Mr. McElroy nominated J. D. Hannegan.

Mr. Sullivan moved that the Journal Clerk be elected by ballot.

Mr. Henry called for the ayes and noes and the following gentlemen voted aye: Allen, Berry, Blalock, Browne, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Godman, Gowey, Gray, Griffitts, Hayton, Hicks, Hungate, Jamieson, Jeffs, Jones.

Joy, Lillis, McCroskey, McDonald, McElroy, McReavey, Neace, Newton, Power, J. M. Reed, Schooley, Sohns, Stevenson, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Waltman, Warner, West, Winsor.

The following gentlemen voted no: Buchanan, Henry, Kinnear, Lindsley, Minor, R. S. More, J. Z. Moore, Prosser, T. M. Reed, Sharpstein, Suksdorf, Tibbetts, Turner, Van Name, Weir and Mr. President. Fifty voting aye and fifteen no; the motion carried.

Mr. Crowley, Mr. McElroy and Mr. Gowey were appointed tellers and ballot being taken resulted in twenty-four votes for J. D. Hannegan, twenty-six votes for Mrs. Belle Lampkin, thirteen votes for Brad W. Davis, one vote for Frank Sidell, and one vote was blank.

A total of sixty-five votes; none of the parties receiving a majority of all the votes cast there was no election and another ballot was ordered with the following result: J. D. Hannegan, twenty-four votes; Mrs. B. Lampkin, thirty-one votes; B. W. Davis, eleven votes. Total, sixty-six votes.

None of the parties having received a majority of the votes cast there was no election and another ballot was ordered. Mr. Gowey withdrew the name of Mr. Brad W. Davis, and on the third ballot being taken Mrs. Belle Lampkin received thirty-five votes, Mr. Hannegan twenty-eight votes and Miss Sylvester one vote, and Mrs. Belle Lampkin having received a majority of all the votes cast, was declared duly elected and came forward and was sworn.

The President received a dispatch from W. R. Abrams, Mayor of Ellensburg, expressing the grateful acknowledgments of the people of that city for the generous contributions by the members of the Convention.

Mr. Kinnear then offered the following resolution:

"Whereas, the formation of trusts and combinations for the purpose of fixing the price, and regulating the production of the

various articles of commerce, is one of the existing and growing evils of the day, preventing fair and honest competition in the various industries in which our people are engaged, and certain to retard the new state in its onward march to commercial greatness, be it therefore resolved that this subject be referred to the appropriate committee with instructions to prepare and submit to this Convention a clause, providing in substance that no incorporated company in the State of Washington shall directly or indirectly combine, or make any contract with any other incorporated company, foreign or domestic through their stockholders, or the trustees, or assignees of such stockholders, or in any manner whatsoever, for the purpose of fixing the price or regulating the production of any article of commerce, and that the Legislature be required to pass laws for the enforcement thereof, by adequate penalties, to the extent, if necessary, for that purpose, of the forfeiture of their property and franchises."

Mr. Henry moved to reply to the Committee on Corporations Other Than Municipal. Mr. P. C. Sullivan raised a point of order, that it took away the prerogative of the President. Overruled.

Mr. Griffitts demanded the ayes and noes and those voting aye were: Allen, Berry, Blalock, Browne, Buchanan, Burk, Clothier, Coey, Cosgrove, Crowley, Dallam, Dickey, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Gray, Hayton, Henry, Hicks, Jamieson, Jeffs, Joy, Lillis, Lindsley, McDonald, McElroy, McReavey, R. S. More, Newton, Power, Schooley, Sohns, Stevenson, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Turner, Van Name, Winsor.

And those no were: Comegys, Dunbar, Godman, Gowey, Griffitts, Hungate, Kinnear, McCroskey, Minor, J. Z. Moore, Neace, Prosser, J. M. Reed, T. M. Reed, Sharpstein, Shoudy, Stiles, E. H. Sullivan, Waltman, Warner, Weisenburger, West and Mr. President. Forty-three voting aye and twenty-three no, the motion carried.

On motion of Mr. Durie (it being 4:30 p.m.) the Convention adjourned to 1:30 p.m., July 10th, 1889.

## July 10th, 1889

Convention called to order by the President at 1:30 p.m. Prayer by the Chaplain.

On call of the roll all members except the following gentlemen were present: Mr. Clothier, Mr. Manly, and Mr. Mires on leave.

Minutes read and approved.

Mr. Minor moved that the rules be suspended and the Committee upon State, School and Granted Lands be increased to seventeen members. Agreed to.

Mr. Waltman rose and informed the Convention that Mr. Travis was present and that he desired him to be admitted to the seat occupied by himself; Mr. Griffitts then presented the credentials of Mr. Travis, and the Convention by vote ordered that Mr. Travis be seated, and he came forward and was sworn.

Mr. Dyer moved that Clerk certify his per diem and mileage of this Convention. Carried.

Mr. Stiles moved that Mr. Travis be assigned to the committees made vacant by Mr. Waltman. Agreed to.

Mr. Griffitts presented the following communication from Mr. W. D. Knight relating to printing.

"To the Honorable President and Members of the Constitutional Convention of Washington.

"Gentlemen:

"I have the honor to submit the following proposition for the execution of all printing ordered by your honorable body, believing that you alone have the right to select your own printer, an officer so intimately connected with the expedition of the business of the session, and that you all will be interested in promoting the economy which is quite evident an acceptance of my proposition will secure.

"For printing what is ordinarily designated as "Bill Work"—i.e. set in small pica type and leaded with double small pica reglet, the sum of 30 cents per 1000 ems of composition. If leaded with pica reglet, 40 cents per 1000 ems. Presswork 50 cents per token of 250 sheets. In bill work two pages to constitute a signature, unless the nature of the work requires but a single page. For pamphlet composition 50 cents per 1000 ems. For press work 50 cents per token of 250 sheets. Eight pages to constitute a signature, unless the nature of the work requires a less number of pages.

"Paper at cost, ten per cent added, and binding, if any, at cost. The above proposition is about fifty per centum less than the rates allowed by the department at Washington, and as a large proportion of the expense will doubtless have to be paid out of the territorial treasury, judging by legislative precedent, this proposal, it will be seen, will save to the people of the territory a large sum. I furthermore respectfully beg to inform the Convention that I am prepared to immediately enter upon the duties of the position named, should the contract be awarded to me, and will give ample bonds for the faithful and prompt execution thereof.

"Most respectfully submitted,
W. D. KNIGHT
Publisher, *Daily Chronicle*
Spokane Falls, W.T."

The President announced the following committees:

**No. 25. Engrossment:** Shoudy, Berry, Jones, McReavey, Van Name.

**No. 26. State Medical and Public Health:** Willison, Manly, Blalock, Minor, Turner.

A memorial was presented in favor of women voting, same read and referred to Committee on Elections and Elective Rights.

A petition asking that a clause be put into the constitution prohibiting the manufacture and sale of alcoholic liquors in the State of Washington, referred to Committee on Miscellaneous Subjects.

A petition was presented by Mr. Power from citizens of Yakima on the same subject and referred to the Committee on Miscellaneous Subjects, Schedule and Future Amendments.

Mr. J. M. Reed presented petition in favor of women's suffrage, referred to Committee on Elections.

Mr. Turner from Judiciary presents the following request from the Judiciary Committee and moved that the same be granted, which was done.

To the Honorable President of the Convention:

Your committee on Judicial Department respectfully request the Convention to allow them to engage the services of Miss May Sylvester as Committee Clerk.

Respectfully submitted. July 10th, 1889.

GEORGE TURNER
*Chairman*
THOMAS C. GRIFFITTS
*Secretary*

Permission granted.

Mr. Kinnear from the Committee on Corporations Other Than Municipal presents the following majority report of said Committee, ordered received and filed.

Majority Report

Mr. President:

Your Committee on Corporations Other Than Municipal to whom was referred the resolution on trusts and combinations created for the purpose of fixing the price and regulating the production of the various articles of commerce reports that it has considered and acted upon said resolution, and the majority of said committee recommends its adoption by the Convention, and that it be referred to the appropriate committee.

J. R. KINNEAR, *Chairman*
LEWIS NEACE
B. L. SHARPSTEIN
J. J. WEISENBURGER
J. P. T. MCCROSKEY
CHAS. T. COEY
FRANCIS HENRY

Mr. P. C. Sullivan from the same Committee presents a minority report of the same Committee.

The undersigned members of the Committee on Corporations Other Than Municipal, hereby submit to the Convention for its consideration the following minority report.

That the resolution in relation to trusts should be adopted as the sense of this Convention upon the subject, but that the clause instructing the committee to report any clause to be em-

bodied in the Constitution in substance the same as that of the resolution be not adopted. We deem the instruction a violation of the spirit of the rules of the Convention, and its adoption will have a tendency to cause all members to make propositions in the form of resolutions and instructions instead of submitting simple propositions for consideration by the committees.

JOHN A. SHOUDY
P. C. SULLIVAN

Mr. Warner moved that the minority report of the Committee be adopted; carried.

Mr. Gowey presented the following resolution and moved its adoption. "Resolved, that the privileges of the floor of the Convention be tendered to the Governor, Secretary, and other executive officers of the Territory, during sessions." Carried.

Mr. Crowley presents the following request and moves its adoption.

To the President of the Convention: We, your Committee on Appointment and Representation, request permission of the Convention to employ O. C. Pratt as clerk of the Committee.

D. J. CROWLEY,
*Chairman*
P. C. SULLIVAN,
*Secretary*

July 10th, 1889.
Carried. Permission Granted.

Mr. Stiles presented the following petition [from the] Tacoma Typographical Union No. 170 relative to elections, taxation and other matters which was read, and the Clerk instructed to refer to the various committees which was done as follows: The first, second, third and fourth paragraphs to the Committee on Elections and Elective Rights.

The fifth paragraph to the Committee on County, City and Township Organization.

The sixth paragraph to the Committee on Revenue and Taxation.

The seventh paragraph to the Committee on State, School and Granted Lands.

Paragraphs eight, nine, ten and eleven to the Committee on Miscellaneous Subjects, Schedule and Future Amendments.

The officers of the Tacoma Typographical Union No. 170 presented a petition by order of the said body representing seventy-five members demanding "that the following provisions be made in the Constitution which you are to frame and submit to the people."

**1st** Provision for an absolute secret ballot, so that our citizens can vote as their conscience dictates.

**2nd** The selection of all servants by the people by the elective method. No appointing power to be vested in any of our state or municipal officers.

**3rd** Majority representation.

**4th** That when one third of the members of the Legislature shall demand the submission of a law to a proper vote, it shall be so submitted.

**5th** Enabling municipal governments to own and control such industries and public conveniences as the people may choose to own and control.

**6th** Taxation of land held from use as high as land used.

**7th** The reservation of our tidelands, school lands and all lands ceded to the state by the United States forever. The same to be treated so as to insure the highest possible perpetual income to the schools.

**8th** Prohibiting the operation of all private detective agencies. No arrest to be made or law enforced by other than constitutionally qualified officers.

**9th** A clause providing that the rights of the people to peacefully assemble to discuss measures for their mutual benefit, to ask for a redress of grievances shall not be infringed upon or curtailed.

**10th** Providing for annual sessions of the Legislature and no restrictions to be placed on length of session.

**11th** An expeditious method of amending the organic law so as to make it conform to changing conditions.

The petitioners further prayed that the members would continually bear in mind that a republic can only be based on the equality of its citizens and that the great producing classes have a right to be protected against the nonproducers and drones of society.

Petition signed by Geo. W. Alexander, President and C. E. Crittenden, Secretary.

The following propositions were then submitted in the order following.

Proposition No. 1
By Thomas C. Griffitts
Third District

No land owned by the State of Washington, either by grant or otherwise at the time it becomes a state, except lands granted to said state for the establishment and maintenance of a scientific school, normal schools, public buildings and state charitable, educational, penal and reformatory institutions, shall ever be sold or in any manner transferred but the title thereof shall remain forever in the state.

Was read first and second time and referred to the Committee on State, School and Granted Lands.

Proposition No. 2
By Thomas C. Griffitts
Third District

The ownership of lands by aliens is detrimental to the best interests of a state and is therefor prohibited in this state except where acquired by inheritance and all conveyances of lands hereafter made to any alien shall be void.

Was read a first and second time and referred to the Committee on State, School and Granted Lands.

Proposition No. 3
By Thomas C. Griffitts
Third District

No county, city or other municipal corporation shall give any subsidy or loan its credit in any way whatever for any purpose to any corporation, company, association or person.

Was read first and second time and referred to the Committee on State, County and Municipal Corporations.

Proposition No. 4
By Thomas C. Griffitts
Third District

There shall be established in the office of the Secretary of State a Bureau of Labor Statistics and the Legislature shall enact appropriate legislation to establish and maintain the same.

Read first and second times and referred to the Committee on Legislative Department.

Proposition No. 5
By Mr. Prosser

Article—On Water Rights

Riparian proprietors shall have all the rights in the flow and use of the waters of this state which pertain to riparian proprietors at common law, provided, however, that in the districts of this state wherein irrigation is necessary the Legislature may provide for the mode and manner of appropriating the waters flowing and being in such district or districts to public use, and also provide for the mode and manner of ascertaining and determining the compensation to be rendered to any party or parties (if at all) "on account of such appropriation" to public use.

Read first and second time and referred to Committee on Water and Water Rights.

Proposition No. 6
Tidelands
By Mr. Prosser

The tidelands within the limits of the State of Washington lying between the meander line of the United States Government survey and deep water are the property of the state by right of eminent domain, and such lands shall not be sold or donated to any person or corporation for any purpose whatever, but shall remain the property of the state forever. But such lands may be leased upon such terms as the Legislature may prescribe and for any length of time not exceeding twenty-one years.

Was read a first and second time and referred to Committee on State, School and Granted Lands.

Proposition No. 7
Corporations
By Mr. Sharpstein

Article—

I

Corporations may be formed under general laws but shall not be created by special laws except for municipal purposes. All general or special laws relating to corporations may be altered, amended or repealed by the Legislature at any time; and all corporations doing business in this state may as to such business be regulated, limited or restrained by law.

II

The credit of the state shall never be loaned or given to, or in aid of, any corporation, company, association or person whatever.

III

No county, city, school district or other municipal corporation shall incur or create any indebtedness exceeding four per centum of its taxable property as shown at the time by the last assessment roll thereof.

IV

No county, city or other municipal corporation shall give any subsidy or loan its credit in any way whatever to any corporation, company, association or person, except upon a vote of two-thirds of the taxpayers thereof in favor of such subsidy or loan, to be ascertained at an election held therein, at such time and in such manner as may be provided by law.

V

Monopolies and trusts are contrary to the best interests of free government and shall never be allowed in this state, and combinations for controlling the price of transportation of commodities are prohibited.

Read first and second time and referred to the Committee on Corporations Other Than Municipal.

Proposition No. 8
Confirming Title to Tidelands
By Mr. Power

Propositions confirming patent titles to settlers and purchasers of tide marsh lands under the land laws of the United States.

**Section**—All patents and grants of lands made by the United States to settlers and purchasers of tide marsh lands under the land laws of the United States shall be ratified and confirmed by this state.

Read first and second time and referred to the Committee on State, School and Granted Lands.

Letter on Limiting Municipal Indebtedness
By N. W. Harris, banker, Chicago, Ill.

Chicago, July 3rd, 1889

Honorable Chairman of State Constitutional Convention,
Olympia, Washington Territory.

Dear Sir: We take the liberty to address you upon the subject of municipal indebtedness.

We have recently purchased the entire issue of bonds put out by the County of King and by the City of Spokane Falls and contemplate extensive additional purchases from municipalities in the new State of Washington. Above purchases show that we have felt confidence in the growth and prosperity of your commonwealth. In the adoption of a Constitution for the proposed State of Washington, in order to secure the confidence and support of eastern capitalists as well as to insure the economical management of municipalities by local authorities, we would recommend that the new Constitution contain a provision similar to the following, to wit:

> No county, city, township, school district or other municipal corporation shall be allowed to become indebted in any manner or for any purpose, to any amount including existing indebtedness in the aggregate

exceeding five per centum of the valuation of the taxable property thereof, to be ascertained by the last assessment for state and county taxes, previous to the incurring of such indebtedness, and all bonds or obligations in excess of such amount given by such corporation shall be void.

The above is similar to the provision of the Constitutions of Illinois, Wisconsin, Indiana, Iowa and Missouri, except that in Indiana the limit is two per cent instead of five per cent. And South Dakota has provided for a similar limit in Section 3 of Article 13 of the Sioux Falls Constitution. Prior to the adoption of the amendment to the Illinois Constitution of the character indicated above many counties and cities of the state became heavily involved in debt, some to the extent of forty per cent of their assessed valuation for taxation, which resulted disastrously to their prosperity. Bonds were voted to the aid of railroads, private manufacturing companies, etc. Similar experiences were had in the other states mentioned above and the adoption of a Constitutional limit has caused the confidence of the investing public in the various municipal bonds of the states named to be materially strengthened, and there is today a large and material difference between the market value of bonds issued in similar cities and counties in Minnesota and in Iowa. Iowa, standing with its Constitutional limit, in much higher credit than Minnesota with no constitutional limit to the debt its municipalities can create. The Constitutional limit of Indiana has undoubtedly prevented the utter bankruptcy of many townships in that state, which would otherwise have been caused by the excessive issue of township warrants.

We shall be pleased to submit any additional facts or information upon the subject that may be desired and would again call attention to the importance to the future prosperity of your state upon the adoption of a provision limiting the amount of the indebtedness as above indicated.

No other subject is of more importance to its prosperity. We trust you will give this matter your consider-

ation and support and in due course refer this letter to the proper committee.

All of which is respectfully submitted.

Your very truly,

N. W. HARRIS

*(of N. W. Harris & Co., Bankers)*

Proposition No. 9

Corporations

By Mr. Godman

Resolved, that the following be referred to the proper committee for consideration.

**Section**—Any railroad corporation or association organized for the purpose, shall have the right with its road to connect with or cross any other railway and all railway companies shall receive and transport each the other's passengers, tonnage and cars loaded or empty without delay or discrimination. The Legislature shall provide adequate penalties for the violation of this section.

**Section**—Railways heretofore constructed, or that may hereafter be constructed in this state, are public highways; and railway companies are common carriers and as such are, and shall always be, subject to the control and regulation of law. They shall not charge extortionate or excessive rates for transportation nor unjustly discriminate in their charges for the rendering of services against or among persons or places. The Legislature shall enact such laws prohibiting under adequate penalties violations of this section.

**Section**—No corporation shall issue stock or bonds, except for money paid, labor done, or property actually received and all fictitious increase of stock or indebtedness shall be void. The stock of a corporation shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock, nor without giving sixty days public notice, in such manner as may be provided by law, of the intention to increase the stock, and of the time and place of the meeting when the matter is to be voted upon.

**Section**—Corporations shall not be formed under special laws,

nor their charters extended or altered nor any rights or power whatever conferred upon them by special laws.

**Section**—The Legislature shall not remit forfeiture of the charter or franchises of any corporation now existing or which shall hereafter exist under the laws of this state.

**Section**—The property of corporations shall be subject to be taken in the exercise of the rights of eminent domain on the same terms as that of natural persons.

**Section**—Every corporation, other than educational, and benevolent, doing business in this state, shall have and maintain an office or place in this state for the transaction of its business, where the transfers of stock shall be made and where shall be kept subject to the inspection of any person having an interest therein, and of legislative committees and other agents authorized by the state, books in which shall be recorded the amount of the capital stock subscribed and by whom, the names of the owners of its stock and the amounts owned by them respectively; the amount of stock paid in and by whom the transfer of stock, the amount of its assets and liabilities and the names and residence of its officers.

**Section**—No corporation organized outside of this state shall be allowed to transact business within the state on more favorable terms than are allowed by law to similar corporations organized in the state.

**Section**—No state bank shall hereafter be created nor shall the state own or be liable for any stock in any corporation or joint stock company or association for banking purposes, now created or hereafter to be created.

Mr. Shoudy moved to adjourn and division called for, and the motion prevailed. At 3:15 p.m. the Convention adjourned to 1:30 p.m., July 11th, 1889.

## July 11th, 1889

Convention called to order by the President at 1:30 p.m. Prayer by the Chaplain. On a call of the roll all members were present except Messrs. Burk and Fay. Mr. Sullivan asked leave of absence for Mr. Fay who was called home by sickness. Granted.

Mr. Dunbar of the Committee on State, School and Granted Lands asked leave to employ a clerk. Granted.

The minutes were then read and ordered corrected, and approved as corrected.

The President announced that he had placed Messrs. Stiles and Browne upon the Committee on State, School and Granted Lands in accordance with instructions of the Convention to increase the committee to seventeen members.

The President ordered a communication from Mr. Prosser read, requesting [each] member to hand to the Committee on Printing, Mileage and Contingent Expenses as early as possible his name, post office address, most direct route of travel to the capitol and number of miles traveled. Which was done.

Mr. Dyer offered the following resolution. Resolved, that all propositions submitted to this Convention to be inserted in the Constitution be submitted in the proper form of an article or the section of an article to be embodied in said Constitution.

Mr. Browne moved to strike out "or the section of an article."

Mr. Reed rose to a point of order, that "resolutions creating debate lie over one day." The President stated it was being considered under a suspension of the rules. Mr. Turner rose to a point of order that it is in the nature of an amendment of the rules. Point of order sustained.

Mr. Henry presented a remonstrance against women's suffrage, and it was referred to the Committee on Elections and Elective Rights.

Mr. Eshelman presented a memorial asking that the manufacture and sale of alcoholic liquors be forever prohibited together with an affidavit of Mr. E. B. Sutton. Referred to Committee on Miscellaneous, Schedule and Future Amendments.

Mr. P. C. Sullivan presents the following and moves that it be granted.

The Committee on Elections and Elective Rights hereby re-

spectfully request that they be allowed to employ a Clerk, and name Miss Lillie Brown as a proper person to be employed.

P. C. SULLIVAN
*Chairman*
T. P. DYER
*Secretary*

Leave granted.

Mr. J. Z. Moore presented the following partial report from the Committee on Legislative Department.

**Section 1**—The legislative power shall be rested in the general assembly which shall consist of a Senate and a House of Representatives, both to be elected by the people, which shall be designated the legislative assembly of the State of Washington.

**Section 2**—The number of the members of the House of Representatives shall never be less than sixty-four nor more than one hundred. The Senate shall consist of a number not more than fifty nor less than thirty-two. The number of the members of the Senate being always one-half of the number of the members of the House of Representatives. The first legislative assembly elected by virtue of this Constitution shall consist of seventy members in the House of Representatives and thirty-five Senators.

Mr. Henry moved to refer it to the Committee on Legislative Department.

Mr. Stiles moved to refer it to the Committee on Printing, Mileage and Contingent Expenses.

Mr. Reed rose to a point of order. "That the report should be read a second time before it could be properly acted upon." Point of order sustained.

Mr. Henry withdrew his motion.

The report was then read a second time.

Mr. J. Z. Moore then offered the following as a substitute. Resolved, that the Legislature of the state shall consist of seventy members of the House and thirty-five members of the Senate.

Mr. Griffitts asked that it lie over one day under the rules.

Mr. Dunbar moved that it be taken from the rules, under Rule 42.

Mr. Griffitts rose to a point of order, "That under the rules it must lie over one day." Point of order overruled.

Mr. Godman rose to a point of order, "That it only being a resolution and not referred, that under the rules it should be referred." Point of order overruled.

Mr. Lindsley moved the Convention go into a committee of the whole for the purpose of considering the resolution. A division of the house being called for the motion was carried. Thereupon the Convention went into committee of the whole for the purpose of considering the resolution, with Mr. Lindsley in the chair.

The Clerk reported that "nothing had been done," and the Convention proceeded to the regular order of business.

Mr. Shoudy from the Committee on Engrossed Bills presents the following request and moves its adoption.

Olympia, July 11th, 1889

Mr. President and members of the Constitutional Convention assembled at Olympia, 1889.

Your Committee on Engrossed Bills met pursuant to a call by the chairman of said committee and a majority being present, after consideration and due deliberation of the duties devolving upon us, find it necessary to employ a clerk and request that we be authorized to employ Mr. J. D. Hannegan whom we find to be in every way qualified to discharge the duties of such clerkship.

JOHN A. SHOUDY
*Chairman*
S. H. BERRY
*Secretary*

Leave was granted.

The following propositions were then submitted in the order following.

State of Washington
Constitution
By Mr. Weir

We the people of the State of Washington, to the end that

justice be established, order maintained and liberty perpetuated do ordain this Constitution.

## Article I

## Bill of Rights

**Section 1.** All men are possessed of equal and unalienable natural rights, among which are life, liberty and the pursuit of happiness. All power is inherent in the people and all free governments are founded on their authority and instituted for their peace, safety and happiness; and they have at all times the right to alter or reform the government as they may think proper.

**Section 2.** The State of Washington is an inseparable part of the American Union, and the Constitution of the United States is the supreme law of the land.

**Section 3.** All men shall be secured in their natural rights to worship God according to the dictates of their own conscience; none shall be compelled to attend any form of worship, nor shall any control of, or interference with, the rights of conscience upon the subject of religion or worship be permitted; no public money shall ever be appropriated for the support of any religious establishment or any form of worship.

**Section 4.** The right of free speech written, printed or spoken, when not infringing the rights of others, shall forever remain inviolate, and shall be secured to every citizen.

**Section 5.** The rights of petition, public assembly and trial by jury shall never be denied to any person.

**Section 7.** The right of the people to be secure in their persons, houses, papers and effects, against unreasonable search or seizure shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched and the person or thing to be seized.

**Section 8.** No court shall be secret but justice shall be administered openly and without purchase, completely and without delay, and every person shall have remedy by due course of law for injury done him in his person, property or reputation.

**Section 8½.** A jury shall consist of twelve jurors unless the parties agree to a less number, except that in courts held by jus-

tices of the peace a jury shall consist of six jurors unless the parties agree to a less number. In civil actions a verdict concurred in by three-fourths of the jury shall be the verdict of the jury. A trial by jury may be waived in any case but in criminal cases; when the crime charged is a felony it cannot be waived without the consent of the presiding judge. Reasonable rules shall be provided by law for the time and manner of demanding or waiving a trial by jury.

**Section 9.** A grand jury consisting of fifteen qualified electors, twelve of whom must concur to find an indictment, shall be summoned at least once in each year in each district.

**Section 10.** In all criminal prosecutions the accused shall have the right to public trial by an impartial jury in the county or district in which the offense alleged was committed, to be heard by himself and counsel, to have a copy of the complaint, to meet the accuser and witnesses face to face and to have compulsory process for obtaining witnesses in his favor.

**Section 11.** No person shall be put in jeopardy twice for the same offense nor be compelled in any criminal prosecution to testify against himself.

**Section 12.** Offenses, except murder and treason, shall be bailable. Murder and treason shall not be bailable when the proof is evident or the presumption strong. Excessive bail shall not be required nor excessive fines imposed. In all criminal cases the jury shall be exclusive judges of the law and the facts under direction of the court as to the law and the right of new trial is in civil cases.

**Section 13.** The military shall always be subordinate to the civil power.

**Section 14.** No soldiers shall in time of peace be quartered in any house without the consent of the owner nor in time of war except as prescribed by law.

**Section 15.** Private property shall not be taken nor damaged for public use without just compensation therefore.

**Section 16.** There shall be no imprisonment for debts except in case of debt and absconding debtor.

**Section 17.** Slavery shall never be tolerated in this state nor

shall there be any involuntary servitude unless for punishment for crime.

**Section 18.** No law shall be passed granting to any citizen or class of citizens any privileges or immunities which upon the same terms shall not equally belong to all citizens.

**Section 19.** No bill of attainder or ex post facto law or law impairing the obligation of contracts shall ever be passed, nor shall any law be passed the taking of effect of which shall be made to depend upon any authority except as provided in this Constitution, provided that laws locating the capital of the state, locating county seats, and submitting town and corporate acts and other local and special laws, may take effect or not upon a vote of the electors interested.

**Section 20.** The operation of the laws shall never be suspended except by authority of the legislative assembly.

**Section 21.** The right of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety requires it.

**Section 22.** Treason against the state shall consist only in levying war against it, adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or confession in open court.

**Section 23.** No conviction for any crime shall work corruption of blood or forfeiture of estate.

**Section 24.** The people shall have the right to bear arms in defense of themselves and of the state.

**Section 25.** No tax or duty shall be imposed without the consent of the people or their representatives in the legislative assembly and all taxation shall be equal and uniform.

**Section 26.** This bill of rights shall not be construed to impair or deny others not herein specified.

Read second time and referred to Committee on Preamble and Bill of Rights.

**Article I**

Bill of Rights

By Mr. Suksdorf

**Section 1.** Private business carried on under the laws of the state shall not be declared unlawful without just compensation.

Proposition relative to State Lands

**Article II**

**Section 1.** Three State Land Commissioners who shall constitute a board of State Land Commissioners shall be elected at the same time and places and in the same manner as the Governor, and their terms of office shall be the same as that of the Governor, provided no elector shall vote for more than two persons for State Land Commissioners.

**Section 2.** It shall be the duty of the State Land Commissioners to select, supervise and control all the lands which are and at any time may become vested in the state. They shall lease or sell such state lands subject to the approval of the Legislature; provided, no lease shall be for less than five nor more than twenty years; every lease and every sale shall be made at public auction to the highest bidder after due advertisement; and all sales shall be time sales of not less than ten nor more than twenty years, the purchaser paying one tenth cash and eight per cent per annum on the deferred payments.

**Section 3.** The proceeds accruing to the state, from the lease or sale of the state lands, shall be assigned by the State Land Commissioners to the funds entitled thereto.

Proposition relative to election of Statistician

**Article III**

Executive Department

**Section 1.** A state statistician shall be elected at the same time and places and in the same manner as the Governor and his term of office shall be the same as that of the Governor.

**Section 2.** It shall be the duty of the state statistician to collect, tabulate and publish, at stated times, the statistics of agriculture, manufacture, fisheries, commerce, meteorology, and education of the state.

**Section 3.** The legislative assembly shall provide by law the necessary means to carry out the provisions of this article.

Read a second time and Clerk ordered to refer to appropriate committees, which was done as follows,

**Article I,** Preamble and Bill of Rights;

**Article II,** State, School and Granted Lands;

**Article III,** Executive Department and Pardoning Power.

Mr. Henry introduced the following resolution and notice.

Rule—The proceedings of the several standing committees shall not be made public except as they may be reported by said committees from time to time to the Convention.

I hereby give notice that I will call up the above additional rule and move its passage tomorrow.
July 11th, 1889.

FRANCIS HENRY

The following proposition was then introduced.

Streets and Alleys, in Towns and Cities, and Tidelands

By Mr. Kinnear

**Section 1.** That the streets and alleys of cities and towns laid out over tidelands of the state, be dedicated to such cities and towns for the use of streets, alleys and wharves.

**Section 2.** That the land below highwater mark over which the streets and alleys of cities and towns in this state now are and shall hereafter be located, shall be dedicated to such cities and towns for the use of streets, alleys and wharves subject to the rights of commerce and navigation.

Read a second time and referred to Committee on State, School and Granted Lands.

The following resolution was then introduced by Mr. Hicks. Resolved, that so much of the present Constitution as relates to the several subjects for which standing committees have been appointed be referred to those committees respectively and that the said committees be and they are hereby instructed to consider the same and prepare and report to this Convention such propositions as in their judgment should be incorporated in the Constitution.

The resolution was not seconded.

Propositions were then introduced in the following order.

Railroad Commissioners

By Mr. Buchanan

The Governor shall nominate and submit to the Senate for their approval three suitable persons for the office of Railroad Commissioners, and if approved by two-thirds of the Senators voting thereon he shall appoint the said persons so appointed to the said office. Their term of office shall be six years, one of them to retire every two years. At the first meeting of the Legislature crowned under authority of this Constitution the Governor shall nominate one of said persons to the middle term of four years and one, to the full term of six years. Their term of office shall begin at noon on the first Monday in.....next ensuing after their appointment.

Said Commissioners shall be not less than thirty-five years of age, be citizens of the United States not less than ten years and residents of the territory or state not less than three years prior to the date of their nomination. They shall not be interested in any railroad or other transportation company, as stockholder, creditor, agent, attorney or employee.

The act of a majority of said Commissioners shall be deemed the act of the Commissioners. The said Commissioners shall have power and it shall be their duty to act for and on behalf of the people with duly authorized representatives of all transportation companies doing business in this State of Washington in averaging and determining what are or may become to be, just, fair and reasonable maximum rates that the said railroad and other transportation companies may charge the people for carrying on or over their respective roads, routes, vessels or other means of conveyance between points or places within the limits of the state. In the event of any of said transportation companies failing to so meet and arrange with said Commissioners, or in case of disagreement between the parties, the said Commissioners shall of themselves determine the said maximum rates, but the said transportation companies shall have the right of appeal to the courts of the state. Pending said appeal the rates determined by the said Commissioners, and no other, shall prevail until otherwise changed by order of the courts.

The salary of said Commissioners shall be not less than two thousand five hundred dollars per annum and necessary traveling

expenses while in discharge of their duty. In order to enable the said Commissioners to hear and determine complaints against railroad and other transportation companies they are hereby clothed with all the power of a court of record and they shall enforce their own decisions through the medium of the courts.

The Legislature shall enact such laws as are requisite to enforce the provisions of this article. The Commissioners shall report to the Governor annually giving an account of their proceedings with such other facts or information as may be deemed important.

The Legislature shall have power by a majority vote of all members elected to each house to remove any one or more of said Commissioners for incompetency, neglect of duty, or corruption, and whenever from any cause a vacancy occurs in said Commission the Governor shall appoint a suitable and qualified person to fill such vacancy until the Legislature meets when the said vacancy shall be filled as per Section..... of this article. All railroad and transportation companies doing business in this state being common carriers are hereby prohibited from engaging in, carrying on any other business than that of a common carrier, either directly or indirectly, from discriminating in favor of or against localities or persons by rates charged or facilities offered for the safe and expeditious transportation of persons or property.

The foregoing is respectfully submitted for the consideration of the Committee on Corporations with a request that when you reach its consideration you will grant the writer a hearing on behalf of the ideas herein advanced being incorporated in the Constitution of the State of Washington.

Very respectfully,
D. BUCHANAN,
*Delegate*

Read a second time and referred to Committee on Revenue and Taxation.

[No. 29.] †
Proposition on Taxation
By Albert Schooley,
Seventeenth District
Article

**Section.** All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax

† Margin note.

and shall be levied and collected under general laws; but the Legislature may by general laws exempt from taxation public property used for public purposes, places of burial, not used for private or corporate profit, and institutions of a purely public charity.

**Section.** All laws exempting property from taxation other than the property above enumerated shall be void.

Read a second time and referred to Committee on Revenue and Taxation.

[No. 30.] †

Relating to Taxation

By Mr. Turner

Taxations shall be laid so as to make all property of every description in the state except property of the United States and its municipal subdivisions taxable at a uniform rate.

Each individual and corporation shall be entitled to have exempt from taxation an amount equal to the indebtedness owing by him or it to individuals or corporations in the state or taxable within the state.

Read a second time and referred to the Committee on Revenue and Taxation.

Relating to Sectarian Schools and Institutions

By Mr. Turner

Neither the state nor any county, city, town or other municipal subdivision shall ever give or grant the public money or property to any sectarian school or institution nor upon any pretense distribute any part of the school moneys or property among such schools or institutions.

Read a second time and referred to the Committee on Education and Educational Institutions.

[No. 32.] †

Relating to Laborers and Mechanics

By Mr. Turner

The Legislature shall enact a laborers and mechanics lien law whereby laborers and mechanics shall be secured just compensation for their work. The Legislature shall also enact laws providing for the protection and health of all persons engaged in

† Margin note.

mines, factories, and other employments dangerous to life, deleterious to health.

Read a second time and referred to the Committee on Legislative Department.

[No. 33.] †

Provision for the Sale of Granted Lands

By S. A. Dickey

**Section.** The General Assembly shall provide for a State Board of Land Commissioners who shall have in charge all granted lands and shall proceed to classify the same under heads signifying the uses for which they are most valuable; said Board shall sell said lands as soon as available under the enabling act under such restrictions and regulations as are herein or may hereafter be provided and shall apply the proceeds hereof to the uses and purposes for which said lands were granted. Provided that of such land as is most valuable for agricultural purposes not more than one hundred sixty acres nor less than forty acres, except where lots occur, shall be sold to one person. Provided further that no title to said land shall be confirmed unto said purchaser until he shall have made improvements aggregating in value to at least one-half of the purchase price.

**Section.** All lands not now available for sale under the enabling act shall be leased in a manner and under such regulations as the General Assembly may prescribe until such time as by reason of its increase in value it shall command the required price per acre. when it shall be sold as provided in Section.....of this article.

**Section.** A Land Commissioner shall be provided for in each county who under the control and direction of the State Board of Land Commissioners shall transact all business connected with the sale or other disposition of land in the county for which he shall be elected or appointed.

Read a second time and referred to the Committee on State, School and Granted Lands.

[No. 34.] †

Eminent Domain

By Mr. Eshelman

**Section 1.** The right of eminent domain is hereby declared

† Margin note.

to exist in the state of Washington to all frontages on the navigable waters of this state.

**Section 2.** No individual, partnership or corporation claiming or possessing the frontage or tidelands of a harbor, bay, inlet, estuary or other navigable water in this state shall be permitted to exclude the right of way to such water whenever it is required for any public purpose nor to destroy or obstruct the free navigation of such water, and the Legislature shall enact such laws as will give the most liberal construction to this provision so that access to the navigable waters of this state shall be always attainable for the people thereof.

**Section 3.** All tidelands within two miles of any incorporated city or town in this state and fronting on the waters of any harbor, estuary, bay or inlet used for the purposes of navigation shall be withheld from grant or sale to private persons, partnerships or corporations.

Read a second time and referred to the Committee on State and Granted Lands.

[No. 35.] †

A Proposition to Prohibit Counties, Cities, Towns and other Municipalities From Loaning Their Credit

By Mr. Stevenson

No county, city, town, or other municipal corporation by vote of its citizens or otherwise shall ever become a stockholder in any joint stock company, corporation or association whatever or raise money for, or loan its credit to or in aid of any such company, corporation or association.

Read a second time and referred to the Committee on County, City and Township Organization.

[No. 36.] †

On Taxation

**Section.** Resolved that land and the improvements thereon shall be separately assessed, cultivated and uncultivated land of the same quality in the same locality shall be assessed at the same value.

Read a second time and referred to the Committee on Revenue and Taxation.

† Margin note.

[No. 37.] †

Proposition on Right of Suffrage
By Mr. Weisenburger

**Section 1.** Every native male citizen of the United States, and every male naturalized citizen thereof who shall become such ninety days prior to any election, of the age of twenty-one years who shall have been a resident of the state for six months next preceeding any election and of the county in which he claims his vote for ninety days and in the election precinct thirty days and none other shall be entitled to a vote at all elections which are now or hereafter may be authorized by law. Provided that no native of China, no idiot, insane person, and no person convicted of any infamous crime and no person hereafter convicted of the embezzlement or misappropriation of public money shall ever exercise the privilege of an elector of this state.

**Section 2.** Electors shall in all cases except treason, felony, breach of the peace, be privileged from arrest on the days of election during their attendance at such election, going to and returning therefrom. No elector shall be obliged to perform militia duty on the day of election except in time of war or public danger.

**Section 4.** For the purpose of voting no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this state or of the United States or of the high seas nor while a student at any seminary of learning, nor while kept in any almshouse or other asylum at public expense nor while confined in any public prison.

Read a second time and referred to the Commitee on Election and Elective Rights.

Tidelands
By Mr. Cosgrove

**Section 1.** The right of eminent domain is hereby declared to exist in the state of frontage on the navigable waters of the state.

**Section 2.** No individual partnership or corporation claiming or possessing the shore or tidelands of any harbor, bay, sound, inlet, estuary or other navigable water in this state shall be per-

† Margin note.

mitted to exclude the right of way to water whenever it is required for any public purpose.

**Section 3.** The state shall always retain the title and control of the landings and wharfage privileges, upon the shore or tidelands fronting upon navigable waters of the state, and the same shall forever be held in trust for the use of all the people subject to such reasonable regulations by general law as to the manner and terms of such use as the Legislature may prescribe.

**Section 4.** The Legislature may permit the use of such landing and wharfage privileges for a time not to exceed twenty years and upon just terms to persons who at the time of the adoption shall have thereon and in actual use in commerce valuable improvements.

Read a second time and referred to the Committee on State, School and Granted Lands.

Proposition in Relation to Banking and Banking Institutions
By Mr. Godman

**Section.** It shall be a crime the nature and punishment of which shall be prescribed by law for any president, director, manager, cashier or other officer of any banking institution to assent to the reception of deposits or the creation of debts by such banking institution after he shall have had knowledge of the fact that it is insolvent or in failing circumstances and any such officer shall be individually responsible for such deposits so received and all such debts so created with his assent.

Read a second time and referred to the Committee on Corporations Other Than Municipal.

Mr. J. Z. Moore then introduced the following resolution and gave notice that he would call it up tomorrow. Resolved, that Rule 1 be changed by striking out the words and figures 1:30 p.m. and inserting instead thereof 9 a.m.

Mr. Sullivan moved that the Sergeant-at-Arms be empowered to employ a Janitor. Mr. Turner rose to a point of order that there was other business now before the Convention. Point of order sustained.

Mr. P. C. Sullivan introduced the following resolution and gave notice that he would call it up tomorrow. That Rule 7 be

amended so as to read as follows: When a proposition has been referred to a standing committee a report shall be made thereon as soon as convenient. In case of unnecessary delay on the part of the committee the Convention may require a report to be made within any stated time.

Mr. E. H. Sullivan introduced the following resolutions and gave notice that he would call them up tomorrow. Resolved that Rule No. 36 of this Convention be stricken out. Resolved that Rule No. 7 of this Convention be stricken out.

Mr. P. C. Sullivan moved to have the Sergeant-at-Arms empowered to employ a Janitor and the compensation be fixed by the Convention.

Mr. Griffitts rose to a point of order that the Convention had already fixed the officers of the Convention. Overruled by the chair. The motion on being put was lost.

On motion of Mr. Dyer, the Convention adjourned at 4:20 p.m. to 1:30 p.m., July 12th.

## July 12th, 1889

The Convention was called to order by the President at 1:30 p.m. Prayer by the Chaplain. On a call of the roll all members present but Mr. Travis, and Mr. Fay on leave. Minutes read and approved.

Mr. Hoyt presented a petition favoring women's suffrage signed by P. G. Hendricks and five hundred ninety-four other men, and four hundred fourteen women, and same was read and referred to the Committee on Elections and Elective Rights.

Mr. Dunbar presented a petition on the liquor traffic signed by William Wilkes and others which was read and referred to the Committee on Miscellaneous Subjects, Schedule and Future Amendments.

[Mr. Dunbar presented a petition on the liquor traffic signed by William Wilkes and others and was read and referred to the Committee on Miscellaneous Subjects, Schedule and Future Amendments.] *

* Stricken in journal.

A treatise on state constitutions was read which had been received by mail and referred to the Committee on Revision, Adjustment and Enrollment.

Mr. Burk presented a petition relating to oysters and oyster beds signed by D. D. Rhodes and others and same was read and referred to the Committee on State and Granted Lands.

Mr. Joy presented a petition relating to women's suffrage, signed by William West, and others and same read and referred to the Committee on Election and Elective Rights.

Mr. Power from the Committee on Printing, Mileage and Contingent Expenses presented the following majority report of said committee.

To the Constitutional Convention.

Your Committee on Printing to whom was referred the proposition of Mr. W. D. Knight to do the printing for the Convention have had the same under consideration and would respectfully report as follows: That the Secretary of the Territory in accordance with the laws, rules and regulations appertaining to legislative printing and specific instructions from the Treasury Department at Washington has already arranged with Mr. Thomas H. Cavanaugh to do such printing as may be necessary for the Convention and that in our judgment it is inexpedient to change printers at this junction, even should we have the power to do so, which your committee greatly doubt. It should be borne in mind that this Convention is a creature of the law and is governed by the authority which has called it into existence. This authority has spoken on the matter referred to, and this Convention cannot with propriety disregard it.

Very respectfully submitted,
JAMES POWER, *Chairman*
H. M. LILLIS
FRANK M. DALLAM
O. H. JOY
H. CLOTHIER

Mr. Suksdorf from same committee presents the following minority report to the President and members of the Convention. Gentlemen:

Your Committee on Printing, etc. to whom was referred the proposal of Mr. W. D. Knight for the printing of this Convention

having considered the matter and being unable to agree would respectfully submit the following minority report.

I

The Comptroller of the Treasury rules that the Treasury Department has full control over the disbursements of the appropriations made by Congress to defray the expenses of this Convention.

II

That acting under specific instructions from said department, the Honorable Secretary of the Territory has awarded the printing of this Convention to Mr. T. H. Cavanaugh and that as disbursing agent of the Treasury he will not recognize any other person as printer of this Convention.

III

The proposal of Mr. Knight, as we understand from practical printers, is considerably below the cost, about forty-fifty per cent of the printing as done under the rules and regulations of the government.

IV

We are in doubt as to the authority of this Convention to arrange for its own printing and believe that if the Convention does let its own printing either the Federal or State Government will have to make an appropriation to pay for it.

V

Under the circumstances we do not feel justified in recommending either the acceptance or rejection of Mr. Knight's proposal. If, however, the Convention does express the desire to arrange for its own printing, then your committee should be authorized to receive bids and let the contract to the lowest bidders.

Respectfully submitted,

H. F. SUKSDORF
J. F. VAN NAME

Mr. Griffitts moved that the two reports together with the proposition be referred to the Committee on Judicial Department. Carried.

Mr. Dunbar from the Committee on State, School and Granted Lands, submits to the Convention a proposition by Mr. Eshelman on eminent domain and asks to have it referred and it was ordered

that the first and second sections be referred to the Committee on Harbors, Tidewater, and Navigable Streams and the third section to State, School and Granted Lands.

The following propositions were then submitted in the order following.

Proposition by Mr. Jones of Jefferson, Fifth District

The Legislature shall not grant divorces.

Read a second time and referred to the Committee on Preamble and Bill of Rights.

Presented by Mr. Joy, Lewis County

Suggested Constitutional Provision concerning appointment to Civil Service.

Article

**Section.** The Legislature shall make provision in conformity with this Constitution for ascertaining the qualifications of those desiring places or employment in the public service, but shall not establish any religious or political test for office or public employment.

Read a second time and referred to the Committee on Miscellaneous Subjects, Schedule and Future Amendment.

Proposition by Mr. Griffitts, Third District

Day's Work

**Section 1.** That eight hours shall constitute a day's work on all state, county, municipal, or other public works, and in mines or other employments where labor is performed underground.

**Section 2.** The Legislature shall enforce this clause by appropriate legislation.

Read a second time and referred to the Committee on Mines and Mining.

Proposition by Mr. Griffitts, Third District

Mines and Mining

Article

**Section.** The Legislature of this state shall by suitable enactments require all such appliances and means to be provided and used as may be necessary to secure as far as possible the lives,

health and safety of all persons to be employed in any mine or mines in this state. And to that end shall provide for an Inspector of Mines, who, before entering upon the duties of his office shall pass a satisfactory examination as to his duties, before a board of five examiners, appointed by the Governor and paid by the state, three of whom shall be practical miners and two civil engineers. And shall further provide for an examination by such Inspector of Mines of the employees therein as to their competency and experience in such employment. And a failure on the part of owners or operators of any mine or mines to observe the provisions of this article, or any law passed in pursuance thereof, shall be negligence *per se* and such owner or operator shall be liable in damages to all persons injured thereby, which damage shall be a lien upon the mine wherein such person is injured. And the Legislature shall moreover enforce its enactments under this article by adequate pains and penalties.

Read a second time and referred to the Committee on Mines and Mining.

Proposition by Mr. Kinnear

To provide a house for honorably discharged Union soldiers, sailors and mariners, and members of the state militia disabled in the line of duty.

**Section 1.** That the Legislature shall provide by law for maintenance and efficiency of a soldiers' home for honorably discharged Union soldiers and marines of the late war of the Rebellion of 1861-5, who shall be bona fide citizens and residents of this state. Provided that members of the State Militia disabled in the line of duty shall be admitted to the benefits of such home.

Read second time and referred to the Committee on Military Affairs.

Proposition by D. Buchanan

Judicial Department

**Section.** The Supreme Court shall consist of a Supreme Judge and two Associate Justices whose terms of office shall be six years alternately. They shall be nominated by the Governor and with the approval of two-thirds of the Senators voting therein shall be appointed to the said offices.

At the first meeting of the Legislature had by virtue of this Constitution, the Governor shall nominate a Chief Justice to the

long term of six years, one Associate Justice to the second term of four years and one Associate Justice to the short term of two years. Provided that when the population of the state attain to the number of one million inhabitants the Legislature shall provide by law for the increase of the number of the members of said court to one Chief Justice and four Associate Justices whose term of office thereafter shall be ten years one of whom shall retire every two years alternately.

Read second time and referred to Committee on Judicial Department.

Proposition relative to Banking Institutions
By Mr. Dyer

**Section.** It shall be a crime the nature and punishment of which shall be prescribed by law for any president, director, manager, cashier or other officer of any banking institution to assent to the reception of deposits or the creation of debts by such banking institution after he shall have had knowledge of the fact that it is insolvent or in failing circumstances and any such officer, agent or manager shall be individually responsible for such deposits so received and all such debts so created with his assent.

TRUSTEN P. DYER, *King County*

Read a second time and referred to Committee on Corporations Other Than Municipal.

Proposition on Elections
By J. T. Eshelman

Resolved, that it is competent for this Convention, in addition to submitting for ratification or rejection a Constitution it may draft, to submit separate propositions to be inserted therein, provided a majority of the electors of this territory so decide by their votes at the election to be held for the ratification of this Constitution.

Read a second time and referred to the Committee on Judicial Department.

Article pertaining to the Protection of Life
By Mr. Lillis

Resolved, that the legislative assembly shall enact such laws and make such provision for their enforcement as shall compel

individuals, companies and corporations engaged in mining, manufacture and construction to take such precaution in the arrangement and adjustment of their machinery and apparatus as is necessary to the protection of life.

Read a second time and referred to the Committee on Corporations Other Than Municipal.

Relating to Elective Rights
By Mr. Prosser

**Section.** The Legislature may provide by law that any woman of the age of twenty-one years and upwards may vote at any election held for the purpose of choosing any officers of schools or upon any measure relating to schools, and may also provide that any woman may be eligible to hold any office pertaining solely to the management of schools.

Read a second time and referred to the Committee on Elections and Elective Rights.

Proposition Relating to School Lands
By Mr. Prosser

The Sections sixteen and thirty-six in each township of the State of Washington are the property of the state received from the government of the United States for the support of the common schools in the State of Washington and the said lands shall never be sold or donated to any person or corporation for any purpose whatever, but timber or other perishable property may be sold upon such terms and conditions as the Legislature may prescribe, and the proceeds thereof shall be placed in the common school fund of the state. School lands as herein specified may be leased upon such terms as the Legislature may prescribe and the proceeds thereof shall be placed in the common school fund of the state for the use and benefit of all children thereof.

Read second time and referred to the Committee on State, School and Granted Lands.

Mines and Mining
Proposition by W. L. Newton, Twenty-First District

**Section 1.** A Superintendent of Mines and Mining shall be elected by the qualified electors of the state at the regular gubernatorial election, whose salary shall be fixed by law, and whose

term of office shall be the same as that of the Governor. He shall be a qualified elector, a practical miner of at least five years experience, two of which shall have been in this state, and possessed of a thorough knowledge of mining engineering ventilation and the methods and appliances for underground mining with safety to the miners and other employees. He shall have the supervision of the management of the mines in this state so far as relate to their regulations in regard to the security against accidents and the health and safety of the employees.

**Section 2.** The state shall be divided into at least three mining districts for each of which shall be appointed an Inspector of Mines, each of whom shall be a qualified elector and shall have had practical experience as a miner of at least four years in underground mining, two of which shall have been in this state, and shall have the supervision of the mines in his district as to machinery used, ventilation of the mines and methods of working, with power to close any mine whose managers refuse to comply with the laws that are in force or may be enacted, for the management of the mines. Each Inspector shall make quarterly reports to the Superintendent of Mines as to the output of the mines, the management, the accidents to men in the mines, their causes, and recommend such changes in machinery and management as will furnish better security for the health and safety of life and limb to the employees.

**Section 3.** Each Inspector of Mines shall be required to appoint a Board of Inspection of three persons for the examination of persons employed as underground miners, two of such examiners to be appointed by him from a list of practical miners employed in his district and selected by them, and the third a qualified mining engineer, who shall serve for a term of one year and until their successors are elected and qualified, they shall divide the miners into two classes skilled and unskilled and no miner shall be employed in any capacity requiring skill and judgment until he has been approved by said examiners as a skilled miner and so enrolled. The Legislature shall pass laws for the enforcement of this provision, providing for punishment by fine and imprisonment or forfeiture of corporate property of any individual officer or corporation violating the provisions of this section.

**Section 4.** It shall not be lawful for any owner or manager to exact as a day's labor from any miner employed in underground

mines more than eight hours a day nor to employ in such underground mines any person under the age of sixteen years.

**Section 5.** The Legislature shall pass laws requiring mines to be properly ventilated, timbered and to be equipped with the latest approved appliances for the safety of the employees, and to prevent accidents in the mines.

**Section 6.** Boards of Arbitration shall be appointed for the adjustment of scales, of prices, for labor in underground mines, or other difference between employers and employees, which board shall be composed of the Superintendent of Mining, one person selected by the employer or manager of the mine and one to be selected by the employee or employees interested and their decision shall be final except in cases of injury to employees or damages in case of the death of employees from accident in the mines.

**Section 7.** The Legislature shall have power to enforce this article by appropriate legislation.

Read a second time and referred to the Committee on Mines and Mining.

Proposition on Sumptuary Laws

By Mr. Hicks

The Legislature shall be expressly prohibited from enacting special and sumptuary laws.

Read a second time and referred to the Committee on Legislative Department.

Proposition on School Lands

By Mr. Hicks

The school lands of the state may be sold to constitute a perpetual fund in trust for the benefit of the public schools of the state, the interest only therefrom being applicable to the maintenance of said schools, provided no more than one-fourth of any one section thereof shall be sold within five years, one-half within ten years and no more than three-fourths within fifteen years from the time the state comes into possession thereof, and provided further that the portion selected for sale shall be the most valuable and properly subdivided so as to secure the highest price therefor.

Read a second time and referred to the Committee on State, School and Granted Lands.

Shore Lands
By Mr. Weir

**Section.** The State of Washington owns all shore lands commonly called tidelands within the boundary thereof by virtue of its sovereignty.

**Section.** Discretionary power to sell, lease, manage and control shore lands belonging to the state shall be vested in the Board of State Land Commissioners under such legislative restrictions as to values, terms, etc., as may be hereafter enacted. Provided that the right of the public to free use of highways across such shore lands at the termination of streets, alleys, and public roads shall never be obstructed. Provided further that any person occupying shore land with permanent improvements in actual use and necessity for commerce, trade or business, such land having been so occupied prior to the first day of January, 1889, and being other than the extension of any street, alley or other public highway shall have the prior right to purchase the shore land so used and occupied or so much thereof as may be necessary for the purposes of such improvements buildings or wharves at a valuation or appraisement to be fixed by the Board of Land Commissioners, such valuation to be fixed without regard to the value of any improvements of structures occupying the land so appraised, such prior right to cover a limited period to be fixed by law.

Provided further that in all sales of shore lands other than lands occupied by permanent improvements as herein designated, the owner of abutting land extending to the government meander line shall have prior right limited by law to purchase such shore land as may be immediately in front of the abutting land so owned. Such prior right, however, shall not conflict with the rights secured to persons occupying shore lands with improvements as hereinbefore described. The Legislature shall enact such laws as will properly interpret and enforce the provisions of this article.

Read a second time and referred to the Committee on State, School and Granted Lands and he gives notice that he will want to discuss the same at some future day.

Mr. E. H. Sullivan called up the resolutions offered yesterday as to Rules 36 and 37 and moves their adoption.

Mr. Reed moved that Rule 7 be stricken out.

Mr. Griffitts moved that the [sic] be referred to the Committee on Rules and Order of Business.

Mr. Buchanan moves to amend by excluding Rule 42.

Mr. Gowey presented the following resolution and moves that it be referred to the Committee on Rules and Order of Business. Rule 42 amended by striking out the words "is referred as directed in Article 36," and insert the words "is reported from a committee of this Convention." It was so ordered.

Mr. Dyer called up a resolution introduced yesterday relating to propositions and articles. And moved its adoption. Carried.

Mr. J. Z. Moore called up his resolution introduced yesterday changing the hour of meeting.

Mr. Griffitts asked indefinite leave for Mr. Stevenson on account of sickness in his family. Which was granted.

On a vote on Mr. Moore's resolution it was carried.

Mr. Stiles presented the following and asks that it be referred to the Committee on Rules and Order of Business and it was so done.

By Mr. Stiles. Rule..... Any member of the Convention may present to the Convention the draft of a proposed article or section of the Constitution which shall be read and referred to the appropriate committees and may or may not be reported upon by the committees. The reports of standing committees containing proposed articles or sections of the Constitution shall be read once for the information of the Convention and then printed and laid upon the desks of members before further action.

Mr. Suksdorf presented the following resolution and moved its adoption. Resolved, that the Chief Clerk procure from the County Auditors of the different counties the result of the census of population by counties and of the minor political divisions as far as obtainable. Division called for. Lost.

Mr. Minor moved that propositions be not printed unless ordered by the Convention. Mr. Godman moves to amend by adding "all pending propositions." Mr. Henry raised a point of order that no rule could be suspended except by a two-thirds vote. Point of order sustained.

Mr. E. H. Sullivan moved to suspend Rule 42 until the standing Committee on Rules report on questions submitted today. Referred to Committee on Rules. Carried.

Mr. C. B. Eaton was then sworn as official Stenographer. And at 3:07 p.m. moved to adjourn to 9 a.m., July 13th, 1889. Carried.

## July 13th, 1889

The Convention called to order by the President at 9 a.m. Prayer by the Chaplain. On a call of the roll all the members were present except Mr. Clothier, Mr. Fay, Mr. Manly and Mr. Stevenson (on indefinite leave). Minutes read and approved.

Mr. Prosser from the Committee on Rules and Order of Business makes the following report.

To the President of the Constitutional Convention.

Your Committee on Rules and Order of Business, to whom were referred certain motions and resolutions affecting Rules 7, 36, and 42 of the Convention respectfully submit the following report, viz:

1. We recommend that the following rule be substituted for Rule 7, to wit: Standing committees shall report on all articles or propositions submitted to the Convention by members, and referred to them, at or before the time of making their final report, but they may do so merely by referring to the title of the same.

2. We recommend the following rule be substituted for Rule 36, to wit: Any member of the Convention may submit to the Convention the draft of a proposed article or section of the Constitution which shall be read and referred to the appropriate committee without debate. The first reading of an article or section reported by a standing committee shall be for information only and shall be an entire reading. The article or section shall then be read the second time by title and be printed and laid upon the desks of members before further action thereon.

3. We recommend that the following be substituted for Rule 42, to wit:

Journal Entries

No article or section proposed by a member shall be spread upon the journal of the Convention until the same shall have been reported by a standing committee for the consideration of the Convention.

And your committee further beg leave to report that in the opinion of your committee greater certainty will be secured in the interpretation of Rules 51 and 53 by the amendment of Rule 53 by adding on to the end of line 4 after the word "present" the words "except as provided in Rule 51" and your committee recommend that said amendment be made.

All of which is respectfully submitted.

Olympia, July 12th, 1889.

C. L. STILES,
*Secretary*

WILLIAM F. PROSSER,
*Chairman*

JAMES POWER
ARNOLD J. WEST
S. G. COSGROVE
LOUIS SOHNS
T. M. REED
T. C. GRIFFITTS
C. H. WARNER

Mr. Griffitts moved its adoption. Mr. Moore moved to amend "that the consideration of the report lie over until Monday." Carried. Mr. Buchanan moved that the amended rules as amended be printed and laid on the desks of the members and was ruled out of order.

The following propositions were then submitted in the following order and read a first and second time.

Proposition by Mr. Durie, relating to the grant of certain tidelands to the Seattle and Walla Walla Railway which he requests to be referred to the Committee on Miscellaneous, etc.

Article

**Section.** No part of the Constitution shall be so construed as to validate a certain act of the Legislature of Washington Territory of the session of 1873, entitled an act to confirm the grant

of certain lands by the City of Seattle to the Seattle and Walla Walla Railway.

Referred to the Committee on State, School and Granted Lands.

Proposition submitted by Mr. Durie, who asks that the same be referred to Committee on Miscellaneous Subjects.

On the Division of Counties and Removal of County Seats

Article

**Section.** No county shall be divided or have any part stricken therefrom, without submitting the question to a vote of the qualified electors of the county. Nor unless a majority of those voting on the question shall vote for the same.

**Section.** No county seat shall be removed until a majority of the qualified electors of the county, voting on the question, shall vote for the same.

Referred to the Committee on County, City and Township Organization.

Irrigation

Proposition by A. Mires

Article

**Section.** That the water of every natural stream not heretofore appropriated within the State of Washington is hereby declared to be the property of the public and the same is dedicated to the use of the people of the state subject to appropriation as hereafter provided.

**Section.** The right to divert the unappropriated waters of any natural stream to beneficial uses shall never be denied. Priority of appropriation shall give the better right as between those using the water for the same purpose; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall have the preference over those claiming for any other purpose, and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes.

**Section.** All persons and corporations shall have the right of way across public private and corporate lands for construction of ditches, canals and flumes for the purpose of conveying water for domestic purposes, for the irrigation of agricultural lands and for mining and manufacturing purposes and for drainage upon payment of just compensation.

Referred to the Committee on Water and Water Rights.

Proposition by Mr. Dyer of King County

**Section.** That no person elected or appointed to any office or employment of trust or profit under the laws of this state or any ordinance of any municipality in this state shall hold such office without personally devoting his time to the performance of the duties to the same belonging.

Referred to the Committee on Miscellaneous Subjects, Schedule and Future Amendments.

By Mr. Dyer of King County

That no child under fourteen years of age shall be employed by any corporation or person in mines, manufacturies or any other business endangering health or life.

Referred to the Committee on Mines and Mining.

Proposition in reference to Veto Power
By Mr. Power

**Section.** The Governor shall have no veto power, but bills of the Legislature shall become a law when passed by both houses and duly attested by the President of the Senate and Speaker of the House.

Referred to the Committee on Executive Department and Pardoning Power.

Proposition Requiring the Legislature to Pass Laws for the Official Scaling of Logs
Power of Skagit

**Section.** The Legislature shall pass suitable laws requiring the scaling of logs, with the view of determining the quantity in the purchase and sale thereof.

Referred to the Committee on Miscellaneous Subjects, Schedule and Future Amendments.

The Legislature

Proposition submitted by Albert Schooley, Snohomish

Article

**Section.** The state shall be divided into fifty senatorial districts of compact and continuous territory as nearly equal in population as may be, and each district shall be entitled to elect one Senator. Each county containing one or more ratios of population shall be entitled to one Senator for each ratio, and to an additional Senator for a surplus of population exceeding three-fifths of a ratio, but no county shall form a separate district unless it shall contain four-fifths of a ratio except when the adjoining counties are each entitled to one or more Senators, when such a county may be assigned a Senator on less than four-fifths and exceeding one-half of a ratio and no county shall be divided unless entitled to two or more Senators.

No city or county shall be entitled to separate representation exceeding one-sixth of the whole number of Senators. No ward or township shall be divided in the formation of a district. The Senatorial ratio shall be ascertained by dividing the whole population of the state by the number fifty.

**Section.** The members of the House of Representatives shall be appointed among the several counties, on a ratio obtained by dividing the population of the state as ascertained by the most recent United States census by one hundred. Providing that after the year 1920 the ratio shall be ascertained by using the division one hundred and fifty instead of one hundred. Every county containing less than five ratios shall have one Representative for every four ratios, and additional Representative when the surplus exceeds half a ratio, but each county shall have at least one Representative. Every county containing five ratios or more shall have one Representative for every full ratio. Every city containing a population equal to a ratio shall elect separately its proportion of the Representatives alloted to the county in which it is located. Every city entitled to more than four representatives and every county which may have over one hundred thousand inhabitants shall be divided into districts of compact and contiguous territory, each district to elect its proportion of representatives according to its population but no district shall elect more than four representatives.

Referred to the Committee on Legislative Department.

Proposition on Coal Mines
By Kinnear of King

**Section.** The owner or operator of any coal mine shall have the right to connect with any railroad near the same and to have his coal transported over such railroad at reasonable rates and upon equal terms with the owners of other mines.

Referred to the Committee on Mines and Mining.

Proposition by Jones of Jefferson
Exemption of Property of Municipal Corporations from Execution.

**Section.** The real and personal property of municipal corporations shall not be subject to execution or lien.

Referred to Committee on Legislative Department.

Proposition on Executive Department.
By Mr. Weir

**Section 1.** The executive department shall consist of a Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Superintendent of Public Instruction and Commissioner of Public Lands who shall be chosen by the electors of the state at the time and place of voting for the members of legislative assembly.

**Section 2.** The Governor, Secretary of State, Treasurer, Auditor and Attorney General shall hold their office for four years; their terms of office shall, except as otherwise provided in this Constitution, commence on the third Monday of January next after their election and continue until their successors are elected and qualified. The Lieutenant Governor, Superintendent of Public Instruction and Commissioner of Public Lands shall hold their office for two years respectively or until their successors are elected and qualified.

**Section 3.** The returns of every election for the officers named in the foregoing section shall be sealed up and transmitted to the seat of government by the retiring officers, directed to the Secretary of State, who shall deliver the same to the Speaker of the House of Representatives at the first meeting of the House thereafter, when he shall open, publish and declare the result there-

of in the presence of a majority of the members of both houses. The person having the highest number of votes shall be declared duly elected, and a certificate thereof shall be given to such person, signed by the presiding officers of both houses, but if any two or more shall be highest and equal in votes for the same office, one of them shall be chosen by the joint vote of both houses.

Contested elections for Governor shall be determined by the legislative assembly in such manner as shall be determined by law.

In case time of the regular meeting of the legislature shall be changed by law, the terms of office of the Governor, Secretary of State, Treasurer, Auditor, and Attorney General shall thereafter commence on the first Monday after the day fixed for such regular meeting.

**Section 4.** The supreme executive authority shall be vested in the Governor. He may require information in writing from the officers in the executive department upon any subject relating to the duties of their respective offices and shall see that the laws are faithfully executed.

**Section 5.** He shall communicate at every session by message to the general assembly the condition of the affairs of the state, and recommend such measures as he shall deem expedient for their action.

**Section 6.** He may on extraordinary occasions convene the legislature by proclamation, and shall state to both Houses, when assembled, the purposes for which they are convened.

**Section 7.** In case of disagreement between the two houses in respect to the time of adjournment, he shall have power to adjourn the Legislature to such time as he may think proper, but not the regular meetings thereof.

**Section 8.** He shall be commander-in-chief of the military in the state, except when they shall be called into the service of the United States.

**Section 9.** The pardoning power shall be vested in the Governor under such regulations and restrictions as may be prescribed by law.

**Section 10.** In case of the removal, resignation, death or disability of the Governor, the duties of the office shall devolve upon

the Lieutenant Governor, and in case of a vacancy in both the offices of Governor and Lieutenant Governor, the duties of Governor shall devolve upon Secretary of the State who shall act as Governor until the disability be removed or a Governor be elected.

**Section 11.** The Governor shall transact all necessary business with the officers of government and may require information in writing from the administrative and military officers upon any subject relating to the duties of their respective offices.

**Section 12.** He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law; and he shall report to the Legislature at its next meeting each case of reprieve, commutation or pardon granted, and the reasons for granting the same; and also the names of all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted, and the reasons of the remission.

**Section 13.** Every act which shall have passed the legislative assembly shall be before it becomes a law presented to the Governor. If he approves he shall sign it, but if not he shall return it with his objections to that house in which it shall have originated, which house shall enter the objections at large upon the journal and proceed to reconsider. If after such reconsideration two-thirds of the members present shall agree to pass the bill, it shall be sent together with the objections to the other house by which it shall likewise be reconsidered and if approved by two-thirds of the members present it shall become a law; but in all cases the vote of both houses shall be determined by the yeas and nays and the names of the members voting for or against, the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the Governor within five days, Sundays excepted, after it shall be presented to him, it shall be a law without his signature unless the general adjournment shall prevent its return, in which case it shall be a law unless the Governor within ten days next after the adjournment, Sundays excepted, shall file such bill with his objections thereto in the office of the Secretary of State who shall lay the same before the legislative assembly at its next session in like manner as if it had been returned by the Governor.

If any bill presented to the Governor contains several items of appropriation of money he may object to one or more items

while approving other portions of the bill; in such case he shall append to the bill at the time of signing it a statement of the items to which he objects and the reasons therefor and the appropriation so objected to shall not take effect unless passed over the Governor's objection as hereinbefore provided.

**Section 14.** When, during a recess of the legislative assembly, a vacancy shall happen in any office, the appointment to which is vested in the legislative assembly or when at any time a vacancy shall have occurred in any other state office, for the filling of which vacancy no provision is made elsewhere in this Constitution, the Governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified.

**Section 15.** He shall issue writs of election to fill such vacancies as may have occurred in the legislative assembly.

**Section 16.** All commissions shall issue in the name of the state, shall be signed by the Governor, sealed with the seal of the state, and attested by the Secretary of the State.

**Section 17.** The Lieutenant Governor shall be presiding officer of the State Senate and shall discharge such other duties as may be prescribed by law. He shall receive no salary except a per diem while engaged in official duty.

**Section 18.** The Secretary of State shall keep a fair record of the official acts of the legislative assembly and executive department of the state, and shall, when required, lay the same and all matters relative thereto before either branch of the legislative assembly, and shall perform other duties as shall be assigned him by law.

**Section 19.** There shall be a seal of state kept by the Secretary of State for official purposes, which shall be called "The seal of the State of Washington."

**Section 20.** The Treasurer shall perform such duties as shall be prescribed by law.

**Section 21.** The Auditor shall be auditor of public accounts, and shall have such power and perform such duties in connection therewith as may be prescribed by law.

**Section 22.** The Attorney General shall be the legal adviser

of the Governor, Secretary, Treasurer and Auditor and shall perform such other duties as may be prescribed by law.

**Section 23.** The Superintendent of Public Instruction shall have supervision over all matters pertaining to public schools and shall perform such specific duties as may be provided by law.

**Section 24.** The Commissioner of Public Lands shall be the executive head of the Board of Land Commissioners of which the Governor and Secretary of State shall be ex officio members. Said Board of Land Commissioners shall have the control and management of all public lands belonging to the state subject to the provisions of this Constitution and such laws as may be hereafter enacted by the Legislature. The Commissioners of Public Lands shall perform such specific duty as may be required by law.

**Section 25.** The Governor, Secretary of State, Treasurer, Auditor and Attorney General shall severally keep the public records, books and papers in any manner relating to their respective offices at the seat of government, at which place also the Secretary of State and Auditor shall reside.

**Section 26.** There shall be elected in each county by the qualified electors thereof at the time of holding general elections a County Clerk, Treasurer, Sheriff, Coroner and Surveyor who shall severally hold office for the term of two years.

**Section 27.** Such other county, township, precinct and city officers as may be necessary shall be elected or appointed in such manner and for such terms as may be prescribed by law.

**Section 28.** No person shall be elected or appointed to a county office who shall not be an elector of the county, and all county, township, precinct and city officers shall keep their respective officers at such places therein, and perform such duties as may be prescribed by law.

**Section 29.** Vacancies in county, township, precinct and city offices shall be filled in such manner as may be prescribed by law.

Read a second time and referred to the Committee on Executive Department and Pardoning Power.

Legislative Department

**Section.** Any person who shall give, demand, offer directly or indirectly any money, testimonial, privilege or personal advan-

tage or anything of value to any executive or judicial officer or member of the Legislature to influence him in the performance of any of his official or public duties shall be guilty of bribery and shall be punished in such manner as shall be provided by law.

The offense of corrupt solicitation of members of the Legislature or of public officers of the state for any municipal division thereof, and any effort towards solicitation of said members of the Legislature or officers to influence their official action shall be defined by law and shall be punished by fine and imprisonment. Any person may be compelled to testify in investigation or judicial proceedings against any person charged with having committed any offense of bribery or corrupt solicitation and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, but said testimony shall not afterwards be used against him in any judicial proceeding except for bribery in giving such testimony, and any person convicted of either of the offenses aforesaid shall be disqualified from holding any office or position or office of trust or profit in this state.

Read a second time and referred to Committee on Legislative Department.

Proposition by Mr. Berry

State Senators shall be chosen for a term of six years, one-third of said body being elected every two years, except at the general election in October, 1889, when one-third of said Senators will be elected for a term of two years, one-third for a term of four years and one-third for a term of six years.

Referred to the Committee on Legislative Department.

Proposition by Mr. Berry

**Section.** No person convicted of the embezzlement or defalcation of public funds of the United States or of any state, or of any county or municipality therein shall ever be eligible to any office of honor, trust or profit under this state and the Legislature shall provide by law for the punishment of embezzlement or defalcation as a felony.

Referred to Committee on Legislative Department.

Proposition by T. M. Reed
Article

**Section.** The Governor shall receive an annual salary of five thousand dollars, the Secretary of State, Auditor, and Treasurer

and Attorney General shall each receive an annual salary of thirty-six hundred dollars. The Chief Justice of the Supreme Court shall receive an annual salary of five thousand dollars and each of the other Justices of the Supreme Court shall receive an annual salary of four thousand dollars. The Judges of the Superior Court shall each receive an annual salary to be fixed by the Legislature according to the services to be performed by each respectively and not in any case to exceed four thousand dollars. The compensation of other officers not otherwise fixed by this Constitution shall be regulated and established by law. All salaries shall be paid quarterly unless otherwise specially regulated by law.

Referred to the Committee on Legislative Department.

Minority Representation

By Mr. Hicks

**Section 1.** The House of Representatives shall consist of three times the number of the members of the Senate and the term of office shall be two years. Three Representatives shall be elected in each Senatorial district at the first general election held under this Constitution and every two years thereafter.

**Section 2.** In all elections of Representatives aforesaid each qualified voter may cast as many votes for one candidate as there are Representatives to be elected or may distribute the same or equal parts thereof among the candidates as he shall see fit, and the candidates highest in votes shall be declared elected.

Referred to the Committee on Legislative Department.

By Mr. Hicks

The fee in all tide and overflow lands by the state exists in the state by right of sovereignty and the Legislature is expressly prohibited from ever selling or disposing of the same to individuals or corporations other than municipal, but may lease them for a period not to exceed fifty years and in a quantity not to exceed one hundred forty acres, to one and the same individual or corporation other than municipal.

Referred to Committee on State, School and Granted Lands.

By Mr. Hicks

The military arm of the state shall be employed only in the presence of actual invasion or rebellion and at no time shall it be employed to do police duty.

The military shall at all times be subordinate to the civil powers and the writ of habeas corpus shall not be suspended except in cases of actual rebellion or invasion when the public safety requires it.

Referred to Committee on Military Affairs.

Proposition Relative to the School Fund

By Mr. Turner

**Section 1.** The fund for the support of public schools derived from the sale of school lands and from other sources shall be invested under rules to be prescribed by law, and the interest only shall be used in paying the cost of maintaining the public schools. Any deficit shall be supplied by taxation.

**Section 2.** The fund derived from the sale of school lands shall be augmented by all fines, forfeitures and by all unclaimed witness and jury fees and by all gifts and grants of property to the state, the use of which is not otherwise directed by the donor.

Read a second time and referred to the Committee on Educational Institutions.

Proposition

By Mr. Dyer (by request)

**Section.** There shall be chosen by the qualified electors of the state, at the times and places of choosing members of the Legislature, a Commissioner of Public Printing who shall hold his office for the term of two years.

**Section.** The powers and duties of the Public Printer shall be prescribed by law.

Read a second time and referred to the Committee on Printing, Mileage and Contingent Expenses.

Proposition

By Louis Sohns

Resolved, that the proceeds arising from the sale of school lands shall be loaned to the State of Washington and all muncipal corporations created by the state, if so desired, for the purpose of funding the indebtedness of the same and for the erection of buildings and for such other improvements and purposes authorized by law on bonds running not less than fifteen nor more than twenty-

five years bearing interest not less than four per cent, the interest to be paid annually.

Read a second time and referred to the Committee on State, School and Granted Lands.

Mr. J. Z. Moore offered the following resolution and moved its adoptoin.

School Lands

Resolved that the Committee on State, School and Granted Lands shall, for the information of this Convention, inquire and report not later than the filing of their final report, the history of school lands and how they have been disposed of in other states.

Mr. Dunbar moved its indefinite postponement. Carried.

Mr. T. M. Reed offered the following resolution and moved its adoption.

Resolved that the Sergeant-at-Arms be instructed to have printed five hundred copies of blank notices of the times and places of the meetings of standing committees and placed in the hands of the respective chairmen of said committees in relative proportion; and also that he provide a bulletin board to be placed in the lobby or entrance hall on which said notices may be posted. Carried.

Mr. J. Z. Moore offered the following resolution and moved its adoption.

Tidelands

Resolved that the committee having this subject in charge shall inquire and report for the information of the Convention what are "tidelands," what "mud flats" and what "marsh lands," and under what grants from the United States or other claim or claims they are held by individuals or corporations, the extent to which they are held or claimed and by whom, giving names and areas as far as possible; the character of the claims under which they are held and where any of said lands are claimed by occupancy merely, state the length of time of such occupancy, and all other information they may have or acquire on the subject. And for this purpose the said committee shall have power to send for persons and papers.

2. The said committee shall also ascertain and report how

such lands have been held and disposed of by other states, and if the State of Washington shall hold these lands by a tenure different from that under which other states hold or have held such lands, that shall report how and in what respects.

3. The object of this resolution is to obtain for the information of the Convention as full and accurate information upon all phases of this subject as the nature of it admits.

4. The committee shall report under this resolution at as early a day as possible, not later than the making of its final report.

Mr. Cosgrove moved to refer it to a special committee to consist of Mr. Moore—Ruled out of order.

Mr. Godman moved to refer the same to the Committee on Judicial Department.

Mr. Griffitts moved to amend by striking out "State, School and Granted Lands" and insert "Judicial Department." Ruled out of order.

Mr. Godman withdrew his motion. Mr. Griffitts renewed his motion. Mr. Reed moved amendment to refer to a special committee to report next Monday. The President ruled that the house was to refer, and could not be entertained as an amendment, and pending the motion to refer it was moved by Mr. E. H. Sullivan that the resolution lie on the table. Carried.

Mr. Dyer offered the following resolution and moved its adoption. Resolved, that when the Convention adjourns, it be until Monday, July 15th at 1:30 p.m. Lost.

Mr. Moore gave notice that he wished to discuss the matter and have it lie over under the rules. Ruled out of order.

Mr. Buchanan offered the following resolution and moved its adoption and that one hundred copies be printed. Resolved that the report of the Committee on Rules be printed and laid on the tables of members at our next session. Mr. Reed moved to amend by making it three hundred and the resolution as amended carried.

Mr. Power from the Committee on Mileage, etc., made a report on the mileage of members which, after discussion, was referred back to the Committee to be reported on Monday.

Mr. Turner moved that when this Convention adjourn, it adjourn to Monday at 1 p.m. Carried. On motion of Mr. Henry the Convention adjourned at 10:55 a.m. to July 15th at 1 p.m.

## July 15th, 1889

The Convention was called to order by the President at 1 p.m. Prayer by the Rev. J. R. Chaplain [sic]. On roll call all the members of the Convention were present except Mr. McReavey, Mr. Jamieson, Mr. Dyer, Mr. Willison and Messrs. Fay and Stevenson on leave.

Mr. E. H. Sullivan asked indefinite leave for Mr. Jamieson. Granted. Mr. Jones asked that Mr. Willison be excused indefinitely. Granted. The President read a telegram from Mr. Dyer asking to be excused for the day. Granted.

The minutes were then read and approved.

A letter was then read from Francis Miner, of St. Louis, Mo., stating that he had mailed a pamphlet relating to the question of women's suffrage. The letter (and the pamphlet, when received) referred to the Committee on Elections and Elective Rights.

Mr. Turner, from the Committee on Judicial Department presented the following report: To the Honorable President and members of the Constitutional Convention. Your Committee on Judicial Department, to whom were referred the reports of the majority and minority of the Committee on Printing, etc., relative to the proposition of Mr. W. D. Knight to do the printing of the Convention, respectfully report that, in the opinion of the members of the committee, this Convention is without power to accept the proposition of Mr. Knight. It is provided by Section 20 of the Enabling Act, that the money appropriated by Congress for defraying the expenses of the Convention, which includes the expense of printing, shall be expended under the same rules and regulations as are now provided by law for the payment of the territorial Legislature. It is provided by Section 1940 of the Revised Statutes of the United States that the Governors and Secretaries of the several territories shall, in the disbursement of all moneys entrusted to them for defraying the expenses of the legislative assemblies, be governed solely by the instructions of the Secretary of the Treasury.

Acting under these laws and the directions laid down for his government by the Treasury Department, the Territorial Secre-

tary has already made provision to have the printing done. We need not speculate concerning the power of the Convention to have done printing in excess of that provided for it in the Enabling Act and the laws of Congress concerning the territories to which that act refers. There is no probability that the cost of the printing which the Convention will require will exceed the amount appropriated by Congress, and which as we have seen is to be expected by the Secretary of the Treasury. We respectfully recommend the adoption of the following resolution. Resolved, That this Convention has no power to contract for printing, the payment of which is provided for in the Act of Congress under which this Convention was organized.

All of which is respectfully submitted.

Olympia, W. T., July 15, 1889.

GEORGE TURNER, *Chairman*
J. R. KINNEAR
D. J. CROWLEY
R. F. STURDEVANT
A. MIRES
JOHN F. GOWEY
T. L. STILES
J. J. WEISENBURGER
GEORGE H. JONES
B. L. SHARPSTEIN

Mr. Bowen moved that it be received. Adopted.

Mr. T. M. Reed moved that it be adopted. It was so adopted.

Mr. Power from the Committee on Printing, Mileage and Contingent Expenses presented the following report (unanimous consent having been given) to the Constitutional Convention. Your Committee on Printing, Mileage and Contingent Expenses, to whom was re-committted the report of mileage, has had the same under consideration and herewith resubmits the mileage statement as agreed to.

Signed by J. Power, Chairman, Suksdorf, Secretary, Clothier, Dallam, Van Name, Lillis. Following is their statement of mileage.

## MILEAGE — CONSTITUTIONAL CONVENTION

**"According to the nearest usually-travelled route."**

| | | | | |
|---|---|---|---|---|
| **Allen** | 1. | Spokane Falls. NPRR to Tacoma[405] Stmr to Olympia[36] = 441 | 132.30 | 882 |
| **Browne** | 2. | Do. Do. Do. | 132.30 | 882 |
| **Buchanan** | 3. | 5 ms from Ritzville. NPRR to Tacoma[340] Stmr to Olympia[36] = 381 | 114.30 | 762 |
| **Blalock** | 4. | Walla Walla. OR&N Co. to Wallula[31] NPRR to Tacoma[270] Stmr to Olympia[36] = 337 | 101.10 | 674 |
| **Burk** | 5. | Kalama. NPRR to Tenino[66] O&CVRR to Olympia[16] = 83 | 24.60 | 164 |
| **Bowen** | 6. | Skamokawa. Stmr to Kalama[39] NPRR to Tenino[66] O&CVRR to Olympia[16] = 121 | 36.30 | 242 |
| **Berry** | 7. | Chehalis. NPRR to Tenino[15] O&CVRR to Olympia[16] = 31 | 9.30 | 62 |
| **Coey** | 8. | Rockford Stage to Spokane Falls[25] NPRR to Tacoma[405] Stmr to Olympia[36] = 466 | 139.80 | 932 |
| **Comegys** | 9. | Oakesdale. S&PRR to Spokane Falls[47] Spokane Falls to Tacoma[405] Stmr to Olympia[36] = 488 | 146.40 | 976 |
| **Cosgrove** | 10. | 4 miles from Pomeroy. OR&N Co. to Wallula[108] NPRR Co. to Tacoma[270] Stmr to Olympia[36] = 418 | 125.40 | 836 |
| **Crowley** | 11. | Walla Walla. OR&N to Wallula[31] NPRR to Tacoma[270] Stmr to Olympia[36] = 337 | 101.10 | 674 |
| **Clothier** | 12. | Mt. Vernon. Stmr to Seattle and Olympia = 135 | 40.50 | 270 |
| **Dallam** | 13. | Davenport Cntl Wash. RR to Cheney[41] NPRR to Tacoma[389] Stmr to Olympia[36] = 466 | 139.80 | 932 |
| **Dunbar** | 14. | Goldendale. Stage to Dalles[25] OR&N Co. to Portland[88] NPRR to Tenino[106] O&CVRR to Olympia[16] = 235 | 70.50 | 470 |
| **Dickey** | 15. | Sackman. Stmr to Seattle[30] Stmr to Olympia[60] = 90 | 27.00 | 180 |

| | | | | |
|---|---|---|---|---|
| **Dyer** | 16. | Seattle. Stmr to Olympia = 60 | 18.00 | 120 |
| **Durie** | 17. | Seattle. Stmr to Olympia = 60 | 18.00 | 120 |
| **Eshelman** | 18. | North Yakima. NPRR to Tacoma[163] Stmr to Olympia[36] = 199 | 59.70 | 398 |
| **Eldridge** | 19. | Whatcom. Stmr to Seattle and Olympia = 205 | 61.50 | 410 |
| **Fairweather** | 20. | Sprague. NPRR to Tacoma[364] Stmr to Olympia[36] = 400 | 120.00 | 800 |
| **Fay** | 21. | Steilacoom. Stmr to Olympia = 21 | 6.30 | 42 |
| **Griffitts** | 22. | Spokane Falls. NPRR to Tacoma[405] Stmr to Olympia[36] = 441 | 132.30 | 882 |
| **Glascock** | 23. | Sprague. NPRR to Tacoma[364] Stmr to Olympia[36] = 400 | 120.00 | 800 |
| **Gray** | 24. | 10 ms from Pasco. NPRR to Tacoma[253] Stmr to Olympia[36] = 299 | 89.70 | 598 |
| **Godman** | 25. | Dayton. OR&N Co. to Wallula[69] NPRR Co. to Tacoma[270] Stmr to Olympia[36] = 375 | 112.50 | 750 |
| **Gowey** | 26. | Olympia | .30 | 2 |
| **Hungate** | 27. | Pullman. OR&N Co. to Connell[109] NPRR to Tacoma[295] Stmr to Olympia[36] = 440 | 132.00 | 880 |
| **Hayton** | 28. | Fir. Stmr to Seattle and Olympia = 130 | 39.00 | 260 |
| **Hoyt** | 29. | Seattle. Stmr to Olympia = 60 | 18.00 | 120 |
| **Hicks** | 30. | Tacoma. Stmr to Olympia = 36 | 10.80 | 72 |
| **Henry** | 31. | Olympia | .30 | 2 |
| **Jones** | 32. | Port Townsend. Stmr to Olympia = 118 | 35.40 | 236 |
| **Joy** | 33. | Boifort. Stage to Chehalis[15] NPRR to Tenino[15] O&CVRR to Olympia[16] = 46 | 13.80 | 92 |
| **Jamieson** | 34. | Wilkeson. NPRR to Tacoma[32] Stmr to Olympia[36] = 68 | 20.40 | 136 |
| **Jeffs** | 35. | Pialschie. NPRR to Tacoma[23] Stmr to Olympia[36] = 59 | 17.70 | 118 |
| **Kellogg** | 36. | Coupeville. Stmr to Seattle and Olympia = 116 | 34.80 | 232 |
| **Kinnear** | 37. | Seattle. Stmr to Olympia = 60 | 18.00 | 120 |

| | | | | |
|---|---|---|---|---|
| **Lindsley** | 38. | 4 ms from Union Ridge. Stmr to Portland[30] NPRR to Tenino[106] O&CVRR to Olympia[16] = 156 | 46.80 | 312 |
| **Lillis** | 39. | Tacoma. Stmr to Olympia = 36 | 10.80 | 72 |
| **Manly** | 40. | Colville. Stage to Spokane Falls[90] NPRR to Tacoma[405] Stmr to Olympia[36] = 536 | 159.30 | 1,062 |
| **Moore, J. Z.** | 41. | Spokane Falls. NPRR to Tacoma[405] Stmr to Olympia[36] = 441 | 132.30 | 882 |
| **Mires** | 42. | Ellensburg. NPRR to Tacoma[126] Stmr to Olympia[36] = 162 | 48.60 | 324 |
| **McDonald** | 43. | Ellensburg. NPRR to Tacoma[126] Stmr to Olympia[36] = 162 | 48.60 | 324 |
| **McCroskey** | 44. | Colfax. OR&N Co. to Connell[90] NPRR to Tacoma[295] Stmr to Olympia[36] = 421 | 126.30 | 842 |
| **McReavey** | 45. | Skokomish. Stage and Stmr to Olympia = 36 | 10.80 | 72 |
| **Minor** | 46. | Seattle. Stmr to Olympia = 60 | 18.00 | 120 |
| **McElroy** | 47. | Seattle. Stmr to Olympia = 60 | 18.00 | 120 |
| **Morgans** | 48. | Black Diamond. NPRR to Tacoma[62] Stmr to Olympia[36] = 98 | 29.40 | 196 |
| **More, R. S.** | 49. | Puyallup. NPRR to Tacoma[9] Stmr to Olympia[36] = 45 | 13.50 | 90 |
| **Neace** | 50. | Waitsburg. OR&N Co. to Wallula[59] NPRR to Tacoma[270] Stmr to Olympia[36] = 365 | 109.50 | 730 |
| **Newton** | 51. | Olney. SL&ERR to Seattle[43] Stmr to Olympia[36] = 103 | 30.90 | 206 |
| **Prosser** | 52. | North Yakima. NPRR to Tacoma[163] Stmr to Olympia[36] = 199 | 59.70 | 398 |
| **Power** | 53. | La Conner. Stmr to Seattle and Olympia = 160 | 48.00 | 320 |
| **Reed, J. M.** | 54. | Oakesdale. S&PRR to Spokane Falls[47] NPRR to Tacoma[405] Stmr to Olympia[36] = 488 | 146.40 | 976 |
| **Reed, T. M.** | 55. | Olympia | .30 | 2 |
| **Suksdorf** | 56. | 4 ms from Spangle. S&PRR to Spokane Falls[20] NPRR to Tacoma[405] Stmr to Olympia[36] = 465 | 139.50 | 930 |

| | | | | |
|---|---|---|---|---|
| **Shoudy** | 57. | Ellensburg. NPRR to Tacoma[126] Stmr to Olympia[36] = 162 | 48.60 | 324 |
| **Sullivan, P. C.** | 58. | Tacoma. Stmr to Olympia = 36 | 10.80 | 72 |
| **Sturdevant** | 59. | Dayton. OR&N to Wallula[65] NPRR to Tacoma[270] Stmr to Olympia[36] = 375 | 112.50 | 750 |
| **Sharpstein** | 60. | Walla Walla. OR&N to Wallula[31] NPRR to Tacoma[270] Stmr to Olympia[36] = 337 | 101.10 | 674 |
| **Sohns** | 61. | Vancouver. P&VRR to Portland[12] NPRR to Tenino[106] O&CVRR to Olympia[16] = 134 | 40.20 | 268 |
| **Stevenson** | 62. | Cascades. Stmr to Portland[63] NPRR to Tenino[106] O&CVRR to Olympia[16] = 185 | 55.50 | 370 |
| **Schooley** | 63. | Florence. Stmr to Seattle[50] Stmr to Olympia[60] = 110 | 33.00 | 220 |
| **Sullivan, E. H.** | 64. | Colfax. OR&N to Connell[90] NPRR to Tacoma[295] Stmr to Olympia[36] .... 421 | 126.30 | 842 |
| **Stiles** | 65. | Tacoma. Stmr to Olympia = 36 | 10.80 | 72 |
| **Travis** | 66. | Chewelah. Stage to Spokane Falls[65] NPRR to Tacoma[405] Stmr to Olympia[36] = 506 | 151.80 | 1,012 |
| **Turner** | 67. | Spokane Falls. NPRR to Tacoma[405] Stmr to Olympia[36] = 441 | 132.30 | 882 |
| **Tibbetts** | 68. | Olney. S&LSRR to Seattle[43] Stmr to Olympia[60] = 103 | 30.90 | 206 |
| **Van Name** | 69. | Kelso. NPRR to Tenino[55] O&CVRR to Olympia[16] = 71 | 21.30 | 142 |
| **Warner** | 70. | Colfax. OR&N Co. to Connell[90] NPRR to Tacoma[295] Stmr to Olympia[36] = 421 | 126.30 | 842 |
| **West** | 71. | Aberdeen. Stage to Olympia = 73 | 21.90 | 146 |
| **Winsor** | 72. | Shelton. Stmr to Olympia = 22 | 6.60 | 44 |
| **Weir** | 73. | Port Townsend. Stmr to Olympia = 118 | 35.40 | 236 |
| **Willison** | 74. | Port Townsend. Stmr to Olympia = 118 | 35.40 | 236 |
| **Weisenburger** | 75. | Whatcom. Stmr to Olympia = 205 | 61.50 | 410 |
| | | **TOTALS =** | **$4,778.10** | **31,854** |

Mr. Minor moved that it be received and adopted. Carried.

The following propositions were then received in the order following.

Proposition on School Lands

By Albert Schooley, Snohomish

**Section.** The school lands of the state shall be divided into two classes. The first class shall consist of lands chiefly valuable for the timber thereon or the merchantable stone therein or because of their nearness to some city or town that is principally valuable for residences, for manufacturing or commerce or for city or town uses and purposes. The second class shall consist of all the school lands fit for agricultural purposes.

**Section.** The Legislature shall make such rules and regulations and pass such laws for the disposition of the lands belonging to the first class as it may deem expedient, either at public sale after valuation by a Board of Appraisers, or on time, or the Legislature may provide for leasing the same for a term of years, not to exceed five, for such rental, stumpage or royalty as may be deemed most expedient. The lands of the second class shall be sold at a value to be fixed by appraisers, which value in no case shall be less than ten dollars per acre, and in such quantity to any one person as may be fixed by law. The sale shall be on credit with such part payment of the purchase price with such rate of interest for the remainder and such mortgage security and such restrictions in the deeds of conveyance as the Legislature may prescribe.

**Section.** The Legislature shall at its first session provide by law for the appointment in each county of a Board of Appraisers, to consist of not less than three suitable persons, to appraise the value of the school lands in such county and to return the same to the Superintendent of Common Schools. Said appraisers shall, in ascertaining the value of any tract or parcel of land, disregard any permanent improvement thereon. Said improvements shall be appraised separately. Said appraisers shall report to the Legislature a list of the lands which would sell for ten dollars or more per acre, and what lands it would be advisable to sell immediately. Until a sale is ordered the lease now subsisting shall continue.

Read a second time and referred to the Committee on State, School and Granted Lands.

Proposition Relating to Submitting Special and Local Laws to Voters for Approval or Rejection

By Mr. Joy, Lewis County

Article

**Section.** The Legislature shall provide by law for the submission of any special or local law to the qualified electors of any city or county affected thereby for their ratification or rejection.

Read a second time and referred to the Committee on Legislative Department.

Proposition

By Mr. Kinnear, King County

**Section.** The office of Public Printer shall be an elective office.

Read a second time and referred to the Committee on Printing, Mileage and Contingent Expenses.

Proposition Relating to Armed Detectives

By Mr. Kinnear, King County

**Section.** It shall be unlawful for any person or persons or incorporated company to import armed bodies of detectives into this state to be used therein for any purpose.

Read a second time and referred to the Committee on Legislative Department.

Mr. Prosser moved that the report of the Committee on Rules and Order of Business, which was laid over from Saturday, be now taken up. Mr. Buchanan moved to postpone the matter until tomorrow. It was so ordered.

Mr. Comegys offered the following resolution and moved its adoption. "Resolved, that the Committee on Federal Relations, Boundaries and Immigration be, and is hereby authorized to telegraph the Secretary of the Interior for information as to the definite boundaries of the territory of Washington," and on a division of the house it was carried.

Mr. Griffitts asked information as to the resolution introduced by Mr. J. Z. Moore on yesterday. The President stated that it having been laid on the table by vote it would require a motion to take it from the table. Mr. Griffitts then moved that the reso-

lution be taken from the table. A division of the house was called for and it was carried.

At the request of Mr. T. M. Reed, the President stated that the pending question was "upon the motion of Mr. Reed to refer to a special committee of five members to be appointed by the chair." Mr. J. Z. Moore demanded the ayes and noes. They were so ordered. Pending debate Mr. Griffitts stated that Mr. Reed had withdrawn the motion. The President stated that the motion could not be withdrawn except by consent of the Convention. Objection being called for and none appearing, the President stated that the motion was withdrawn and that the question before the house was on the amendment to strike out the words, "State, School and Granted Lands" and insert "Judicial Department." Mr. Mires moved the previous question. It was carried and on a vote as to "shall the main question be now put," it was adopted. Mr. J. Z. Moore demanded the ayes and noes. They were so ordered and the following thirty-seven members voted aye: Browne, Buchanan, Clothier, Coey, Comegys, Cosgrove, Dallam, Dunbar, Eshelman, Eldridge, Fairweather, Glascock, Godman, Gray, Griffitts, Hayton, Hicks, Hungate, Jeffs, Joy, Kellogg, Lindsley, Manly, McCroskey, McDonald, Mires, R. S. More, J. Z. Moore, Morgans, Neace, J. M. Reed, T. M. Reed, Schooley, Sturdevant, Tibbetts, Travis, and Warner.

And the following thirty-two members voted no: Allen, Berry, Blalock, Bowen, Burk, Crowley, Dickey, Durie, Gowey, Henry, Jones, Kinnear, Lillis, McElroy, Minor, Newton, Power, Prosser, Sharpstein, Shoudy, Sohns, Stiles, Suksdorf, E. H. Sullivan, P. C. Sullivan, Turner, Van Name, Weir, Weisenburger, West, Winsor, Mr. President and the motion was carried.

A vote then being ordered on the adoption of the resolution as amended, the ayes and noes were demanded and ordered and the following thirty-one members voted aye: Browne, Buchanan, Clothier, Coey, Comegys, Dallam, Eldridge, Fairweather, Glascock, Godman, Gray, Griffitts, Hicks, Hungate, Jeffs, Lindsley, Manly, McCroskey, McDonald, Mires, J. Z. Moore, Morgans, Neace, J. M. Reed, Schooley, Shoudy, Suksdorf, Travis, Turner, Warner and Weisenburger.

The following thirty-seven members voted no: Allen, Blalock, Bowen, Burk, Cosgrove, Crowley, Dickey, Dunbar, Durie, Eshelman, Gowey, Hayton, Henry, Jones, Joy, Kellogg, Kinnear, Lillis,

McElroy, Minor, R. S. More, Newton, Power, Prosser, T. M. Reed, Sharpstein, Sohns, Sturdevant, Stiles, E. H. Sullivan, P. C. Sullivan, Tibbetts, Van Name, Weir, West, Winsor and Mr. President and the motion was lost.

Mr. T. M. Reed moved to adjourn but gave way to Mr. Turner from the Committee on Judicial Department who asked unanimous consent to make the following report. The same was granted.

To the Honorable the President and members of the Constitutional Convention: Your Committee on the Judicial Department, to whom was referred the resolution introduced by Mr. Eshelman, of which the following is a copy: "Resolved, that it is competent for this Convention, in addition to submitting for ratification or rejection the Constitution it may draft, to submit separate propositions to be inserted therein, provided a majority of the electors of this territory so decide by their votes at the election to be held for the ratification of the Constitution," respectfully report that in the opinion of the members of the committee the said resolution correctly states the law concerning the power of the Convention in the matter of separate articles.

Your committee has no recommendation to make concerning the passage of the resolution, which resolution is herewith returned to the Convention.

Respectfully submitted,

GEORGE TURNER, *Chairman*
J. R. KINNEAR
R. O. DUNBAR
M. M. GODMAN
B. L. SHARPSTEIN
THOMAS C. GRIFFITTS
A. MIRES
D. J. CROWLEY
T. L. STILES
GEO. H. JONES
R. F. STURDEVANT
JOHN F. GOWEY
J. J. WEISENBURGER

Mr. Shoudy moved the report be received and adopted. It was so ordered. Mr. T. M. Reed moved (at 2:45 p.m.) to adjourn to 9 a.m. Adopted.

## Olympia, July 16th, 1889

The Convention was called to order by the President at 9 a.m. Prayer by the Chaplain. On roll call all members were present except Messrs. Fay, Jamieson, Stevenson, Willison (on leave). Mr. J. Z. Moore rose to a question of privilege and asked to have read an article in a newspaper, which was done. Mr. Moore then made a personal statement to the Convention.

Mr. Durie presented the memorial from the Common Council of the City of Seattle relative to bonding the City of Seattle for water, sewerage and other purposes. Referred to Committee on State, County and Municipal Indebtedness. Mr. Cosgrove, by request, presented a memorial on agricultural education. Referred to Committee on Education and Educational Institutions.

Mr. Turner from Committee on Judicial Department submitted the following report, embracing an article prepared by said committee on judiciary.

To the Honorable the President and members of the Constitutional Convention.

Your Committee on Judicial Department respectfully reports the article hereto attached, designated Judicial Department, consisting of twenty-eight sections, as establishing the judicial system which it deems most suitable for the needs of the people of the State of Washington, and respectfully recommends the adoption by this Convention of each of the sections contained in said article and the incorporation of the same in the Constitution to be submitted to the people to be voted for as the Constitution of the State of Washington.

Article

Judicial Department

**Section 1.** The judicial power of the state shall be vested in a Supreme Court, Superior Courts, Justices of the Peace and such inferior courts as the Legislature may provide.

**Section 2.** The Supreme Court shall consist of three judges, a majority of whom shall be necessary to form a quorum and pronounce a decision. The said Court shall always be open for the transaction of business, except on non-judicial days. In determination of causes all decisions of the court shall be given in writing

and the grounds of the decision shall be stated. The Legislature may increase the number of judges of the Supreme Court from time to time.

**Section 3.** The judges of the Supreme Court shall be elected by the qualified electors of the state at large at the general state election at the time and places at which state officers are elected. The judges elected at the first election under the Constitution shall be classified by lot, so that one shall hold his office for the term of three years, one for the term of five years, and one for the term of seven years. The lot shall be drawn by the judges, who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the Secretary of the State and filed in his office. The judge having the shortest term to serve, not holding his office by appointment or election to fill vacancy, shall be the Chief Justice and shall preside at all sessions of the Supreme Court, and in case of his absence the judge having in like manner the next shortest term to serve shall preside in his stead. After the first election the term of each judge elected shall be six years from and after the first Monday in January, next succeeding his election. If a vacancy occur in the office of judge of the Supreme Court, the Governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold the office for the remainder of the unexpired term. The first election of judges of the Supreme Court shall be at the first general election which shall be held under this Constitution.

**Section 4.** The Supreme Court shall have original jurisdiction in habeas corpus and quo warranto and mandamus as to all state officers, and appellate jurisdiction in all other cases except its appellate jurisdiction, shall not extend to civil actions at law for the recovery of money or personal property when the original amount in controversy or the value of the property does not exceed the sum of two hundred dollars, unless the action involves the legality of a tax, impost, assessment, toll, municipal fine or the validity of a statute. The Supreme Court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari and all other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Each of the judges shall have power to issue writs of habeas corpus to any

part of the state upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or before the Supreme Court or before any Superior Court of the state or any judge thereof.

**Section 5.** There shall be in each of the organized counties of this state a Superior Court for which at least one judge shall be elected by the qualified electors of the county at the general state election. Provided, that until otherwise provided by the Legislature, one judge only shall be elected for the counties of Spokane and Stevens; one judge for the county of Whitman; one judge for the counties of Lincoln, Okanogan, Douglas and Adams; one judge for the counties of Walla Walla and Franklin; one judge for the counties of Columbia, Garfield and Asotin; one judge for the counties of Kittitas, Yakima and Klickitat; one judge for the counties of Clark, Skamania, Pacific, Cowlitz and Wahkiakum; one judge for the counties of Thurston, Chehalis, Mason and Lewis; one judge for the county of Pierce; one judge for the county of King; one judge for the counties of Jefferson, Clallam, Island and San Juan; one judge for the counties of Whatcom, Skagit, Kitsap and Snohomish. In any county where there shall be more than one superior judge, there may be as many sessions of the Superior Court at the same time as there are judges thereof; and whenever the Governor shall direct a superior judge to hold court in any county other than that for which he has been elected there may be as many sessions of the Superior Court in said county at the same time as there are judges either elected therein or assigned to duty therein by the Governor, and the business of the court shall be so distributed and assigned by law, or, in the absence of legislation therefor, by such rules and order of court as shall best promote and secure the convenient and expeditious transaction thereof. The judgments, decrees, orders and proceeding of any session of the Superior Court held by any one or more of the judges of such court shall be equally effectual as if all the judges of said court presided at such session. The first superior judges elected under this Constitution shall hold their offices for the period of three years, and until their successors shall be elected and qualified, and thereafter the term of office of all superior judges in this state shall be six years from the first Monday in January next succeeding their election and until their successors are elected and qualified. The first election of judges of the Superior Court shall be at the first general election held under this Constitution.

If a vacancy occurs in the office of judge of the Superior Court, the Governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall be at the next succeeding general election, and the judges so elected shall hold office for the remainder of the unexpired term.

**Section 6.** The Superior Court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll or municipal fine, and all other cases in which the demand, exclusive of interest, or the value of the property in controversy, amounts to one hundred dollars, and in all original cases amounting to felony, and in all cases of misdemeanor not otherwise provided for; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage; and of such special cases and proceedings as are not otherwise provided for. The Superior Court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said Court shall have the power of naturalization, and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justice and other inferior courts in their respective counties as may be prescribed by law. They shall be always open except on nonjudicial days, and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and nonjudicial days.

**Section 7.** The judge of any Superior Court may hold a Superior Court in any county at the request of the judge of the Superior Court thereof, and upon the request of the Governor it shall be his duty to do so. A case in the Superior Court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court and sworn to try the case.

**Section 8.** Any judicial officer who shall absent himself from the state for more than sixty consecutive days shall be deemed

to have forfeited his office, provided that in cases of extreme necessity the Governor may extend the leave of absence such time as the necessity thereof shall exist.

**Section 9.** Any judge of the Supreme Court, or judge of the Superior Court or prosecuting attorney may be removed from office by a joint resolution of the Legislature in which three-fourths of the members elected to each house shall concur, for incompetency, corruption, malfeasance or delinquency in office or other sufficient causes stated in such resolution. Such resolution shall be entered at length on the journal of both houses, and on the question of removal of ayes and noes shall also be entered on the journal.

**Section 10.** The Legislature shall determine the number of justices of the peace to be elected in incorporated cities or towns and in precincts, and shall prescribe by law the powers, duties and jurisdiction of justices of the peace; provided, that such jurisdiction granted by the Legislature shall not trench upon the jurisdiction of Superior, or other courts of record. In incorporated cities or towns having more than five thousand inhabitants, the justices of the peace shall receive such salary as may be provided by law, and shall receive no fees for their own use.

**Section 11.** The Supreme Court and the Superior Courts shall be courts of record and the Legislature shall have power to provide that any of the courts of this state, excepting justices of the peace, shall be courts of record.

**Section 12.** The Legislature shall prescribe by law the jurisdiction and powers of any of the inferior courts which may be established in pursuance of this Constitution.

**Section 13.** No judicial officer, except court commissioners and unsalaried justices of the peace, shall receive to his own use any fees or perquisites of office. The judges of the Supreme Court and judges of the Superior Courts shall severally, at stated times during their continuance in office, receive for their services the salaries prescribed by law therefor, which shall not be increased after their election, nor during the term for which they shall have been elected. The salaries of the judges of the Supreme Court shall be paid by the state. One-half the salary of each of the Superior Court judges shall be paid by the state, the other one-half by the county or counties for which he is elected. In cases where a judge is provided for more than one county, that

portion of his salary which is to be paid by the counties shall be apportioned between or among them according to the assessed value of their taxable property, to be determined by the assessment next preceding the time for which such salary is to be paid.

**Section 14.** Each of the judges of the Supreme Court shall receive an annual salary of five thousand dollars; each of the Superior Court judges shall receive an annual salary of three thousand six hundred dollars, which said salaries shall be payable quarterly. The Legislature may increase the salaries of the judges herein provided.

**Section 15.** The judges of the Supreme Court and the judges of the Superior Court shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected.

**Section 16.** Judges shall not charge juries with respect to matters of fact, nor comment thereon, but shall declare the law.

**Section 17.** No person shall be eligible to the office of judge of the Supreme Court or judge of a Superior Court, unless he shall have been admitted to practice in the courts of record of this state or of the territory of Washington.

**Section 18.** The judges of the Supreme Court shall appoint a reporter for the decisions of that court, who shall be removable at their pleasure. He shall receive such annual salary as shall be prescribed by law.

**Section 19.** No judge of a court of record shall practice law in any court of this state during his continuance in office.

**Section 20.** Every cause submitted to a judge of a Superior Court for his decision shall be decided by him within ninety days from the submission thereof, Provided that if, within said period of ninety days, a rehearing shall have been ordered, then the period within which he is to decide shall commence at the time the cause is submitted upon such a hearing.

**Section 21.** The Legislature shall provide for the speedy publication of opinions of the Supreme Court, and all opinions shall be free for publication by any person.

**Section 22.** The judges of the Supreme Court shall appoint

a clerk of that court who shall be removable at their pleasure, but the Legislature may provide for the election of the clerk of the Supreme Court and prescribe the term of his office. The clerk of the Supreme Court shall receive such compensation as shall be provided by law.

**Section 23.** In any case in the Supreme Court in which a judge is disqualified, the remaining judges shall choose some disinterested member of the Supreme Court bar to participate with them in the hearing and decision of the case, who shall be sworn to try and decide the case according to law, and the decision rendered by the court thus constituted shall stand as other decisions in said court.

**Section 24.** There may be appointed in each county by the judge of the Superior Court having jurisdiction therein, one or more court commissioners, not exceeding three in number, who shall have authority to perform like duties as a judge of the Superior Court at chambers subject to revision by such judge, to take depositions and to perform such other business connected with the administration of justice as may be prescribed by law.

**Section 25.** The judges of the Superior Courts shall, from time to time, establish uniform rules for the government of the Superior Courts.

**Section 26.** The County Clerk, shall be, by virtue of his office, clerk of the Superior Court.

**Section 27.** The style of all process shall be "the State of Washington" and all prosecutions shall be conducted in its name and by its authority.

**Section 28.** Every judge of the Supreme Court and every judge of a Superior Court shall, before entering upon the duties of his office, take and subscribe an oath that he will support the Constitution of the United States and the Constitution of the State of Washington, and will faithfully and impartially discharge the duties of judge to the best of his ability, which oath shall be filed in the office of the Secretary of State.

We considered the proposition introduced by Mr. Buchanan, of Adams County, providing for the Supreme Court to be appointed

by the Governor, but think it most in accord with the genius of our institutions that these offices should be made elective.

Respectfully submitted,
GEORGE TURNER, *Chairman*
GEORGE H. JONES
B. L. SHARPSTEIN
J. J. WEISENBURGER

Olympia, W.T., July 16, 1889.

We concur in the foregoing report of the majority of the committee on Judicial Department with following exception; that the Supreme Court provided for in Section 2 be composed of five instead of three judges and that said section be so amended.

THOMAS C. GRIFFITTS
D. J. CROWLEY
R. F. STURDEVANT
T. L. STILES
R. O. DUNBAR
JOHN F. GOWEY

Olympia, W.T., July 16, 1889.

We concur in the foregoing report of the majority of the Committee, except we recommend that Section 5 be amended so as to make the term of offices of Superior Judges four years instead of six as such section now stands.

A. MIRES
THOMAS C. GRIFFITTS
T. L. STILES
M. M. GODMAN
J. R. KINNEAR

Olympia, W.T., July 16, 1889.

Mr. Henry asked to be excused for the day. Granted.

Report of Committee on Judicial Department received and read. Ordered printed and to lie over one day. Mr. Prosser moved to print three hundred copies. Mr. Power moved to amend by printing five hundred copies. Lost. Mr. Prosser's motion was then adopted.

The following propositions were then submitted. Read, and a second time by title.

Proposed cession to U.S. of Jurisdiction over Military and

Naval Reservations. By Mr. Jones (by request). Referred to Committee on Federal Relations, Boundaries and Immigration.

Proposition Relative to Education. By Mr. Suksdorf. Referred to Committee on Education and Educational Institutions.

Proposition Relative to State Roads. By Mr. Suksdorf. Referred to Committee on Miscellaneous Subjects, etc.

Proposition Relative to Secret Ballot. By Mr. Kinnear. Referred to Committee on Elections and Elective Rights.

In Regard to Holding Office by Appointment or Otherwise. By Mr. Dyer. Referred to Committee on Miscellaneous Subjects, etc.

Proposition on Secret Ballots. By Mr. Hicks. Referred to Committee on Elections and Elective Rights.

Proposition on Right to Bear Arms. By Mr. Hicks. Referred to Committee on Military Affairs.

Voting by Australian System. By Mr. Tibbetts. Referred to Committee on Elections and Elective Rights.

Relative to Time Within Which Action May Be Begun by States Against Persons. By Mr. Allen. Referred to Committee on Judicial Department.

Proposition Relative to Compensation of Public Officers by Salary and of Fees. By Mr. Allen. Referred to Committee on Judicial Department.

Relative to Qualification of Electors. By Mr. Allen. Referred to Committee on Elections and Elective Rights.

Proposition Relative to Alien Ownership of Land. By Mr. Weisenburger. Referred to Committee on State, School, and Granted Lands.

Proposition Relative to Military Affairs. By Mr. Berry. Referred to Committee on Military Affairs.

The report on rules taken up as the pending motion. On motion of Mr. Prosser, the same was adopted.

Report of Committee on Rules and Order of Business

Mr. President: Your Committee on Rules and Order of Busi-

ness, to whom were referred certain motions and resolutions affecting Rules 7, 36 and 42 of the Convention, respectfully submit the following report, viz:

1. We recommend that the following rule be substituted for Rule 7, to wit: "Standing committees shall report on all articles or propositions submitted to the Convention by members and referred to them at or before the time of making their final report, but they may do so merely by referring to the title of the same."

2. We recommend that the following rule be substituted for Rule 36, to wit: "Any member of the Convention may submit to the Convention the draft of a proposed article or section of the Constitution which shall be read and referred to the appropriate committee without debate. The first reading of an article or section reported by a standing committee shall be for information only, and shall be an entire reading. The article or section shall then be read the second time by title, and be printed and laid upon the desks of members before further action thereon."

3. We recommend that the following rule be substituted for Rule 42, to wit:

"Journal Entries"

"No article or section proposed by a member shall be spread upon the journal of the Convention until the same shall have been reported by a standing committee for the consideration of the Convention."

And your committee further beg leave to report that in the opinion of your committee greater certainty will be secured in the interpretation of Rules 51 and 53 by the amendment of Rule 53 by adding on to the end of line 4 after the word "present," the words "except as provided in Rule 51," and your committee recommend that the said amendment be made. All of which is respectfully submitted.

WILLIAM F. PROSSER,
*Chairman*
JAMES POWER
S. G. COSGROVE

T. L. STILES,
*Secretary pro tem.*
LOUIS SOHNS
T. M. REED
THOMAS C. GRIFFETTS
C. H. WARNER

Olympia, W.T., July 12, 1889.

Mr. Moore from Committee on Legislative Department asked to be empowered to employ Mr. Pratt to prepare a report. Granted.

Mr. Dyer offered the following resolution. "Resolved, that Hon. L. B. Andrews of King County, a member of the Constitutional Convention of 1878 that met at Walla Walla, be invited to a seat within the bar." Adopted.

Mr. Mires, at 10:10, moved to adjourn. Agreed to, and the Convention stood adjourned to 9 a.m., July 17th, 1889.

## Olympia, July 17th, 1889

The Convention was called to order by the President at 9 a.m. Prayer by the Chaplain. On roll call all the members were present except Mr. Jamieson (on leave).

J. Z. Moore asked unanimous consent to introduce the following resolution which was granted. "Resolved, that the floor of the Convention and same is now extended to the Hon. John B. Allen, our delegate-elect to Congress." It was amended so as to include Hon. E. P. Ferry, Hon. B. F. Dennison, Hon. Orange Jacobs and Hon. Eugene Semple, and they were invited to take seats within the bar. Adopted.

A memorial for Local Union No. 197 United Brotherhood of Carpenters and Joiners of America held at Tacoma, signed by Frank M. Castle, president, and George L. McMurphy, secretary, which had been received by mail, was presented by the President, ordered read and referred to the Committee on Elections and Elective Rights.

A letter from R. L. Carpenter, of Vashon, King County, W. T., was read and referred to the Committee on State, School and Granted Lands. A letter from Lucinda Hastings, C. C. Bartlett & Co. and others of Port Townsend was presented by Mr. Weir, read and referred to the Committee on State, School and Granted Lands. Mr. Weir (by request) presented an authority to Mr. Smith to present to the Convention the views of H. H. Tibballs Jr. and others of Port Townsend on tidelands. Read and referred to Committee on State, School, and Granted Lands.

Mr. Sharpstein from the Committee on Miscellaneous Subjects,

etc., presented a majority report, and Mr. Dickey, from the same committee, presented a minority report. They were read and ordered to lie over one day and be printed. Following are the reports.

In the Convention

Committee on Miscellaneous Subjects, Schedule and Future Amendments, Miscellaneous Department

Prohibiting the Manufacture and Sale of Alcoholic and Malt Liquors as a Beverage.

Majority Report

Mr. President and members of the Convention:

Your Committee on Miscellaneous Subjects, Schedule and Future Amendments, to whom were referred numerous petitions praying that a clause be placed in the Constitution prohibiting the manufacture and sale of alcoholic and malt liquors as a beverage, have had the same under consideration and respectfully report the same back to the Convention and recommend that the prayer thereof be not granted. Respectfully submitted,

B. L. SHARPSTEIN,
*Chairman*
D. BUCHANAN
W. B. GRAY
MATT. MCELROY
GEORGE COMEGYS
H. M. LILLIS

In the Convention

Committee on Miscellaneous Subjects, Schedule and Future Amendments, Miscellaneous Department

Prohibiting the Manufacture and Sale of Alcoholic and Malt Liquors as a Beverage.

Minority Report

Mr. President and members of the Convention:

We the undersigned members of the Committee on Miscellaneous Subjects, Schedule and Future Amendments beg leave to submit for your consideration the following minority report. Whereas certain petitions and memorials, from E. B. Sutton and others, representing many thousands of our citizens, praying for the insertion in the Constitution of the State of Washington, of a

clause forever prohibiting within the limits of the state the manufacture and sale of alcoholic and malt liquors as a beverage, have been referred to this committee for its decision thereon, therefore; believing that the voice of so large a number of our people should receive proper recognition, and realizing the fact that the right of the majority to rule is the underlying principle of free government, we recommend that the following separate proposition be submitted with the Constitution for ratification of the people, and be inserted therein, should the majority of the electors so decide. "It shall not be lawful for any individual, company or corporation within the limits of this state, to manufacture or cause to be manufactured, to sell, offer for sale or in any way dispose of any alcoholic, malt or spiritous liquors, except for medicinal or scientific purposes."

Respectfully submitted,

S. A. DICKEY
JOHN M. REED

Mr. Dunbar sent up to the desk three propositions which he thought should be referred to other committees, and one by Mr. Durie on the divisions of counties was referred to the Committee on County, City and Township Organizations; one by Mr. Weisenburger on alien land owners was referred to the Committee on Legislative Department; and one by Mr. Griffitts on ownership of lands by aliens was referred to the Committee on Legislative Department. The following propositions were then submitted in the following order and read.

Relating to Corporations. By Mr. Browne. Referred to the Committee on Corporations Other Than Municipal.

Prohibiting Lotteries. By Mr. Dyer (by request). Referred to the Committee on Miscellaneous Subjects, etc.

Relating to Bribery of Officers. By Mr. Fairweather. Referred to Committee on Legislative Department.

Proposition Relative to the Right of a Citizen to Sue the State. By Mr. Stiles. Referred to Committee on Preamble and Bill of Rights.

Article on Registration. By Mr. J. M. Reed (by request). Referred to Committee on Elections and Elective Rights.

Article on Nonjudicial Days and Legal Holidays. By Mr. J. M. Reed. Referred to Committee on Judicial Department.

Relative to Liens. By Mr. Newton. Referred to Committee on Legislative Department.

Mr. Turner moved that the Convention resolve itself into a committee of the whole for the purpose of considering the report of the Committee on Judicial Department and the article submitted with (by) [sic] the same. The motion prevailed. The Convention then went into a committee of the whole with Mr. Cosgrove in the chair.

The committee having risen, the President resumed the chair and the committee of the whole reported that they had had under consideration the report of the Judicial Department and that they had come to no resolution thereon and asked leave to sit again, which was granted.

Mr. Gowey moved to adjourn to 10 o'clock tomorrow morning. Mr. Dunbar moved to adjourn, but gave way to Mr. Crowley, who stated that he had been requested to present a memorial signed by A. M. Sweeney and Jennie M. Aukney and others of Walla Walla, relating to women's suffrage and asked leave to do the same. Leave was granted. The memorial was read and referred to the Committee on Elections and Elective Rights.

Mr. T. M. Reed offered the following resolution and moved its adoption. "Resolved, that unless otherwise ordered, three hundred copies of each article and section upon its second reading, as provided in Rule 36 shall be printed." Adopted.

Mr. Weir asked that the Committee on Executive Department and Pardoning Power be empowered to employ a clerk. Mr. Kinnear moved to amend by giving same authority to Committee on Corporations Other Than Municipal. Mr. Mires moved to lay the motion on the table. The motion prevailed. Mr. Kinnear moved that committees having no clerks have the work done by clerks of other committees under control of the Chief Clerk. Carried.

Mr. Gowey moved to adjourn to 9:30 a.m. tomorrow. Mr. J. Z. Moore moved to adjourn. Agreed to and at 10 a.m. the Convention stood adjourned to July 18th, 1889 at 9 a.m.

## July 18th, 1889

Convention called to order by the President at 9 a.m. Prayer by the Chaplain.

On roll call all the members are present, except Mr. Jamieson on leave.

Mr. E. H. Sullivan asked that Mr. Berry be granted indefinite leave on account of sickness in his family. Granted.

Mr. Kinnear presents a communication from John C. Hendersen of New York on taxing church property. Read and referred to the Committee on Revenue and Taxation. The following memorials were then presented and read.

(By request.) Mr. Crowley presented a memorial relating to women's suffrage signed by H. J. Beeks and others. Read and referred to the Committee on Elections and Elective Rights.

(By request.) Mr. Crowley presented a memorial relating to women's suffrage signed by Mr. Gilliam and others. Read and referred to the Committee on Elections and Elective Rights.

By Mr. Eshelman signed by F. G. Hendricks and one thousand two hundred thirty others relating to prohibition referred to the Committee on Miscellaneous Subjects, Schedule and Future Amendments.

By Mr. Joy signed by William West and others relating to irrigation. Read and referred to the Committee on Water and Water Rights.

By Mr. McCroskey signed by Mrs. Mary T. Jones and others relating to women's suffrage. Read and referred to the Committee on Elections and Elective Rights.

By Mr. Joy signed by G. C. Barron and others relating to women's suffrage. Referred to Committee on Elections and Elective Rights.

By Mr. McCroskey, signed by W. V. Anders and others relating to women's suffrage. Read and referred to the Committee on Elections and Elective Rights.

By Mr. McCroskey, signed by Mr. Stewart and others relating to the prohibition of the manufacture and sale of alcoholic

liquors. Read and referred to the Committee on Miscellaneous Subjects, Schedule and Future Amendments.

By Mr. Lindsley, signed by Lucinda King and others relating to women's suffrage. Read and referred to the Committee on Elections and Elective Rights.

By Mr. Gray signed by L. H. Studgall and others relating to women's suffrage, read and referred to the Committee on Elections and Elective Rights.

By Mr. Gowey from Mrs. Pendus and others relating to prohibiting the manufacture and sale of liquors. Read and referred to the Committee on Miscellaneous Subjects, Schedule and Future Amendments.

By Mr. Tibbetts, signed by E. B. Sutton and others relating to the manufacture and sale of alcoholic liquors. Read and referred to the Committee on Miscellaneous Subjects, Schedule and Future Amendments.

By Mr. Schooley, signed by W. P. Stewart and others relating to women's suffrage. Read and referred to Committee on Elections and Elective Rights.

By Mr. Eshelman, signed by P. J. Flint and others relating to women's suffrage. Read and referred to the Committee on Elections and Elective Rights.

Mr. Sharpstein from the Committee on Miscellaneous Subjects, Schedule and Future Amendments reports back an article on lotteries which was referred to the Committee yesterday and asks to have it referred to a more appropriate committee. Granted. Received and referred to the Committee on Legislative Department.

Mr. Comegys from the Committee on Federal Relations, Boundaries and Immigration makes the following report:

Constitutional Convention
Session, July, 1889

T. H. Cavanaugh
Public Printer

No. 1

In the Convention

Committee on Federal Relations, Boundaries and Immigrations
Cession to United States of Jurisdiction over Military
and Naval Reservations.

Mr. President and Members of the Convention:

Your Committee to whom was referred proposed cession of Jurisdiction over Military and Naval Reservations beg leave to report we have had the same under consideration and recommend that consent be given and that the proposed Article be inserted in the Constitution.

Committee

(GEO. COMEGYS
(D. BUCHANAN
(JOHN MCREAVEY
(ARNOLD J. WEST
(MATT J. MCELROY

Section or Article

The consent of the State of Washington is hereby given to the exercise, by the Congress of the United States, of exclusive legislation in all cases whatsover over such tracts or parcels of land as are now held or reserved by the government of the United States for the purpose of erecting or maintaining thereon forts, magazines, arsenals, dockyards, lighthouses and other neeful buildings, in accordance with the provisions of the seventeenth clause of the eighth section of the first Article of the Constitution of the United States. Provided, that a sufficient description by metes and bounds and an accurate plat or map of each such tract or parcel of land be filed in the proper office of record in the county in which the same is situated, together with copies of the orders, deeds, patents or other evidences in writing of the title of the United States, and provided that all civil process issued from the courts of this state and such criminal process as may issue under the authority of this state, against any person charged with crime in cases arising outside of such reservations may be served and executed thereon in the same mode and manner, and by the same officers, as if the consent herein given had not been made.

Read and ordered printed and to lay over one day.

Mr. Prosser from the Committee on Military Affairs reports back an article relating to the military and asks that it be referred to the Committee on Preamble and Bill of Rights, and consent being granted it was so ordered.

Mr. Dunbar moved that the Convention resolve itself into a committee of the whole for the purpose of considering the article

on Judicial Department. Adopted. The Convention at 10 a.m. went into a committee of the whole with Mr. Cosgrove in the chair for the purpose of considering the article on Judicial Department.

At 12:20 the committee having risen the President resumed the chair. The committee reported that they had had under consideration the article on Judicial Department and had made progress but come to no resolution thereon and asked leave to sit again. Granted. Mr. Dunbar then moved to take a recess till 2:30 p.m. Agreed to and the President designated Mr. Eldridge to preside at the afternoon session.

At 2:30 p.m. the Convention was called to order by Mr. Eldridge. On roll call all the members were present except Messrs. Berry and Jamieson on leave. Mr. J. Z. Moore moved that the Convention resolve itself into a committee of the whole for the further consideration of the article on Judicial Department. Agreed to. At 2:35 p.m. the Convention went into a committee of the whole with Mr. Cosgrove in the chair.

At 5 o'clock the committee rose and Mr. Eldridge resumed the chair. The committee having risen reported that progress had been made and recommended that Section 3 of said article be referred back to the Committee on Judicial Department and asked leave to sit again.

Mr. Prosser moved that the report be received, request granted and recommendation be adopted. The motion prevailed.

Mr. Kinnear moved at 5:05 p.m. to adjourn. Agreed to and the Convention stood adjourned to 9 a.m., July 19th, 1889.

## July 19th, 1889

Convention called to order by the President at 9 a.m. Prayer by the Chaplain. On roll call all the members were present except Mr. Jamieson on leave. Minutes read and approved.

The following memorials were received and read by Mr. Henry, memorial by the Board of Trade of the City of Olympia relative to corporations. Referred to the Committee on Corporations Other Than Municipal.

Mr. Glascock moved that Hon. N. T. Caton be granted the privilege of the house. Adopted.

Mr. Fay (by request) a petition signed by Mrs. McCoy, twenty-six teachers and others relating to equal suffrage. Referred to the Committee on Elections and Elective Rights.

Mr. Tibbetts. Petition with two hundred twenty-five names relating to prohibition. Referred to the Committee on Miscellaneous Subjects, Schedule and Future Amendments.

Mr. Power submits the following report from the Committee on Printing, Mileage and Contingent Expenses. Ordered to lay over one day and be printed.

Constitutional Convention
Session, July, 1889

T. H. Cavanaugh
Public Printer

In the Convention

Committee on Printing, Mileage and Contingent Expenses

Article on State Printing

Mr. President and Members of the Convention.

Gentlemen: Your Committee on Printing, Mileage and Contingent Expenses would respectfully report the following article on state printing.

Article

**Section 1.** The Legislature shall make all necessary arrangements by law for having the state printing done by contract; provided, that at any time after the year nineteen hundred the Legislature may provide for a state printing establishment and for the election or appointment of an officer to manage and superintend the same.

We deem Mr. Kinnear's proposition providing for the election of a Public Printer inexpedient at this time.

JAS. POWER
*Chairman*

H. F. SUKSDORF
*Secretary*

H. CLOTHIER
J. F. VAN NAME
FRANK DALLAM
O. H. JOY
H. M. LILLIS

Mr. Turner from the Committee on Judicial Department reports the following:

In the Convention
Committee on Judicial Department
Substitute for Section 3 of the Committee's Report
Article

Mr. President and Members of the Convention:

Your Committee on the Judiciary Department respectfully submit the accompaning substitute for Section 3 of the Committee's report which section was referred to this Committee to be recast and framed in consonance with the instruction of the Committees of the whole house.

**Section 3.** The judges of the Supreme Court shall be elected by the qualified electors of the state at large at the general state election at the times and places at which state officers are elected.

The first election of judges of the Supreme Court shall be at the election which shall be held upon the adoption of this Constitution and the judges elected thereat shall be classified by lot so that two shall hold their office for the term of three years, two for the term of five years and one for the term of seven years.

The lot shall be drawn by the judges, who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the Secretary of State and filed in his office. The judge having the shortest time to serve not holding his office by appointment or election to fill a vacancy, shall be the Chief Justice and shall preside at all sessions of the Supreme Court and in case there shall be two judges having in like manner the same short term, the other judges of the Supreme Court shall determine which of them shall be Chief Justice.

In case of the absence of the Chief Justice, the judge having in like manner the shortest or next shortest term to serve shall preside in his stead.

After the first election the term of judges elected shall be six years from and after the first Monday in January next succeeding his election.

If a vacancy occur in the office of a judge of the Supreme Court, the Governor shall appoint a person to hold the office until the election and qualification of a judge to fill a vacancy, which election shall take place at the next succeeding general election,

and the judge so elected shall hold the office for the remainder of the unexpired term. The term of office of the judges of the Supreme Court first elected shall commence as soon as the state shall have been admitted into the Union and continue for the term herein provided, and until their successors are elected and qualified.

Respectfully submitted,

GEORGE TURNER,
*Chairman*

THOMAS C. GRIFFITTS,
*Secretary*

Olympia, July 19, 1889

Ordered received. Mr. Dunbar moves to suspend the rule to print and lay over. Lost.

Mr. Dunbar moves that the Convention now resolve itself into a committee of the whole for the purpose of further considering the article on the Judicial Department. Adopted. At 9:30 a.m. the Convention went into a committee of the whole [for the purpose of further considering the article on the Judicial Department]* with Mr. Cosgrove in the chair; at 11:55 a.m. the committee arose. President resumed the chair.

Committee reported they had made progress but had come to no resolution thereon and asked leave to sit again. Granted. Mr. Dyer moved to take a recess until 2:30 p.m. Mr. Dunbar moved to amend to 2 p.m. Adopted. 2 o'clock p.m. the Convention took a recess.

2 p.m. Convention called to order by the President. On a call of the roll all members present except Mr. Jamieson (on leave). Mr. Dyer moved that the Convention resolve itself into a committee of the whole for the purpose of further considering of the article on Judicial Department. Agreed to.

At 2:05 p.m. the Convention sent into committee of the whole with Mr. Cosgrove in the chair. At 6:20 the committee rose and the President resumed the chair. The committee reported that they had made progress but had come to no resolution thereon and asked leave to sit again. Leave was granted.

Mr. Weir moved at 6:25 p.m. to adjourn.

* Stricken in journal.

Pending the motion to adjourn Mr. T. M. Reed asked to be excused for tomorrow. Leave granted and Mr. Weir's motion to adjourn was then agreed to and the Convention stood adjourned to July 20th, 1889, at 9 a.m.

## July 20th, 1889

Convention called to order by the President at 9 a.m. Prayer by the Chaplain. On roll call all the members were present except Mr. T. M. Reed, on leave.

Mr. J. Z. Moore moved that the Convention resolve itself into a committee of the whole for the purpose of further consideration of the article on Judicial Department. Withdrawn.

Mr. Eshelman presented affidavit of E. B. Sutton regarding women's suffrage. Ordered received, read and referred to the Committee on Elections and Elective Rights.

Mr. McCroskey presented petition of Dr. A. K. Bush and ninety-four others relative to women's suffrage. Received, read and referred to the Committee on Elections and Elective Rights.

Mr. McCroskey presented petition of S. M. Ballard and one hundred fifty-one others relative to women's suffrage. Received, read and referred to Committee on Elections and Elective Rights.

Mr. McCroskey presented petition of George E. Cline and one hundred sixty-three others relative to women's suffrage. Received read and referred to Committee on Elections and Elective Rights.

Mr. McCroskey presented petition of L. M. Lord and eighty-two others relative to women's suffrage. Received, read and referred to Committee on Elections and Elective Rights.

Mr. Jones asked that Mr. A. Kuhn be given the privilege of the house, and Hon. A. M. Cannon, Hon. S. C. Hyde and Hon. W. H. Calkins being present by request of other members it was so ordered. And they were granted the privilege.

Mr. Moore then renews his motion to go into a committee of the whole. Carried. At 9:15 a.m. the Convention went into a committee of the whole for the purpose of further consideration of the article on Judicial Department, with Mr. Cosgrove in the chair. At 12 noon the committee rose and the President resumed the chair. The committee reported that they had had under con-

sideration the article on Judicial Department and had made progress but come to no resolution thereon and asked leave to sit again. Leave was granted.

Mr. Dunbar moves that when this Convention adjourns it shall stand adjourned to 1:30 p.m., July 22nd. Carried.

A communication was read from the Olympia Board of Trade extending an invitation to the members and officers of this Convention and their families to attend a clam bake at Butler's Cove on next Tuesday. Mr. Kinnear moved to accept the invitation. Adopted.

Mr. Suksdorf moved to take a recess until 2:30 p.m. Lost.

Mr. Sohns asked leave to be absent Monday. Granted.

Mr. Gowey at 12:15 p.m. moved to adjourn. Agreed to and the Convention stood adjourned to 1:30 p.m., July 22nd.

## July 22nd, 1889

Convention called to order at 1:30 p.m. by the President. Prayer by the Rev. Mr. Chaplain [sic]. On roll call all the members were present except Messrs. Berry, Buchanan, Comegys, Dunbar, Eshelman, Kellogg, Kinnear, McElroy, McReavey, Newton, Tibbetts, Weir, Willison and Winsor, and Mr. Sohns on leave.

Mr. Sturdevant asked to have Mr. Comegys excused for the day. Granted. Mr. Turner asked to have Mr. Dunbar excused for the day. Granted. Mr. Dyer asked that Messrs. Kinnear, Eshelman, Buchanan, Tibbetts, Kellogg and McElroy be excused for the day. Granted. Mr. Eldridge asked that Mr. Winsor be excused indefinitely. Granted. Mr. West asked that Mr. McReavey be excused for the day. Granted. Mr. President asked that leave be granted Mr. Weir. So ordered.

Minutes read and approved. Mr. Minor sent the following resolution and asked unanimous consent to consider the same at this time. Consent given. "Resolved, that the Committee on the Judicial Department prepare a separate general article on impeachment and removal from office." Consent given and adopted.

Mr. Prosser asked unanimous consent to present and have considered the following:

"Whereas under instructions from the Treasury Department to the Honorable Secretary of the Territory designated as the disbursing officer of this Convention no part of the Congressional appropriation of twenty thousand dollars is available for the payment of the additional clerical force and certain other necessary employees of this Convention, and whereas this Convention has no funds at its disposal nor power of appropriation,

"Now therefore, be it resolved that we recommend for payment by the next Legislature such additional employees as may be duly certified to by the Chief Clerk and President of this Convention and that their pay be fixed as follows for each day employed as follows to wit:

| | |
|---|---|
| "Reading Clerk | $ 6.00 per day |
| "Journal and Committee Clerks | $ 5.00 " " |
| "Pages | $ 4.00 " " |

and such other employees as may hereafter be necessarily employed." Adopted.

Mr. Browne presented a resolution from the teachers of the Fourth Judicial District in relation to the department of industrial training in connection with the public school system, signed by E. N. Livermore. Read and referred to the Committee on Education and Educational Institutions.

The President read a telegram from Hon. George H. Williams asking the members of the Convention if they desired to hear Senator Stewart on the subject of mines and irrigation. Mr. Dyer moved that he be invited to speak in the Capitol Building and the chair be instructed to so telegraph him. Adopted.

Mr. Gowey presented a petition in relation to the taxation of church property. Read and referred to the Committee on Revenue and Taxation.

Mr. Stiles, chairman of Committee on County, City and Township Organization, reported the following article.

Constitutional Convention
Session, July, 1889. No. 1

T. H. Cavanaugh
Public Printer

In the Convention

Committee on County, City and Township Organization
Organization of Counties, Cities and Township

Article

Mr. President and Members of the Convention.

Your Committee on County, City and Township Organization begs to submit the following article on the subject and recommends its adoption.

**Section 1.** The several counties of the Territory of Washington existing at the time of the adoption of this Constitution are hereby recognized as legal subdivisions of this state.

**Section 2.** No county seat shall be removed unless a majority of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal, and a majority of all votes cast on the proposition shall be required to relocate a county seat. A proposition of removal shall not be submitted in the same county more than once in four years.

**Section 3.** No new county shall be established which shall reduce any county to a population less than four thousand, nor shall a new county be formed containing a less population than two thousand. There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition for such division. Every county which shall be enlarged or created from territory taken from any other county or counties shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken; provided that in such accounting neither county shall be charged with any debt or liability then existing incurred in the purchase of any county property, or in the purchase or construction of any county buildings then in use or under construction which shall fall within and be retained by the other county; provided further that this shall not be construed to effect the right of creditors.

**Section 4.** The Legislature shall establish a system of county government which shall be uniform throughout the state, and by

general laws shall provide for township organizations under which any county may organize whenever a majority of the qualified electors of such county voting at a general election shall so determine, and whenever a county shall adopt township organization the assessment and collection of the revenue shall be made and the business of such county and the local affairs of the several townships therein shall be managed and transacted in the manner prescribed by such general laws.

**Section 5.** The Legislature by general and uniform laws shall provide for the election in the several counties of Boards of County Commissioners, Sheriffs, County Clerks, Treasurers, Prosecuting Attorneys, and such other county, township or precinct and district officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to their duties and for the purpose may [qualify]* classify the counties by population. And it shall provide for the strict accountability of such officers for all fees which may be collected by them and for all public moneys which may be paid to them, or officially come into their possession.

**Section 6.** The Board of County Commissioners in each county shall fill all vacancies occurring in any county, township, precinct or road district office of such county by appointment, and officers thus appointed shall hold office till the next general election and until their successors are elected and qualified.

**Section 7.** No county officer shall be eligible to hold his office for more than two terms in succession.

**Section 8.** The Legislature shall fix the compensation by salaries of all county officers and of constables in cities having a population of five thousand and upwards, except that public administrators, surveyors and coroners may or may not be salaried officers. The salary of any county, city, town or municipal officer shall not be increased or diminished after his election or during his term of office, nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

**Section 9.** No county nor the inhabitants thereof nor the

* Stricken in journal.

property therein shall be released or discharged from its or their proportionate share of taxes to be levied for state purposes nor shall commutation from such taxes be authorized in any form whatever.

**Section 10.** Corporations for municipal purposes shall not be created by special laws but the Legislature, by general laws, shall provide for the incorporation, organization and classification in proportion to population of cities and towns, which laws may be altered, amended or repealed. Cities and towns heretofore organized or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith; and cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution shall be subject to and controlled by general laws. Any city containing a population of twenty-five thousand inhabitants, or more, shall be permitted to frame a charter for its own government, consistent with and subject to the Constitution and laws of this state, and for such purpose the Legislative authority of said city may cause an election to be had at which election there shall be chosen by the qualified electors of said city fifteen freeholders thereof, who shall have been residents of said city for a period of at least two years preceding their election and qualified electors whose duty it shall be to convene within ten days after their election and prepare and propose a charter for such city. Such proposed charter shall be submitted to the qualified electors of said city and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said city and shall become the organic law thereof and supersede any existing charter including amendments thereto, and all special laws inconsistent with such charter; said proposed charter shall be published in two daily newspapers published in said city for at least thirty days prior to the day of submitting the same to the electors for their approval, as above provided. All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election and shall be given for at least ten days before the day of election in all election districts of said city. Said elections may be general or special elections, and except as herein provided shall be governed by law regulating and controlling general or special elections in said city. Such charter

may be amended by proposals therefor submitted by the legislative authority of such city to the electors thereof at any general election after notice of said submission published as above specified, and ratified by two-thirds of the qualified electors voting thereon. In submitting any charter or amendment thereto any alternate article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

**Section 11.** Any county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws.

**Section 12.** Legislature shall have no power to impose taxes upon counties, cities, towns or other public or municipal corporations or upon the inhabitants or property thereof for county, city, town or other municipal purposes, but may by general laws vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

**Section 13.** Private property shall not be taken or sold for the payment of the corporate debt of any public or municipal corporation except in the mode provided by law for the levy and collection of taxes.

**Section 14.** The making of profit out of county, city, town or other public money or using the same for any purpose not authorized by law by any officer having the possession or control thereof shall be a felony and shall be prosecuted and punished as prescribed by law.

**Section 15.** All moneys, assessments and taxes belonging to or collected for the use of any county, city, town or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the treasurer or other legal depository to the credit of such city, town or other corporation respectfully for the benefit of the funds to which they belong.

Inasmuch as the office of County Clerk is a new one, we

recommend that the Committee on Schedule provide for his election at the election to be held for the adoption of this Constitution.

Respectfully submitted,

T. L. STILES,
*Chairman*

A. A. LINDSLEY,
*Secretary*

FRANK M. DALLAM
O. A. BOWEN
H. WILLISON
B. B. GLASCOCK
E. H. SULLIVAN
RICHARD JEFFS
THOMAS C. GRIFFITTS

Received, read a second time and ordered to lie over one day and be printed.

Mr. Dyer (by request) presented a proposition relative to state officers accepting passes over any railroad or steamboat line. Read and referred to the Committee on Corporations Other Than Municipal.

Mr. Turner moved that the Convention resolve itself into a committee of the whole for the purpose of further considering the article on Judicial Department. Carried. At 2 p.m. the Convention went into a committee of the whole with Mr. Cosgrove in the chair.

At 2:35 p.m. the committee rose and the President resumed the chair. The committee of the whole having risen reported that they had had under consideration the article on Judicial Department and had made certain amendments thereto and recommended concurring therein and that when so amended that the article be adopted.

The question being upon the concurring in said amendment Mr. Turner demanded a separate vote on the amendment to strike out the word "six" in the last line on page 2 of Section 5 and insert thereof the word "four." The question being put on concurring in all other amendments it was carried and said amendments concurred in.

Pending the question upon which separate vote had been demanded, Mr. Mires moved a call of the house. Carried. A call was had showing the following members present: Allen, Blalock, Bowen, Browne, Burk, Clothier, Coey, Cosgrove, Crowley, Dallam, Dickey, Durie, Dyer, Eldridge, Fairweather, Fay, Glascock, Godman, Gowey, Gray, Griffitts, Hayton, Henry, Hicks, Hungate, Jamieson, Jeffs, Jones, Joy, Lindsley, Manly, McCroskey, McDonald, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Neace, Power, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Van Name, Warner, Weisenburger, West, Mr. President. All the other members being on leave, Mr. Reed moved that further proceedings under the call be dispensed with. Carried.

And vote being had on the pending amendment, the ayes and noes were ordered and following members voted aye: Allen, Blalock, Bowen, Browne, Burk, Clothier, Cosgrove, Crowley, Dallam, Dickey, Durie, Dyer, Eldridge, Fairweather, Fay, Glascock, Godman, Gray, Griffitts, Hayton, Henry, Hicks, Hungate, Jamieson, Jeffs, Joy, McCroskey, McDonald, Mires, R. S. More, Power, J. M. Reed, Schooley, Sharpstein, Shoudy, Stevenson, Stiles, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Van Name, Warner, West, Mr. President. And the following members voted no: Coey, Gowey, Jones, Lindsley, Manly, Minor, J. Z. Moore, Morgans, Neace, Prosser, T. M. Reed, Sturdevant, Turner, Weisenburger. So the amendment was concurred in.

Mr. Mires moved to amend to make it read one judge for the counties of Klickitat and Yakima and one for the county of Klickitat [sic]. Lost.

Mr. Warner moved to suspend the rules and let the report come upon its third reading and be put on its final passage but yielded for the purpose of allowing Mr. Cosgrove to move the following amendment to Section 4: To strike out two hundred and insert one hundred. Mr. Cosgrove withdrew his amendment.

Mr. Allen moved the following. To strike out of Section 4, commencing at "excepting" in second line and ending with the word "statute" in sixth line. Lost.

Mr. Warner renewed his motion and a vote being had it was lost.

Mr. Gowey moved to amend Section 4 as follows. Strike out all after the word "proceedings" in second line Section 4 down to and including the word "statute" and add "as may be prescribed by law." Lost. By unanimous consent the article was considered as engrossed and ordered to be reprinted and lie over one day.

Mr. Dickey moved to adopt the minority report of the Committee on Miscellaneous Subjects, Schedule and Future Amendments.

Mr. Reed moved to postpone until Wednesday at 10 a.m. Carried.

Mr. Jones asked that the report from the Committee on Federal Relations, Boundaries and Immigration be passed without losing its place on the calendar. Granted.

Mr. Power moved to adopt the report of the Committee on Printing, Mileage and Contingent Expenses. Pending same Mr. Gowey moved the following substitute.

Article

**Section 1.** The Legislature shall provide by law for the public printing in such manner as may be deemed for the best interests of the state.

Mr. Minor moved that the further consideration of same be indefinitely postponed. Lost.

Mr. Turner moved to adjourn. Lost.

Mr. P. C. Sullivan moved that the substitute be laid on the table. Lost.

Mr. Dyer moved the following: That the pending article be referred back to the Committee on Printing with instructions to prepare a provision for the election of a Public Printer. Lost.

A vote being had on the substitute of Mr. Gowey it was lost.

Mr. Griffitts moved to strike out all after "contract" in line two.

Mr. Schooley moved to indefinitely postpone. Ruled out.

Mr. Eldridge moved to lay on table. Carried.

Mr. Gowey moved to adjourn to 24th at 9 a.m.

Mr. Godman moved to adjourn. Agreed to and Convention stood adjourned until July 23rd, 1889, at 9 a.m.

## July 23rd, 1889

Convention called to order by the President at 9 a.m. Prayer by the Rev. Mr. Chaplain [sic]. On a call of the roll all members present except the following: Messrs. Berry, Clothier, Fairweather, Hicks, Jamieson, Manly, McElroy, McReavey and Willison. Messrs. Sohns and Winsor on leave.

Minutes read and approved.

Mr. Allen asked that leave be granted Mr. Hicks for the day. It was so ordered.

Mr. Sturdevant submitted a proposition (by request) relative to State Institutions & Public Buildings. Read and referred to the Committee on State Institutions and Public Buildings.

Mr. Turner moved that consideration of the judicial article be postponed until tomorrow morning. Carried.

Mr. Weir asked consent for the Committee on Federal Relations to report the order having been passed. Granted.

Mr. Weir submitted report of the Committee on Executive Department and Pardoning Power. Read second time by title. Ordered to lie over one day and be printed.

To the Hon. President and members of the
Constitutional Convention:

We your Committee on Executive Department and Pardoning Power have formulated the following article on Executive Department and respectfully recommend its adoption.

ALLEN WEIR,
*Chairman*
GWIN HICKS,
*Secretary*
HARRISON CLOTHIER
H. W. FAIRWEATHER

Article

**Section 1.** The executive department shall consist of a Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor,

Attorney General, Superintendent of Public Instruction and a Commissioner of Public Lands, who shall be severally chosen by the qualified electors of the state at the same time and place of voting for the members of the legislative assembly.

**Section 2.** The supreme executive power of this state shall be vested in the Governor, who shall hold his office for a term of four years, and until his successor is elected and qualified.

**Section 3.** The Lieutenant Governor shall hold his office for four years. The Secretary of State, Treasurer, Auditor, Attorney General, Superintendent of Public Instruction and Commissioner of Public Lands shall hold their offices for two years respectively or until their successors are elected and qualified.

**Section 4.** The returns of every election for the Governor and Lieutenant Governor shall be sealed up and transmitted to the seat of government by the returning officers, directed to the Secretary of State, who shall deliver the same to the Speaker of the House of Representatives at the first meeting of the House thereafter, when he shall open, publish and declare the result thereof in the presence of a majority of the members of both houses. The person having the highest number of votes shall be declared duly elected, and a certificate thereof shall be given to such person signed by the presiding officers of both houses; but if any two or more shall be highest and equal in votes for the same office, one of them shall be chosen by the joint vote of both houses. Contested elections for Governor or Lieutenant Governor shall be decided by the legislative assembly in such manner as shall be determined by law. In case the time of the regular meeting of the Legislature shall be changed by law the term of office of the Governor, Secretary of State, Treasurer, Auditor and Attorney General, Superintendent of Public Instruction and Commissioner of Public Lands shall thereafter commence on the first Monday after the day fixed for such regular meeting.

**Section 5.** The Governor may require information in writing from the officers of the state upon any subject relating to the duties of their respective offices and shall see that the laws are faithfully executed.

**Section 6.** He shall communicate at every session by message to the general assembly the condition of the affairs of the state

and recommend such measures as he shall deem expedient for their action.

**Section 7.** He may on extraordinary occasions convene the Legislature by proclamation, and shall state to both houses when assembled the purposes for which they are convened.

**Section 8.** In case of disagreement between the two houses in respect to the time of adjournment, he shall have power to adjourn the Legislature to such time as he may think proper, but not beyond the regular meetings thereof.

**Section 9.** He shall be Commander in Chief of the military in the state, except when they shall be called into the service of the United States.

**Section 10.** The pardoning power shall be vested in the Governor under such regulations and restrictions as may be prescribed by law.

**Section 11.** In case of the removal, resignation, death or disability of the Governor, the duties of the office shall devolve upon the Lieutenant Governor, and in case of a vacancy in both the offices of Governor and Lieutenant Governor, the duties of Governor shall devolve upon the Secretary of State, who shall act as Governor until the disability be removed or a Governor be elected.

**Section 12.** The Governor shall have power to remit fines and forfeitures under such regulations as may be prescribed by law and he shall report to the Legislature at its next meeting each case of reprieve, commutation or pardon granted, and the reasons for granting the same and also the names of all persons in whose favor remission of fines and forfeitures shall have been made and the several amounts remitted, and the reasons of the remission.

**Section 13.** Every act which shall have passed the legislative assembly shall before it becomes a law be presented to the Governor. If he approves he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, which house shall enter the objections at large upon the journal and proceed to reconsider. If after such reconsideration two-thirds of the members present shall agree to pass the bill it shall be sent, together with the objections, to the other house by which it shall likewise be reconsidered, and if approved by two-thirds of the

members present it shall become a law; but in all cases the vote of both houses shall be determined by the yeas and nays, and the names of the members voting for or against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the Governor within five days, Sundays excepted, after it shall be presented to him, it shall become a law without his signature, unless the general adjournment shall prevent its return, in which case it shall become a law unless the Governor within ten days next after the adjournment, Sundays excepted, shall file such bill, with his objections thereto in the office of the Secretary of State, who shall lay the same before the legislative assembly at its next session in like manner as if it had been returned by the Governor. If any bill presented to the Governor contain several sections or items he may object to one or more sections or items while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the section or sections, item or items to which he objects and the reasons therefor and the section or sections, item or items so objected to shall not take effect unless passed over the Governor's objection as hereinbefore provided. The Governor shall not during his term of office be eligible to the office of United States Senator, nor be eligible to any other office during the term for which he shall have been elected.

**Section 14.** When, during a recess of the legislative assembly a vacancy shall happen in any office, the appointment to which is vested in the legislative assembly, or when at any time a vacancy shall have occurred in any other state office, for the filling of which vacancy no provision is made elsewhere in this Constitution, the Governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified.

**Section 15.** He shall issue writs of elections to fill such vacancies as may have occurred in the legislative assembly.

**Section 16.** He shall receive an annual salary of four thousand dollars, which may be increased by law, but shall never exceed six thousand dollars per annum.

**Section 17.** All commissions shall issue in the name of the state, shall be signed by the Governor, sealed with the seal of the state, and attested by the Secretary of State. Any Governor of

this state who asks, receives or agrees to receive any bribe upon any understanding that his official opinion, judgment or action shall be influenced thereby, or who gives or offers or promises his official influence in consideration that any member of the Legislature shall give his official vote or influence on any particular side of any question or matter upon which he may be required to act in his official capacity, or who menaces any member by the threatened use of his veto power, or who offers or promises any member that he, said Governor, will appoint any particular person or persons to any office created or thereafter to be created, in consideration that any member shall give his official vote or influence on any matter pending or thereafter to be introduced into either house of said Legislature, or who threatens any member that he, said Governor, will remove any person or persons from office or position with the intent to in any manner influence the official action of said member, shall be punished in the manner now or that may hereafter be provided by law, and upon conviction thereof, shall forfeit all right to hold or exercise any office of trust or honor in this state.

**Section 18.** The Lieutenant Governor shall be presiding officer of the state Senate, and shall discharge such other duties as may be prescribed by law. He shall receive an annual salary of fifteen hundred dollars which may be increased by the Legislature, but shall never exceed three thousand dollars per annum.

**Section 19.** The Secretary of State shall keep a fair record of the official acts of the legislative assembly and executive department of the state and shall when required lay the same and all matters relative thereto before either branch of the legislative assembly and shall perform such other duties as shall be assigned him by law. He shall receive an annual salary of twenty-five hundred dollars which may be increased by the Legislature [but] which shall never exceed three thousand dollars per annum.

**Section 20.** There shall be a seal of state kept by the Secretary of State for official purposes which shall be called the "Seal of the State of Washington".

**Section 21.** The Treasurer shall perform such duties as shall be prescribed by law. He shall receive an annual salary of twenty-five hundred dollars which may be increased by the Legislature, but shall never exceed four thousand dollars per annum.

**Section 22.** The Auditor shall be auditor of public accounts and shall have such powers and perform such duties in connection therewith as may be prescribed by law. He shall receive an annual salary of two thousand dollars which may be increased by the Legislature, but shall never exceed three thousand dollars per annum.

**Section 23.** The Attorney General shall be the legal adviser of the state officers and shall perform such other duties as may be prescribed by law. He shall receive an annual salary of two thousand dollars which may be increased by the Legislature, but shall never exceed thirty-five hundred dollars per annum.

**Section 24.** The Superintendent of Public Instruction shall have supervision over all matters pertaining to public schools and shall perform such specific duties as may be prescribed by law. He shall receive an annual salary of eighteen hundred dollars which may be increased by law, but shall never exceed twenty-five hundred dollars per annum.

**Section 25.** The Commissioner of Public Lands shall perform such duties and receive such compensation as the Legislature may direct.

**Section 26.** The Governor, Secretary of State, Treasurer, Auditor and Attorney General shall severally keep the public records, books and papers in any manner relating to their respective offices at the seat of government at which place also the Secretary of State, Treasurer and Auditor shall reside.

**Section 27.** No person except a citizen of the United States, and a resident of the state or territory at least two years, shall be eligible to hold any state office. No person shall be eligible to hold the office of Governor or Lieutenant Governor unless he be at least thirty-five years old, and shall have resided in the state or territory at least five years last preceding his election to such office. No person shall be eligible to hold the office of state Treasurer more than two consecutive terms. The compensation of state officers shall not be increased or diminished during the term for which they shall have been elected.

The report of the Committee on Federal Relations, Boundaries and Immigration was then taken up and read and the clerk was

ordered to strike out "third" in sixth line and insert "eighth," which was done. Lost.

The question then was the adoption of the article and Mr. Stiles moved the following amendment: "And provided that whenever the United States shall cease to own any of the lands hereinabove provided for, the provisions of this article shall thereafter no longer apply to such lands." Mr. J. Z. Moore moved an amendment to the amendment to strike out "now" in third line and insert from "time to time." Ruled out of order.

Mr. Turner gave notice that he would at the proper time move an important amendment. Mr. Comegys moved that the article and the amendments lay on the table and it was so ordered.

Mr. P. C. Sullivan moved that Mr. Henry D. Blackwell be invited to address the members of this Convention at Tacoma Hall on Thursday evening next. Mr. Power moved to amend by inserting the Convention Hall instead of Tacoma Hall.

Mr. Buchanan moved to indefinitely postpone. Mr. Suksdorf moved to adjourn. Lost.

Mr. Sullivan then withdrew his motion, the other movers consenting, and stated to the members of the Convention that he had been requested to say that Mr. Henry D. Blackwell extended them an invitation to attend a lecture to be given by him on the subject of women's suffrage on Thursday evening next at the Tacoma Hall.

Mr. Shoudy at 10:25 a.m. moved to adjourn. Agreed to and the Convention stood adjourned to July 24, 1889, at 9 a.m.

## July 24th, 1889

Convention called to order by the President at 9 a.m. Prayer by the Rev. Mr. Lee. On roll call all the members were present except Mr. Dallam and Mr. Willison on leave. Mr. Fairweather asked that Mr. Dallam be excused for the day. Granted. Minutes read and approved.

The President submitted a telegram from the American Sabbath Union of New York City relating to the observance of the Sabbath. Signed by Elliott Shepard and others. Read and referred to the Committee on Preamble and Bill of Rights.

Mr. Eshelman presented a petition relative to prohibition. Read and referred to the Committee on Miscellaneous Subjects, Schedule and Future Amendments.

Mr. Dunbar presented a petition relative to state, county and municipal indebtedness. Read and referred to the Committee on State, County and Municipal Indebtedness.

The judicial article was then taken up, read a third time and the question was upon the final passage of the article. Mr. Eldridge moved that the article be laid on the table. Lost. Mr. Turner moved an amendment that in Section 10 page 6, after "courts of record" the words "except that justices of the peace may be made police justices of incorporated cities and towns" be inserted. Adopted. Mr. Power moved to recommit the article with instructions as follows: to provide for the continuance of the probate for the several counties separate from the Superior Court. Lost.

Mr. Weisenburger offered the following amendment. Strike out the word "two" and insert "one" and figure "two hundred dollars" and insert "one hundred dollars" in line five of Section 4. Mr. Turner objected. Mr. Prosser asked that the rules be suspended and Mr. Weisenburger's motion be sustained and a sufficient number having seconded this request. Mr. Turner objected and the objection was sustained.

The question was then as before stated on the final passage and the ayes and noes were ordered. A majority of all the members voting aye on the judicial article, it was adopted. The following sixty-seven members voted aye: Allen, Berry, Blalock, Bowen, Browne, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eshelman, Fairweather, Fay, Glascock, Godman, Gray, Griffitts, Hayton, Henry, Hicks, Hungate, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Neace, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Weir, Weisenburger, West, Winsor, Mr. President. And the following six no: Buchanan, Eldridge, Gowey, Newton, Stevenson, Suksdorf. Mr. Willison not voting and Mr. Dallam on leave. The article was adopted as follows.

In the Convention
Committee on Judicial Department

Article

**Section 1.** The judicial power of the state shall be vested in a Supreme Court, Superior Courts, Justices of the Peace and such inferior courts as the Legislature may provide.

**Section 2.** The Supreme Court shall consist of five judges, a majority of whom shall be necessary to form a quorum and pronounce a decision. The said court shall always be open for the transaction of business except on nonjudicial days. In the determination of causes all decisions of the court shall be given in writing and the grounds of the decision shall be stated. The Legislature may increase the number of judges of the Supreme Court from time to time and may provide for separate departments of said court.

**Section 3.** The judges of the Supreme Court shall be elected by the qualified electors of the state at large at the general state election at the times and places at which state officers are elected, unless some other time be provided by the Legislature.

The first election of judges of the Supreme Court shall be at the election which shall be held upon the adoption of this Constitution and the judges elected thereat shall be classified by lot, so that two shall hold their office for the term of three years, two for the term of five years, and one for the term of seven years.

The lot shall be drawn by the judges who shall for that purpose assemble at the seat of government and they shall cause the result thereof to be certified to the Secretary of State and filed in his office. The judge having the shortest term to serve not holding his office by appointment or election to fill a vacancy shall be the Chief Justice, and shall preside at all sessions of the Supreme Court, and in case there shall be two judges having in like manner the same short term, the other judges of the Supreme Court shall determine which of them shall be Chief Justice.

In case of the absence of the Chief Justice the judge having in like manner the shortest or next shortest term to serve shall preside. After the first election the terms of judges elected shall be six years from and after the first Monday in January next succeeding their election.

If a vacancy occurs in the office of a judge of the Supreme Court the Governor shall appoint a person to hold the office until the election and qualification of a judge to fill vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold the office for the remainder of the unexpired term. The term of office of the judges of the Supreme Court first elected shall commence as soon as the state shall have been admitted into the Union and continue for the term herein provided, and until their successors are elected and qualified. The sessions of the Supreme Court shall be held at the seat of government until otherwise provided by law.

**Section 4.** The Supreme Court shall have original jurisdiction in habeas corpus and quo warranto and mandamus as to all state officers and appellate jurisdiction in all actions and proceedings, excepting that its appellate jurisdiction shall not extend to civil actions at law for the recovery of money or personal property when the original amount in controversy or the value of the property does not exceed the sum of two hundred dollars, unless the action involves the legality of a tax, impost, assessment, toll, municipal fine, or the validity of the statute. The Supreme Court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari and all other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Each of the judges shall have power to issue writs of habeas corpus to any part of the state upon petition by or on behalf of any person held in actual custody and may make such writs returnable before himself or before the Supreme Court or before any Superior Court of the state or any judge thereof.

**Section 5.** There shall be in each of the organized counties of this state a Superior Court for which at least one judge shall be elected by the qualified electors of the county at the general state election. Provided that until otherwise directed by the Legislature one judge only shall be elected for the counties of Spokane and Stevens; one judge for the county of Whitman; one judge for the counties of Lincoln, Okanogan, Douglas and Adams; one judge for the counties of Walla Walla and Franklin; one judge for the counties of Columbia, Garfield and Asotin; one judge for the counties of Kittitas, Klickitat and Yakima; one judge for the counties of Clark, Skamania, Pacific, Cowlitz and Wahkiakum; one judge for the counties of Thurston, Chehalis, Mason and

Lewis; one judge for the county of Pierce; one judge for the county of King; one judge for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, and one judge for the counties of Whatcom, Skagit and Snohomish. In any county where there shall be more than one Superior Judge there may be as many sessions of the Superior Court at the same time as there are judges thereof and whenever the Governor shall direct a Superior Judge to hold court in any county other than that for which he has been elected there may be as many sessions of the Superior Court in said county at the same time as there are judges therein or assigned to duty therein by the Governor, and the business of the court shall be so distributed and assigned by law, or in the absence of legislation therefor by such rules and orders of court as shall best promote and secure the convenient and expeditious transaction thereof. The judgments, decrees, orders and proceedings of any session of the Superior Court held by any one or more of the judges of such court shall be equally effectual as if all the judges of said court presided at such session. The first Superior Judges elected under this Constitution shall hold their offices for the period of three years and until their successors shall be elected and qualified and thereafter the term of office of all Superior Judges in this state shall be four years from the first Monday in January next succeeding their election and until their successors are elected and qualified.

The first election of judges of the Superior Courts shall be at the election held for the adoption of this Constitution. If a vacancy occurs in the office of Judge of the Superior Court the Governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall be at the next succeeding general election, and the Judge so elected shall hold office for the remainder of the unexpired term.

**Section 6.** The Superior Court shall have original jurisdiction in all cases in equity and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll or municipal fine, and in all other cases in which the demand or the value of the property in controversy amounts to one hundred dollars, and in all criminal cases amounting to felony and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer, of

proceedings in insolvency, of actions to prevent or abate a nuisance, of all matters of probate, of divorce, and for annulment of marriage and of such special cases and proceedings as are not otherwise provided for. The Superior Court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court, and said court shall have the power of naturalization and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justice and other inferior courts in their respective counties as may be prescribed by law, they shall be always open except on nonjudicial days and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition and writs of habeas corpus on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and nonjudicial days.

**Section 7.** The judge of any Superior Court may hold a Superior Court in any county at the request of the judge of the Superior Court thereof and upon the request of the Governor it shall be his duty to do so. A case in the Superior Court may be tried by a judge pro tempore who must be a member of the bar agreed upon in writing by the parties litigant or their attorneys of record approved by the court and sworn to try the case.

**Section 8.** Any judicial officer who shall absent himself from the state for more than sixty consecutive days shall be deemed to have forfeited his office; provided, that in cases of extreme necessity the Governor may extend the leave of absence such time as the necessity therefor exists.

**Section 9.** Any judge of any court of record, the Attorney General or any prosecuting attorney may be removed from office by joint resolution of the Legislature, in which three-fourths of the members elected to each house shall concur, for incompetency, corruption, malfeasance or delinquency in office or other sufficient causes stated in such resolution. But no removal shall be made unless the officer complained of shall have been served with a copy of the charges against him as the ground of removal and shall have an opportunity of being heard in his defense. Such resolution shall be entered at length on the journal of both houses

and on the question of removal the ayes and noes shall also be entered on the journal.

**Section 10.** The Legislature shall determine the number of justices of the peace to be elected in incorporated cities or towns and in precincts and shall prescribe by law the powers, duties and jurisdiction of justices of the peace. Provided that such jurisdiction granted by the Legislature shall not trench upon the jurisdiction of superior or other courts of record, except that justices of the peace may be made police justices of incorporated cities and towns in incorporated cities or towns having more than five thousand inhabitants. The justices of the peace shall receive such salary as may be provided by law, and shall receive no fees for their own use.

**Section 11.** The Supreme Court and the Superior Courts shall be courts of record and the Legislature shall have power to provide that any of the courts of this state, excepting justices of the peace, shall be courts of record.

**Section 12.** The Legislature shall prescribe by law the jurisdiction and powers of any of the inferior courts which may be established in pursuance of this Constitution.

**Section 13.** No judicial officer, except court commissioners and unsalaried justices of the peace, shall receive to his own use any fees or prerequisites of office. The judges of the Supreme Court and judges of the Superior Courts shall severally at stated times, during their continuance in office, receive for their services the salaries prescribed by law therefor which shall not be increased after their election nor during the term for which they shall have been elected. The salaries of the judges of the Supreme Court shall be paid by the state. One-half of the salary of each of the Superior Court judges shall be paid by the state, and the other one-half by the county or counties for which he is elected. In cases where a judge is provided for more than one county, that portion of his salary which is to be paid by the counties shall be apportioned between or among them according to the assessed value of their taxable property, to be determined by the assessment next preceeding the time for which such salary is to be paid.

**Section 14.** Each of the judges of the Supreme Court shall receive an annual salary of four thousand dollars; each of the

Superior Court judges shall receive an annual salary of three thousand dollars, which said salaries shall be payable quarterly. The Legislature may increase the salaries of judges herein provided.

**Section 15.** The judges of the Supreme Court and the judges of the Superior Court shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected.

**Section 16.** Judges shall not charge juries with respect to matters of fact, nor comment thereon, but shall declare the law.

**Section 17.** No person shall be eligible to the office of judge of the Supreme Court, or judge of a Superior Court, unless he shall have been admitted to practice in the courts of record of this state or of the territory of Washington.

**Section 18.** The judges of the Supreme Court shall appoint a reporter for the decisions of that court, who shall be removable at their pleasure. He shall receive such annual salary as shall be prescribed by law.

**Section 19.** No judge of a court of record shall practice law in any court of this state during his continuance in office.

**Section 20.** Every cause submitted to a judge of a Superior Court for his decision shall be decided by him within ninety days from the submission thereof. Provided, that if within said period of ninety days a rehearing shall have been ordered, then the period within which he is to decide shall commence at the time the cause is submitted upon such a rehearing.

**Section 21.** The Legislature shall provide for the speedy publication of opinions of the Supreme Court, and all opinions shall be free for publication by any person.

**Section 22.** The judges of the Supreme Court shall appoint a clerk of that court who shall be removable at their pleasure, but the Legislature may provide for the election of the clerk of the Supreme Court and prescribe the term of his office. The clerk of the Supreme Court shall receive such compensation by salary only as shall be provided by law.

**Section 23.** There may be appointed in each county, by the judge of the Superior Court having jurisdiction therein, one

or more court commissioners, not exceeding three in number, who shall have authority to perform like duties as a judge of the Superior Court at chambers, subject to revision by such judge, to take depositions, and to perform such other business connected with the administration of justice as may be prescribed by law.

**Section 24.** The judges of the Superior Courts shall from time to time establish uniform rules for the government of the Superior Courts.

**Section 25.** Superior judges shall, on or before the first day of November in each year, report in writing to the judges of the Supreme Court such defects and omissions in the laws as their experience may suggest, and the judges of the Supreme Court shall on or before the first day of January in each year report in writing to the Governor such defects and omissions in the laws as they may believe to exist.

**Section 26.** The County Clerk shall be by virtue of his office Clerk of the Superior Court.

**Section 27.** The style of all process shall be "the State of Washington" and all prosecutions shall be conducted in its name and by its authority.

**Section 28.** Every judge of the Supreme Court and every judge of a Superior Court shall, before entering upon the duties of his office, take and subscribe an oath that he will support the Constitution of the United States and the Constitution of the State of Washington and will faithfully and impartially discharge the duties of judge to the best of his ability, which oath shall be filed in the office of the Secretary of State.

Ordered sent to the Committee on Revision, Adjustment and Enrollment to perfect and enroll.

The special order, being the reports of the Committee on Miscellaneous Subjects, Schedule and Future Amendments, was then taken up and the pending motion was stated to be the minority report of the committee. Mr. Sharpstein moved to amend by striking out "minority" and inserting "majority" thereof. Mr. Warner moved to recommit the report to the Committee on Miscellaneous Subjects, Schedule and Future Amendments.

Mr. Moore moved the previous question, it was so ordered

and on the question (to recommit) being put it was lost. And on a vote on the amendment of Mr. Sharpstein it was carried. The question then was shall the majority report be adopted. It was carried. For majority report, see last of day's proceedings (omitted from here by mistake).

Mr. Dickey moved that the minority report be adopted; ruled out of order.

Mr. McCroskey moved that the recommendation of the Committee on Miscellaneous Subjects, Schedule and Future Amendments be adopted. On a submission to the Convention as to whether Mr. McCroskey's motion would be entertained it was ordered ruled out of order.

The question was then upon the report of the Committee on County, City and Township Organization. Mr. Stiles moved that the Convention resolve itself into a committee of the whole for the purpose of considering the report of the Committee on County, City and Township Organization. Carried with Mr. Dunbar [called to] * in the chair. At 12 noon the Convention rose and the President resumed the chair.

The committee reported that they had had under consideration the article on County, City and Township Organization and had made progress, but come to no resolution thereon and asked leave to sit again. Granted.

Mr. Turner asked leave for today and balance of tomorrow. Granted.

Mr. Dyer moved to take recess until 2 p.m. Mr. Fay moved to amend by striking out 2 p.m. and inserting 1:30 p.m. Agreed to and at 11:55 a.m. the Convention took a recess until 1:30 p.m. this day.

At 1:30 p.m. the Convention was called to order by the President. On roll call all the members were present except Mr. Allen and Messrs. Turner and Dallam on leave. Mr. Dunbar asked to have Mr. Allen excused for the balance of the day. It was so ordered.

At 1:35 p.m. Mr. Dunbar moved that the Convention resolve itself into a committee of the whole for the purpose of further

* Stricken in journal.

considering of the report from the Committee on County, City and Township Organization. Carried. Mr. Dunbar was called to the chair. At 2:30 p.m. the Convention rose and the President resumed the chair.

The committee reported that they had had under consideration the article from the Committee on County, City and Township Organization and had made sundry amendments thereto and recommend that the amendments be concurred in and when such concurring is had that the article be adopted as amended. They also recommend that the matter of County Clerk be referred to the Committee of Miscellaneous Subjects, Schedule and Future Amendments.

The question then being "Shall the Convention concur in the amendments to the article" and a vote being had the amendments were concurred in.

The question then was shall the article as amended be considered engrossed and passed to a third reading, pending which Mr. Crowley moved to amend by adding the word "sheriff" after the words "except that" in line two of Section 8 and demanded the ayes and noes. They were so ordered. The following twenty-nine members voted aye: Berry, Buchanan, Burk, Clothier, Comegys, Cosgrove, Crowley, Dunbar, Eldridge, Godman, Gowey, Gray, Jeffs, McDonald, [McElroy] *, McReavey, Minor, Mires, J. Z. Moore, Morgans, Power, Prosser, Schooley, Sohns, Stevenson, Sturdevant, P. C. Sullivan, Tibbetts, Weir, Mr. President. And the following thirty-six members voted no: Blalock, Bowen, Browne, Coey, Dickey, Durie, Dyer, Eshelman, Fay, Glascock, Griffitts, Hicks, Hungate, Joy, Kellogg, Kinnear, Lillis, Lindsley, McCroskey, McElroy, R. S. More, Neace, Newton, J. M. Reed, T. M. Reed, Shoudy, Stiles, Suksdorf, E. H. Sullivan, Travis, Van Name, Warner, Weisenburger, West, Willison, Winsor. The following members not voting: Fairweather, Hayton, Henry, Jamieson, Jones, Manly, Sharpstein, Messrs. Allen, Dallam and Turner being absent on leave. The amendment was lost.

Mr. Glascock moved to amend Section 2 by striking out the words "a majority" in lines one and three and insert therefor the words "two-thirds" and demanded the ayes and noes. They were so ordered and the question was then shall the amendment of Mr.

* Stricken in journal.

Dyer be adopted. On a call of the roll the following thirty-eight members voted aye: Berry, Blalock, Browne, Buchanan, Clothier, Coey, Cosgrove, Crowley, Dunbar, Durie, Dyer, Eshelman, Glascock, Gowey, Gray, Hicks, Jamieson, Kinnear, McCroskey, McDonald, McElroy, Minor, R. S. More, Morgans, Neace, Newton, J. M. Reed, T. M. Reed, Shoudy, Sohns, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Warner, Weisenburger, Willison, Mr. President. The following twenty-six members voted no: Bowen, Burk, Comegys, Dickey, Eldridge, Fay, Griffitts, Hungate, Jeffs, Joy, Lillis, Lindsley, McReavey, Mires, J. Z. Moore, Power, Prosser, Schooley, Stevenson, Stiles, Sturdevant, Travis, Van Name, Weir, West, Winsor. Messrs. Allen, Dallam and Turner absent on leave and the following members not voting: Fairweather, Godman, Hayton, Henry, Jones, Kellogg, Manly, Sharpstein. The amendment was adopted.

The question was then on the adoption of the amendment as amended pending which Mr. McReavey moved for a call of the house. Lost.

Mr. J. Z. Moore moved to adjourn. Lost.

Mr. Griffitts moved for a call of the house. Lost.

Mr. Sohns moved the previous question and it was so ordered. The question then being shall the amendment as amended be adopted, the ayes and noes were ordered and the following forty-two members voted aye: Blalock, Browne, Buchanan, Clothier, Coey, Cosgrove, Crowley, Dunbar, Durie, Dyer, Eldridge, Eshelman, Glascock, Godman, Gowey, Gray, Griffitts, Hayton, Hicks, Jamieson, Kellogg, Kinnear, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, R. S. More, Morgans, Neace, Newton, T. M. Reed, Shoudy, Sohns, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Warner, Weisenburger, Willison. The following twenty-six members voted no: Berry, Bowen, Burk, Comegys, Dickey, Fay, Hungate, Jeffs, Joy, Lillis, Lindsley, J. Z. Moore, Power, Prosser, J. M. Reed, Schooley, Stevenson, Stiles, Sturdevant, Travis, Turner, Van Name, Weir, West, Winsor, Mr. President. Messrs. Allen, Dallam and Turner absent on leave and the following members, Fairweather, Henry, Jones, Manly and Sharpstein not voting. The amendment as amended was adopted.

Mr. Mires moved to adjourn. Lost.

Mr. J. Z. Moore moved to lie on the table. Lost.

The question then was shall the article be considered engrossed and passed to a third reading.

Mr. Kinnear offered an amendment as follows. Amend Section 3 by striking out the words "There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition for such division" in lines three, four and five of said Section 3, commencing with "There" in line three and ending with "division" in lines four and five. Pending which Mr. Comegys moved to adjourn at 5:30 p.m. Agreed to and the Convention stood adjourned to July 25th, 1889, at 9 a.m.

Majority Report

In the Convention

Committee on Miscellaneous Subjects, Schedules and Future Amendments

Miscellaneous Department

Prohibiting the Manufacture and Sale of Alcoholic and Malt Liquors as a Beverage.

Majority

Mr. President and members of the Convention:

Your Committee on Miscellaneous Subjects, Schedule and Future Amendments, to whom was referred numerous petitions praying that a clause be placed in the Constitution prohibiting the manufacture and sale of alcoholic and malt liquors as a beverage have had the same under consideration and respectfully report the same back to the Convention and recommend that the prayer thereof be not granted.

Respectfully submitted,

B. L. SHARPSTEIN,
*Chairman*
D. BUCHANAN
W. B. GRAY
MATT J. MCELROY
GEO. COMEGYS
H. M. LILLIS

## July 25th, 1889

The Convention was called to order by the President at 9 a.m. Prayer by the Rev. Mr. Lee. On roll call all the members were present except Mr. Turner on leave. Minutes read and approved.

The President submitted the following telegram.

July 24, 1889

121 † Seattle, W. T.

To Hon. John P. Hoyt, President

In behalf of Seattle Chamber of Commerce I strongly endorse memorial of Olympia Board of Trade relating to corporations.

BAILEY GATZERT

I fully endorse the foregoing.

GEORGE B. ADAIR,
*President,*
*Seattle Board of Trade*

Read and referred to Committee on Corporations Other Than Municipal.

The President presents a petition from Dr. H. T. Turner relative to convict labor. Read and referred to the Committee on County, City and Township Organization.

Mr. Van Name by request of J. B. Ladue presented a petition relative to the suffrage of women. Mr. Sharpstein moved that it lie on the table. Carried.

Mr. Newton presented a petition from a K. of L. Assembly number 115, signed by H. E. Church. Read and the first, second, third and fourth sections referred to the Committee on Elections and Elective Rights.

The fifth section, which read as follows, "Enabling municipal government to own and control such industries and public conveniences as the people may choose to own or control" was referred to the Committee on State, County and Municipal Indebtedness.

† Number in margin of journal.

The sixth section, "Taxation of land held use, equally as high as land used", [was] referred to the Committee on Revenue and Taxation.

The seventh section, "The reservation of our tidelands, school lands and all land ceded to the state by the United States forever. The same to be treated so as to insure the highest possible perpetual income to the state and schools", [was] referred to the Committee on State, School and Granted Lands.

Section eight, prohibiting the operation of all private detective agencies; no arrest to be made or law enforced by other than constitutionally qualified officers, [and] nine, a clause providing that the right of the people to peaceably assemble to discuss measures for their mutual benefit or to ask for a redress of grievances shall not be infringed or curtailed, [were] referred to the Committee on Preamble and Bill of Rights.

Section ten, providing the annual sessions of the Legislature and no restrictions to be placed on the length of the session, [was] referred to the Committee on Legislative Department.

Section eleven, an expeditious method of amending the organic law so as to make it conform to the changing conditions, [was] referred to Committee on Preamble and Bill of Rights.

Mr. Browne from the Committee on State, County and Municipal Indebtedness submitted the following report.

In the Convention

Committee on State, County and Municipal Indebtedness

Minority Recommendation on Section 7

Mr. President and Members of the Convention:

Your Committee on State, County and Municipal Indebtedness respectfully submit the following report:

The Committee respectfully recommends the adoption by this Convention of each of the sections in the article hereto attached and that the same be incorporated as an article on the Constitution to be submitted to the people to be voted for as the Constitution of the State of Washington.

**Section 1.** The state may to meet causal deficits in revenues or for expenses not provided for, contract debts, but such debts,

direct and contingent, singly or in the aggregate, shall not at any time exceed four hundred thousand dollars, and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained or to repay the debt so contracted and to no other purpose whatever.

**Section 2.** In addition to the above limited power to contract debts the state may contract debts to repel invasion, suppress insurrection or to defend the state in war but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised and to no other purpose whatever.

**Section 3.** Except the debts specified in Sections 1 and 2 of the article no debts shall hereafter be contracted by or on behalf of this state unless such debt shall be authorized by law for some single work or object to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest on such debt as it falls due and also to pay and discharge the principal of such debt within twenty years from the time of the contracting thereof.

No such law shall take effect until it shall at a general election have been submitted to the people and have received a majority of all the votes cast for and against it at such election, and all moneys raised by authority of such law shall be applied only to the specific object therein stated or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, if one be published therein, throughout the state for three months next preceding the election at which it is submitted to the people. The Legislature may at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same, and may at any time by law forbid the contracting of any further debt or liability under such law, but the tax imposed by such act, in proportion to the debt and liability which may have been contracted in pursuance of such law, shall remain in force and be irrepealable and be annually collected until the proceeds thereof shall have made the provision hereinbefore specified to pay and discharge the interest and principal of the debt and liability therein created.

**Section 4.** No moneys shall ever be [made] * paid out of the

* Stricken in journal.

treasury of this state or any of its funds or any of the funds under its management except in pursuance of an appropriation by law nor unless such payment be made within two years next after the passage of such appropriation act, and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum.

**Section 5.** The credit of the state shall not in any manner be loaned or given to, or in aid of, any individual, association, company or corporation. No county, city, town, school district or other municipal corporation shall become indebted in any manner or for any purpose exceeding one per centum of the taxable property in such county, city, town, school district or other municipal corporation, without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness. Provided, that no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly county, city, town, school district or other municipal purposes. Provided further that any city or town with such assent may be allowed to become indebted to a larger amount but not exceeding five per centum additional for supplying such city or town with water, artificial light and sewers when the works for supplying such water, light and sewers shall be owned and controlled by the municipality.

**Section 7.** No county shall hereafter give or loan its money, property or credit to or in aid of any individual, company, corporation or association unless two-thirds of the property taxpayers thereof being legal electors therein and voting thereon vote therefor at an election to be held for such purpose, and in no case shall the sum so voted exceed in the aggregate four per centum of its assessed valuation for county and state purposes as shown by its assessment next preceding such election.

The Legislature shall enact the necessary laws to carry out the provisions of this article.

Respectfully submitted,
N. G. BLALOCK,
*Seretary*
R. F. STURDEVANT
T. M. REED
C. T. FAY
DAVID E. DURIE

We concur in the foregoing report, except as to Section 7 and as to that section, we recommend that the same be stricken out and instead thereof the following be inserted; viz.

**Section 7.** No county, city, town or other municipal corporations shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association, company or corporation or become directly or indirectly the owner of stock in or bonds of any association, company or corporation.

J. J. BROWNE,
*Chairman*
JAMES A. HUNGATE
CHAS. P. COEY
H. W. FAIRWEATHER

Read first and second time by title and ordered to lie over one day and be printed.

Mr. Warner from the Committee on Preamble and Bill of Rights submitted the following report.

In the Convention
Committee on Preamble and Declaration of Rights

Mr. President and Members of the Convention:

Your Committee on Preamble and Declaration of Rights reports the following article on the subject and recommends its adoption:

Preamble and Declaration of Rights

Preamble

We, the people of the State of Washington, to preserve our rights, do ordain this Constitution.

Article 1

**Section 1.** All political power abides with the people and governments derive their just powers from the consent of the governed and are established to protect and maintain individual rights.

**Section 2.** The Constitution of the United States is the supreme law of the land.

**Section 3.** No person shall be deprived of life, liberty or property without due process of law.

**Section 4.** The right of petition and of the people peaceably to assemble for the common good shall never be abridged.

**Section 5.** Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right.

**Section 6.** The mode of administering an oath or affirmation shall be such as may be most consistent with and binding upon the conscience of the person to whom such oath or affirmation may be administered.

**Section 7.** No person shall be disturbed in his private affairs, or his home invaded, without authority of law.

**Section 8.** No law granting irrevocably any privilege, franchise or immunity shall be passed by the Legislature.

**Section 9.** No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.

**Section 10.** Justice in all cases shall be administered openly and without unnecessary delay.

**Section 11.** Absolute freedom of conscience in all matters of religious sentiment, belief and worship shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion, but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment. No religious qualification shall be required for any public office or employment nor shall any person be incompetent as a witness or

juror in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to effect the weight of his testimony.

**Section 12.** No law shall be passed granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall not equally belong to all citizens or corporations.

**Section 13.** The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety requires it.

**Section 14.** Excessive bail shall not be required, excessive fines imposed nor cruel punishment inflicted.

**Section 15.** No conviction shall work corruption of blood nor forfeiture of estate.

**Section 16.** Private property shall not be taken for private use, except for private ways of necessity. No private property shall be taken or damaged for public or private use without just compensation having been first made or paid into court for the owner, and no right of way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money or ascertained and paid into the court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived as in other civil cases in courts of record, as shall be prescribed by law.

**Section 17.** There shall be no imprisonment for debt, except in cases of absconding debtor.

**Section 18.** The military shall be in strict subordination to the civil power.

**Section 19.** No power of suspending law shall be exercised except by the Legislature.

**Section 20.** All elections shall be free and equal.

**Section 21.** All prisoners shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great.

**Section 22.** The right of trial by jury shall remain inviolate

but the Legislature may provide for a jury of any number less than twelve in the courts not of record, and for a verdict by nine or more jurors in civil cases in any court of record, and for the waiving of the jury in civil cases where the consent of the parties interested is given thereto.

**Section 23.** In criminal prosecutions the accused shall have the right to appear and defend in person, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process, to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed, and the right to appeal in all cases; and in no instance shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed.

**Section 24.** No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall ever be passed.

**Section 25.** The right of the individual citizen to bear arms in defense of self or state shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men.

**Section 26.** Offenses heretofore required to be prosecuted by indictment may be prosecuted by information or by indictment as shall be prescribed by law.

**Section 27.** The grand jury shall consist of seven men, any five of whom concurring may find an indictment. No grand jury shall be drawn or summoned in any county except the superior judge thereof shall so order.

**Section 28.** Treason against the state shall consist only in levying war against, or adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

**Section 29.** No hereditary emoluments, privileges or powers shall be granted or conferred in this state.

**Section 30.** The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise.

**Section 31.** The enumeration in this Constitution of certain rights shall not be construed to deny others retained by the people.

All of which is respectfully submitted.

C. H. WARNER,
*Chairman*

GWIN HICKS,
*Secretary*

GEO. COMEGYS
FRANCIS HENRY
LEWIS SOHNS
J. C. KELLOGG
FRANK M. DALLAM

Read first and second time by title and ordered to lie over one day and be printed.

Mr. Griffitts gave notice that he would at the proper time move to reconsider the vote by which Section 2 in line one and two were changed to read three-fifths instead of a majority.

Mr. Minor asked that the Committee on Revision, Adjustment and Enrollment be allowed to employ a clerk. Granted.

Mr. Gowey asked the unanimous consent to present petitions relative to the taxation of church property. Consent granted. Mr. Gowey presented petitions relative to the taxation of church property as follows.

Petition of First M. E. Church, Tacoma, W. T., Geo. C. Wilding, Pastor.
" of Plymouth Congregational Church. Seattle.
" of Trinity Parish of the Episcopal. Seattle.
" of St. Mark's Episcopal. Seattle.
" of Swedish Methodist Episcopal. Seattle.
" of Methodist Protestant. Seattle.
" of First Presbyterian. Seattle.
" of Gethsemane Lutheran.
" of Seattle First [?] M. E. Church. Seattle.
" of Norwegian Lutheran Church. Seattle.
" of First Methodist Episcopal Church. Seattle.

Read and referred to the Committee on Revenue and Taxation.

Mr. Dickey sent up the following resolution and asked that the rules be suspended and that it be considered at this time.

"Resolved, that the following separate proposition be submitted with the Constitution for the ratification by the people, and be inserted therein should the majority of the electors so decide."

Proposition

It shall not be lawful for any individual, company or corporation within the limits of this state, to manufacture or cause to be manufactured, to sell, offer for sale or in any manner dispose of any alcoholic, malt or spirituous liquors except for medicinal, sacramental or scientific purposes.

The question to suspend the rules was put, and was lost.

The question then before the house was upon the pending motion of Mr. Kinnear to amend Section 3 of the article reported from the committee of the whole on County, City and Township Organization.

Mr. J. M. Reed moved the previous question and demanded the ayes and noes on the question "Shall the previous question be now put". The following forty-two members voted aye: Allen, Berry, Blalock, Bowen, Burk, Comegys, Crowley, Dallam, Dickey, Durie, Dyer, Eldridge, Griffitts, Henry, Hicks, Hungate, Jamieson, Kellogg, Lindsley, Manly, McDonald, McReavey, R. S. More, Neace, Newton, J. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Van Name, Weisenburger, West, Willison, Winsor. The following twenty-three members voted no: Browne, Buchanan, Clothier, Coey, Glascock, Godman, Gowey, Hayton, Jones, Kinnear, Lillis, McCroskey, McElroy, Minor, J. Z. Moore, Morgans, Power, Prosser, T. M. Reed, Tibbetts, Warner, Weir, Mr. President. The following not voting: Cosgrove, Fairweather, Fay, Gray, Jeffs, Joy, Mires. Mr. Turner absent on leave. The previous question was ordered.

Mr. Stevenson moved a call of the house. Ruled out of order. The question then was "shall the amendment moved by Mr. Kinnear prevail".

Mr. Durie demanded the ayes and noes; so ordered. The following seventeen members voted aye: Clothier, Durie, Dyer, Gowey, Hayton, Kinnear, McCroskey, McElroy, McReavey, Minor, J. Z. Moore, Morgans, Sohns, Stevenson, Tibbetts, Warner, Mr. President. The following fifty members voting no: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Coey, Comegys, Crowley, Dallam, Dickey, Eldridge, Fay, Glascock, Godman, Griffitts, Henry, Hicks, Hungate, Jamieson, Jeffs, Jones, Kellogg, Lillis, Lindsley, Manly, McDonald, R. S. More, Neace, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Van Name, Weir, Weisenburger, West, Willison, Winsor. The following not voting: Cosgrove, Dunbar, Eshelman, Fairweather, Gray, Joy, Mires; Mr. Turner being absent on leave. The amendment was lost.

Mr. J. Z. Moore moved the following amendment be added to Section 3: "and only such other condition as shall be prescribed by general law, applicable to the whole state," after "division" in lines four and five. It was carried.

Mr. Godman moved to amend as follows: To strike out the words "for such division" in lines four and five of Section 3 and insert the word "therefor." Carried.

Mr. Weir moved to amend by striking out the words "twenty-five" in line nine, Section five, and inserting "ten." Lost.

Mr. Kinnear moved to amend Section 3 by striking out the words "a majority" in fourth line and insert in place thereof "two-thirds." Mr. Wagner moved an amendment of the amendment to strike out "two-thirds" and insert "three-fifths." Mr. P. C. Sullivan demanded the ayes [and] noes. They were ordered and the following twenty-five members voted aye: Blalock, Buchanan, Coey, Dickey, Durie, Dyer, Glascock, Godman, Gowey, Jones, McCroskey, McDonald, McElroy, Minor, Morgans, Power, T. M. Reed, Schooley, Sohns, Stevenson, Suksdorf, Tibbetts, Van Name, Warner, Weisenburger. The following forty-four members voted no: Allen, Berry, Bowen, Browne, Burk, Clothier, Comegys, Dallam, Dunbar, Eldridge, Eshelman, Fay, Griffits, Hayton, Henry, Hicks, Hungate, Jamieson, Jeffs, Joy, Kinnear, Lillis, Lindsley, Manly, McReavey, Mires, J. Z. Moore, R. S. More, Neace, Newton, Prosser, J. M. Reed, Sharpstein, Shoudy, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Travis, Weir, West, Willison, Winsor, Mr. President. The fol-

lowing members not voting: Cosgrove, Crowley, Fairweather, Gray, Kellogg, Mr. Turner absent on leave. The amendment was lost.

The question was then on the amendment of Mr. Kinnear. Mr. P. C. Sullivan demanded the ayes and noes; so ordered. The following twenty-three members voted aye: Blalock, Buchanan, Clothier, Coey, Durie, Dyer, Gray, Hayton, Kinnear, McCroskey, McDonald, McElroy, Minor, Morgans, Newton, Power, T. M. Reed, Sohns, Stevenson, Tibbetts, Warner, Wiesenburger, Mr. President. The following forty-nine members voted no: Allen, Berry, Bowen, Browne, Burk, Comegys, Crowley, Dallam, Dickey, Dunbar, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Gowey, Griffitts, Henry, Hicks, Hungate, Jamieson, Jeffs, Jones, Joy, Lillis, Lindsley, Manly, McReavey, Mires, J. Z. Moore, R. S. More, Neace, Prosser, J. M. Reed, Schooley, Sharpstein, Shoudy, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Van Name, Weir, West, Willison, Winsor. The following members not voting: Cosgrove, Kellogg. Mr. Turner absent on leave. Lost.

Mr. Tibbetts moved to strike out all but the words "two thousand" in line three, Section 3. It was lost.

Mr. T. M. Reed moved to strike out "twenty-five" in line nine, Section 10 and insert the word "ten." Mr. Browne moved an amendment to the amendment to strike out "ten" and insert "five." On the vote on the amendment to the amendment it was carried. The question was then on the amendment of Mr. Reed as amended. Mr. Sullivan demanded the ayes and noes. It was so ordered. The following forty members voted aye: Allen, Berry, Blalock, Browne, Clothier, Dickey, Eldridge, Eshelman, Gowey, Gray, Griffitts, Henry, Hicks, Hungate, Jones, Joy, Kinnear, McCroskey, McDonald, McReavey, Minor, Mires, R. S. More, Morgans, Neace, Newton, Power, T. M. Reed, Sharpstein, Sohns, Stevenson, Suksdorf, Tibbetts, Travis, Van Name, Warner, Weir, Weisenburger, West, Willison. The following thirty-one members voted no: Bowen, Buchanan, Burk, Coey, Comegys, Crowley, Dallam, Dunbar, Durie, Fairweather, Fay, Glascock, Godman, Hayton, Jamieson, Jeffs, Kellogg, Lillis, Lindsley, Manly, McElroy, J. Z. Moore, Prosser, J. M. Reed, Schooley, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Winsor, Mr. President. The following members not voting: Cosgrove, Dyer, Shoudy. Mr. Turner being absent on leave. The amendment was carried.

Mr. Jones moved the following amendment, "insert after word 'that' and before word 'public' in line two, Section 8 the words 'sheriffs, recorders'." Ruled out of order.

Mr. Power offered the following amendment, "add to Section 5 as follows: Provided, however, that the compensation or salary allowed shall not exceed the fees collected." It was lost.

Mr. Warner moved to strike out in Section 10, line eight "any city of five thousand" and insert "any city duly incorporated may be permitted to frame its own charter." It was lost.

Mr. Henry offered the following amendment: To strike out all of Section 10 after the words "general laws" in line eight. Mr. Griffitts raised a point of order that the question had been passed upon. Not sustained.

Mr. Godman called for the ayes and noes. It was so ordered. The following forty-two members voted aye: Allen, Blalock, Browne, Buchanan, Burk, Coey, Comegys, Crowley, Dunbar, Durie, Eldridge, Fairweather, Fay, Glascock, Godman, Gowey, Gray, Henry, Hungate, Jeffs, Joy, Kellogg, Manly, McDonald, McReavey, Minor, J. Z. Moore, R. S. More, Morgans, Neace, Newton, Power, Prosser, J. M. Reed, Stevenson, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Warner, Winsor. The following twenty-nine members voted no: Berry, Bowen, Clothier, Dallam, Dickey, Durie, Eshelman, Griffitts, Hayton, Hicks, Jones, Kinnear, Lillis, Lindsley, McCroskey, McElroy, Mires, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Tibbetts, Van Name, Weir, Weisenburger, West, Willison, Mr. President; the following members not voting: Cosgrove, Jamieson, Stiles. Mr. Turner on leave. The amendment was carried and it was stricken out.

Mr. Durie moved to take a recess until 2 p.m. Motion carried.

At 2 p.m. Convention called to order by the President. On roll call all members were present except Mr. Turner who was absent on leave.

Mr. Power asked the Convention for unanimous consent to grant Dr. G. B. Calhoun the privilege of the house. Granted.

Dr. Minor rose to a question of privilege and made a statement regarding remarks this morning.

Mr. Griffitts moved to amend Section 10 by adding the following. After the word "laws" in Section 10, line eight: "Any city containing a population of twenty thousand inhabitants, more or less, shall be permitted to frame a charter for its own government, consistent with any subject to the Constitution and laws of this state, and for such purpose the legislative authority of such city may cause an election to be had, at which election there shall be chosen by the qualified electors of said city fifteen freeholders thereof who shall have been residents of said city for a period of at least two years preceding their election and qualified electors, whose duty it shall be to convene within ten days after their election, and prepare and propose a charter for such city. Such proposed charter shall be submitted to the quaified electors of said city, and if a majority of such qualified electors voting thereon [shall] * ratify the same it shall become the organic law therefor, and supersede any existing charter, including amendments thereto and all special laws inconsistent with such charter. Said proposed charter shall be published in two daily newspapers published in said city, for at least thirty days prior to the day of submitting the same to the electors for their approval as above provided.

"All elections in this section authorized shall only be had upon notice, which [said] * notice shall specify the object of calling such election and shall be given for at least ten days before the day of election in all election districts of said city. Said elections may be general or special elections, and except as herein provided shall be governed by the law regulating and controlling general or special elections in said city.

"Such charter may be amended by proposals therefor submitted by the legislative authority of such city, the electors thereof at any general election after notice of said submission published as above specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such charter or amendment thereto, any alternate article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to the others."

The question was on the adoption of the amendment and it was carried.

* Stricken in journal.

Mr. Browne moved to strike out twenty and insert "five." It was lost.

Mr. Kinnear moved to strike the word [five]* "majority" and insert "two-thirds." Lost.

Mr. Power moved the following amendment: To strike out the word "two" in Section 9, line twenty and insert the words "one or more." There being no second the motion was withdrawn.

Mr. Suksdorf moved the following amendment: To strike out all of Section 7. It was lost.

Mr. Stiles moved the following amendment: That the vote by which the Convention amended the article by striking out "a majority" and inserting "three-fifths" in Section 2, lines two and three, be reconsidered.

Mr. Glascock raised the point of order that the gentleman making the point did not vote in the affirmative. Point overruled. And the question being on the above motion to reconsider, Mr. Griffitts demanded the ayes and noes, which were ordered.

The following thirty members voted aye: Allen, Bowen, Comegys, Dallam, Dickey, Fay, Griffitts, Hungate, Jamieson, Jeffs, Jones, Kellogg, Lillis, Lindsley, McReavey, Mires, J. Z. Moore, R. S. More, Power, J. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Stiles, Tibbetts, Travis, Van Name, Weir, Mr. President. The following forty-two members voted no: Blalock, Browne, Buchanan, Burk, Clothier, Coey, Cosgrove, Crowley, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Glascock, Godman, Gowey, Gray, Hayton, Henry, Hicks, Joy, Kinnear, Manly, McCroskey, McDonald, McElroy, Minor, Morgans, Neace, Newton, Prosser, T. M. Reed, Shoudy, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Warner, Weisenburger, Willison, Winsor. The following members not voting: Berry, West, and Mr. Turner on leave. It was lost.

Mr. P. C. Sullivan moved the following amendment: That Section 3 be amended by adding after the words "two thousand," "nor shall any new county be created except upon a three-fifth vote of the electors voting at an election provided for that purpose." It was lost.

Mr. Mires moved that this article as amended be considered

* Stricken in journal.

engrossed, passed to a third reading and be put upon its final passage. Carried.

On the question to agree to this article the ayes and noes were called. The following fifty-five members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Gowey, Griffitts, Hayton, Henry, Hicks, Hungate, Jamieson, Jeffs, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, Minor, J. Z. Moore, R. S. More, Morgans, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Shoudy, Sohns, Stiles, E. H. Sullivan, Warner, Weir, Winsor, Mr. President. The following eighteen members voted no: Crowley, Dallam, Fairweather, Godman, Gray, Jones, McReavey, Mires, Sharpstein, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Van Name, Weisenburger. The article was agreed to and ordered and sent to the Committee on Revision, Adjustment and Enrollment. See page 408 for article as agreed to on County, City and Township Organization.

Mr. Weir moved that the Convention resolve itself into a committee of the whole for the purpose of considering the report of the Committee on Executive Department and Pardoning Power. Lost.

Mr. Minor was called to the chair.

Report of the Committee on Executive Department and Pardoning Power read for information.

Mr. Stiles moved that the Convention resolve itself into a committee of the whole for the purpose of considering the same. Carried.

The Convention then went into committee of the whole for the purpose of considering the report with Mr. T. M. Reed in the chair.

At 5:15 the committee rose and the President resumed the chair. The committee reported that they had had under consideration the report of the Committee on Executive Department and Pardoning Power and had made progress but came to no resolution thereon and asked leave to sit again. Leave was granted.

Mr. Dyer moved to adjourn. The ayes and noes were called

for and ordered. The following forty-three members voted aye: Allen, Berry, Bowen, Browne, Burk, Coey, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Gowey, Hayton, Henry, Hicks, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, McCroskey, McDonald, McReavey, Mires, Power, Prosser, T. M. Reed, Schooley, Sohns, Stevenson, Stiles, Suksdorf, P. C. Sullivan, Travis, Van Name, Weir. No: Blalock, Buchanan, Clothier, Comegys, Dallam, Fay, Glascock, Godman, Griffitts, Hungate, Jamieson, Jeffs, Manly, McElroy, Minor, J. Z. Moore, R. S. More, Morgans, Neace, Newton, J. M. Reed, Sharpstein, Shoudy, Sturdevant, E. H. Sullivan, Tibbetts, Turner, Warner, Mr. President.

The motion prevailed and the Convention stood adjourned to July 26th, 1889, at 9 a.m.

## July 26th, 1889

Convention called to order by the President at 9 a.m. Prayer by the Rev. Mr. Lee. On a call of the roll all the members were present. Minutes read and approved.

Mr. Cosgrove presented a letter from Robert A. Connell containing suggestions towards a scheme of agricultural education. Read and referred to the Committee on Education and Educational Institutions.

Mr. Berry presented a memorial from the Lewis County Bar relating to probate matters. Read and referred to the Committee on Judicial Department.

Mr. Berry presented numerous petitions in relation to the taxation of church property. Read and referred to the Committee on Revenue and Taxation.

Mr. Joy presented a memorial from the Lewis County Bar relating to probate matters. Read and referred to the Committee on Judicial Department.

Mr. Allen (by request) Invitation to hear Rev. W. F. Crafts on the Sunday rest movement. Read and referred to the Committee on Preamble and Bill of Rights.

Mr. Power presented a petition from the Typographical Union No. 202 relative to the office of Public Printer. Read and referred to the Committee on Printing, Mileage and Contingent Expenses.

Mr. McElroy presented a petition relating to the taxation of church property. Read and referred to the Committee on Revenue and Taxation.

Mr. Turner asked unanimous consent to consider a resolution. Consent was refused. Mr. Turner moved to suspend the rules and consider the following resolution: "Resolved, that the hour of meeting of this Convention be fixed for the future at 9:30 a.m." It was lost.

Mr. Kinnear from the Committee on Corporations Other Than Municipal presented the following report.

In the Convention

Article

Committee on Corporations Other Than Municipal

Mr. President and members of the Convention:

Your Committee on Corporations Other Than Municipal respectfully report the following article designated "Corporations Other Than Municipal," consisting of twenty-four sections, and recommend the adoption thereof by this Convention.

Article

Corporations Other Than Municipal

**Section 1.** Corporations may be formed under general laws, but shall not be created by special acts. All laws relating to corporations may be altered, amended or repealed by the Legislature at any time, and all corporations doing business in this state may as to such business, be regulated, limited or restrained by law.

**Section 2.** All existing charters, franchises, special or exclusive privileges under which an actual and bona fide organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this Constitution shall thereafter have no validity.

**Section 3.** The Legislature shall not extend any franchise or charter nor remit the forfeiture of any franchise or charter of any corporation now existing, or which shall hereafter exist under the laws of this state.

**Section 4.** All stockholders in all incorporated companies, except corporations organized for banking or insurance purposes,

shall be liable for the debts of the corporation to the amount of their unpaid stock and no more.

**Section 5.** The term corporations, as used in this article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships, and all corporations shall have the right to sue and shall be subject to be sued in all courts, in like cases as natural persons.

**Section 6.** Corporations shall not issue stock except to bona fide subscribers therefor, or their assignees; nor shall any corporation issue any bond, or other obligation for the payment of money, except for money or property received or labor done. The stock of corporations shall not be increased, except in pursuance of a general law, nor shall any law authorize the increase of stock without the consent of the persons holding the larger amount in value of the stock nor without due notice of the proposed increase having been previously given in such manner as may be prescribed by law. All fictitious increase of stock or indebtedness shall be void.

**Section 7.** No corporation shall engage in any business other than that authorized in its charter, or the law under which it may have been or may hereafter be organized.

**Section 8.** No corporation organized outside the limits of this state shall be allowed to transact business within the state on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this state.

**Section 9.** Every corporation other than religious, educational or benevolent, organized or doing business in this state shall have and maintain an office or place in this state for the transaction of its business, where transfers of stock shall be made, and in which shall be kept for inspection by every person having an interest therein, including creditors and legislative committees books in which shall be recorded the amount of capital stock subscribed and by whom; the names of the owners of its stock and the amounts owned by them respectively, the amount of stock paid in and by whom, the transfers of stock, the amount of its assets and liabilities, and the names and places of residence of its officers.

**Section 10.** A corporation or association may be sued in the county where the contract is made or is to be performed, or where

the obligation or liability arises, or the breach occurs, or in the county where the principal place of business of such corporation is situated, subject to the power of the court to change the place of trial as in other cases.

**Section 11.** The Legislature shall not pass any laws permitting the leasing or alienation of any franchise, so as to relieve the franchise or property held thereunder from the liabilities of the lessor or grantor, lessee or grantee, contracted or incurred in the operation, use or enjoyment of such franchise or any of its privileges.

**Section 12.** The state shall not in any manner loan its credit, nor shall it subscribe to or be interested in the stock of any company, association or corporation.

**Section 13.** The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the Legislature from taking the property and franchises of incorporated companies and subjecting them to public use the same as the property of individuals.

**Section 14.** The Legislature shall have no power to pass any act granting any charter for banking or insurance purposes, but corporations or associations may be formed for such purposes under general laws. No corporation, association or individual shall issue or put in circulation as money anything but the lawful money of the United States. Each stockholder of any such corporations, or joint stock associations shall be individually and personally liable for such proportion of all its debts and liabilities contracted or incurred during the time he was a stockholder, as the amount of stock or shares owned by him bears to the whole of the subscribed capital stock or shares of the corporation or association.

**Section 15.** It shall be a crime, the nature and punishment of which shall be prescribed by law, for any president, director, manager, cashier or other officer of any banking institution, to receive or assent to the reception of deposits after he shall have knowledge of the fact that such banking institution is insolvent or in failing circumstances, and any such officer, agent or manager shall be individually responsible for such deposits so received.

**Section 16.** All railroad, canal and other transportation companies are declared to be common carriers and subject to legis-

lative control. Any association or corporation organized for the purpose under the laws of this state shall have the right to connect at the state line with railroads of other states. Every railroad company shall have the right with its road whether the same be now constructed or may hereafter be constructed to intersect, cross or connect with any other railroads; and when such railroads are of the same or similar gauge, they shall at all crossings, and at all points where a railroad shall begin or terminate at or near any other railroad, form proper connections so that the cars of any such railroad companies may be speedily transferred from one railroad to another. All railroad companies shall receive and transport each the others' passengers, tonnage and cars without delay or discrimination.

**Section 17.** No railroad company or other common carrier shall combine or make any contract with the owners of any vessel that leaves port or makes port in this state or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying.

**Section 18.** No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this state, or coming from or going to any other state. Persons and property transported over any railroad or by any other transportation company or individual shall be delivered at any station, landing or port at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port or landing. Excursion and commutation tickets may be issued at special rates.

**Section 19.** No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a competing line.

**Section 20.** The rolling stock and other movable property belonging to any railroad company or corporation in this state shall be considered personal property and shall be liable to execution and sale in the same manner as the personal property of individuals and such property shall not be exempted from execution and sale.

**Section 21.** A Railroad Commission consisting of three members is hereby established. The Railroad Commissioners shall be qualified electors of the state and shall be elected by the state at large at the general state elections, and their term of office shall commence on the Monday following the first day of January next succeeding their election. The Commissioners elected at the election held upon the adoption of this Constitution shall at their first meeting so classify themselves by lots that one shall hold office for the term of three years, one for the term of five years, and one for the term of seven years, and they shall certify the result of such casting of lots to the Secretary of State. After the first election the term of each Commissioner shall be for six years. In the event of a vacancy existing in such Commission, the Governor shall fill the same by appointment, and the person so appointed shall hold office until the next general election and the person elected shall hold for the remainder of the unexpired term. A majority of said Commission shall have power to transact any of its business. It shall be the duty of such Railroad Commissioners to exercise a supervisory control over all railroad, canal and other transportation companies, associations and corporations, and over all other common carriers, and in the absence of legislation upon the subject to regulate fares and freight and prescribe and limit the charges therefor to prevent and correct abuses, discrimination and extortion by such companies, associations or corporations and to perform such other duties as may be prescribed by law. The Legislature shall enact all laws necessary to carry the foregoing provisions into effect and shall more fully define the qualifications, powers, duties, responsibilities and fix the compensation of Railroad Commissioners.

**Section 22.** The Legislature shall have power to pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight and to correct abuses and prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads and other common carriers in the state, and shall enforce such laws by adequate penalities.

**Section 23.** Any association or corporation or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph and telephone within this state, and to connect the same with other

lines of the same character, and all such companies are hereby declared to be common carriers. The Legislature shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section.

**Section 24.** Monopolies and trusts are contrary to the best interests of free governments, and shall never be allowed in this state, and no incorporated company, co-partnership, or association of persons in this state shall directly or indirectly combine or make any contract with any other incorporated company, foreign or domestic, through their stockholders or the trustees or assignees of such stockholders, or with any co-partnership or association of persons, or in any manner whatever for the purpose of fixing the price or regulating the production or transportation of any product or commodity. The Legislature shall pass laws for the enforcement of this section by adequate penalties and in the case of incorporated companies, if necessary, for that purpose may declare a forfeiture of their property and franchises.

We have duly considered the several propositions of Messrs. Buchanan, Godman, Browne, Dyer and Lillis, and the memorial of the Board of Trade of the City of Olympia referred to us from time to time and in the preparation of this article have incorporated therein such portions thereof as we deemed suitable and proper, and we herewith return the originals with this report.

Respectfully submitted,

JOHN R. KINNEAR,
*Chairman*
J. J. WEISENBURGER,
*Secretary*
FRANCIS HENRY
LEWIS NEACE
J. P. T. MCCROSKEY
B. L. SHARPSTEIN

Except Section 9.

CHAS. T. COEY
JOHN A. SHOUDY

I concur in the above except Section 21 and recommend the following in its stead.

**Section 21.** The Legislature shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight and to correct abuses and prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads and other common carriers in this state and shall enforce such laws by adequate penalities. A Railroad Commission may be established and its powers and duties fully defined by law.

I do not concur in Section 9.

P. C. SULLIVAN

Received, read first time, ordered to lie over one day and be printed.

Mr. Weir moved that the Convention resolve itself into a committee of the whole for the consideration of the report of the Committee on Executive Department and Pardoning Power. Carried.

At 9:40 a.m., Mr. Reed was called to the chair and the Convention went into committee of the whole to further consider the report. At 11:45 a.m., the Convention rose and the President resumed the chair.

The committee reported that they had had under consideration the report of the Committee on Executive Department and Pardoning Power, and had made progress, but came to no resolution thereon and asked leave to sit again. Granted.

Mr. Prosser moved to take a recess until 2 p.m. Agreed to.

Convention called to order at 2 p.m. by the President. All the members present.

Mr. President presented the following telegram.

Tacoma, W. T.

To the President of the Constitutional Convention

The Tacoma Chamber of Commerce earnestly urges the adoption of sections embodied in memorial of Olympia Board of Trade, but recommends rejection of clause of Section 4 relating to bonds, and an additional section providing that banks shall not issue notes or other paper as money.

S. A. WHEELWRIGHT, *Secretary*
*Per Order Executive Committee*

Read and referred to the Committee on Corporations Other Than Municipal.

Mr. Durie gave notice that he would on tomorrow move to have the following rule adopted: "When a question is under consideration by the Convention or committee of the whole, no member shall speak to such question longer than five minutes without permission of the Convention or of such committee. Granted by the votes of two-thirds of the members voting on the question of such permission."

Mr. Turner gave notice that he would [on tomorrow] * move to have the hour of meeting changed from 9 a.m. to 9:30 a.m. and would call the same up tomorrow at the proper time.

At 2:30, on motion of Mr. J. Z. Moore, the Convention resolved itself into a committee of the whole for the consideration of the report of the Committee on Executive Department and Pardoning Power with Mr. Reed in the chair. At 6 p.m. the committee rose and the President resumed the chair.

The committee reported that they had had under consideration the report from the Committee on Executive Department and Pardoning Power, and had made sundry amendments thereto, and recommend the adoption of the amendments, and when the amendments are concurred in that it be adopted.

Mr. Minor asks indefinite leave of absence for Mr. Morgans. Granted.

At 6 p.m. Mr. Warner moved to adjourn. Agreed to and the Convention stood adjourned until July 27th, 1889, at the hour of 9 a.m.

## July 27th, 1889

Convention called to order by the President at 9 a.m. Prayer by the Rev. Mr. Lee.

On roll call all the members were present except Messrs. Clothier, Glascock and Morgan on leave. Mr. Prosser asked that Mr. Glascock be excused for the day. Granted.

Mr. Lindsley presented a resolution from Columbia Council, Patrons of Husbandry, Clark County, relating to various subjects.

* Stricken in journal.

Clerk ordered to separate and send to the proper committees, which was done as follows:

First and Fifth Resolution—To the Committee on Elections and Elective Rights.

Second and Third Resolution—To the Committee on Legislative Department.

Fourth Resolution—To the Committee on State, County, and Municipal Indebtedness.

Mr. Prosser submitted the report of the Committee on Military Affairs. Received, read first time and second time, by title, and ordered to lie over one day and be printed.

In the Convention

Article

Committee on Military Affairs

Mr. President and members of the Convention:

Your Committee on Military Affairs begs leave to submit the following article on the subject of the state militia and recommend its adoption:

Article

Militia

**Section 1.** All able-bodied male citizens of this state between the ages of eighteen and forty-five years, except such as are exempt by laws of the United States or by the laws of this state, shall be liable to military duty.

**Section 2.** The militia of this state shall be divided into two classes, to wit: One consisting of those who enlist in the active militia, which shall be known as the National Guard of Washington, and the other to consist of those subject to military duty, but not included in the active or enlisted militia.

**Section 3.** The National Guard of Washington shall consist of not less than twenty companies of infantry and two companies of cavalry, and each company shall consist of not less than twenty-four enlisted men.

**Section 4.** The militia of Washington Territory as now organized under and by virtue of the laws thereof, shall be and

hereby is continued as a part of the National Guard of Washington, and the officers thereof shall hold their respective offices until their successors are elected or appointed and have qualified.

**Section 5.** The Legislature shall at all times by suitable appropriations and laws make adequate provision for the organization, maintenance, uniforming, equipping and discipline of the National Guard of Washington, and the laws now in force in the territory of Washington providing for the organization, maintenance and discipline of the militia of the territory of Washington shall remain in force as a part of the laws of this state until such time as the Legislature shall make provision equally effective for the organization, maintenance and discipline of the National Guard of this state.

**Section 6.** Major Generals shall be elected by the Brigadier Generals and field officers of their respective divisions. Brigadier Generals shall be elected by the field officers of their respective brigades. Field officers shall be elected by the field officers and line officers of their respective regiments. Line officers shall be elected by the enlisted men of their respective companies.

**Section 7.** The Governor shall appoint the Adjutant General and other members of his staff, and Major Generals, Brigadier Generals and Commanders of regiments and battalions shall respectively appoint their own staffs, and all commissioned officers shall continue in office for such time as may be provided by law; provided no person shall be eligible to any staff appointment unless he hold or has held a position in the line or staff, or served in the volunteer or regular Army of the United States.

**Section 8.** The National Guard of this state shall be divided into convenient divisions, brigades, battalions and companies and have officers of corresponding titles of rank elected to command them, conforming as nearly as possible to the general regulations of the Army of the United States.

**Section 9.** The Legislature shall provide by law for the maintenance of a soldiers' home for honorably discharged Union soldiers, sailors, marines and members of the state militia disabled while in the line of duty and who are bona fide citizens of the state.

**Section 11.** The Legislature shall provide by law for the protection and safekeeping of the public arms.

**Section 12.** The militia shall in all cases except treason, felony or breach of the peace be privileged from arrest during their attendance at musters and election of officers and in going to and returning from the same.

**Section 13.** No person or persons having conscientious scruples against bearing arms shall be compelled to do militia duty in time of peace, provided such person or persons shall pay an equivalent for such exemption.

All of which is respectfully submitted.

WM. F. PROSSER,
*Chairman*
B. B. GLASCOCK,
*Secretary*
GEO. W. TIBBETTS
S. G. COSGROVE
S. H. BERRY

Mr. Willison submitted a proposition relating to Board of Health. Read and referred to the Committee on State Medical and Public Health.

Mr. Reed presented a memorial from the American Sabbath Union. Read and referred to the Committee on Preamble and Bill of Rights.

Mr. Durie called up his motion of yesterday in regard to additional rule and asked that it now be considered, and moved to adopt.

Mr. Kinnear moved to amend by striking out "five" and inserting "ten." The question was then on Mr. Durie's motion.

Mr. Turner moved that it do lie on the table. Carried.

Mr. Turner moved the following resolution of which he yesterday gave notice: "Resolved, that the hour of meeting of this Convention for the future be fixed at 9:30 a.m."

Mr. Griffitts moved that it do lie on the table. Carried.

The question then was on concurring in the amendments to the report of the Committee on Executive Department and Pardoning Power.

Mr. Griffitts demanded that they be considered separately. So ordered.

Amendment to Section 3 read and the question was upon the concurrence therein.

Mr. Griffitts demanded the ayes and noes and the following forty-seven members voted aye: Allen, Blalock, Bowen, Buchanan, Burk, Coey, Comegys, Comegys [sic], Cosgrove, Crowley, Dallam, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Fay, Godman, Henry, Jamieson, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McDonald, Minor, J. Z. Moore, Neace, Power, Prosser, T. M. Reed, Schooley, Sohns, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Turner, Van Name, Weir, Weisenburger, Winsor. The following twenty-two members voted no: Berry, Clothier, Durie, Griffitts, Hayton, Hicks, Hungate, Jeffs, McElroy, McReavey, Mires, R. S. More, Newton, J. M. Reed, Sharpstein, Stevenson, Tibbetts, Travis, Warner, West, Willison, Mr. President.

Not voting [were] Browne, Gowey, Gray [and] Shoudy. Glascock and Morgans on leave and the amendment was concurred in.

Amendment to Section 4 read and concurred in.

Amendment to Section 6 read and concurred in.

Amendment to Section 7 read and concurred in.

On the amendment to concur in striking out Section 8 it was carried.

Section 13 read and the question being on concurrence Mr. Crowley demanded the ayes and noes. So ordered.

The question was separated and the vote was upon striking out that part relating to Senator, as follows. "The Governor" in line twenty-one to and including "Senator" in line twenty-two, and the following forty-eight members voted aye: Allen, Berry, Blalock, Bowen, Buchanan, Burk, Coey, Cosgrove, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Godman, Gray, Hayton, Henry, Jamieson, Joy, Lillis, Lindsley, McCroskey, McDonald. Minor, Mires, J. Z. Moore, Neace, Power, Prosser, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, Travis, Turner, Van Name, Weisenburger, West, Winsor, Mr. President.

The following twenty-one voted no: Clothier, Comegys, Crowley, Fairweather, Griffitts, Hicks, Hungate, Jeffs, Jones, Kinnear, Manly, McElroy, McReavey, R. S. More, Newton, J. M. Reed, P. C. Sullivan, Tibbetts, Warner, Weir, Willison. Not voting: Browne, Gowey, Kellogg. Messrs. Morgans and Glascock on leave, and that part of the amendment was concurred in.

The question was then on concurring in striking out all of line twenty-three, and the following thirty-five members voted aye: Berry, Blalock, Bowen, Buchanan, Burk, Coey, Cosgrove, Dallam, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fay, Gray, Hayton, Jamieson, Joy, Lillis, Lindsley, McCroskey, McDonald, Minor, J. Z. Moore, Neace, Power, Prosser, T. M. Reed, Schooley, Sohns, Stiles, Suksdorf, Travis, Turner, Mr. President.

The following thirty-three members voted no: Allen, Clothier, Comegys, Crowley, Durie, Fairweather, Godman, Griffitts, Henry, Hicks, Hungate, Jeffs, Jones, Kinnear, Manly, McElroy, MeReavey, Mires, R. S. More, J. M. Reed, Sharpstein, Stevenson, Sturdevant, E. H. Sullivan, P. C. Sullivan, Tibbetts, Van Name, Warner, Weir, Weisenburger, West, Willison, Winsor. Not voting: Browne, Gowey, Kellogg, Newton, Shoudy. Messrs. Morgan and Glascock on leave and the amendment was concurred in.

The question then was on concurring in the amendment by striking out Section 15. The amendment was concurred in. Section 17 read and concurred in. Section 19 read and concurred in.

The question then was upon the concurrence in the amendment to Section 21. The ayes and noes were ordered and the following thirty-seven members voted aye: Berry, Blalock, Burk, Clothier, Comegys, Dallam, Durie, Eldridge, Eshelman, Godman, Gowey, Griffitts, Hayton, Henry, Hicks, Hungate, Jeffs, Joy, Kellogg, Kinnear, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, Neace, J. M. Reed, Sharpstein, Stevenson, Suksdorf, Travis, Van Name, Warner, West, Willison, Winsor.

The following thirty-three members no: Allen, Bowen, Buchanan, Coey, Cosgrove, Crowley, Dickey, Dunbar, Dyer, Fairweather, Fay, Gray, Jamieson, Jones, Lillis, Lindsley, Manly, J. Z. Moore, R. S. More, Prosser, Power, T. M. Reed, Schooley, Shoudy, Sohns, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Tibbetts, Turner, Weir, Weisenburger, Mr. President.

Not voting: Browne, Newton. Messrs. Morgans and Glascock on leave and the amendment was concurred in.

The question then was upon concurring in the amendment to Section 24, the ayes and noes were called for and ordered, and the following thirty-six members voted aye: Allen, Blalock, Coey, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Godman, Gray, Hayton, Jamieson, Jones, Joy, Lillis, Lindsley, Minor, Mires, J. Z. Moore, Power, Prosser, T. M. Reed, Schooley, Sohns, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Turner, Weir, Weisenburger, Winsor. The following thirty-four members no: Berry, Bowen, Buchanan, Burk, Clothier, Durie, Fairweather, Fay, Gowey, Griffitts, Henry, Hicks, Hungate, Jeffs, Kellogg, Kinnear, Manly, McCroskey, McDonald, McElroy, McReavey, R. S. More, Neace, J. M. Reed, Sharpstein, Shoudy, Stevenson, E. H. Sullivan, Travis, Van Name, Warner, West, Willison, Mr. President. Not voting: Browne, Comegys, Newton. Messrs. Morgans and Glascock on leave, and the amendment was concurred in.

The question then was upon concurring in the amendment to Section 26 and they were concurred in.

The question then was upon concurring in the amendments to Section 27, and they were concurred in.

The question then was, shall the article be ordered engrossed and put upon its third reading, pending which Mr. Dyer offered to amend Section 20 by inserting after "the" in line 2 the word "Great" so that as amended it will read, "The Great Seal of the State of Washington." It was lost.

Mr. Moore moved the following amendment: "The Governor and State Treasurer shall each be ineligible for the term succeeding that for which he was elected." By striking out in line five beginning at "No" and ending at "terms" in line six, Section 27, and insert the above. Mr. Weir asks for a division of the question. Ruled out of order. Mr. Dunbar moved to amend the amendment as follows: Strike out the word "Governor."

Mr. Griffitts moved the previous question.

The question was then shall the main question be now put. Carried. On question of the amendment to the amendment it was carried.

The question then was upon the amendment moved by Mr. Moore as amended, the ayes and noes were demanded and ordered, and the following sixty-two members voted aye: Allen, Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Comegys, Cosgrove, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Godman, Gowey, Gray, Griffitts, Hayton, Hicks, Hungate, Jamieson, Jeffs, Jones, Joy, Kinnear, Lillis, Lindsley, Manly, McCroskey, McElroy, McReavey, Minor, Mires, J. Z. Moore, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, Tibbetts, Travis, Turner, Warner, Weisenburger, West, Willison, Winsor, Mr. President. The following nine members [voted] no: Coey, Crowley, Henry, McDonald, R. S. More, Shoudy, P. C. Sullivan, Van Name, Weir. Not voting: Browne and Kellogg. Messrs. Morgans and Glascock on leave, and the amendment was carried.

Mr. Lillis moved to amend Section 4 by striking out the words "Governor and Lieutenant Governor" in the first line and inserting in lieu thereof, the words, "officers named in the first section," and further strike out all that part of Section 4 after the second word in line eleven. Carried.

Mr. Durie moved to amend by striking out the words "Lieutenant Governor" in Section 1. The ayes and noes were demanded and ordered. Mr. Griffitts moved the previous question. The main question was ordered, and on the motion of Mr. Durie the ayes and noes were called and the following thirty members voted aye: Berry, Blalock, Comegys, Dunbar, Durie, Eshelman, Godman, Gray, Griffitts, Henry, Jeffs, McCroskey, McDonald, McElroy, McReavey, Mires, Neace, Newton, J. M. Reed, Sharpstein, Shoudy, Stevenson, Sturdevant, E. H. Sullivan, Tibbetts, Travis, Van Name, Warner, West, Willison.

The following forty members [voted] no: Allen, Bowen, Buchanan, Burk, Clothier, Coey, Cosgrove, Crowley, Dallam, Dyer, Eldridge, Fairweather, Fay, Gowey, Hayton, Hicks, Hungate, Jamieson, Jones, Joy, Kinnear, Lillis, Lindsley, Manly, Minor, J. Z. Moore, R. S. More, Power, Prosser, T. M. Reed, Schooley, Sohns, Stiles, Suksdorf, P. C. Sullivan, Turner, Weir, Weisenburger, Winsor, Mr. President. Not voting: Browne, Dickey, Kellogg; Messrs. Morgans, and Mr. Glascock on leave, and the amendment was lost.

Mr. Godman moved to amend Section 7 by striking out the words "and shall state in the call thereof" and insert the words, "in which shall be stated." Carried.

Mr. Dyer moved to amend Section 13 by striking from lines five and seven "two-thirds" and inserting "three-fifths" in place thereof, and demanded the ayes and noes, and they were ordered. Mr. Griffitts moved the previous question. It was so ordered. And on a vote on Mr. Dyer's motion the following thirty-one members voted aye: Allen, Blalock, Cosgrove, Crowley, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fay, Gowey, Gray, Hayton, Henry, Jeffs, Jones, Joy, Kellogg, Lillis, Lindsley, Newton, Power, J. M. Reed, Shoudy, Stiles, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Warner, Winsor, and the following forty-one members voted no: Berry, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Dallam, Durie, Fairweather, Godman, Griffitts, Hicks, Hungate, Jamieson, Kinnear, Manly, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Neace, Prosser, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Sturdevant, Travis, Turner, Van Name, Weir, Weisenburger, West, Willison, Mr. President. Not voting: Mr. Browne; Messrs. Morgans and Glascock on leave, and the amendment was lost.

Mr. Clothier moved to amend Section 18 by inserting after the word "law" in the second line, "he shall vote only when the Senate is equally divided." Lost.

Mr. McReavey moved the following: To amend Section 18 by striking out all after the word "law" in line two, and inserting "he shall receive a per diem while presiding over the state Senate, which may be changed by the Legislature to a salary, but shall never exceed two thousand dollars per annum," and demanded the ayes and noes.

Mr. Gowey moved the following substitute to the amendment: Amend Section 18 in line three by striking out the words "fifteen hundred" and inserting the words "one thousand." Withdrawn. Mr. Griffitts raised the point of order that Mr. Gowey's substitute was an amendment and one amendment cannot be offered for another. Not sustained.

The question then was upon Mr. McReavey's amendment. Ayes and noes ordered and the following twenty-seven members voted

aye: Berry, Blalock, Clothier, Comegys, Cosgrove, Durie, Fay, Godman, Griffitts, Henry, Hungate, Kellogg, McReavey, Mires, Neace, Newton, J. M. Reed, Sharpstein, Sohns, Stevenson, Stiles, Travis, Van Name, Warner, West, Willison, Winsor. The following forty-two [voted] no: Allen, Bowen, Buchanan, Burk, Coey, Crowley, Dallam, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Gowey, Hayton, Hicks, Jamieson, Jeffs, Jones, Joy, Kinnear, Lillis, Lindsley, Manly, McElroy, Minor, J. Z. Moore, R. S. More, Power, Prosser, T. M. Reed, Schooley, Shoudy, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Turner, Weir, Weisenburger, Mr. President. The following not voting: Browne, Gray, McCroskey, McDonald, and Morgans and Glascock on leave. The amendment was lost.

Mr. Gowey now offered his substitute as an amendment. Mr. Sharpstein demanded the ayes and noes; so ordered. The following thirty-nine members voted aye: Berry, Blalock, Bowen, Clothier, Comegys, Cosgrove, Durie, Eldridge, Eshelman, Fay, Godman, Gowey, Griffitts, Henry, Hungate, Jeffs, Kellogg, Lindsley, McCroskey, McElroy, McReavey, Mires, Neace, Newton, Power, J. M. Reed, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Tibbetts, Travis, Van Name, Warner, West, Willison, Winsor, Mr. President. The following thirty-one members voted no: Allen, Buchanan, Burk, Coey, Crowley, Dallam, Dickey, Dunbar, Dyer, Fairweather, Hayton, Hicks, Jamieson, Jones, Joy, Kinnear, Lillis, Manly, Minor, J. Z. Moore, R. S. More, Prosser, T. M. Reed, Schooley, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Turner, Weir, Weisenburger. The following members not voting: Browne, Gray, McDonald; the following absent on leave: Glascock and Morgans. The amendment was carried.

Mr. Stiles called for the reading of Section 27 as amended, and moved to amend line one by inserting "citizen of the United States and." Carried.

Mr. Godman moved to amend by adding to Section 27, "The Legislature may in its discretion abolish the offices of Lieutenant Governor, Auditor and Commissioner of Public Lands." The ayes and noes were demanded. So ordered. The following thirty-seven members voted aye: Berry, Blalock, Burk, Comegys, Crowley, Dunbar, Durie, Eldridge, Eshelman, Godman, Griffitts, Henry, Jamieson, Jeffs, Kellogg, McCroskey, McElroy, Mires, Neace, New-

ton, J. M. Reed, Sharpstein, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Warner, Weisenburger, West, Willison, Mr. President. The following thirty-two members voted no: Allen, Bowen, Buchanan, Clothier, Coey, Cosgrove, Dallam, Dickey, Dyer, Fairweather, Fay, Gowey, Hayton, Hungate, Jones, Joy, Kinnear, Lillis, Lindsley Manly, Minor, J. Z. Moore, R. S. More, Power, Prosser, T. M. Reed, Schooley, Shoudy, Tibbetts, Van Name, Weir, Winsor. Not voting: Browne, Gray, Hicks, McDonald. Morgans and Glascock absent on leave. The amendment was carried.

Mr. T. M. Reed moved an amendment to Section 22 by striking out the word "two" in Section 22, line three and inserting the word "three"; also striking out the word "three" in line four and inserting the word "four" in said section. The ayes and noes were demanded and ordered.

Mr. Gowey offered the following amendment to the amendment. Strike out the words "three thousand" and insert the words "twenty-five hundred." It was lost.

The question then was on the amendment of T. M. Reed. The following seven members voted aye: Dickey, Jamieson, Lindsley, Minor, Power, T. M. Reed, Weisenburger. The following sixty members voted no: Allen, Berry, Blalock, Bowen, Buchanan, Burk, Coey, Clothier, Comegys, Cosgrove, Crowley, Dallam, Durie, Dyer, Eldridge, Fairweather, Fay, Godman, Gray, Griffitts, Hayton, Henry, Hicks, Hungate, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Manly, McCroskey, McDonald, McElroy, McReavey, Mires, J. Z. Moore, R. S. More, Neace, Newton, Prosser, J. M. Reed, Schooley, Sharpstein, Shoudy, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, West, Willison, Winsor, Mr. President. Browne, Dunbar, Eshelman, Gowey, Sohns, Wier not voting. Messrs. Glascock and Morgans [were] absent on leave. The amendment was lost.

Mr. Turner moved the following amendment: Amend Section 16 by striking out all after the words "increased by law." Amend Sections 19, 21, 22, 23 and 24 in the same way.

Mr. Durie demanded the ayes and noes. So ordered and the following twenty-one members voted aye: Allen, Dickey, Dyer, Eshelman, Fay, Gowey, Jamieson, Jones, Joy, Minor, Power, Prosser, T. M. Reed, Shoudy, Stiles, P. C. Sullivan, Tibbetts, Turner,

Van Name, Weisenburger. The following forty-seven voted no: Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Dallam, Durie, Eldridge, Fairweather, Godman, Gray, Griffitts, Hayton, Henry, Hicks, Hungate, Jeffs, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Mires, J. Z. Moore, R. S. More, Neace, J. M. Reed, Schooley, Sharpstein, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, Travis, Warner, Weir, West, Willison, Winsor. Messrs. Browne, Crowley, Newton, Sohns, Mr. President not voting. Messrs. Glascock and Morgans absent on leave. The amendment was lost.

Mr. Stiles moved the following amendment to Section 19. After "legislative assembly" in line three insert "He shall be ex-officio Commissioner of Public Printing and shall procure all such printing by contract, under general laws."

Mr. Cosgrove asked and was granted leave of absence for the afternoon. Pending Mr. Stiles' motion, Mr. Sullivan moved to take a recess until 2 p.m. Carried.

At 2 p.m. Convention called to order by the President.

The pending question was on the amendment offered by Mr. Stiles that the Secretary of State shall be Commissioner of Public Printing pending which Mr. Griffitts asked that leave on absence granted him be vacated. Granted. Mr. Suksdorf asked for leave of absence for Mr. Browne for the day. Granted. Mr. Dunbar asked leave of absence be granted Mr. Newton for the day. Granted. Mr. Stiles' amendment to Section 19 was lost.

Mr. Sharpstein moved the following amendment to Section 16. "Strike out 'four' in the first line of Section 16 and insert 'three'." The ayes and noes were demanded. So ordered and the following twenty-one members voted aye: Berry, Blalock, Burk, Clothier, Durie, Eldridge, Godman, Griffitts, Jeffs, McCroskey, McElroy, Neace, T. M. Reed, Sharpstein, Stevenson, Suksdorf, Van Name, Warner, West, Willison.

The following forty-six members voted no: Allen, Bowen, Buchanan, Coey, Comegys, Crowley, Dallam, Dickey, Dunbar, Dyer, Eshelman, Fairweather, Fay, Gowey, Hayton, Henry, Hicks, Hungate, Jamieson, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McDonald, Minor, Mires, J. Z. Moore, R. S. More, Power, Prosser, Schooley, Shoudy, Sohns, Sturdevant, Stiles, E. H. Sullivan, P. C.

Sullivan, Tibbetts, Turner, Weir, Weisenburger, Winsor, Mr. President. Messrs. McReavey and Travis not voting. Messrs. Browne, Cosgrove, Glascock, Morgans, Newton absent on leave. And the amendment was lost.

Mr. Godman moved to strike out the word "present" in lines five and seven in Section 13.

Mr. Griffitts moved the previous question. It was so ordered. On the question being put the following twenty members voted aye: Berry, Blalock, Clothier, Durie, Godman, Griffitts, Jeffs, Kinnear, Manly, McCroskey, McElroy, Mires, J. Z. Moore, R. S. More, Neace, Prosser, Schooley, Tibbetts, Turner, Van Name.

The following forty-six members voted no: Allen, Bowen, Buchanan, Burk, Coey, Comegys, Crowley, Dallam, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Fay, Gowey, Gray, Hayton, Henry, Hicks, Hungate, Jamieson, Jones, Joy, Kellogg, Lillis, Lindsley, McDonald, Minor, Power, J. M. Reed, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Warner, Weir, Weisenburger, West, Willison, Winsor, Mr. President. The following members not voting: McReavey, T. M. Reed and Travis. Messrs. Browne, Cosgrove, Glascock, Morgans, Newton absent on leave, and the amendment was lost.

Mr. Weisenburger moved to amend Section 13 as follows: "Amend line sixteen in Section 13 by inserting the word 'appropriation' after the word 'any'." Lost.

Mr. Griffitts moved to strike "Governor and Lieutenant Governor" and insert "such officers" in Section four. Carried.

Mr. Schooley asked leave of absence for the day for Mr. Travis. Leave granted.

Mr. Turner moved to amend Section 13 as follows: Insert after the words "he may" on line seventeen, the words "while the Legislature is still in session." Strike out "append to" in line eighteen and insert in lieu thereof the word "return." Insert after signing "it" on line nineteen, the word "with." Insert after the words "a statement of" on line nineteen, the words "his objection to." Strike out the words "to which he objects" in line nineteen. Amendment lost.

Mr. Suksdorf moved the following amendment: Amend Section 27 by inserting "and no other state officer shall be eligible to hold his office for more than two terms in succession." Lost

Mr. Griffitts moved to rerefer Section 4 to the committee with instructions to construct the section so that the time when officers will take their seats be definitely stated. Lost.

Mr. Dyer moved to amend Section 4 by adding "and shall hold their office from the first Tuesday after the first Tuesday in January next after their election and until their successors are elected and qualified. Provided, however, that the first election of said officers after the adoption of the Constitution shall be held on Tuesday succeeding the first Monday in November, [and] * 1892 and every four years thereafter."

Mr. Weir moved the following substitute: "Amend Section 4 by adding after the words 'by law' in line eleven, these words 'the term of all the officers named in Section 1 of the article shall commence on the second Monday in January after their election until otherwise provided by law." Carried.

Mr Lillis asked and was granted leave of absence for the day.

Mr. Suksdorf moved the following amendment: To strike out all after the word "thereafter" in line four, Section 4 to and including the word "houses" in line five and instead thereof insert the following: "When such returns shall be opened by him in the presence of both houses and the result thereof shall be published and declared by a majority of the members of both houses." Lost.

Mr. Turner moved to amend Section 4 by adding "The terms of office of those first elected under this Constitution shall commence as soon as the state shall have been admitted into the Union and shall continue until their successors shall have been elected and qualified." Lost.

Mr. Griffitts moved that Section 4 be referred to the committee. Lost.

Mr. Weir moved that the article be engrossed and passed to third reading and be printed. Carried.

Mr. Griffitts moved to adjourn and the ayes and noes were demanded and ordered and the following thirty-one members voted

* Stricken in journal.

aye: Allen, Coey, Comegys, Dunbar, Eldridge, Eshelman, Fairweather, Gowey, Griffitts, Henry, Hicks, Kellogg, McDonald, Minor, Mires, Power, Prosser, Schooley, Sharpstein, Sohns, Stevenson, Stiles, Suksdorf, P. C. Sullivan, Tibbetts, Turner, Warner, West, Willison, Winsor, Mr. President. The following thirty-two members voted no: Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Crowley, Dickey, Durie, Dyer, Fay, Godman, Hayton, Hungate, Jeffs, Jones, Joy, Kinnear, Lindsley, Manly, McCroskey, McElroy, J. Z. Moore, R. S. More, Neace, J. M. Reed, Shoudy, Sturdevant, E. H. Sullivan, Van Name, Weir, Weisenburger. Messrs. Dallam, Gray, Jamieson, McReavey and T. M. Reed not voting. Messrs. Browne, Cosgrove, Glascock, Lillis, Morgans, Newton and Travis absent on leave. Lost.

Mr. J. Z. Moore moved that the Convention now consider the article on Preamble and Bill of Rights. Mr. Dunbar demanded the ayes and noes. They were ordered and the following forty voted aye: Allen, Berry, Bowen, Buchanan, Burk, Clothier, Crowley, Dickey, Dunbar, Dyer, Eldridge, Fay, Godman, Hungate, Jeffs, Jones, Joy, Kellogg, Kinnear, Lindsley, Manly, McCroskey, McElroy, Minor, J. Z. Moore, R. S. More, Neace, Prosser, J. M. Reed, Sharpstein, Stevenson, Sturdevant, Stiles, E. H. Sullivan, P. C. Sullivan, Van Name, Weir, Weisenburger, West, Winsor. The following twenty-four members voted no: Blalock, Coey, Comegys, Dallam, Durie, Eshelman, Fairweather, Gowey, Griffitts, Hayton, Henry, Hicks, McDonald, Mires, Power, Schooley, Shoudy, Sohns, Suksdorf, Tibbetts, Turner, Warner, Willison, Mr. President. Messrs. Gray, Jamieson, McReavey and T. M. Reed not voting. Messrs. Browne, Cosgrove, Glascock, Lillis, Morgans, Newton, and Travis absent on leave. The motion was carried.

Mr. P. C. Sullivan moved to go into committee of the whole for the purpose of considering the report of the Committee on Preamble and Bill of Rights, pending which Mr. Schooley moved to adjourn (at 3:15 p.m.). Agreed to and the Convention stood adjourned until Monday, July 29th, 1889, at 9 a.m.

## July 29th, 1889

Convention called to order by the President at 9 a.m.

Prayer by the Rev. Mr. Lee.

On roll call all the members were present except Messrs. Berry,

Browne, Cosgrove, Dallam, Dyer, Lillis, McElroy, McReavey, Sturdevant, Weir, and Willison and Morgans on leave. Mr. Fairweather asked that Mr. Dallam be excused for the day. Granted. Mr. Jones asked indefinite leave for Mr. Willison. Granted. Mr. Travis asked indefinite leave for Mr. Berry. Granted. Mr. Lindsley asked leave of absence for the day for Mr. Lillis. Granted. Mr. Stevenson asked leave of absence for the day for Mr. McReavey. Granted. Mr. President asked indefinite leave of absence for Mr. Weir. Granted.

Minutes read and approved.

Mr. Dyer appeared and asked to be reported present. Granted.

Mr. Winsor presented a petition of C. F. Woodcock and one hundred twenty others as to women's suffrage. Referred to the Committee on Elections and Elective Rights.

Mr. Warner reported back from Committee on Preamble and Bill of Rights propositions on Sunday observance and asked that it be referred to the [Committee on] Legislative Department. So ordered.

Mr. Henry submitted a minority report from the Committee on Corporations Other Than Municipal. Read.

To the President and members of the Constitutional Convention of Washington:

The undersigned of the Committee on Corporations Other Than Municipal, having signed the majority report recommending the passage of the article on corporations reported by said Committee, makes this qualification to his approval thereof. I dissent from the recommendation of the [report]* majority of said Committee in regard to Section 21, and recommend that it do not pass for the following reasons:

First: Because I believe that the creation of the Commission contemplated thereby with the extraordinary powers conferred upon it, to supervise and regulate the affairs of individuals or associations of individuals engaged in certain specified lines lawful business to the exclusion of others, is discriminating, arbitrary and unjust in the extreme, and in violation of the fundamental principles of free government.

Second: That the powers conferred upon said Commission,

* Stricken in journal.

to wit: "To exercise supervisory control over all railroads, canals and other transportation companies, associations and corporations and over all other common carriers and in the absence of legislation upon the subject to regulate fares and freights and prescribe and limit the charges therefor, to prevent abuses, discrimination and extortion by such companies, associations or corporations" is a delegation to one and the same person of all the power which the people in the formation of governments for themselves have jealously separated into three independent departments, as said section in its terms creates a board of three persons, a majority of whom can exercise legislative, judicial and executive powers, or who in other words can enact such rules or laws as they may deem necessary to regulate fares and freights, the charges therefor and to prevent abuses, discrimination and extortion therefor, sit as judges of the facts and of the laws thus enacted by themselves, and exercise the executive arm of the government in enforcing their decrees.

Third: That the effect of the same, whether it is enforced or not, will be to prevent the investment of capital in the development of the resources of the state, to paralyze the great enterprises of improvement which have already been commenced, and to prevent the inauguration of others now in contemplation, thus cuting off the hopes of competition against those who now have control of the carrying business, which I regard as the only practicable and sure remedy against every species of monopoly.

Respectfully submitted,
FRANCIS HENRY

And on the question shall the report lie on the table and be printed it was so ordered.

Mr. Tibbetts moved to authorize the Chief Clerk to employ an assistant to the Journal Clerk. Carried.

The question then was shall the article on Executive Department and Pardoning Power as now printed be adopted and upon its being read a third time and a clerical error corrected, a call of the roll was ordered. The following fifty-eight members voted aye: Allen, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eshelman, Fairweather, Fay, Glascock, Godman, Gowey, Gray, Griffitts, Hayton, Henry, Hicks, Hungate, Jamieson, Jeffs, Jones, Joy, Kellogg, Kin-

near, Lindsley, Manly, McCroskey, McDonald, Minor, Mires, J. Z. Moore, R. S. More, Newton, Power, Prosser, T. M. Reed, Schooley, Shoudy, Sohns, Sturdevant, Stiles, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Van Name, Winsor, Mr. President. The following eight members voted no: Eldridge, J. M. Reed, Sharpstein, Turner, Warner, Weisenburger, West. Mr. McElroy not voting and Messrs. Berry, Browne, Dallam, Lillis, McReavey, Morgans, Weir and Willison on leave of absence. The article was agreed to and referred to the Committee on Revision, Adjustment and Enrollment. (For article as agreed to on Executive Department and Pardoning Power see page 372.)

Messrs. Cosgrove, Dallam, Gowey and McElroy appeared and asked to be reported present. Granted.

The report of the Committee on Preamble and Bill of Rights was then taken up and Mr. Bowen moved that the Convention resolve itself into a committee of the whole for the purpose of considering the report of the Committee on Preamble and Bill of Rights. Carried.

At 9:50 the Convention went into committee of the whole for the consideration of the report with Mr. Stiles in the chair.

At 12 noon the committee of the whole having risen, the President resumed the chair and the committee reported that they had had under consideration the report of the Committee on Preamble and Bill of Rights, made progress but came to no resolution thereon and asked leave to sit again. Leave was granted.

Mr. Dunbar moved to adjourn. Lost. Mr. Griffitts moved to take a recess until 2 p.m. Agreed to.

At 2 p m. Convention called to order by the President. Mr. President presented a communication from Ex Chief Justice Roger S. Greene in relation to tidelands. Read and referred to the Committee on State, School and Granted Lands.

Mr. Warner then moved that the Convention resolve itself into a committee of the whole for the purpose of further considering the report of the Committee on Preamble and Bill of Rights. Carried. At 2:10 p.m. the Convention went into committee of the whole for the purpose of considering the report with Mr. Stiles in the chair.

At 3:55 the committee rose and the President resumed the chair. The committee reported that they had had under consider-

ation the report of the Committee on Preamble and Bill of Rights, had made progress and recommended that the Preamble be referred back to the Committee on Preamble and Bill of Rights and asked leave to sit again. The report of the committee was adopted and the preamble ordered sent back to the committee and the committee granted leave to sit again.

The question then being upon the report of the Committee on State, County and Municipal Indebtedness it was ordered to informally pass that order.

Mr. E. H. Sullivan moved to proceed to the consideration of the report on military affairs. Carried. Mr. Bowen moved that the Convention resolve itself into a committee of the whole for the purpose of considering the report of the Committee on Military Affairs. Carried.

At 4 p.m. the Convention went into a committee of the whole for the purpose of considering the report with Mr. Henry in the chair. At 5:45 p.m. the committee rose and the President resumed the chair. The committee reported that they had had under consideration the report of the Commitee on Military Affairs and had made progress but had come to no resolution thereon and asked leave to sit again. Leave was granted.

At 5:30 Mr. E. H. Sullivan moved to adjourn. Agreed to and the Convention stood adjourned to 9 a.m., July 30th, 1889.

## July 30th, 1889

Convention called to order by the President at 9 a.m.

On roll call all the members present except Messrs. Morgans and Willison on leave. Minutes read and approved.

Mr. Blalock presented a petition from J. E. Bingham and others relative to the practice of medicine. Read and referred to the Committee on State Medicine and Public Health.

Mr. Kinnear submitted a proposition relative to warehouses. Read and referred to the Committee on Agriculture, Manufactures, Fishing and Commerce.

Mr. Prosser moved that the Convention resolve itself into a committee of the whole for the purpose of further considering the report of the Committee on Military Affairs. Carried. At 9:15 the

Convention went into a committee on the whole for the purpose of considering the report with Mr. Henry in the chair. At 12:10 the committee rose and the President resumed the chair. The committee reported that they had had under consideration the report of the Committee on Military Afairs and had made progress, but came to no resolution thereon and asked leave to sit again. Leave was granted.

Mr. J. Z. Moore moved to take a recess till 1:30, but withdrew the same to allow Mr. Turner to make a motion. Mr. Turner moved to grant the privilege of the floor to Gen. A. P. Curry. Mr. Moore moved to amend by inserting Col. J. C. Haines. Amendment and motion as amended. Carried.

Mr. Gowey moved to grant the same privilege to Gen. R. G. O'Brien. Carried. On motion of Mr. Dyer the Convention took a recess until 2 p.m. this day.

At 2 p.m. Convention called to order by the President. President submitted telegram from Fred R. Reed, Mayor of Yakima. Also from the Board of Trade of Yakima signed by F. R. Reed, Secretary, protesting against certain sections of the report of the Committee on Corporations Other Than Municipal.

Mr. Sharpstein submitted a telegram from Harry Krutz, Walla Walla, W. T., on the same subject; it was read and referred to the Committee on Corporations Other Than Municipal.

Mr. West submitted telegram from H. A. Carney and others and a communication from M. Z. Goodell and others relative to sections in the report of the Committee on Corporations. Read and referred to the Committee on Corporations Other Than Municipal.

Mr. Prosser moved that the Convention resolve itself into a committee of the whole for the further consideration of the report of the Committee on Military Affairs. Carried. At 2:10 p.m. the Convention went into a committee of the whole with Mr. Henry in the chair.

At 4:20 p.m. the committee rose and the President resumed the chair. The committee reported that they had had under consideration the report of the Committee on Military Affairs, had made sundry amendments and that they submitted it with the recommendation that the several amendments be concurred in and when so concurred in that it be adopted.

Mr. Prosser moved to print and lie over. Ruled out of order.

The question then was on concurring in the amendments and Mr. Bowen demanded that they be separated for vote and called for the ayes and noes. So ordered. Pending which Mr. Mires moved a call of the house and the following members were found to be absent: Dickey, Gray, Jeffs, and Morgans and Willison on leave. Mr. Gowey moved that further proceedings be dispensed with. Carried.

The question was then on concurring in the amendment to strike out Section 2 as recommended by the committee of the whole. On a call of the roll the following forty-one members voted aye: Allen, Berry, Blalock, Browne, Clothier, Coey, Comegys, Durie, Eldridge, Eshelman, Godman, Gray, Griffitts, Henry, Hicks, Hungate, Jamieson, Jeffs, Lillis, Lindsley, Manly, McCroskey, McDonald, McReavey, Mires, J. Z. Moore, R. S. More, Newton, Power, J. M. Reed, Schooley, Sharpstein, Stevenson, Stiles, Suksdorf, Travis, Turner, Van Name, Warner, West, Winsor.

The following thirty-one [voted] no: Bowen, Buchanan, Burk, Cosgrove, Crowley, Dallam, Dunbar, Dyer, Fairweather, Fay, Glascock, Gowey, Hayton, Jones, Joy, Kellogg, Kinnear, McElroy, Minor, Neace, Prosser, T. M. Reed, Shoudy, Sohns, Sturdevant, E. H. Sullivan, P. C. Sullivan, Tibbetts, Weir, Weisenburger, Mr. President. Mr. Dickey not voting. Messrs. Morgans and Willison on leave and the amendment is concurred in.

The question then was on concurring in the amendment to strike out Section 3, as recommended by the committee of the whole, and on a call of the roll the following forty-two members voted aye: Allen, Blalock, Browne, Clothier, Coey, Comegys, Durie, Eldridge, Eshelman, Godman, Gowey, Gray, Griffitts, Henry, Hicks, Hungate, Jamieson, Jeffs, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Mires, J. Z. Moore, R. S. More, Newton, T. M. Reed, Schooley, Sharpstein, Stevenson, Stiles, Suksdorf, Travis, Turner, Van Name, Warner, West, Winsor.

The following thirty members no: Berry, Bowen, Buchanan, Burk, Cosgrove, Crowley, Dallam, Dunbar, Dyer, Fairweather, Fay, Glascock, Hayton, Jones, Joy, Kellogg, Kinnear, Minor, Neace, Power, Prosser, Shoudy, Sohns, Sturdevant, E. H. Sullivan, P. C. Sullivan, Tibbetts, Weir, Weisenburger, Mr. President. Mr. Dickey

not voting. Messrs. Morgans and Willison on leave, and the amendment was concurred in.

The question then was on concurring in the amendment to strike out Section 4, as recommended by the committee of the whole, and on a call of the roll the following forty-one members voted aye: Blalock, Browne, Clothier, Coey, Comegys, Durie, Eldridge, Eshelman, Godman, Gowey, Gray, Griffitts, Henry, Hicks, Hungate, Jamieson, Jeffs, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Mires, J. Z. Moore, R. S. More, Newton, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Stevenson, Stiles, Suksdorf, Travis, Turner, Van Name, Warner, West, Winsor. The following twenty-eight members [voted] no: Allen, Berry, Bowen, Buchanan, Burk, Cosgrove, Dallam, Dunbar, Dyer, Fairweather, Fay, Glascock, Hayton, Jones, Joy, Kellogg, Kinnear, Minor, Neace, Power, Prosser, Shoudy, Sohns, P. C. Sullivan, Tibbetts, Weir, Weisenburger, Mr. President. Messrs. Crowley, Dickey, Sturdevant [and] E. H. Sullivan not voting. Messrs. Morgans and Willison on leave, and the amendment was concurred in.

The question was then on concurring in the amendment to strike out Section 5, as recommended by the committee of the whole, and on a call of the roll the following forty members voted aye: Allen, Berry, Blalock, Browne, Clothier, Coey, Comegys, Durie, Eldridge, Eshelman, Godman, Gray, Griffitts, Hayton, Henry, Hicks, Hungate, Jamieson, Jeffs, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Mires, J. Z. Moore, R. S. More, Newton, J. M. Reed, Schooley, Sharpstein, Stevenson, Stiles, Suksdorf, Travis, Turner, Van Name, Warner. The following twenty-seven members [voted] no: Bowen, Buchanan, Burk, Cosgrove, Dallam, Dunbar, Dyer, Fairweather, Fay, Glascock, Gowey, Jones, Joy, Kellogg, Kinnear, Minor, Neace, Power, Prosser, T. M. Reed, Shoudy, Sohns, P. C. Sullivan, Tibbetts, Weir, Weisenburger, Mr. President. Messrs. Crowley, Dickey, Sturdevant, E. H. Sullivan, West [and] Winsor not voting; Messrs. Morgans and Willison on leave. The amendment was concurred in.

The question then was on concurring in the amendment to strike out Section 6, as recommended by the committee of the whole, and on a call of the roll the following thirty-nine members voted aye: Allen, Blalock, Browne, Clothier, Coey, Comegys, Durie, Eldridge, Eshelman, Godman, Gowey, Gray, Griffitts, Henry, Hicks, Hungate, Jamieson, Jeffs, Lillis, Lindsley, Manly, McCroskey, Mc-

Donald, McElroy, McReavey, Mires, J. Z. Moore, R. S. More, Newton, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Stevenson, Suksdorf, Travis, Turner, Van Name, Mr. President.

The following twenty-three members [voted] no: Berry, Bowen, Buchanan, Burk, Cosgrove, Dyer, Fairweather, Fay, Glascock, Hayton, Jones, Joy, Kellogg, Minor, Neace, Power, Prosser, Shoudy, Sohns, P. C. Sullivan, Tibbetts, Weir, Weisenburger. Messrs. Crowley, Dallam, Dickey, Dunbar, Kinnear, Sturdevant, Stiles, E. H. Sullivan, Warner, West, Winsor not voting. Messrs. Morgans and Willison on leave, and the amendment was concurred in.

The question then was on concurring in the amendment to strike out Section 7, as recommended by the committee of the whole, and on a call of the roll the following forty-three members voted aye: Allen, Blalock, Browne, Clothier, Coey, Comegys, Durie, Eldridge, Eshelman, Godman, Gowey, Gray, Griffitts, Henry, Hicks, Hungate, Jamieson, Jeffs, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Mires, J. Z. Moore, R. S. More, Newton, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Stevenson, Stiles, Suksdorf, Travis, Turner, Van Name, Warner, Mr. President.

The following twenty-two members [voted] no: Bowen, Buchanan, Burk, Cosgrove, Dunbar, Dyer, Fairweather, Fay, Glascock, Hayton, Jones, Joy, Kellogg, Minor, Neace, Prosser, Shoudy, Sohns, P. C. Sullivan, Tibbetts, Weir, Weisenburger. Messrs. Crowley, Dallam, Dickey, Kinnear, Power, Sturdevant, E. H. Sullivan, West, Winsor not voting. Messrs. Morgans and Willison on leave, and the amendment was concurred in.

The question then was on the amendment to strike out Section 8, as recommended by the committee of the whole, and on the call of the roll the following forty-two members voted aye: Allen, Blalock, Browne, Clothier, Coey, Comegys, Durie, Eldridge, Eshelman, Godman, Gowey, Gray, Griffitts, Henry, Hicks, Hungate, Jamieson, Jeffs, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Mires, J. Z. Moore, R. S. More, Newton, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Stevenson, Stiles, Suksdorf, Travis, Turner, Van Name, Warner, Winsor, Mr. President. The following twenty-three members [voted] no: Bowen, Buchanan, Burk, Cosgrove, Dyer, Fairweather, Fay, Glascock, Hayton, Jones, Joy, Kellogg, Kinnear, Minor, Neace, Power, Prosser,

Shoudy, Sohns, P. C. Sullivan, Tibbetts, Weir, Weisenburger. Messrs. Crowley, Dallam, Dickey, Dunbar, Sturdevant, E. H. Sullivan, West, not voting; Messrs. Morgan and Willison on leave, and the amendment was concurred in.

The question then was on concurring in the amendment to strike out Section 9, as recommended by the committee of the whole, and on a call of the roll the following thirty-nine members voted aye: Allen, Blalock, Browne, Clothier, Coey, Durie, Eldridge, Godman, Gowey, Gray, Griffitts, Henry, Hicks, Hungate, Jamieson, Jeffs, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Mires, J. Z. Moore, R. S. More, Newton, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Stevenson, Stiles, Suksdorf, Tibbetts, Turner, Van Name, Warner, Winsor. The following twenty-six members [voted] no: Bowen, Buchanan, Burk, Cosgrove, Dunbar, Dyer, Eshelman, Fay, Glascock, Hayton, Jones, Joy, Kellogg, Kinnear, Minor, Neace, Bowen, Prosser, Shoudy, Sohns, Sturdevant, P. C. Sullivan, Travis, Weir, Weisenburger, Mr. President. Messrs. Comegys, Crowley, Dallam, Dickey, Fairweather, Sullivan, West, not voting; Messrs. Morgans and Willison on leave, and the amendment was concurred in.

Mr. Griffitts moved that the article be considered engrossed and ordered printed and pass to a third reading. Carried.

Mr. Turner moved to take a recess until 8 p.m., pending which Mr. Shoudy moved to adjourn, and at 5 p.m. the Convention stood adjourned to 9 a.m., July 31st, 1889.

## July 31st, 1889

Convention called to order by the President at 9 a.m. Prayer by the Chaplain. On roll call all the members were present. Minutes read and approved.

A communication was read relative to the employment of labor on public works. Referred to the Committee on Legislative Department.

A communication from Superintendent of Seattle Public Schools [was] read and referred to the Committee on Education and Educational Interest.

A petition from Tacoma Chamber of Commerce relating to

the sale of tide flat and shore lands [was] read and referred to the Committee on State, School and Granted Lands.

A communication from P. C. Wyhe, District Secretary of the National Reform Association relating to forms for Preamble and Bill of Rights [was] read and referred to the Committee on Preamble and Bill of Rights.

Mr. Willison presented a petition from Pierce County Medical Society relating to the establishing of a State Board of Health and in connection therewith a Bureau of Vital Statistics. Read and referred to the Committee on State Medicine and Public Health.

Mr. Comegys presented the following telegram.

Colfax, W. T. July 30, 1889

To Hon. Geo. Comegys

Sir: Will you not use influence against Section 9 of corporations article. It is unwise restriction on foreign corporations. Will drive money out and assist resident money and other corporate monopolies. Competition should not be discouraged.

O. E. WILLIAMS

Read and referred to the Committee on Corporations Other Than Municipal.

Mr. Gowey presented a petition relative to the Sunday rest article. Read and referred to the Committee on Preamble and Bill of Rights.

Mr. Crowley asked unanimous consent to grant privilege of the floor to Hon. Thomas H. Brents. Granted and so ordered.

Mr. Griffitts moved that the article on militia be now taken up and read a third time and put upon its final passage. It was so ordered. And the question was then on agreeing to the article on militia and on a call of the roll the following sixty-one members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Crowley, Dunbar, Durie, Eshelman, Fay, Glascock, Godman, Gowey, Gray, Griffitts, Henry, Hicks, Hungate, Jamieson, Jeffs, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Suks-

dorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, West, Winsor, Mr. President.

The following thirteen members voted no: Cosgrove, Dallam, Dickey, Dyer, Fairweather, Hayton, Jones, Neace, Prosser, Sturdevant, Weir, Weisenburger, Willison. Mr. Eldridge not voting, and the article was agreed to and referred to the Committee on Revision, Adjustment and Enrollment. See page 407 for article as agreed to on militia.

Mr. Dunbar moved that the Convention resolve itself into a committee of the whole for the purpose of considering reports of the Committee on Preamble and Bill of Rights.

Mr. Griffitts raised a point of order that the article on Preamble and Bill of Rights is not in order. The point not sustained.

Mr. Warner from the Committee on Preamble and Bill of Rights submitted the following majority and minority report. Received and ordered referred to the committee of the whole, having the article under consideration:

In the Convention

Committee on Preamble and Bill of Rights

Minority Report

We the people of Washington, grateful to the Supreme Ruler of the universe for our liberties, do ordain this Constitution.

LOUIS SOHNS

J. C. KELLOGG

In the Convention

Committee on Preamble and Bill of Rights

Mr. President and Members of the Convention:

Your Committee on Preamble and Bill of Rights, to whom was recommended the Preamble originally reported by them, have had the same under consideration and respectfully report the following substitute therefor. "We the people of the state of Wash-

ington to secure the blessings of liberty, insure domestic tranquility and preserve our rights, do ordain this Constitution."

C. H. WARNER
*Chairman*
GWIN HICKS
*Secretary*
FRANCIS HENRY
GEO. COMEGYS
FRANK M. DALLAM

On a submission shall the Convention go into a committee of the whole. Twas so ordered. Mr. Griffitts raised a point of order if the Convention was under the rules it would take two-thirds.

Chair ruled the question had been taken from the rules. At 9:40 the Convention went into a committee of the whole for the purpose of considering the article on Preamble and Bill of Rights, with Mr. Henry on the chair.

At 9:50 the committee rose and the President resumed the chair. The committee reported that they had had under consideration the article on Preamble and Bill of Rights and had made sundry amendments therein and recommended that they be concurred on and when so concurred in that it be adopted by the Convention. The question then was on concurring on the amendments recommended by the committee of the whole.

Mr. Jones demanded the ayes and noes. So ordered, and on a call of the roll the following fifty-five members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Cosgrove, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Hayton, Hicks, Hungate, Jamieson, Jones, Joy, Kinnear, Lillis, Lindsley, Manly, McCroskey, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Neace, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stiles, E. H. Sullivan, Tibbetts, Travis, Turner, Weir, Weisenburger, Willison, Winsor, Mr. President.

The following nineteen members [voted] no: Comegys, Crowley, Dallam, Durie, Godman, Gray, Griffitts, Henry, Jeffs, Kellogg, McDonald, Newton, Stevenson, Sturdevant, Suksdorf, P. C. Sullivan, Van Name, Warner, West. Mr. Gowey not voting and the amendment was concurred in.

Mr. Prosser moved to amend the Preamble by inserting "State of" before the word "Washington." Carried.

Mr. Godman moved the following as an additional section. "No standing army shall be kept up by this state in time of peace and no soldier in time of peace be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law." Carried.

Mr. Godman moved to strike out Section 27 as amended and insert the following: "A grand jury shall be drawn and summoned at least once a year in each county." It was lost.

Mr. Griffitts moved to strike out all of Section 22 after the word "record" in line two, and demanded the ayes and noes. So ordered and on a call of the roll the following seventeen members voted aye: Allen, Blalock, Clothier, Fairweather, Griffitts, Jeffs, McDonald, McReavey, Mires, J. Z. Moore, R. S. More, J. M. Reed, Stevenson, Travis, Van Name, Weir, Willison.

The following fifty-four members no: Berry, Browne, Bowen, Buchanan, Burk, Coey, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Hayton, Henry, Hicks, Hungate, Jamieson, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McElroy, Minor, Morgans, Neace, Newton, Power, Prosser, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Turner, Warner, Weisenburger, West, Winsor, Mr. President. Messrs. Comegys, Gowey, Gray, Stiles not voting and the motion was lost.

Mr. Griffitts desired to protest in writing to the article and have it spread upon the minutes (and submitted the following). Ordered, received and spread upon the records.

"I hereby object in writing to the action of the Convention in refusing to strike out Section 22 of article on Preamble and Bill of Rights, all of said section after the word 'record' in second line and desire this protest entered of record." So ordered.

Mr. Mires moved to amend as follows: Amend Section 16 by striking out the words "except for private ways of necessity" in lines one and two.

Mr. Gowey moved to amend the amendment to Section 16 by striking out line one and the words "of necessity" in line two. Lost.

The question was then on the amendment of Mr. Mires, and the ayes and noes were demanded and ordered, and on a call of the roll the following thirteen members voted aye: Allen, Gowey, Griffitts, Hungate, Jeffs, McReavey, Minor, Mires, Sturdevant, Tibbetts, Turner, Van Name, Willison.

The following fifty-seven members [voted] no: Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Hayton, Henry, Hicks, Jamieson, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McElroy, J. Z. Moore, R. S. More, Morgans, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Warner, Weir, Weisenburger, West, Winsor, Mr. President. Messrs. Dallam, Gray, McDonald, Stevenson not voting, and the amendment was lost.

Mr. Dunbar moved to amend by adding after the word "necessity" in line two the words "and for the rights of way for irrigating canals or ditches."

Mr. Tibbetts moved that the article be recommended to the Committee on Preamble and Bill of Rights. Mr. Warner moved to amend by striking out "Committee on Preamble and Bill of Rights" and substitute "Committee on Judicial Department."

Mr. J. Z. Moore moved the previous question. Lost. Mr. Eldridge moved to amend as follows, "which necessity shall be determined by jury." Ruled out of order. On the question to refer to the Committee on Judicial Department it was so ordered.

Mr. Bowen moved that the Convention resolve itself into a committee of the whole for the purpose of considering the report of the Committee on State, County and Municipal Indebtedness. Carried. At 10:30 the Convention went into a committee of the whole for the purpose of considering the report with Mr. Dyer in the chair.

At 12 noon the committee rose and the President resumed the chair. The committee reported that they had had under consideration the report of the Committee on State, County and Mu-

nicipal Indebtedness and had made progress and asked leave to sit again. Leave granted. Mr. Mires moved that the Convention take a recess until 2 p.m., pending which the chair stated he would be unable to attend this afternoon and called Mr. P. C. Sullivan to occupy the chair for the afternoon, the motion was then agreed to.

At 2 p.m. the Convention was called to order by Mr. P. C. Sullivan. Mr. Prosser moved to go into a committee of the whole, pending which Mr. Buchanan asked consent to offer a substitute for Section 21 of the article of the Committee on Corporations Other Than Municipal. Consent given and substitute read and Mr. Buchanan moved that it be printed and referred to the committee of the whole. The Convention refused leave to print.

Mr. Prosser moved that the Convention resolve itself into a committee of the whole for the purpose of further considering of the report of the Committee on State, County and Municipal Indebtedness, pending which Mr. Cosgrove asked to be excused until 4 p.m., which was granted. The motion to go into committee of the whole was then agreed to and at 2:10 p.m. the Convention went into a committee of the whole to further consider the report with Mr. Dyer in the chair. At 5:50 the Convention rose and Mr. Sullivan resumed the chair.

The committee reported that they had had under consideration the report of the Committee on State, County and Municipal Indebtedness, and had made progress and asked leave to sit again. Leave granted.

On motion Hon. Watson C. Squire was granted privilege of the house. Mr. Gowey was excused for tomorrow. On motion of T. M. Reed the Convention at 5:55 p.m. adjourned until 9 a.m., August 1st, 1889.

## August 1st, 1889

Convention called to order by the President at 9 a.m.

Prayer by the Chaplain. On a call of the roll all the members were present except Mr. Gowey absent on leave. Minutes read and approved.

The President submitted a letter from Geo. A. Tewksbury relative to dedicating monument to the Pilgrims at Plymouth,

Massachusetts, which was read and the President was instructed to send congratulatory telegram in response.

Mr. Mires from the Committee on Water and Water Rights submitted the following report.

In the Convention

Committee on Water and Water Rights

Article

Mr. President and Members of the Convention:

Your Committee on Water and Water Rights beg to submit the following article on the subject of irrigation and recommend its adoption.

**Section 1.** That the water of every natural stream not heretofore appropriated within the state of Washington is hereby declared to be the property of the public and the same is dedicated to the use of the people of the state subject to appropriation as hereinafter provided.

**Section 2.** The right to divert the unappropriated waters of any natural stream to beneficial uses shall never be denied. Priority of appropriation shall give the better right as between those using the water for the same purpose, but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall have the preference over those claiming for any other purpose, and those using the same for manufacturing purposes.

**Section 3.** All persons and corporations shall have the right of way across public, private and corporate lands for the construction of ditches, canals and flumes for the purpose of conveying water for domestic purposes, for irrigation of agricultural lands, for mining and manufacturing purposes and for drainage upon payment of just compensation.

A. MIRES,
*Chairman*
S. H. MANLY
J. P. T. MCCROSKEY
R. S. MORE

I concur in the above report except Section 3.

E. H. SULLIVAN

Received, read first time and second time by title, ordered to be over one day and be printed.

Mr. Dunbar from the Committee on State, School and Granted Lands submitted the following report.

In the Convention

Committee on State, School and Granted Lands

Mr. President and Members of the Convention:

Your Committee on State, School and Granted Lands report the following article on the subject and recommend its adoption.

Article

**Section 1.** All the public lands of the state are held in trust for all the people and none of such lands, nor any estate or interest therein, shall ever be disposed of unless the full market value of the estate or interests disposed of, to be ascertained in such manner as may be provided by law, be paid or safely secured to the state; nor shall any lands which the state holds by grant from the United States (in any case in which the manner of disposal and minimum price are so prescribed) be disposed of, except in the manner and for at least the price prescribed in the grant thereof without the consent of the United States.

**Section 2.** No individual, partnership or corporation claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary or other navigable water in this state shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such waters, and the Legislature shall enact such laws as will give the most liberal construction to this provision so that access to the navigable waters of this state shall always be attainable for the people thereof.

**Section 3.** None of the lands granted to the state shall be sold otherwise than at public auction to the highest bidder after the value thereof, less the improvements shall be appraised by a board of appraisers to be provided by law, the terms of payment

also to be prescribed by law, and no sale shall be valid unless the sum bid be equal to the appraised value of said land.

**Section 4.** Not more than one-third of the lands granted to the state for educational purposes shall be sold prior to January 1st, 1895, and not more than two-thirds prior to January 1st, 1900, provided that nothing herein shall be so construed to prevent the state from selling the timber off of any of said lands in such manner and on such terms as may be prescribed by law, and provided further that no sale of timber lands shall be valid unless the full value of such lands is paid or secured to the state.

**Section 5.** Not more than one-quarter of a section of any lands of the state shall be offered for sale in one parcel, and all lands within the limits of any incorporated city or within one mile of the boundary of any incorporated city where the valuation of such lands shall be found by appraisement to exceed two hundred dollars per acre shall before the same be sold be platted into lots and blocks of not more than four acres in a block and not more than one block shall be offered for sale in one parcel.

**Section 6.** The State of Washington disclaims any right or claim to any lands covered by patent of the United States lying beneath the navigable waters of the state, provided the same is never impeached for fraud.

Your Committee have also considered the numerous propositions submitted to them, have taken them into consideration and hereby return the same. All of which is respectfully submitted.

R. O. DUNBAR,
*Chairman*
O. A. BOWEN,
*Secretary*
J. C. KELLOGG
S. A. DICKEY
JOHN A. SHOUDY
J. T. ESHELMAN
T. L. STILES
FRANCIS HENRY
OLIVER H. JOY
EDWARD ELDRIDGE
THOMAS T. MINOR

While we concur in the majority report we recommend the following additional Section 7.

**Section 7.** All persons occupying shore lands and having thereon valuable improvements in actual use and necessity for commerce, trade or business (such lands being other than the extention of any street, alley or public highway) shall have the prior right to purchase as much of said shore lands as may be necessary for the purposes for which such improvements were made, at the valuation fixed, by a board of appraisers, which board shall fix such valuation irrespective of the improvements thereon.

S. A. DICKEY
O. A. BOWEN
EDWARD ELDRIDGE
J. C. KELLOGG
OLIVER H. JOY
JOHN A. SHOUDY

Received, read first time and second time by title, ordered to lie over one day and be printed.

Mr. Cosgrove and Mr. Browne asked leave to file a report from same Committee at some future time. Granted.

Mr. Dyer gave the following notice that on tomorrow he would move to strike out Rule 16 and adopt the following: No member shall speak more than once to the same question and not longer than ten minutes unless by leave of Convention, except the mover of a motion or proposition shall have the right to close the debate on any question, but in so doing shall not speak longer than five minutes. Received and ordered to lie over for one day.

Mr. Jones moved that the Convention resolve itself into a committee of the whole for the purpose of further consideration of the report of the Committee on State, County and Municipal Indebtedness. Carried. At 9:30 the Convention went into a committee of the whole for the purpose of further considering the report with Mr. Dyer in the chair. At 12 noon the Convention rose and the President resumed the chair.

The committee reported that they had had under consideration the report of the Committee on State, County and Municipal Indebtedness and had made progress, but come to no resolution

thereon and asked leave to sit again. Leave granted. Mr. Bowen moved to take a recess until 2 p.m. Agreed to.

At 2 p.m. the Convention was called to order by the President. Mr. Dyer moved that the Convention resolve itself into a committee of the whole for the further consideration of the report of the Committee on State, County and Municipal Indebtedness. Carried.

At 2:05 p.m. the Convention went into a committee of the whole for the purpose of further considering the report with Mr. Dyer in the chair. At 4:30 p.m. the committee rose and the President resumed the chair. The committee reported that they had had under consideration the report of the Committee on State, County and Municipal Indebtedness and had made sundry amendments thereto and recommended that they be concurred in by the Convention and when so concurring that the article be adopted by the Convention.

The question then was upon concurring in the amendments to the article. Separate votes demanded on amending Section 6 and the ayes and noes were ordered. The question then was on concurring in the amendment to Section 6 striking out "one" and inserting "one and one-half."

On a call of the roll the following fifty-one members voted aye: Allen, Berry, Bowen, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Durie, Dyer, Eshelman, Fairweather, Fay, Glascock, Gray, Hayton, Jamieson, Jones, Joy, Kellogg, Kinnear, Lillis, Manly, McCroskey, McDonald, McElroy, Minor, Mires, R. S. More, Morgans, Neace, Power, Prosser, T. M. Reed, Schooley, Shoudy, Sohns, Sturdevant, Stiles, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Weir, Warner, Weisenburger, Winsor, Mr. President.

The following twenty-two members voted no: Blalock, Browne, Buchanan, Burk, Clothier, Coey, Eldridge, Godman, Griffitts, Henry, Hicks, Hungate, Jeffs, Lindsley, McReavey, J. Z. Moore, Newton, J. M. Reed, Sharpstein, Stevenson, West, Willison. Mr. Comegys not voting, Mr. Gowey on leave, and the amendment was concurred in.

The question then was on concurring in striking out Section 7 reported by the majority of the committee and inserting thereof

the minority report. Ayes and noes ordered and on a call of the roll the following forty-nine members voted aye: Allen, Berry, Browne, Buchanan, Clothier, Coey, Comegys, Cosgrove, Dallam, Dickey, Dyer, Eldridge, Fairweather, Glascock, Godman, Gray, Griffitts, Hicks, Hungate, Jeffs, Jones, Kellogg, Kinnear, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, J. M. Reed, Schooley, Stevenson, Suksdorf, E. H. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Weir, Weisenburger, Willison, Winsor.

The following twenty-five members voted no: Blalock, Bowen, Burk, Crowley, Dunbar, Durie, Eshelman, Fay, Hayton, Henry, Jamieson, Joy, Lillis, Neace, Power, Prosser, T. M. Reed, Sharpstein, Shoudy, Sohns, Sturdevant, Stiles, P. C. Sullivan, West, Mr. President. Mr. Gowey excused and the amendment was concurred in.

Mr. Sohns moved to amend as follows: "Add to Section 7 the following: but this section shall not be so construed as to prevent incorporated cities from granting necessary terminal and shipping facilities on public levees and rights of way through streets to railroads and transportation companies."

Ayes and noes were demanded and ordered, and the following thirty-one members voted aye: Bowen, Burk, Cosgrove, Crowley, Dallam, Dickey, Eldridge, Glascock, Jeffs, Jones, Kellogg, Kinnear, Lindsley, McCroskey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Power, T. M. Reed, Sharpstein, Shoudy, Sohns, Stiles, Suksdorf, P. C. Sullivan, Tibbetts, Weir, Weisenburger, Mr. President.

The following forty-three members voted no: Allen, Berry, Blalock, Browne, Buchanan, Clothier, Coey, Comegys, Dallam, Dunbar, Durie, Dyer, Eshelman, Fairweather, Fay, Godman, Gray, Griffitts, Hayton, Henry, Hicks, Hungate, Jamieson, Joy, Lillis, Manly, McDonald, McElroy, Neace, Newton, Prosser, J. M. Reed, Schooley, Stevenson, Sturdevant, E. H. Sullivan, Travis, Turner, Van Name, Warner, West, Willison, Winsor. Mr. Gowey on leave and the amendment was lost.

Mr. Turner moved that "three-fifths" in line four, Section 6, be stricken out and the words "a majority" inserted.

The ayes and noes were demanded and ordered and the following thirty-three members voted aye: Cosgrove, Crowley, Dallam, Dickey, Dunbar, Griffitts, Hicks, Jamieson, Jeffs, Jones, Joy,

Kellogg, McCroskey, McElroy, Mires, R. S. More, Morgans, Power, J. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Stiles, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Warner, Weisenburger, West, Mr. President. The following forty-one members voted no: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Gray, Hayton, Henry, Hungate, Kinnear, Lillis, Lindsley, Manly, McDonald, McReavey, Minor, J. Z. Moore, Neace, Newton, Prosser, T. M. Reed, Shoudy, Sturdevant, Suksdorf, Van Name, Weir, Willison, Winsor. Mr. Gowey on leave, and the amendment was lost.

Mr. Stiles moved to amend by adding after "corporation" in line three, "except for the necessary support of the poor and infirm." Carried.

Mr. Weir moved the following amendment: Strike out in line three, Section 1, the words "four hundred thousand dollars" and insert in lieu thereof the words "one-half of one per centum of its taxable wealth" and called for the ayes and noes, pending which Mr. P. C. Sullivan moved to amend by striking out "one" and inserting "one-half of one." Accepted by the mover.

On a call of the roll the following twenty-three members voted aye: Blalock, Bowen, Comegys, Crowley, Dickey, Dunbar, Eldridge, Eshelman, Glascock, Jamieson, Jones, Joy, Kellogg, Mires, Prosser, Sohns, Stiles, Suksdorf, P. C. Sullivan, Tibbetts, Van Name, Weir, Winsor. The following fifty-one members voted no: Allen, Berry, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Dallam, Durie, Dyer, Fairweather, Fay, Godman, Gray, Griffitts, Hayton, Henry, Hicks, Hungate, Jeffs, Kinnear, Lillis, Manly, McCroskey, McDonald, McElroy, McReavey, Minor, J. Z. Moore, R. S. More, Morgans, Neace, Newton, Power, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Stevenson, Sturdevant, E. H. Sullivan, Travis, Turner, Warner, Weisenburger, West, Willison, Mr. President. Mr. Gowey on leave, and the amendment was lost.

Mr. Shoudy moved to amend Section 7, line four, add after the words "corporation" the words "except for the building and operating of canals and ditches for irrigating purposes only." Lost.

Mr. Griffitts moved to suspend the rules and that the article be considered engrossed and put upon its third reading. Carried.

Mr. President gave notice that he would file his protest in writing against Section 1 of the article at the proper time.

The question then was upon agreeing to the article as amended and on a call of the roll the following forty-eight members voted aye: Allen, Berry, Browne, Buchanan, Clothier, Coey, Comegys, Dallam, Dickey, Dyer, Fairweather, Glascock, Gray, Griffitts, Henry, Hicks, Hungate, Jeffs, Jones, Kellogg, Kinnear, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Minor, J. Z. Moore, R. S. More, Morgans, Neace, Newton, Power, J. M. Reed, Schooley, Sharpstein, Stevenson, Suksdorf, E. H. Sullivan, Travis, Turner, Van Name, Warner, Weir, Weisenburger, Willison, Winsor. The following twenty-four members voted no: Blalock, Bowen, Burk, Crowley, Dunbar, Durie, Eldridge, Eshelman, Fay, Godman, Hayton, Jamieson, Joy, Lillis, Mires, Prosser, T. M. Reed, Sohns, Sturdevant, Stiles, P. C. Sullivan, Tibbetts, West, Mr. President. Messrs. Cosgrove, and Shoudy not voting. Mr. Gowey on leave and the article was agreed to by the Convention and referred to the Committee on Revision, Enrollment and Adjustment.

Agreed to in the Convention on
Committee on State, County and Municipal Indebtedness

Article

**Section 1.** The state may to meet causal deficits or failures in revenues or for expenses not provided for, contract debts, but such debts, direct and contingent, singly or in the aggregate, shall not at any time exceed four hundred thousand dollars, and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained or to repay the debt so contracted and to no other purpose whatever.

**Section 2.** In addition to the above limited power to contract debts, the state may contract debts to repel invasion, suppress insurrection or to defend the state in war, but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised and to no other purpose whatever.

**Section 3.** Except the debts specified in Sections 1 and 2 of this article, no debts shall hereafter be contracted by, or on behalf of this state unless such debt shall be authorized by law for some single work or object to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for

the payment of the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within twenty years from the time of the contracting thereof. No such law shall take effect until it shall at a general election have been submitted to the people and have received a majority of all the votes cast for and against it at such election, and all moneys raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, if one be published therein, throughout the state, for three months next preceding the election at which it is submitted to the people.

**Section 4.** No moneys shall ever be paid out of the treasury of this state or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law, nor unless such payment be made within two years from the first day of May next after the passage of such appropriation act, and every such law making a new appropriation or continuing or reviving an appropriation, shall distinctly specify the sum appropriated and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum.

**Section 5.** The credit of the state shall not, in any manner, be given or loaned to, or in aid of, any individual, association, company or corporation.

**Section 6.** No county, city, town, school district or other municipal corporation shall become indebted in any manner or for any purpose exceeding one and one-half per centum of the taxable property in such county, city, town, school district or other municipal corporation without the assent of three-fifths of the voters therein, voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness, except that in incorporated cities the assessment shall be taken from the last assessment for city purposes, provided that no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly county, city, town, school district or other municipal purposes. Provided further that any city or town with such assent may be allowed to become indebted to

a larger amount but not exceeding five percentum additional for supplying such city or town with water, artificial light, and sewers when the works for supplying such water, light and sewers shall be owned and controlled by the municipality.

**Section 7.** No county, city, town or other municipal corporations shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association, company or corporation except for the necessary support of the poor and infirm or become directly or indirectly the owner of stock in or bonds of any association, company or corporation.

Mr. Dyer moved that the Convention resolve itself into a committee of the whole for the purpose of considering the report of the Committee on Corporations Other Than Municipal. Pending which Mr. Durie asks leave for tomorrow. Granted.

Mr. Comegys asked to take up the report of the Committee on Federal Relations, Boundaries and Immigration and moved to suspend the rules. Carried.

Mr. Stiles raised a point of order that no quorum voted. Sustained by the chair and the order did not prevail.

On the question "shall the Convention resolve itself into a committee of the whole," it was so ordered. At 4:35 the Convention went into committee of the whole for the consideration of the report of the Commitee on Corporations Other Than Muncipal, with Mr. Bowen in the chair.

At 5:30 the committee rose and the President resumed the chair. The committee reported that they had had under consideration the report of the Committee on Corporations Other Than Municipal [and] had made progress, but came to no resolution thereon and asked leave to sit again. Leave granted.

Mr. Turner moved to take a recess until 8 p.m. this evening.

Mr. P. C. Sullivan moved to adjourn, the ayes and noes were demanded and ordered and the following [thirty-five] members voted aye: Berry, Buchanan, Clothier, Coey, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Hayton, Henry, Hicks, Jeffs, Jones, Kellogg, Manly, McCroskey, McElroy, McReavey, Minor, Mires, Morgans, Sharpstein, Sohns, Stiles, E. H. Sullivan, P. C. Sullivan, Tibbetts, Warner, Weir, Weisenburger, West, Win-

sor. The following twenty-three members voted no: Blalock, Bowen, Burk,, Cosgrove, Fay, Glascock, Griffitts, Hungate, Jamieson, Joy, Kinnear, Lillis, J. Z. Moore, R. S. More, Neace, Power, J. M. Reed, Schooley, Shoudy, Sturdevant, Turner, Van Name, Mr. President. Messrs. Browne, Comegys, Fairweather, Godman, Gray, McDonald, Newton, Prosser, T. M. Reed, Stevenson, Suksdorf, Travis, Willison, Lindsley, Allen, Dallam. Mr. Gowey on leave, and the motion was carried.

## August 2nd, 1889

Convention called to order by the President at 9 a.m. Prayer by the Chaplain. On roll call all the members were present except Messrs. Dallam, Durie, Fairweather, Kellogg, and Warner.

Mr. Tibbetts asked indefinite leave for Mr. Kellogg. Granted. Mr. E. H. Sullivan asked leave for Mr. Warner for today. Granted. Mr. Cosgrove asked to be excused for tomorrow. So ordered. Mr. Tibbetts asked leave for tomorrow. Granted. Mr. Gowey asked leave for the forenoon of today. Granted. Minutes read and approved.

The President submitted the following telegrams: From the Board of Trade of the City of Ellensburg, signed by W. R. Abrahams, Vice President, relative to corporations. Read and referred to the Committee on Corporations Other Than Municipal.

From the Board of Trade of Spokane Falls, signed by W. H. Taylor, President, and W. S. Norman, Secretary, relating to certain sections in the report of the Commitee on Corporations Other Than Municipal and other matter. Read and referred to the Committee on Corporations Other Than Municipal.

Telegram from the City Council of Spokane Falls, signed by Fred Fruth, Mayor. Read and referred to the Committee on Corporations Other Than Municipal.

Communication from the Tacoma Typographical Union No. 170, relative to State Printer. Read and referred to the Committee on Legislative Department.

Communication from Edgar F. Eesinger, Forest Commissioner of Colorado, regarding forest protection. Read and referred to the Committee on Miscellaneous Subjects, Schedule and Future Amendments.

From the Board of Trade of Aberdeen, signed by James Patterson, President, and Geo. Dallen, Secretary, accompanied by a petition of the Citizens of Chehalis County, relative to Section 27, article on corporations other than municipal.

From Whitman County Farmers' Alliance, signed by J. L. Luce, President, J. N. Arrasmith, Secretary, relative to inserting clause in the Constitution relative to mortgages. Read and referred to the Committee on Revenue and Taxation.

Mr. Dyer then moved, in accordance with his motion of yesterday, to change Rule 16 and to adopt the resolution, introduced by him.

Mr. Sharpstein moved an amendment to the amendment to strike out "ten" and insert "five" in lieu thereof.

Mr. J. Z. Moore moved the following amendment to the amendment. "Provided, that this rule shall not be in force when the Convention shall have under consideration the property rights of the state." Ruled out of order.

Mr. Manly moved the previous question. So ordered. The question then was on amending the amendment to the proposed rule by striking "ten" and inserting "five." Ayes and noes were demanded and ordered. The following twenty-three members voted aye: Blalock, Dunbar, Eshelman, Griffitts, Hayton, Henry, Hicks, Hungate, Jeffs, McCroskey, McDonald, McReavey, R. S. More, Neace, J. M. Reed, Sharpstein, Stevenson, Travis, Van Name, Warner, West, Willison, Mr. President. The following forty-six members voted no: Allen, Berry, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dickey, Dyer, Eldridge, Fairweather, Fay, Glascock, Godman, Jamieson, Jones, Joy, Kinnear, Lillis, Lindsley, Manly, McElroy, Minor, J. Z. Moore, Morgans, Newton, Prosser, T. M. Reed, Schooley, Shoudy, Sohns, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Turner, Weir, Weisenburger, Winsor. Not voting: Durie, Gray, Mires, Power, Gowey, absent on leave Mr. Kellogg, and the amendment was lost.

The question then was the resolution of Mr. Dyer, to amend the rule, and the ayes and noes having been demanded and ordered, the following fifty-one members voted aye: Allen, Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Dallam, Dickey, Dunbar,

Dyer, Eldridge, Fairweather, Fay, Glascock, Hayton, Henry, Hicks, Hungate, Jamieson, Jeffs, Jones, Joy, Kinnear, Lillis, Manly, McCroskey, Minor, J. Z. Moore, Morgans, Neace, Newton, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stiles, Sturdevant, E. H. Sullivan, J. C. Sullivan, Tibbetts, Turner, Warner, Weir, Weisenburger, West, Winsor, Mr. President. The following seventeen members voted no: Browne, Comegys, Cosgrove, Eshelman, Godman, Gray, Griffitts, McDonald, McElroy, McReavey, R. S. More, Prosser, Stevenson, Suksdorf, Travis, Van Name, Willison. Not voting: Messrs. Crowley, Durie, Gowey, Lindsley, Mires, Power. Absent on leave, Mr. Kellogg, and the resolution was carried.

Mr. J. Z. Moore gave the following notice and that he would call it up tomorrow, "provided that this rule shall not be in force when the Convention shall have under consideration the property rights of the people."

Mr. Cosgrove gave notice that he would on tomorrow move an amendment to the amended rule.

Mr. Kinnear moved that the Convention resolve itself into a committee of the whole for the purpose of consideration of the Report of the Committee on Corporations Other Than Municipal. It was so ordered.

At 10 a.m. the Convention went into a committee of the whole for the further consideration of the report with Mr. Bowen in the chair. At 12 noon the Convention rose and the President resumed the chair.

The committee reported that they had had under consideration the report of the Committee on Corporations Other Than Municipal and had made progress but come to no resolution thereon, and asked leave to sit again. Leave granted. Mr. Dyer moved to take a recess until 2 p.m. Agreed to.

At 2 p.m. Convention called to order by the President.

Mr. Crowley moved to grant the privilege of the house to Hon. J. B. Reavis. So ordered.

Mr. Sohns asked and was granted leave to submit a memorial from the Board of Trade of Vancouver signed by Jno. H. Elwall, Secretary, and L. M. Hidden, President. Read and referred to the Committee on Corporations Other Than Municipal.

Mr. Schooley asked leave to submit the following resolution and moved its adoption. ,"Resolved, until otherwise ordered that this Convention hold sessions from 7:30 p.m. to 9 p.m. commencing Monday, August 5th." Objected to and leave not granted.

Mr. Cosgrove filed the following minority report relative to the State, School and Granted Lands.

Mr. President and Members of the Convention:

The undersigned of the Committee on State School and Granted Lands beg leave to submit this minority report and recommend its adoption.

First: That Section 1 of the majority report commencing after the word "state" on the fourth line, have the following proviso inserted: "provided that the Legislature may donate to the United States such tracts of shore or other lands as may be needed by the Government of the United States for establishing and maintaining defensive works, arsenals, magazine, lighthouses, etc.

Second: That for Sections 3 and 4 of the majority report the following section be substituted.

**Section.** The lands of the state, whether acquired by grant or by virtue of its sovereignty, shall before sale be by a board of appraisers appraised without improvements, and if any substantial and permanent improvements have been made thereon prior to [the] 22nd day of February, 1889, such improvements shall likewise be separately appraised, after which said lands may be sold, but such sale shall be at public auction to the highest bidder, but should the purchaser of said lands be the bona fide owner of such substantial and permanent improvements, then said purchaser shall be allowed to deduct the value of the improvements as appraised from the purchase price. Provided, that said deduction shall not decrease the amount to be paid for any of said lands below the appraised value thereof exclusive of the improvements or the minimum fixed by the Granting Act. Provided further that nothing herein shall be so construed as to prevent the state from selling the timber, mineral or other material on any of its lands on such terms and under such restrictions as the Legislature shall provide, but nothing in this section shall be so construed as to in any way waive any rights guaranteed in Section 2 of this article.

The undersigned concurs in all other matters reported and submitted in the report of the majority of the Committee.

Respectfully submitted,
S. G. COSGROVE.

Mr. Jeffs asked indefinite leave. Granted.

Mr. T. M. Reed moved to adjourn and demanded the ayes and noes. Pending which the chair asked leave to be absent tomorrow. No objections; it was granted. The chair designated Mr. T. M. Reed to take the chair tomorrow.

A memorial was presented by Mr. Jones signed by L. T. Searey and others relating to public health and hygiene. Read and referred to the Committee on State Medicine and Public Health.

On the question to adjourn, the roll was called and the following thirty-four members voted aye: Allen, Browne, Buchanan, Burk, Coey, Comegys, Cosgrove, Crowley, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Hayton, Hicks, Jones, Lillis, Manly, Mires, Prosser, T. M. Reed, Sharpstein, Shoudy, Sohns, Sturdevant, Stiles, Suksdorf, E. H. Sullivan, P. C. Sullivan, Van Name, Weir, Weisenburger, Willison, Winsor. The following thirty-one voted no: Berry, Blalock, Bowen, Clothier, Fay, Glascock, Godman, Gray, Griffitts, Hungate, Jamieson, Joy, Kinnear, McCroskey, McElroy, McReavey, Minor, J. Z. Moore, R. S. More, Morgans, Neace, Power, J. M. Reed, Schooley, Stevenson, Tibbetts, Travis, Turner, Warner, West, Mr. President. Not voting, Dallam, Durie, Fairweather, Gowey, Henry, Jeffs, Lindsley, McDonald, Newton. Mr. Kellogg absent on leave, and the Convention stood adjourned until August 3rd, 1889, at 9 a.m.

## August 3rd, 1889

The Convention was called to order by Mr. T. M. Reed, President pro tempore. Prayer by the Chaplain.

On a call of the roll all the members were present except Messrs. Blalock, Browne and Durie, and Messrs. Kellogg, Tibbetts, Jeffs, Cosgrove, and Mr. President on leave. Mr. McElroy asked leave for the day for Mr. Durie. Granted. Minutes read and approved. Mr. Warner asked indefinite leave for Mr. Blalock. Granted.

The presiding officer submitted the following telegram from the Spokane County Farmers Alliance and Trades Council, signed

by W. H. Galvane, President Trades Council, relative to Sections 9 and 21 of the report of the Committee on Corporations Other Than Municipal and on motion of Mr. Griffitts it was read and referred to the committee of the whole now having the report under consideration.

A communication from A. O. Houston of Tenino relating to sections of the report of the Committee on Corporations Other Than Municipal and other matters. On motion of Mr. Griffitts it was read and referred to the committee of the whole having the matter under consideration.

A communication from the Tacoma Chamber of Commerce signed by S. H. Wheelwright, Secretary, read [and] referred to the committee of the whole now having the matter under consideration.

A communication from the old settlers, relating to tide and clam lands signed by A. A. Denny, Hillory Butler and three hundred fifty others was read. Mr. Dickey moved to lay the communication on the table. Mr. Comegys moved to amend to refer to the committee of the whole. So ordered.

Mr. Dickey from the Committee on Miscellaneous Subjects, Schedule and Future Amendments submitted the following report.

In the Convention

Committee on Miscellaneous Subjects, Schedule and Future Amendments

Article

Mr. President and Members of the Convention:

The Committee on Miscellaneous Subjects, Schedule and Future Amendments having had under consideration the petitions of E. B. Sutton and others, praying that a separate clause forever prohibiting the manufacture and sale of alcoholic or malt liquors within the limits of the state, be submitted with the Constitution for the satisfaction or rejection of the people, we the undersigned members of said committee beg leave to submit the following proposition and recommend its adoption.

It shall not be lawful for any individual, company or corporation within the limits of this state to manufacture or cause to be manufactured, or to sell, offer for sale, or in any manner dispose

of any alcoholic malt or spiritous liquors except for medicinal, sacramental or scientific purposes.

S. A. DICKEY,
*Secretary*
JOHN M. REED
ROBERT JAMIESON
D. BUCHANAN
GEO. COMEGYS

Read, ordered to lie over one day and be printed.

Mr. J. Z. Moore asked to have the resolution which he had introduced yesterday with notice, be taken up. It was so ordered and Mr. Moore then moved its adoption.

Mr. Stiles moved to amend the resolution by striking out a portion and inserting, State, School and Granted Lands, and Harbors, Tidewater and Navigable Streams and the amendment was carried.

The question then was upon the resolution as amended and it was so ordered. Mr. Dyer moved that the Convention resolve itself into a committee of the whole for the purpose of further consideration of the report of the Committee on Corporations Other Than Municipal. Pending which Mr. Allen asked and was granted leave for the day, and Mr. Dyer's motion was then carried.

At 9:50 the Convention went into a committee of the whole to further consider the report of the Committee on Corporations Other Than Municipal, with Mr. Bowen in the chair.

At 11:45 the committee rose and the President pro tempore resumed the chair. The committee reported that they had had under consideration the report of the Committee on Corporations Other Than Municipal and had made progress and asked leave to sit again. Leave granted.

Mr. Kinnear moved that the matter of this report be made a special order for Monday, August 5, at 2 p.m. Carried. Mr. Kinnear asked leave of absence until 2 p.m. Granted. Mr. P. C. Sullivan moved to adjourn to 10 a.m. on Monday. Mr. Godman moved to amend to "by taking a recess until 2 p.m. today." Carried (33 to 29).

At 2 p.m. Convention called to order by Mr. T. M. Reed, President pro tempore.

Mr. Comegys moved to take up the report of the Committee on Federal Relations, Boundaries and Immigration. So ordered. Report was read for information.

Mr. Comegys moved to adopt. Mr. Griffitts moved to amend as follows. Insert before "provided" seventh line "so long as the same shall be so held and reserved by the Government of the United States." Carried.

Mr. Turner moved to amend. Strike out "now held or reserved" in line three and insert, "now held and reserved and occupied or which may hereafter be held and reserved and occupied." Lost.

Insert after the words "and other needful buildings" in line five the words "in connection therewith." Lost.

Mr. J. Z. Moore moved to amend as follows. Strike out "clause" in the sixth line and insert "paragraph." Mr. Turner raised the point of order that the amendment was not germane to the subject. Sustained the chair.

Mr. J. Z. Moore moved that it lie on the table. Lost. A separate vote was demanded on Mr. Turner's amendment. So ordered.

The question then was upon striking out in line three, "now held and reserved" and insert "now held and reserved and occupied or which may hereafter be held and reserved and occupied." It was lost.

The question then was on inserting after the words "and other needful buildings" the words "in connection therewith." And it was lost.

Mr. Moore then renewed his motion to strike out "clause" in the sixth line and insert "paragraph" and it was carried.

Mr. J. Z. Moore moved to strike out in the fourteenth [line] the word "given" and in the fifteenth, the word "made" and add "given." Lost.

Mr. Griffitts moved that the article be considered engrossed and passed to a third reading. So ordered. And the article was read a third time.

The question then was shall the Convention agree to the arti-

cle, and the roll was called, and the following thirty-seven members voted aye: Allen, Berry, Bowen, Buchanan, Burk, Coey, Comegys, Dickey, Dyer, Eldridge, Eshelman, Fay, Gray, Griffitts, Hayton, Hicks, Hungate, Jamieson, Jones, Joy, Lindsley, McCroskey, McElroy, Mires, R. S. More, Neace, Power, J. M. Reed, Schooley, Stiles, Sturdevant, E. H. Sullivan, Travis, Weir, West, Willison, Winsor. The following seventeen members voted no: Clothier, Dunbar, Glascock, Godman, Gowey, Henry, Lillis, Minor, J. Z. Moore, Morgans, Prosser, T. M. Reed, Shoudy, Turner, Van Name, Warner, Weisenburger. Not voting: Browne, Crowley, Dallam, Fairweather, Kellogg, Kinnear, Manly, McDonald, McReavey, Newton, Sharpstein, Sohns, Stevenson, Suksdorf, P. C. Sullivan. Absent on leave: Blalock, Cosgrove, Durie, Jeffs, Tibbetts.

And the article, not receiving a majority of all the members of the Convention, it was not agreed to. Before the vote was announced, Mr. Comegys asked and was granted leave to change his vote from aye to no, which was done, making the vote stand thirty-six ayes and eighteen noes. †

Mr. Stevenson asked and was granted indefinite leave.

Mr. E. H. Sullivan moved to adjourn, pending which Mr. Gowey asked and was granted leave to introduce an article entitled "A Compact with the United States," which was read and referred to the Committee on Federal Relations, Boundaries and Immigration.

Mr. Griffitts moved to suspend Rule 49 for the balance of the day. Mr. Turner moved that Mr. Griffitts' motion lie on the table. Lost.

Mr. Stiles moved to adjourn and demanded the ayes and noes, and they were ordered and the following eighteen members voted aye: Allen, Coey, Dickey, Eldridge, Glascock, Gray, Henry, Jamieson, J. Z. Moore, Morgans, Prosser, T. M. Reed, Shoudy, Stiles, E. H. Sullivan, Van Name, Weir, Winsor.

The following thirty-five members voted no: Berry, Bowen, Buchanan, Burk, Clothier, Comegys, Dunbar, Dyer, Eshelman, Fay, Godman, Gowey, Griffitts, Hayton, Hicks, Hungate, Jones, Joy, Lillis, Lindsley, McCroskey, McElroy, Minor, Mires, R. S. More, Neace, Power, J. M. Reed, Schooley, Sturdevant, Travis, Turner, Warner, Weisenburger, West.

† This paragraph is in the margin of the journal.

Absent and not voting: Blalock, Browne, Cosgrove, Crowley, Dallam, Durie, Fairweather, Jeffs, Kellogg, Kinnear, Manly, McDonald, McReavey, Newton, Sharpstein, Sohns, Stevenson, Suksdorf, P. C. Sullivan, Tibbetts, Willison, Mr. President. And the motion was lost.

Mr. Turner raised a point of order that no rule can be changed except notice be given, and it lie over one day, and Mr. Griffitts' motion amounts to an amending of the rule. Not sustained.

The question then was shall Rule 49 be suspended for the afternoon. The ayes and noes being demanded and ordered, Mr. Prosser moved to amend the motion of Mr. Griffitts as follows. That the rule be suspended indefinitely. Ruled out of order.

The question then was shall Rule 49 be suspended for the afternoon. The roll was called and the following seventeen members voted aye: Berry, Buchanan, Burk, Coey, Comegys, Godman, Gowey, Griffitts, Jones, McCroskey, McElroy, Minor, Morgans, J. M. Reed, Schooley, Sohns, Weisenburger. The following thirty-six members voted no: Allen, Clothier, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fay, Glascock, Gray, Hayton, Henry, Hicks, Hungate, Jamieson, Joy, Lillis, Lindsley, Mires, J. Z. Moore, R. S. More, Neace, Power, Prosser, T. M. Reed, Shoudy, Sturdevant, Stiles, E. H. Sullivan, Travis, Turner, Van Name, Warner, Weir, West, Winsor.

Absent and not voting: Blalock, Bowen, Browne, Cosgrove, Crowley, Dallam, Durie, Jeffs, Kellogg, Kinnear, Manly, Newton, Sharpstein, Stevenson, Suksdorf, P. C. Sullivan, Tibbetts, Willison, Mr. President. The motion was lost.

Mr. Dunbar moved to adjourn. The ayes and noes were demanded and the following nineteen members voted aye: Allen, Coey, Dickey, Dunbar, Eldridge, Eshelman, Fay, Gowey, Henry, Jamieson, Joy, Lillis, Minor, Morgans, Power, Prosser, T. M. Reed, Shoudy, Turner. The following thirty-four members voted no: Berry, Buchanan, Burk, Clothier, Comegys, Dyer, Glascock, Godman, Gray, Griffitts, Hayton, Hicks, Hungate, Jones, Lindsley, McCroskey, McElroy, Mires, J. Z. Moore, R. S. More, Neace, J. M. Reed, Schooley, Sohns, Sturdevant, E. H. Sullivan, Travis, Van Name, Warner, Weir, Weisenburger, West, Willison, Winsor. Absent on leave and not voting: Blalock, Bowen, Browne, Cosgrove, Crowley, Durie, Fairweather, Jeffs, Kellogg, Kinnear, Manly, McDonald,

McReavey, Newton, Sharpstein, Stevenson, Stiles, Tibbetts, Mr. President. The motion was lost.

Mr. Dyer moved that the Convention now resolve itself into a committee of the whole for the purpose of considering the report of the Committee on Water and Water Rights.

Mr. E. H. Sullivan moved a call of the house. Lost. Mr. Gowey moved a call of the house. Carried. Mr. Gowey moved that further proceedings under the call be dispensed with. Carried.

Mr. Gowey moved to adjourn and demanded the ayes and noes. So ordered, and on a call of the roll the following twenty-two members voted aye: Allen, Bowen, Burk, Coey, Dickey, Dunbar, Eldridge, Eshelman, Glascock, Gowey, Henry, Jamieson, Joy, Lillis, Lindsley, Minor, Morgans, Power, Prosser, T. M. Reed, Shoudy, Turner. The following thirty-one members voted no: Berry, Buchanan, Clothier, Comegys, Dyer, Fay, Godman, Gray, Griffitts, Hayton, Hicks, Hungate, Jones, McCroskey, McElroy, Mires, J. Z. Moore, R. S. More, Neace, J. M. Reed, Schooley, Sturdevant, E. H. Sullivan, Travis, Van Name, Warner, Weir, Weisenburger, West, Willison, Winsor. Absent on leave and not voting: Blalock, Browne, Cosgrove, Crowley, Dallam, Durie, Fairweather, Jeffs, Kellogg, Kinnear, Manly, McDonald, McReavey, Newton, Sharpstein, Sohns, Stevenson, Stiles, Suksdorf, Tibbetts, Mr. President, and the motion was lost.

On the question to go into a committee of the whole it was carried. At 4:55 p.m. the Convention then went into committee of the whole for the purpose of considering the report of the Committee on Water and Water Rights with Mr. Dyer in the chair.

At 5:30 p.m. the Committee rose and Mr. Reed resumed the chair. The Committee reported that they had had under consideration the report of the Committee on Water and Water Rights and had made progress, but come to no resolution thereon and asked leave to sit again. Leave granted.

Mr. Warner moved to adjourn. Ayes and noes demanded and ordered and the following twenty-eight members voted aye: Allen, Burk, Coey, Dickey, Dunbar, Eldridge, Eshelman, Glascock, Gowey, Hicks, Joy, Lillis, Lindsley, Minor, Mires, Morgans, Power, Prosser, T. M. Reed, Shoudy, Sohns, Sturdevant, Stiles, Travis, Turner, Van Name, Warner, Willison. The following twenty members no:

Berry, Buchanan, Clothier, Comegys, Godman, Gray, Griffitts, Hayton, Hungate, Jones, McCroskey, McElroy, J. Z. Moore, R. S. More, J. M. Reed, Schooley, E. H. Sullivan, Weisenburger, West, Winsor. Absent and not voting: Blalock, Bowen, Browne, Cosgrove, Crowley, Dallam, Durie, Dyer, Fairweather, Fay, Henry, Jamieson, Jeffs, Kellogg, Kinnear, Manly, McDonald, McReavey, Neace, Newton, Sharpstein, Stevenson, Suksdorf, P. C. Sullivan, Tibbetts, Weir, Mr. President. The motion was agreed and the Convention stood adjourned to Monday, August 5th, 1889, at 9 a.m.

## August 5th, 1889

Convention called to order by President at 9 a.m. Prayer by the Chaplain.

On roll call all the members were present except Mr. Browne, and Messrs. Browne, Turner, Dallam, Griffitts, Allen were excused indefinitely.

Telegram from C. T. Uhlman regarding telegraph companies read and referred to Committee on Corporations Other Than Municipal.

Mr. Willison presented a petition from A. B. Kibber and many others relative to a Board of Health, read and referred to Committee on State Hygiene and Public Health.

Also a petition relative to women's suffrage, read and referred to the Committee on Elections and Elective Rights.

Telegram from D. H. Hill, Secretary Citizens Committee Port Townsend, protesting against selling tidelands. Read and ordered to lie on the table for information.

Telegram from Tom W. Wampler, read and ordered to lie upon the table. By Mr. Prosser of Yakima a proposition relating to forests on granted lands. Read and referred to Committee on State, School and Granted Lands.

Mr. Bowen asked the privilege of the floor for Gen. R. H. Milroy. Mr. Mires asked the same privilege for Hon. R. C. Kerr. Granted.

Chief Clerk John I. Booge asked for ten days leave and stated that if agreeable to the Convention, Capt. P. B. Johnson would act

in his place during his absence. Leave was granted and Mr. Johnson was elected and sworn in.

Mr. Sharpstein from the Committee on Miscellaneous Subjects, Schedule and Future Amendments submitted an article on amendments. See minority report—page 228. Mr. Buchanan submitted a minority report on the same subject.

Mr. Comegys gave notice that he would tomorrow move to reconsider the vote by which the article on cession to the United States of jurisdiction over military and naval reservations was lost.

Mr. Turner from the Committee on Judicial Department submitted an article "In Impeachments."

To the Hon. the President and Members of the
Constitutional Convention:

Your Committee on the Judicial Department to which was referred the proposition introduced by the Hon. H. E. Allen concerning compensation for public officers by salary and of fees, respectfully return the same herewith and recommend that the said proposition be not adopted.

Respectfully submitted,
GEORGE TURNER
*Chairman* *
T. C. GRIFFITTS

In the Convention
Committee on Judicial Department
Impeachment

Mr. President and Members of the Convention:

Your Committee on the Judicial Department which was directed by resolution of the Convention to frame and report an article on the subject of impeachment, respectfully report the article hereto attached, consisting of three sections, and recommends the adoption of the same.

Respectfully submitted,
GEORGE TURNER, *Chairman**
T. C. GRIFFITTS, *Secretary*
T. L. STILES
D. J. CROWLEY

* Stricken in journal.

Article

**Section 1.** The House of Representatives shall have the sole power of impeachment. The concurrence of a majority of all the members shall be necessary to an impeachment. All impeachments shall be tried by the Senate and when sitting for that purpose, the Senators shall be upon oath or affirmation to do justice according to law and evidence.

When the Governor or Lieutenant Governor is on trial, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without a concurrence of two-thirds of the Senators elected.

**Section 2.** The Governor and other state and judicial officers, except Judges and Justices of Courts not of record, shall be liable to impeachment for high crimes or misdemeanors or malfeasance in office and disqualification to hold any office of honor, trust or profit in the state. The party, whether convicted or acquitted, shall nevertheless be liable to prosecution, trial, judgment and punishment according to law.

**Section 3.** All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.

Read first and second time and ordered printed.

Also an article on eminent domain for drains, ditches, etc.

In the Convention
Committee on Judicial Department
Substitute for Section 16

Article

Mr. President and Members of the Convention:

Your Committee on the Judicial Department, to which was referred the Preamble and Bill of Rights for the purpose of having drafted and reported a substitute for Section 16 of said article, respectfully report the section hereto attached and recommend its adoption.

Respectfully submitted,
GEORGE TURNER, *Chairman*
T. C. GRIFFITTS, *Secretary*
T. L. STILES
D. J. CROWLEY

I do not concur in the first paragraph of the report herein.

M. M. GODMAN

**Section 16.** Private property shall not be taken for private use, except for private ways of necessity and for drains, flumes or ditches on or across the lands of others for agricultural, mining, milling, domestic or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, and no right of way shall be appropriated to the use of any corporation other than muncipal, until full compensation therefor be first made in money or ascertained and paid into the court for the owner, irrespective of any benefit from any improvement proposed by such corporation which compensation shall be ascertained by a jury, unless a jury be waived as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.

Read first and second time and ordered printed.

Also adverse report on proposition of Hon. H. E. Allen concerning compensation of public officers.

To the Hon. President and Members of the
Constitutional Convention:

Your Committee on the Judicial Department to which was referred the proposition introduced by the Hon. H. E. Allen concerning compensation of public officers by salary and of fees, respectfully return the same herewith and recommend that the said proposition be not adopted.

Respectfully submitted,

GEORGE TURNER, *Chairman*
T. C. GRIFFITTS, *Secretary*

Ordered to lie on the table.

Also adverse report on proposition of Hon. J. M. Reed concerning legal holidays.

To the Hon. President and Members of the
Constitutional Convention:

Your Committee on the Judicial Department to which was referred the proposition introduced by the Hon. J. M. Reed concerning legal holidays respectfully return the same herewith and recommend that said proposition be not adopted.

Respectfully submitted,
GEORGE TURNER, *Chairman*
T. C. GRIFFITTS, *Secretary*

Ordered to lie on the table.

Also adverse report on proposition of Hon. H. E. Allen concerning statutes of limitations.

To the Hon. President and Members of the
Constitutional Convention:

Your Committee on the Judicial Department, to which was referred the proposition introduced by the Hon. H. E. Allen concerning the enactment of a statute of limitations against the state, respectfully return the same herewith and recommend that said proposition be not adopted.

Respectfully submitted,
GEORGE TURNER, *Chairman*
T. C. GRIFFITTS, *Secretary*

From page 225.

Mr. Sharpstein from Committee on Miscellaneous Subjects, Schedule and Future Amendments submitted an article on amendments, also a minority report on the subject as follows:
Mr. President and Members of the Convention:

Your Committee on Miscellaneous Subjects, Schedule and Future Amendments submit and respectfully recommend the adoption by this Convention of each of the sections in the article hereto attached, and the same be incorporated as an article in the Constitution, to be submitted to the people to be voted for as the Constitution of the State of Washington.

Article

Amendments

**Section 1.** Any amendment or amendments to this Consti-

tution may be proposed in either branch of the Legislature, and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes thereon, and be submitted to the qualified electors of the state for their approval at the next general election; and if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, the same shall become part of this Constitution, and proclamation thereof shall be made by the Governor. Provided, that if more than one amendment be submitted, they shall be submitted in such a manner that the people may vote for or against such amendments separately. The Legislature shall also cause the amendments that are to be submitted to the people to be published in some weekly newspaper, in every county where such newspaper is published throughout the state.

**Section 2.** Whenever two-thirds of the members elected to each branch of the Legislature shall deem it necessary to call a convention to revise or amend this Constitution, they shall recommend to the electors to vote at the next general election, for or against a convention, and if a majority of all the electors voting at said election shall have voted for a convention, the Legislature shall, at the next session, provide by law for calling the same; and such convention shall consist of a number of members, not less than that of the most numerous branch of the Legislature.

**Section 3.** Any constitution adopted by such convention shall have no validity until it has been submitted to, and adopted by the people.

Respectfully submitted,

B. L. SHARPSTEIN, *Chairman*
S. A. DICKEY, *Secretary*
GEO. COMEGYS
MATT. J. MCELROY
JOHN M. REED
W. B. GRAY
ROBT. JAMIESON

I the undersigned member of your Committee on Miscellaneous Subjects, Schedule and Future Amendments submit the following article and recommend that it be adopted.

Amendments

Any amendment or amendments to this Constitution may be proposed in either house of the Legislature, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon and referred to the Legislature to be chosen at the next general election, and shall be published for three months previous to the time of holding such election; and if in the Legislature so next chosen such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people in such manner and at such times as the Legislature shall prescribe, and if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become part of the Constitution.

Provided that if more than one amendment be submitted, they shall be submitted in such manner that the people can vote for or against such amendments separately.

**Section 2.** If at any time a majority of the Legislature, by a yea and nay vote in each house, shall deem it necessary to call a convention to revise or change this Constitution, they shall recommend to the electors to vote for or against a convention at the next election for members of the Legislature, and if it shall appear that a majority of the electors voting thereon have voted for a convention, the Legislature shall at its next session provide for calling such convention.

D. BUCHANAN.

On motion of Mr. Griffitts, the article on prohibition reported by the Committee on Miscellaneous Subjects, Schedule and Future Amendments was laid over for the day.

On motion of Mr. Dyer the Convention went into committee of the whole to consider the article on water and water rights with Mr. Dyer in the chair.

After being in session a few minutes, the committee rose and reported the article back with recommendation that it be recom-

mitted to the standing Committee on Water and Water Rights. So ordered.

The report of Committee on State, School and Granted Lands was passed for the day.

Mr. Griffitts moved to suspend the rules and take up for consideration the report of the Committee on Judicial Department on eminent domain. Carried.

Convention went into committee of the whole with Mr. Comegys in the chair to consider article on eminent domain.

Committee of the whole rose, reported that the article had been adopted and asked that the same be printed. So ordered.

On motion of Mr. Griffitts, the Convention suspended the rules and reconsidered the article on cession to United States of jurisdiction over military and naval reservations.

The question being shall the article be adopted, the following fifty-six members voted aye: Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dickey, Durie, Dyer, Eldridge, Eshelman, Faye, Godman, Gowey, Gray, Griffitts, Hayton, Hicks, Hungate, Jamieson, Jones, Joy, Kellogg, Lindsley, McCroskey, McDonald, McElroy, Minor, Mires, R. S. More, Morgans, Neace, Newton, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Warner, Weir, West, Willison, Winsor, Mr. President.

The following six members [voted] no: Dunbar, Glascock, J. Z. Moore, Prosser, Van Name, Weisenburger. And the following members absent and not voting: Allen, Browne, Dallam, Fairweather, Henry, Jeffs, Kinnear, Lillis, Manly, McReavy, Power, Suksdorf, Turner. So the article was adopted.

On motion of Mr. Dyer, the report of the Committee on Miscellaneous Subjects, Schedule and Future Amendments, recommending the submission of a separate article on prohibition, was taken up.

Mr. Shoudy moved to indefinitely postpone the article. The question being shall the article be indefinitely postponed, the following ten members voted aye: Clothier, Coey, Gray, Griffitts, Hayton, McDonald, R. S. More, Morgans, Shoudy, Travis.

The following fifty-two members voted no: Berry, Blalock, Bowen, Buchanan, Burk, Comegys, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gowey, Hicks, Hungate, Jamieson, Jones, Joy, Kellogg, Lindsley, McCroskey, McElroy, Minor, Mires, J. Z. Moore, Neace, Newton, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Tibbetts, Van Name, Warner, Weir, Weisenburger, West, Willison, Winsor, Mr. President. Absent and not voting: Allen, Browne, Dallam, Fairweather, Henry, Jeffs, Kinnear, Lillis, Manly, McReavey, Power, Suksdorf, Turner. So the Convention refused to indefinitely postpone the article.

Mr. Minor moved that the article be adopted for the purpose of being submitted as a separate article to the decision of the people.

The question being shall the article be adopted, the following fifty-one members voted aye: Berry, Blalock, Bowen, Buchanan, Burk, Coey, Comegys, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gowey, Griffitts, Hungate, Jamieson, Jones, Joy, Kellogg, Lindsley, McCroskey, McElroy, Mires, J. Z. Moore, Morgans, Neace, Newton, Prosser, J. M. Reed, T. M. Reed, Schooley, Sohns, Sturdevant, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Warner, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

The following eleven members voted no: Clothier, Gray, Hayton, Hicks, McDonald, R. S. More, Sharpstein, Shoudy, Stevenson, Stiles, Van Name. Absent and not voting: Allen, Browne, Dallam, Fairweather, Henry, Jeffs, Kinnear, Lillis, Manly, McReavey, Power, Suksdorf, Turner. So the article was adopted.

Separate article on prohibition. It shall not be lawful for any individual, company or corporation within the limits of this state to manufacture or cause to be manufactured or to sell, offer for sale or in any manner dispose of any alcoholic malt or spiritous liquors except for medicinal, sacramental or scientific purposes.†

President Hoyt submitted a telegram from S. C. Herron and others of Winlock in relation to railroad privileges which was laid on the table.

† This paragraph is in the margin of the Journal.

On motion of Mr. Minor the Convention at 10:45 a.m. took a recess until 2 p.m.

Convention reassembled at 2 p.m. President Hoyt in the chair. The rules were suspended by unanimous consent and Mr. Warner from the Committee on State, School and Granted Lands submitted a minority report which was read and ordered printed as follows:

In the Convention

Committee on State, School and Granted Lands

Report of Mr. Warner

Article

Mr. President and members of the Convention:

I concur on majority report of Section 1, Section 2 and Section 5. Substitute for Sections 3 and 4 of the majority report of the Committee on State, School and Granted Lands.

**Section 3.** The lands of the state, whether acquired by grant or by virtue of its sovereignty, shall before sale, be by a board of appraisers, appraised without improvements, and if any substantial and permanent improvements have been made thereon prior to the 22nd day of February, 1889, such improvements shall be separately appraised when said lands may be sold at public auction to the highest bidder, but should the purchaser of said lands be the bona fide owner of such substantial and permanent improvements, then said purchaser shall be allowed to deduct the value of the improvements from the purchase price. Provided that said deduction shall not decrease the amount to be paid for any of said land below the appraised value thereof exclusive of the improvements or the minimum fixed by the Granting Act.

I concur in this much of Cosgrove's report.

C. H. WARNER.

Substitute for Section 4, majority report.

The Legislature, at its first session, or as soon thereafter as may be practicable, shall empower the Commissioners of each county to lease or sell any of the school lands of the state situated in their respective counties, on such terms as may be prescribed by law, provided that the Commissioners in the sale of said lands

shall require one-fifth of the purchase price thereof to be paid in advance and the purchaser to give a mortgage on the said lands so sold for the remainder of the purchase price, which mortgage shall become due and payable thirty years after the date of said sale, and shall draw annually such interest as may by law be provided.

Lands principally valuable for timber only shall not be sold, but the County Commissioners may sell from time to time, and in such quantities, at public action to the highest bidder the timber thereon, by stumpage under such rules and regulations as may be prescribed by law. Lands valuable for coal shall only be based at a royalty fixed by law, and all money received from the sale of school lands or stumpage of said land shall be held as an irreducible school fund. To fully carry out this provision said money shall be invested in United States, county and municipal bonds and not otherwise, but the income arising therefrom, together with any money received for leases, shall be distributed for the benefit of the common schools as may be provided by law.

C. H. WARNER

Mr. Gowey from the Committee on Revenue and Taxation submitted reports which were read and ordered printed as follows.

In the Convention

Committee on Revenue and Taxation

Article

Mr. President and Members of the Convention:

Your Committee on Revenue and Taxation respectfully report the following article, designated Revenue and Taxation, consisting of thirteen sections, and recommend the adoption thereof by this Convention.

**Section 1.** The Legislature shall provide by law for an annual tax sufficient, with other sources of revenue, to defray the estimated ordinary expenses of the state for each fiscal year, not to exceed in any one year three mills on the dollar of the assessed valuation of all taxable property in the state, to be ascertained by the last assessment made for state and county purposes. And for the purpose of paying the state debt, if there be any, the Legislature shall provide for levying a tax annually, sufficient to pay the

annual interest, and principal of such debt within twenty years from the final passage of the law creating the debt.

**Section 2.** The Legislature shall provide by law a uniform and equal rate of assessment and taxation on all property in the state according to the value in money, and shall prescribe such regulations by general law as shall secure a just valuation for taxation of all property so that every person and corporation shall pay a tax in proportion to the value of his, her or its property provided that a deduction of debts from credits may be authorized. And the Legislature shall provide by general law for the assessing and levying of taxes on all corporation property as near as may be by the same methods as are provided for the assessing and levying of taxes on individual property.

**Section 3.** Land and the improvements thereon shall be separately assessed.

**Section 4.** The property of the United States, and of the state, counties, school districts and other municipal corporations shall be exempt from taxation, and such other property as may be used exclusively for actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of purely public charity, public libraries and personal property to any amount not exceeding in value two hundred and fifty dollars to the head of each family may be exempted from taxation by the Legislature, but such exemptions shall only be by general laws.

**Section 5.** All laws exempting property from taxation, other than the property above enumerated, shall be void.

**Section 6.** The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the state shall be a party.

**Section 7.** No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of the same, to which only it shall be applied.

**Section 8.** All laws authorizing the borrowing of money, by and on behalf of the state, shall specify the purpose for which the money is to be used and the money so borrowed shall be used for the purpose specified and no other.

**Section 9.** All taxes levied and collected for state purposes shall be paid into the State Treasury.

**Section 10.** An accurate statement of the receipts and expenditures of the public moneys shall be published annually in such manner as the Legislature may provide.

**Section 11.** Whenever the expenses of any fiscal year shall exceed the income, the Legislature shall provide for levying a tax for the ensuing fiscal year sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of the ensuing fiscal year.

**Section 12.** The Legislature may vest the corporate authorities of cities, towns, and villages with power to make local improvements by special assessment, or by special taxation of property benefited. For all corporate purposes all municipal corporations may be vested with authority to assess and collect taxes, and such taxes shall be uniform in respect to persons and property within the jurisdiction of the body levying the same.

**Section 13.** All stationery and other articles required for the use of the state shall be furnished under such regulations as may be prescribed by law, but no state officer or member of the Legislature shall be interested in any contract, or bid for furnishing such stationery or articles.

We have duly considered the several propositions referred to us and have incorporated in this article such portions of the same as we deem proper, and we return the originals with this report.

Respectfully submitted,

JOHN F. GOWEY, *Chairman*
S. H. BERRY, *Secretary*
TRUSTEN P. DYER
O. A. BOWEN
LOUIS SOHNS
H. W. FAIRWEATHER

In the Convention
Committee on Revenue and Taxation
Minority Report

Article

Mr. President and Members of the Convention:

I do not concur in Section 1 of foregoing report and recommend the following in its stead:

**Section 1.** All property in the state not exempt under the laws of the United States shall be taxed in proportion to its value to be ascertained as provided by law. The word "property" as used in this article and section is hereby declared to include moneys, credits, bonds, stock, franchises and all other matters and things real, personal and mixed capable of private ownership.

I do not concur in Section 2 of report and recommend the following in its stead:

**Section 2.** Land and improvements thereon shall be separately assessed; cultivated and uncultivated land of the same quality and similarly situated shall be assessed at the same value.

I do not concur in Section 4 of report and recommend the following in its stead:

**Section 4.** The property of the United States and the property of the state and counties; property of municipalities, public school property, cemeteries not owned or used for private or corporate [benefit]* profit and public libraries shall be exempt from taxation. Growing crops, and personal property to any amount not exceeding in value two hundred and fifty dollars to the head of each family may be exempted from taxation by the Legislature. The Legislature may provide for a deduction of debts from credits.

M. H. GODMAN
H. F. SUKSDORF

In the Convention
Committee on Revenue and Taxation
Minority Report

Article

Mr. President and Members of the Convention:

I concur in the foregoing and recommend that the following

* Stricken in journal.

be added to Section 3. "Cultivated and uncultivated land of the same quality and similarly situated shall be assessed at the same value."

I also recommend the adoption of the following to be numbered Section 14.

**Section.** A mortgage, deed of trust, contract or other obligation by which a debt is secured shall for the purpose of assessment and taxation be deemed and treated as an interest in the property affected thereby. Except as to railroad and other quasi-public corporations, in case of debt so secured, the value of the property affected by such mortgage, deed of trust, contract or obligation, less the value of such security, shall be assessed and taxed to the owner of the property, and the value of such security shall be assessed and taxed to the owner thereof, in the county, city or district in which the property affected thereby is situated. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security, if paid by the owner of the security, the tax so levied upon the property affected thereby shall become a part of the debt so secured, if the owner of the property shall pay the tax so levied upon such security it shall constitute a payment thereon, and to the extent of such payment a full discharge thereof; provided, that if any such security or indebtedness shall be paid by any such debtor or debtors, after assessment and before the tax levy, the amount of such levy may likewise be retained by such debtor or debtors and shall be computed according to the tax levy for the preceding year.

S. H. BERRY

Mr. Lillis reported present.

Mr. J. Z. Moore from the Committee on Legislative Department submitted a report which was read and ordered printed as follows:

In the Convention
Committee on Legislative Department

Article.

Mr. President and Members of the Convention:

Your Committee on the Legislative Department submit and respectfully recommend the adoption of the following report to wit:

Article

**Section 1.** The Legislative powers shall be vested in a Senate and House of Representatives, which shall be called the Legislature of the State of Washington.

**Section 2.** The House of Representatives shall be composed of not less than sixty-three nor more than ninety-nine members.

The number of Senators shall not be more than one-half nor less than one-third of the number of members of the House of Representatives.

The first Legislature shall be composed of seventy members of the House of Representatives and thirty-five Senators.

**Section 3.** The Legislature shall provide by law for an enumeration of the habitants of the state in the year one thousand eight hundred and ninety-five and every ten years thereafter, and at their first session after such enumeration, and also after each enumeration made by the authority of the United States, the Legislature shall apportion and district anew the members of the Senate and House of Representatives according to the number of inhabitants, excluding Indians not taxed, soldiers, sailors and officers of the United States Army and Navy in active service.

**Section 4.** Members of the House of Representatives shall be elected in the year eighteen hundred and eighty-nine at the time and manner provided by this Constitution and shall hold their offices for the term of one year and until their successors shall be elected.

**Section 5.** The next election of the members of the House of Representatives after the adoption of this Constitution shall be on the first Tuesday after the first Monday in November, eighteen hundred and ninety, and thereafter members of the House of Representatives shall be elected biennially and their term of office shall be two years, and each election shall be on the first Tuesday after the first Monday in November, unless otherwise changed by law.

**Section 6.** The Senators shall be elected by single districts of convenient and contiguous territory at the same time and in the same manner as members of the House of Representatives are required to be elected; and no representative district shall be

divided in the formation of a senatorial district. They shall be elected for the term of four years, one-half of their number retiring every two years. The senatorial districts shall be numbered consecutively, and the Senators chosen at the first election had by virtue of this Constitution in the odd-numbered districts shall go out of office at the end of the first year, and the Senators elected in the even-numbered districts shall go out of office at the end of the third year, and thereafter the Senators shall be elected for the term of four years.

**Section 7.** No person shall be eligible to the Legislature who shall not be a citizen of the United States and have resided two years within the state and be a qualified voter in the district where he is chosen, provided that at the first election every citizen of the United States who is a qualified voter when elected shall be eligible.

**Section 8.** Each house shall be the judge of the election return and qualifications of its own members, and a majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

**Section 9.** Each house may determine the rules of its own proceedings, punish for contempt any disorderly behavior, and with the concurrence of two-thirds of all the members elected, expel a member, but no member shall be expelled a second time for the same offense.

**Section 10.** Each house shall elect its own members; and the Senate shall choose a temporary president when the Lieutenant Governor shall not attend as President, or shall act as Governor. When presiding, the Lieutenant Governor shall have the deciding vote in case of an equal division of the Senate.

**Section 11.** Each house shall keep a journal of its proceedings and publish the same, except such parts as require secrecy; the doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall adjourn for more than three days, nor to any place other than that in which they may be sitting, without the consent of the other.

**Section 12.** The first Legislature shall meet on the first

Wednesday after the first Monday in November, A. D. 1889. The second Legislature shall meet on the first Wednesday after the first Monday in January, A.D. 1891, and biennially thereafter, unless specially convened by the Governor, but the times of meeting of subsequent sessions may be changed by the Legislature. After the first Legislature the sessions shall not be for more than sixty days.

**Section 13.** No member of the Legislature during the term for which he is elected shall be appointed or elected to any civil office in the state which has been created, or the emoluments of which shall have been increased during the term for which he was elected.

**Section 14.** No person being a member of Congress or holding any civil or military office under the United States, or any other power, shall be eligible to be a member of the Legislature, and if any person after his election as a member of the Legislature, shall be elected to Congress or be appointed to any office, civil or military, under the government of the United States or any other power, his acceptance thereof shall vacate his seat. Provided that officers in the militia of the state who receive no annual salary, local officers and postmasters whose compensation does not exceed three hundred dollars per annum, shall not be eligible.

**Section 15.** The Governor shall issue writs of election to fill such vacancies as may occur in either house of the Legislature.

**Section 16.** Members of the Legislature shall be privileged from arrest in all cases except treason, felony and breach of the peace; they shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement and after the termination of each session.

**Section 17.** No member of the Legislature shall be liable in any civil action or criminal prosecution whatever for words spoken in debate.

**Section 18.** The style of the laws of the state shall be "Be it enacted by the Legislature of the State of Washington," and no law shall be enacted except by bill.

**Section 19.** No bill shall embrace more than one subject and that shall be expressed in the title.

**Section 20.** Any bill may originate in either house of the Legislature and a bill passed by one house may be amended in the other.

**Section 21.** The yeas and nays of the members of either house shall be entered on the journal on the demand of one-sixth of the members present.

**Section 22.** No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house and a majority of the members elected to each house be recorded thereon as voting in its favor.

**Section 23.** Each member of the Legislature shall receive for his services five dollars for each day's attendance during the session, and ten cents for every mile he shall travel in going to and returning from the place of meeting of the Legislature, or the most usual route.

**Section 24.** The Legislature shall never authorize any lottery or grant any divorce.

**Section 25.** The Legislature shall provide by law that all stationery required for the use of the state, and all printing authorized and required by it, to be done for its use or for the state, shall be let by contract to the lowest bidder, but the Legislature may establish a maximum price, provided in case of emergency the Legislature may otherwise provide. No member of the Legislature or other state officer shall be interested in any such contract, either directly or indirectly.

**Section 26.** The Legislature shall never grant any extra compensation to any public officer, agent, servant or contractor, after the service shall have been rendered, or the contract entered into; nor shall the compensation of any public officer be increased or diminished during his term of office.

**Section 27.** The Legislature shall direct by law, in what manner, and in what courts, suits may be brought against the state.

**Section 28.** Members of the Legislature and the officers thereof, before they enter upon their official duties, shall take and subscribe the following oath or affirmation. "I do solemnly swear (or

affirm) that I will support the Constitution of the United States and the Constitution of the State of Washington, and will faithfully discharge the duties of (Senator, Representative or officer) according to the best of my abilities, and that I have not knowingly or intentionally paid or contributed any or made any promise in the nature of a bribe, directly or indirectly, to influence any vote at the election at which I was chosen to fill said office, and have not accepted, nor will I accept, directly or indirectly, any money, pass or other valuable thing from any corporation, company, or person for any vote or influence I may give or withhold on any bill or resolution or appropriation or for any other official act." This oath shall be administered by a judge of the Supreme or Superior Court, or the presiding officer of either house, in the hall of the house to which the member is elected, and the Secretary of State shall record and file the oath subscribed by each member and officer. Any member or officer who shall refuse to take the oath herein prescribed shall forfeit his office.

Any member or officer of the Legislature who shall be convicted of having sworn falsely to, or violated his said oath, shall forfeit his office, be disqualified thereafter from holding the office of Senator or member of the House of Representatives, or any office within the gift of the Legislature, and such additional punishment as may be provided by law.

**Section 29.** In all elections by the Legislature the members shall vote viva voce, and their votes shall be entered on the journal.

**Section 30.** Special legislation. The Legislature is prohibited from enacting any private or special law in the following cases:

1st. For changing the names of persons, or constituting one person the heir at law of another.

2nd. For laying out, opening or altering highways except in cases of state roads extending into more than one county, and military roads to aid in the construction of which lands shall have been or may be granted by Congress.

3rd. For authorizing persons to keep ferries wholly within this state.

4th. For authorizing the sale or mortgage of real or personal property of minors, or others under disability.

5th. For locating or changing any county seat.

6th. For assessments or collection of taxes, or for extending the time for collection thereof.

7th. For granting corporate powers or privileges.

8th. For authorizing the apportionment of any part of the school fund.

9th. For incorporating any town or village or to amend the charter thereof.

10th. From giving effect to invalid deeds, wills or other instruments.

11th. Releasing or extinguishing in whole or in part the indebtedness, liability or other obligation of any person or corporation to this state, or to any municipal corporation therein.

12th. Declaring any person of age or authorizing any minor to sell, lease, or encumber his or her property.

13th. Legalizing, except as against the state, the unauthorized or invalid act of any officer.

14th. Granting to any corporation, association or individual any special or exclusive right, privileges or immunity.

15th. Exempting property from taxation.

16th. Restoring to citizenship persons who have been convicted of bribery or other infamous crimes.

17th. Regulating the rates of interest on money.

18th. Remitting fines, penalties or forfeitures.

19th. Providing for the management of common schools.

20th. Creating offices, or prescribing the powers and duties of officers in counties, cities and townships, elections or school districts.

21st. Authorizing the adoption of children.

22nd. For limitation of civil or criminal actions.

23rd. In other cases where a general law can be made applicable.

24th. Changing county lines or locating county seats.

**Section 31.** The Legislature shall provide by general laws for the transaction of any business that may be prohibited by Section 30 of this article, and all such laws shall be uniform in their operation throughout the state.

**Section 32.** After the first day of January, eighteen hundred

and ninety, the labor convicts of this state shall not be let out by contract to any person, co-partnership, company or corporation, and the Legislature shall by law provide for the working of convicts for the benefit of the state.

**Section 33.** Any person who directly or indirectly shall offer, give or promise any money or thing of value, testimonial, privilege or personal advantage to any executive or judicial officer, or member of the Legislature, to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and shall be punished in such manner as provided by law.

The offense of corrupt solicitation of members of the general assembly, or of public officers of the state or any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action shall be defined by law and shall be punished by fine and imprisonment.

Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding except for perjury in giving such testimony, and any person convicted of either of the offenses aforesaid shall, as part of the punishment therefor, be disqualified from ever holding any position of honor, trust or profit in this state.

A member who has a private interest in any bill or measure prepared or pending before the Legislature shall disclose the fact to the house of which he is a member and shall not vote thereon.

**Section 34.** No law except appropriation bills shall take effect until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency (which emergency must be expressed in the preamble or in the body of the act) the Legislature shall otherwise direct by a vote of two-thirds of all the members elected to each house; said vote to be taken by yeas and nays and entered on the journals.

**Section 35.** No bill shall become a law until the same shall have been signed by the presiding officer of each of the two houses

in open session and under such rules as the Legislature shall prescribe.

**Section 36.** The ownership of lands by aliens is detrimental to the best interests of the state, and is therefore prohibited in this state except where acquired by inheritance or in good faith in the ordinary course of justice in the collection of debts heretofore created, and all conveyances of lands hereafter made to any alien directly or in trust for such alien shall be void. Provided that the provisions of this section shall not apply to lands containing valuable deposits of precious metals, copper or lead, and the necessary land for mills and other machinery to mine and reduce the ores thereof.

**Section 37.** Every corporation, the majority of the capital stock of which is owned by aliens, shall be considered an alien corporation for the purposes of this prohibition.

**Section 38.** Mechanics, laborers and material men shall have liens upon the property of their employers for labor performed or material furnished, and the Legislature shall provide for the summary enforcement of the same.

**Section 39.** There shall be established in the office of Secretary of State a Bureau of Statistics, Agriculture and Immigration under such regulations as the Legislature may provide.

**Section 40.** The Legislature shall pass necessary laws for the protection of persons working in mines, factories and other employments dangerous to life or deleterious to health, and fix pains and penalties for the enforcement of same.

Your Committee has duly considered the several propositions of Berry, Dyer, Fairweather, Gowey, Griffitts, Hicks, Jones, Joy, Newton, T. M. Reed, Schooley, Shutt, Turner and Weisenburger, the Tacoma Typographical Union and the Columbia Council Patrons of Husbandry referred to it from time to time.

The propositions of "The Columbia Council Patrons of Husbandry" were acted on by the Committee on the Judicial and Executive Departments before they were referred to this Committee and some other of the propositions have also been acted on by other committees.

Such of the remaining propositions as your Committee thought

advisable, it has incorporated in this article and the originals are herewith returned to this Convention.

All of which is respectfully submitted.

JAMES Z. MOORE, *Chairman*
CHAS. P. COEY, *Secretary*
D. BUCHANAN
G. H. STEVENSON
LOUIS NEACE
MORGAN MORGANS
GEORGE W. TIBBETTS
W. B. GRAY
JOHN MCREAVEY

We do not concur in Section 32.

G. H. STEVENSON
W. B. GRAY

At 2:35 p.m. Mr. Griffitts moved to go into committee of the whole to consider the report of the Committee on Corporations Other Than Municipal. Carried and the Convention went into committee of the whole with Mr. Bowen in the chair.

At 6:20 p.m. President Hoyt resumed the chair, and Mr. Bowen from committee of the whole reported that the committee had made amendments to the article on Corporations Other Than Municipal and recommended the adoption of the article as amended.

Mr. Griffitts moved recess to 8 p.m.

Mr. Sohns moved to adjourn. The ayes and noes were demanded and the following twenty-seven members voted aye: Buchanan, Comegys, Cosgrove, Crowley, Dickey, Durie, Dyer, Eldridge, Fairweather, Hayton, Jamieson, Jones, McCroskey, McReavey, Mires, Power, Prosser, T. M. Reed, Shoudy, Sohns, Stevenson, Stiles, E. H. Sullivan, P. C. Sullivan, Tibbetts, Weir, Winsor. The following thirty-three members voted no: Berry, Blalock, Burk, Clothier, Coey, Dunbar, Eshelman, Fay, Glascock, Godman, Griffitts, Hungate, Joy, Kinnear, Lillis, Manly, McElroy, Minor, R. S. More, J. Z. Moore, Morgans, Neace, J. M. Reed, Schooley, Sharpstein, Sturdevant, Turner, Van Name, Warner, Weisenburger, West, Mr. President.

The following members absent and not voting: Allen, Bowen, Browne, Dallam, Gowey, Gray, Henry, Hicks, Jeffs, Kellogg, Lindsley, McDonald, Newton, Suksdorf, Travis, Willison. So the Convention refused to adjourn.

The question being on the motion to take a recess till 8 p.m. Mr. Shoudy moved to amend by inserting 8 a.m. tomorrow. Carried. At 6:27 p.m. the Convention took a recess till 8 a.m. August 6, 1889.

## August 6th, 1889

The Convention was called to order at 8 a.m. by President Hoyt. Prayer by the Chaplain.

On roll call all answered to their names except Messrs. Cosgrove, Crowley, Fairweather, Gowey, Griffitts, Henry, Hicks, Jeffs, Manly, Mires, Powers, Stiles, P. C. Sullivan, and Messrs. Allen, Browne and Dallam on leave.

Leave of absence was granted Mr. Hicks. Messrs. Crowley, Griffitts, Stiles, Fairweather, P. C. Sullivan, Power, Mires, Manly, Cosgrove, Henry reported present.

President Hoyt submitted petition from James J. Walsh, Los Angeles, California, asking recognition for his services in Indian War of 1855-6. Referred to Committee on Federal Relations, Boundaries and Immigration.

Mr. Griffitts submitted communication from W. H. Galvani relative to State Printer and Commissioner of Labor. Referred to Committee on Printing, Mileage and Contingent Expenses.

Mr. Suksdorf submitted minority report from Committee on State, School and Granted Lands as follows:

In the Convention
Committee on State School and Granted Lands
Minority Report

Mr. President and Members of the Convention:

The undersigned members of the Committee on State, School and Granted Lands beg leave to submit this minority report and recommend that it be substituted for the majority report.

Article

**Section 1.** All the public lands of this state shall be disposed of only at public sale and at a price not less than ten dollars per acre, but said lands may, under such regulations as the Legislature shall prescribe, be leased for periods of not more than five years, except as otherwise provided in this article, and in quantities not exceeding one section to any one person or company.

**Section 2.** Before any such lands shall be offered for sale, the value thereof shall be appraised by a board of appraisers to be provided by law, and no sale shall be valid unless the sum bid be equal to or greater than the appraised value of said land. In estimating the value of such lands for disposal, the value of the improvements thereon on the 22nd day of February, A.D. 1889, shall be excluded and such improvements shall not be deemed the property of the state.

**Section 3.** Not more than one-quarter section of any lands belonging to the state shall be offered for sale in one parcel, and all lands within the limits of any incorporated city or town, or near such incorporated city or town, where the valuation of such lands shall be found by appraisement to exceed one hundred dollars per acre, shall, before the same be sold, be platted into lots and blocks of not more than five acres in a block, and not more than one block shall be offered for sale in one parcel.

**Section 4.** Not more than one-third of the lands granted to the state for educational purposes shall be sold prior to January 1st, 1895, and not more than two-thirds prior to January 1st, A. D. 1900.

**Section 5.** The timber on any lands belonging to the state may be sold off of said lands in such manner and on such terms as may be prescribed by law.

**Section 6.** The state shall always retain the title and control of the landings and wharfage privileges upon the shore or tidelands fronting upon the navigable waters of the state, and the same shall forever be held in trust for the use of all the people, subject to such reasonable regulation by general law as to the manner and terms of such use as the Legislature may prescribe. The Legislature permits the use of such landings and wharfage privileges for a limited time and upon just terms, to persons who

at the time of the adoption of this Constitution, shall have thereon and in actual use in commerce valuable improvements made before the adoption of this Constitution.

**Section 7.** The proceeds from the sale or lease of any lands belonging to the state not specifically assigned by act of Congress to a particular purpose shall be assigned to the common school fund of the state.

J. J. BROWNE
ALBERT SCHOOLEY
J. J. TRAVIS
H. F. SUKSDORF

I concur in above minority report and recommend further the following proviso to Section 2. Also recommend an additional section to be known as Section 8. Provided, that those who have made costly and valuable improvements thereon for the purpose of residences, trade, manufacture or commerce shall have a pre-emptory right, for a limited time, to be prescribed by law, to purchase so much thereof as may be covered by said improvements.

**Section 8.** The State of Washington disclaims any right in or claim to any of the marsh or swamped and overflowed lands covered by patents of the United States, provided the same is never impeached for fraud.

ALBERT SCHOOLEY

Which was read first and second time and ordered printed.

Mr. T. M. Reed from Committee on State Institutions and Public Buildings submitted the following report.

In the Convention

Committee on State Institutions and Public Buildings

Mr. President and Members of the Convention:

Your Committee on State Institutions and Public Buildings have the honor to report the following articles and recommend their adoption.

Article

State Institutions and Public Buildings

**Section 1.** Educational, reformatory and penal institutions; those for the benefit of blind, deaf, dumb or otherwise defective

youth; for the insane or idiotic and such other institutions as the public good may require, shall be fostered and supported by the state subject to such regulations as may be provided by law. The regents, trustees or commissioners of all such institutions existing at the time of the adoption of this Constitution and of such as shall thereafter be established by law, shall be appointed by the Governor by and with the advice and consent of the Senate, and upon all nominations made by the Governor, the questions shall be taken by the ayes and noes and entered upon the journal.

**Section 2.** All state institutions and public buildings of the state not provided for by law at the time of the adoption of this Constitution shall be located at the permanent seat of government, unless otherwise provided by law.

Article

Seat of Government

**Section 1.** The Legislature shall have no powers to change or to locate the seat of government of this state, but the question of the permanent location of the seat of government for the state shall be submitted to the qualified electors of the territory at the general election to be held on the first Tuesday in October, eighteen hundred and eighty-nine. A majority of all the votes cast at said election, upon said question, shall be necessary to determine the permanent location of the seat of government for the state, and no place shall ever be the seat of government which shall not receive a majority of the votes cast on the matter. In case there shall be no choice of location at said first election, the Legislature shall, at its first regular session after the adoption of this Constitution, provide for submitting to the qualified electors of the state, at the next succeeding general election thereafter, the question of choice of location between the three places for which the highest number of votes shall have been cast at the said first election. Said Legislature shall provide further that in case there shall be no choice of location of said second election, the question of choice between the two places for which the highest number of votes shall have been cast shall be submitted in like manner to the qualified electors of the state at the next ensuing general election; provided that until the seat of government shall have been permanently located as herein provided, the temporary location thereof shall remain at the city of Olympia.

**Section 2.** When the seat of government shall have been located as herein provided, the location thereof shall not thereafter be changed, except by a vote of two-thirds of all the qualified electors of the state voting on that question at a general election at which the question of location of the seat of government shall have been submitted by the Legislature.

**Section 3.** The Legislature shall have power to provide by law such means or make such appropriation from the State Treasury, for repairs and enlargement of the Capitol, or other state buildings at Olympia, as shall be deemed necessary and proper for the use of the Executive, Legislative and Judicial Departments of the state and to subserve the public good until the seat of government is permanently fixed and the public buildings erected thereat in pursuance of law.

T. M. REED, *Chairman*
A. A. LINDSLEY, *Secretary*
J. J. TRAVIS
THOS. HAYTON
J. P. T. MCCROSKEY
MATT. J. MCELROY
HENRY WINSOR

Which was read first and second time and ordered printed.

Mr. Turner moved to postpone consideration of report of committee of the whole on the article relative to corporations other than municipal. Lost. Convention proceeded to consider the amendments made by the committee of the whole.

The amendment striking out Section 7 was concurred in.

The amendment striking out Section 9 was concurred in.

The amendment striking out Section 10 was concurred in.

The amendment to Section 11 was concurred in.

The amendment striking out Section 13 was not concurred in. The ayes and noes being ordered the following nine members voted aye: Blalock, Comegys, Jamieson, Lillis, Stiles, Sturdevant, P. C. Sullivan, Turner, Van Name.

The following sixty members voted no: Berry, Bowen, Buchanan, Burk, Clothier, Coey, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glas-

cock, Godman, Gray, Griffitts, Hayton, Henry, Hungate, Jones, Joy, Kellogg, Kinnear, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Suksdorf, E. H. Sullivan, Tibbitts, Travis, Warner, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

Absent and not voting: Allen, Browne, Dallam, Gowey, Hicks, Jeffs. So the Convention refused to strike out the section.

The question being on concurring in the amendments to Section 14, the ayes and noes were ordered and the following fifty members voted aye: Blalock, Bowen, Burk, Clothier, Comegys, Cosgrove, Crowley, Dickey, Dyer, Eldridge, Fay, Godman, Hungate, Jamieson, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McElroy, McReavey, Minor, Mires, J. Z. Moore, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Van Name, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

The following eighteen members voted no: Berry, Buchanan, Coey, Dunbar, Durie, Eshelman, Fairweather, Glascock, Griffitts, Hayton, Henry, McCroskey, McDonald, R. S. More, Neace, Suksdorf, Tibbetts, Warner. Absent and not voting: Allen, Browne, Dallam, Gowey, Gray, Hicks, Jeffs. So the Convention concurred in the amendment.

Amendments to Section 15 were concurred in.

Amendment to Section 20 was concurred in.

The question being upon concurring in the amendment to Section 21, the ayes and noes were ordered and the following forty-three members voted aye: Bowen, Buchanan, Burk, Coey, Cosgrove, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Gowey, Griffitts, Hayton, Hungate, Kellogg, Kinnear, Manly, McCroskey, McElroy, Minor, Mires, J. Z. Moore, Morgans, Neace, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Suksdorf, Tibbetts, Turner, Warner, Weisenburger, Willison, Winsor, Mr. President.

The following twenty-seven members voted no: Berry, Blalock, Clothier, Comegys, Crowley, Godman, Henry, Jamieson, Jones, Joy,

Lillis, Lindsley, McDonald, McReavey, R. S. More, Newton, Sohns, Stevenson, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Travis, Van Name, Weir, West. Absent and not voting: Allen, Browne, Dallam, Hicks, Jeffs. So the Convention concurred in the amendment.

The question being on concurring in the amendment to Section 22, the ayes and noes were demanded and the following sixty-four members voted aye: Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Gowey, Gray, Griffitts, Hayton, Hungate, Jamieson, Jones, Joy, Kellogg, Lillis, Lindsley, Manly, McCroskey, McDonald, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Van Name, Warner, Weir, West, Willison, Winsor, Mr. President.

The following five members voted no: Henry, Kinnear, McElroy, Turner, Weisenburger. Absent and not voting: Allen, Browne, Dallam, Hicks, Jeffs, Stiles. So the Convention concurred in the amendments.

President Hoyt submitted a telegram from Mayor Furth of Spokane Falls as follows.

August 6, 1889
Spokane Falls

To Hon. J. P. Hoyt, Pres., Convention:

> Accept best thanks of the people of Spokane Falls for yourself and members of Constitutional Convention for resolution of sympathy passed. Our losses are severe and we hope in Constitution framed you will be liberal in allowing us to incur indebtedness for necessary public improvements.
>
> FRED FURTH, *Mayor.*

Amendments to Section 23 were concurred in.

Amendments to Section 24 were concurred in

Mr. Lindsley moved to strike out Section 21. Mr. Tibbetts moved the previous question. Lost.

Mr. Turner moved to amend by striking out all of Section 21 and inserting the following.

**Section 21.** A Railroad Commission consisting of three members is hereby established. Said Commissioners shall be elected by the Legislature in joint session every four years and said election shall be made within fifteen days after the commencement of the session first ensuing after the election of the members. The terms of office of the Commissioners shall be four years and they shall hold office until their successors are elected and qualified. The Commissioners shall have such powers and perform such duties as may be prescribed by law.

Mr. Dyer moved to recommit the article to the Committee on Corporations Other Than Municipal with orders to remodel. Lost. Mr. J. M. Reed called for the previous question.

Mr. Griffitts demanded the ayes and noes, and the following thirty-five members voted aye: Berry, Blalock, Bowen, Burk, Clothier, Coey, Cosgrove, Crowley, Dickey, Eshelman, Glascock, Godman, Gray, Henry, Hungate, Jones, Joy, Kellogg, Lindsley, Manly, McDonald, McReavey, Newton, J. M. Reed, Schooley, Shoudy, Sohns, Stevenson, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Van Name, Weir, West. And the following thirty-four members voted no: Buchanan, Comegys, Dunbar, Durie, Dyer, Eldridge, Fairweather, Fay, Gowey, Griffitts, Hayton, Jamieson, Kinnear, Lillis, McCroskey, McElroy, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Neace, Power, Prosser, Sharpstein, Stiles, Sturdevant, Turner, Warner, Weisenburger, Willison, Winsor, Mr. President. Absent and not voting: Allen, Browne, Dallam, Hicks, Jeffs, T. M. Reed. So the Convention ordered the previous question.

The question being on the adoption of the amendment offered by Mr. Turner, the ayes and noes were ordered and the following twenty-eight members voted aye: Buchanan, Coey, Cosgrove, Dickey, Dunbar, Durie, Dyer, Fairweather, Griffitts, Hayton, Hungate, Kinnear, McCroskey, McElroy, Minor, Mires, J. Z. Moore, R. S. More, Neace, Newton, J. M. Reed, T. M. Reed, Schooley, Tibbetts, Turner, Weisenburger, Willison, Mr. President.

The following forty-two members voted no: Blalock, Berry, Bowen, Burk, Clothier, Comegys, Crowley, Eldridge, Eshelman, Fay, Glascock, Godman, Gowey, Gray, Henry, Jamieson, Jones, Joy, Kellogg, Lillis, Lindsley, Manly, McDonald, McReavey, Mor-

gans, Power, Prosser, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Van Name, Warner, Weir, West, Winsor. Absent and not voting: Allen, Browne, Dallam, Hicks, Jeffs. So the Convention refused to adopt the amendment.

The question being on the motion to strike out Section 21, the ayes and noes were ordered and the following forty-seven members voted aye: Berry, Blalock, Bowen, Burk, Clothier, Comegys, Cosgrove, Crowley, Dickey, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Gowey, Gray, Henry, Jamieson, Jones, Joy, Lillis, Lindsley, Manly, McDonald, McReavey, Minor, Mires, R. S. More, Morgans, Power, Prosser, T. M. Reed, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Van Name, Weir, West, Winsor.

And the following twenty-three members voted no: Buchanan, Coey, Dunbar, Durie, Dyer, Griffitts, Hayton, Hungate, Kellogg, Kinnear, McCroskey, McElroy, J. Z. Moore, Neace, Newton, J. M. Reed, Schooley, Sharpstein, Turner, Warner, Weisenburger, Willison, Mr. President. Absent and not voting: Allen, Browne, Dallam, Hicks, Jeffs. So the Convention struck out Section 21.

Mr. Dyer offered the following amendment to Section 8 by striking out in first line "No corporation organized outside the limits of this state" and insert the following, "No foreign corporation shall do any business in this state without having one or more known places of business and an authorized agent or agents in the same upon whom process may be served, nor shall?,†

The ayes and noes being ordered twenty-eight members voted aye as follows: Berry, Buchanan, Clothier, Coey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Glascock, Joy, Kinnear, Minor, Mires, J. Z. Moore, Neace, Prosser, Schooley, Sharpstein, Shoudy, E. H. Sullivan, Tibbetts, Travis, Warner, Weir, Weisenburger, Winsor, Mr. President.

The following thirty-six members voted no: Blalock, Bowen, Burk, Comegys, Cosgrove, Crowley, Fairweather, Fay, Godman, Gowey, Gray, Griffitts, Henry, Hungate, Jones, Kellogg, Lillis, Lindsley, Manly, McDonald, McElroy, McReavey, R. S. More, Morgans, Newton, Power, J. M. Reed, T. M. Reed, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Van Name, West.

† Question mark appears in Journal.

Absent and not voting: Allen, Browne, Dallam, Dickey, Hayton, Hicks, Jamieson, Jeffs, McCroskey, Turner, Willison. So the Convention refused to adopt the amendment.

Mr. J. Z. Moore offered the following additional section to the article.

**Section.** No railroad or other transportation company shall grant free passes or sell tickets or passes at a discount, other than as sold to the public generally, to any member of the Legislature or to any person holding public office under this state or any subdivision thereof. The Legislature shall pass laws to carry this provision into effect.

Mr. J. Z. Moore moved a call of the house. Lost.

Mr. Manly offered the following amendment "All transportation companies and common carriers shall issue free transportation to members of the Legislature when on official business." Lost.

The question being on the adoption of the additional section, the ayes and noes were ordered and the following forty-three members voted aye: Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Crowley, Durie, Dyer, Eldridge, Fairweather, Gowey, Griffitts, Hayton, Hungate, Jamieson, Joy, Kellogg, Kinnear, Lillis, Manly, McElroy, McReavey, Minor, J. Z. Moore, R. S. More, Morgans, Neace, Power, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Stevenson, Sturdevant, Tibbetts, Travis, Warner, Weir, Weisenburger, West, Winsor, Mr. President.

The following eighteen members voted no: Berry, Blalock, Cosgrove, Dickey, Eshelman, Fay, Glascock, Gray, Henry, Jones, Lindsley, Prosser, Shoudy, Sohns, Suksdorf, P. C. Sullivan, Turner, Van Name. Absent and not voting: Allen, Browne, Dallam, Dunbar, Godman, Hicks, Jeffs, McCroskey, McDonald, Mires, Newton, [Prosser]*, Stiles, E. H. Sullivan, Willison. So the Convention adopted the section.

Mr. J. Z. Moore offered the following as an additional section to the article.

**Section.** It shall be unlawful for any person, company or corporation to require of its servants or employees as a condition of their employment or otherwise any contract or agreement whereby such person, company or corporation shall be released or

* Stricken in journal.

discharged from liability or responsibility on account of personal injuries received by such servants or employees while in the service of such person, company or corporation by reason of the negligence of such person, company or corporation or the agents or employees thereof, and such contracts shall be absolutely null and void. Lost.

Mr. Sharpstein offered the following amendment to Section 4. Insert in line two, between the words "shall be" and "liable" the words "jointly and severally." Carried.

Mr. Griffitts offered the following amendment to Section 23. Strike out words "upon payment of just compensation to be ascertained in the manner provided by law for condemnation of private property for public use" and add after words "companies" in third line from bottom following words "the right of eminent domain is hereby extended to all telegraph and telephone companies." Carried.

Mr. Gowey moved to amend Section 18 in line eight by inserting after the word "landing" the words "under substantially similar circumstances and conditions." Lost.

Mr. Griffitts offered the following as an additional section.

**Section.** Railroad companies now or hereafter organized or doing business in this state shall allow all express companies organized or doing business in this state transportation over all lines of railroad owned or operated by such railroad companies upon equal terms with any other express company, and no railroad corporation organized or doing business in this state shall allow any express corporation or company any facilities, privileges or rates for transportation of men or materials or property carried by them or for doing business of such express company not allowed to all express companies. Adopted.

Mr. McReavey moved to strike out Section 17. The ayes and noes were ordered and the following twenty-one members voted aye: Blalock, Bowen, Burk, Comegys, Crowley, Dickey, Fairweather, Gowey, Gray, Jamieson, Jones, McReavey, Minor, Morgans, Sohns, Stevenson, Stiles, Tibbetts, Weir, West, Winsor.

The following forty-three members voted no: Berry, Buchanan, Clothier, Coey, Cosgrove, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Griffitts, Hayton, Henry, Hungate, Joy,

Kellogg, Kinnear, Lillis, Lindsley, Manly, McElroy, Mires, J. Z. Moore, R. S. More, Neace, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Shoudy, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Warner, Weisenburger, Mr. President. Absent and not voting: Allen, Browne, Dallam, Hicks, Jeffs, McCroskey, McDonald, Newton, Sharpstein, Sturdevant, Van Name, Willison. So the Convention refused to strike out the section. Mr. T. M. Reed moved that the article be reprinted as follows:

In the Convention

The Article as Agreed to by the Convention

Corporations Other Than Municipal

**Section 1.** Corporations may be formed under general laws, but shall not be by special acts. All laws relating to corporations may be altered, amended or repealed by the Legislature at any time, and all corporations doing business in this state may, as to such business, be regulated, limited or restrained by law.

**Section 2.** All existing charters, franchises, special or exclusive privileges, under which an actual and bona fide organization shall not have taken place and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

**Section 3.** The Legislature shall not extend any franchise or charter nor remit the forfeiture of any franchise or charter of any corporation now existing, or which shall hereafter exist under the laws of this state.

**Section 4.** All stockholders in all incorporated companies, except corporations organized for banking or insurance purposes, shall be jointly and severally liable for the debts of the corporation to the amount of their unpaid stock and no more.

**Section 5.** The term corporations, as used in this article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships, and all corporations shall have the right to sue and shall be subject to be sued, in all events, in like cases as natural persons.

**Section 6.** Corporations shall not issue stock, except to bona fide subscribers therefor, or their assignees, nor shall any corpo-

ration issue any bond or other obligation for the payment of money, except for money or property received or labor done. The stock of corporations shall not be increased except in pursuance of a general law, nor shall any law authorize the increase of stock without the consent of the persons holding the larger amount in value of the stock, nor without due notice of the proposed increase having been previously given in such manner as may be prescribed by law. All fictitious increase of stock or indebtedness shall be void.

**Section 7.** No corporation organized outside the limits of this state shall be allowed to transact business within the state on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this state.

**Section 8.** No corporation shall lease or alienate any franchise, so as to relieve the franchise or property held thereunder from the liabilities of the lessor, or grantor, lessee, or grantee, contracted or incurred in the operation, use or enjoyment of such franchise or any of its privileges.

**Section 9.** The state shall not in any manner loan its credit, nor shall it subscribe to, or be interested in the stock of any company, association or corporation.

**Section 10.** The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the Legislature from taking the property and franchise of incorporated companies, and subjecting them to public use the same as the property of individuals.

**Section 11.** No corporation, association or individual shall issue or put in circulation as money anything but the lawful money of the United States. Each stockholder of any banking or insurance corporation or joint stock association, shall be individually and personally liable equally and ratably and not one for another, for all contracts, debts and engagements of such corporation or association according, while they remain such stockholders, to the extent of the amount of their stock therein at the par value thereof in addition to the amount invested in such shares.

**Section 12.** Any president, director, manager, cashier or other officer of any banking institution who shall receive or assent to the reception of deposits after he shall have knowledge of the fact

that such banking institution is insolvent or in failing circumstances shall be individually responsible for such deposits so received.

**Section 13.** All railroad, canal and other transportation companies are declared to be common carriers and subject to legislative control. Any association or corporation organized for the purpose under the laws of this state shall have the right to connect at the state line with railroads of other states. Every railroad company shall have the right with its road, whether the same be now constructed or may hereafter be constructed, to intersect, cross or connect with any other railroad, and when such railroads are of the same or similar gauge they shall at all crossings and at all points, where a railroad shall begin or terminate at or near any other railroad, form proper connections so that the cars of any such railroad companies may be speedily transferred from one railroad to another. All railroad companies shall receive and transport each the other's passengers, tonnage and cars without delay or discrimination.

**Section 14.** No railroad company, or other common carrier, shall combine or make any contract with the owners of any vessel that leaves port or makes port in this state, or with any common carried, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying.

**Section 15.** No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons or in the facilities for the transportation of the same classes of freight or passengers within this state, or coming from or going to any other state. Persons and property transported over any railroad or by any other transportation company or individual shall be delivered at any station, landing or port at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port or landing. Excursion and commutation tickets may be issued at special rates.

**Section 16.** No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a competing line.

**Section 17.** The rolling stock and other movable property belonging to any railroad company or corporation in this state shall

be considered personal property, and shall be liable to taxation and to execution and sale in the same manner as the personal property of individuals, and such property shall not be exempted from execution and sale.

**Section 18.** The Legislature shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight, and to correct abuses and prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads and other common carriers in the state, and shall enforce such laws by adequate penalties. A railroad and transportation commission may be established and its powers and duties fully defined by law.

**Section 19.** Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph and telephone within this state, and said companies shall receive and transmit each other's messages without delay or discrimination, and all of such companies are hereby declared to be common carriers. Railroad corporations organized or doing business in this state shall allow telegraph corporations and companies to construct and maintain telegraph lines on and along the rights of way of such railroads and railroad companies, and no railroad corporation organized or doing business in this state shall allow any telegraph corporation or company any facilities, privileges or rates for transportation of men or material or for repairing their lines, not allowed to all telegraph companies.

The right of eminent domain is hereby extended to all telegraph and telephone companies. The Legislature shall by general law of uniform operation provide reasonable regulations to give effect to this section.

**Section 20.** No railroad or other transportation company shall grant free passes or sell tickets or passes at a discount, other than as sold to the public generally, to any member of the Legislature or to any person holding public office under this state or subdivision thereof. The Legislature shal pass laws to carry this provision into effect.

**Section 21.** Railroad companies, now or hereafter organized or doing business in this state, shall allow all express companies organized or doing business in this state transportation over all

lines of railroad owned or operated by such railroad companies upon equal terms with any other express company, and no railroad corporation organized or doing business in this state shall allow any express corporation or company any facilities, privileges or rates for transportation of men or materials or property carried by them, or for doing the business of such express companies not allowed to all express companies.

**Section 22.** Monopolies and trusts are contrary to the best interest of free governments, and shall never be allowed in this state, and no incorporated company, copartnership or association of persons in this state shall directly or indirectly combine or make any contract with any other incorporated company, foreign or domestic, through their stockholders, or the trustees or assignees of such stockholders, or with any copartnership or association of persons, or in any manner whatever for the purpose of fixing the price or limiting the production or regulating the transportation of any product or commodity. The Legislature shall pass laws for the enforcement of this section by adequate penalties, and in case of incorporated companies, if necessary for that purpose, may declare a forfeiture of their property and franchise.

At 12 noon the Convention, on motion of Mr. T. M. Reed, took a recess to 2 p.m.

Convention was called to order at 2 p.m. by President Hoyt, a quorum being present. Mr. Schooley moved to postpone consideration of the reports on state, school and granted lands to Tuesday of next week, to be made special order for that day. Mr. Minor moved to make it special order for Thursday next. Amendment adopted. Ayes, twenty-seven, nayes twenty-five.

Convention proceeded to consider the report of the Committee on Judicial Department submitting an article on impeachment.

On motion of Mr. Eldridge the rules were suspended and the article upon impeachment was put upon its final passage. There were sixty-five ayes and fifteen absent and not voting.

Those voting aye were Messrs. Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dickey, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Gray, Griffitts, Hayton, Hungate, Jamieson, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, Mc-

Donald, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Weir, Weisenburger, West, Winsor, Mr. President. Absent and not voting: Allen, Dallam, Gowey, Jeffs, Stiles. So the article passed as follows.

[Mr. Sharpstein moved the previous question and it was ordered.

The question being on the adoption of the substitute the ayes and noes were ordered and the following forty-four members voted aye: Berry, Blalock, Bowen, Coey, Cosgrove, Crowley, Dickey, Dunbar, Dyer, Eshelman, Fairweather, Fay, Gowey, Hayton, Jones, Joy, Kellogg, Kinnear, Lillis, Manley, McCroskey, McDonald, McElroy, Minor, Mires, R. S. More, Morgans, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Stiles, Suksdorf, P. C. Sullivan, Tibbetts, Turner, West, Winsor, Mr. President. The following eighteen members voted no: Buchanan, Burk, Clothier, Eldridge, Glascock, Godman, Gray, Griffitts, Hungate, Jamieson, Lindsley, McReavey, J. Z. Moore, Stevenson, Sturdevant, E. H. Sullivan, Travis, Weisenburger, Willison. Absent and not voting: Allen, Browne, Comegys, Dallam, Henry, Jeffs, Hicks, Sohns, Van Name, Warner, Weir. So the substitute was adopted as follows.

[**Section 16.** Private property shall not be taken for private use, except for private ways of necessity and for drains, flumes or ditches on or across the lands of others for agricultural domestic or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, and no right of way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money, or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury unless a jury be waived as in other civil cases in courts of record in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question,

and determined as such without regard to any legislative assertion that the use is public.]*

Impeachment

Article

**Section 1.** The House of Representatives shall have the sole power of impeachment. The concurrence of a majority of all the members shall be necessary to an impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose the Senators shall be upon oath or affirmation to do justice according to law and evidence. When the Governor or Lieutenant Governor is on trial, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without a concurrence of two-thirds of the Senators elected.

**Section 2.** The Governor and other state and judicial officers, except judges and justices of courts not of record, shall be liable to impeachment for high crimes or misdemeanors or malfeasance in office, but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit to the state. The party, whether convicted or acquitted, shall nevertheless be liable to prosecution, trial, judgment and punishment according to law.

**Section 3.** All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office in such manner as may be provided by law.

The Convention proceeded to the consideration of the substitute for Section 16 of the Preamble and Bill of Rights reported from the Committee on Judicial Department.

Mr. Godman moved to strike out parts of lines two and three beginning with words "and for drains" and ending with the words "sanitary purposes." Lost. Mr. J. Z. Moore moved to insert the word "necessary" between the words "for" and "drains" in line two. Lost.

Mr. Weir was excused for the day.

Mr. Durie offered the following: Make the latter part of the substitute read, "Whenever an attempt is made to take private

* Stricken in Journal with the note: "Error on account of Chief Clerk. Journal Clerk. P.B.J."

property for private use or for a use alleged to be public, the question whether the contemplated use be really public or a necessity in the meaning of this section shall be a judicial question." Lost.

Mr. Lillis moved to strike out the words "mining and milling" in line three. Carried.

Mr. Weisenburger moved to strike out the words "other than municipal" in line six. The ayes and noes were ordered and the following nineteen members voted aye: Buchanan, Burk, Clothier, Dickey, Dunbar, Eldridge, Godman, Griffitts, Hayton, Lindsley, McReavey, J. Z. Moore, J. M. Reed, Schooley, Stevenson, Stiles, Travis, Weisenburger, West. The following forty-five members voted no: [Berry]*, Blalock, Bowen, Coey, Crowley, Durie, Dyer, Eshelman, Fairweather, Fay, Glascock, Gowey, Gray, Hungate, Jamieson, Jones, Joy, Kellogg, Kinnear, Lillis, Manly, McCroskey, McDonald, McElroy, Minor, Mires, R. S. More, Morgans, Neace, Newton, Power, Prosser, T. M. Reed, Sharpstein, Shoudy, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Turner, Van Name, Warner, [Weisenburger]*, Willison, Winsor, Mr. President. Absent and not voting: Allen, Berry, Browne, Comegys, Dallam, Henry, Hicks, Jeffs, Sohns, Weir, so the words were not stricken out.

Mr. Godman moved to strike out all of the section down to and including the word "law" in tenth line.

On this question the ayes and noes were demanded, and the following nineteen members voted aye: Buchanan, Burk, Clothier, Eldridge, Glascock, Godman, Gray, Griffitts, Hungate, Jamieson, McReavey, J. Z. Moore, Newton, Stevenson, Sturdevant, E. H. Sullivan, Travis, Weisenburger, Willison.

The following forty-two members voted no: Blalock, Bowen, Coey, Cosgrove, Crowley, Dickey, Dunbar, Dyer, Eshelman, Fairweather, Fay, Gowey, Hayton, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, Minor, Mires, R. S. More, Morgans, Neace, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Suksdorf, P. C. Sullivan, Tibbetts, Turner, West, Winsor, Mr. President. Absent and not voting: Allen, Berry, Browne, Comegys, Dallam, Durie, Henry, Hicks, Jeffs, Sohns, Stiles, Van Name, Warner, Weir. So the motion to strike out was not adopted.

* Stricken in journal.

Mr. Sharpstein moved the previous question and it was ordered. The question being on the adoption of the substitute the ayes and noes were ordered and the following forty-four members voted aye: Berry, Blalock, Bowen, Coey, Cosgrove, Crowley, Dickey, Dunbar, Dyer, Eshelman, Fairweather, Fay, Gowey, Hayton, Jones, Joy, Kellogg, Kinnear, Lillis, Manly, McCroskey, McDonald, McElroy, Minor, Mires, R. S. More, Morgans, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Stiles, Suksdorf, P. C. Sullivan, Tibbetts, Turner, West, Winsor, Mr. President.

The following eighteen members voted no: Buchanan, Burk, Clothier, Eldridge, Glascock, Godman, Gray, Griffitts, Hungate, Jamieson, Lindsley, McReavey, J. Z. Moore, Stevenson, Sturdevant, E. H. Sullivan, Travis, Weisenburger, Willison. Absent and not voting: Allen, Browne, Comegys, Dallam, Henry, Hicks, Jeffs, Sohns, Van Name, Warner, Weir, so the substitute was adopted as follows.

Substitute for Section 16

**Section 16.** Private property shall not be taken for private use, except for private ways of necessity and for drains, flumes or ditches on or across the lands of others for agricultural, domestic or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, and no right of way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first paid in money, or ascertained and paid into the court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived as in other civil cases in courts of record in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question and determined as such without regard to any legislative assertion that the use is public.

Buchanan moved to strike out part of the substitute. The President declared the motion out of order as the subject matter had already been disposed of.

The article on Preamble and Bill of Rights was ordered printed as amended and ordered to third reading.

Mr. Griffitts moved to suspend Rule 33. Carried.

Mr. Crowley moved to reconsider the vote passing the Preamble and Bill of Rights into print. Motion adopted.

On motion of Mr. Griffitts the rules were suspended, the article on Preamble and Bill of Rights was considered engrossed, read the third time and put upon its final passage.

The question being shall the article pass, the ayes and noes were ordered and the following fifty-one members voted aye: Berry, Blalock, Bowen, Burk, Clothier, Coey, Comegys, Crowley, Dickey, Dunbar, Durie, Dyer, Eshelman, Fairweather, Fay, Glascock, Gowey, Hayton, Henry, Hungate, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, Minor, Mires, Morgans, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Winsor, Mr. President.

The following fourteen members voted no: Buchanan, Eldridge, Godman, Griffitts, Jamieson, Jones, Joy, McReavey, J. Z. Moore, R. S. More, Stevenson, E. H. Sullivan, Weisenburger, West. Absent and not voting: Allen, Browne, Cosgrove, Dallam, Gray, Hicks, Jeffs, Weir, Willison. So the article was adopted as follows.

## Preamble and Declaration of Rights

### Preamble

We the people of the State of Washington, grateful to the Supreme Being of the Universe for our liberties, do ordain this Constitution.

### Article I

**Section 1.** All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.

**Section 2.** The Constitution of the United States is the supreme law of the land.

**Section 3.** No person shall be deprived of life, liberty or property without due process of law.

**Section 4.** The right of petition and of the people peaceably to assemble for the common good shall never be abridged.

**Section 5.** Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right.

**Section 6.** The mode of administering an oath or affirmation shall be such as may be more consistent with and binding upon the conscience of the person to whom such oath or affirmation may be administered.

**Section 7.** No person shall be disturbed in his private affairs, or his home invaded without authority of law.

**Section 8.** No law granting irrevocably any privilege, franchise or immunity shall be passed by the Legislature.

**Section 9.** No person shall be compelled in any criminal case to give evidence against himself or be twice put in jeopardy for the same offense.

**Section 10.** Justice in all cases shall be administered openly and without unnecessary delay.

**Section 11.** Absolute freedom of conscience in all matters of religious sentiment, belief and worship shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion, but the liberty of conscience hereby secured shall not be so construed so as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction or the support of any religious establishment. No religious qualifications shall be required for any public officer or employment nor shall any person be incompetent as a witness or juror in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony.

**Section 12.** No law shall be passed granting to any citizen, class of citizens or corporation other than municipal privileges or immunities which upon the same terms shall not equally belong to all citizens or corporations.

**Section 13.** The privilege of the writ of habeas corpus shall not be suspended unless, in case of rebellion or invasion, the public safety requires it.

**Section 14.** Excessive bail shall not be required, excessive fines imposed nor cruel punishment inflicted.

**Section 15.** No conviction shall work corruption of blood nor forfeiture of estate.

**Section 16.** Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes or ditches, on or across the lands of others for agricultural, domestic or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made or paid into court for the owner, and no right of way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money, or ascertained and paid into the court for the owner irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question and determined as such without regard to any Legislative assertion that the use is public.

**Section 17.** There shall be no imprisonment for debt except in cases of absconding debtor.

**Section 18.** The military shall be in strict subordination to the civil power.

**Section 19.** All elections shall be free and equal and no power, civil or military, shall at any time interfere to prevent the free exercise to the right of suffrage.

**Section 20.** All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great.

**Section 21.** The right of trial by jury shall remain inviolate, but the Legislature may provide for a jury of any number less than twelve in the courts not of record, and for a verdict by nine

or more jurors in civil cases in any court of record, and for the waiving of the jury in civil cases where the consent of the parties interested is given thereto.

**Section 22.** In criminal prosecutions the accused shall have the right to appear and defend in person and by counsel, and to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process, to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed, and the right to appeal in all cases; and in no instance shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed.

**Section 23.** No bill of attainder, ex post facto law or law impairing the obligation of contracts shall ever be passed.

**Section 24.** The right of the individual citizen to bear arms in defense of himself or the state shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men.

**Section 25.** Offenses heretofore required to be prosecuted by indictment may be prosecuted by information or by indictment, as shall be prescribed by law.

**Section 26.** No grand jury shall be drawn or summoned in any county, except the superior judge thereof shall so order.

**Section 27.** Treason against the state shall consist only in levying war against the state or adhering to its enemies or in giving them aid or comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

**Section 28.** No hereditary emolument, privileges or powers shall be granted or conferred in this state.

**Section 29.** The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise.

**Section 30.** The enumeration in this Constitution of certain rights shall not be construed to deny others retained by the people.

**Section 31.** A frequent recurrence to fundamental principles is essential to the security of individual right and the perpetuity of free government.

**Section 32.** No standing army shall be kept up by the state in time of peace, and no soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war, except in the manner prescribed by law.

At 4:20 p.m. the Convention adjourned till August 7th, 1889, at 9 a.m.

## August 7th, 1889

The Convention was called to order at 9 o'clock by President Hoyt. Prayer by the Rev. Mr. Buck.

At roll call all answered except Messrs. Allen, Browne and Dallam on leave and Messrs. Fairweather, Gowey, Henry, Jeffs, Mires, Power, Stiles and Turner. Messrs. Fairweather, Gowey, Mires, Henry, Turner, Stiles, Power afterward took their seats.

The Convention proceeded to consider the reports of the Committee on Miscellaneous Subjects, Schedule and Future Amendments.

Mr. Jones moved to insert after the word "published" in line eleven the words "for at least six months next preceding the election." Mr. J. Z. Moore moved to strike out "six" and insert "three." Carried and the motion as amended was adopted.

Mr. Berry moved to strike out "some weekly" in line eleven and insert the words "the official." Lost.

Mr. Schooley offered the following. But no amendment or amendments shall be submitted oftener than once in five years. Lost.

Mr. J. Z. Moore moved to strike out "weekly" in line eleven of Section 1. Lost.

Mr. Buchanan moved to adopt the minority report. Lost.

Mr. Jones offered the following substitute for Section 2 of the majority report.

At the general election to be held in the year one thousand eight hundred and ....., and in each twentieth year there-

after, the question "Shall there be a Convention to revise, alter or amend the Constitution" shall be submitted to the electors of the state, and in case of majority of all the electors voting at such election decide in favor of a Convention, the Legislature at its next session shall provide by law for the election of delegates and the assembling of such Convention as is provided by law, but no amendment of this Constitution agreed upon by any Convention assembled in pursuance of this article shall take effect until the same shall have been submitted to the electors of the state, and adopted by a majority of those voting thereon. Lost.

Mr. Weir moved to insert words "daily or" in front of the words "weekly" in line eleven. Lost.

Mr. Dyer moved to insert the words "at least once weekly" after word "published" in line eleven. Lost.

On motion of Mr. Griffitts the rules were suspended, the article considered engrossed and put upon its final passage.

The question being shall the article pass as amended, the ayes and noes were called for and the following sixty-six members voted aye: Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Gowey, Gray, Griffitts, Hayton, Henry, Hicks, Hungate, Jamieson, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Minor, J. Z. Moore, R. S. More, Morgans, Neace, Newton, Power, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Weir, Weisenburger, West, Willison, Winsor, Mr. President. The following one member voted no: Jones. Absent and not voting: Allen, Browne, Dallam, Jeffs, Mires, Prosser, J. M. Reed, Stiles. So the article was passed and was declared part of the Constitution of the State of Washington as follows.

## Amendments

**Section 1.** Any amendment or amendments to this Constitution may be proposed in either branch of the Legislature; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes

thereon, and be submitted to the qualified electors of the state for their approval at the next general election, and if the people shall approve and ratify such amendment or amendments, by a majority of the electors voting thereon, the same shall become part of this Constitution, and proclamation thereof shall be made by the Governor. Provided, that if more than one amendment be submitted, they shall be submitted in such manner that the people may vote for or against such amendment separately. The Legislature shall also cause the amendments that are to be submitted to the people to be [submitted]* published for at least three months next preceding the election in some weekly newspaper in every county where such newspaper is published throughout the state.

**Section 2.** Whenever two-thirds of the members elected to each branch of the Legislature shall deem it necessary to call a Convention to revise or amend this Constitution, they shall recommend to the electors to vote at the next general election for or against a convention, and if a majority of all the electors voting at said election shall have voted for a Convention, the Legislature shall at the next session provide by law for calling the same; and such Convention shall consist of a number of members, not less than that of the most numerous branch of the Legislature.

**Section 3.** Any Constitution adopted by such Convention shall have no validity until it has been submitted to, and adopted by, the people.

On motion the Convention then went into committee of the whole to consider the article on revenue and taxation with Mr. Turner in the chair. At 12 noon the committee rose and the President resumed the chair.

The Committee reported that they had had under consideration the article on revenue and taxation, had made progress, but come to no resolution thereon and asked leave to sit again. Leave was granted. On motion of Mr. Bowen, the Convention took a recess until 2 p.m.

Afternoon Session

Convention called to order at 2 p.m. by President Hoyt. A quorum present. President Hoyt submitted a communication from the Board of Trade of Colfax protesting against adoption of Section

* Stricken in journal.

3 of article upon formation of counties, cities and other municipal corporations. Read and laid on the table.

Mr. Minor offered following and asked unanimous consent to its adoption.

Mr. Godman from Committee on Homestead and Exemption submitted the following which was read first and second time and ordered printed as follows.

In the Convention

Committee on Homestead and Property Exemptions

Mr. President and Members of the Convention:

Your Committee on Homesteads and Property Exemptions report the following article on the subject and recommend its adoption.

Article

**Section 1.** The Legislature shall protect by law from forced sale a certain portion of the homestead and other property of all heads of families.

Respectfully submitted,
M. M. GODMAN, *Chairman*
GEO. H. JONES
HENRY WINSOR

Mr. Comegys from the Committee on Federal Relations, Boundaries and Immigration submitted the following report which was read first and second time and ordered printed as follows.

In the Convention

Committee on Federal Relations, Boundaries and Immigration

Article

Mr. President and Members of the Convention:

Your Committee on Federal Relations, Boundaries and Immigration have had under consideration the question of boundaries of the State of Washington [and] recommend the following.

GEO. COMEGYS,
*Chairman*
D. BUCHANAN
JOHN MCREAVEY
ARNOLD J. WEST
MATT J. MCELROY

The boundaries of the State of Washington shall be as follows: Beginning at a point one marine league due west of and opposite the middle of the north ship channel of the Columbia River, thence running easterly to and up the middle channel of said river and where it is divided by islands up the middle of the widest channel thereof to where the forty-sixth parallel of north latitude crosses said river, near the mouth of the Walla Walla River, thence east on said forty-sixth parallel of latitude to the middle of the main channel of the Shoshone or Snake River; thence follow down the middle of the main channel of Snake River to a point opposite the mouth of the Kooskooski or Clearwater River: thence due north to the forty-ninth parallel of north latitude, thence west along said forty-ninth parallel of north latitude to the middle of the channel which separates Vancouver's Island from the continent, that is to say to a point in longitude 123 degrees 19 minutes and 15 seconds west, thence following the boundary line between the United States and British possessions through the channel which separates Vancouver's Island from the continent to the termination of the boundary line between the United States and British possessions at a point in the Pacific Ocean equidistant between Bonilla Point on Vancouver's Island and Tatoosh Island lighthouse, thence running in a southerly course and parallel with the coast line, keeping one marine league off shore to place of beginning.

Mr. Blalock from Committee on Education and Educational Institutions submitted the following report which was read first and second time and ordered printed as follows.

In the Convention

Committee on Education and Educational Institutions

Mr. President and Members of the Convention:

Your Committee on Education and Educational Institutions respectfully submit the following article and recommend its adoption.

Article

**Section 1.** It is the paramount duty of the state to make ample provision for the education of all children residing within its borders without distinction or preference on account of race, color, caste or sex.

**Section 2.** The Legislature shall provide for a general and

uniform system of public schools. The public school system shall include common schools and such high schools, normal schools, and technical schools as may hereafter be established. But the entire revenue derived from the state school fund, and the state school tax shall be exclusively applied to the support of the common schools.

**Section 3.** The principal of the common school fund shall remain permanent and irreducible. The said fund shall be derived from the following named sources, to wit: Appropriations and donations by the state to this fund; donations and bequests by individuals to the state or public for educational institutions; the proceeds of lands and other property which revert to the state by escheat and forfeiture; the proceeds of all property granted to the state when the purpose of the grant is not specified, or is uncertain; funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law; the proceeds of the sale of timber, stone, mineral or other property from school and state lands; all moneys recovered from persons appropriating timber, stone, minerals or other property from school and state lands, and all moneys other than rental recovered from persons trespassing on said lands, five per centum of the proceeds of the sale of public lands lying within the state, which shall be sold by the United States subsequent to the admission of the state into the union as provided by Section 13 of the act of Congress enabling the admission of the state into the Union. The principal of all funds arising from the sale of lands and other property which have been, and thereafter may be granted to the state for the support of the common schools. The Legislature may make further provisions for enlarging said fund. The interest accruing on said fund together with all rentals and other revenues derived from school and state lands and properties mentioned in this section shall be exclusively applied to the current use of the common schools.

**Section 4.** All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence.

**Section 5.** All losses to the permanent common school or any state college or university fund, which shall have been occasioned by defalcation, mismanagement or fraud of the agent or officers controlling or managing the same, shall be audited by the proper

authorities of the state. The amount so audited shall be a permanent funded debt against the state in favor of the particular fund sustaining such loss, upon which not less than six per cent annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized and limited elsewhere in this Constitution.

N. G. BLALOCK, *Chairman*
S. A. DICKEY, *Secretary*
A. A. LINDSLEY
H. M. LILLIS
J. T. ESHELMAN
R. O. DUNBAR

Mr. Gowey at 2:10 p.m. moved to go into committee of the whole for the further consideration of the article on revenue and taxation with Mr. Turner in the chair. Carried.

At 4:20 the committee rose and the President resumed the chair and reported that they had had under consideration the article on revenue and taxation, had made several amendments thereto and asked the Convention to concur therein.

All the amendments except amendment to Section 4 were concurred in without division.

On the amendment to Section 4 the ayes and noes were demanded and ordered, and the following forty-two members voted aye: Blalock, Buchanan, Burk, Coey, Cosgrove, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Griffitts, Henry, Jamieson, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, McCroskey, McElroy, McReavey, Minor, J. Z. Moore, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Shoudy, Sohns, Stiles, Tibbetts, Weir, Weisenburger, West, Winsor.

The following twenty-three members voted no: Berry, Bowen, Clothier, Comegys, Crowley, Godman, Gowey, Gray, Hicks, Manly, McDonald, R. S. More, Neace, Sharpstein, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, Turner, Van Name, Warner, Willison, Mr. President. Absent and not voting: Allen, Browne, Dallam, Fairweather, Hayton, Hungate, Jeffs, Mires, P. C. Sullivan, Travis. So the amendment was adopted.

Mr. J. Z. Moore moved to amend Section 4 by inserting after the word "property" and the words "and exclusively for charitable or religious purposes." Lost.

Mr. West offered the following amendment to the amendment: And five hundred dollars worth of household goods including tools and provisions of each householder. Lost.

Mr. Suksdorf offered the following additional section. Land and improvements thereon shall be separately assessed, cultivated and uncultivated land of the same quality and similarly situated, shall be assessed at the same value.

The ayes and noes were demanded and ordered and the following nineteen members voted aye: Berry, Blalock, Clothier, Cosgrove, Crowley, Eshelman, Glascock, Godman, Hayton, Hicks, Joy, Manly, McCrosky, J. M. Reed, Sharpstein, Suksdorf, Tibbetts, Warner, Weisenburger.

The following forty-five members voted no: Bowen, Buchanan, Burk, Coey, Comegys, Dickey, Dunbar, Durie, Dyer, Eldridge, Fay, Gowey, Gray, Griffitts, Henry, Jamieson, Jones, Kellogg, Kinnear, Lillis, Lindsley, McDonald, McElroy, McReavey, Minor, J. Z. Moore, R. S. More, Morgans, Neace, Power, Prosser, T. M. Reed, Schooley, Shoudy, Stevenson, Stiles, Sturdevant, E. H. Sullivan, Turner, Van Name, Weir, West, Willison, Winsor, Mr. President. Absent and not voting: Allen, Browne, Dallam, Fairweather, Hungate, Jeffs, Mires, Power, Stevenson [sic], P. C. Sullivan, Travis. So the amendment was not adopted.

Mr. Griffitts offered the following as an additional section.

**Section.** A mortgage, deed of trust, contract or other obligation by which a debt is secured, shall, for the purpose of assessment and taxation, be deemed and treated as an interest in the property affected thereby. Except as to railroad and other quasi public corporations, in case of debt so secured, the value of the property affected by such mortgage, deed of trust, contract or obligation, less the value of such security shall be assessed and taxed to the owner of the property, and the value of such security shall be assessed and taxed to the owner thereof in the county, city or district in which the property affected thereby is situated. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security, if paid by the owner of the security, the tax so levied upon the property affected thereby shall become a part of the debt so secured, if the owner of the property shall pay the tax so levied upon such security, it shall constitute a payment thereon, and to the extent of such pay-

ment a full discharge thereof. Provided, that if any such security or indebtedness shall be paid by any such debtor or debtors, after assessment and before the tax levy, the amount of such levy may likewise be returned by such debtor or debtors, and shall be computed according to the tax levy for the preceeding year.

The ayes and noes being ordered, the following twenty-three members voted aye: Berry, Clothier, Coey, Cosgrove, Dickey, Glascock, Godman, Griffitts, Jones, Joy, Lindsley, Manly, McCroskey, McDonald, R. S. More, J. M. Reed, Schooley, Stevenson, Turner, Van Name, Warner, Weisenburger, West.

The following forty-one members voted no: Blalock, Bowen, Buchanan, Burk, Comegys, Crowley, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Gowey, Gray, Hayton, Henry, Hicks, Jamieson, Kinnear, Lillis, McElroy, McReavey, Minor, J. Z. Moore, Morgans, Neace, Power, Prosser, T. M. Reed, Sharpstein, Shoudy, Sohns, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, Tibbetts, Weir, Willison, Winsor, Mr. President. Absent and not voting: Allen, Browne, Dallam, Fairweather, Hungate, Jeffs, Kellogg, Mires, Newton, P. C. Sullivan, Travis. So the amendment was not adopted.

Mr. Comegys offered the following as a substitute for Section 4. The property of the United States and of the state, counties, school districts, and other municipal, corporations, places of burial not used or held for private or corporate profit, public libraries and institutions of purely public charity, shall be exempt from taxation. Personal property to any amount not exceeding in value five hundred dollars to the head of each family and actual places of worship not exceeding three thousand dollars in value may be exempted by the Legislature but such exemption shall be by general law only.

On this the ayes and noes were demanded and ordered and the following eighteen members voted aye: Comegys, Crowley, Gray, Hicks, Jamieson, Joy, Lindsley, Manly, McDonald, Neace, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, Turner, Van Name, Warner, Weisenburger.

The following forty-five members voted no: Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Cosgrove, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Gowey, Griffitts, Hayton, Henry, Jones, Kinnear, Lillis, McCroskey, McElroy, McReavey, Minor, J. Z. Moore, R. S. More, Morgans, Power,

Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stiles, Tibbetts, Weir, West, Willison, Winsor, Mr. President. Absent and not voting: Allen, Browne, Dallam, Fairweather, Godman, Hungate, Jeffs, Kellogg, Mires, Newton, Travis, P. C. Sullivan. So the amendment was not adopted.

Mr. T. M. Reed offered the following as a substitute for Section 4.

**Section 4.** The property of the United States and of the state, counties, school districts and other municipal corporations shall be exempt from taxation, and such other property as may be used exclusively for actual places of religious worship, places of burial not used or held for private or corporate profit and institututions of purely public charity, public libraries and personal property to any amount not exceeding in value two hundred dollars to the head of each family, may be exempted from taxation by the Legislature, but such exemption shall be only by general laws.

The ayes and noes were demanded and ordered and the following twenty-seven members voted aye: Blalock, Bowen, Buchanan, Cosgrove, Dickey, Dyer, Eshelman, Glascock, Gowey, Hayton, Joy, Kinnear, Lindsley, McCroskey, Minor, J. Z. Moore, Morgans, Prosser, J. M. Reed, T. M. Reed, Sohns, Stevenson, Suksdorf, Tibbetts, Turner, Weisenburger, Mr. President.

The following thirty-two members voted no: Burk, Clothier, Coey, Comegys, Dunbar, Durie, Eldridge, Fay, Gray, Griffitts, Henry, Hicks, Jamieson, Jones, Lillis, McDonald, McElroy, McReavey, R. S. More, Neace, Power, Schooley, Sharpstein, Shoudy, Stiles, E. H. Sullivan, Van Name, Warner, Weir, West, Willison, Winsor. Absent and not voting: Allen, Browne, Crowley, Dallam, Fairweather, Godman, Hungate, Jeffs, Kellogg, Mires, Newton, P. C. Sullivan, Travis. So the amendment was not adopted.

Mr. Schooley moved to insert after "property" all the words "all places of purely public charity." Lost.

Mr. Weisenburger offered the following amendment: Strike from Section 1 the words "under this Constitution" and insert "of this state." Lost.

Mr. Weir moved to suspend the rules, consider the article engrossed and put it upon its final passage. Carried.

The article was then read a third time. The question being shall the article pass, the ayes and noes were demanded and ordered and the following forty-one members voted aye: Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Cosgrove, Dickey, Dunbar, Durie, Dyer, Eshelman, Fay, Glascock, Gowey, Griffitts, Hayton, Henry, Jamieson, Jones, Joy, Kinnear, Lindsley, McCroskey, McElroy, McReavey, J. Z. Moore, R. S. More, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Shoudy, Sohns, Stiles, Tibbetts, Weir, Winsor, Mr. President.

The following seventeen members voted no: Comegys, Crowley, Eldridge, Godman, Hicks, Minor, Sharpstein, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, Turner, Van Name, Warner, Weisenburger, West, Willison. Absent and not voting: Allen, Browne, Berry, Dallam, Fairweather, Gray, Hungate, Kellogg, Lillis, Manly, McDonald, Mires, Neace, Newton, P. C. Sullivan, Travis. So the article passed and was declared to be part of the Constitution of the State of Washington.

For article on revenue and taxation see page 459 (omitted by mistake).

Mr. Turner was granted leave for the balance of the week.

At 5:15 p.m. Mr. Jones moved to adjourn. Agreed to and the Convention adjourned till August 8th, 1889, at 9 a.m.

## August 8th, 1889

The Convention was called to order at 9 a.m. by President Hoyt. In the absence of the Chaplain prayer was dispensed with.

On roll call all answered to their names except Messrs. Allen, Browne, Dallam and Turner on leave and Messrs. Fairweather, Henry, Jeffs, Stiles and Travis. Messrs. Stiles, Henry, Fairweather [and] Turner afterwards took their seats.

The minutes of previous day were read, amended and approved. The President submitted a communication from Allen C. Mason and others in relation to tidelands. Ordered to lie on the table.

Also a communication from C. D. Potter of Adams Center, N. Y., relative to Sunday Law. Referred to Committee on Miscellaneous Subjects, Schedule and Future Amendments.

Mr. Lillis presented a communication from Henry Drum and others of Tacoma relative to tidelands. Ordered to lie on the table.

Mr. P. C. Sullivan presented a similar petition from Otis Sprague and others of Tacoma. Ordered to lie on the table.

Mr. Stiles presented similar petition from Henry M. Ball and others of Tacoma. Ordered to lie on the table.

Mr. Fay presented similar petition from C. U. Masterson and others of Tacoma. Ordered to lie on the table.

Mr. Comegys from Committee on Federal Relations, Boundaries and Immigration submitted a compact with the United States which was read twice and ordered printed as follows.

To the President and Members of the Constitution Convention:

Your Committee on Federal Relations, Boundaries and Immigration recommend that the following article be inserted in the Constitution.

GEO. COMEGYS, *Chairman*
D. BUCHANAN
ARNOLD J. WEST
JOHN MCREAVEY

Article

Compact with the United States

The following article shall be irrevocable without the consent of the United States and the people of this state.

First. That perpetual toleration of religious sentiment shall be secured and that no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship.

Second. That the people inhabiting this state do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries of this state and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States and that the lands be-

longing to citizens of the United States residing without the limits of this state shall never be taxed at a higher rate than the lands belonging to residents thereof; and that no taxes shall be imposed by the state on lands or property therein belonging to or which may be hereafter purchased by the United States or reserved for its use. Provided, that nothing in this article shall preclude the state from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation, which exemption shall continue so long and to such extent as such act of Congress may prescribe.

Mr. Mires from Committee on Water and Water Rights submitted a report which was read twice and ordered printed as follows.

To the President and Members of the Convention:

Your Committee on Water and Water rights beg leave to report as follows.

Article

**Section 1.** The use of the waters of this state for irrigation, mining and manufacturing purposes shall be deemed a public use.

A. MIRES, *Chairman*
E. H. SULLIVAN, *Secretary*
J. P. T. MCCROSKEY
R. S. MORE
S. H. MANLY

Mr. Bowen offered the following, "That the President appoint a special committee of three to present to this Convention a suitable device for the Seal of the State of Washington." Adopted.

Mr. Minor offered the following: "Resolved, that all reports of standing committees, except the Committee on Schedule and Revision, Adjustment and Enrollment, shall be presented to the Convention on or before Saturday, August 10th, and if necessary permission is hereby given for such committees to sit during the sessions of this Convention."

Mr. Power moved to amend by excepting Committee on Harbors. Lost. And resolution adopted.

Mr. Travis was granted leave indefinitely.

Mr. Suksdorf moved to recommit the reports of the Committee on State, School and Granted Lands back to the Committee. Lost.

Mr. McElroy to make report special order for Tuesday morning. On this question the ayes and noes were demanded and ordered and the following forty members voted aye: Bowen, Buchanan, Clothier, Coey, Comegys, Durie, Eldridge, Fairweather, Fay, Gray, Griffitts, Hayton, Hungate, Jones, Joy, Lindsley, McCroskey, McDonald, McElroy, McReavey, Mires, J. Z. Moore, R. S. More, Neace, Newton, Power, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Suksdorf, E. H. Sullivan, P. C. Sullivan, Turner, Van Name, Warner, Willison, Winsor.

The following twenty-seven members voted no: Berry, Blalock, Burk, Cosgrove, Crowley, Dickey, Dunbar, Dyer, Eshelman, Glascock, Henry, Hicks, Jamieson, Kellogg, Kinnear, Lillis, Manly, Minor, Morgans, Prosser, Shoudy, Sturdevant, Tibbetts, Weir, Weisenburger, West, Mr. President. Absent and not voting were Messrs. Allen, Browne, Dallam, Godman, Gowey, Jeffs, Stiles, Travis. So the amendment was agreed to.

Mr. T. M. Reed gave notice of motion to reconsider the vote by which the article on revenue and taxation was passed yesterday. Also to reconsider vote by which certain amendments to Section 4 were adopted.

Mr. Griffitts moved to reconsider the vote by which the article on revenue and taxation was agreed to. Mr. Stiles moved to lay the motion on the table. Lost.

Mr. Dickey was given leave for the rest of the week.

The question being on the reconsideration of the article on revenue and taxation, the ayes and noes were demanded and ordered and the following thirty-one members voted aye: Berry, Bowen, Buchanan, Clothier, Coey, Dickey, Durie, Dyer, Eldridge, Fairweather, Gowey, Hayton, Hicks, Joy, Kellogg, Kinnear, Lindsley, Minor, Mires, J. Z. Moore, Power, Prosser, T. M. Reed, Schooley, Sharpstein, E. H. Sullivan, Turner, Warner, West, Willison, Mr. President.

The following thirty-four members voted no: Burk, Comegys, Cosgrove, Crowley, Dunbar, Eshelman, Fay, Glascock, Godman, Gray, Griffitts, Henry, Hungate, Jones, Lillis, Manly, McCroskey, McElroy, McReavey, R. S. More, Morgans, Neace, Newton, J. M. Reed, Shoudy, Stevenson, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Weir, Weisenburger, Winsor. Absent and not voting: Messrs. Allen, Blalock, Browne, Dallam, Jamieson, Jeffs, McDonald, Sohns, Travis, Van Name. So the motion was not agreed to.

At 10:20 a.m. Mr. Dyer moved to go into a committee of the whole upon the article reported from the Committee on State Institutions and Public Buildings. Carried and Mr. Crowley was appointed chairman of the Committee.

At 11:43 the committee rose and the President resumed the chair. Mr. Crowley reported that they had had under consideration the article on state institutions and public buildings, had made amendments thereto and asked concurrence of the Convention therein. The amendments were concurred in.

Mr. Griffitts moved to suspend the rules, consider the article on state institutions and public buildings engrossed and placed upon its final passage. Carried. The ayes and noes being demanded and ordered, the following sixty-seven members voted aye: Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gowey, Gray, Griffitts, Hayton, Henry, Hicks, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, R. S. More, Morgans, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Turner, Van Name, Warner, Weir, Weisenburger, West, Willison, Winsor, Mr. President. Voting no: Mr. J. Z. Moore. Absent and not voting were Messrs. Allen, Browne, Dallam, Fairweather, Hungate, Jeffs, Travis. So the article was passed as follows.

In the Convention

Committee on State Institutions and Public Buildings

Article

**Section 1.** Educational, reformatory and penal institutions, those for the benefit of blind, deaf, dumb or otherwise defective

youth, for the insane or idiotic and such other institutions as the public good may require, shall be fostered and supported by the state, subject to such regulations as may be provided by law. The regents, trustees or commissioners of all such institutions existing at the time of the adoption of this Constitution and of such as shall thereafter be established by law, shall be appointed by the Governor, by and with the advice and consent of the Senate, and upon all nominations made by the Governor, the question shall be taken by the ayes and noes and entered upon the journal.

Mr. Prosser moved to amend Section 1 of article on seat of government by striking out "the election to be held for the adoption of this Constitution" and insert the words "at the general election to be held on the first Tuesday after the first Monday in November, 1890," and demanded the ayes and noes. The following twenty-four members voted aye: Messrs. Bowen, Buchanan, Burk, Coey, Crowley, Dickey, Dyer, Eldridge, Eshelman, Kinnear, Lillis, Manly, Minor, J. Z. Moore, Morgans, Prosser, Schooley, Stiles, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Turner, Weisenburger.

Those voting no were Messrs. Berry, Blalock, Clothier, Cosgrove, Dunbar, Durie, Fay, Glascock, Godman, Gowey, Gray, Griffitts, Hayton, Henry, Hicks, Hungate, Jamieson, Jones, Joy, Kellogg, Lindsley, McCroskey, McDonald, McElroy, McReavey, Mires, R. S. More, Neace, Newton, Power, J. M. Reed, T. M. Reed, Sharpstein, Shoudy, Sohns, Stevenson, Sturdevant, Van Name, Warner, Weir, West, Willison, Winsor, Mr. President. Those absent and not voting were Messrs. Allen, Browne, Comegys, Dallam, Fairweather, Jeffs, Travis. So the amendment was not agreed to.

On motion of Mr. Griffitts the rules were suspended, the article on seat of government considered engrossed, read third time and placed on its final passage.

The ayes and noes being demanded and ordered, the following sixty-five members voted aye: Messrs. Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gowey, Gray, Griffitts, Hayton, Henry, Hicks, Hungate, Jamieson, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCrosky, McDonald, McElroy, McReavey, Minor, Mires, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy,

Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Turner, Van Name, Warner, Weir, Weisenburger, West, Willison, Winsor, Mr. President. Those voting no were Messrs. J. Z. Moore, R. S. More, Morgans. Absent and not voting [sic].

In the Convention

Seat of Government

**Section 1.** The Legislature shall have no power to change or to locate the seat of government of this state, but the question of the permanent location of the seat of government for the state shall be submitted to the qualified electors of the territory at the election to be held for the adoption of this Constitution. A majority of all the votes cast at said election upon said question shall be necessary to determine the permanent location of the seat of government for the state; and no place shall ever be the seat of government which shall not receive a majority of the votes cast on that matter. In case there shall be no choice of location at said first election, the Legislature shall at its first regular session after the adoption of this Constitution provide for submitting to the qualified electors of the state, at the next succeeding general election thereafter, the question of choice of location between the three places for which the highest number of votes shall have been cast at the said first election. Said Legislature shall provide further that in case there shall be no choice of location at said second election, the question of choice between the two places for which the highest number of votes shall have been cast shall be submitted in like manner to the qualified electors of the state at the next ensuing general election. Provided that until the seat of government shall have been permanently located as herein provided, the temporary location thereof shall remain at the city of Olympia.

**Section 2.** When the seat of government shall have been located as herein provided, the location thereof shall not thereafter be changed, except by a vote of two-thirds of all the qualified electors of the state voting on that question at a general election at which the question of location of the seat of government shall have been submitted by the Legislature.

**Section 3.** The Legislature shall make no appropriation or expenditures for capital buildings or grounds except to keep the territorial capital buildings and grounds in repair and for making

all necessary additions thereto until the seat of government shall have been permanently located and the public buildings are erected at the permanent capital in pursuance of law.

The President submitted a telegram from J. E. Clarke, President Port Townsend Board of Trade, in relation to tidelands. Laid on the table.

At 11:55 Convention on motion of Mr. E. H. Sullivan took a recess until 2 p.m.

Afternoon Session

The Convention was called to order at 2 p.m. by President Hoyt, a quorum being present.

Mr. P. C. Sullivan asked and was granted unanimous consent to make a report from the Committee on Elections and Elective Rights which was read first and second time and ordered printed as follows.

In the Convention

Committee on Elections and Elective Rights

Mr. President and Members of the Convention:

The Committee on Elections and Elective Rights, respectfully submit the following article and recommend its adoption. We have given careful consideration to all propositions and petitions referred to us, and herewith report them all back to the Convention.

Article

All male persons of the age of twenty-one years or over possessing the following qualifications shall be entitled to vote at all elections.

**Section 1.** They shall be citizens of the United States, provided that Indians not taxed shall never be allowed the elective franchise. Provided further that all male persons who at the time of the adoption of this Constitution are qualified electors of the territory shall be electors.

**Section 2.** They shall have lived in the state one year and in the county ninety days, and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote.

**Section 3.** The Legislature may provide that there shall be no denial of the elective franchise at any school election on account of sex.

**Section 4.** All idiots, insane persons and persons convicted of infamous crimes are excluded from the elective franchise.

**Section 5.** For the purpose of voting and eligibility to office, no person shall be deemed to have gained a residence by reason of his presence or lost it by reason of his absence while in the civil or military service of the state or of the United States, nor while a student at any institution of learning, nor while kept at public expense in any poorhouse or other asylum, nor while confined in public prison.

**Section 6.** Voters shall in all cases except treason, felony and breach of the peace be privileged from arrest during their attendance of elections and in going to and returning therefrom. No elector shall be required to do military duty on the day of any election except in time of war or public danger.

**Section 7.** No person except a qualified elector shall be elected or appointed to any office, civil or military.

**Section 8.** All elections shall be by ballot. The Legislature shall provide for such method of voting as will secure to every elector absolute secrecy in preparing and depositing his ballot.

**Section 9.** The Legislature shall enact a registration law, and shall require a compliance with such a law before any elector shall be allowed to vote. Provided, that this provision is not compulsory upon the Legislature except as to cities and towns having a population of over five hundred inhabitants. In all other cases the Legislature may or may not require registration as a prerequisite to the right to vote, and the same system of registration need not be adopted for both classes.

**Section 10.** The first election of county officers not otherwise provided for in this Constitution shall be on the Tuesday next after the first Monday in November, 1890, and thereafter all elections for such officers shall be held biennially on the Tuesday next succeeding the first Monday in November. The first election of all state officers not otherwise provided for in this Constitution, after the election held for the adoption of this Constitution, shall be on the Tuesday next after the first Monday in November, 1892,

and the elections for such state officers shall be held in every fourth year thereafter on the Tuesday succeeding the first Monday in November.

**Section 11.** At the time of the election of county officers on the Tuesday next after the first Monday in November in the year 1890, a proposition to amend this Constitution by striking out the word "male" from the article on elections and elective rights shall be submitted to the electors of the state for adoption or rejection in manner following. Said election shall be by ballot, and the ballots of those voting in favor shall read: "For Woman Suffrage Amendment—Yes." And the ballots of those voting against shall read: "For Woman Suffrage Amendment—No." The provisions of the laws of the state touching general elections shall as far as applicable apply to said election. If at said election the number of ballots cast in favor of the adoption of said proposition shall exceed those cast against its adoption, then the word "male" shall be stricken from said article on election and elective rights, and shall be no part thereof.

TRUSTEN P. DYER, *Secretary*
LEWIS NEACE
J. A. BURK
JAMES Z. MOORE

We concur in the foregoing report except as to Section 2 and would recommend that the words "one year" should be stricken from said section and the words "six months" inserted in their stead.

P. C. SULLIVAN, *Chairman*
TRUSTEN P. DYER
B. B. GLASCOCK

Mr. Hungate, Mr. Willison, Mr. Shoudy were granted indefinite leave.

President Hoyt presented the following, which was read and ordered spread on the minutes:

Headquarters Stevens Post, No. 1
and John F. Miller Post, No. 31.
G. A. R.
Seattle, W. T., Aug. 6, 1889.

To Hon. John P. Hoyt.
President Constitutional Convention.
Olympia, W. T.

Dear Sir:

At a joint meeting of Stevens Post No. 1 and John F. Miller Post, No. 31, G. A. R., the following resolution was unanimously adopted:

"Resolved, that the Commanders of Stevens and Miller Posts be instructed to draft and forward to the Constitutional Convention a resolution of thanks for the adoption of the section incorporating a soldiers' home."

In accordance with the above instructions we desire through you to express to the Convention the heartfelt gratitude of the above-named posts for thus providing for the needs of our comrades of the Union Army in their declining years.

*Most respectfully,*
W. E. WILSON,
*Commander, Stevens Post No. 1.*

WM. M. MORSE,
*Commander, John F. Miller Post No. 31.*

Mr. J. Z. Moore presented the following reports from Committee on Legislative Department, which were read and referred to the committee of the whole.

In the Convention

Committee on Legislative Department

Minority Reports

Mr. President:

I hereby tender this minority report from the Committee on the Legislative Department, to wit: I recommend the adoption of the following additional section, viz:

**Section 41.** It shall not be lawful for any person holding public office in this state to accept or use a pass or to purchase transportation from any railroad or other corporation, other than as the same may be purchased by the general public, and the legislature shall pass laws to enforce this provision.

JAMES Z. MOORE

I concur in the said report with the exception of Sections 36 and 37, which sections I consider of doubtful constitutionality, illiberal, exclusive and not in harmony with the spirit of the age.

D. BUCHANAN

Mr. Dyer moved to go into a committee of the whole to consider the reports from the Committee on Legislative Department. Carried, and Mr. Blalock was appointed chairman of the committee.

At 5:53 p.m. President Hoyt resumed the chair. Mr. Blalock from the committee of the whole reported that the committee had made progress with the article on Legislative Department, and asked leave to sit again. Leave was granted.

President Hoyt submitted the following telegram:

Boise City, Idaho
August 8, 1889

To President of Constitutional Convention.

Olympia, W. T.

The Idaho Constitutional Convention before adjournment ordered its congratulations to be sent the Constitutional Convention of Washington, Montana, and North and South Dakota at the progress the people of the entire Northwest are making toward early statehood. Idaho is now prepared to present itself before Congress simultaneously with its sister territories and ask for admission into the Union of states being fully able to support a state government and possessed of unlimited national resources. We ask for your friendly assistance and cooperation in attaining a speedy release from territorial dependence.

GEO. L. SHOUP, *Governor,*
W. H. CLIGER, *President*

Mr. Stiles moved that the President be requested to reply to the foregoing dispatch and to express the sentiment of this Convention to the effect that the people of the State of Washington sincerely desire to see Idaho's early admission to the Union as the forty-third state, which was unanimously adopted.

On motion of Mr. Mires the Convention at 5:55 p.m. adjourned until 9 a.m., August 9, 1889.

## August 9th, 1889

The Convention was called to order at 9 a.m. by President Hoyt. Prayer by the Rev. Mr. Buck. At a roll call all answered to their names except Messrs. Allen, Browne, Dallam, Dickey, Hungate, Shoudy, Willison.

President appointed as select Committee on State Seal, Messrs. Bowen, Hicks and Dallam.

Mr. Crowley from Committee on Apportionment and Representation submitted the following article which was read first and second time and ordered printed as follows.

In the Convention

Committee on Apportionment and Representation

Mr. President and Members of the Convention:

Your Committee on Apportionment and Representation respectfully present the following report and ask that the same be adopted.

D. J. CROWLEY, *Chairman*
P. C. SULLIVAN, *Secretary*
R. F. STURDEVANT
A. J. WEST
S. G. COSGROVE
TRUSTEN P. DYER
J. T. ESHELMAN
H. C. WILLISON
GWIN HICKS
JOHN F. GOWEY
J. F. VAN NAME
LOUIS SOHNS
WM. F. PROSSER

## Legislative Apportionment

### Article

**Section 1.** Until otherwise provided by law, the state shall be divided into twenty-four senatorial districts, and said districts shall be constituted and numbered as follows: The counties of Okanogan, Stevens and Spokane shall constitute the First District and be entitled to one Senator; the county of Spokane shall constitute the Second District and be entitled to three Senators; the county of Lincoln shall constitute the Third District and be entitled to one Senator; the counties of Spokane, Lincoln, Adams and Franklin shall constitute the Fourth District and be entitled to one Senator; the county of Whitman shall constitute the Fifth District and be entitled to three Senators; the counties of Garfield and Asotin shall constitute the Sixth District, and be entitled to one Senator; the county of Columbia shall constitute the Seventh District and be entitled to one Senator; the county of Walla Walla shall constitute the Eighth District and be entitled to two Senators; the counties of Yakima and Douglas shall constitute the Ninth District, and be entitled to one Senator; the county of Kittitas shall constitute the Tenth District and be entitled to one Senator; the counties of Klickitat and Skamania shall constitute the Eleventh District and be entitled to one Senator; the county of Clark shall constitute the Twelfth District, and be entitled to one Senator; the county of Cowlitz shall constitute the Thirteenth District and be entitled to one Senator; the county of Lewis shall constitute the Fourteenth District and be entitled to one Senator; the counties of Pacific and Wahkiakum shall constitute the Fifteenth District and be entitled to one Senator; the county of Thurston shall constitute the Sixteenth District and be entitled to one Senator; the county of Chehalis shall constitute the Seventeenth District, and be entitled to one Senator; the county of Pierce shall constitute the Eighteenth District and be entitled to three Senators; the county of King shall constitute the Nineteenth District and be entitled to five Senators; the counties of Mason and Kitsap shall constitute the Twentieth District and be entitled to one Senator; the counties of Jefferson, Clallam and San Juan shall constitute the Twenty-first District and be entitled to one Senator; the county of Snohomish shall constitute the Twenty-second District, and be entitled to one Senator; the counties of Skagit and Island shall constitute the Twenty-third District, and

be entitled to one Senator; the county of Whatcom shall constitute the Twenty-fourth District and be entitled to one Senator.

**Section 2.** Until otherwise provided by law the Representatives shall be divided among the several counties in the state in the following manner: The county of Adams shall have one Representative; the county of Asotin shall have one Representative; the county of Chehalis shall have two Representatives; the county of Clark shall have three Representatives; the county of Clallum shall have one Representative; the county of Columbia shall have two Representatives; the county of Cowlitz shall have one Representative; the county of Douglas shall have one Representative; the county of Franklin shall have one Representative; the county of Island shall have one Representative; the county of Jefferson shall have two Representatives; the county of King shall have eight representatives; the county of Klickitat shall have two Representatives; the county of Kittitas shall have two Representatives; the county of Kitsap shall have one Representative; the county of Lewis shall have two Representatives; the county of Lincoln shall have two Representatives; the county of Mason shall have one Representative; the county of Okanogan shall have one Representative; the county of Pacific shall have one Representative; the county of Pierce shall have six Representatives; the county of San Juan shall have one Representative; the county of Skamania shall have one Representative; the county of Snohomish shall have two Representatives; the county of Skagit shall have two Representatives; the county of Spokane shall have six Representatives; the county of Stevens shall have one Representative; the county of Thurston shall have two representatives; the county of Walla Walla shall have three Representatives; the county of Wahkiakum shall have one Representative; the county of Whatcom shall have two Representatives; the county of Whitman shall have five Representatives; the county of Yakima shall have one Representative.

Mr. Blalock from the Committee on Public Health submitted the following article which was read first and second time and ordered printed as follows.

In the Convention
Committee on Public Health and Vital Statistics

Mr. President and Members of the Convention:

Your Committee on Public Health and Vital Statistics beg leave to submit the following article, and recommend its adoption.

Article

**Section 1.** There shall be established by law a State Board of Health and a Bureau of Vital Statistics in connection therewith with such powers as the Legislature may direct.

**Section 2.** The Legislature shall enact laws to regulate the practice of medicine and surgery, and the sale of drugs and medicines.

H. C. WILLISON, *Chairman*
N. G. BLALOCK, *Secretary*
THOMAS T. MINOR
GEORGE TURNER
S. H. MANLY

Mr. Manly from Committee on Mines and Mining Interests reported the following article which was read first and second time and ordered printed as follows, together with the minority reports of J. T. McDonald and Messrs. Newton and Gray, which were read first and second times and ordered printed as follows.

In the Convention

Majority Report

Committee on Mining and Mining Interests

Mr. President and Members of the Convention:

Your Committee on Mining and Mining Interests respectfully report the following article, designated Mining and Mining Interests, and recommend the adoption thereof by this Convention.

Article

**Section 1.** There shall be established and maintained the office of Inspectors of Mines, the duties and salaries of which shall be prescribed by law. Inspectors of Mines shall be elected by the qualified electors of the state at large at the general state election, and no person shall be eligible for the office of Mines Inspector unless he shall have had five years practical experience as a miner.

**Section 2.** The general assembly shall provide by law for the proper ventilation of mines, the construction of escapement shafts, and such other appliances as may be necessary to protect the health and secure the safety of the workmen therein, and shall

prohibit the employment in the mines of children under fourteen years.

**Section 3.** The general assembly may make such regulations from time to time as may be necessary for the proper and equitable operating of mines.

**Section 4.** The general assembly may provide that the science of mining and metallurgy be taught in one or more of the institutions under the patronage of the state.

We have duly considered the several resolutions referred to us and think them purely legislative in their nature, and we return the originals with this report.

Respectfully submitted,

S. H. MANLY, *Chairman*
ROBERT JAMIESON, *Secretary*
M. MORGANS
J. J. WEISENBURGER

In the Convention

Committee on Mines and Mining Rights

Minority Report

Article

Mr. President and Members of the Convention:

The undersigned members of the Committee on Mines and Mining Rights are unable to concur in the majority report for the following reasons; The mining interests of Washington contribute an important element in its prosperity today, and will be so important in the future that state supervision of the rising industry will be a public necessity. A disaster like that at Nanaimo a few years ago entails in addition to the loss of life, the necessity of providing for the widow and the fatherless, and this charity comes upon the community in which they live. No money can replace the loss of lives of those who go in the face of peril to their daily toil. Prevention is better than relief either from private charity or from the public poor fund. To secure this end there should be thorough supervision of the mines, of their machinery and of the practical details of mining, and this should be under a man competent for the duty, free from interest in the mine or from the dictation of

the operators of a mine, a man paid by the state and responsible to the people at large who have elected him.

No owner of a mine has a right to endanger the lives of his fellow men by placing in positions of responsibility men who are so unskilled or reckless as to imperil the lives of their fellow men. This principle is recognized in the Legislature like that in Alabama which requires that railroad engineers shall be free from color blindness.

We therefore, for the purpose of protecting society from public calamities resulting from ignorance or avarice, and from the direct losses occasioned by strikes and lockouts and the employment of an armed force to coerce employers, recommend the adoption of the following article instead of the majority report.

**Section 1.** A Superintendent of Mines and Mining shall be elected by the qualified electors at the election for state officers, whose term of office shall be the same as that of other state officers. In addition to the other qualifications of state officers, he shall be a practical miner of ten years experience, two of which shall have been in this state, and shall have no interest direct or indirect in mines in this state. He shall have the supervision of the mines in this state in regard to security against accidents, the health and the safety of the employees, and such other duties as may be provided by law, and shall receive an annual salary of three thousand dollars per year.

**Section 2.** This state shall be divided into three mining districts, in each of which an Inspector of Mines shall be elected at the general state election by the qualified voters of such district. Such inspectors shall have the same qualifications as the Superintendent of Mines, and shall perform such duties and receive such salary as is now or heretofore may be provided by law.

**Section 3.** The Legislature shall pass laws for the examination of all persons employed in underground mines, by a board of practical miners and mining engineers, and the classification by such boards of such employees into two classes, skilled and unskilled employees, and after the passage of such laws it shall be unlawful for any officer of a mining company, superintendent, manager or owner of a mine to employ in any capacity requiring skill any person not examined and enrolled as a skilled miner.

**Section 4.** It shall not be lawful for any owner or manager, or agent of any person or corporation, operating or working a mine, to employ in underground mining any person under the age of sixteen years, nor to exact more than eight hours a day as a day's labor from any person employed in underground mining.

**Section 5.** The Legislature shall pass laws requiring mines to be properly ventilated, timbered, and to be equipped with the latest approved appliances for the safety of the employees and to prevent accidents in the mines.

**Section 6.** It shall be unlawful for any person, company or corporation, engaged in mining or the transportation of mining products or materials, to require of its servants or employees, as a condition of their employment or otherwise, any contract or agreement, whereby such person, company or corporation shall be released or discharged from liability or responsibility on account of personal injuries received by such servants or employees while in the service of such employer by reason of the negligence of such person, company or corporation, or the agents or employees thereof, and such contracts shall be absolutely null and void.

**Section 7.** Boards of arbitration shall be appointed for the adjustment of scales of prices for labor in underground mines and of other differences between employees and employer, which board shall be composed of the Superintendent of Mines, one person to be selected by the employer or manager of the mines, and one person to be elected by the employee or employees interested, and their decision shall be final, except in cases of injury to employees or damages in case of the death of employees arising from accidents in the mines, or other negligence on the part of the owners in or operators of the mine.

**Section 8.** The Legislature shall have the power to enforce the provisions of this article by appropriate legislation.

W. L. NEWTON
W. B. GRAY

In the Convention
Committee on Mines and Mining
Minority Report

Mr. President and Members of the Convention:

I concur in the majority report of your Committee on Mines

and Mining [Rights] except as to Section 1 thereof in which I do not concur, but recommend the following in lieu thereof.

**Section 1.** There shall be established and maintained a Commission of Mines and Mining which shall consist of three Commissioners, to be elected by the people, who shall hold office for the term of four years, the salaries and duties of which shall be prescribed by law. For the purposes of said Commission, the State of Washington shall be divided into three separate districts, each of which shall be entitled to one Commissioner. No person shall be eligible to the office of Mining Commissioner who has not had five years experience in mining and who has not resided in the territory or state two years.

J. T. MCDONALD

At 9:30 a.m. the Convention on motion of Mr. Dyer went into committee of the whole on the article on Legislative Department with Mr. Blalock in the chair.

At 12:06 p.m. the committee rose and the President resumed the chair. The committee reported that they had had under consideration the report of the Committee on Legislative Department, had made progress thereon but come to no resolution thereon and asked leave to sit again. Granted. On motion of Mr. Dyer the Convention took a recess until 2 o'clock p.m.

Afternoon Session

The Convention was called to order at 2 p.m. by the President. A quorum being present. At 2:01 p.m. on motion of Mr. Lindsley the Convention resolved itself into committee of the whole to consider article on Legislative Department with Mr. Blalock in the chair. At 3:26 p.m. the committee rose and the President [resumed] the chair.

The committee reported that they had had under consideration the article on Legislative Department and had made sundry amendments thereto and recommended concurrence therein. Upon concurring in amendments to Section 6 the ayes and noes were demanded and ordered and the following thirty-nine members voted aye: Berry, Blalock, Bowen, Buchanan, Burk, Crowley, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Gowey, Hayton, Hicks, Joy, Kellogg, Kinnear, Lillis, Lindsley, McCroskey, Minor, Mires, J. Z. Moore, Morgans, Power, Prosser, Reed, Schooley,

Sohns, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, Tibbetts, Turner, Weisenburger, Mr. President.

The following seventeen members voted no: Clothier, Coey, Durie, Godman, Gray, Griffitts, Jeffs, Jones, McReavey, R. S. More, Newton, Sharpstein, Stevenson, P. C. Sullivan, Travis, Warner, West. Absent and not voting: Allen, Browne, Comegys, Cosgrove, Dallam, Dickey, Henry, Hungate, Jamieson, Manly, McDonald, McElroy, Neace, J. M. Reed, Shoudy, Van Name, Weir, Willison, Winsor. So the amendments were concurred in.

Amendments to Section 7 concurred in.

Amendments to Section 12 concurred in.

Amendment to Section 16 adding word "and" not concurred in.

Amendment to Section 16 striking out "and after the termination" in last line not concurred in.

The ayes and noes being ordered on striking out Section 25, the following forty-three members voted aye: Berry, Blalock, Bowen, Burk, Clothier, Cosgrove, Crowley, Dunbar, Durie, Eshelman, Fairweather, Fay, Glascock, Godman, Griffitts, Hayton, Henry, Hicks, Jones, Lillis, Manly, McDonald, Minor, Mires, Morgans, Power, Prosser, J. M. Reed, Schooley, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Weir, Weisenburger, West, Winsor, Mr. President.

The following nineteen members voted no: Buchanan, Coey, Comegys, Eldridge, Gowey, Jamieson, Jeffs, Joy, Kinnear, McCroskey, McElroy, McReavey, J. Z. Moore, R. S. More, Newton, T. M. Reed, Sharpstein, Sohns, Stevenson. Absent and not voting: Allen, Browne, Dallam, Dickey, Dyer, Gray, Hungate, Kellogg, Lindsley, Neace, Shoudy, Warner, Willison. So the amendment was concurred in.

The ayes and noes being ordered on striking out Section 28, the following forty-three members voted aye: Blalock, Bowen, Buchanan, Burk, Clothier, Comegys, Cosgrove, Crowley, Dunbar, Durie, Eshelman, Fairweather, Glascock, Godman, Griffitts, Hayton, Henry, Jamieson, Jeffs, Jones, Kellogg, Lillis, McDonald, Minor, Mires, Morgans, Power, Prosser, T. M. Reed, Schooley, Sohns, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Travis, Turner, Van Name, Weir, Weisenburger, West, Winsor, Mr. President.

The following twenty members voted no: Berry, Coey, Eldridge, Fay, Gowey, Hicks, Joy, Kinnear, Lindsley, McCroskey, McElroy, McReavey, J. Z. Moore, R. S. More, Newton, J. M. Reed, Sharpstein, Stevenson Tibbetts, Warner. Absent and not voting: Allen, Browne, Dallam, Dickey, Dyer, Gray, Hungate, Manly, Neace, Shoudy, Willison. So the amendment was concurred in.

Amendment to substitute 1 of Section 3 was [sic].

Amendments to subdivisions 5, 13, 14, 15, 20, 23 concurred in.

Amendments to Section 23 concurred in.

Amendments to Section 36 concurred in.

Amendments to Section 38 concurred in.

The ayes and noes being ordered on concurring in the amendment striking out Section 39, the following twenty-eight members voted aye: Blalock, Bowen, Buchanan, Comegys, Crowley, Dunbar, Dyer, Eshelman, Glascock, Godman, Hayton, Henry, Jamieson, Jones, Kellogg, Lindsley, McDonald, Minor, Mires, Morgans, J. M. Reed, Stiles, Sturdevant, Sullivan, Van Name, Weisenburger, West, Mr. President.

And the following thirty-six members voted no: Berry, Burk, Clothier, Coey, Cosgrove, Durie, Eldridge, Fairweather, Fay, Gowey, Griffitts, Hicks, Jeffs, Joy, Kinnear, Lillis, McCroskey, McElroy, McReavey, J. Z. Moore, R. S. More, Newton, Power, Prosser, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Suksdorf, Tibbetts, Travis, Turner, Warner, Weir, Winsor. Absent and not voting: Allen, Browne, Dallam, Dickey, Gray, Hungate, Manly, Neace, Shoudy, Willison. So the amendment was not concurred in.

The ayes and noes being ordered on the adoption of additional Section 41, the following twenty-four members voted aye: Blalock, Comegys, Crowley, Eshelman, Fairweather, Fay, Godman, Griffitts, Henry, Hicks, Jamieson, Kellogg, McCroskey, McDonald, McElroy, McReavey, Mires, Newton, Sharpstein, Sohns, Stevenson, Sturdevant, Tibbetts, West.

The following forty members voted no: Bowen, Burk, Clothier, Coey, Cosgrove, Dunbar, Durie, Dyer, Eldridge, Glascock, Gowey, Hayton, Jeffs, Jones, Joy, Kinnear, Lillis, Lindsley, Manly, Minor, J. Z. Moore, R. S. More, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Stiles, Suksdorf, E. H. Sullivan, P. C. Sulli-

van, Travis, Turner, Van Name, Warner, Weir, Weisenburger, Winsor, Mr. President. Absent and not voting: Allen, Browne, Buchanan, Dallam, Dickey, Gray, Hungate, Neace, Shoudy, Willison. So the amendment was not adopted.

Amendments adding Sections 42, 43 and 44 were concurred in.

Mr. Comegys moved to amend substitute 23, Section 30 as follows: Provided this shall not be construed to apply to the creation of new counties. Adopted.

Mr. Turner moved to amend by striking out subdivision 24, Section 30. On this question the ayes and noes were ordered and the following thirty-seven members voted aye: Blalock, Bowen, Burk, Clothier, Comegys, Cosgrove, Crowley, Dunbar, Dyer, Eshelman, Fairweather, Fay, Glascock, Gowey, Hayton, Henry, Jamieson, Jeffs, Joy, Kellogg, Kinnear, Lillis, Manly, McElroy, R. S. More, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sturdevant, P. C. Sullivan, Travis, Turner, Weir, Weisenburger.

The following twenty-one members voted no: Buchanan, Coey, Durie, Eldridge, Godman, Griffitts, Hicks, Jones, McCroskey, McReavey, Minor, Mires, J. Z. Moore, Newton, Sohns, Stevenson, Stiles, Tibbetts, Van Name, Winsor, Mr. President. Absent and not voting: Allen, Berry, Browne, Dallam, Dickey, Gray, Hungate, Lindsley, McDonald, Neace, Sharpstein, Shoudy, Suksdorf, E. H. Sullivan, Warner, West, Willison. So the subdivision was stricken out.

Mr. J. Z. Moore moved to add the following section.

**Section.** It shall not be lawful for any person holding public office in this state to accept or use a pass or to purchase transportation from any railroad or other corporation other than as the same may be purchased by the general public and the Legislature shall pass laws to enforce this provision.

Mr. Godman moved a call of the house. So ordered. Upon roll call all members answered to their names except Messrs. Allen, Browne, Gray, Hungate, McDonald, Neace, Shoudy, Willison. On motion of Mr. T. M. Reed further proceedings were dispensed with.

Mr. Cosgrove offered a substitute for the section.

Mr. Griffitts moved the previous question and it was so ordered.

The ayes and noes being ordered on Mr. Cosgrove's substitute the following ten members voted aye: Comegys, Cosgrove, Gowey, Jamieson, Jones, Manly, Mires, Morgans, Newton, Van Name. The following fifty-three members voted no: Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Crowley, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Griffitts, Hayton, Henry, Jeffs, Joy, Kellogg, Kinnear, Lillis, Lindsley, McCroskey, McElroy, McReavey, Minor, J. Z. Moore, R. S. More, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Warner, Weir, Weisenburger, West, Winsor, Mr. President. Absent and not voting: Allen, Browne, Dallam, Dickey, Gray, Hicks, Hungate, McDonald, Neace, Shoudy, Stiles, Willison. So the substitute was not agreed to.

The ayes and noes being ordered on the amendment of J. Z. Moore to add an additional section, the following thirty-seven members voted aye: Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Dunbar, Durie, Dyer, Eldridge, Fairweather, Griffitts, Hayton, Hicks, Joy, Kellogg, Kinnear, Lillis, McCroskey, McElroy, McReavey, J. Z. Moore, R. S. More, Newton, Power, Prosser, J. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Tibbetts, Warner, Weir, Weisenburger, Mr. President. The following twenty-seven members voted no: Comegys, Cosgrove, Crowley, Eshelman, Fay, Glascock, Godman, Gowey, Henry, Jamieson, Jeffs, Jones, Lindsley, Manly, Minor, Mires, Morgans, T. M. Reed, Sturdevant, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Van Name, West, Winsor. Absent and not voting: Allen, Browne, Dallam, Gray, Neace, Shoudy, Stiles, Willison. So the amendment was agreed to.

Mr. Stiles offered the following amendment to Section 36.

**Section 36.** Strike out down to "provided" and insert "No alien shall hold more than six hundred and forty acres of land in this state, except where such land may be acquired by inheritance or under mortgage or in good faith in the ordinary course of justice in the collection of debts."

On the amendment the ayes and noes being ordered the following twenty-eight members voted aye: Blalock, Bowen, Buchanan, Comegys, Crowley, Durie, Eldridge, Eshelman, Fairweather, Fay, Glascock, Gowey, Jones, Joy, Kinnear, McElroy, Minor, R. S. More,

Morgans, T. M. Reed, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Van Name, West, Mr. President.

The following thirty members voted no: Berry, Burk, Clothier, Coey, Dyer, Griffitts, Hayton, Henry, Hicks, Lindsley, McCroskey, McReavey, Mires, J. Z. Moore, Newton, Power, Prosser, J. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Tibbetts, Travis, Turner, Warner, Weir, Weisenburger, Winsor. Absent and not voting: Allen, Browne, Dallam, Dickey, Dunbar, Godman, Gray, Hungate, Jamieson, Jeffs, Kellogg, Lillis, Manly, McDonald, Neace, Shoudy, Willison. So the amendment was not agreed to.

Mr. Godman offered the following which was adopted as an amendment to Section 36. Insert after the word "aliens" in line one, Section 36 the following: "other than those who in good faith have declared their intentions to become citizens of the United States."

Mr. Kellogg and Mr. Buchanan were excused for the day.

Mr. Lindsley offered the following amendment to Section 36: Provided further that the provisions of this section shall not be construed to disturb existing titles or contracts therefor. Lost.

Mr. Turner moved to strike out from Section 24 the words after the word "house" in line three.

The ayes and noes being demanded and ordered the following twenty-four members voted aye: Berry, Blalock, Clothier, Comegys, Cosgrove, Durie, Dyer, Eshelman, Fairweather, Joy, Kinnear, Minor, Mires, R. S. More, Morgans, Power, T. M. Reed, Sharpstein, Stiles, Sturdevant, Travis, Turner, Weisenburger, Winsor.

The following thirty-five members voted no: Bowen, Burk, Coey, Crowley, Dunbar, Eldridge, Fay, Glascock, Godman, Gowey, Griffitts, Hayton, Henry, Hicks, Jones, Lindsley, McCroskey, McElroy, McReavey, J. Z. Moore, Newton, Prosser, J. M. Reed, Schooley, Sohns, Stevenson, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Van Name, Warner, Weir, West, Mr. President. Absent and not voting: Allen, Browne, Buchanan, Dallam, Dickey, Gray, Hungate, Jamieson, Jeffs, Kellogg, Lillis, Manly, McDonald, Neace, Newton, Power, Shoudy, Willison. So the amendment was not agreed to.

Mr. Godman moved to strike out Section 31.

The ayes and noes were demanded and ordered. The following thirty-two members voted aye: Blalock, Bowen, Burk, Cosgrove, Crowley, Durie, Eldridge, Fairweather, Godman, Gowey, Griffitts, Henry, Jones, Kinnear, McCroskey, McElroy, J. M. Reed, Schooley, Sharpstein, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Van Name, Warner, Weir, Weisenburger, West, Winsor.

The following twenty-two members voted no: Berry, Clothier, Dyer, Eshelman, Glascock, Hayton, Hicks, Joy, Lindsley, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Prosser, T. M. Reed, Sohns, Stevenson, Tibbetts, Mr. President. Absent and not voting: Allen, Browne, Buchanan, Coey, Comegys, Dallam, Dickey, Dunbar, Fay, Gray, Hungate, Jamieson, Jeffs, Kellogg, Lillis, Manly, McDonald, Neace, Power, Shoudy, Willison. So the section was stricken out.

Mr. Weisenburger offered the following additional section.

**Section.** In all sections subsequent to the adoption of this Constitution counties that elect more than one member of the House of Representatives shall be so districted that one member shall be elected in each district. Lost.

Mr. Suksdorf moved to strike out "five" in Section 23 and insert "eight."

Mr. Sharpstein moved to amend by inserting four. Lost.

The ayes and noes being ordered on the amendment of Mr. Suksdorf the folowing four members voted aye: Dyer, Glascock, Suksdorf, Turner. The following fifty members voted no: Berry, Blalock, Bowen, Burk, Clothier, Coey, Cosgrove, Crowley, Durie, Eldridge, Eshelman, Fairweather, Fay, Godman, Gowey, Griffitts, Hayton, Henry, Hicks, Jones, Joy, Kinnear, Lillis, Lindsley, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stiles, Sturdevant, P. C. Sullivan, Tibbetts, Travis, Van Name, Warner, Weir, Weisenburger, West, Winsor, Mr. President. Absent and not voting: Allen, Browne, Buchanan, Comegys, Dallam, Dickey, Dunbar, Gray, Hungate, Jamieson, Jeffs, Kellogg, McCroskey, McDonald, Neace, Power, Shoudy, Stevenson, E. H. Sullivan, Willison. So the amendment was not agreed to.

Mr. Warner moved to strike out subdivision 23 in Section 30.

The ayes and noes being demanded and ordered the following ten members voted aye: Crowley, Fairweather, Lillis, Lindsley, Sharpstein, Suksdorf, P. C. Sullivan, Turner, Van Name, Warner.

The following forty-three members voted no: Berry, Blalock, Burk, Clothier, Coey, Durie, Dyer, Eldridge, Fairweather, Fay, Glascock, Godman, Gowey, Griffitts, Hicks, Jones, Joy, Kinnear, McCroskey, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sohns, Stevenson, Stiles, Sturdevant, Tibbetts, Travis, Weir, Weisenburger, West, Winsor, Mr. President. Absent and not voting: Allen, Browne, Buchanan, Comegys, Cosgrove, Dallam, Dickey, Dunbar, Gray, Hayton, Henry, Hungate, Jamieson, Jeffs, Kellogg, Manly, McDonald, Neace, Shoudy, E. H. Sullivan, Willison. So the motion was not agreed to.

On motion of Mr. Crowley the rules were suspended, the article considered engrossed, read third time and put upon its passage.

The question being shall the article pass, the following forty-four members voted aye: Berry, Blalock, Bowen, Burk, Clothier, Coey, Crowley, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Hayton, Hicks, Jeffs, Jones, Joy, Kinnear, Lillis, Lindsley, McCroskey, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Prosser, J. M. Reed, T. M. Reed, Schooley, Sohns, Stevenson, Stiles, Sturdevant, Tibbetts, Travis, Van Name, Weir, Weisenburger, Winsor, Mr. President.

The following twelve members voted no: Cosgrove, Durie, Godman, Gowey, Griffitts, Henry, Sharpstein, Suksdorf, P. C. Sullivan, Turner, Warner, West. Absent and not voting: Allen, Browne, Buchanan, Comegys, Dallam, Dickey, Dunbar, Gray, Hungate, Jamieson, Kellogg, Manly, McDonald, Neace, Newton, Power, Shoudy, E. H. Sullivan, Willison. So the article was agreed to and sent to the Committee on Revision, Adjustment and Enrollment.

[Material stricken in journal.]*

* The stricken material has not been included here because it appears verbatim beginning on page 315.

Article on Legislative Department
as Agreed to by the Convention

Article

Legislative Department

**Section 1.** The Legislative powers shall be vested in a Senate and House of Representatives, which shall be called the Legislature of the State of Washington.

**Section 2.** The House of Representatives shall be composed of not less than sixty-three nor more than ninety-nine members.

The number of Senators shall not be more than one-half nor less than one-third of the number of members of the House of Representatives. The first Legislature shall be composed of seventy members of the House of Representatives and thirty-five Senators.

**Section 3.** The Legislature shall provide by law for an enumeration of the inhabitants of the state in the year one thousand eight hundred and ninety-five and every ten years thereafter, and at their first session after such enumeration, and also after each enumeration made by the authority of the United States, the Legislature shall apportion and district anew the members of the Senate and House of Representatives according to the number of inhabitants, excluding Indians not taxed, soldiers, sailors and officers of the United States Army and Navy in active service.

**Section 4.** Members of the House of Representatives shall be elected in the year eighteen hundred and eighty-nine at the time and manner provided by the Constitution and shall hold their offices for the term of one year and until their successors shall be elected.

**Section 5.** The next election of the members of the House of Representatives after the adoption of this Constitution shall be on the first Tuesday after the first Monday in November, eighteen hundred and ninety and thereafter, members of the House of Representatives shall be elected biennially and their term of office shall be two years and each election shall be on the first Tuesday after the first Monday in November, unless otherwise changed by law.

**Section 6.** After the first election the Senators shall be elected by single districts of convenient and contiguous territory, and at the same time and in the same manner as members of the

House of Representatives are required to be elected, and no representative district shall be divided in the formation of a senatorial district. They shall be elected for the term of four years, one-half of their number retiring every two years. The senatorial districts shall be numbered consecutively, and the Senators chosen at the first election had by virtue of this Constitution, in the odd-numbered districts shall go out of office at the end of the first year; and the Senators elected in the even-numbered districts shall go out of office at the end of the third year.

**Section 7.** No person shall be eligible to the Legislature who shall not be a citizen of the United States and a qualified voter in the district where he is chosen.

**Section 8.** Each house shall be the judge of the election returns and qualifications of its own members, and a majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

**Section 9.** Each house may determine the rules of its own proceedings, punish for contempt and disorderly behavior and, with the concurrence of two-thirds of all the members elected, expel a member, but no member shall be expelled a second time for the same offense.

**Section 10.** Each house shall select its own officers and the Senate shall choose a temporary president when the Lieutenant Governor shall not attend as president or shall act as Governor. When presiding, the Lieutenant Governor shall have the deciding vote in case of an equal division of the Senate.

**Section 11.** Each house shall keep a journal of its proceedings and publish the same, except such parts as require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall adjourn for more than three days, nor to any place other than that in which they may be sitting, without the consent of the other.

**Section 12.** The first Legislature shall meet on the first Wednesday after the first Monday in November, A. D. 1889. The second Legislature shall meet on the first Wednesday after the first Monday in January, A. D. 1891, and sessions of the Legisla-

ture shall be held biennially thereafter, unless specially convened by the Governor, but the times of meeting of subsequent sessions may be changed by the Legislature. After the first Legislature the sessions shall not be for more than sixty days.

**Section 13.** No member of the Legislature, during the term for which he is elected, shall be appointed or elected to any civil office in the state which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

**Section 14.** No person being a member of Congress or holding any civil or military office under the United States or any other power, shall be eligible to be a member of the Legislature, and if any person after his election as a member of the Legislature shall be elected to Congress or be appointed to any other office, civil or military, under the government of the United States or any other power, his acceptance thereof shall vacate his seat; provided, that officers in the militia of the state who receive no annual salary, local officers and postmasters whose compensation does not exceed three hundred dollars per annum, shall not be eligible.

**Section 15.** The Governor shall issue writs of election to fill such vacancies as may occur in either house of the Legislature.

**Section 16.** Members of the Legislature shall be privileged from arrest in all cases except treason, felony and breach of the peace; they shall not be subject to any civil process during the session of the Legislature nor for fifteen days next before the commencement of each session.

**Section 17.** No member of the Legislature shall be liable in any civil action or criminal prosecution whatever for words spoken in debate.

**Section 18.** The style of the laws of the state shall be "Be it enacted by the Legislature of the State of Washington" and no law shall be enacted except by bill.

**Section 19.** No bill shall embrace more than one subject and that shall be expressed in the title.

**Section 20.** Any bill may originate in either house of the Legislature and a bill passed by one house may be amended in the other.

**Section 21.** The yeas and nays of the members of either house shall be entered on the journal on the demand of one-sixth of the members present.

**Section 22.** No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house and a majority of the members elected to each house be recorded thereon as voting in its favor.

**Section 23.** Each member of the Legislature shall receive for his services five dollars for each day's attendance during the session and ten cents for every mile he shall travel in going to and returning from the place of meeting of the Legislature on the most usual route.

**Section 24.** The Legislature shall never authorize any lottery or grant any divorce.

**Section 25.** The Legislature shall never grant any extra compensation to any public officer, agent, servant or contractor after the services shall have been rendered or the contract entered into, nor shall the compensation of any public officer be increased or diminished during his term of office.

**Section 26.** The Legislature shall direct by law in what manner and in what courts suits may be brought against the state.

**Section 27.** In all elections by the Legislature the members shall vote viva voce and their votes shall be entered on the journal.

**Section 28.** Special Legislation.

The Legislature is prohibited from enacting any private or special law in the following cases.

1. For changing the names of persons, or constituting one person the heir at law of another.

2. For laying out, opening or altering highways, except in cases of state roads extending into more than one county and military roads to aid in the construction of which lands shall have been or may be granted by Congress.

3. For authorizing persons to keep ferries wholly within this state.

4. For authorizing the sale or mortgage of real or personal property of minors or others under disability.

5. For assessments or collection of taxes or for extending the time for collection thereof.

6. For granting corporate powers or privileges.

7. For authorizing the apportionment of any part of the school fund.

8. For incorporating any town or village or to amend the charter thereof.

9. For giving effect to invalid deeds, wills or other instruments.

10. Releasing or extinguishing in whole or in part, the indebtedness, liability or other obligation of any person or corporation to this state or to any municipal corporation therein.

11. Declaring any person of age or authorizing any minor to sell, lease or encumber his or her property.

12. Legalizing except as against the state, the unauthorized or invalid act of any officers.

13. Regulating the rates of interest on money.

14. Remitting fines, penalties or forfeitures.

15. Providing for the management of common schools.

16. Authorizing the adoption of children.

17. For limitation of civil or criminal actions.

18. Changing county lines or locating or changing county seats, provided this shall not be construed to apply to the creation of new counties.

**Section 32.** [sic] After the first day of January, eighteen hundred and ninety, the labor of convicts of this state shall not be let out by contract to any person, co-partnership, company or corporation, and the Legislature shall by law provide for the working of convicts for the benefit of the state.

**Section 29.** The offense of corrupt solicitation of members of the Legislature or of public officers of the state or any municipal division thereof, and any occupation or practice of solicitation

of such members or officers to influence their official action, shall be defined by law and shall be punished by fine and imprisonment. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation or practices of solicitation and shall not be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy, but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony, and any person convicted of either of the offenses aforesaid shall, as part of the punishment therefor, be disqualified from ever holding any position of honor, trust or profit in this state. A member who has a private interest in any bill or measure prepared or pending before the Legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon.

**Section 30.** No law, except appropriation bills, shall take effect until ninety days after the adjournment of the session at which it was enacted, unless in case of emergency (which emergency must be expressed in the preamble or in the body of the act) the Legislature shall otherwise direct by a vote of two-thirds of all the members elected to each house; said vote to be taken by yeas and nays and entered on the journals.

**Section 31.** No bill shall become a law until the same shall have been signed by the presiding officer of each of the two houses in open session and under such rules as the Legislature shall prescribe.

**Section 32.** The ownership of lands by aliens other than those who in good faith have declared their intentions to become citizens of the United States, except where acquired by inheritance or under mortgage or in good faith in the ordinary course of justice in the collection of debts, and all conveyances of lands hereafter made to any alien directly or in trust for such alien, shall be void; provided, that the provisions of this section shall not apply to lands containing valuable deposits of minerals, metals, iron, coal or fire clay and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom.

**Section 33.** Every corporation, the majority of the capital stock of which is owned by aliens, shall be considered an alien corporation for the purpose of this prohibition.

**Section 34.** There shall be established in the office of Secretary of State a Bureau of Statistics, Agriculture and Immigration under such regulations as the Legislature may provide.

**Section 35.** The Legislature shall pass necessary laws for the protection of persons working in mines, factories and other employments dangerous to life or deleterious to health, and fix pains and penalties for the enforcement of same.

**Section 36.** No bill shall be considered in either house unless the time of its introduction shall have been at least ten days before the final adjournment of the Legislature, unless the Legislature shall otherwise direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session.

**Section 37.** No act shall ever be revised or amended by mere reference to its title but the act revised or section amended shall be set forth at full length.

**Section 38.** No amendment to any bill shall be allowed which shall change the original scope and object of the bill.

**Section 39.** It shall not be lawful for any person holding public office in this state to accept or use a pass or to purchase transportation from any railroad or other corporation other than as the same may be purchased by the general public, and the Legislature shall pass laws to enforce this provision.

Mr. Minor was granted leave till Monday. President Hoyt was granted leave conditionally till Monday.

Mr. Gowey moved that when the Convention adjourn it adjourn till 10 a.m. Mr. Tibbetts moved to amend to 8 a.m.

The ayes and noes were demanded and ordered and the following thirty-one members voted aye: Berry, Blalock, Burk, Coey, Crowley, Dyer, Eshelman, Fay, Godman, Griffitts, Hayton, Hicks, Joy, Kinnear, Lillis, Lindsley, McCroskey, McReavey, J. Z. Moore, J. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Sturdevant, P. C. Sullivan, Tibbetts, Travis, Warner, Weir, West.

The following twenty-five members voted no: Bowen, Clothier, Cosgrove, Durie, Eldridge, Fairweather, Glascock, Gowey, Henry, Jeffs, Jones, McElroy, Minor, Mires, R. S. More, Morgans, Prosser, T. M. Reed, Stiles, Suksdorf, Turner, Van Name, Weisenburger,

Winsor, Mr. President. Absent and not voting: Allen, Browne, Buchanan, Comegys, Dallam, Dickey, Dunbar, Gray, Hungate, Jamieson, Kellogg, Manly, McDonald, Neace, Newton, Power, Shoudy, E. H. Sullivan, Willison. So the amendment was adopted.

Question being on adopting the question as amended. Lost.

Convention at 5:26 p.m. adjourned till August 10th, 1889, at 9 a.m.

## August 10th, 1889

Convention called to order at 9 a.m. President Hoyt in the chair.

In the absence of the Chaplain prayer was dispensed with.

At roll call all members answered to their names except Messrs. Allen, Browne, Dallam, Shoudy, Dickey, Hungate, Minor, Willison on leave, and Messrs. Gowey and Hicks.

President Hoyt submitted a communication in relation to state seal which was referred to the Special Committee on Seal.

Mr. E. H. Sullivan from the Committee on Agriculture reported adversely on proposition of Mr. Kinnear on warehouses which was ordered to lie on the table.

Mr. Durie from Committee on Harbor, Tidewaters and Navigable Streams submitted a report which was read twice and ordered printed as follows.

In the Convention

Harbors, Tidewaters and Navigable Streams

Mr. President and Members of the Convention:

Your Committee on Harbors, Tidewaters and Navigable Streams report the article hereto attached relating to harbors, consisting of three sections, and respectfully recommend the adoption of the same.

Respectfully submitted.

Article

**Section 1.** The Legislature shall provide for the appointment of a commission whose duty it shall be to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays and inlets of this state, wherever such navigable waters lie within or

in front of the corporate limits of any city, or within one mile thereof upon either side. Such harbor lines shall be so located and established that the water where such lines shall be located and established shall not be less than twenty-four feet deep at ordinary low tide. The state shall never give, sell or lease to any private person, corporation or association any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor line and the line of ordinary high tide, and within not less than two hundred feet nor more than six hundred feet of such harbor line (as the commission shall determine) be sold or granted by the state, nor its right to control the same relinquished, but such area shall be forever reserved for landings, wharves, streets and other conveniences of navigation and commerce.

**Section 2.** Municipal corporations shall have the right to extend their streets over intervening tidelands to the area reserved as herein provided.

**Section 3.** The state shall vest control of said area for general police purposes and for the building and maintaining of wharves, docks and other structures or the leasing of the right to build and maintain such structures, in the municipal corporations fronting thereon, subject however to the right of the state to resume control of the same at any time.

DAVID E. DURIE, *Chairman*
WM. F. PROSSER
R. S. MORE
A. J. WEST
ALBERT SCHOOLEY
GEORGE TURNER
JAS. POWER
GEORGE STEVENSON

Mr. Weir from Committee on Harbors submitted a minority report which was read twice and ordered printed as follows.

In the Convention

Minority Report from the Committee on Harbors

Mr. President and Members of the Convention:

Article

**Section.** The Legislature shall provide by law for uniformly

establishing harbor lines along the harbor frontage of every city now incorporated or hereafter to be incorporated within the state, on the shore of navigable tidewater, such harbor lines to extend to a depth of at least twenty-four feet of water at ordinary low tide; and when such harbor lines are so established no privilege or franchise shall ever be granted to any individual or corporation for any structure whatever to extend beyond such limit toward or into such navigable water. Every municipal corporation so situated shall have the right to extend its streets and highways across any intervening shore or tidelands to such limit at such depth of water, and shall have full power to control, for the purposes of wharves, warehouses and kindred improvements, the entire length of its harbor line or frontage so established and limited; and the area between such limit and the line of ordinary low tide shall never be alienated from the state by lease, grant or franchise, but such area shall be for such purposes under control of such municipal corporation, subject however to the superior right of the state to resume control of the same at any time.

ALLEN WEIR

Mr. P. C. Sullivan moved to consider the reprinted article on corporations other than municipal. Carried.

Mr. P. C. Sullivan moved to amend Section 4 by adding: But this section shall not be construed to make any stockholder liable for the unpaid stock of any other stockholder. Adopted.

Mr. Cosgrove moved to strike out of Section 22 the words "are contrary to the best interests of free government and". Adopted.

Mr. Turner offered the following as a substitute for Section 4.

**Section 4.** Each stockholder in all incorporated companies, except corporations organized for banking or insurance purposes, shall be liable for the debts of the corporation to the amount of his unpaid stock and no more, and one or more stockholders may be joined as parties defendant in suits to recover upon this liability. Adopted.

Mr. Stiles moved to amend Section 20 to read:

**Section 20.** No railroad or other transportation company shall grant free passes, or sell tickets or passes at a discount, other

than as sold to the public generally, to any member of the Legislature, or to any person holding any public office within this state. The Legislature shall pass laws to carry this provision into effect.

Adopted.

Mr. Mires offered the following as an additional section.

**Section.** No corporation, domestic or foreign, shall be created for or engage in the business of dealing in real property in this state, nor shall any corporation acquire otherwise than by grant from the United States any real property except such as may be necessary for use in carrying on the business for which it is created or in the ordinary course of justice in the collection of debts. Lost.

Mr. Jamieson moved to amend Section 12 by striking out the words "or in failing circumstances" in line three. Lost.

Mr. T. M. Reed proposed to amend Section 22 by striking out words "declare a" and insert "provided by law for the." Lost.

Mr. Turner offered the following as an additional section: A Railroad Commission is hereby established which will consist of three Commissioners. The terms of office of such Commissioners shall be four years and they shall be appointed by the Governor by and with the advise and consent of the Senate. The members of said Commission shall be qualified electors of said Commission, shall have such powers and perform such duties and the members receive such compensation as may be provided by law.

Mr. P. C. Sullivan moved a call of the house. Carried.

On motion Mr. Gowey was excused for the forenoon.

The roll being called all members were present except Messrs. Allen, Browne, Dallam, Dickey, Gowey, Hungate, Minor, Shoudy, Willison on leave and Messrs. McElroy and Van Name.

On motion of P. C. Sullivan the further proceedings under the call were dispensed with.

Mr. Griffitts offered the following amendment to the amendment. Insert after years, who shall be elected by the qualified electors of the state at the general election held in the state for election of Governor and other state officers. The Commissioners elected at the election held for adoption of this Constitution shall hold office for three years.

On motion of Mr. Manly the previous question was ordered. On the amendment of Mr. Griffitts, the ayes and noes were demanded and ordered and the following twenty-six members voted aye: Berry, Burk, Coey, Crowley, Dunbar, Durie, Dyer, Eldridge, Eshelman, Griffitts, Hayton, Jones, Kinnear, McCroskey, Neace, Newton, J. M. Reed, Schooley, Sharpstein, Suksdorf, Tibbetts, Turner, Warner, Weir, Weisenburger, Mr. President.

The following thirty-seven members voted no: Blalock, Bowen, Buchanan, Clothier, Comegys, Cosgrove, Fairweather, Fay, Glascock, Godman, Gray, Henry, Hicks, Jamieson, Jeffs, Joy, Kellogg, Lillis, Lindsley, Manly, McDonald, McReavey, Mires, J. Z. Moore, Morgans, Power, Prosser, T. M. Reed, Sohns, Stevenson, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Travis, West, Winsor. Absent and not voting: Allen, Browne, Dickey, Gowey, Hungate, McElroy, Minor, J. Z. Moore [sic], Shoudy, Van Name, Willison, so the amendment was not agreed to.

Mr. J. Z. Moore announced that he was paired with Mr. Minor, that he would vote yes and Mr. Minor no.

The ayes and noes being ordered on the amendment offered by Mr. Turner, the following twenty-six members voted aye: Buchanan, Coey, Comegys, Dunbar, Durie, Dyer, Fairweather, Griffitts, Hayton, Hicks, Kinnear, Manly, McCroskey, Mires, J. Z. Moore, Neace, Newton, J. M. Reed, Schooley, Sharpstein, Tibbetts, Weir, Weisenburger, Mr. President.

The following thirty-nine members voted no: Berry, Blalock, Bowen, Burk, Clothier, Cosgrove, Crowley, Eldridge, Eshelman, Fay, Glascock, Godman, Gray, Henry, Jamieson, Jeffs, Jones, Joy, Kellogg, Lillis, Lindsley, McDonald, McReavey, R. S. More, Morgans, Power, Prosser, T. M. Reed, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Warner, West, Winsor. Absent and not voting: Allen, Browne, Dallam, Dickey, Gowey, Hungate, McElroy, Minor, Shoudy, Turner, Van Name, Willison. So the amendment was not agreed to.

Mr. Turner announced that he was paired with Mr. Dallam, that Mr. Dallam would vote no and he would vote aye.

On motion of Mr. Kinnear the rules were suspended, the article considered engrossed and passed to third reading.

In the Convention

Corporations other than Municipal

Article

**Section 1.** Corporations may be formed under general laws but shall not be created by special acts. All laws relating to corporations may be altered, amended or repealed by the Legislature at any time, and all corporations doing business in this state may, as to such business, be regulated, limited or restrained by law.

**Section 2.** All existing charters, franchises, special or exclusive privileges, under which an actual and bona fide organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

**Section 3.** The Legislature shall not extend any franchise or charter nor remit the forfeiture of any franchise or charter of any corporation now existing, or which shall hereafter exist under the laws of this state.

**Section 4.** Each stockholder in all corporated companies, except corporations organized for banking or insurance purposes, shall be liable for the debts of the corporation to the amount of his unpaid stock and no more, and one or more stockholders may be joined as parties defendant in suits to recover upon this liability.

**Section 5.** The term corporations, as used in this article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships, and all corporations shall have the right to sue and shall be subject to be sued, in all courts, in like cases as natural persons.

**Section 6.** Corporations shall not issue stock, except to bona fide subscribers therefor, or their assignees; nor shall any corporation issue any bond or other obligation for the payment of money, except for money or property received or labor done. The stock of corporations shall not be increased except in pursuance of a general law, nor shall any law authorize the increase of stock without the consent of the person holding the larger amount in value of the stock, nor without due notice of the proposed increase

having been previously given in such manner as may be prescribed by law. All fictitious increase of stock or indebtedness shall be void.

**Section 7.** No corporation organized outside the limits of this state shall be allowed to transact business within the state on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this state.

**Section 8.** No corporation shall lease or alienate any franchise so as to relieve the franchise or property held thereunder from the liabilities of the lessor or grantor, lessee or grantee, contracted or incurred in the operation, use or enjoyment of such franchise or any of its privileges.

**Section 9.** The state shall not in any manner loan its credit nor shall it subscribe to or be interested in the stock of any company, association or corporation.

**Section 10.** The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the Legislature from taking the property and franchises of incorporated companies and subjecting them to public use the same as the property of individuals.

**Section 11.** No corporation, association or individual shall issue or put in circulation as money anything but the lawful money of the United States. Each stockholder of any banking or insurance corporation or joint stock association shall be individually and personally liable equally and ratably and not one for another, for all contracts, debts and engagements of such corporation or association according, while they remain such stockholders to the extent of the amount of their stock therein at the par value thereof in addition to the amount invested in such shares.

**Section 12.** Any president, director, manager, cashier or other officer of any banking institution who shall receive or assent to the reception of deposits after he shall have knowledge of the fact that such banking institution is insolvent or in failing circumstances shall be individually responsible for such deposits so received.

**Section 13.** All railroad, canal and other transportation companies are declared to be common carriers and subject to legislative control. Any association or corporation organized for the purpose, under the laws of this state, shall have the right to con-

nect at the state line with railroads of other states. Every railroad company shall have the right with its road, whether the same be now constructed or may hereafter be constructed, to intersect, cross or connect with any other railroad, and when such railroads are of the same or similar guage they shall at all crossings and at all points where a railroad shall begin or terminate at or near any other railroad, form proper connections so that the cars of any such railroad companies may be speedily transferred from one railroad to another. All railroad companies shall receive and transport each the other's passengers, tonnage and cars without delay or discrimination.

**Section 14.** No railroad company, or other common carrier shall combine or make any contract with the owners of any vessel that leaves port or makes port in this state, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying.

**Section 15.** No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this state, or coming from or going to any other state. Persons and property transported over any railroad or by any other transportation company or individual shall be delivered at any station, landing or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port or landing. Excursion and commutation tickets may be issued at special rates.

**Section 16.** No railroad corporation shall consolidate its stock, property or franchise with any other railroad corporation owning a competing line.

**Section 17.** The rolling stock and other movable property belonging to any railroad company or corporation in this state shall be considered personal property, and shall be liable to taxation and to execution and sale in the same manner as the personal property of individuals, and such property shall not be exempted from execution and sale.

**Section 18.** The Legislature shall pass laws establishing reasonable maximum rates [and] charges for the transportation of passengers and freight, and to correct abuses and prevent discrim-

ination and extortion in the rates of freight and passenger tariffs on the different railroads and other common carriers in the state, and shall enforce such laws by adequate penalties. A railroad and transportation commission may be established and its powers and duties fully defined by law.

**Section 19.** Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph and telephone within this state, and said companies shall receive and transmit each other's messages without delay or discrimination, and all of such companies are hereby declared to be common carriers. Railroad corporations organized or doing business in this state shall allow telegraph corporations and companies to construct and maintain telegraph lines on and along the rights of way of such railroads and railroad companies, and no railroad corporation organized or doing business in this state shall allow any telegraph corporation or company any facilities, privileges or rates for transportation of men or material or for repairing their lines not allowed to all telegraph companies. The right of eminent domain is hereby extended to all telegraph and telephone companies. The Legislature shall by general law of uniform operation, provide reasonable regulations to give effect to this section.

**Section 20.** No railroad or other transportation company shall grant free passes, or sell tickets or passes at a discount, other than as sold to the public generally, to any member of the Legislature, or to any person holding any public office within this state. The Legislature shall pass laws to carry this provision into effect.

**Section 21.** Railroad companies now or hereafter organized or doing business in this state shall allow all express companies organized or doing business in this state transportation over all lines of railroad owned or operated by such railroad companies upon equal terms with any other express company, and no railroad corporation organized or doing business in this state shall allow any express corporation or company any facilities, privileges or rates for transportation of men or materials or property carried by them or for doing the business of such express companies, not allowed to all express companies.

**Section 22.** Monopolies and trusts shall never be allowed in this state, and no incorporated company, copartnership or as-

sociation of persons in this state shall directly or indirectly combine or make any contract with any other incorporated company, foreign or domestic, through their stockholders, or the trustees or assignees of such stockholders or with any copartnership or association of persons or in any manner whatever for the purpose of fixing the price or limiting the production or regulating the transportation of any product or commodity. The Legislature shall pass laws for the enforcement of this section by adequate penalties, and in case of incorporated companies, if necessary for that purpose, may declare a forfeiture of their property and franchises.

The question being shall the article be agreed to the ayes and noes were demanded and ordered and the following sixty members voted aye: Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, [Dallam]*, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Gray, Hayton, Henry, Hicks, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McDonald, McReavey, J. Z. Moore, R. S. More, Morgans, Neace, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Warner, Weir, Weisenburger, West, Winsor, Mr. President.

The following four members voted no: Griffitts, Mires, Newton, Tibbetts. Absent and not voting: Allen, Browne, Dallam, Dickey, Gowey, Hungate, McElroy, Minor, Shoudy, Van Name, Willison. So the article was agreed to and referred to Committee on Revision, Adjustment and Enrollment.

On motion of Mr. Griffitts the rules were suspended and the article on homesteads and property exemptions was read a third time, considered engrossed and put upon its final passage.

The question being shall the article pass, the ayes and noes were ordered and the following fifty-nine members voted aye: Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gray, Griffitts, Hayton, Henry, Hicks, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McDonald, McReavey, Mires, J. Z. Moore, R. S. More, Morgans, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Sharpstein, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C.

* Stricken in journal.

Sullivan, Tibbetts, Travis, Turner, Warner, Weir, Weisenburger, West, Winsor, Mr. President.

Absent and not voting: Allen, Browne, Crowley, Dallam, Dickey, Fairweather, Gowey, Hungate, Jamieson, Jeffs, McElroy, Minor, Schooley, Shoudy, Van Name, Willison. So the article was agreed to and referred to the Committee on Revision, Adjustment and Enrollment.

Committee on Homesteads and Property Exemptions

Article

**Section 1.** The Legislature shall protect by law from forced sale a certain portion of the homestead and other property of all heads of families.

The article on water and water rights was then brought up for consideration, Mr. Griffitts offered the following proviso.

Provided, this shall not be construed to apply to non-navigable streams or watercourses or lakes, the ownership of which is in individuals by reason of ownership of the same over which same flows. Lost.

Mr. P. C. Sullivan moved to amend by striking out the words "and manufacturing" and inserting "and" between "irrigation" and "mining." Lost.

Mr. Prosser offered the following as an additional section to the article.

**Section.** The right to divert unappropriate waters of every natural stream for beneficial uses shall never be denied. Priority of appropriation shall give the better right as between those using the water for the same purpose, but where the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall have the preference over those claiming for any other purpose and those using the water for agricultural purposes shall have the preference over those using the same for manufacturing purposes. Lost.

On motion of Mr. Mires the rules were suspended and the article on water [and] water rights was considered engrossed, read a third time and put upon its final passage.

The question being shall the article be agreed to the ayes and noes were ordered and the following forty-one members voted aye: Berry, Blalock, Clothier, Coey, Comegys, Crowley, Dunbar, Durie, Dyer, Eshelman, Fay, Glascock, Hayton, Henry, Jamieson, Jeffs, Joy, Kellogg, Kinnear, Lindsley, Manly, McCroskey, McDonald, McReavey, Mires, R. S. More, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Turner, Warner, West, Winsor, Mr. President.

The following seventeen members voted no: Bowen, Buchanan, Burk, Cosgrove, Eldridge, Godman, Griffitts, Hicks, Jones, Lillis, Neace, Sohns, Stevenson, Suksdorf, Tibbetts, Travis, Weisenburger. Absent and not voting: Allen, Browne, Dallam, Dickey, Fairweather, Gowey, Gray, Hungate, McElroy, Minor, J. Z. Moore, Newton, Shoudy, Van Name, Weir, Willison. So the article was agreed to and ordered sent to the Committee on Revision, Adjustments and Enrollment.

Committee on Water & Water Rights

Article

**Section 1.** The use of the waters of this state for irrigation, mining and manufacturing purposes shall be deemed a public use.

The following protest was ordered spread on the Journal.

We hereby protest in writing against the passage of the article declaring the use of waters a public use reported by the Committee on Water and Water Rights and ask to have this protest entered of record.
August 10th, 1889

T. C. GRIFFITTS
M. M. GODMAN
S. G. COSGROVE
J. J. TRAVIS
D. BUCHANAN
GEO. W. TIBBETTS
LEWIS NEACE.

Mr. Kinnear was granted leave until Monday afternoon. Mr. Jamieson asked leave for the rest of day. Not granted.

Mr. Griffitts moved to suspend Rule 33. Lost.

Mr. E. H. Sullivan asked leave till Tuesday morning. Granted.

The article on education and educational institutions was considered by the Convention.

Mr. Turner moved to strike out the last sentence of Section 2. Lost. Mr. Cosgrove moved to insert after word "schools" in line two, Section 2, the words "to be continued in session not less than six months in each year." Lost.

Mr. Griffitts moved to strike out the word "common" in last line and insert the word "public." Lost.

Mr. Turner offered the following amendment: make the last sentence of Section 2 read "But the entire revenue derived from the common school fund, and the state school tax for common schools shall be exclusively applied to the support of the common schools." Adopted.

Mr. Godman moved to amend Section 3 by striking from lines nine, ten and eighteen the words "and state."

President Hoyt designated Mr. Prosser of Yakima to take the chair in the afternoon.

Pending the motion of Mr. Godman. At 12 noon the Convention on motion of Mr. Cosgrove took a recess until 2 p.m.

Afternoon Session

The Convention was called to order by Mr. Prosser and a quorum being present proceeded with the consideration of the article on education and educational institutions.

Mr. Kellogg and Mr. Newton were granted leave for the day.

The motion of Mr. Godman to strike out was lost.

Mr. Griffitts moved a call of the house. Lost.

Mr. Turner moved to strike out the words "educational institutions" from line four, Section 3, and insert the words "common schools." Carried.

Mr. Bowen moved to insert after the words "state lands" in lines nine, ten and eighteen of Section 3 the words "other than those granted for specific purposes." Carried.

Mr. Cosgrove moved to add to Section 3 the proviso: Provided

this section shall not be so construed as to affect any lands or the use of any lands the state owns by virtue of its sovereignty. Lost.

Mr. Turner moved to amend the last clause to read "The interest accruing on said fund together with all rentals and other revenues derived therefrom and from lands and other property devoted to the common school fund shall be exclusively applied to the current use of the common schools." Carried.

Mr. Comegys moved to add to Section 4 the words "and no religious exercises or instructions shall be permitted therein."

Mr. Stiles moved as a substitute to amend Section 3 by striking out the word "sectarian" and inserting "religious." Lost.

On the amendment of Mr. Comegys the ayes and noes were ordered and the following twenty members voted aye: Clothier, Coey, Comegys, Crowley, Durie, Eldridge, Fay, Griffitts, Hayton, Hicks, Jeffs, Manly, McElroy, Power, Sturdevant, Suksdorf, P. C. Sullivan, Van Name, Weisenburger, Winsor.

The following thirty-three members voted no: Blalock, Bowen, Buchanan, Burk, Cosgrove, Dunbar, Dyer, Eshelman, Glascock, Godman, Gowey, Henry, Jones, Joy, Lillis, Lindsley, McCroskey, Mires, J. Z. Moore, R. S. More, Morgans, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stiles, Tibbetts, Travis, Turner, Weir, West. Absent and not voting: Allen, Berry, Browne, Dallam, Dickey, Fairweather, Gray, Hungate, Jamieson, Kellogg, Kinnear, McDonald, McReavey, Minor, Newton, Shoudy, Stevenson, Warner, Willison. So the amendment was not adopted.

Mr. J. Z. Moore moved to strike out the words "or influence" in Section 4.

The ayes and noes were ordered and the following eleven members voted aye: Buchanan, Henry, Jeffs, Joy, Lindsley, Mires, J. Z. Moore, R. S. More, J. M. Reed, T. M. Reed, Schooley, Travis.

The following thirty-nine members voted no: Blalock, Bowen, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gowey, Griffitts, Hayton, Hicks, Jones, Lillis, McCroskey, McElroy, Morgans, Power, Prosser, Sharpstein, Sohns, Sturdevant, P. C. Sullivan, Tibbetts, Turner, Van Name, Warner, Weir, Weisenburger, West, Winsor.

Absent and not voting: Allen, Berry, Browne, Dallam, Dickey, Fairweather, Gray, Hungate, Jamieson, Kellogg, Kinnear, Manly, McDonald, McReavey, Minor, Neace, Newton, Shoudy, Stevenson, Stiles, Suksdorf, E. H. Sullivan, Willison. So the amendment was not agreed to.

Mr. Lindsley offered the following as an additional section to the article.

**Section 6.** The University of Washington shall constitute a public trust and its organization and government shall be subject to legislative control, but it shall forever be independent and free from all partisan and sectarian influence in the appointment of its regents, the administration of its affairs and the instruction of its students. The University shall embrace all the public schools of the state other than the common schools. Provided, that the Legislature may provide for the location of normal schools and schools for blind, deaf, dumb or otherwise defective youth at other places than that where the University shall be located and place them under different management.

Mr. Gowey moved to postpone the proposed section to Monday. Lost.

Amendment of Mr. Lindsley lost.

Mr. Turner moved to strike out the words "have been" in line two, Section 5, and insert the word "be." Adopted.

Mr. Bowen moved to amend Section 5 by striking out "any State or University" in line one and inserting "other state educational." Adopted.

On motion of Mr. Dyer the rules were suspended, the article considered engrossed, read third time and put upon its passage.

The question being shall the article be agreed to, the following fifty-three members voted aye: Blalock, Bowen, Buchanan, Burk, Coey, Cosgrove, Crowley, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gowey, Griffitts, Hayton, Henry, Hicks, Jones, Joy, Lillis, Lindsley, Manly, McCroskey, McElroy, Mires, J. Z. Moore, R. S. More, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Weir, Weisenburger, West, Winsor.

The following two members voted no: Comegys, Jeffs. Absent and not voting: Allen, Berry, Browne, Dallam, Dickey, Fairweather, Gray, Hungate, Jamieson, Kellogg, Kinnear, McReavey, Minor, Neace, Newton, Shoudy, E. H. Sullivan, Willison. So the article was passed and sent to the Committee on Revision, Adjustment and Enrollment.

Mr. Glascock gave notice of his intention to move to reconsider the vote by which the article on water and water rights was agreed to and the vote by which the rules were suspended and the article placed upon its passage.

Article as agreed to

Educational and Educational Institutions

Article

**Section 1.** It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste or sex.

**Section 2.** The Legislature shall provide for a general and uniform system of public schools. The public school system shall include common schools and such high schools, normal schools and technical schools as may hereafter be established. But the entire revenue derived from the common school fund, and the state tax for common schools shall be exclusively applied to the support of the common schools.

**Section 3.** The principal of the common school fund shall remain permanent and irreducible; the said fund shall be derived from the following named sources, to wit: Appropriations and donations by the state to this fund, donations and bequests by individuals to the state or public for common schools, the proceeds of lands and other property which revert to the state by escheat and forfeiture, the proceeds of all property granted to the state when the purpose of the grant is not specified or is uncertain, funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law, the proceeds of the sale of timber, stone, mineral or other property from school and state lands other than those granted for specific purposes, all moneys recovered from persons appropriating timber, stone, minerals or other property from school and state lands other

than those granted for specific purposes and all moneys other than rental recovered from persons trespassing on said lands, five per centum of the proceeds of the sale of public lands lying within the state, which shall be sold by the United States subsequent to the admission of the state into the Union. The principal of all funds arising from the sale of lands and other property which have been and hereafter may be granted to the state for the support of the common schools. The Legislature may make further provision for enlarging said fund. The interest accruing on said fund together with all rentals and other revenue derived therefrom and from lands and other property devoted to the common school fund shall be exclusively applied to the current use of the common schools.

**Section 4.** All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence.

**Section 5.** All losses to the permanent common school or any other state educational fund which shall be occasioned by defalcation, mismanagement or fraud of the agents or officers controlling or managing the same shall be audited by the proper authorities of the state. The amount so audited shall be a permanent funded debt against the state in favor of the particular fund sustaining such loss, upon which not less than six per cent annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized and limited elsewhere in the Constitution.

Mr. Cosgrove was granted leave for the day.

The Convention proceeded to the consideration of the "Compact with the United States."

Mr. Gowey offered the following amendment addition to the article.

Third. The debts and liabilities of the Territory of Washington and payment of the same are hereby assumed by the state. Agreed to.

Fourth. That provision shall be made for the establishment and maintenance of systems of public schools which shall be open to all the children of said state and free from sectarian control. Adopted.

On motion of Mr. Turner the rules were suspended, the article considered engrossed, read third time and put upon its final passage.

The question being shall the article be agreed to, the ayes and noes were ordered and the following fifty-one members voted aye: Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Crowley, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gowey, Griffitts, Henry, Hicks, Jeffs, Jones, Joy, Lillis, Manly, McCroskey, McElroy, Mires, J. Z. Moore, R. S. More, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Turner, Warner, Weir, Weisenburger, West, Winsor.

Absent and not voting: Allen, Berry, Browne, Cosgrove, Dallam, Dickey, Fairweather, Gray, Hayton, Hungate, Jamieson, Kellogg, Kinnear, Lindsley, McDonald, McReavey, Minor, Neace, Newton, Shoudy, E. H. Sullivan, Van Name, Willison. So the article was agreed to and referred to Committee on Revision, Adjustment and Enrollment.

## Compact with the United States

### Article

The following article shall be irrevocable without the consent of the United States and the people of this state.

**First.** That perfect toleration of religious sentiment shall be secured and that no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship.

**Second.** That the people inhabiting this state do agree and declare that they forever disclaim all rights and title to the unappropriated public lands lying within the boundaries of this state and to all lands lying within said limits owned or held by any Indian or Indian tribes and that until the title thereto shall have [been] extinguished by the United States, the same shall be and remain subject to the disposition of the United States and said Indian lands shall remain under the absolute jurisdiction and control of state shall never be taxed at a higher rate than the lands belonging to citizens of the United States residing without the limits of this state shall never be taxed at a higher rate than the lands belonging

to residents thereof, and that no taxes shall be imposed by the state on lands or property therein belonging to or which may be hereafter purchased by the United States or reserved for its use.

Provided that nothing in this article shall preclude the state from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation, which exemption shall continue so long and to such extent as such act of Congress may prescribe.

**Third.** The debts and liabilities of the Territory of Washington and payment of the same are hereby assumed by this state.

**Fourth.** That provision shall be made for the establishment and maintenance of systems of public schools which shall be open to all the children of said states and free from sectarian control.

The Convention proceeded to consider the article on boundaries.

Mr. Comegys moved to amend by inserting the words "mouth of the" before "Columbia River" in line three. Adopted.

Mr. Durie moved to add after the word "point" the words "in the Pacific Ocean." Adopted.

Mr. Eldridge moved to substitute the description in the Walla Walla Constitution. Lost.

Mr. Suksdorf moved to recommit the article to the Committee on Federal Relations, Boundaries and Immigration. Mr. J. Z. Moore moved the previous question. Carried. The motion to recommit was adopted.

At 10 minutes to 4 p.m. Mr. Suksdorf moved to adjourn.

The ayes and noes were ordered and the following fourteen members voted aye: Buchanan, Comegys, Crowley, Eldridge, Eshelman, Gowey, Hicks, Joy, Mires, R. S. More, Suksdorf, Travis, Warner, Winsor. The following thirty-six members voted no: Blalock, Bowen, Burk, Clothier, Coey, Dunbar, Durie, Dyer, Fay,

Godman, Griffitts, Hayton, Jeffs, Jones, Lillis, Lindsley, Manly, McCroskey, McElroy, J. Z. Moore, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stiles, Sturdevant, P. C. Sullivan, Tibbetts, Turner, Weir, Weisenburger, West.

Absent and not voting: Allen, Browne, Cosgrove, Dallam, Dickey, Fairweather, Glascock, Gray, Henry, Hungate, Jamieson, Kellogg, Kinnear, McDonald, McReavey, Minor, Neace, Newton, Shoudy, Stevenson, E. H. Sullivan, Van Name, Willison, Mr. President. So the Convention refused to adjourn.

Mr. Dyer moved to go into the committee of the whole to consider the article on election and elective rights. Mr. Griffitts moved to make the report of the Committee on Elections and Elective Rights special order for Monday morning. The ayes and noes were ordered.

Mr. Gowey moved to adjourn.

The ayes and noes were ordered and the following twenty-eight members voted aye: Burke, Comegys, Crowley, Dunbar, Eldridge, Eshelman, Fay, Glascock, Gowey, Hayton, Henry, Jeffs, Joy, Lillis, McElroy, Mires, Morgans, Power, T. M. Reed, Sohns, Stiles, Suksdorf, Turner, Van Name, Warner, Weir, Weisenburger, Winsor. The following twenty-four members voted no: Blalock, Bowen, Buchanan, Coey, Durie, Dyer, Godman, Griffitts, Hicks, Jones, Lindsley, Manly, McCroskey, J. Z. Moore, R. S. More, Prosser, J. M. Reed, Schooley, Sharpstein, Sturdevant, P. C. Sullivan, Tibbetts, Travis, West.

Absent and not voting: Allen, Berry, Browne, Clothier, Cosgrove, Dallam, Dickey, Fairweather, Gray, Henry, Hungate, Jamieson, Kellogg, Kinnear, McDonald, McReavey, Minor, Neace, Newton, Shoudy, Stevenson, E. H. Sullivan, Willison, Mr. President.

Mr. Weir was granted leave on Monday.

At 4:02 p.m. the Convention adjourned till August 12th, 1889, at 9 a.m.

## August 12th, 1889

Convention called to order by the President at 9 a.m. Prayer by the Chaplain.

On roll call all the members were present except Messrs.

Berry, Dickey, Fairweather, Fay, Kellogg, McReavey, Neace, Newton, Shoudy, Sturdevant, E. H. Sullivan, Turner, Weir, Willison, and Messrs. Allen, Browne, Kinnear, and Minor on leave.

Minutes read and approved. Messrs. Hicks, Henry, Turner, Glascock, and Sturdevant asked to be reported present. So ordered.

Mr. Eshelman moved that the Convention proceed to consider the report of the Committee on Elections and Elective Rights as in committee of the whole with the President in the chair. Carried. And the Convention proceeded as in committee of the whole to consider the report. At 12 noon Mr. Turner moved that the Convention take a recess until 2 p.m. Carried.

At 2 p.m. Convention called to order by the President. Mr. Eldridge moved that the Convention proceed informally as in committee of the whole to consider the report of the Committee on Elections and Elective Rights. So ordered.

At 2:05 the Convention then proceeded as in the committee of the whole to consider the report.

At 5 p.m. the chair reported that the committee of the whole had had under consideration the report of the Committee on Elections and Elective Rights and had made sundry amendments thereto and recommended that the Convention concur in the same and when so concurred in that it be adopted.

The question then was shall the amendments be concurred in and it was so ordered that the amendments were concurred in.

Mr. Eldridge then moved to strike out of the article the word "male" and demanded the ayes and noes. They were ordered and on a call of the roll the following eight members voted aye: Messrs. Dickey, Eldridge, Eshelman, Joy, McCroskey, Newton, Prosser, Winsor. The following fifty members voted no: Messrs. Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dunbar, Durie, Dyer, Fairweather, Glascock, Godman, Gowey, Griffitts, Hayton, Henry, Jamieson, Jeffs, Lillis, Lindsley, Manly, McElroy, Minor, J. Z. Moore, R. S. More, Schooley, Sharpstein, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Weisenburger, West, Mr. President. Those not voting and absent were Messrs. Allen, Berry, Browne, Fay,

Gray, Hicks, Hungate, Jones, Kellogg, Kinnear, McDonald, McReavey, Mires, Neace, Shoudy, Weir, Willison. And the amendment was lost.

Mr. Cosgrove moved to strike out of Section 7 "or military" and insert "civil" before office. Lost. Mr. Sullivan moved to strike out Section 7. Carried.

Mr. Dunbar moved to strike from Section 3 the words "at any school election" and demanded the ayes and noes. So ordered and on a call of the roll the following eighteen members voted aye: Cosgrove, Dickey, Dunbar, Eldridge, Eshelman, Griffitts, Jamieson, Joy, McCroskey, Prosser, J. M. Reed, Sharpstein, Stevenson, Sturdevant, E. H. Sullivan, Warner, West, Winsor. The following forty-three members voted no: Messrs. Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Crowley, Dallam, Durie, Dyer, Fairweather, Glascock, Godman, Gowey, Gray, Hayton, Henry, Jeffs, Lillis, Lindsley, Manly, McDonald, McElroy, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, T. M. Reed, Schooley, Sohns, Stiles, Suksdorf, P. C. Sullivan, Travis, Turner, Van Name, Weisenburger, Mr. President. Absent and not voting: Messrs. Allen, Berry, Browne, Fay, Hicks, Hungate, Jones, Kellogg, Kinnear, McReavey, Neace, Shoudy, Weir. And the amendment was lost.

Mr. Eldridge moved to add to Section 11 "and all females possessing the qualifications of electors shall vote on this question" and demanded the ayes and noes. So ordered and on a call of the roll the following eighteen members voted aye: Messrs. Burk, Crowley, Dickey, Dunbar, Eldridge, Eshelman, Glascock, Gowey, Joy, McCroskey, Newton, Prosser, J. M. Reed, Stevenson, Tibbetts, Weisenburger, Winsor, Mr. President.

The following forty-three members voted no: Messrs. Blalock, Bowen, Buchanan, Clothier, Coey, Comegys, Cosgrove, Dallam, Durie, Dyer, Fairweather, Godman, Gray, Griffitts, Hayton, Henry, Jamieson, Jeffs, Lillis, Lindsley, Manly, McDonald, McElroy, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Power, T. M. Reed, Schooley, Sharpstein, Sohns, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Van Name, Warner, West. The following fourteen members absent and not voting: Messrs. Allen, Berry, Browne, Fay, Hicks, Hungate, Jones, Kellogg, Kinnear, McReavey, Neace, Shoudy, Weir, Willison. The amendment was lost.

Mr. Dyer moved to substitute for Section 11 as adopted in committee of the whole the following: "At the time of the election of county officers on the Tuesday next after the first Monday in November in the year 1890, a proposition to amend this Constitution by striking out the word 'male' from the article on elections and elective rights shall be submitted to the electors of the state for adoption or rejection in manner following. Said election shall be by ballot and the ballot of those voting in favor shall read, 'For Woman Suffrage Amendment — Yes.' And the ballot of those voting against shall read, 'No.' The provisions of the laws of the state touching general elections shall as far as applicable apply to said election. If at said election the number of ballots cast in favor of the adoption of said proposition shall exceed those casting against its adoption, then the word 'male' shall be stricken from said article on elections and elective rights and shall be no part thereof," and demanded the ayes and noes. And the following thirty-one members voted aye: Messrs. Bowen, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Gowey, Joy, Lillis, Lindsley, McCroskey, Minor, Mires, J. Z. Moore, Morgans, Newton, Power, Prosser, T. M. Reed, Schooley, Sohns, Stiles, P. C. Sullivan, Tibbetts, Turner, Winsor, Mr. President.

And the following twenty-nine voted no: Messrs. Blalock, Buchanan, Clothier, Coey, Comegys, Durie, Glascock, Godman, Gray, Griffitts, Hayton, Henry, Jamieson, Jeffs, Manly, McDonald, McElroy, [J. Z. Moore]*, R. S. More, J. M. Reed, Sharpstein, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, Travis, Van Name, Warner, Weisenburger, West. Absent and not voting: Allen, Berry, Browne, Burk, Fay, Hicks, Hungate, Jones, Kellogg, Kinnear, McReavey, Neace, Shoudy, Weir, Willison. And the substitute was adopted.

Mr. Reed moved to suspend the rules and that the article be considered engrossed and passed to a third reading. Lost.

Mr. Stiles moved a call of the house. So ordered and on a call of the roll the following members were found to be absent: Messrs. Fay, Hungate, Jones, Kinnear, McReavey. The following members were excused: Messrs. Berry, Hicks, Kellogg and Neace.

Mr. Lindsley moved that further proceeding be dispensed with. Carried. Mr. J. Z. Moore moved to adjourn. Lost.

* Stricken in journal.

Mr. Power moved to amend: insert in line two of Section 3 after word "election," "nor the right to hold the office of School Superintendent or School Director." Lost.

Mr. Dyer moved to suspend the rules that the article may be put upon its third reading and final passage and demanded the ayes and noes. So ordered and the following thirty-eight members voted aye: Messrs. Bowen, Burk, Coey, Crowley, Dallam, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Gowey, Hayton, Jamieson, Joy, Lillis, Lindsley, Manly, McCroskey, Minor, Mires, J. Z. Moore, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sohns, Stiles, P. C. Sullivan, Tibbetts, Travis, Turner, Weisenburger, Winsor, Mr. President. The following twenty-three members voted no: Blalock, Buchanan, Clothier, Comegys, Cosgrove, Durie, Glascock, Godman, Gray, Griffitts, Henry, Jeffs, McDonald, McElroy, R. S. More, Sharpstein, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, Van Name, Warner, West. Absent and not voting: Messrs. Allen, Berry, Browne, Fay, Hicks, Hungate, Jones, Kellogg, Kinnear, McReavey, Neace, Shoudy, Weir, Willison, and the rules were not suspended.

The question then was shall the article [then]* be passed to a third reading, considered engrossed and be printed, and the ayes and noes being demanded and ordered, the following thirty-one members voted aye: Bowen, Burk, Coey, Crowley, Dallam, Dunbar, Dyer, Eshelman, Fairweather, Gowey, Hayton, Jamieson, Lillis, Lindsley, Manly, Minor, Mires, J. Z. Moore, Morgans, Power, Prosser, T. M. Reed, Schooley, Sohns, Stiles, P. C. Sullivan, Tibbetts, Travis, Turner, Weisenburger, Mr. President.

The following thirty members voted no: Blalock, Buchanan, Clothier, Comegys, Cosgrove, Dickey, Durie, Eldridge, Glascock, Godman, Gray, Griffitts, Henry, Jeffs, Joy, McCroskey, McDonald, McElroy, R. S. More, Newton, J. M. Reed, Sharpstein, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, Van Name, Warner, West, Willison. Absent and not voting: Berry, Browne, Fay, Hicks, Hungate, Kellogg, McReavey, Neace, Shoudy, Weir, Winsor, and it was so ordered.

The question was then on the report of the Committee on Legislative Apportionment and the article was read for information.

* Stricken in journal.

Mr. Manly moved to amend by striking out "Okanogan" in the third line and striking out "Spokane" and inserting "Okanogan" in its place in the sixth line. Carried.

Mr. Dyer moved that the rules be suspended and the article be considered engrossed and put upon its third reading. Carried.

The article was then read a third time and the question then was shall the article be now agreed to by the Convention and become an article of the Constitution, and the ayes and noes were ordered, and on a call of the roll the following forty-eight members voted aye: Blalock, Bowen, Buchanan, Burk, Coey, Comegys, Cosgrove, Crowley, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Gowey, Gray, Hayton, Jamieson, Jeffs, Joy, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, Minor, Mires, J. Z. Moore, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sohns, Stevenson, Sturdevant, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Weisenburger, West, Winsor. And the following six members voted no: Glascock, Godman, Griffitts, R. S. More, Sharpstein, Mr. President. Messrs. Allen, Berry, Browne, Clothier, Dallam, Durie, Fay, Henry, Hicks, Hungate, Jones, Kellogg, Kinnear, McReavey, Neace, Shoudy, Stiles, Suksdorf, Warner, Weir, Willison absent and not voting. A majority of all the members having voted in the affirmative the article was agreed to as follows:

Article.

**Section 1.** Until otherwise provided by law, the state shall be divided into twenty-four senatorial districts, and said districts shall be constituted and numbered as follows:

The counties of Stevens and Spokane shall constitute the First District and be entitled to one Senator; the county of Spokane shall constitute the Second District and be entitled to three Senators; the county of Lincoln shall constitute the Third District and be entitled to one Senator; the counties of Okanogan, Lincoln, Adams and Franklin shall constitute the Fourth District and be entitled to one Senator; the county of Whitman shall constitute the Fifth District and be entitled to one Senator; the county of Columbia shall constitute the Seventh District and be entitled to one Senator; the county of Walla Walla shall constitute the Eighth District and be entitled to two Senators; the counties of Yakima and Douglas shall constitute the Ninth District and be entitled to one Senator;

the county of Kittitas shall constitute the Tenth District and be entitled to one Senator; the counties of Klickitat and Skamania shall constitute the Eleventh District and be entitled to one Senator; the county of Clark shall constitute the Twelfth District and be entitled to one Senator; the county of Cowlitz shall constitute the Thirteenth District and be entitled to one Senator; the county of Lewis shall constitute the Fourteenth District and be entitled to one Senator; the counties of Pacific and Wahkiakum shall constitute the Fifteenth District and be entitled to one Senator; the county of Thurston shall constitute the Sixteenth District and be entitled to one Senator; the county of Chehalis shall constitute the Seventeenth District and be entitled to one Senator; the county of Pierce shall constitute the Eighteenth District and be entitled to three Senators; the county of King shall constitute the Nineteenth District and be entitled to five Senators; the counties of Mason and Kitsap shall constitute the Twentieth Disrict and be entitled to one Senator; the counties of Jefferson, Clallam and San Juan shall constitute the Twenty-first District and be entitled to one Senator; the county of Snohomish shall constitute the Twenty-second District and be entitled to one Senator; the counties of Skagit and Island shall constitute the Twenty-third District and be entitled to one Senator; the county of Whatcom shall constitute the Twenty-fourth District and be entitled to one Senator.

**Section 2.** Until otherwise provided by law the representatives shall be divided among the several counties of the state in the following manner; the county of Adams shall have one Representative; the county of Asotin shall have one Representative; the county of Chehalis shall have two Representatives; the county of Clark shall have three Representatives; the county of Clallam shall have two Representatives; the county of Cowlitz shall have one Representative; the county of Douglas shall have one Representative; the county of Franklin shall have one Representative; the county of Garfield shall have one Representative; the county of Island shall have one Representative; the county of Jefferson shall have two Representatives; the county of King shall have eight Representatives; the county of Klickitat shall have two Representatives; the county of Kittitas shall have two Representatives; the county of Kitsap shall have one Representative; the county of Lewis shall have two Representatives; the county of Lincoln shall have two Representatives; the county of Mason shall have one

Representative; the county of Okanogan shall have one Representative; the county of Pacific shall have one Representative; the county of Pierce shall have six Representatives; the county of San Juan shall have one Representative; the county of Skamania shall have one Representative; the county of Snohomish shall have two Representatives; the county of Skagit shall have two Representatives; the county of Spokane shall have six Representatives; the county of Stevens shall have one Representative; the county of Thurston shall have two Representatives; the county of Walla Walla shall have three Representatives; the county of Wahkiakum shall have one Representative; the county of Whatcom shall have two Representatives; the county of Whitman shall have five Representatives; the county of Yakima shall have one Representative.

Mr. Dunbar was excused for the balance of the day.

The question then was upon suspending the rules and considering the article on public health and vital statistics engrossed and put upon its third reading and final passage. Carried.

The question then was on agreeing to the article on public health and vital statistics and the ayes and noes were ordered, and on a call of the roll the following fifty-two members voted aye: Messrs. Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Crowley, Dallam, Dickey, Durie, Dyer, Eldridge, Eshelman, Fairweather, Glascock, Godman, Gowey, Gray, Hayton, Jamieson, Jeffs, Joy, Lillis, Lindsley, Manly, McCroskey, McElroy, Minor, J. Z. Moore, R. S. More, Morgans, Newton, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Weisenburger, West, Winsor, Mr. President. No members voting no.

And the following members absent and not voting: Messrs. Allen, Berry, Browne, Comegys, Cosgrove, Dunbar, Fay, Griffitts, Henry, Hicks, Hungate, Jones, Kellogg, Kinnear, McDonald, McReavey, Neace, Shoudy, Stiles, Sturdevant, Weir, Willison, and a majority of all the members voting in the affirmative, the article was agreed to as follows.

Article

**Section 1.** There shall be established by law a State Board of Health and a Bureau of Vital Statistics in connection therewith with such powers as the Legislature may direct.

**Section 2.** The Legislature shall enact laws to regulate the practice of medicine and surgery, and the sale of drugs and medicines.

And considered engrossed and referred to the Committee on Revision, Enrollment and Adjustment.

The question then was upon the report of the Committee on Mines and Mining Interests and the article was read for information.

Mr. Turner moved to strike out Section 3. Carried.

Mr. Turner moved to strike out Section 4. Carried.

Mr. Turner moved that the rules be suspended, the article considered engrossed and be read a third time and put upon its final passage. Lost.

Mr. Newton moved that the minority report be adopted in place of the majority report on mines and mining interests and demanded the ayes and noes.

The ayes and noes were ordered and on a call of the roll the following twenty-one members voted aye: Messrs. Buchanan, Clothier, Dickey, Durie, Eldridge, Gray, Griffitts, Schooley, Sharpstein, Stevenson, Tibbetts, Travis, Warner.

The following thirty-four members voted no: Bowen, Burk, Coey, Comegys, Cosgrove, Dallam, Dyer, Eshelman, Fairweather, Glascock, Gowey, Hayton, Henry, Jamieson, Jeffs, Joy, Lillis, Manly, McDonald, J. Z. Moore, R. S. More, Morgans, J. M. Reed, T. M. Reed, Sohns, Stiles, Suksdorf, E. H. Sullivan, P. C. Sullivan, Turner, Weisenburger, West, Winsor, Mr. President. Absent and not voting: Messrs. Allen, Berry, Blalock, Browne, Crowley, Dunbar, Fay, Godman, Hicks, Hungate, Jones, Kellogg, Kinnear, McReavey, Neace, Shoudy, Sturdevant, Van Name, Weir, Willison, and the motion was lost.

Mr. Dyer moved an amendment to the amendment as follows. "Strike out of Section 1 all after the word 'election' in third line so it shall read, 'There shall be established and maintained the office of Inspector of Mines, the duties and salaries of which shall be prescribed by law. Inspectors of Mines shall be elected by the qualified electors of the state at large at the general election.' "

Mr. Fairweather moved to lay the subject on the table and Mr. Tibbetts demanded the ayes and noes. So ordered and the following nine members voted aye: Buchanan, Comegys, Dallam, Fairweather, Glascock, Hayton, Henry, Newton, Weisenburger.

The following forty-five members voted no: Blalock, Bowen, Burk, Clothier, Cosgrove, Dickey, Durie, Dyer, Eshelman, Gowey, Gray, Griffitts, Jamieson, Jeffs, Joy, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sohns, Stevenson, Stiles, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, West, Winsor, Mr. President. Absent and not voting: Messrs. Allen, Berry, Browne, Buchanan, Coey, Crowley, Dunbar, Eldridge, Fay, Godman, Hicks, Hungate, Jones, Kellogg, Kinnear, McReavey, Neace, Shoudy, Sturdevant, Warner, Weir, Willison, and the motion was lost.

On the amendment of Mr. Dyer to Mr. Stiles' amendment, the ayes and noes were demanded and ordered, and on a call of the roll the following nine members voted aye: Blalock, Burk, Dyer, Henry, Newton, J. M. Reed, Schooley, Travis, Mr. President.

The following forty-five members voted no: Bowen, Buchanan, Clothier, Coey, Comegys, Cosgrove, Dallam, Durie, Eshelman, Fairweather, Glascock, Gowey, Gray, Griffitts, Hayton, Jamieson, Jeffs, Joy, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Power, Prosser, T. M. Reed, Sohns, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Turner, Van Name, Warner, Weisenburger, West, Winsor. Absent and not voting: Allen, Berry, Crowley, Dickey, Dunbar, Eldridge, Fay, Godman, Hicks, Hungate, Jones, Kellogg, Kinnear, McReavey, Neace, Sharpstein, Shoudy, Stevenson, Weir, Willison. And the amendment was lost.

The question then was on the amendment by [of]* Mr. Stiles pending which Mr. Cosgrove moved to adjourn. Lost.

The roll was then called on Mr. Stiles' amendment and the following thirty-one members voted aye: Bowen, Buchanan, Burk, Comegys, Dallam, Dickey, Eshelman, Fairweather, Glascock, Gowey, Henry, Jamieson, Jeffs, Joy, Lillis, Lindsley, Minor, Mires, J. Z. Moore, R. S. More, Power, T. M. Reed, Schooley, Sohns,

* Stricken in journal.

Stevenson, Stiles, Sturdevant, P. C. Sullivan, Turner, Van Name, Weisenburger.

The following twenty-two members voted no: Blalock, Clothier, Coey, Cosgrove, Durie, Dyer, Gray, Griffitts, McDonald, McElroy, Minor, Newton, Prosser, J. M. Reed, Sharpstein, Suksdorf, E. H. Sullivan, Tibbetts, Warner, West, Winsor, Mr. President. Absent and not voting: Messrs. Allen, Berry, Browne, Crowley, Dunbar, Eldridge, Fay, Godman, Hayton, Hicks, Hungate, Jones, Kellogg, Kinnear, McCroskey, McReavey, Morgans, Neace, Shoudy, Travis, Weir, Willison. And the amendment was carried.

Mr. Dyer moved that the following be added as an additional section.

**Section 3.** It shall not be lawful for any owner or manager or agent of any person or corporation operating or working a mine to exact more than eight hours a day as a day's labor from any person employed in underground mining.

Mr. Bowen moved to adjourn. Lost.

On Mr. Dyer's amendment the ayes and noes were demanded and ordered and on a call of the roll the following thirty-three members voted aye: Clothier, Coey, Dickey, Durie, Dyer, Eldridge, Eshelman, Gowey, Griffitts, Lillis, Manly, McCroskey, McDonald, McElroy, Minor, Mires, Newton, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, Tibbetts, Travis, Warner, Weisenburger, West, Mr. President.

The following twenty members voted no: Blalock, Buchanan, Burk, Comegys, Cosgrove, Glascock, Hayton, Henry, Jamieson, Jeffs, Joy, Lindsley, J. Z. Moore, R. S. More, Morgans, Stiles, P. C. Sullivan, Turner, Van Name, Winsor. Absent and not voting: Allen, Berry, Bowen, Browne, Crowley, Dallam, Dunbar, Fairweather, Fay, Godman, Gray, Hicks, Hungate, Jones, Kellogg, Kinnear, McReavey, Neace, Power, Shoudy, Weir, Willison. And the amendment was carried.

Mr. Durie moved to amend: add to Section 1 "In addition to the other qualifications of state officers, he shall be a practical miner of ten years' experience, two of which shall have been in this state, and shall have no interest direct or indirect in mines in this state." Carried.

Mr. Gowey asked to be excused for the day. So ordered.

Mr. Cosgrove moved to adjourn. Lost. Mr. Cosgrove moved for a call of the house. Lost.

Mr. Prosser moved the following amendment. "Section 3. Nor to employ in underground mining any person under the age of sixteen," pending which Mr. Turner moved to adjourn. Lost.

The question then was shall the article be considered engrossed, passed to a third reading. Carried.

Mr. Dyer moved to adjourn. Carried, and the Convention stood adjourned until 9 a.m., August 13th, 1889.

## August 13th, 1889

Convention called to order by the President at 9 a.m. Prayer by the Rev. Mr. Chaplin [sic].

On a call of the roll all the members were present except Messrs. Coey, Fairweather, Jones, J. Z. Moore, Stevenson, Stiles, and Messrs. Berry, Browne, Kellogg, Neace, Weir, Willison, Hicks, Hungate on leave.

Minutes read and approved. Messrs. Coey, Godman, McReavey, J. Z. Moore, Stevenson, Fairweather, Henry, Gray, Jones, Griffitts, and Stiles reported present.

Mr. Hicks excused for the day. Mr. Manly excused indefinitely. Mr. Weir excused for the morning.

Mr. Bowen submitted a telegram relative to Section 19 of article on corporations other than municipal signed by S. T. Armstrong and others and ordered to lie on the table.

The article on elections and elective rights was then read a third time and the question then was shall the Convention agree to the article as read, and on a call of the roll the following thirty-three members voted aye: Allen, Bowen, Burk, Coey, Cosgrove, Crowley, Dallam, Dunbar, Dyer, Gowey, Hayton, Jamieson, Jones, Kinnear, Lillis, Lindsley, Manly, Minor, Mires, J. Z. Moore, Morgans, Prosser, T. M. Reed, Schooley, Shoudy, Sohns, Stiles, Sturdevant, Tibbetts, Turner, Weisenburger, Winsor, Mr. President.

The following thirty-one [voted] no: Messrs. Blalock, Buchanan, Clothier, Comegys, Durie, Eldridge, Eshelman, Fay, Glascock, Godman, Gray, Griffitts, Henry, Jeffs, McCroskey, McDonald, McElroy, McReavey, R. S. More, Newton, J. M. Reed, Sharpstein, Stevenson, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Van Name, Warner, West. Absent on leave: Berry, Browne, Hicks, Hungate, Kellogg, Neace, Weir, Willison. Not voting: Messrs. Dickey, Fairweather, Power. A majority of all the members of the Convention not having voted in the affirmative, the article was not agreed to.

The article on mines and mining interest was then read a third time and the question then was shall the Convention agree to the article as read and on a call of the roll the following twenty-nine members voted aye: Clothier, Dallam, Durie, Dyer, Eldridge, Gray, Griffitts, Hayton, Kinnear, Lillis, Lindsley, McCroskey, McDonold, McElroy, McReavey, Minor, J. Z. Moore, Newton, Power, Prosser, J. M. Reed, Sharpstein, Shoudy, Stevenson, Suksdorf, Tibbetts, Van Name, Warner, West.

The following thirty-five members voted no: Allen, Blalock, Bowen, Buchanan, Burk, Coey, Comegys, Cosgrove, Crowley, Dickey, Eshelman, Fay, Glascock, Gowey, Hayton, Henry, Jamieson, Jeffs, Jones, Joy, Manly, Mires, R. S. More, Morgans, T. M. Reed, Schooley, Sohns, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Weisenburger, Winsor.

Absent on leave: Berry, Browne, Dickey, Fairweather, Hicks, Hungate, Kellogg, Neace, Weir, Willison. Not voting: Mr. Godman, being excused from voting. A majority of all the members of the Convention not voting in the affirmative, the article was not agreed to.

Mr. Bowen moved that the Convention resolve itself into a committee of the whole for the purpose of considering the reports of the Committee on State, School and Granted Lands, and Harbors, Tidewaters and Navigable Streams. At 9:40 the Convention went into committee of the whole to consider the report with Mr. McReavey in the chair.

At 11:55 the committee rose and the President resumed the chair. The committee reported that they had had under consideration the report of the Committee on State, School and Granted Lands, and Harbors, Tidewater and Navigable Streams and had

made progress but come to no resolution thereon, and asked leave to sit again. Leave was granted.

Mr. Dyer moved to take a recess until 2 p.m., pending which Mr. Cosgrove was granted leave for the afternoon. Mr. Dyer's motion was then agreed to.

At 2 p.m. Convention called to order by the President. Mr. Crowley moved under a suspension of the rules that the subject matter of the article on elections and elective rights be sent back to the committe to report a new article.

Mr. Dyer moved that the Convention resolve itself into a committee of the whole for the further consideration of the report on harbors, tidewaters and navigable streams. Carried.

Mr. Weir, Mr. Willison and Mr. Browne were reported present.

At 2:05 the Convention went into a committee of the whole for the further consideration of the report of the Committee on Harbors, Tidewater and Navigable Streams with Mr. McReavey in the chair.

At 4 p.m. the committee rose and the President resumed the chair. The committee reported that they had had under consideration the report of the Committee on Harbors, Tidewaters and Navigable Streams and had made sundry amendments thereto and recommended that the Convention concur in the same and that when so concurring that it be agreed to by the Convention.

The question then being on concurring in the amendments, they were concurred in as follows.

Article

**Section 1.** The Legislature shall provide for the appointment of a commission whose duty it shall be to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays and inlets of this state wherever such navigable waters lie, within or in front of the corporate limits of any city or within one mile thereof upon either side. The state shall never give, sell or lease to any private person, corporation or association on [sic] any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor lines (and the line of ordinary high tide) and within not less than fifty feet nor more than six hundred feet of such harbor line (as the commission shall determine) be

sold or granted by the state, nor its right to control the same relinquished, but such area shall forever be reserved for landings, wharves, streets and other conveniences of navigation and commerce.

**Section 2.** The Legislature shall provide by general laws for the leasing of the right to build and maintain wharves, docks and other structures upon the areas mentioned in Section 1 of this article, but no lease shall be made for any term longer than thirty years, or the Legislature may provide by general laws for the building and maintaining upon such areas, wharves docks or other structures.

**Section 3.** Municipal corporations shall have the right to extend their streets over intervening tidelands to the area reserved as herein provided.

Mr. Weir moved to strike out of line nine "and the line of ordinary high tide."

Mr. Turner moved to take a recess until 8 p.m. Out of order. Mr. Fairweather moved to adjourn. Lost. Mr. Kinnear moved that when the Convention adjourn that it be to 8 p.m. Lost. Mr. Durie moved to adjourn. Lost.

Mr. Gowey moved to substitute the following for Mr. Weir's amendment.

Article

**Section 1.** The Legislature shall provide for the appointment of a commission whose duty it shall be to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays and inlets of this state, wherever such navigable waters lie within or in front of the corporate limits of any city or within one mile thereof on either side. The state shall never give, sell or lease to any private person, corporation or association any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor line and the line of ordinary high tide and within not less than fifty feet nor more than six hundred feet of such harbor line (as the commission shall determine) be sold or granted by the state, nor its right to control the same relinquished, but such area shall be forever reserved for landings, wharves, streets and other conveniences of navigation and commerce.

**Section 2.** Municipal corporations shall have the right to extend their streets over intervening tidelands to the area within the limits of said harbor lines, and under such regulations as the Legislature may provide, may lease the right to build, or maintain wharves, docks and other structures therein, subject, however, to the right of the state to resume control of the same at any time.

Mr. E. H. Sullivan rose to a point of order. Not sustained.

Mr. Browne demanded the ayes and noes on Mr. Gowey's substitute. And they were ordered and on a call of the roll the following seventeen members voted aye: Berry, Blalock, Dickey, Durie, Fay, Gowey, Henry, Hicks, Jamieson, Kinnear, McElroy, Minor, T. M. Reed, Stiles, P. C. Sullivan, Turner, Weisenburger. The following forty-nine members voted no: Allen, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Crowley, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Glascock, Godman, Gray, Griffitts, Hayton, Jeffs, Jones, Joy, Lillis, Lindsley, Manly, McCroskey, McReavey, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, Schooley, Shoudy, Sohns, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, Tibbetts, Travis, Van Name, Warner, Weir, West, Winsor, Mr. President.

Messrs. Comegys, Dallam, McDonald [and] Sharpstein not voting and Messrs. Cosgrove, Hungate, Neace and Willison absent on leave, and the substitute was lost.

On the question of Mr. Weir's amendment it was lost.

Mr. Turner moved to take a recess until 8 p.m., pending which an amendment was offered by Mr. Tibbetts, moving to make it 8 a.m. tomorrow.

Mr. Allen moved to adjourn and Mr. Turner demanded the ayes and noes. So ordered and on a call of the roll the following thirty-one members voted aye: Allen, Buchanan, Coey, Comegys, Crowley, Dunbar, Durie, Eldridge, Fairweather, Fay, Gray, Henry, Hicks, Jones, Joy, Lillis, McElroy, Minor, Mires, Morgans, Power, Prosser, Schooley, Shoudy, Stiles, Suksdorf, P. C. Sullivan, Weir, Weisenburger, Winsor.

The following thirty-two members voted no: Blalock, Bowen, Browne, Clothier, Dickey, Dyer, Eshelman, Glascock, Godman, Gowey, Griffitts, Jamieson, Jeffs, Kinnear, Lindsley, McCroskey,

McReavey, J. Z. Moore, R. S. More, J. M. Reed, T. M. Reed, Sohns, Stevenson, Sturdevant, E. H. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, West and Mr. President. Messrs. Berry, Burk, Dallam, Hayton, Manly, McDonald, Sharpstein not voting. Messrs. Cosgrove, Hungate, Kellogg, Neace and Willison absent on leave. And the motion was lost.

The question was then on the amendment of Mr. Tibbetts to Mr. Turner's motion. The ayes and noes were demanded and ordered and on a call of the roll the following thirty-eight members voted aye: Blalock, Buchanan, Burk, Comegys, Crowley, Dickey, Dunbar, Durie, Dyer, Fairweather, Fay, Henry, Hicks, Jeffs, Jones, Joy, Lillis, Lindsley, Manly, McCroskey, McReavey, Minor, [Mires]*, J. Z. Moore, Morgans, Power, Prosser, J. M. Reed, Schooley, Shoudy, Sohns, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Warner, Weir, West.

The following twenty-eight members voted no: Messrs. Allen, Bowen, Browne, Clothier, Coey, Eldridge, Eshelman, Glascock, Godman, Gowey, Gray, Griffitts, Hayton, Jamieson, Kinnear, McElroy, Mires, R. S. More, Newton, T. M. Reed, Stevenson, Stiles, Travis, Turner, Van Name, Weisenburger, Winsor, Mr. President. And Messrs. Berry, Dallam, McDonald, Sharpstein not voting, and Messrs. Cosgrove, Hungate, Kellogg, Neace and Willison absent on leave. And the amendment was carried.

The question then was shall the motion as amended be ordered, pending which Mr. Crowley moved to adjourn and the ayes and noes were demanded and ordered and the following thirty-two members voted aye: Allen, Bowen, Buchanan, Burk, Coey, Comegys, Crowley, Dickey, Durie, Eldridge, Glascock, Gowey, Gray, Griffitts, Hayton, Henry, Hicks, Jones, Joy, McCroskey, McElroy, Minor, Mires, Newton, Power, T. M. Reed, Schooley, Stiles, Suksdorf, P. C. Sullivan, Weir, Weisenburger.

The following thirty members voted no: Blalock, Browne, Clothier, Dunbar, Dyer, Eshelman, Godman, Jamieson, Jeffs, Kinnear, Lillis, Lindsley, McReavey, J. Z. Moore, R. S. More, Prosser, J. M. Reed, Shoudy, Sohns, Stevenson, Sturdevant, E. H. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, West, Winsor, Mr. President. Messrs. Berry, Dallam, Fairweather, Fay, Manly, McDonald, Sharpstein not voting. Messrs. Cosgrove, Hun-

* Stricken in journal.

gate, Kellogg, Neace, Willison absent on leave, and the motion prevailed and the Convention stood adjourned until 9 a.m., August 14th, 1889.

## August 14th, 1889

Convention called to order by the President at 9 a.m. Prayer by Rev. Mr. Chaplain [sic].

On a call of the roll all the members were present except Messrs. Crowley, Gowey, Stiles, P. C. Sullivan [and] Fairweather on leave. Dallam, Henry, Hungate, Neace.

Minutes read and approved. Messrs. Dallam, Henry, Gowey, Stiles, P. C. Sullivan [and] Fairweather reported present.

Mr. Sharpstein from the Committee on Miscellaneous Subjects, Schedule and Future Amendments submitted the following report.

In the Convention

Schedule

In order that no inconvenience may arise by reason of a change from a territorial to a state government, it is hereby declared and ordained as follows.

**Section 1.** No existing rights, actions, suits, proceedings, contracts or claims shall be affected by a change in the form of government, but all shall continue as if no such change had taken place, and all process which may have been issued under the authority of the Territory of Washington previous to its admission into the union shall be as valid as if issued in the name of the state.

**Section 2.** All laws now in force in the Territory of Washington which are not repugnant to this Constitution shall remain in force until they expire by their own limitation, or are altered or repealed by the Legislature.

**Section 3.** All debts, fines, penalties and forfeitures which have accrued, or may hereafter accrue to the Territory of Washington, shall enure to the State of Washington.

**Section 4.** All recognizances heretofore taken, or which may be taken before the change from a territorial to a state government, shall remain valid and shall pass to and may be prosecuted

in the name of the state; and all bonds executed to the Territory of Washington, or to any county or municipal corporation, or to any officer or court in his or its official capacity, shall pass to the state authorities and their successors in office, for the uses therein expressed, and may be sued for and recovered accordingly, and all the estate, real, personal and mixed, and all judgments, decrees, bonds, specialties, choses in action, and claims or debts, of whatever description, belonging to the Territory of Washington, shall enure to and vest in the State of Washington, and may be sued for and recovered in the same manner, and to the same extent, by the State of Washington, as the same could have been by the Territory of Washington.

**Section 5.** All criminal prosecutions and penal actions which may have arisen or which may arise before the change from a territory to a state government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the state. All offenses committed against the laws of the Territory of Washington, before the change from a territorial to a state government and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the State of Washington with like effect as though such change had not taken place; and all penalties incurred shall remain the same as if this Constitution had not been adopted. All actions at law and suits in equity, which may be pending in any of the courts of the Territory of Washington, at the time of the change from a territorial to a state government, shall be continued and transferred to the court of the state having jurisdiction of the subject matter thereof.

**Section 6.** All officers now holding their office under the authority of the United States, or of the Territory of Washington, shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the state; and shall be entitled to receive for services rendered the state a compensation not greater than that theretofore received on the taking effect of this Constitution.

**Section 7.** All officers provided for in this Constitution, when no other time is fixed for their election, shall be elected at the election to be held for the adoption of this Constitution on the first Tuesday in October, 1889.

**Section 8.** Whenever the judge of the Superior Court of any

county, elected or appointed under the provisions of this Constitution, shall have qualified, the several causes then pending in the district court of the territory, within any county and the accords, papers and proceedings of said district court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the Superior Court for such county and until the district courts of the territory shall be superseded in manner aforesaid, the said district courts and the judges thereof shall continue with the same jurisdiction and powers, to be exercised in the same judicial districts respectively as heretofore constituted under the laws of the territory. Whenever a quorum of the judges of the Supreme Court of the state shall have been elected and qualified the causes then pending in the Supreme Court of the territory, and the papers, records and proceedings of said Court and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the Supreme Court of the state and until so superseded, the Supreme Court of the territory and the judges thereof shall continue with like powers and jurisdiction as if this Constitution had not been adopted.

**Section 9.** Until otherwise provided by law the seals now in use in the Supreme and District Courts of the territory are hereby declared to be the seals of the Supreme and Superior Courts respectively of the state. The seal of municipalities, and all county officers of the territory shall be the seals of such municipalities and county officers respectively under the state, until otherwise provided by law.

**Section 10.** When the state is admitted into the Union and the Superior Courts in the respective counties organized, the books, records, papers and proceedings of the probate court in each county and all causes and matters of administration pending therein shall pass in the jurisdiction and possession of the Superior Court of the same county created by this Constitution and the said Court shall proceed to final judgment or decree, order or other determination in the several matters and causes, as the territorial probate court might have done if this Constitution had not been adopted. And until the election and qualification of the Superior judges as provided for in this Constitution, the territorial probate judges shall act as judges of the probate courts with the respective counties.

**Section 11.** The Legislature at its first session shall provide

for the election of all officers whose election is not provided for elsewhere in this Constitution and fix the time for the commencement and duration of their term.

**Section 12.** In case of a contest of election between candidates at the first general election under this Constitution for judges of the Superior Courts the evidence shall be taken in the manner prescribed by the teritorial laws, and the testimony so taken shall be certified to the Secretary of State; and said officer together with the Governor and Treasurer of state shall review the evidence and determine who is entitled to the certificate of election.

**Section 13.** One representative in the Congress of the United States shall be elected from the state at large, at the first election provided for in this Constitution, and thereafter at such times and places and in such manner, as may be prescribed by law. When a new apportionment shall be made by Congress, the Legislature shall divide the state into congressional districts, in accordance with such apportionment. The vote cast for representative in Congress at the first election shall be canvassed, and the result determined in the manner provided for by the laws of the territory for the canvass of the vote for delegate in Congress.

**Section 14.** All district, county and precinct officers under territorial laws except probate judges and prosecuting attorneys who may be in office at the time of the adoption of this Constitution shall hold their respective offices until the ..... day of January, A.D. 1891, and until their successors are elected and qualified, and the official bonds of all such officers shall continue in full force and effect until the termination of their respective terms of office, the same as if this Constitution had not been adopted.

**Section 15.** The first election held at the time of the adoption of this Constitution shall be held and conducted in all respects according to the laws of the territory and the votes cast at said election for all officers (where no other provisions are made in this Constitution) shall be canvassed and returned in the manner provided by territorial law.

**Section 16.** The provisions of this Constitution shall be in force from the day on which the President of the United States

shall issue this proclamation declaring the State of Washington admitted into the Union.

Respectfully submitted,

B. L. SHARPSTEIN, *Chairman*
D. BUCHANAN
GEO. COMEGYS
JOHN M. REED
MATT J. MCELROY
W. B. GRAY

We concur in the foregoing report except Section 14 and in its stead recommend the following.

**Section.** All district, county and precinct officers who may be in office at the time of the adoption of this Constitution shall hold their respective offices until the second Monday of January, A. D. 1891, and until such time as their successors may be elected and qualified in accordance with the provisions of this Constitution, and the official bonds of all such officers shall continue in full force and effect as though this Constitution had not been adopted.

S. A. DICKEY, *Secretary*
M. W. LILLIS
ROBERT JAMIESON

Ordered to lie over one day and be printed.

Mr. Comegys from the Committee on Federal Relations, Boundaries and Immigration submitted the following report.

In the Convention
Committee on Federal Relations,
Boundaries and Immigration

Mr. President and members of the Convention:

Your Committee on Federal Relations, Boundaries and Immigration having had under consideration the question of boundaries of the State of Washington recommend the following.

GEO. COMEGYS, *Chairman*
D. BUCHANAN
JIM MCREAVEY
ARNOLD J. WEST
MATT J. MCELROY

The boundaries of the State of Washington shall be as follows: Beginning at a point in the Pacific Ocean one marine league due west of and opposite the middle of the north ship channel of the mouth of the Columbia River, thence running easterly to and up the middle channel of said river and where it is divided by islands up the middle of the widest channel thereof to where the forty-sixth parallel of north latitude crosses said river, near the mouth of the Walla Walla River, thence east on said forty-sixth parallel of latitude to the middle to the main channel of the Shoshone or Snake River, thence follow down the middle of the main channel of Snake River to a point opposite the mouth of the Kooskooskie or Clearwater River, thence due north to the forty-ninth parallel of north latitude, thence west along said forty-ninth parallel of north latitude to the middle of the channel which separates Vancouver's Island from the continent, that is to say to a point in longitude 123 degrees 19 minutes and 15 seconds west; thence following the boundary line between the United States and British possessions through the channel which separates Vancouver's Island from the continent to the termination of the boundary line between the United States and British possessions at a point in the Pacific Ocean equidistant between Bonnilla Point on Vancouver's Island and Tatoosh Island Lighthouse; thence running in a southerly course and parallel with the coast line, keeping one marine league offshore to place of beginning.

Ordered received and filed.

Mr. Eldridge was called to the chair and the question then was on the adoption of the article on harbors, tidewaters and navigable streams.

Mr. Durie moved to add an additional section as follows.

**Section 4.** The state shall vest control of said area for general police purposes and for the building and maintaining of wharves, docks and other structures or the leasing of the right to build and maintain such structures in the municipal corporations fronting thereon, subject to such general laws as the Legislature may provide.

Mr. Turner rose to a point of order that the whole discussion was not germane to the question before the house.

Mr. Cosgrove rose to a point of order that the state lands were not under consideration. Not sustained.

Mr. Dunbar rose to a point of order that the discussion of harbors and tidelands and navigable rivers was the only subject under consideration. Not sustained.

Mr. Dunbar appealed from the discipline of the chair and was sustained and it was ordered that the discussion should only be single subject of harbors, tidewaters and navigable streams.

Mr. Bowen moved the previous question. Carried.

The question then being upon the amendment offered by Mr. Durie the ayes and noes were demanded and ordered and on a call of the roll the following three members voted aye: Berry, Durie, McElroy. The following seventy members voted no: Allen, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Crowley, Dallam, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Gowey, Gray, Griffitts, Hayton, Henry, Hicks, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McDonald, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Weir, Weisenburger, West, Winsor, Willison, Mr. President. On leave, Hungate [and] Neace and the amendment was lost.

Mr. Prosser moved to amend by inserting the word "permanent" after the word "establish" in line two of the substitute and withdrew the motion.

Mr. T. M. Reed moved to amend. Strike out of Section 1, line nine, the words "the line of ordinary high tide" and insert "government meander line."

Mr. West moved to amend the amendment by inserting "the line of vegetation" and withdrew the motion.

Question was then on Mr. Reed's amendment and it was lost.

Mr. Griffitts moved to amend. Strike out "provide for the appointment of" and insert "by general laws provide for" [in] line one. Lost.

Mr. Stiles moved to amend by inserting after words "harbors" in second line the word "rivers." Carried.

Mr. Stiles moved to strike out of the second section the word "leasing" and insert "licensing." Lost.

Mr. Power moved to amend by adding to Section 2, "Provided that no lease or license shall be granted within such harbor limits except for wharfage and storage purposes and the charges to be collected thereon shall be subject to such limitations as the Legislature shall from time to time prescribe by general laws." Lost.

Mr. Turner moved to amend by inserting after "intervening to" "and across" in Section 3.

Mr. Griffitts moved to strike out of Section [sic] a portion of same and insert, "and the Legislature shall never vest control thereof in any municipality or other political subdivision of the state, and every law of the Territory of Washington granting any such area or any part thereof in any manner to any municipal or other corporation, person, firm, association whatsoever or approving any transfer thereof, is hereby declared to be void."

Mr. P. C. Sullivan moved to take a recess until 2 p.m. Lost.

Mr. Griffitts' motion was lost.

Mr. Moore moved the previous question. Carried.

Mr. Sullivan moved to adjourn until 2 p.m. Ruled out of order.

The question then was shall the article be considered engrossed and passed to a third reading. The ayes and noes were demanded and ordered and the following forty-six members voted aye: Allen, Berry, Blalock, Bowen, Browne, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Glascock, Griffitts, Hayton, Henry, Hicks, Jeffs, Kellogg, Kinnear, Lindsley, McCroskey, McElroy, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, Schooley, Sturdevant, Suksdorf, E. H. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, West, Mr. President.

The following twenty-six members voted no: Berry, Buchanan, Eldridge, Fairweather, Fay, Godman, Gowey, Gray, Jamieson, Jones, Joy, Lillis, Manly, McDonald, McReavey, Minor, T. M. Reed, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, P. C. Sullivan, Weir, Weisenburger, Winsor. Not voting, Mr. Willison. On leave, Hungate [and] Neace, and it was so ordered.

Mr. Tibbetts moved to take a recess until 2 p.m., pending which Mr. Lillis was granted leave of absence. Mr. Tibbetts' motion was agreed to and the Convention took a recess until 2 p.m.

At 2 p.m. Convention called to order by the President. Mr. Minor from the Committee on Revision reported the article on preamble and declaration of rights as revised and asked that it be considered. So ordered.

The article was read and the question then being on finally agreeing to the article as a part of the Constitution, a call of the roll was ordered and had and the following fifty-five members voted aye: Allen, Blalock, Berry, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Gowey, Hayton, Hicks, Jamieson, Jones, Joy, Kellogg, Kinnear, McCroskey, McDonald, McElroy, Minor, Mires, J. Z. Moore, Morgans, Power, J. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Weir, Weisenburger, West, Willison, Mr. President.

And the following four voted no: Godman, Griffitts, Jeffs, E. H. Sullivan. Not voting: Dickey, Gray, Henry, Lindsley, Manly, Lillis, McReavey, R. S. More, Newton, Prosser, T. M. Reed, Stiles, Winsor. Absent on leave, Hungate, Neace, and a majority of all the members of the Convention voting in the affirmative the article was adopted as a part of the Constitution and returned to the Committee on Revision, Enrollment and Adjustment for final engrossment.

Mr. Minor from same committee asked that the word "present" relative to veto power be stricken from legislative department and executive department articles so as to make them consistent throughout.

Mr. Tibbetts moved that the committee be instructed to strike out the word "present" as recommended and the ayes and noes were demanded and ordered and on a call of the roll the following thirty-three members voted aye: Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Dallam, Durie, Dyer, Eldridge, Fairweather, Fay, Glascock, Godman, Hayton, Joy, Kellogg, Kinnear, Minor, Mires, J. Z. Moore, Prosser, Schooley, Sharpstein, Sohns, Tibbetts, Travis, Turner, Weir, Weisenburger, West, Winsor, Mr. President.

The following thirty-four members voted no: Allen, Berry, Blalock, Bowen, Cosgrove, Crowley, Dickey, Dunbar, Eshelman, Gowey, Griffitts, Henry, Hicks, Jamieson, Jeffs, Jones, Lindsley. Manly, McCroskey, McDonald, McElroy, R. S. More, Morgans, Power, J. M. Reed, Shoudy, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Van Name, Warner, Willison. Not voting, Gray, Lillis, McReavey, Newton, T. M. Reed, Stevenson. Absent on leave, Hungate, Neace and the motion was lost.

Mr. Minor from same committee then recommended that Section 22 of the Legislative Department be amended so as to be consistent with the other article. Lost.

Mr. Minor from the same committee reported Sections 34 [sic] of the [article on] legislative department back to the Convention for their action.

Mr. Stiles moved to attach it to the preceding section. Ruled out of order.

They also recommend Section 34 united to Section 33 and "corporation" to be stricken out.

The Committee also made the following report: "The Committee on Revision recommend that the following order be observed as to the first four articles:

Article 1. The Legislative Department
Article 2. The Executive Department
Article 3. The Judicial Department
Article 4. Impeachment and removal from office

T. T. MINOR, *Chairman*"

The report was read and it was so ordered.

The Committee was given leave to sit during Convention hours.

Mr. Godman was granted leave for the balance of the day.

Mr. Dunbar moved that the Convention proceed informally as in committee of the whole to consider the report of the Committee on State, School and Granted Lands, with the President in the chair. Carried.

At 2:40 the Convention proceeded informally as in committee of the whole to consider the report. During this session Mr. Bowen was called to the chair.

At 5:30 the Convention resumed its session with the President in the chair. The Committee reported that they had had under consideration the report of the Committee on State, School and Granted Lands but had come to no resolution thereon.

Mr. P. C. Sullivan gave notice that he would on tomorrow or some subsequent time move to reconsider the vote by which the article on elections and elective rights was defeated.

Mr. Cosgrove moved to adjourn. And the ayes and noes were demanded and on a call of the roll the following forty-two members voted aye: Allen, Browne, Buchanan, Burk, Coey, Comegys, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Gowey, Gray, Hayton, Henry, Hicks, Jamieson, Jones, Joy, Kellogg, McCroskey, McDonald, McElroy, Minor, Mires, Morgans, Power, Prosser, T. M. Reed, Shoudy, Sohns, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Weir, Weisenburger, Willison, Winsor.

The following twenty-seven members voted no: Berry, Blalock, Bowen, Clothier, Dallam, Eshelman, Fairweather, Fay, Glascock, Griffittts, Jeffs, Kinnear, Manly, J. Z. Moore, R. S. More, J. M. Reed, Schooley, Sharpstein, Stevenson, Tibbetts, Travis, Turner, Van Name, Warner, West, Mr. President. Not voting: Stiles, Newton, Lindsley, Lillis, Godman. On leave, Hungate and Neace. And the motion prevailed and the Convention stood adjourned to August 15th, 1889, at 9 a.m.

## August 15th, 1889

Convention called to order by the President at 9 a.m.

On a call of the roll all the members were present except Messrs. Eldridge, Fairweather, Gowey, Jones, McElroy, McReavey, Stiles and Turner, and Messrs. Hungate and Neace on leave.

Minutes read and approved.

The following members reported present: Messrs. Turner, Jones, Stiles, McElroy, Gowey, McReavey, Fairweather.

Mr. Prosser presented a memorial from Zeralda McCoy, a taxpaying woman, relative to equal suffrage. Read and referred to Committee on Elections and Elective Rights.

Mr. Joy (by request) presented a memorial from ninety-three voters of Buckley relative to same subject. Read and referred to Committee on Elections and Elective Rights.

Mr. Weir presented a petition relative to school lands, tidelands, etc. signed by Louis Poole and many other citizens of Port Union. Ordered to lie on the table.

By the Clerk petition on same subject signed by J. Powell and many others. Read and ordered to lie on the table.

The President submitted a petition from citizens of Port Gamble on same subject. Read and ordered to lie on the table.

The article on harbors, tidewaters and navigable streams was then read a third time and passed to a final vote. And the question then was shall the Convention agree to the article as read and on a call of the roll the following forty-nine members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dickey, Durie, Dunbar, Dyer, Eshelman, Fay, Glascock, Griffitts, Hayton, Hicks, Jeffs, Joy, Kellogg, Kinnear, Lindsley, McCroskey, McElroy, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, Schooley, Shoudy, Sohns, Suksdorf, E. H. Sullivan, Travis, Turner, Van Name, Warner, Weir, Willison, Winsor, Mr. President.

The following twenty-one members voted no: Eldridge, Fairweather, Godman, Gowey, Gray, Henry, Jones, Lillis, Manly, McDonald, McReavey, Minor, Mires, T. M. Reed, Sharpstein, Stevenson, Stiles, P. C. Sullivan, Tibbetts, Weisenburger, West. Not voting: Dallam, Jamieson [and] Sturdevant. On leave, Hungate, [and] Neace. A majority of all the members of the Convention having voted in the affirmative the article was agreed to and ordered referred to the Committee on Revision, Adjustment and Enrollment as follows.

Article

**Section 1.** The Legislature shall provide for the appointment of a Commission whose duty it shall be to locate and establish harbor lines in the navigable waters of all harbors, rivers, estuaries, bays and inlets of this state wherever such navigable waters lie within or in front of the corporate limits of any city or within one mile thereof upon either side. The state shall never give, sell or lease to any private person, corporation or association any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor line and the line of ordinary high tide and within not less than fifty feet nor more than six hundred feet of such harbor line (as the Commission shall

determine) be sold or granted by the state, nor its right to control the same relinquished, but such area shall be forever reserved for landings, wharves, streets and other conveniences of navigation and commerce.

**Section 2.** The Legislature shall provide general laws for the leasing of the right to build and maintain wharves, docks and other structures upon the areas mentioned in Section 1 of this article, but no lease shall be made for any term longer than thirty years, or the Legislature may provide by general laws for the building and maintaining upon such area wharves, docks or other structures.

**Section 3.** Municipal corporations shall have the right to extend their streets over intervening tidelands to and across the area reserved as herein provided.

Mr. P. C. Sullivan moved that the vote by which the article on elections and elective rights failed to pass be now reconsidered.

The ayes and noes were demanded and ordered and on a call of the roll the following fifty members voted aye: Allen, Berry, Blalock, Bowen, Buchanan, Burk, Coey, Comegys, Cosgrove, Dickey, Dunbar, Dyer, Eshelman, Fairweather, Fay, Gowey, Hayton, Henry, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McElroy, Minor, Mires, J. Z. Moore, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Shoudy, Sohns, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Weir, Weisenburger, Willison, Winsor, Mr. President.

The following nineteen members voted no: Browne, Clothier, Crowley, Durie, Eldridge, Glascock, Godman, Gray, Griffitts, Hicks, Jeffs, McDonald, R. S. More, Schooley, Stevenson, Sturdevant, E. H. Sullivan, Warner, West. Not voting: Dallam, Jamieson, McReavey [and] Stiles. On leave: Hungate and Neace. The motion was carried.

The question then was on agreeing to the article, pending which Mr. J. Z. Moore moved the previous question. Lost.

Mr. Crowley moved that the vote by which a third reading of the article was defeated be reconsidered. The ayes and noes being demanded and ordered the following fifty-nine members voted aye: Allen, Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eld-

ridge, Eshelman, Fay, Glascock, Godman, Gowey, Gray, Griffitts, Hayton, Henry, Hicks, Jeffs, Jones, Joy, Kellogg, Kinnear, McCroskey, McDonald, McElroy, McReavey, Minor, R. S. More, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, West, Willison, Winsor.

The following eleven members voted no: Browne, Fairweather, Lillis, Lindsley, Manly, Mires, J. Z. Moore, Morgans, Weir, Weisenburger, Mr. President. Not voting, Dallam, Jamieson, Stiles. On leave, Hungate and Neace. And the motion prevailed.

Mr. Crowley moved the following substitute for Section 9. The following article shall be submitted separately to the electors of the territory at the time of the election held for the adoption of the Constitution.

Separate Article

All persons, male and female, of the age of twenty-one years or over, possessing the following qualifications shall be entitled to vote at all elections.

The ballot of those voting in favor of the article shall read "For Woman Suffrage"; the ballots of those voting against the article shall read "Against Woman Suffrage." If at said election the number of ballots cast in favor of the adoption of said article exceeds those cast against its adoption, then said separate article shall become a part of the Constitution and shall be substituted for and take the place of the following sentence in the article on elections and elective rights: "All male persons of the age of twenty-one years or over possessing the following qualifications shall be entitled to vote at all elections."

Mr. Bowen moved the previous question. So ordered. The question then was on the adoption of Mr. Crowley's substitute. Mr. Eldridge moved to amend the substitute and it was adopted as follows. "In the event of the rejection of the separate article on Woman Suffrage, the Legislature may at any future general election submit the question to the qualified electors and if a majority of all the votes cast on that question shall be in favor of Woman Suffrage it shall then take effect and become the law."

Ayes and noes demanded and ordered and on a call of the roll

the following twenty-eight members voted aye: Allen, Blalock, Burk, Cosgrove, Crowley, Dickey, Dunbar, Durie, Eldridge, Eshelman, Fay, Gray, Jamieson, Joy, Kellogg, Kinnear, Manly, McCroskey, McReavey, Newton, J. M. Reed, Stevenson, Tibbetts, Warner, Weir, Willison, Winsor, Mr. President.

The following forty-three members voted no: Berry, Bowen, Browne, Buchanan, Clothier, Coey, Comegys, Dallam, Dyer, Fairweather, Glascock, Godman, Griffitts, Hayton, Henry, Hicks, Jeffs, Jones, Lillis, Lindsley, McDonald, McElroy, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Power, Prosser, T. M. Reed, Schooley, Shoudy, Sohns, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Van Name, Weisenburger, West. Not voting, Gowey, Sharpstein. On leave, Hungate, Neace, and the motion was lost.

Mr. Shoudy moved to add the following as a proviso to Section 1: "But after the year 1895 the following additional qualification in addition to above shall be required. No person shall be allowed to vote at any election or hold any office who cannot read and write in the English language." Lost.

Mr. Dyer moved that the rules be suspended, the article be considered engrossed and passed to third reading and it was so ordered.

The Article was then considered read a third time and the question then was upon agreeing to the article as read and on a call of the roll the following sixty-seven members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Coey, Comegys, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Durie, Dyer, Eshelman, Fairweather, Fay, Glascock, Godman, Gray, Griffitts, Hayton, Henry, Hicks, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, McCroskey, McDonald, McElroy, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Van Name, Warner, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

The following five members voted no: Clothier, Eldridge, Manly, McReavey, Tibbetts. Messrs. Gowey, Hungate and Neace not voting and a majority of all the members voting in the affirm-

ative the article was agreed to and ordered sent to the Committee on Revision, Adjustment and Enrollment.

Article

Elections and Elective Rights

**Section 1.** All male persons of the age of twenty-one years or over possessing the following qualifications shall be entitled to vote at all elections. They shall be citizens of the United States, provided that Indians not taxed shall never be allowed the elective franchise. Provided further that all male persons who at the time of the adoption of this Constitution are qualified electors of the territory shall be electors. They shall have lived in the state one year and in the county ninety days and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote.

**Section 2.** The Legislature may provide that there shall be no denial of the elective franchise at any school election on account of sex.

**Section 3.** All idiots, insane persons and persons convicted of infamous crimes, unless restored to their civil rights, are excluded from the elective franchise.

**Section 4.** For the purpose of voting and eligibility to office no person shall be deemed to have gained a residence by reason of his presence or lost it by reason of his absence while in the civil or military service of the state or of the United States, nor while a student at any institution of learning, nor while kept at public expense in any poorhouse or other asylum, nor while confined in public prison, nor while engaged in the navigation of the waters of this state or of the United States or of the high seas.

**Section 5.** Voters shall in all cases except treason, felony and breach of the peace be privileged from arrest during their attendance at elections and in going to and returning therefrom. No elector shall be required to do military duty on the day of any election except in time of war or public danger.

**Section 6.** All elections shall be by ballot. The Legislature shall provide for such method of voting as will secure to every elector absolute secrecy in preparing and depositing his ballot.

**Section 7.** The Legislature shall enact a registration law and

shall require a compliance with such law before any elector shall be allowed to vote, provided that this provision is not compulsory upon the Legislature except as to cities and towns having a population of over five hundred inhabitants. In all other cases the Legislature may or may not require registration as a prerequisite to the right to vote and the same system of registration need not be adopted for both classes.

**Section 8.** The first election of county and district officers not otherwise provided for in this Constitution shall be on the Tuesday next after the first Monday in November, 1890, and thereafter all elections for such officers shall be held biennially on the Tuesday next succeeding the first Monday in November.

The first election of all state officers not otherwise provided for in this Constitution after the election held for the adoption of this Constitution shall be on the Tuesday next after the first Monday in November, 1892, and the elections for such state officers shall be held in every fourth year thereafter on the Tuesday succeeding the first Monday in November.

**Section 9.** The following article shall be submitted separately to the electors of the territory at the time of the election held for the adoption of the Constitution.

Separate Article

All persons male and female of the age of twenty-one years or over possessing the following qualifications shall be entitled to vote at all elections.

The ballots of those voting in favor of the article shall read "For Woman Suffrage". The ballots of those voting against the article shall read "Against Woman Suffrage." If at said election the number of ballots cast in favor of the adoption of said article exceed those cast against its adoption, then said separate article shall become a part of the Constitution and shall be submitted for and take the place of the following sentence in the article on elections and elective rights. "All male persons of the age of twenty-one years or over possessing the following qualifications shall be entitled to vote at all elections."

Mr. Dyer called to the chair.

Mr. Kinnear withdrew his amendment to Mr. Turner's substitute of yesterday relating to state, school and granted lands.

Mr. Stiles moved to strike out all after the word "lakes" in Mr. Turner's substitute.

Mr. Reed moved to strike out of Mr. Turner's substitute "line of ordinary high tide" where it occurred and insert "government meander lines." Ruled out of order.

Mr. Stiles' amendment being put it was lost.

Mr. Turner moved the previous question. Lost.

Mr. Stiles moved to take a recess until 2 p.m. Lost.

Mr. J. Z. Moore moved that previous question. Carried.

On the question shall the amendment of Mr. Turner be adopted the ayes and noes were demanded and ordered and on a call of the roll the following thirty-six members voted aye: Allen, Bowen, Browne, Clothier, Coey, Comegys, Dallam, Dunbar, Dyer, Eshelman, Glascock, Godman, Gray, Griffitts, Hayton, Hicks, Kinnear, Lindsley, McCroskey, McElroy, Mires, J. Z. Moore, R. S. More, Prosser, Reed, Schooley, Sharpstein, Shoudy, Sturdevant, Suksdorf, E. H. Sullivan, Travis, Turner, Van Name, Warner, Mr. President.

The following thirty-three members voted no: Blalock, Buchanan, Burk, Cosgrove, Crowley, Dickey, Eldridge, Fairweather, Fay, Henry, Jamieson, Jeffs, Jones, Joy, Kellogg, Lillis, Manly, McDonald, McReavey, Minor, Morgans, Power, T. M. Reed, Sohns, Stevenson, Stiles, P. C. Sullivan, Tibbetts, Weir, Weisenburger, West, Willison, Winsor.

Messrs. Berry, Gowey, Hungate, Neace, Newton not voting. Mr. Durie excused from voting and amendment was adopted.

Mr. Mires moved to take a recess until 2 p.m. Carried.

At 2 o'clock p.m. the Convention called to order by Mr. Dyer.

A communication from the Carpenters' Union of Tacoma relating to making Labor Day a legal holiday received and ordered to be on the table subject to call.

Mr. Hoyt moved the following amendment to the report on State, School and Granted Lands as an additional section.

"All patents of the United States purporting to grant to individuals lands between high tide and the meander line of the United States survey shall have the same force and effect as though such lands were above high tide."

Mr. Crowley moved to amend the section as follows:

"The State of Washington disclaims title to all school lands heretofore sold by the commissioners of any county pursuant to any territorial statutes where the purchase price has been paid in good faith."

Mr. Turner raised a point of order that the amendment is not germane to the substitute and he was sustained.

Mr. Stiles moved that the Convention now go into a committee of the whole for the purpose of considering the report of the Committee on State, School and Granted Lands. So ordered.

At 2:10 p.m. the Convention went into committee of the whole to consider the report, taking with them the section proposed by Mr. Hoyt and subsequent proceedings.

At 5:30 the committee rose and the President resumed the chair. The committee reported that they had had under consideration the report of the Committee on State, School and Granted Lands, and made progress and asked leave to sit again. Leave was granted.

Mr. Reed moved to adjourn. Carried. And the Convention stood adjourned to 9 a.m., August 16th, 1889.

## August 16th, 1889

Convention called to order by the President at 9 a.m. Prayer by the Rev. Mr. Chaplain [sic]. On a call of the roll all the members were present except Fairweather, Gowey, Stiles and Turner, and Messrs. Neace and Hungate on leave.

Minutes read and approved. The following members were reported present: Messrs. Fairweather, Turner, Gowey and Stiles.

The President presented a petition relative to women's suffrage signed by M. B. L. West and others. Read and ordered to lie on the table.

Mr. Minor from the Committee on Revision recommended to

the Convention that in the article on organization of counties, cities and townships from the first five lines of the section down to the word "cities" in the fifth line the following be substituted: "Corporations for municipal purposes may be created by the Legislature by special laws, but the Legislature shall by general laws provide for the organization and government of such municipal corporations and for the classification of the same in proportion to their population; such laws may be altered, amended or repealed," and he moved that the Committee be instructed to make such change.

Mr. P. C. Sullivan rose to a point of order that the recommendation does not come within the powers and duties of the Committee. Sustained.

Mr. Gowey moved to suspend the rules and consider the recommendation of the Committee on Revision. Lost.

Mr. Suksdorf was excused for the morning session.

Mr. Dyer moved that the Convention resolve itself into a committee of the whole for the purpose of considering the report of the Committee on State, School and Granted Lands. Lost.

The regular order was then on report of the Committee on Schedule. Mr. Gowey gave notice that on tomorrow he would introduce an amendment to the rules allowing the Committee on Revision to suggest and report such amendments to articles said Committee has under consideration as in their judgment they may deem necessary for the perfecting of the same, for the action of the Convention and it was ordered that the Convention go into a committee of the whole for the purpose of considering the report of the Committee on State, School and Granted Lands.

At 9:40 the Convention went into a committee of the whole for the consideration of the report, with Mr. Dyer in the chair.

At 12:00 noon the committee rose and the President resumed the chair. The committee reported that they had had under consideration the article on state, school and granted lands, had come to no resolution thereon and asked leave to sit again. Leave was granted.

Mr. Dunbar moved to take a recess till 2 p.m. Carried.

At 2 p.m. the Convention was called to order by the President.

Mr. Dunbar moved that the Convention resolve itself into a committee of the whole for the further consideration of the report on state, school and granted lands. Carried. And the Convention went into a committee of the whole for the consideration of the report, with Mr. Dyer in the chair.

At 2:45 the committee rose and the President resumed the chair. The Committee reported that they had been considering the report of the Committee on State, School and Granted Lands, and made progress but come to no resolution thereon and asked leave to sit again. Leave granted.

Mr. Tibbetts moved a call of the house. Carried. And on the roll being called the following members were found to be absent without leave: Messrs. Allen, Henry, Fairweather and Turner.

Mr. Tibbetts moved that the call of the house be dispensed with. Carried.

Mr. Warner moved that the Convention resolve itself into a committee of the whole for the purpose of further considering the report of the Committee on State, School and Granted Lands. So ordered. The Convention then went into a Committee of the whole for the purpose of considering the report with Mr. Dyer in the chair.

At 5:30 the Committee rose and the President resumed the chair. The committee reported that they had had under consideration the report of the Committee on State, School and Granted Lands and report the same to the Convention.

Mr. E. H. Sullivan moved to adjourn. Agreed to. And the Convention stood adjourned till 9 a.m. August 17th, 1889.

From page 190. (omitted by mistake)

Executive Department

Article

**Section 1.** The Executive Department shall consist of Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Superintendent of Public Instruction and a Commissioner of Public Lands, who shall be severally chosen by the qualified electors of the state at the same time and place of voting for the members of the Legislative assembly.

**Section 2.** The supreme executive power of this state shall be vested in a Governor who shall hold his office for a term of four years and until his successor is elected and qualified.

**Section 3.** The Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Superintendent of Public Instruction and Commissioner of Public Lands shall hold their offices for four years respectively and until their successors are elected and qualified.

**Section 4.** The returns of every election for the officers named in the first section shall be sealed up and transmitted to the seat of government by the returning officers, directed to the Secretary of State, who shall deliver the same to the Speaker of the House of Representatives at the first meeting of the House thereafter, when he shall open, publish and declare the result thereof in the presence of a majority of the members of both houses. The person having the highest number of votes shall be declared duly elected, and a certificate thereof shall be given to such person, signed by the presiding officers of both houses, but if any two or more shall be highest and equal in votes for the same office, one of them shall be chosen by the joint vote of both houses. Contested elections for such officers shall be decided by the legislative assembly in such manner as shall be determined by law, the terms of all officers named in Section 1 of this article shall commence on the second Monday in January after their election until otherwise provided by law.

**Section 5.** The Governor may require information in writing from the officers of the state upon any subject relating to the duties of their respective offices and shall see that the laws are faithfully executed.

**Section 6.** He shall communicate at every session by message to the Legislature the condition of the affairs of the state, and recommend such measures as he shall deem expedient for their action.

**Section 7.** He may on extraordinary occasions convene the Legislature by proclamation, in which shall be stated the purposes for which the Legislature is convened.

**Section 8.** He shall be commander in chief of the military in the state except when they shall be called into the service of the United States.

**Section 9.** The pardoning power shall be vested in the Governor under such regulations and restrictions as may be prescribed by law.

**Section 10.** In case of the removal, resignation, death or disability of the Governor, the duties of the office shall devolve upon the Lieutenant Governor, and in case of a vacancy in both the offices of Governor and Lieutenant Governor, the duties of Governor shall devolve upon the Secretary of State, who shall act as Governor until the disability be removed or a Governor be elected.

**Section 11.** The Governor shall have power to remit fines and forfeitures under such regulations as may be prescribed by law, and he shall report to the Legislature at its next meeting each case of reprieve, commutation or pardon granted, and the reasons for granting the same, and also all persons in whose favor remission of fines and forfeitures shall have been made and the several amounts remitted and the reasons of the remission.

**Section 12.** Every act which shall have passed the legislative assembly shall be, before it becomes a law, presented to the Governor. If he approves he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, which house shall enter the objections at large upon the journal and proceed to reconsider. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present it shall become a law; but in all such cases the vote of both houses shall be determined by the yeas and nays, and the names of the members voting for or against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the Governor within five days, Sundays excepted, after it shall be presented to him, it shall become a law without his signature, unless the general adjournment shall prevent its return, in which case it shall become a law unless the Governor, within ten days next after the adjournment, Sundays excepted, shall file such bill with his objections thereto, in the office of the Secretary of State, who shall lay the same before the legislative assembly at its next session, in like manner as if it had been returned by the Governor. If any bill presented to the Governor contain several sections or items,

he may object to one or more sections or items while approving other portions of the bill. In each case he shall append to the bill, at the time of signing it, a statement of the section or sections, item or items to which he objects, and the reasons therefor, and the section or sections, item or items so objected to shall not take effect unless passed over the Governor's objection, as hereinbefore provided.

**Section 13.** When during a recess of the legislative assembly a vacancy shall happen in any office, the appointment to which is vested in the legislative assembly, or when at any time a vacancy shall have occurred in any other state office, for the filling of which vacancy no provision is made elsewhere in this Constitution, the Governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified.

**Section 14.** The Governor shall receive an annual salary of four thousand dollars which may be increased by law, but shall never exceed six thousand dollars per annum.

**Section 15.** All commissions shall issue in the name of the state, shall be signed by the Governor, sealed with the seal of the state, and attested by the Secretary of State.

**Section 16.** The Lieutenant Governor shall be presiding officer of the State Senate, and shall discharge such other duties as may be prescribed by law. He shall receive an annual salary of one thousand dollars, which may be increased by the Legislature but shall never exceed three thousand dollars per annum.

**Section 17.** The Secretary of State shall keep a record of the official acts of the legislative assembly and executive department of the state, and shall when required lay the same and all matters relative thereto before either branch of the legislative assembly, and shall perform such other duties as shall be assigned him by law. He shall receive an annual salary of twenty-five hundred dollars, which may be increased by the Legislature but shall never exceed three thousand dollars per annum.

**Section 18.** There shall be a seal of state kept by the Secretary of [sic] for official purposes, which shall be called "The Seal of the State of Washington."

**Section 19.** The Treasurer shall perform such duties as shall be prescribed by law. He shall receive an annual salary of two

thousand dollars, which may be increased by the Legislature, but shall never exceed four thousand dollars per annum.

**Section 20.** The Auditor shall be auditor of public accounts, and shall have such powers and perform such duties in connection therewith as may be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the Legislature, but shall never exceed three thousand dollars per annum.

**Section 21.** The Attorney General shall be legal adviser of the state officers, and shall perform such other duties as may be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the Legislature, but shall never exceed thirty-five hundred dollars per annum.

**Section 22.** The Superintendent of Public Schools, and [sic] shall perform such specific duties as may be prescribed by law. He shall receive an annual salary of twenty-five hundred dollars, which may be increased by law, but shall never exceed four thousand dollars per annum.

**Section 23.** The Commissioner of Public Lands shall perform such duties and receive such compensation as the Legislature may direct.

**Section 24.** The Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction, Commissioner of Public Lands and Attorney General shall severally keep the public records, books and papers relating to their respective offices, at the seat of government at which place also the Governor, Secretary of State, Treasurer and Auditor shall reside.

**Section 25.** No person except a citizen of the United States and a qualified elector of this state shall be eligible to hold any [sic] and the State Treasurer shall be ineligible for the term succeeding that for which he was elected. The compensation of state officers shall not be increased or diminished during the term for which they shall have been elected. The Legislature may in its discretion abolish the offices of the Lieutenant Governor, Auditor and Commissioner of Public Lands.

## August 17th, 1889

Convention called to order at 9 a.m. by the President. Prayer by the Rev. Mr. Chaplain [sic].

On roll call all the members were present except Messrs. Godman, Gowey, Gray, Mires and Stiles and Messrs. Neace and Hungate on leave.

Minutes read and approved. The following members reported present: Gray, Mires, Gowey and Stiles.

Mr. Cosgrove was granted leave for the afternoon session. Mr. Dunbar asked and was granted leave from this day at noon until Monday noon. Mr. Tibbetts asked and was granted leave from 3 p.m. today.

Mr. Bowen from the Committee on State Seal submitted the following report. Ordered to lie over one day and be printed.

Mr. President and Members of the Convention:

Your special Committee to whom was assigned the duty of presenting to this Convention one or more designs for a seal of the State of Washington respectfully submit the following for consideration.

1st. A seal with the vignette of Gen'l. Geo. Washington as the central figure, encircled with the motto "Our varied industries invite You" and beneath the vignette the figures 1889.

2nd. A seal representing a mountain, forest, a ship, factory, church, school building and a train of cars with the name of our various products marked on the cars upon the mountainside, a rising star and encircling all the motto "Westward the Star of Empire takes its way."

3rd. The present seal of the territory with the motto "Al-Ki" (meaning by and by) changed to "Welcome" and the date 1853 changed to 1889. The accompanying sketches are only intended to illustrate the ideas and are not recommended for their artistic skill or finish.

O. A. BOWEN, *Chairman*
FRANK M. DALLAM
GWIN HICKS

The question was then on concurring in the amendments to the report of the Committee on State, School and Granted Lands as made in committee of the whole.

The amendment in Section 1 was then agreed to.

The question then was on concurring in the substitute for Section 2 and the ayes and noes were demanded and ordered and the following forty-three members voted aye: Berry, Browne, Buchanan, Clothier, Coey, Comegys, Cosgrove, Crowley, Dunbar, Dyer, Eshelman, Glascock, Gray, Griffitts, Henry, Hicks, Jamieson, Kinnear, Manly, McCroskey, McDonald, McElroy, Minor, Mires, J. Z. Moore, R. S. More, Newton, Power, Prosser, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Sturdevant, Suksdorf, E. H. Sullivan, Travis, Turner, Van Name, Warner, Weisenburger, Mr. President.

The following twenty-six members voted no: Allen, Blalock, Bowen, Burk, Dallam, Dickey, Eldridge, Fairweather, Fay, Gowey, Hayton, Jeffs, Jones, Joy, Kellogg, Lillis, Lindsley, McReavey, Morgans, Stevenson, P. C. Sullivan, Tibbetts, Weir, West, Willison, Winsor. Not voting: Stiles, Durie. Absent: Mr. Godman. On leave: Messrs. Hungate and Neace. The amendment was concurred in.

The question then was on concurring in the substitute for Section 3 and the ayes and noes were demanded and ordered and the following forty-five members voted aye: Allen, Blalock, Bowen, Buchanan, Burk, Clothier, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eshelman, Fay, Glascock, Henry, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, McElroy, McReavey, Minor, Morgans, Power, Prosser, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, P. C. Sullivan, Tibbetts, Weir, Weisenburger, West, Winsor, Mr. President.

And the following twenty-three members voted no: Berry, Coey, Dallam, Fairweather, Gray, Griffitts, Hicks, Manly, McCroskey, McDonald, Mires, J. Z. Moore, R. S. More, Newton, J. M. Reed, Sturdevant, Suksdorf, E. H. Sullivan, Travis, Turner, Van Name, Warner, Willison. Not voting: Comegys, Eldridge, Gowey, Hayton. Absent: Mr. Godman. On leave: Neace, Hungate. The amendment was concurred in.

The question then was in concurring to add a new Section 4. And the ayes and noes were demanded and ordered and on a call of the roll the following thirty-two members voted aye: Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Dyer, Glascock, Gowey, Gray, Griffitts, Henry, Hicks, Jeffs, Joy, Lindsley, McCroskey, Mires, J. Z. Moore, R. S. More, Newton, J. M.

Reed, T. M. Reed, Sharpstein, Shoudy, Sturdevant, Suksdorf, E. H. Sullivan, Travis, Turner, Warner.

The following thirty-six members voted no: Allen, Berry, Crowley, Dallam, Dickey, Dunbar, Eldridge, Eshelman, Fairweather, Fay, Hayton, Jamieson, Jones, Kellogg, Kinnear, Lillis, Manly, McDonald, McElroy, McReavey, Minor, Morgans, Power, Prosser, Schooley, Sohns, Stevenson, P. C. Sullivan, Tibbetts, Weir, Weisenburger, West, Willison, Winsor, Mr. President. Not voting: Comegys, Cosgrove, Durie, Van Name. Absent: Godman. On leave: Hungate and Neace. The amendment was not concurred in.

The question was then upon concurring in the amendments to Section 5 and the first amendment was concurred in and the ayes and noes being demanded on the second amendment they were ordered, and on a call of the roll the following forty-eight members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Clothier, Crowley, Dickey, Dunbar, Dyer, Eldridge, Fay, Gowey, Hayton, Henry, Jamieson, Jeffs, Joy, Kellogg, Kinnear, Lillis, Lindsley, McCroskey, McElroy, McReavey, Minor, J. Z. Moore, R. S. More, Morgans, Newton, Power, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Turner, Warner, Weisenburger, West, Mr. President.

The following eighteen members voted no: Burk, Coey, Cosgrove, Dallam, Eshelman, Fairweather, Glascock, Hicks, Jones, Manly, McDonald, Mires, Prosser, Stevenson, Travis, Weir, Willison, Winsor. Not voting: Comegys, Durie, Gray, Griffitts, E. H. Sullivan, Van Name. Absent: Godman. On leave: Hungate and Neace. And the second amendment was concurred in.

And the ayes and noes were demanded and ordered on the third amendment and on a call of the roll the following forty-six members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Cosgrove, Crowley, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fay, Gowey, Griffitts, Hayton, Henry, Jeffs, Joy, Kellogg, Kinnear, Lillis, Lindsley, McReavey, Minor, J. Z. Moore, Morgans, Newton, Power, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Weir, Weisenburger, West, Willison, Winsor, Mr. President. The following twenty voted no: Clothier, Coey, Comegys, Dallam, Fairweather, Glascock, Hicks, Jamieson, Jones, Manly, McCroskey,

McElroy, Mires, R. S. More, Prosser, J. M. Reed, Shoudy, Travis, Turner, Warner. Not voting: Durie, Gray, McDonald, Van Name. Absent: Godman and Tibbetts. On leave: Hungate and Neace, and the third amendment was concurred in.

The amendment to Sections 6 and 7 was then concurred in.

Mr. Joy moved to add a new section as follows:

"The preceding section shall be so construed as to include all of the lands in a section, any portion of which section shall be found to be within one mile of an incorporated city." Carried.

Mr. Prosser moved to substitute the following for Section 5:

"**Section.** Sections numbered 16 and 36 in each township of the State of Washington have been received from the government of the United States for the purpose of being applied in the support of common schools in the State of Washington and the lands within the sections aforesaid shall never be sold, but shall remain the property of the state forever. Timber, stone or perishable property thereon, after due appraisement, may be sold under such terms and conditions as may be prescribed by law. School lands of the state shall be appraised and leased in such manner and under such terms and conditions as may be prescribed by the Legislature, which shall also provide by law for the protection of the school lands from trespass or unlawful appropriation, and for their defense against all unauthorized claims or efforts to divert them, or the income therefrom from the school fund of the state."

Mr. Bowen moved the previous question on Prosser's substitute. Carried. The question then was on the substitute offered by Mr. Prosser and the ayes and noes were demanded and ordered and on a call of the roll the following twenty-two members voted aye: Blalock, Comegys, Crowley, Durie, Eldridge, Eshelman, Gray, Griffitts, Hicks, Jones, Lindsley, McElroy, Mires, J. Z. Moore, R. S. More, Prosser, J. M. Reed, Sharpstein, Warner, Willison, Winsor, Mr. President.

And the following forty-three voted no: Allen, Berry, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Cosgrove, Dallam, Dickey, Dunbar, Dyer, Fairweather, Fay, Glascock, Hayton, Henry, Jamieson, Joy, Kellogg, Kinnear, Lillis, McCroskey, McReavey, Morgans, Newton, Power, T. M. Reed, Schooley, Shoudy, Sohns, Stevenson, Stiles, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Turner, Van

Name, Weir, Weisenburger, West. Not voting: Gowey, Jeffs, Manly, McDonald, Minor, Sturdevant, E. H. Sullivan. Absent: Godman. On leave: Hungate and Neace. And the substitute was lost.

Mr. Browne moved to amend Section 6 as follows: "To amend Section 4 (original number) by inserting after the word 'of' in line one the words 'each section of'." And demanded the ayes and noes. So ordered and on a call of the roll the following thirty-five members voted aye: Berry, Blalock, Browne, Coey, Comegys, Crowley, Dyer, Eldridge, Fairweather, Fay, Glascock, Gowey, Gray, Griffitts, Hicks, Kinnear, Lindsley, Mires, J. Z. Moore, R. S. More, Newton, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Tibbetts, Travis, Turner, Warner, Weisenburger, West, Willison, Mr. President.

And the following thirty-one members voted no: Allen, Bowen, Burk, Clothier, Cosgrove, Dallam, Dickey, Dunbar, Durie, Eshelman, Hayton, Henry, Jamieson, Jones, Joy, Kellogg, Lillis, McCroskey, McDonald, McElroy, McReavey, Minor, Morgans, Power, Sohns, Stevenson, Stiles, Suksdorf, P. C. Sullivan, Weir, Winsor. Not voting: Buchanan, Jeffs, Manly, Sturdevant, E. H. Sullivan, Van Name. Absent: Godman. On leave: Hungate and Neace. And the amendment was adopted.

Mr. Weir moved to add to the article the following as an additional section:

**Section 9.** The Legislature shall provide by general law that all persons holding land abutting upon the shore of any navigable water within the limits of the state and having prior to February 22nd, 1889, valuable improvements occupying shore land below the government meander line in front of such abutting land, such improvements being in actual use and necessity for trade, commerce or business and the shore land so occupied being other than the extension of any street, alley or other public highway, shall have the prior right for a limited time to purchase as much of said shore land as may be necessary for the purpose for which such improvements were made at the valuation fixed by a board of appraisers, which board shall fix such valuation irrespective of the improvements on such land. Provided, that nothing herein shall apply to the area covered by the reservation in front of any incorporated city as specified in the article on harbors, nor to any lands lying in front of any fort or lighthouse owned by the United States."

Mr. Jones moved the previous question and the ayes and noes were demanded and ordered and on a call of the roll the following fifty-one members voted aye: Blalock, Bowen, Browne, Burk, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Gowey, Gray, Hayton, Henry, Jamieson, Jeffs, Jones, Joy, Kellogg, Lillis, Lindsley McCroskey, McReavey, Minor, Mires, Morgans, Newton, Power, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

And the following fifteen voted no: Allen, Buchanan, Clothier, Coey, Comegys, Griffitts, Hicks, McDonald, McElroy, J. Z. Moore, R. S. More, Prosser, Turner, Warner. Not voting: Durie, Kinnear, Manly, Shoudy, E. H. Sullivan, Van Name. Absent: Godman. On leave: Neace and Hungate and the main question was ordered.

Mr. J. Z. Moore moved a call of the house. Lost.

The question then was on the adoption of the section offered by Mr. Weir. The ayes and noes were demanded and ordered and on a call of the roll forty-four members voted aye: Allen, Blalock, Bowen, Browne, Burk, Cosgrove, Dickey, Dyer, Eldridge, Fairweather, Fay, Gowey, Gray, Hayton, Henry, Jamieson, Jeffs, Jones, Kellogg, Kinnear, Lillis, Lindsley, McCroskey, McReavey, Minor, J. Z. Moore, Morgans, Power, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, P. C. Sullivan, Tibbetts, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

The following twenty-five [voted] no: Berry, Buchanan, Clothier, Coey, Comegys, Dallam, Dunbar, Eshelman, Glascock, Griffitts, Hicks, Manly, McDonald, McElroy, Mires, R. S. More, Newton, Prosser, J. M. Reed, Sturdevant, Suksdorf, Travis, Turner, Van Name, Warner. Not voting: Crowley, E. H. Sullivan. Godman, absent. On leave, Hungate and Neace. And the section was adopted.

Mr. Stiles moved to add a proviso to Section 2: "Provided, that this section shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the state," and demanded the ayes and noes and they were ordered. On a call of the roll the following forty-four members voted aye: Allen, Berry, Blalock, Browne, Buchanan, Burk, Cosgrove, Dallam, Dunbar, Dyer, Eldridge, Fairweather, Fay, Gowey, Hayton, Henry, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley,

McCroskey, McReavey, Minor, Morgans, Power, Prosser, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Stiles, P. C. Sullivan, Tibbetts, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

And the following nineteen voted no: Clothier, Coey, Eshelman, Glascock, Griffitts, Hicks, Manly, McElroy, Mires, J. Z. Moore, R. S. More, Newton, J. M. Reed, Shoudy, Sturdevant, Travis, Turner, Van Name, Warner. Not voting: Browne, Comegys, Dallam, Dickey, Durie, Gray, McDonald, Suksdorf, E. H. Sullivan. Absent: Godman. On leave: Hungate and Neace. And the amendment was adopted.

Mr. Turner moved to substitute the following for Section 3: "The Legislature may provide by law for validating and confirming the title to tide or shore lands of persons holding the same under patents from the United States or by mesne conveyance from patentees of the United States, provided that the state shall not part with the title to land necessary for harbor purposes under the article relating to harbors," and demanded the ayes and noes; so ordered.

And on a call of the roll the following twenty-two members voted aye: Berry, Browne, Buchanan, Coey, Cosgrove, Glascock, Griffitts, Hicks, McCroskey, Mires, J. Z. Moore, Newton, J. M. Reed, Schooley, Sharpstein, Sturdevant, Suksdorf, E. H. Sullivan, Travis, Turner, Van Name, Warner. And the following forty-six members voted no: Allen, Blalock, Bowen, Burk, Clothier, Dallam, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Fay, Gowey, Hayton, Henry, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McDonald, McElroy, McReavey, Minor, R. S. More, Morgans, Power, Prosser, T. M. Reed, Shoudy, Sohns, Stevenson, Stiles, P. C. Sullivan, Tibbetts, Weir, Weisenburger, West, Willison, Winsor, Mr. President. Messrs. Comegys, Crowley, Durie, Godman, Gray, not voting and Messrs. Hungate and Neace on leave. And the amendment was lost.

Mr. T. M. Reed moved to strike out "for the benefit of common schools" and insert "for educational purposes." Carried.

Mr. Jones moved to include after the word "magazines" wherever it occurs in Section 1 "docks and dockyards." Carried.

Mr. Browne moved to amend Section 4 (original number) by

inserting after the words "two-thirds" in line two the following words "of each section." Carried. Also to amend as follows (Section 4 original number), strike out in line four the word "said" and insert instead thereof the words "the state." Carried.

Mr. Prosser moved to add to Section 5: "Provided further that no school lands in the State of Washington shall be sold unless a majority of the votes of the state shall at a general election express their approval thereof" and demanded the ayes and noes and they were ordered and on a call of the roll the following eighteen members voted aye: Blalock, Comegys, Crowley, Eldridge, Fairweather, Glascock, Gray, Griffitts, Hicks, Lindsley, McCroskey, Mires, J. Z. Moore, J. M. Reed, Sharpstein, Sturdevant, Willison. And the following forty-four members voted no: Allen, Berry, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Cosgrove, Dickey, Dunbar, Dyer, Eshelman, Fay, Henry, Hayton, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Manly, McDonald, McReavey, Minor, R. S. More, Morgans, T. M. Reed, Schooley, Sohns, Stevenson, Stiles, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Weir, Weisenburger, West, Winsor, Mr. President. Messrs. Dallam, Durie, Godman, Gowey, McElroy, Newton, Power, Shoudy, Suksdorf, E. H. Sullivan, Warner not voting. Messrs. Hungate and Neace on leave. And the amendment was lost.

Mr. Griffitts moved to strike out in line three the word "one" and insert "two." Carried.

Mr. Stiles moved to strike out "lots and blocks" in line five of Section 7 and also "block" after acres in a." Lost.

Mr. Griffitts moved as a substitute for Section 1, "No land owned by the State of Washington either by grant or otherwise at the time of becoming a state, except lands granted to said state for the establishment and maintenance of a scientific school, normal schools, public buildings and state charitable, educational, penal and reformatory institutions, shall ever be sold or in any manner transferred, but the title thereof shall forever remain in the state," and demanded the ayes and noes. So ordered and the following sixteen members voted aye: Berry, Blalock, Comegys, Crowley, Eldridge, Glascock, Gray, Griffitts, Hicks, Mires, J. Z. Moore, Prosser, J. M. Reed, Sharpstein, E. H. Sullivan, Warner.

And the following fifty-three members voted no: Allen, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Cosgrove, Dallam,

Dickey, Dunbar, Dyer, Eshelman, Fairweather, Fay, Gowey, Hayton, Henry, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, McCroskey, McElroy, McReavey, Minor, R. S. More, Morgans, Newton, Power, T. M. Reed, Schooley, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Turner, Van Name, Weir, Weisenburger, West, Willison, Winsor, Mr. President. Not voting: Durie, Godman, Manly, McDonald. Absent on leave: Hungate, Neace. And the amendment was lost.

Mr. Prosser moved to strike out "1895" and insert "1900" in the second line and strike out of line three "1900" and insert "1920," and demanded the ayes and noes. So ordered and on a call of the roll the following twenty-nine members voted aye: Blalock, Browne, Comegys, Crowley, Dallam, Eldridge, Fairweather, Glascock, Gray, Griffitts, Hicks, Jones, Kellogg, Lindsley, McReavey, Minor, J. Z. Moore, R. S. More, Newton, Power, Prosser, J. M. Reed, Schooley, Sharpstein, Tibbetts, Warner, Weisenburger, Willison.

And the following thirty-eight members voted no: Allen, Berry, Bowen, Buchanan, Burk, Coey, Clothier, Cosgrove, Dickey, Dunbar, Durie, Dyer, Eshelman, Fay, Gowey, Hayton, Henry, Jamieson, Jeffs, Joy, Kinnear, Lillis, McCroskey, McElroy, Morgans, T. M. Reed, Shoudy, Sohns, Stevenson, Sturdevant, Suksdorf, P. C. Sullivan, Travis, Turner, Van Name, Weir, West, Mr. President. Not voting: Godman, Manly, McDonald, Stiles, E. H. Sullivan, Winsor. Absent on leave: Hungate and Neace. And the amendment was not adopted.

Mr. Browne moved the following as an additional section: "The Legislature shall provide by general law for the subdivision into small parcels of all tide or shore lands not otherwise provided for by this Constitution and the same shall be sold or leased only at public sale under such regulations as may be provided by general laws." Lost.

Mr. Power moved that the article be engrossed and passed to third reading and the ayes and noes being demanded and ordered the following forty-six members voted aye: Allen, Blalock, Bowen, Burk, Cosgrove, Crowley, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Gowey, Hayton, Henry, Jamieson, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McReavey, Minor, Morgans, Power, J. M. Reed, T. M. Reed, Schooley, Sharp-

stein, Shoudy, Sohns, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Turner, Warner, Weir, Weisenburger, West, Mr. President.

And the following twenty-two members voted no: Browne, Buchanan, Clothier, Coey, Comegys, Dallam, Durie, Fay, Glascock, Gray, Griffitts, Hicks, Jeffs, McDonald, McElroy, Mires, J. Z. Moore, R. S. Moore, Newton, Prosser, Travis, Van Name. Not voting: Berry, Godman, Stiles, Willison, Winsor. Absent on leave: Hungate and Neace. And the motion was carried.

Article.

**Section 1.** All the public lands of the state are held in trust for all the people and none of such lands, nor any estate or interest therein, shall ever be disposed of unless the full market value of the estate or interests disposed of, to be ascertained in such manner as may be provided by law, be paid or safely secured to the state; provided, that the Legislature may donate to the United States such tracts of shore or other lands as may be needed by the government of the United States for establishing and maintaining defensive works, forts, arsenals, magazines, lighthouses, docks and dockyards. Provided further, that wherever such works, forts, arsenals, magazines, lighthouses docks and dockyards are abandoned, the lands so granted shall revert to the state. Nor shall any lands which the state holds by grant from the United States (in any case in which the manner of disposal and minimum price are so prescribed) be disposed of, except in the manner and for at least the price prescribed in the grant thereof, without the consent of the United States.

**Section 2.** The State of Washington, by virtue of its inherent sovereignty, is the owner of the beds and shores of all navigable waters in the state, up to and including the line of ordinary high tide in water where the tide ebbs and flows, and up to and including the line of ordinary high water in all rivers and lakes, and no act of the Territory of Washington, or any of its officers or agents, and no act of any individual or corporation in pursuance of a claim of private right, shall be permitted to prejudice the state in the assertion and maintenance of such ownership. Provided that this section shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the state.

**Section 3.** The State of Washington disclaims any right in or claim to any homestead, pre-emption or donation land claims covered by patents of the United States lying below high water mark in the navigable waters of the state.

**Section 4.** None of the lands granted to the state for educational purposes shall be sold otherwise than at public auction to the highest bidder after the value thereof, less the improvements, shall be appraised by a board of appraisers to be provided by law, the terms of payment also to be prescribed by law, and no sale shall be valid unless the sum bid be equal to the appraised value of said land. In estimating the value of such lands for disposal the value of the improvements thereon on the 22nd day of February, 1889, shall be excluded and such improvements shall not be deemed the property of the state, provided that the sale of all school and university lands heretofore made by the commissioners of any county or the university commissioners, when the purchase price has been paid in good faith, may be confirmed by the Legislature.

**Section 5.** Not more than one-third of each section of the land granted to the state for educational purposes shall be sold prior to January 1st, 1895, and not more than two-thirds of each section prior to January 1st, 1900, provided that nothing herein shall be so construed to prevent the state from selling the timber or stone off of any of the state lands in such manner and on such terms as may be prescribed by law, and provided further that no sale of timber lands shall be valid unless the full value of such lands is paid or secured to the state.

**Section 6.** Not more than one quarter of a section of any lands of the state shall be offered for sale in one parcel, and all lands within the limits of any incorporated city or within two miles of the boundary of any incorporated city where the valuation of such land shall be found by appraisement to exceed two hundred dollars per acre shall before the same be sold be platted into lots and blocks of not more than five acres in a block, and not more than one block shall be offered for sale in one parcel.

**Section 7.** The preceding section shall be so construed as to include all of the lands in a section, any portion of which section shall be found to be within one mile of any incorporated city.

**Section 8.** The Legislature shall provide by general law that all persons owning land abutting upon the shore of any navigable

water within the limits of the state and having, prior to February 22nd, 1889, valuable improvements occupying shore lands below the government meander line, in front of such abutting land, such improvements being in actual use and necessity for trade, commerce or business, and the shore land so occupied being other than the extension of any street, alley or other public highway, shall have the prior right for a limited time to purchase as much of said shore land as may be necessary for the purpose for which such improvements were made, at the valuation fixed by a board of appraisers, which board shall fix such valuation irrespective of the improvements on such land. Provided, that nothing herein shall apply to the area covered by the reservation in front of any incorporated city as specified in the article on harbors, nor to any lands lying in front of any fort or lighthouse owned by the United States.

Mr. Weisenburger moved that the rules be suspended and the article put upon its final passage and demanded the ayes and noes and the following thirty-five members voted aye: Allen, Berry, Bowen, Burk, Comegys, Dickey, Dunbar, Dyer, Elrdidge, Eshelman, Fairweather, Gowey, Gray, Henry, Jeffs, Joy, Kellogg, Kinnear, Lindsley, McDonald, Minor, Mires, Morgans, Newton, Power, J. M. Reed, T. M. Reed, Shoudy, Sohns, E. H. Sullivan, Tibbetts, Turner, Weir, Weisenburger, West.

And the following thirty-five members voted no: Blalock, Browne, Buchanan, Clothier, Coey, Comegys, Crowley, Dallam, Durie, Fay, Glascock, Griffitts, Hicks, Jamieson, Jones, Lillis, Manly, McCroskey, McElroy, McReavey, J. Z. Moore, R. S. More, Prosser, Schooley, Stevenson, Stiles, Sturdevant, Sucksdorf, P. C. Sullivan, Travis, Warner, Van Name, Willison, Winsor, Mr. President. On leave: Hungate and Neace. Absent: Godman. Not voting: Sharpstein, Hayton. And the motion was lost.

The article was ordered reprinted.

Mr. Jamieson gave notice that he would move to reconsider the vote by which the harbor, etc. bill was passed.

Mr. Lillis asked leave of absence. Not granted.

Mr. Gowey moved to take a recess until 2 p.m.

Mr. Sullivan moved to adjourn. Lost. And the Convention took a recess until 2 p.m.

At 2 p.m. Convention called to order by Mr. Turner. The question then was on the schedule as reported by the Committee on Miscellaneous Subjects, Schedule and Future Amendments.

Mr. Dickey moved to informally go into the committee of the whole for the purpose of considering the report.

Mr. Power moved that the Convention proceed to consider the report. Carried.

Mr. Stiles moved to insert in Section 5 the words "superseded by." Lost.

Mr. Henry moved to amend Section 8 as follows.

"Section 8. Insert after the word county in the fifth line the following: And where the same judge is elected for two or more counties, it shall be the duty of the Clerk of the district court, having custody of such papers and records, to transmit to the Clerk of such county or counties, other than that in which such records are kept, the original papers in all cases pending in such district court, and belonging to the jurisdiction of such county or counties together with transcripts of so much of the records of said district court as relate to the same." Carried.

Mr. Gowey moved to strike out the word "any" in third line and insert "such."

P. C. Sullivan moved to amend Section 10 as follows: By inserting immediately after line three, "upon the expiration of the term of office of the probate judges," and strike out all that portion contained in the last sentence of said section and insert in its place, "and until the expiration of the term of office of the probate judges, such probate judges shall perform the duties now imposed upon them by the laws of the territory."

Mr. Jones demanded the ayes and noes and they were ordered, and on a call of the roll the following forty-two members voted aye: Allen, Bowen, Burk, Clothier, Crowley, Dallam, Dickey, Dyer, Eldridge, Fairweather, Fay, Glascock, Gowey, Hayton, Jamieson, Jeffs, Jones, Joy, Kellogg, Lindsley, Manly, McReavey, Minor, J. Z. Moore, Morgans, Power, Prosser, T. M. Reed, Schooley, Shoudy, Sohns, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Turner, Weir, Weisenburger, West, Winsor.

The following nineteen voted no: Berry, Blalock, Bowen, Buchanan, Coey, Comegys, Gray, Henry, Hicks, McCroskey, McDonald, R. S. More, Newton, J. M. Reed, Sharpstein, Stevenson, Travis, Van Name, Willison. Not voting: Cosgrove, Dunbar, Durie, Eshelman, Griffitts, Kinnear, Lillis, McElroy, E. H. Sullivan, Warner, Mr. President. On leave: Hungate and Neace. Absent: Godman. And the amendment was adopted.

Mr. Browne asked to have leave of absence. Granted. Mr. Griffitts and Mr. Eshelman. Granted.

Mr. P. C. Sullivan moved to amend Section 10 as follows: The Superior Courts shall have appellate revisory jurisdiction over the decisions of the probate court as now provided by law until such latter court expire by limitation. Carried.

Mr. P. C. Sullivan moved to amend as follows: Insert the words "on the second Monday in January, 1891" after the words "probate judges" in the amendment following line three in Section 10. Carried.

Mr. Shoudy moved to amend Section 11 as follows: "Add to Section 11 "and shall further provide that after the year 1895 no person shall be allowed to vote at any election or hold any office who cannot read and write in the English language."

Mr. Dyer raised the point of order that it was not germane. Overruled.

The ayes and noes were then demanded and ordered and on a call of the roll the following twenty-one members voted aye: Clothier, Comegys, Crowley, Eldridge, Fay, Hayton, Hicks, Jamieson, Jeffs, Jones, Kellogg, Lindsley, Minor, Mires, R. S. More, Shoudy, Sohns, Sturdevant, Van Name, Willison. The following thirty-one members voted no: Allen, Blalock, Bowen, Browne, Buchanan, Burk, Coey, Dickey, Dyer, Glascock, Henry, Joy, McCroskey, McReavey, J. Z. Moore, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Stevenson, Stiles, P. C. Sullivan, Travis, Turner, Warner, Weir, Weisenburger, West. Not voting: Cosgrove, Dallam, Dunbar, Durie, Eshelman, Fairweather, Gowey, Gray, Griffitts, Kinnear, Lillis, Manly, McDonald, McElroy, Newton, Suksdorf, E. H. Sullivan, Tibbetts, Winsor, Mr. President. Absent: Godman. On leave: Neace, Hungate, and the amendment was lost.

Mr. Power moved to strike out of Section 14 in first and second lines "except probate judges and prosecuting attorneys."

Mr. Sharpstein moved to amend the amendment. "Insert thereof members of the Legislature."

Mr. T. M. Reed moved to strike out Section 14 and to insert in lieu thereof the minority report of the Committee and Mr. Dyer demanded the ayes and noes. They were ordered and the following forty-five members voted aye: Allen, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Crowley, Dallam, Dickey, Dyer, Eldridge, Fairweather, Fay, Glascock, Gowey, Hayton, Henry, Jamieson, Jeffs, Jones, Joy, Kellogg, Lindsley, Manly, McCroskey, Minor, J. Z. Moore, Morgans, Power, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Travis, Turner, Warner, Weir, Weisenburger, West.

The following twelve members voted no: Berry, Browne, Comegys, Hicks, McReavey, Mires, R. S. More, Prosser, Stevenson, Van Name, Willison, Winsor. Not voting: Cosgrove, Dunbar, Durie, Eshelman, Gray, Griffitts, Kinnear, Lillis, McDonald, McElroy, Newton, J. M. Reed, E. H. Sullivan, Tibbetts, Mr. President. On leave, Hungate and Neace. Absent: Godman, and the amendment was adopted.

Mr. Dickey moved to strike out Section 15 and insert the following:

**Section 15.** This Constitution shall be submitted to the people of the Territory of Washington for adoption or rejection at an election to be held on the first Tuesday of October A.D., 1889, and there shall be separately submitted at the same time for adoption or rejection the independent article relating to the enfranchisement of woman.

**Section 18.** [sic] At said election the qualified electors shall vote at the usual places of voting and said election shall be conducted and the returns thereof made according to the laws now in force regulating general elections in the Territory of Washington.

**Section 17.** At said election the ballots shall be of the following form.

For the Constitution: Yes.

For the Constitution: No.

For Prohibition Amendment: Yes.
For Prohibition Amendment: No.
For Women's Suffrage Amendment: Yes.
For Women's Suffrage Amendment: No.

And no ballot shall be counted on either side of any question submitted unless said ballot shall have the form herein prescribed.

Mr. Crowley moved to insert after "returned" in fourth line "of election be issued." Carried.

Mr. P. C. Sullivan moved that Committee on Revision, Adjustment and Enrollment be instructed to place the prohibition, women's suffrage and capitol articles in their proper places.

Mr. Crowley moved to add to Section 16 the following: "and the term of all officers elected under the provisions of this Constitution shall commence on the Monday next succeeding the issue of said proclamation unless otherwise provided herein." Carried.

Mr. Stiles moved to add the following.

**Section 17.** The Legislature is hereby authorized to appropriate from the State Treasury sufficient money to pay any of the expenses of this Constitution not provided for by the Enabling Act of Congress.

Mr. Power moved a substitute for Mr. Stiles' amendment as follows:

**Section.** The first Legislature of the state is hereby authorized and required to make provision for the payment of all deficiency in the congressional appropriation of $20,000 for defraying the expenses of the Constitutional Convention as certified to by the President and Chief Clerk of said Convention.

Mr. McCroskey moved to amend the amendment: That the members of this Convention be exempted from the operation of the amendment.

Mr. Browne moved that the whole matter be indefinitely postponed. Lost. Mr. McCroskey withdrew his amendment. The question then was on the adoption of Mr. Power's amendment.

The ayes and noes were demanded and ordered and the following twenty-six members voted aye: Blalock, Buchanan, Clothier,

Dickey, Dyer, Glascock, Gowey, Hayton, Jeffs, Kellogg, McCroskey, Minor, Mires, J. Z. Moore, Morgans, Newton, Power, Prosser, Schooley, Sharpstein, Shoudy, Suksdorf, Travis, Turner, Weisenburger, Willison.

The following thirty-two members voted no: Berry, Bowen, Browne, Burk, Coey, Crowley, Dallam, Eldridge, Fairweather, Fay, Griffitts, Henry, Hicks, Jamieson, Jones, Joy, Lindsley, McDonald, McReavey, R. S. More, J. M. Reed, T. M. Reed, Sohns, Stevenson, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Van Name, Weir, West, Winsor. Not voting: Allen, Comegys, Cosgrove, Dunbar, Durie, Eshelman, Gray, Kinnear, Lillis, Manly, McElroy, Tibbetts, Warner, Mr. President. Absent: Godman. On leave: Neace and Hungate. And the amendment was adopted [sic].

The question then being on the amendment offered by Mr. Stiles, the ayes and noes were demanded and ordered and the following forty-two members voted aye: Blalock, Bowen, Buchanan, Coey, Clothier, Crowley, Dallam, Dickey, Dyer, Fairweather, Fay, Glascock, Gowey, Griffitts, Hayton, Henry, Jamieson, Jones, Lindsley, Manly, McCroskey, McDonald, McReavey, Minor, Mires, J. Z. Moore, Power, Prosser, T. M. Reed, Schooley, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Travis, Turner, Van Name, Weir, Weisenburger, Willison, Winsor.

The following sixteen member voted no: Allen, Berry, Browne, Burk, Comegys, Eldridge, Hicks, Joy, R. S. More, J. M. Reed, Sharpstein, Shoudy, Stevenson, E. H. Sullivan, Warner, West. Not voting: Cosgrove, Dunbar, Gowey, Eshelman, Gray, Jeffs, Kellogg, Kinnear, Lillis, McElroy, Newton, Sohns, Tibbetts, Mr. President. Absent, Godman. On leave, Neace and Hungate, and the amendment was adopted.

Mr. Stiles moved to amend as follows: Insert after "territory" in line three, Section 8 "except such causes as would have been within the exclusive jurisdiction of the United States District Court had [soon]* such court existed at the time of the commencement of such causes." Carried.

[Mr. Crowley offered the following as an additional]*

Mr. Stiles moved the following amendment: Insert after "territory" in line 11, Section 8 "except such causes as would have been

* Stricken in journal.

within the exclusive jurisdiction of the United States Circuit Court had such court existed at the time the commencement of such causes." Carried.

Mr. Crowley offered the following as an additional section:

**Section.** Either the counties of Columbia, Klickitat, Kittitas, Walla Walla or Yakima may prior to January 1st, 1895, give aid by the issue of its bonds or otherwise to any person, corporation or association, provided two-thirds of the property taxpayers in such county, being legal voters therein and voting thereon, vote therefor at a special election to be held for the purpose of deciding the question of granting such aid. The special election shall be called by the commissioners of the county upon petition of not less than one hundred taxpayers and legal voters therein, and shall be held not less than sixty nor more than ninety days after the date of the order for holding said election which shall be conducted, the returns made and results declared in accordance with the general election law, and provided further that the aggregated total of said granted aid under this section by either of said counties shall not exceed four per centum of its assessed valuation for county and state purposes as shown by its assessment made next preceding such election.

The ayes and noes were demanded. Mr. Griffitts raised a point of order that it was not germane and that the same subject had been passed upon. Overruled.

Ayes and noes ordered and Mr. Crowley's section offered and the following seventeen members voted aye: Blalock, Clothier, Crowley, Fay, Gowey, Henry, Prosser, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stiles, Sturdevant, P. C. Sullivan, West, Winsor.

The following thirty-six members voted no: Berry, Bowen, Browne, Buchanan, Burk, Coey, Comegys, Dallam, Dickey, Dyer, Eldridge, Glascock, Griffitts, Hayton, Jamieson, Jeffs, Kellogg, Lindsley, Manly, McDonald, McReavey, Minor, Mires, R. S. More, J. Z. Moore, Morgans, Newton, J. M. Reed, Stevenson, Suksdorf, E. H. Sullivan, Travis, Warner, Weir, Weisenburger, Willison. Turner paired with Dunbar and Mr. Dunbar would have voted aye and Turner no. Jones paired with Cosgrove. Jones would have voted no and Cosgrove aye. Fairweather paired with Hoyt. Hoyt would have voted aye and Fairweather no. Not voting: Allen,

Durie, Eshelman, Gray, Hicks, Joy, Kinnear, Lillis, McCroskey, McElroy, Power, Tibbetts, Van Name. Absent: Godman. On leave: Neace and Hungate, and it was lost.

Mr. Gowey moved to add an additional section:

**Section.** At the election for the adoption or rejection of this Constitution the ballots shall be in the following form:

For the Constitution. Yes. No.

For Prohibition. Yes. No.

For Women's Suffrage. Yes. No.

Mr. Shoudy moved to amend by striking out "No" and "Yes." Lost. Mr. Gowey's amendment carried.

Mr. Griffitts moved to add "For State Capitol . . . . (name of place voted for)."

Mr. T. M. Reed moved to recommit the article to the Committee on Schedule which motion carried twenty-four to seventeen. Mr. Power moved to adjourn. Lost.

Mr. Gowey moved to adjourn to 9 a.m. August 19th, 1889. Carried and the Convention stood adjourned to August 19, 1889, at 9 a.m.

## August 19th, 1889

Convention called to order by the President at 9 a.m. Prayer by the Chaplain.

On roll call all the members were present except Messrs. Allen, Blalock, Cosgrove, Dallam, Dyer, Godman, Hicks, Hungate, Mires, Mires, Schooley and P. C. Sullivan and Mr. Neace on leave.

Minutes read and approved. The following members reported present: P. C. Sullivan, Mires, Cosgrove, Turner, Schooley, Allen, Dallam, Cosgrove.

Mr. Godman was excused for the day. Mr. Minor from the Revision Committee reported Articles 2, 4 and 5 and asked that Article 4 be amended.

Mr. Dyer moved that the rules be suspended that an amendment might be made to Article 4.

Mr. Minor moved to [strike]* amend Article 4 by striking out the word "first" and inserting "second," making it read—"terms of judges elected shall be six years from and after the second Monday in January next succeeding their election." Carried.

Article 2 was then read and the question then was on agreeing to the article as amended and revised, and on a call of the roll the following sixty members voted aye: Allen, Berry, Bowen, Browne, Buchanan, Burk, Coey, Comegys, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Gray, Hayton, Henry, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Sturdevant, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

The following one member voted no: Griffitts. Not voting: Blalock, Clothier, Dallam, Gowey, Hicks, Hungate, Manly, T. M. Reed, Stiles, E. H. Sullivan, Warner. Messrs. Godman and Neace on leave, and a majority of all the members of the Convention having voted in the affirmative, the article was agreed to as Article 2 of the Constitution and ordered referred back to the Committee for [Revision, Adjustment and] Enrollment.

Article 4 was then read and the question then was upon agreeing to the article as amended and revised, and on a call of the roll the following fifty-nine members voted aye: Allen, Berry, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Gray, Griffitts, Hayton, Henry, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, McCroskey, McDonald, McElroy, McReavey, Minor, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Turner, Van Name, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

The following two members voted no: Stevenson, Travis. Not voting: Blalock, Crowley, Dallam, Fairweather, Gowey, Hicks, Hungate, Jamieson, Manly, Mires, Stiles, Warner. On leave, Godman

* Stricken in journal.

and Neace, and a majority of all the members voting in the affirmative, the article was so agreed to and it was referred back to the Committee for [Revision, Adjustment and] Enrollment.

Article 5 was then read and the question then was upon agreeing to the article as so amended and revised, and on a call of the roll the following fifty-nine members voted aye: Allen, Berry, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Gray, Griffitts, Hayton, Henry, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Weir, West, Willison. Not voting: Blalock, Browne, Crowley, Dallam, Gowey, Hicks, Hungate, Jamieson, Manly, Weisenburger, Winsor, Mr. President. On leave: Godman and Neace. And a majority of all the members voting in the affirmative the article was so agreed to and it was referred back to the Committee for [Revision, Adjustment and] Enrollment.

The report of the Committee on Federal Relations, Boundaries and Immigration was then taken up and the report was read a second time.

Mr. Burk moves to strike out "north" in the second line and insert "main."

Mr. Minor moved to [strike out]* amend the amendment to strike out main. Ruled out of order. Mr. Burk's amendment was lost. Mr. Dyer moved that in line twelve after word "west" insert "from Greenwich." Lost.

Mr. Bowen moved to strike out the word "north" in second line. The ayes and noes were demanded and ordered and on a call of the roll the following twenty-three members voted aye: Bowen, Browne, Burk, Dickey, Eldridge, Gowey, Hayton, Henry, Joy, Minor, Mires, R. S. More, T. M. Reed, Schooley, Sohns, Tibbetts, Travis, Van Name, Warner, Weir, Weisenburger, Willison, Winsor.

The following thirty-five members voted no: Allen, Berry,

* Stricken in journal.

Buchanan, Clothier, Coey, Comegys, Crowley, Dunbar, Durie, Dyer, Eshelman, Fairweather, Fay, Glascock, Griffitts, Jones, Kinnear, McCroskey, McElroy, McReavey, J. Z. Moore, Morgans, Newton, Prosser, J. M. Reed, Shoudy, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Turner, West, Mr. President. Not voting: Blalock, Cosgrove, Dallam, Gray, Hicks, Hungate, Jamieson, Jeffs, Kellogg, Lillis, Lindsley, Manly, McDonald, Power, Sharpstein. On leave: Godman and Neace, and the amendment was lost.

Mr. Suksdorf moved to insert after the word "house" in sixteenth line, "thence westerly one league." Lost.

The question then being upon third reading Mr. Griffitts moved that the rules be suspended, it be considered read a third time, engrossed and put upon its final passage, and on a call of the roll the following sixty-one members voted aye: Allen, Berry, Bowen, Browne, Buchanan, Clothier, Coey, Comegys, Crosgrove, Crowley, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Gowey, Griffitts, Hayton, Henry, Jamieson, Jones, Joy, Kellogg, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Weir, Weisenburger, West, Winsor, Mr. President.

The following two members voted no: Burk, T. M. Reed. Not voting: Blalock, Dallam, Dickey, Gray, Jeffs, Kinnear, Schooley, Willison. On leave: [Hungate]*, Godman and Neace. And the article was agreed to and ordered sent to the Committee on Revision, Adjustment and Enrollment for enrollment as follows:

Committee on Federal Relations, Boundaries and Immigration

Article

The boundaries of the State of Washington shall be as follows: Beginning at a point in the Pacific Ocean one marine league due west of and opposite the middle of the north ship channel of the mouth of the Columbia River; thence running easterly to and up the middle channel of said River and where it is divided by islands up the middle of the widest channel thereof to where the

* Stricken in journal.

forty-sixth parallel of north latitude crosses said river near the mouth of the Walla Walla River; thence east on said forty-sixth parallel of latitude to the middle of the main channel of the Shoshone or Snake River; thence follow down the middle of the main channel of Snake River to a point opposite the mouth of the Kooskooskia or Clear Water River; thence due north to the forty-ninth parallel of north latitude; thence west along said forty-ninth parallel of north latitude to the middle of the channel which separates Vancouver's Island from the continent, that is to say to a point in longitude 123 degrees 19 minutes and 15 seconds west; thence following the boundary line between the United States and British possessions through the channel which separates Vancouver's Island from the continent to the termination of the boundary line between the United States and British possessions at a point in the Pacific Ocean equidistant between Bonilla Point on Vancouver's Island and Tatoosh Island lighthouse; thence running in a southerly course and parallel with the coast line keeping one marine league offshore to place of beginning.

Mr. Sturdevant asked indefinite leave for Mr. Blalock. So ordered.

Mr. Minor from the Committee on Revision [, Adjustment and Enrollment] brought to the attention of the Convention that the following words were left out in Section 23 of article on corporations other than municipal: "Upon payment of just compensation to be ascertained in the manner provided by law for the condemnation of private property for public use."

Mr. Turner moved that the rules be suspended and the matter be considered at this time. So ordered.

The question then was shall the words as reported by Mr. Minor be inserted, and Mr. Sullivan called for the ayes and noes, and on a call of the roll the following twenty-four members voted aye: Buchanan, Clothier, Dunbar, Durie, Dyer, Gowey, Hayton, Kinnear, Lindsley, Manly, Minor, Mires, J. Z. Moore, Power, Prosser, T. M. Reed, Schooley, Turner, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

The following thirty-five members voted no: Bowen, Browne, Burk, Coey, Crowley, Dickey, Eldridge, Eshelman, Fairweather, Glascock, Gray, Griffitts, [Hayton]*, Henry, Jamieson, Jeffs,

* Stricken in journal.

Jones, Joy, Kellogg, Lillis, McCroskey, McElroy, McReavey, R. S. More, Morgans, Newton, J. M. Reed, Sharpstein, Shoudy, Sohns, Stevenson, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Warner. Not voting: Allen, Berry, Blalock, Comegys, Cosgrove, Dallam, Fay, Hicks, McDonald, Stiles, Sturdevant, E. H. Sullivan, Van Name. On leave: Godman and Neace, and the amendment was lost.

Mr. Turner asked leave to file a protest to the article. Mr. Hoyt and Mr. Gowey joining. Granted.

The report of the Committee on State, School and Granted Lands as amended and reprinted was then read. The question then was upon agreeing to the article.

Mr. Crowley moved to suspend the rules to consider the following amendment. None of the money received from the sale of any of the granted public school lands shall be loaned to private persons or to corporations, but it may be invested in national, state, county or municipal bonds and the interest on the fund may be used for the benefit of the common schools. The rules were not suspended.

Mr. Kinnear moved to suspend the rules for the purpose of considering the following amendment. Adding line four, Section 8 after the word "land" and also who in good faith have made valuable improvements on shore lands. Lost.

Mr. Turner then filed the following protest. The undersigned members of the Constitutional Convention respectfully protest against [said]* the action of the Convention in refusing to amend the article on corporations so as to require telegraph corporations proposing to occupy the road bed of railroad companies to make just compensation for the same, because:

First. Said amendment was adopted in committee of the whole and in the Convention and was by mistake omitted from the printed article adopted by the Convention.

Second. The article in its present form allows the confiscation of the roadbeds of railroad companies or so much thereof as

* Stricken in journal.

may be necessary for telegraph purposes and transfers the same to telegraph companies.

GEORGE TURNER
JOHN P. HOYT
JOHN F. GOWEY
T. M. REED
J. J. WEISENBURGER

Mr. J. Z. Moore moved to suspend the rules to allow him to move to strike from Section 7 the word "one" in line two and insert "two." Carried.

The question then was upon agreeing to the article as amended and Mr. Bowen moved the previous question and it was so ordered and on a call of the roll the following thirty-five members voted aye: Allen, Bowen, Browne, Burke, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fay, Hayton, Henry, Jamieson, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Minor, Morgans, Power, T. M. Reed, Schooley, Shoudy, Sohns, Stiles, P. C. Sullivan, Turner, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

The following thirty-four members voted no: Berry, Blalock, Buchanan, Clothier, Coey, Comegys, Cosgrove, Crowley, Durie, Fairweather, Glascock, Gowey, Gray, Griffitts, Jeffs, Manly, McCroskey, McDonald, McElroy, McReavey, Mires, J. Z. Moore, R. S. More, Newton, Prosser, J. M. Reed, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, Tibbetts, Travis, Van Name, Warner. Not voting: Dallam, Hicks, Hungate, Sharpstein. On leave: Godman and Neace. And a majority of all the members not voting on the affirmative, the article was not agreed to.

Mr. Turner gave notice that he would present an article on this subject this afternoon and move to suspend the rules for its consideration.

Mr. Comegys moved that the privilege of the house be extended to the Hon. S. C. Wingarde, ex-justice, Supreme Court of the territory. So ordered.

Mr. P. C. Sullivan moved to take a recess until 2 p.m., pending which Mr. Gowey was called to the chair, and the Convention took a recess until 2 p.m.

Convention called to order by Mr. Gowey at 2 p.m. Mr. Tibbitts moved to take up the report of the Committee on Seal. Carried.

Mr. Sharpstein moved to adopt the first recommendation in the report. Mr. Turner moved the amendment that we adopt the seal without the motto. Mr. Joy moved to strike out the present motto and insert "put none but Americans on guard." Lost.

Mr. Turner's amendment was then adopted. Mr. Stiles moved to insert as a motto, "We the people rule." Lost. Mr. Sharpstein's motion as amended was then adopted.

The question then was upon suspending the rules and placing the report upon its third reading and final passage. Carried.

The article was then read a third time as follows. [The Seal of]* "A seal encircled with the words "The Seal of the State of Washington' with the vignette of General Geo. Washington as the central figure and beneath the vignette the figures '1889'," and put upon its final passage and on a call of the roll, the following sixty-four members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Gowey, Gray, Griffitts, Hayton, Henry, Jamieson, Jeffs, Jones, Joy, Kellogg, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Stiles, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Weir, Weisenburger, West, Willison, Winsor. On leave: Neace. Not voting: Crowley, Kinnear, Hicks, Hungate, Morgans, Sohns, Stevenson, Sturdevant, E. H. Sullivan, Mr. President. And it was finally agreed to, a majority of all the members having voted therefor and it was referred to the Committee on Revision [, Adjustment and Enrollment].

Mr. Turner asked to have read the following and moved to suspend the rules and that the article be considered engrossed, read a third time and put upon its final passage.

Article

The State of Washington by virtue of its inherent sovereignty is the owner of the beds and shores of all navigable waters in this 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

* Stricken in journal.

ordinary high water in all rivers and lakes and no act of the Territory of Washington or of any of its officers or agents and no act of any individual or corporation in pursuance of a claim of private right shall be permitted to prejudice the state in the association and maintenance of such ownership; provided that this section shall not be construed so as to [order]* debar any person from asserting his claim to vested rights in the courts of the state, and provided further that the Legislature may, by law, validate and confirm the titles of persons holding patents from the government of the United States or deraigning title from patentees of the United States to lands affected by this section, but the state shall never part with title to any lands reserved by this Constitution for harbor purposes.

Mr. Power moved to refer the article to the Committee on State, School and Granted Lands and demanded the ayes and noes, and was ruled out of order. Mr. Lillis moved the previous question and it was so ordered.

The question then was shall the rules be suspended, and the ayes and noes having been demanded and ordered, the following thirty-five members voted aye: Berry, Bowen, Buchanan, Burk, Clothier, Comegys, Cosgrove, Crowley, Dunbar, Durie, Dyer, Glascock, Godman, Gowey, Griffitts, Jamieson, Lindsley, McCroskey, Minor, Mires, J. Z. Moore, R. S. More, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stiles, Sturdevant, Travis, Turner, Van Name, Warner.

The following thirty-five members voted no: Allen, Blalock, Browne, Coey, Dallam, Dickey, Eldridge, Eshelman, Fairweather, Fay, Gray, Hayton, Henry, Jeffs, Jones, Joy, Kellogg, Lillis, Manly, McDonald, McElroy, McReavey, Morgans, Newton, Power, Stevenson, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Weir, Weisenburger, West, Willison, Winsor. Not voting: Hungate, Kinnear, Hicks, Mr. President. On leave: Neace. Not having received the necessary two-thirds vote, the motion was lost.

Mr. Dunbar moved that the rules be suspended in order that he might introduce the following and have the same considered at this time.

* Stricken in journal.

Article

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

**Section 2.** None of the lands granted to the state for educational purposes shall be sold otherwise than at public auction to the highest bidder after the value thereof, less the improvements, shall be appraised by a board of appraisers to be provided by law, the terms of payment also to be prescribed by law, and no sale shall be valid unless the sum bid be equal to the appraised value of said land. In estimating the value of such lands for disposal, the value of the improvements thereon, on the 22nd day of February, 1889, shall be excluded and such improvements shall not be deemed the property of the state.

**Section 3.** Not more than one-fourth of each section of the land granted to the state for educational purposes shall be sold prior to January 1st, 1895, and not more than one-half of each section prior to January 1st, 1900, provided that nothing herein shall be so construed to prevent the state from selling the timber or stone off of any of the state lands in such manner and on such terms as may be prescribed by law, and provided further that no sale of timber lands shall be valid unless the full value of such lands is paid or secured to the state.

**Section 6.** Not more than one-quarter of a section of any lands of the state shall be offered for sale in one parcel, and all lands within the limits of any incorporated city or witin two miles of the boundary of any incorporated city where the valuation of such land shall be found by appraisement to exceed two hundred dollars per acre shall, before the same be sold, be platted into lots and blocks of not more than five acres in a block and not more than one block shall be offered for sale in one parcel.

**Section 5.** The preceding section shall be so construed as to include all of the lands in a section, any portion of which section shall be found to be within two miles of any incorporated city.

Mr. Turner moved the previous question. Carried.

The question then was upon suspending the rules to consider

the article proposed by Mr. Dunbar and the ayes and noes being demanded and ordered, the following forty-two members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Comegys, Crowley, Dickey, Dunbar, Durie, Dyer, Eshelman, Fay, Glascock, Godman, Gowey, Griffitts, Jamieson, Joy, Kellogg, Lindsley, McCroskey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Shoudy, Sohns, Stiles, Suksdorf, Tibbetts, Turner, Warner.

The following twenty-seven members voted no: Coey, Cosgrove, Dallam, Eldridge, Fairweather, Gray, Hayton, Henry, Jeffs, Jones, Lillis, Manly, McDonald, McElroy, McReavey, Sharpstein, Stevenson, Sturdevant, E. H. Sullivan, P. C. Sullivan, Travis, Van Name, Weir, Weisenburger, West, Willison, Winsor. Not voting: Hicks, Hungate, Kinnear, Newton, Mr. President. On leave: Neace. And the rules were not suspended.

Mr. Turner moved that the subject matter of the article on state, school and granted lands be referred back to the Committee on same and that they be instructed to report tomorrow separate articles, one on tidelands and one on school lands. Mr. Jamieson moved the previous question. So ordered.

The question then was on the motion of Mr. Turner, the ayes and noes were demanded and ordered and on a call of the roll, the following thirty-seven members voted aye: Allen, Berry, Bowen, Browne, Burk, Clothier, Coey, Dickey, Dunbar, Durie, Dyer, Eshelman, Fay, Glascock, Godman, Gowey, Griffitts, Jeffs, Joy, Kellogg, Lillis, Lindsley, McCroskey, Minor, Mires, R. S. More, Power, Prosser, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Suksdorf, Tibbetts, Turner, Van Name.

The following twenty-nine members voted no: Blalock, Buchanan, Comegys, Cosgrove, Eldridge, Fairweather, Gray, Hayton, Henry, Jamieson, Jones, Manly, McDonald, McElroy, McReavey, J. Z. Moore, Morgans, J. M. Reed, [Power, Prosser, Schooley, Sharpstein, Shoudy, Sohns, Suksdorf]*, Stevenson, Sturdevant, E. H. Sullivan, P. C. Sullivan, Travis, Warner, Weir, Weisenburger, West, Willison, Winsor. Not voting: Crowley, Dallam, Hicks, Hungate, Kinnear, Newton, Stiles, Mr. President. On leave: Neace, and the motion prevailed and it was so ordered.

* Stricken in journal.

E. H. Sullivan moved to adjourn. Lost. Mr. Turner moved to take a recess until 4 p.m. Mr. P. C. Sullivan moved to adjourn. Ruled out of order. Mr. Turner's motion carried and the Convention took a recess until 4 p.m.

At 4 p.m. the Convention was called to order by Mr. Gowey.

Mr. Tibbetts moved a call of the house. So ordered. And on a call of the roll the following members were found to be absent without leave: Messrs. Gray, Hicks, Hungate, Kinnear, Neace and Mr. President.

Mr. Lindsley moved that further proceedings be dispensed with. Carried.

Mr. O. A. Bowen introduced the following resolution. "Resolved, that this Convention authorize the Chief Clerk to issue a certificate to Robert Black for an amount which shall be a just compensation for extra labor performed in assisting the Journal Clerk."

Mr. Minor moved its adoption. Carried. Mr. Power introduced the following resolution.

**Section.** The State of Washington disclaims all title in and claim to all tide, swamp and overflowed lands patented by the United States and asked that it be referred to the Committee on State, School and Granted Lands.

Mr. Turner moved to lay on the table. Ayes and noes demanded and ordered, and on a call of the roll the following twenty-two members voted aye: Berry, Blalock, Browne, Crowley, Dallam, Godman, Griffitts, Jeffs, Manly, McCroskey, McDonald, Mires, J. Z. Moore, R. S. More, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, Travis, Turner, Van Name, and Warner.

The following thirty-nine members voted no: Allen, Bowen, Burk, Coey, Clothier, Cosgrove, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Gowey, Hayton, Henry, Jones, Joy, Kellogg, Lindsley, McReavey, Minor, Morgans, Newton, Power, Prosser, T. M. Reed, Schooley, Shoudy, Sohns, Stevenson, P. C. Sullivan, Tibbetts, Weir, Weisenburger, West, Willison, Winsor. Not voting: Buchanan, Comegys, Dickey, Gray, Hicks, Hungate, Jamieson, Kinnear, Lillis, McElroy, J. M. Reed, Sharpstein, Mr. President. On leave: Neace. And the motion was lost and the

resolution referred to Committee on State, School and Granted Lands.

Mr. Stiles moved to amend Section 7 as follows.

**Section 7.** After the words "Constitution" in line two insert "including a County Clerk for each county." Carried.

Mr. Durie moved to amend Section 2 by adding, "Provided that this section shall not be so construed as to validate any act of the Legislature of Washington Territory granting shore or tidelands to any person, company or any municipal or private corporation." Adopted.

Mr. Crowley moved to amend Section 14 as follows. Insert after the word "Constitution" on the third line of Section 14 the words, "and the County Clerk of each county elected at the first election." Carried.

Mr. Dickey moved to amend Section 17 as follows. Strike out separate Article No. 1 and insert "For Woman Suffrage Article." Strike out separate Article No. 2 and insert "For Prohibition Article." Carried.

Mr. Minor moved that the language to be used in Section 17 shall be For Woman Suffrage, Against Woman Suffrage and For Prohibition, Against Prohibition. Carried.

Mr. Crowley moved to adjourn at 4:55 p.m. Carried. And the Convention stood adjourned till 9 a.m. August 20th, 1889.

From page 198 (Omitted by mistake):

Article as Agreed to on

Militia

Article

**Section 1.** All able bodied male citizens of this state between the ages of eighteen and forty-five years, except such as are exempt by laws of the United States or by the laws of this state, shall be liable to military duty.

**Section 2.** The Legislature shall provide by law for organizing and disciplining the militia in such manner as it may deem expedient, not incompatible with the Constitution and laws of the United States. Officers of the militia shall be elected or appointed

in such manner as the Legislature shall from time to time direct and shall be commissioned by the Governor.

The Governor shall have power to call forth the militia to execute the laws of the state, to suppress insurrections and repel invasions.

**Section 3.** The Legislature shall provide by law for the maintenance of a soldiers' home for honorably discharged Union soldiers, sailors, marines, and members of the State Militia disabled while in the line of duty and who are bona fide citizens of the state.

**Section 4.** The Legislature shall provide by law, for the protection and safekeeping of the public arms.

**Section 5.** The militia shall in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at musters and election of officers and in going to and returning from the same.

**Section 6.** No person or persons having conscientious scruples against bearing arms, shall be compelled to do militia duty in time of peace provided such person or persons shall pay an equivalent for such exemption.

From page 164. (Omitted by mistake):

Article as agreed to on
County, City and Township Organizations

Article

**Section 1.** The several counties of the Territory of Washington existing at the time of the adoption of this Constitution are hereby recognized as legal subdivisions of this state.

**Section 2.** No county seat shall be removed unless three-fifths of the qualified electors of the county voting on the proposition at a general election shall vote in favor of such removal, and three-fifths of all votes cast on the proposition shall be required to relocate a county seat. A proposition of removal shall not be submitted in the same county more than once in four years.

**Section 3.** No new county shall be established which shall reduce any county to a population less than four thousand nor shall a new county be formed containing a less population than two

thousand. There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition therefor, and then only under such other conditions as may be prescribed by a general law applicable to the whole state.

Every county which shall be enlarged or created from territory taken from any other county or counties from which such territory shall be taken; provided that in such accounting neither county shall be charged with any debt or liability then existing incurred in the purchase of any county property, or in the purchase or construction of any county buildings then in use or under construction which shall fall within and be retained by the other county; provided further that this shall not be construed to affect the rights of creditors.

**Section 4.** The Legislature shall establish a system of county government which shall be uniform throughout the state and by general laws shall provide for township organization under which any county may organize whenever a majority of the qualified electors of such county voting at a general election shall so determine, and whenever a county shall adopt township organization the assessment and collection of the revenue shall be made and the business of such county and the local affairs of the several townships therein shall be managed and transacted in the manner prescribed by such general laws.

**Section 5.** The Legislature by general and uniform laws shall provide for the election in the several counties of Boards of County Commissioners, Sheriffs, County Clerks, Treasurers, Prosecuting Attorneys and such other county, township or precinct and district officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of all such officers in proportion to their duties and for that purpose may classify the counties by population. And it shall provide for the strict accountability of such officers for all fees which may be collected by them and for all public moneys which may be paid to them or officially come into their possession.

**Section 6.** The Board of County Commissioners in each county shall fill all vacancies occurring in any county, township, precinct or road district office of such county by appointment, and officers thus appointed shall hold office till the next general election and until their successors are elected and qualified.

**Section 7.** No county officer shall be eligible to hold his office for more than two terms in succession.

**Section 8.** The Legislature shall fix the compensation by salaries of all county officers and of constables in cities having a population of five thousand and upwards; except that public administrators, surveyors and coroners may or may not be salaried officers. The salary of any county, city, town or municipal officer shall not be increased or diminished after his election, or during his term of office, nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

**Section 9.** No county nor the inhabitants thereof nor the property therein shall be released or discharged from its or their proportionate share of taxes to be levied for state purposes, nor shall commutation for such taxes be authorized in any form whatever.

**Section 10.** Corporations for municipal purposes shall not be created by special laws, but the Legislature by general laws shall provide for the incorporation, organization and classification in proportion to population of cities and towns which laws may be altered, amended or repealed. Cities and towns heretofore organized or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election shall so determine and shall organize in conformity therewith and cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution shall be subject to and controlled by general laws.

**Section 11.** Any county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws.

**Section 12.** Legislature shall have no power to impose taxes upon counties, cities, towns or other public or municipal corporations, or upon the inhabitants or property thereof, for county, city, town or other municipal purposes, but may by general laws vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

**Section 13.** Private property shall not be taken or sold for the payment of the corporate debt of any public or municipal corporation except in the mode provided by law for the levy and collection of taxes.

**Section 14.** The making of profit out of county, city, town or other public money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

**Section 15.** All moneys, assessments and taxes belonging to or collected for the use of any county, city, town or other public or municipal corporation coming into the hands of any officer thereof, shall immediately be deposited with the Treasurer or other legal depository to the credit or such city, town or other corporation respectively, for the benefit of the funds to which they belong.

## August 20th, 1889

Convention called to order at 9 a.m. by Mr. Gowey. Prayer by the Chaplain.

On roll call all the members were present except Messrs. Hungate, Jamieson, Kinnear and Mr. President, and Mr. Neace on leave.

Mr. Henry moved that Mr. Gowey act as president pro tem. Carried.

Minutes read and approved. Mr. Jamieson reported present.

Mr. Minor, from the Committee on Revision, Adjustment and Enrollment, reported Articles 3, 6, 7, 8, 9, 10 and 11.

Article 3 was read and the question then was upon agreeing to the article as amended and revised. The roll was called and the following sixty-four members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gowey, Griffitts, Hayton, Henry, Hicks, Jeffs, Jones, Joy, Kellogg, Lillis, Lindsley, McCroskey, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Weir, Weisenburger, West, Willison, Winsor.

Not voting: Fairweather, Gray, Hungate, Jamieson, Kinnear, Manly, McDonald, Neace, E. H. Sullivan, Warner, Mr. President.

And a majority of all the members voting in the affirmative it was so agreed to and referred back to the Committee for Enrollment.

Article 6 was then read and the question then was upon agreeing to the article as so amended and revised. The roll was called and the following fifty-seven members voted aye: Allen, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Crowley, Dallam, Dickey, Dunbar, Durie, Dyer, Eshelman, Fay, Glascock, Godman, Gowey, Gray, Griffitts, Hayton, Henry, Hicks, Jeffs, Jones, Kellogg, Lindsley, McDonald, McElroy, McReavey, Mires, J. Z. Moore, R. S. More, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Weir, Weisenburger, West, Willison, Winsor.

And the following two members voted no: Eldridge and McCroskey. Not voting: Berry, Cosgrove, Fairweather, Hungate, Jamieson, Joy, Kinnear, Lillis, Manly, Minor, Newton, Sturdevant, E. H. Sullivan, Warner, Mr. President. On leave: Neace. And a majority of all the members having voted in the affirmative the article was so agreed to and it was referred back to the Committee on Enrollment.

Article 7 was then read and the question then was upon agreeing to the article so amended and revised. The roll was called and the following sixty-two members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burke, Clothier, Coey, Comegys, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Gowey, Gray, Griffitts, Hayton, Henry, Hicks, Jeffs, Jones, Joy, Kellogg, Lillis, Lindsley, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Weir, Weisenburger, West, Willison, Winsor.

The following one member voted no: Godman. Not voting: Dallam, Fairweather, Hungate, Jamieson, Kinnear, Manly, Stevenson, Suksdorf, Van Name, Warner, Mr. President. On leave: Neace. And a majority of all the members having voted in the affirmative the article was so agreed to and it was referred back to the Committee on Enrollment.

Article 8 was then read and the question then was upon agreeing to the article as so amended and revised. The roll was called and the following fifty-nine members voted aye: Allen, Berry, Bowen, Browne, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Gray, Griffitts, Hayton, Henry, Hicks, Jeffs, Jones, Joy, Kellogg, Lillis, Lindsley, McCroskey, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Weir, Weisenburger, West, Willison, Winsor.

And the following two members voted no: Blalock, Sturdevant. Not voting: Buchanan, Fairweather, Godman, Gowey, Hungate, Jamieson, Kinnear, Manly, McDonald, Suksdorf, Van Name, Warner, Mr. President. On leave: Mr. Neace. And a majority of all the members voting in the affirmative the article was so agreed to and referred back to the Committee for Enrollment.

Article 9 was then read and the question then was upon agreeing to the article as so amended and revised. The roll was called and the following sixty-five members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gowey, Gray, Griffitts, Hayton, Henry, Hicks, Jeffs, Jones, Joy, Kellogg, Lillis, Lindsley, Manly, McCroskey, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Warner, Weir, Weisenburger, West, Willison, Winsor.

Not voting: Fairweather, Hungate, Jamieson, Kinnear, McDonald, Sturdevant, Suksdorf, Van Name, Mr. President. On leave: Mr. Neace. And a majority of all the members voting in the affirmative the article was so agreed to and referred back to the Committee for Enrollment.

Article 10 was then read and the question then was upon agreeing to the article as amended and revised. The roll was called and the following fifty-six members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Cosgrove,

Crowley, Dallam, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Gowey, Gray, Griffitts, Hayton, Henry, Jones, Joy, Lillis, Lindsley, Manly, McCroskey, McDonald, McReavey, Minor, Mires, J. Z. Moore, Morgans, Newton, Prosser, J. M. Reed, T. M. Reed, Schooley, Shoudy, Sohns, Stevenson, Stiles, E. H. Sullivan, P. C. Sullivan, Tibbetts, Turner, Van Name, Weir, Weisenburger, West, Winsor.

Not voting: Comegys, Durie, Hicks, Hungate, Jamieson, Jeffs, Kellogg, Kinnear, McElroy, R. S. More, Power, Sharpstein, Sturdevant, Suksdorf, Travis, Warner, Willison, Mr. President. On leave: Neace. And a majority of all the members voting in the affirmative the article was so agreed to and referred back to the Committee for Enrollment.

Mr. Dunbar from the Committee on State, School and Granted Lands submitted an article on Tidelands.

Tidelands

Article

**Section 1.** The State of Washington asserts its ownership to the beds and shores of all navigable waters in the State of Washington up to and including the line of ordinary high tide where the tide ebbs and flows and up to and including the line of ordinary high water within the banks of the navigable rivers and lakes. Provided, this section shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the state.

**Section 2.** The State of Washington disclaims all title in and claim to all tide, swamp, and overflowed lands patented by the United States.

**Section 3.** The Legislature shall provide by general law that all persons owning land abutting upon the shore of any navigable water within the limits of the state, and having prior to February 22nd, 1889, valuable improvements occuping shore lands below the government meander line, in front of such abutting land, such improvements being in actual use and necessity for trade, commerce or business, and the shore land so occupied being other than the extension of any street, alley or other public highway, shall have the prior right for a limited time to purchase as much of said shore land as may be necessary for the purpose for which

such improvements were made, at the valuation fixed by a board of appraisers, which board shall fix such valuation irrespective of the improvements on such land. Provided, that nothing herein shall apply to the area covered by the reservation in front of any incorporated city as specified in the article on harbors, nor to any lands lying in front of any fort or lighthouse owned by the United States.

All of which is respectfully submitted.

O. A. BOWEN, *Secretary*
J. C. KELLOGG
E. ELDRIDGE
OLIVER H. JOY
J. T. ESHELMAN
S. A. DICKEY
T. L. STILES

We concur in Sections 1 and 2 of the above report but do not concur in Section 3.

R. O. DUNBAR, *Chairman*
S. G. COSGROVE
ALBERT SCHOOLEY
J. A. SHOUDY

Also one on school and granted lands.

Mr. President and Members of the Convention:

Your Committee on School and Granted Lands report the following article on the subject and recommend its adoption.

School and Granted Lands

Article

**Section 1.** All the public lands of the state are held in trust for all the people and none of such lands, nor any estate or interest therein, shall ever be disposed of unless the full market value of the estate or interests disposed of, to be ascertained in such manner as may be provided by law, be paid or safely secured to the state; nor shall any lands which the state holds by grant from the United States (in any case in which the manner of disposal and minimum price are so prescribed) be disposed of except in the manner and for at least the price prescribed in the grant thereof without the consent of the United States.

**Section 2.** None of the lands granted to the state for educational purposes shall be sold otherwise than at public auction to the highest bidder after the value thereof, less the improvements, shall be appraised by a board of appraisers to be provided by law, the terms of payment also to be prescribed by law, and no sale shall be valid unless the sum bid be equal to the appraised value of said land. In estimating the value of such lands for disposal the value of the improvements thereon on the 22nd day of February, 1889, shall be excluded.

**Section 3.** Not more than one-fourth of the land granted to the state for educational purposes shall be sold prior to January 1st, 1895, and not more than one-half prior to January 1st, 1905. Provided, that nothing herein shall be so construed to prevent the state from selling the timber or stone off of any of the state lands in such manner and on such terms as may be prescribed by law, and provided further that no sale of timber lands shall be valid unless the full value of such lands is paid or secured to the state.

**Section 4.** Not more than one hundred and sixty acres of any lands of the state shall be offered for sale in one parcel, and all lands within the limits of any incorporated city or within two miles of the boundary of any incorporated city where the valuation of such land shall be found by appraisement to exceed two hundred dollars per acre, shall before the same be sold or [sic] platted into lots and blocks of not more than five acres in a block, and not more than one block shall be offered for sale in one parcel.

All of which is respectfully submitted.

O. A. BOWEN, *Secretary*
R. O. DUNBAR, *Chairman*
J. C. KELLOGG
E. ELDRIDGE
S. G. COSGROVE
H. F. SUKSDORF
ALBERT SCHOOLEY
JOHN A. SHOUDY
OLIVER H. JOY
J. J. TRAVIS
J. T. ESHELMAN
FRANCIS HENRY
THOMAS T. MINOR
J. J. BROWNE
S. A. DICKEY
C. H. WARNER
T. L. STILES

The article on tidelands was read and considered read a second time by title.

Mr. Eldridge moved that the rules be suspended and the article be considered now, upon which the ayes and noes were demanded and ordered and the following thirty-one members voted aye: Allen, Blalock, Bowen, Clothier, Cosgrove, Crowley, Dickey, Eldridge, Eshelman, Gowey, Hicks, Jones, Joy, Kellogg, Lillis, Lindsley, McDonald, [McElroy]*, Minor, Mires, R. S. More, Morgans, Newton, Power, Prosser, Warner, Weir, Weisenburger, West, Willison, Winsor.

And the following thirty-seven members voted no: Berry, Browne, Buchanan, Coey, Comegys, Dallam, Dunbar, Durie, Dyer, Fairweather, Fay, Glascock, Godman, Gray, Griffitts, Hayton, Henry, Jeffs, Manly, McCroskey, McElroy, McReavey, J. Z. Moore, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name. Not voting: Hungate, Jamieson, Kinnear, Sturdevant, E. H. Sullivan, Mr. President. Mr. Neace on leave. And the rules were not suspended and the report was ordered to lie over one day and be printed.

The article on school lands was then read and considered read a second time by title.

Mr. Dunbar moved that the rules be suspended and the article considered at this time and the ayes and noes were demanded and ordered and on a call of the roll the following forty-four members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Clothier, Comegys, Cosgrove, Dallam, Dickey, Dunbar, Durie, Dyer, Eshelman, Glascock, Godman, Gowey, Griffitts, Hayton, Henry, Kellogg, Lindsley, McCroskey, McDonald, McElroy, Minor, Mires, R. S. More, Morgans, Power, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stiles, Suksdorf, E. H. Sullivan, Tibbetts, Travis, Turner, Van Name, Weisenburger.

And the following twenty-four members voted no: Burk, Coey, Eldridge, Fairweather, Fay, Gray, Hicks, Jeffs, Jones, Joy, Lillis, Manly, McReavey, J. Z. Moore, Newton, Prosser, Shoudy, Stevenson, P. C. Sullivan, Warner, Weir, West, Willison, Winsor. Not voting: Crowley, Hungate, Jamieson, Kinnear, Sturdevant, Mr. President. On leave: Neace. And the rules were not suspended and the article was ordered to lie over one day and be printed.

* Stricken in journal.

Mr. Turner moved to suspend the rules and consider the article on tidelands.

Mr. Moore moved to take a recess until 2 p.m.

Mr. E. H. Sullivan asked leave until Thursday. Not granted.

Mr. Sullivan moved to adjourn sine die. Ruled out of order.

Mr. Sullivan appealed from the chair and chair sustained.

Mr. Turner raised a point of order that a motion to take a recess is not a privileged question. Sustained.

Mr. J. Z. Moore moved to adjourn. Ayes and noes demanded and ordered. The roll was called and the following thirteen members voted aye: Comegys, Griffitts, Kellogg, McDonald, McReavey, Mires, J. Z. Moore, Sharpstein, Shoudy, E. H. Sullivan, P. C. Sullivan, Travis, Warner.

And the following fifty-two members voted no: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Gowey, Gray, Hayton, Henry, Hicks, Jeffs, Jones, Joy, Lillis, Lindsley, Manly, McCroskey, McElroy, Minor, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Stevenson, Stiles, Suksdorf, Tibbetts, Turner, Van Name, Weir, Weisenburger, West, Willison. Not voting: Cosgrove, Crowley, Hungate, Jamieson, Kinnear, Sohns, Sturdevant, Winsor, Mr. President. On leave: Neace. And the motion was lost.

The question then was upon suspending the rules and considering the article on tidelands. The ayes and noes were demanded and on a call of the roll the following thirty-five members voted aye: Berry, Blalock, Clothier, Comegys, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Glascock, Godman, Gowey, Gray, Jones, Joy, Kellogg, Lillis, Lindsley, McDonald, Minor, R. S. More, Morgans, Power, Prosser, J. M. Reed, Schooley, Stiles, Suksdorf, E. H. Sullivan, Tibbetts, Turner, Warner, Weir, Weisenburger, West. Not voting: Cosgrove, Crowley, Dallam, Hicks, Hungate, Jamieson, Kinnear, Sohns, Sturdevant, Van Name, Mr. President.

And the following twenty-seven [voted] no: Allen, Bowen, Browne, Buchanan, Burk, Coey, Durie, Fairweather, Fay, Griffitts, Hayton, Henry, Jeffs, Manly, McCroskey, McElroy, McReavey, Mires, J. Z. Moore, Newton, T. M. Reed, Sharpstein, Shoudy, Steven-

son, P. C. Sullivan, Travis, Willison. Mr. Neace on leave. And the rules were not suspended.

Mr. Griffitts moved to suspend the rules and consider the report of the Committee on School and Granted Lands and the following thirty-seven members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Clothier, Coey, Comegys, Dickey, Dunbar, Durie, Dyer, Eshelman, Fay, Glascock, Godman, Gowey, Gray, Griffitts, Hayton, Jeffs, Lindsley, McCroskey, McDonald, McElroy, Mires, R. S. More, J. M. Reed, Schooley, Sharpstein, Suksdorf, E. H. Sullivan, Travis, Turner, Van Name, Warner.

And the following twenty-five [voted] no: Eldridge, Fairweather, Henry, Hicks, Jones, Joy, Kellogg, Lillis, Manly, McReavey, Minor, J. Z. Moore, Morgans, Newton, Prosser, T. M. Reed, Shoudy, Stevenson, P. C. Sullivan, Tibbetts, Weir, Weisenburger, West, Willison. Not voting: Cosgrove, Crowley, Dallam, Hungate, Jamieson, Power, Sohns, Stiles, Sturdevant, Winsor, Mr. President. Neace on leave. And the rules were not suspended.

Mr. Lindsley moved to take a recess until 2 p.m.

Mr. E. H. Sullivan moved to adjourn and demanded the ayes and noes and they were ordered and the following thirteen members voted aye: Eldridge, Gray, Hayton, Jeffs, McDonald, McReavey, Mires, J. Z. Moore, Shoudy, P. C. Sullivan, Van Name, Weisenburger, Winsor.

And the following forty-six members voted no: Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Dallam, Dickey, Durie, Dyer, Eshelman, Fairweather, Fay, Glascock, Godman, Gowey, Griffitts, Henry, Hicks, Jones, Joy, Lillis, Lindsley, Manly, McCroskey, McElroy, Minor, R. S. More, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Stevenson, Suksdorf, Tibbetts, Travis, Warner, Weir, West, Willison. Not voting: Allen, Cosgrove, Crowley, Dunbar, Hungate, Jamieson, Kellogg, Kinnear, Newton, Sohns, Stiles, Sturdevant, E. H. Sullivan, Turner, Mr. President. On leave: Mr. Neace. And the motion was lost.

Mr. Manly moved a call of the house. So ordered. And on a call of the roll the following members were absent without leave: Jamieson, Kinnear, Mr. President.

Mr. Lindsley moved that further proceedings be dispensed with, pending which Mr. Mires moved to adjourn. Lost.

Mr. Griffitts moved that the absent be brought in.

The question then was upon dispensing with further proceedings under the call. And the ayes and noes were demanded and ordered. The roll was called and the following forty members voted aye: Allen, Blalock, Bowen, Buchanan, Burk, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Eldridge, Eshelman, Fairweather, Fay, Godman, Gowey, Hayton, Henry, Hicks, Joy, Kellogg, Lindsley, McCroskey, Minor, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Stiles, P. C. Sullivan, Tibbetts, Turner, Weir, Weisenburger, West, Willison, Winsor.

And the following twenty-six members voted no: Berry, Clothier, Coey, Comegys, Durie, Glascock, Gray, Griffitts, Jeffs, Jones, Lillis, Manly, McDonald, McElroy, McReavey, Mires, J. Z. Moore, R. S. More, Sharpstein, Shoudy, Sohns, Stevenson, Sturdevant, Travis, Van Name, Warner. Not voting: Browne, Dyer, Hungate, Jamieson, Kinnear, Suksdorf, E. H. Sullivan, Mr. President. Mr. Neace on leave. And the motion was carried.

Moved by Mr. Lindsley that the Convention take a recess until 2 p.m. Carried, and the Convention took a recess until 2 p.m.

Convention called to order at 2 p. m. by the President.

Mr. Eldridge moved that the article on tidelands be now taken up and considered. Not in order.

Mr. Eldridge moved to suspend the rules for the purpose of considering the report on tidelands. Mr. P. C. Sullivan demanded the ayes and noes: So ordered and on a call of the roll the following fifty-three members voted aye: Allen, Berry, Blalock, Bowen, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gray, Hayton, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, McCroskey, Minor, Mires, R. S. More, Morgans, Newton, Power, Prosser, T. M. Reed, Schooley, Sohns, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, Tibbetts, Turner, Van Name, Warner, Weir, Weisenburger, West, Willison, Winsor, Mr. President. And the following fifteen members voted no: Buchanan, Fairweather, Griffitts, Jamieson, Jeffs, Manly, McDonald, McElroy, McReavey, J. Z. Moore, J. M. Reed, Shoudy, Stevenson, P. C. Sullivan, Travis. Not voting:

Browne, Gowey, Henry, Hicks, Hungate, Sharpstein. And Mr. Neace on leave. And the rules were suspended for the consideration of the article.

The article was read for information. Mr. Jones moved to amend by adding the following as a new section.

**Section.** The Legislature may donate to the United States such tracts of shore or other lands as may be needed by the government of the United States for establishing and maintaining defensive works, forts, arsenals, magazines, lighthouses, docks and dockyards; provided further that wherever such works, forts, arsenals, magazines, lighthouses, docks and dockyards are abandoned the lands so granted shall revert to the state.

And demanded the ayes and noes and the following forty-nine members voted aye: Allen, Berry, Blalock, Bowen, Buchanan, Burk, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Hayton, Jamieson, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, McElroy, Minor, Mires, J. Z. Moore, Morgans, Newton, Power, Prosser, T. M. Reed, Schooley, Shoudy, Sohns, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Turner, Van Name, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

And the following eighteen members voted no: Clothier, Coey, Comegys, Durie, Gray, Griffitts, Jeffs, Manly, McCroskey, McDonald, McReavey, R. S. More, J. M. Reed, Stevenson, Stiles, Sturdevant, Travis, Warner. Not voting: Browne, Godman, Gowey, Henry, Hicks, Hungate, Sharpstein. On leave; Mr. Neace. And the amendment was adopted.

Mr. Turner moved to substitute the following for the whole article.

**Section 2.** The State of Washington, by virtue of its inherent sovereignty, is owner of the beds and shores of all navigable waters in the state up to and including the line of ordinary high tide in water where the tide ebbs and flows and up to and including the line of ordinary high water in all rivers and lakes, and no act of the Territory of Washington or any of its officers and agents and no act of any individual or corporation in pursuance of claim to private right shall be permitted to prejudice the state in the assertion and maintenance of such ownership; provided that this sec-

tion shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the state, and provided further that the Legislature may by law validate and confirm the title of persons holding patents from the government of the United States or deriving title from patentees of the United States to lands affected by this section, but the state shall never part with the title to any lands reserved by this Constitution for harbor purposes.

And demanded the ayes and noes. So ordered, and on a call of the roll the following twenty members voted aye: Berry, Buchanan, Crowley, Dallam, Dyer, Glascock, Godman, Griffitts, McCroskey, Mires, J. Z. Moore, R. S. More, J. M. Reed, Sturdevant, Suksdorf, E. H. Sullivan, Travis, Turner, Van Name, Warner.

And the following forty-eight members voted no: Allen, Blalock, Bowen, Burk, Clothier, Coey, Comegys, Cosgrove, Dickey, Dunbar, Durie, Eldridge, Eshelman, Fairweather, Fay, Gray, Hayton, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McDonald, McElroy, McReavey, Minor, Morgans, Newton, Power, Prosser, T. M. Reed, Schooley, Shoudy, Sohns, Stevenson, Stiles, P. C. Sullivan, Tibbetts, Weir, Weisenburger, West, Willison, Winsor, Mr. President. Not voting: Browne, Gowey, Henry, Hicks, Hungate, Sharpstein. On leave: Mr. Neace. And the substitute was lost.

Mr. Comegys moved the following as a new section. "No sale or disposition of any of the public lands of this state not sold at public sale shall be valid until approved in writing by the Governor, Secretary of State and Attorney General." Adopted.

Mr. P. C. Sullivan moved to strike out the word "public" and insert "tide." Lost.

Mr. Sohns moved to amend as follows. Strike out all that relates to navigable rivers and streams as follows. "All up to and including ordinary high tide water, etc.," and demanded the ayes and noes. They were ordered and on a call of the roll the following thirty-eight members voted aye: Blalock, Bowen, Burk, Clothier, Comegys, Crowley, Dallam, Dickey, Durie, Eldridge, Fay, Godman, Griffitts, Hayton, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, McReavey, Minor, R. S. More, Power, T. M. Reed, Schooley, Sohns, Stevenson, Sturdevant, Suksdorf, P. C. Sullivan, Travis, Warner, Weir, West, Willison, Winsor.

And the following thirty members voted no: Allen, Berry, Buchanan, Coey, Cosgrove, Dunbar, Dyer, Eshelman, Fairweather, Glascock, Gray, Jamieson, Manly, McCroskey, McDonald, McElroy, Mires, J. Z. Moore, Morgans, Newton, Prosser, J. M. Reed, Shoudy, Stiles, E. H. Sullivan, Tibbetts, Turner, Van Name, Weisenburger, Mr. President. Not voting: Browne, Gowey, Henry, Hicks, Hungate, Sharpstein. And Mr. Neace on leave. And the amendment was adopted.

Mr. Stiles moved to amend by substituting the following for Section 3.

**Section 3.** Whenever the Legislature shall by law authorize the sale of any of the tidelands of the state it shall provide also that all persons owning land abutting upon such lands and having valuable improvements occupying the lands below the government meander line in front of such abutting land, such improvements being in actual use and necessity for trade, commerce or business, and the tidelands so occupied being other than the extension of any street, alley or other public highway, shall have the prior right for a limited time to purchase as much of said tideland as may be necessaary for the purpose for which such improvements were made, at the valuation fixed by a board of appraisers, which board shall fix such valuation irrespective of the improvements on such land.

Mr. McCroskey moved the previous question and it was so ordered and the ayes and noes were demanded and ordered and on a call of the role the following thirty-five members voted aye: Allen, Blalock, Bowen, Buchanan, Burk, Crowley, Eldridge, Eshelman, Fay, Gowey, Hayton, Henry, Jamieson, Jones, Joy, Kellogg, Lillis, Lindsley, McReavey, Minor, R. S. More, Morgans, Power, Prosser, T. M. Reed, Sohns, Stevenson, Stiles, Suksdorf, P. C. Sullivan, Weir, Weisenburger, West, Willison, Winsor.

And the following thirty-four members voted no: Berry, Browne, Clothier, Coey, Comegys, Cosgrove, Dallam, Dickey, Dunbar, Dyer, Fairweather, Glascock, Godman, Gray, Griffitts, Jeffs, Kinnear, Manly, McCroskey, McDonald, McElroy, Mires, J. Z. Moore, J. M. Reed, Schooley, Shoudy, Sturdevant, E. H. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Mr. President. Not voting: Durie, Hicks, Hungate, Newton, Sharpstein. Mr. Neace on leave. And the substitute was adopted.

Mr. Kinnear moved to amend the amendement after the words "abutting land" by inserting the following "and also persons occupying tidelands who have in good faith made valuable improvements thereon."

Mr. Cosgrove moved the previous question.

Mr. Jamieson moved a call of the house. Lost.

The previous question then was ordered and the question was on Mr. Kinnear's amendment. The ayes and noes were demanded and ordered and on a call of the roll the following twenty-eight members voted aye: Allen, Blalock, Burk, Dickey, Dyer, Fairweather, Hayton, Henry, Jamieson, Kellogg, Kinnear, McElroy, McReavey, Minor, Morgans, Power, Prosser, T. M. Reed, Schooley, Shoudy, Sohns, Stevenson, Suksdorf, E. H. Sullivan, Tibbetts, Travis, Weisenburger, Mr. President.

And the following thirty-nine members voted no: Berry, Bowen, Browne, Buchanan, Clothier, Coey, Comegys, Cosgrove, Dallam, Dunbar, Eldridge, Eshelman, Fay, Glascock, Godman, Gray, Griffitts, Jeffs, Jones, Joy, Lillis, Lindsley, Manly, McCroskey, McDonald, Mires, J. Z. Moore, R. S. More, Newton, J. M. Reed, Sturdevant, Stiles, P. C. Sullivan, Turner, Van Name, Weir, West, Willison, Winsor. Not voting: Crowley, Durie, Gowey, Hicks, Hungate, Sharpstein, Warner. And Mr. Neace on leave. And the amendment was lost.

Mr. Browne moved the following substitute for the whole article as amended.

Article

**Section 1.** All the lands belonging to this state by virtue of its sovereignty, except as herein provided, shall be sold only at public auction to the highest bidder after the value thereof less the improvements thereon on the 22nd day of February, 1889, shall be appraised by a board of appraisers to be provided by law and no sale shall be valid unless the sum bid be equal to the appraised value of said land. Provided, that the owner of valuable improvements upon any of said lands in actual use in commerce, business or trade shall have the prior right for a limited time to purchase the land covered by such improvements at the valuation fixed by said board of appraisers provided such valuation, appraisement and sale shall be approved by the Governor, Attorney

General and Land Commissioners, who are hereby constituted a board for such purposes.

**Section 2.** Before any of said lands shall be appraised or disposed of the same shall be subdivided into tracts not exceeding forty acres, and not more than one tract shall be offered for sale, and all such lands within the limits of any incorporated city or within two miles of the boundary of any incorporated city where the valuation of such lands shall be found by appraisement to exceed two hundred dollars per acre shall, before the same be sold, be platted into lots and blocks of not more than five acres in a block and not more than one block shall be offered for sale in one parcel; provided, that nothing herein shall apply to the area covered by the reservation in front of any incorporated city, as specified in the article on harbors, nor to any land lying in front of any fort or lighthouse owned by the United States.

**Section 3.** The proceeds of the sale of all lands mentioned in this article shall be added to and become a part of the principal of the common school fund of the state.

Mr. P. C. Sullivan moved the previous question. So ordered. The ayes and noes were demanded and ordered and on a call of the role the following twenty-seven members voted aye: Berry, Browne, Clothier, Crowley, Eldridge, Glascock, Gowey, Gray, Griffitts, Henry, Kellogg, McCroskey, McDonald, McElroy, Mires, J. Z. Moore, R. S. More, Newton, J. M. Reed, T. M. Reed, Schooley, Shoudy, E. H. Sullivan, Travis, Turner, Van Name, Warner.

And the following forty-two [voted] no: Allen, Blalock, Bowen, Buchanan, Burk, Coey, Comegys, Cosgrove, Dallam, Dickey, Dunbar, Dyer, Eshelman, Fairweather, Fay, Hayton, Jamieson, Jeffs, Jones, Joy, Kinnear, Lillis, Lindsley, Manly, McReavey, Minor, Morgans, Power, Prosser, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Weir, Weisenburger, West, Willison, Winsor, Mr. President. Not voting: Durie, Godman, Hicks, Hungate, Sharpstein. Mr. Neace on leave. And the substitute was lost.

Mr. Godman woved to strike out Section 2 and demanded the ayes and noes and on a call of the roll the following nineteen members voted aye: Berry, Blalock, Browne, Coey, Crowley, Godman, Gray, Griffitts, McCroskey, McDonald, J. Z. Moore, Newton, J. M. Reed, Suksdorf, E. H. Sullivan, Travis, Turner, Van Name, Warner.

And the following forty-nine [voted] no: Allen, Bowen, Buchanan, Burk, Clothier, Cosgrove, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Gowey, Hayton, Henry, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McElroy, McReavey, Minor, Mires, R. S. More, Morgans, Power, Prosser, T. M. Reed, Schooley, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, Sullivan, Tibbetts, Weir, Weisenburger, West, Willison, Winsor, Mr. President. Not voting: Comegys, Dallam, Durie, Hicks, Hungate, Sharpstein. Mr. Neace on leave. And the motion was lost.

Mr. Turner moved a substitute for the article as now amended. Mr. Weisenburger raised a point of order that the subject of the substitute was not germane. Point of order sustained.

Mr. Turner appealed from the ruling of the chair and the chair was sustained.

The question then was upon considering the article engrossed and passed to a third reading. So ordered, and Mr. Dickey moved to suspend the rules and place the article upon its final passage and the following forty-two members voted aye: Allen, Blalock, Bowen, Burk, Comegys, Cosgrove, Dallam, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fay, Hayton, Henry, Jamieson, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, McDonald, R. S. More, Morgans, Power, Prosser, J. M. Reed, Shoudy, Sohns, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Turner, Warner, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

And the following twenty-seven members voted no: Berry, Browne, Buchanan, Clothier, Coey, Crowley, Fairweather, Glascock, Godman, Gray, Griffitts, Jeffs, Manly, McCroskey, McElroy, McReavey, Minor, Mires, J. Z. Moore, Newton, T. M. Reed, Schooley, Stevenson, Suksdorf, Tibbetts, Travis, Van Name. Not voting: Durie, Hicks, Hungate, Gowey, Sharpstein. Mr. Neace on leave. And the rules were not suspended.

Mr. Dunbar moved that the rules be suspended and the article on school and granted lands as reported by the Committee be considered. Carried.

Mr. Dunbar moved to strike out "on the 22nd day of February, 1889." Carried.

Mr. Stiles moved to amend as follows: "After 'lands' in line one, Section 1, insert 'granted to the state'." Carried.

Mr. Crowley moved to add as a proviso to Section 2 the following. Provided that the sale of all school and university lands heretofore made by the commissioners of any county or the university commissioners when the purchase price has been paid in good faith and be confirmed by the Legislature. Carried.

Mr. Browne moved to amend Section 3 as follows. Strike out the following. "Commencing with the word 'not' in line one, Section 3, and to and including '1900' in line three and insert the following instead thereof, 'not more than one section in each township shall be sold prior to January 1st, 1900'."

The question then was upon Mr. Browne's amendment and the ayes and noes were demanded and ordered and on a call of the roll the following nineteen members voted aye: Allen, Berry, Blalock, Browne, Coey, Crowley, Durie, Fay, Glascock, Gray, Griffitts, Lindsley, McReavey, Mires, J. Z. Moore, Newton, Prosser, Sharpstein, Willison.

And the following thirty-eight members voted no: Bowen, Buchanan, Burk, Clothier, Cosgrove, Dickey, Dunbar, Dyer, Eshelman, Godman, Hayton, Henry, Jamieson, Jeffs, Jones, Joy, Kinnear, Lillis, McCroskey, McElroy, Minor, R. S. More, Morgans, J. M. Reed, T. M. Reed, Schooley, Shoudy, Sohns, Stevenson, Sturdevant, P. C. Sullivan, Tibbetts, Travis, Van Name, Weir, Weisenburger, West, Mr. President. Not voting: Comegys, Dallam, Eldridge, Fairweather, Gowey, Hicks, Hungate, Power, Stiles, Suksdorf, E. H. Sullivan, Warner, Winsor. And Mr. Neace on leave. And the amendment was lost.

Mr. P. C. Sullivan moved to amend by inserting the word granted after the word any in the first line and demanded the ayes and noes, and on a call of the roll the following thirty-four members voted aye: Allen, Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Crowley, Dickey, Dyer, Eldridge, Fay, Hayton, Jamieson, Jeffs, Jones, Kellogg, Kinnear, Lillis, Manly, McReavey, Mires, R. S. More, Morgans, Power, Schooley, Shoudy, Sohns, Stevenson, Sturdevant, P. C. Sullivan, West, Winsor.

And the following twenty-nine members voted no: Browne, Cosgrove, Dallam, Dunbar, Durie, Eshelman, Glascock, Godman,

Gray, Griffitts, Joy, Lindsley, McCroskey, McElroy, J. Z. Moore, Newton, Prosser, J. M. Reed, T. M. Reed, Sharpstein, Tibbetts, Travis, Turner, Van Name, Warner, Weir, Weisenburger, Willison, Mr. President. Not voting: Comegys, Fairweather, Gowey, Henry, Hicks, Hungate, McDonald, Minor, Stiles, Suksdorf. Mr. Neace on leave. And the amendment was adopted.

Mr. Berry moved to amend as follows. Strike out two hundred dollars in line four, Section 4, and insert one hundred dollars. Section 6 first report. Carried.

Mr. Shoudy moved to add to Section 4 the following: "and not more than one-half of said lots or blocks shall be sold prior to January 1st, 1890." Lost.

The question then was upon considering the article considered engrossed and the article passed to a third reading. Carried.

Mr. Mires moved to suspend the rules and pass the article. The ayes and noes were demanded and ordered and on a call of the roll the following forty-two members voted aye: Allen, Berry, Blalock, Browne, Buchanan, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dunbar, Dyer, Eshelman, Fairweather, Fay, Glascock, Godman, Gray, Griffitts, Hayton, Joy, Kellogg, Kinnear, Lindsley, McCroskey, McElroy, Mires, R. S. More, J. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Sturdevant, Suksdorf, Travis, Turner, Van Name, Warner, Willison, Mr. President.

And the following twenty-three members voted no: Bowen, Burk, Dickey, Durie, Henry, Jones, Lillis, Manly, McReavey, Minor, J. Z. Moore, Morgans, Power, Prosser, T. M. Reed, Stevenson, Stiles, P. C. Sullivan, Tibbetts, Weir, Weisenburger, West, Winsor. Not voting: Eldridge, Gowey, Hicks, Hungate, Jamieson, Jeffs, McDonald, Newton, E. H. Sullivan. And Mr. Neace on leave. And the rules were not suspended.

Mr. Griffitts moved to take up the schedule.

Mr. Mires moved to adjourn. Carried. And the Convention stood adjourned to 9 a.m. tomorrow, August 21, 1889.

## August 21st, 1889

Convention called to order by the President at 9 a.m. Prayer by the Chaplain.

On roll call all the members were present except the following members: Messrs. Turner, Gowey and Weir; and Mr. Neace and Hungate on leave.

Minutes read and approved. The following members reported present: Gowey, Weir and Turner.

Mr. Minor from the Revision Committee reports Articles 11, 12 and 14. Also on the following subjects which they cannot number at this time, viz: state institutions and public buildings, amendments, legislative apportionments, water and water rights, homestead and property exemption, public health and vital statistics, compact with the United States.

Article 11 was then read as amended and revised and the question was upon final agreement to the article as so amended and revised and on a call of the roll the following fifty-five members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Gray, Griffitts, Hayton, Henry, Hicks, Jeffs, Joy, Kellogg, Kinnear, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, J. Z. Moore, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Stevenson, Stiles, Sturdevant, Tibbetts, Travis, Turner, Van Name, Weisenburger, West, Willison, Winsor, Mr. President.

And the following nine members voted no: Dallam, Fairweather, Godman, Jones, R. S. More, Sharpstein, Sohns, P. C. Sullivan, Warner. Not voting: Crowley, Gowey, Hungate, Jamieson, Lillis, Lindsley, Manly, Shoudy, Suksdorf, E. H. Sullivan, Weir. And a majority of all the members voting in the affirmative the article was so agreed to and referred back to the Committee for Enrollment.

Article 12 was then read as amended and revised and Mr. Reed from the committee recommended the words "and telephone" be inserted after "telegraph" in line six. So ordered.

The question was then on final agreement to the article as amended and revised and on a call of the roll the following fifty-seven members voted aye: Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Griffitts, Hayton, Henry, Hicks, Jeffs, Jones, Joy, Kinnear, Lindsley, McCroskey,

McElroy, McReavey, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, P. C. Sullivan, Travis, Turner, Van Name, Warner, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

And the following two members voted no: Manly, Minor. Not voting: Allen, Crowley, Dallam, Fairweather, Godman, Gowey, Gray, Hungate, Jamieson, Kellogg, McDonald, Suksdorf, E. H. Sullivan, Tibbetts, and Mr. Neace on leave. And a majority of all the members voting in the affirmative it was agreed to and was referred back to the Committee for Enrollment.

The article on state institutions and public buildings was read as amended and revised.

Mr. Lindsley moved a call of the house. Carried. And on a call of the roll the following members were found to be without leave: Messrs. Fairweather and Jeffs.

Mr. Bowen moved to dispense with further proceedings under the call. Carried.

The question then was upon final agreement to the article on state institutions and public buildings as amended and revised. The roll was called and the following sixty-eight members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Durie, Eldridge, Eshelman, Fay, Glascock, Godman, Griffitts, Hayton, Henry, Hicks, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

Not voting: Comegys, Fairweather, Hungate, McDonald, Gray, Warner. Mr. Neace on leave. And a majority of all the members voting in the affirmative the article was agreed to and referred back to the committee for enrollment.

Article 14 was then read as amended and revised and the question was on final agreement. The roll was called and the following sixty-six members voted aye: Allen, Berry, Blalock,

Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Gowey, Griffitts, Hayton, Henry, Hicks, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Stevenson, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

And the following one member voted no: Gray. Not voting: Browne, Dallam, Godman, Hungate, Jamieson, Sohns, E. H. Sullivan. And Mr. Neace on leave. And a majority of all the members voting in the affirmative the article was agreed to and was referred back to the committee for enrollment.

Article on amendments was then read as amended and revised and the question was upon final agreement. The roll was called and the following seventy-one members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Gowey, Gray, Griffitts, Hayton, Henry, Hicks, Jamieson, Jeffs, Jones, Joy, Kinnear, Lillis, Lindsley, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

Not voting: Hungate, Manly. Mr. Neace on leave. And a majority of all the members having voted in the affirmative the article was so agreed to and referred back to the committee for enrollment.

Article on legislative apportionment was then read as amended and revised and the question was upon final agreement. The roll was called and the following sixty members voted aye: Allen, Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Gray, Hayton, Henry, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Mor-

gans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Tibbetts, Turner, Van Name, Weir, Weisenburger, West, Willison, Winsor.

And the following nine members voted no: Browne, Godman, Glascock, Griffitts, Hicks, Sharpstein, Suksdorf, Travis, Mr. President. Not voting: Gowey, Hungate, McDonald, Newton, Warner. Mr. Neace on leave. And a majority of all the members voting in the affirmative the article was so agreed to and referred back to the committee for enrollment.

Article on water and water rights was then read as amended and revised and the question was upon final agreement: The roll was called and the following forty-nine members voted aye: Allen, Berry, Blalock, Bowen, Burk, Clothier, Coey, Comegys, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Gray, Hayton, Henry, Hicks, Jamieson, Joy, Kellogg, Kinnear, Lindsley, Manly, McCroskey, McDonald, Minor, Mires, R. S. More, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Sturdevant, P. C. Sullivan, Travis, Turner, Van Name, Weir, West, Winsor, Mr. President.

And the following seventeen members voted no: Browne, Buchanan, Cosgrove, Glascock, Godman, Griffitts, Jeffs, Jones, Lillis, McElroy, McReavey, J. Z. Moore, Shoudy, Stiles, Tibbetts, Weisenburger, Willison. Not voting: Crowley, Gowey, Hungate, Newton, Stevenson, Suksdorf, E. H. Sullivan, Warner. And Mr. Neace on leave. And a majority of all the members voting in the affirmative the article was so agreed to and referred back to the committee for enrollment.

Article on homestead and property exemptions was then read as amended and revised and the question was upon final agreement. The roll was called and the following sixty-four members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Godman, Gray, Griffitts, Hayton, Henry, Hicks, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stiles,

Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

Not voting: Crowley, Dallam, Glascock, Gowey, Hungate, Manly, Newton, Stevenson, E. H. Sullivan. And Mr. Neace on leave. And a majority of all the members having voted in the affirmative the article was so agreed to and referred back to the committee for enrollment.

Article on public health and vital statistics was then read as amended and revised and the question was upon final agreement. The roll was called and the following fifty-six members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Cosgrove, Dallam, Dickey, Durie, Eldridge, Eshelman, Fairweather, Fay, Godman, Griffitts, Hayton, Henry, Hicks, Jamieson, Jeffs, Jones, Joy, Kellogg, Lillis, Lindsley, Manly, McDonald, McReavey, Minor, J. Z. Moore, R. S. More, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stiles, Sturdevant, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Weir, West, Willison, Winsor. Mr. President.

And Mr. Weisenburger voted no. Not voting: Comegys, Crowley, Dunbar, Dyer, Glascock, Gowey, Gray, Hungate, Kinnear, McCroskey, McReavey, Mires, Newton, Stevenson, Suksdorf, E. H. Sullivan, Warner, and a majority of all the members voting in the affirmative the article was so agreed to and referred back to the committee for enrollment.

The compact with the United States was then read as amended and revised and the question was upon final agreement. The roll was called and the following sixty-two members voted aye: Allen, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Godman, Griffitts, Hayton, Henry, Hicks, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Weisenburger, West, Mr. President.

And the following one member voted no: Warner. Not voting: Berry, Crowley, Dallam, Glascock, Gowey, Gray, Hungate, McDonald, E. H. Sullivan, Weir, Willison, Winsor, and Mr. Neace on leave.

And a majority of all the members voting in the affirmative the compact was so agreed to and it was referred back to the committee for enrollment.

Mr. Power, as representing the Committee on Printing, submitted the following recommendation.

"Resolved, that the Secretary of the Territory be and he is respectfully requested within ten days after the final adjournment of the Convention to have one hundred thousand copies of the Constitution printed in supplement form and have a number distributed as equitably as possible according to circulation to the several newspapers of the territory with a request that the same be circulated with such papers and the remainder of said one hundred thousand copies distributed to the several county auditors with a request to have the same distributed to the qualified electors and have one or more copies posted at the polling places of the several precincts.

"And be it further resolved that the Secretary have one thousand five hundred additional copies printed in pamphlet form for distribution among the members of this Convention."

Mr. Turner moved to strike out "one hundred" and insert "twenty." Mr. Turner moved the previous question. So ordered. Mr. Turner's amendment was lost.

The question was then upon the adoption of the resolution and it was lost.

Mr. Dunbar from the Committee on State, School and Granted Lands submitted the following resolution.

"Resolved, that the Chief Clerk of this Convention issue a certificate to the Good Templars Lodge of Olympia No. 4 for the sum of eight dollars for committee rooms provided Committee on State, School and Granted Lands." Carried.

Mr. Stiles moved to suspend the rules to introduce a resolution. Lost. Mr. Kinnear moved to suspend the rules to introduce a resolution. So ordered. And the following resolution was then introduced and he moved its adoption.

"Resolved, that the Clerk be instructed to issue a warrant for the sum of twelve dollars for rent of room to Committee on Corpo-

rations Other Than Municipal certified to by J. R. Kinnear, Chairman." Adopted.

Mr. Dunbar moved to suspend the rules to take up the article on school lands. Lost.

The article on tidelands was then read a third time.

Mr. Bowen moved the previous question. So ordered. And the question was upon agreeing to the article as read. The roll was called and the following thirty-two members voted aye: Allen, Blalock, Bowen, Burk, Comegys, Dickey, Eldridge, Fay, Gowey, Hayton, Henry, Jamieson, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, McReavey, Morgans, Power, T. M. Reed, Sohns, Stevenson, Stiles, P. C. Sullivan, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

And the following forty members voted no: Berry, Browne, Buchanan, Clothier, Coey, Cosgrove, Crowley, Dallam, Dunbar, Dyer, Eshelman, Fairweather, Glascock, Godman, Gray, Griffitts, Hicks, Jeffs, Manly, McCroskey, McDonald, McElroy, Minor, Mires, J. Z. Moore, R. S. More, Newton, Prosser, J. M. Reed, Schooley, Sharpstein, Shoudy, Sturdevant, Suksdorf, E. H. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner. Not voting: Durie, Hungate. And Mr. Neace on leave. When Mr. Durie's name was called he was excused from voting. And the article was not agreed to.

Mr. Reed moved to suspend the rules to insert "until" in Section 3 after the word "bidder." Lost.

The question was then on agreeing to the article on school and granted lands and the roll was called and the following forty-eight members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Clothier, Comegys, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Durie, Dyer, Eshelman, Fairweather, Fay, Gray, Hayton, Jeffs, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McElroy, Minor, Mires, R. S. More, Newton, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Turner, Van Name, Warner, Mr. President.

And the following twenty-three members voted no: Burk, Coey, Eldridge, Glascock, Gowey, Griffitts, Henry, Hicks, Jamieson, Jones, McDonald, McReavey, J. Z. Moore, Morgans, Power, Prosser, J. M. Reed, Travis, Weir, Weisenburger, West, Willison, Winsor.

Not voting: Godman, Hungate, Stevenson. And Mr. Neace on leave. And a majority of all the members voting in the affirmative the article was agreed to.

School and Granted Lands

**Section 1.** All public lands granted to the state are held in trust for all the people and none of such lands, nor any estate or interest therein, shall ever be disposed of unless the full market value of the estate or interest disposed of, to be ascertained in such manner as may be provided by law, be paid or safely secured to the state, nor shall any lands which the state holds by grant from the United States (in any case in which the manner of disposal and minimum price are so prescribed) be disposed of, except in the manner and for at least the price prescribed in the grant thereof, without the consent of the United States.

**Section 2.** None of the lands granted to the state for educational purposes shall be sold otherwise than at public auction to the highest bidder, after the value thereof, less the improvements, shall be appraised by a board of appraisers to be provided by law, the terms of payment also to be prescribed by law, and no sale shall be valid unless the sum bid be equal to the appraised value of said land.

In estimating the value of such lands for disposal the value of the improvements shall be excluded. Provided, that the sale of all school and university lands heretofore made by the commissioners of any county or the university commissioners, when the purchase price has been paid in good faith, may be confirmed by the Legislature.

**Section 3.** Not more than one-fourth of the land granted to the state for educational purposes shall be sold prior to January 1st, 1895, and not more than one-half prior to January 1st, 1905. Provided, that nothing herein shall be so construed to prevent the state from selling the timber or stone off of any of the state lands in such manner and on such terms as may be prescribed by law, and provided further that no sale of timber land shall be valid unless the full value of such lands is paid or secured to the state.

**Section 4.** Not more than one hundred and sixty acres of any granted lands of the state shall be offered for sale in one parcel, and all lands within the limits of any incorporated city or

within two miles of the boundary of any incorporated city where the valuation of such lands shall be found by appraisement to exceed one hundred dollars per acre shall before the same be sold be platted into lots and blocks of not more than five acres in a block, and not more than one block shall be offered for sale in one parcel. None of the permanent common school fund shall ever be loaned to private persons or corporations, but it may be invested in national, state, county or municipal bonds.

Mr. Crowley asked leave to introduce a resolution. Granted and he introduced and moved the adoption of the following.

To the President and Members of the Convention:

We the undersigned, on behalf of our respective committees, recommend that the sum of twenty-five dollars be paid T. M. Reed for the rent of room for use of committees and recommend the adoption of a resolution directing the payment of said sum to said T. M. Reed.

P. C. SULLIVAN, *Secretary*
D. J. CROWLEY, *Chairman*
*Committee on Apportionment*
THOMAS T. MINOR, *Chairman*
*Committee on Revision, Adjustment and Enrollment*
JOHN F. GOWEY, *Chairman*
*Committee on Revenue and Taxation*
A. A. LINDSLEY, *Secretary*
*Com. Public Instruction*

"Resolved, that the sum of twenty-five dollars be appropriated and paid to T. M. Reed for rent of room for use of Committee."

Mr. Crowley's resolution was adopted.

Mr. Bowen was granted leave to introduce the following. "Resolved, that the Chief Clerk be instructed to procure a state seal embodying the design adopted by this Convention and issue his certificate in payment for the same." And moved its adoption. Lost.

Mr. J. Z. Moore was granted leave to introduce the following and moved its adoption. "Resolved, that the Secretary of the Territory pay Jno. S. Carrere for telegrams sent by this Convention

$6.90. And for sending telegrams by this Convention that said Secretary pay to President Hoyt of this Convention $5.45." Carried.

Mr. E. H. Sullivan introduced the following resolution and moved its adoption.

Olympia, Wash. Ter., August, 1889

Constitutional Convention Dr [sic]

To Carlyon & Co.

| | | |
|---|---|---|
| July | 10th To Ice | 2.00 |
| " | 11 " " 1 Sack Ice | 5.00 |
| " | 18 " " " " | 5.00 |
| " | 22 " " " " | 5.00 |
| " | 31 " " " " | 5.00 |
| Aug. | 10 " " " " | 5.00 |
| | | $27.00 |

Correct.

JOHN H. LEITER,
*Sergeant-at-Arms*

Resolved, that the sum of $27.00 be appropriated to pay Carlyon & Co. amount due as per above bill and that the Secretary be ordered to pay the same. Adopted.

Mr. Eldridge moved to take a recess until 2 p.m. Withdrawn for the purpose of allowing Mr. Turner to introduce the following additional section as an amendment to the schedule.

"The State of Washington hereby asserts its ownership of the beds and shores 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 in all rivers and lakes. Provided, that nothing herein shall be construed to debar any person or corporation from asserting vested rights in the courts, and provided further, that the state hereby disclaims title to any tide, swamp or overflowed lands to which patent has issued under the laws of the United States to persons acquiring the same in good faith and without fraud, unless said lands are included within the reservation for harbor purposes by this Constitution and in which case the title of the state to the same shall be maintained."

Mr. Kinnear offered the following resolution and moved its adoption. "Resolved, that May L. Sylvester, who was employed as committee clerk of this Convention, July 6th, 1889, be allowed for forty-eight days' work as such clerk at $5.00 per day and $10.00 additional for stationery furnished by her and that an order be given her therefor." Adopted.

Mr. Joy moved to adopt the following resolution: "Resolved, that the Secretary of the territory be authorized and instructed to procure the printing on one thousand copies of the Constitution in pamphlet form for the use of the members of this Convention to enable them to send copies to those that have kindly furnished us copies of the constitutions of other states, and that fifty thousand copies be printed in supplement form to be distributed among the voters of the territory in such manner as will be of most use to said voters. Provided, that such printing shall not exceed the sum of eight hundred dollars."

Mr. Power moved to add, "Provided they be printed and distributed within ten days after the adjournment of this Convention." Carried.

The resolution as amended was adopted.

The schedule was then taken up and read.

Mr. Stiles moved to grant Hon. Elwood Evans, and Mr. Crowley added Hon. Harry W. Scott, the privilege of the house. So ordered.

Mr. Turner then called up the amendment to the schedule he had introduced and moved its adoption.

Mr. E. H. Sullivan moved the following as a substitute for Mr. Turner's amendment.

**Section 1.** The State of Washington, by virtue of its inherent sovereignty, is the owner of the beds and shores of navigable waters in the state up to and including the line of ordinary high tide where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of the navigable rivers and lakes. Provided, that the Legislature may by law validate and confirm the title of persons holding patents secured in good faith from the United States government or the title of any grantee of any of said patentees to any of the lands affected by this section.

**Section 2.** The Legislature may provide by law for the ad-

justment of any and all equities to any of the lands above-mentioned between the state and any person arising by means of valuable improvements having been placed on the same by any person in good faith in aid of commerce, and any equities which may exist in favor of any person who may own lands abutting upon any of the lands affected by the above section; and the Legislature may provide that any person possessing any of said equities may have a privilege [sic] right for a limited time to purchase a reasonable quantity of the lands, in the above section mentioned.

**Section 3.** None of the lands affected by Section 1 herein shall be sold or transferred unless proper reservation shall have been made of the right of the state to control the same for the purpose of commerce.

**Section 4.** None of said lands shall be sold except they be first appraised and said sale shall have been confirmed by the Governor, Secretary of State and Attorney General.

**Section 5.** Nothing herein shall be so construed as to debar any person from asserting his claim to vested rights in the courts of this state.

Mr. Browne moved that the whole subject matter be referred back to the Committee. Lost.

The question then was upon the substitute offered by Mr. Sullivan. The ayes and noes were demanded and ordered and on a call of the roll the following twenty-five members voted aye: Blalock, Coey, Comegys, Crowley, Dickey, Glascock, Gowey, Hicks, Jamieson, Jones, Kellogg, Lillis, Lindsley, McCroskey, Minor, Mires, R. S. More, Shoudy, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Warner, Winsor.

And the following forty-eight members voted no: Allen, Berry, Bowen, Browne, Buchanan, Burk, Clothier, Cosgrove, Dallam, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Godman, Gray, Griffitts, Hayton, Henry, Jeffs, Joy, Kinnear, Manly, McDonald, McElroy, McReavey, J. Z. Moore, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Tibbetts, Travis, Turner, Van Name, Weir, Weisenburger, West, Willison, Mr. President. Absent on leave, Messrs. Hungate and Neace. And the substitute was lost.

Mr. Lillis moved the following substitute for Mr. Turner's amendment.

**Section 1.** The State of Washington, by virtue of its sovereignty, is the owner of the beds and shores of all the navigable waters of the state and all of the tidelands lying along the shores of the Pacific Ocean below high water mark and the beds and banks of all streams that are navigable up to the ordinary high water mark within the bank thereof.

**Section 2.** The State of Washington disclaims any right of claim to homestead pre-emption or donation land claims covered by patents of the United States below high water mark.

[The ayes and noes were demanded and ordered on Mr. Joy's amendment and the following twenty-seven members voted aye: Blalock, Clothier, Dunbar, Durie, Eshelman, Fairweather, Gowey, Hayton, Henry, Hicks, Joy, Kellogg, Lindsley, Minor, R. S. More, Morgans, Power, Prosser, T. M. Reed, Shoudy, Sturdevant, Tibbetts, Weisenburger, West, Willison, Mr. President.

[And the following forty-two no: Allen, Bowen, Browne, Buchanan, Burk, Coeys, Comegys, Crowley, Dallam, Dickey, Eldridge, Fay, Glascock, Godman, Gray, Griffitts, Jamieson, Jeffs, Jones, Lillis, Manly, McCroskey, McDonald, McElroy, McReavey, Mires, J. Z. Moore, Newton, J. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Van Name, Warner, Weir, Winsor. Messrs. Hungate and Neace on leave. Not voting: Cosgrove, Dyer, Kinnear, Stiles.]*

Article

**Section 1.** The State of Washington asserts its ownership to the beds and shores of all navigable waters in the State of Washington up to the government meander line. Where the tide ebbs and flows and up to and including the line of ordinary high water within the banks of the navigable rivers and lakes. Provided, this section shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the state.

The ayes and noes were demanded and ordered and the following twenty-seven members voted aye: Blalock, Buchanan, Comegys, Crowley, Durie, Fairweather, Gowey, Hicks, Jamieson,

* Stricken in journal.

Jeffs, Kellogg, Lillis, Lindsley, McElroy, Mires, J. Z. Moore, R. S. More, J. M. Reed, Sharpstein, Shoudy, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Warner, Willison.

And the following forty-five [voted] no: Bowen, Browne, Burk, Clothier, Coey, Cosgrove, Dallam, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gray, Griffitts, Hayton, Henry, Jones, Joy, Kinnear, Manly, McCroskey, McDonald, McReavey, Minor, Morgans, Newton, Power, Prosser, T. M. Reed, Schooley, Sohns, Stevenson, Tibbetts, Travis, Turner, Van Name, Weir, Weisenburger, West, Winsor, Mr. President.

Not voting: Berry. Messrs. Hungate and Neace on leave. And the substitute was lost.

Mr. Reed moved the previous question. So ordered.

The question then was upon the amendment of Mr. Turner. The ayes and noes were demanded and ordered and the following twenty-seven members voted aye: Blalock, Clothier, Dallam, Dunbar, Durie, Dyer, Fairweather, Glascock, Gowey, Hayton, Hicks, Kinnear, Lindsley, Manly, McElroy, Minor, Mires, R. S. More, Prosser, T. M. Reed, Schooley, Shoudy, Stiles, Tibbetts, Turner, Weisenburger, Mr. President.

And the following forty-six [voted] no: Allen, Berry, Bowen, Browne, Buchanan, Burk, Coey, Comegys, Cosgrove, Crowley, Dickey, Eldridge, Eshelman, Fay, Godman, Gray, Griffitts, Henry, Jamieson, Jeffs, Jones, Joy, Kellogg, Lillis, McCroskey, McDonald, McReavey, J. Z. Moore, Morgans, Newton, Power, J. M. Reed, Sharpstein, Sohns, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Van Name, Warner, Weir, West, Willison, Winsor. Absent on leave, Messrs. Hungate and Neace. And the amendment was lost.

Mr. Joy moved to amend by adding the following as a new section.

Article

**Section 1st.** The State of Washington by virtue of its sovereignty is the owner of the beds and shores of all the navigable waters of the state and all of the tidelands lying along the shores of the Pacific Ocean below high water mark and the beds and banks of all streams that are navigable up to the ordinary high water mark within the bank thereof.

**Section 2nd.** The State of Washington disclaims any right or claim to any homestead pre-emption or donation land claims covered by patents of the United States below high water mark.

The ayes and noes were demanded and ordered on Mr. Joy's amendment and the following twenty-seven members voted aye: Blalock, Clothier, Dunbar, Durie, Eshelman, Fairweather, Gowey, Hayton, Henry, Hicks, Joy, Kellogg, Lindsley, Minor, R. S. More, Morgans, Power, Prosser, T. M. Reed, Shoudy, Sturdevant, Tibbetts, Weisenburger, West, Willison, Mr. President.

The following forty-two [voted] no: Allen, Bowen, Browne, Buchanan, Burk, Coey, Comegys , Crowley, Dallam, Dickey, Eldridge, Fay, Glascock, Godman, Gray, Griffitts, Jamieson, Jeffs, Jones, Lillis, Manly, McCroskey, McDonald, McElroy, McReavey, Mires, J. Z. Moore, Newton, J. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Van Name, Warner, Weir, Winsor. Not voting: Cosgrove, Dyer, Kinnear, Stiles. Messrs. Hungate and Neace on leave, and the amendment was lost.

Mr. Power moved to amend as follows.

**Section.** The State of Washington disclaims all title in, and claim to all tide, swamp and overflowed lands patented by the United States. Provided the same is not impeached for fraud.

Mr. Suksdorf moved to amend by striking out "tide" and inserting "salt marsh." Lost.

The question then was on Mr. Power's amendment. The ayes and noes were demanded and ordered. The roll was called and the following forty-three members voted aye: Allen, Blalock, Bowen, Burk, Clothier, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Gowey, Hayton, Henry, Jamieson, Jones, Joy, Kellogg, Kinnear, Lindsley, McElroy, McReavey, Minor, R. S. More, Morgans, Power, Prosser, T. M. Reed, Schooley, Shoudy, Stevenson, Stiles, Tibbetts, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

The following twenty-six no: Berry, Browne, Buchanan, Coey, Comegys, Cosgrove, Gray, Griffitts, Hicks, Jeffs, Manly, McCroskey, McDonald, Mires, J. Z. Moore, Newton, J. M. Reed, Sharpstein, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Van Name, Warner. Not voting: Dallam, Godman, Lillis, Sohns.

Messrs. Hungate and Neace on leave, and the amendment was carried.

Mr. Dyer moved the following amendment.

Article

**Section.** The State of Washington asserts its ownership to the beds and shores of all navigable waters in the State of Washington up to and including the line of ordinary high tide, where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of the navigable rivers and lakes. Provided, this section shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the state.

And the ayes and noes were demanded and ordered and the following thirty-two members voted aye: Allen, Blalock, Buchanan, Clothier, Coey, Comegys, Crowley, Dunbar, Dyer, Fairweather, Glascock, Gray, Hayton, Hicks, Jeffs, Kellogg, Lindsley, McElroy, Minor, Mires, J. Z. Moore, R. S. More, Prosser, T. M. Reed, Schooley, Sharpstein, Shoudy, E. H. Sullivan, Tibbetts, Turner, Warner, Mr. President.

The following thirty-four no: Berry, Bowen, Browne, Burk, Cosgrove, Dickey, Durie, Eldridge, Eshelman, Fay, Godman, Griffitts, Henry, Jamieson, Jones, Joy, Manly, McCroskey, McDonald, McReavey, Morgans, Power, J. M. Reed, Stevenson, Stiles, Suksdorf, P. C. Sullivan, Travis, Van Name, Weir, Weisenburger, West, Willison, Winsor. Not voting: Dallam, Gowey, Kinnear, Lillis, Newton, Sohns, Sturdevant. Messrs. Hungate and Neace on leave. And the amendment was lost.

Mr. Turner moved to amend Section 14 by adding the following to separate Article No. 2.

In case a majority of all the voters for and against any separate article, the same shall become a part of the Constitution [sic]. Lost.

Mr. McElroy moved to amend Section 15 as follows: insert after the word "law" in Section 15: "Provided at the election to be held for the adoption or rejection of this Constitution and for the election of officers created thereby, it shall be the duty of the judges of election in all precincts which are within or partially

within any city, town or village of Washington Territory, to define a limit not less than one hundred feet from the polls within which no persons but the officers of election and voters, while preparing and casting their ballots, shall be permitted to enter while the polls are open, and said judges shall provide booths or apartments within said limits where a supply of tickets of all political parties may be deposited and so arranged that an elector may choose and prepare his ballot entirely free from observation or molestation.

The ayes and noes were demanded and ordered, the roll was called and the following thirty members voted aye: Berry, Blalock, Browne, Clothier, Durie, Eldridge, Eshelman, Glascock, Godman, Griffitts, Hicks, Joy, Kellogg, McCroskey, McElroy, McReavey, R. S. More, Prosser, J. M. Reed, Sharpstein, Stevenson, Suksdorf, E. H. Sullivan, Tibbetts, Travis, Van Name, Warner, Weisenburger, West, Willison.

The following thirty-four members voted no: Allen, Bowen, Buchanan, Burk, Coey, Cosgrove, Crowley, Dickey, Dunbar, Dyer, Fay, Gowey, Hayton, Henry, Jamieson, Jeffs, Jones, Kinnear, Lillis, Lindsley, Manly, Minor, Mires, J. Z. Moore, Power, T. M. Reed, Schooley, Shoudy, Sohns, Sturdevant, P. C. Sullivan, Turner, Weir, Mr. President. Not voting: Comegys, Dallam, Gray, McDonald, Newton, Stiles, Winsor. Messrs. Hungate and Neace on leave. And the motion was lost.

Mr. Jones moved to amend by adding the following as a section.

**Section 1.** The Legislature may donate to the United States such tracts of shore or other lands as may be needed by the government of the United States for establishing and maintaining defensive works, forts, arsenals, magazines, lighthouses, docks and dockyards; Provided further, that wherever such works, forts, arsenals, magazines, lighthouses, docks and dockyards are abandoned, the lands so granted shall revert to the state.

Ayes and noes demanded and ordered and the following twenty-five members voted aye: Allen, Berry, Blalock, Dickey, Eldridge, Fairweather, Fay, Gowey, Jones, Jay, Kellogg, Lindsley, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Power, Prosser, Schooley, P. C. Sullivan, Tibbetts, Weir, Weisenburger, Willison.

The following twenty-eight voted no: Bowen, Browne, Buchanan, Clothier, Coey, Cosgrove, Durie, Dyer, Eshelman, Glascock,

Godman, Griffitts, Hayton, Henry, Jeffs, Lillis, McCroskey, McElroy, J. M. Reed, T. M. Reed, Sharpstein, Shoudy, Travis, Turner, Van Name, Warner, West, Mr. President. Not voting: Burk, Comegys, Crowley, Dallam, Dunbar, Gray, Hicks, Jamieson, Kinnear, Manly, McDonald, Morgans, Newton, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, Winsor. Absent on leave: Neace and Hungate. And the amendment was lost.

Mr. Sharpstein moved to strike out all after word "state" in Section 6. Carried. Mr. Eldridge moved to amend by adding the following amendment.

"All American citizens above the age of twenty-one years residing and owning property in this state who are denied right of suffrage are hereby exempted from paying taxes upon such property." Ayes and noes demanded and ordered.

Mr. Joy moved a call of the house. Carried. Pending the call, Mr. Warner moved further proceedings be dispensed with. Carried.

The question then was on the amendment and the roll being called, the following seventeen members voted aye: Blalock, Burk, Eldridge, Eshelman, Fay, Joy, Kellogg, Lindsley, McCroskey, McReavey, R. S. More, Prosser, Tibbetts, Van Name, West, Willison, Winsor.

The following thirty-six no: Allen, Berry, Bowen, Browne, Buchanan, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dickey, Durie, Dyer, Fairweather, Glascock, Godman, Griffitts, Hayton, Henry, Hicks, Jamieson, Jeffs, Jones, Lillis, McDonald, McElroy, Minor, Mires, J. Z. Moore, Morgans, Newton, Power, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Sturdevant, P. C. Sullivan, Travis, Turner, Weisenburger, Mr. President. Not voting: Dunbar, Gowey, Gray, Kinnear, Manly, Stiles, Suksdorf, Warner, Weir. Messrs. Neace and Hungate on leave. And the amendment was lost.

Mr. Moore moved to take a recess until 8 p.m. Lost.

Mr. Godman moved the following amendment: to strike out the word "first" in Section 15. Mr. Dyer moved to suspend the rules to consider a resolution. Not granted.

Mr. Dunbar moved to consider the following resolution under a suspension of the rules.

"Resolved, that Robert Black be allowed five dollars a day for forty-six days' work for services as Clerk for the Committee on State, School and Granted Lands.

R. O. DUNBAR, *Chairman*
*Committee on State, School*
*and Granted Lands"*

Carried.

Mr. McElroy moved to add the following as a separate section to the schedule.

**Section.** The title in fee and absolute right of disposition of all shores below ordinary high tide, within the limits of this state, is hereby declared to be in this commonwealth and the property of this state.

Ayes and noes demanded and ordered and the roll was called and the following forty members voted aye: Allen, Berry, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Crowley, Dallam, Durie, Dyer, Godman, Gray, Hicks, Joy, Kellogg, Kinnear, Lindsley, McCroskey, McElroy, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Prosser, Schooley, Sharpstein, Shoudy, Sturdevant, Suksdorf, E. H. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Mr. President.

The following twenty-eight [voted] no: Cosgrove, Dickey, Dunbar, Eldridge, Eshelman, Fairweather, Fay, Glascock, Gowey, Hayton, Henry, Jamieson, Jeffs, Jones, Lillis, Manly, McDonald, McReavey, J. M. Reed, T. M. Reed, Stevenson, Stiles, P. C. Sullivan, Weir, Weisenburger, West, Willison, Winsor. Not voting: Blalock, Griffitts, Minor, Power, Sohns. Messrs. Hungate and Neace on leave. And the amendment was carried.

Mr. Crowley moved that the article be referred to the Committee on Revision [, Adjustment and Enrollment] with instructions to report two articles, the two articles on tidelands and confirming patents in one. Ayes and noes demanded and ordered and the roll was called and the following thirty members voted aye: Allen, Blalock, Buchanan, Burk, Coey, Cosgrove, Crowley, Dallam, Godman, Gowey, Griffitts, Hicks, Jeffs, Joy, Lillis, Manly, McDonald, J. Z. Moore, R. S. More, Prosser, Schooley, Sharpstein, Sohns, Stiles, Sturdevant, P. C. Sullivan, Travis, Van Name, Warner, Weir. The following forty no: Browne, Berry, Clothier, Comegys, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glas-

cock, Gray, Hayton, Henry, Jamieson, Jones, Kinnear, Lindsley, McCroskey, McElroy, McReavey, Minor, Mires, Morgans, Newton, Power, J. M. Reed, Shoudy, Stevenson, Suksdorf, E. H. Sullivan, Tibbetts, Turner, Weisenburger, West, Willison, Winsor. Not voting: Bowen, Kellogg, T. M. Reed, Mr. President. Messrs. Hungate and Neace on leave. And the motion was lost.

Mr. Dyer moved to suspend the rules and the article passed to a third reading. Mr. Sullivan moved that the article be referred to committee with instructions to report back, making it congruous. Mr. McCroskey moved to amend by reporting back tonight. Lost.

Original motion lost. Mr. J. Z. Moore moved to adjourn. Mr. Turner asked to have indefinite leave. Not granted.

On Mr. Moore's motion the ayes and noes were demanded and ordered and the following nineteen members voted aye: Browne, Coey, Crowley, Godman, Gowey, Griffitts, Henry, Jeffs, Jones, Kellogg, Lillis, McDonald, McReavey, J. Z. Moore, Prosser, Suksdorf, P. C. Sullivan, Van Name, Warner, and the following fifty-two voted no: Allen, Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Comegys, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Glascock, Gray, Hayton, Hicks, Jamieson, Joy, Kinnear, Lindsley, Manly, McCroskey, McElroy, Minor, Mires, R. S. More, Morgans, Newton, Power, J. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, E. H. Sullivan, Tibbetts, Travis, Turner, Weir, Weisenburger, West, Willison, Winsor, Mr. President. Not voting: Cosgrove, T. M. Reed, Messrs. Hungate and Neace on leave. And the motion was lost.

Mr. Dyer renewed his motion that the article be considered engrossed and passed to a third reading. Mr. Reed moved to recommit the article on Judiciary Committee. Carried.

Mr. Godman moved to adjourn. Ayes and noes demanded and ordered and the following forty-six members voted aye: Allen, Bowen, Browne, Burk, Coey, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Godman, Gowey, Gray, Griffitts, Hayton, Henry, Jeffs, Jones, Joy, Kellogg, Lillis, McDonald, McReavey, Minor, J. Z. Moore, Newton, Prosser, T. M. Reed, Sharpstein, Shoudy, Sohns, Stiles, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Van Name, Weir, West, Willison, Winsor.

The following twenty-six [voted] no: Berry, Blalock, Buchanan,

Clothier, Comegys, Dallam, Fay, Glascock, Hicks, Jamieson, Kinnear, Lindsley, Manly, McCroskey, McElroy, Mires, R. S. More, Power, J. M. Reed, Schooley, Stevenson, Sturdevant, Turner, Warner, Weisenburger, Mr. President. Not voting: Morgans. Messrs. Hungate and Neace on leave, and the motion prevailed and the Convention adjourned to 9 a.m., August 22, 1889.

## August 22nd, 1889

Convention called to order by the President at 9 a.m. Prayer by the Chaplain.

On a call of the roll all the members were present except Messrs. Hungate and Neace on leave, and Messrs. Gowey, Kellogg, Lillis, P. C. Sullivan.

Minutes read and approved. Mr. Kellogg granted leave. The following members reported present: Gowey, Lillis and P. C. Sullivan.

Mr. Minor from the Revision Committee reported the following Articles:

XV Harbors and Tidewater

XVI School and Granted Lands

XVII Cession of Jurisdiction

On State Seal

Federal Relations and Boundaries

The article on harbors and tidewaters was then read as amended and revised and the question then was upon final agreement.

Pending which Mr. Turner moved a call of the house. So ordered, and on a call of the roll the following members were found to be absent without leave: Gowey, Kellogg, P. C. Sullivan. Mr. Lindsley moved that further proceedings be dispensed with. So ordered.

The roll was then called on final agreement to the article as amended and revised and the following forty-eight members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Crowley, Dallam, Dunbar, Durie, Dyer, Eshelman, Fay, Glascock, Griffitts, Hicks, Jeffs, Joy, Kinnear,

Lindsley, McCroskey, McElroy, Minor, Mires, J. Z. Moore, R. S. More, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stiles, Sturdevant, E. H. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Willison, Mr. President.

The following nineteen no: Cosgrove, Dickey, Eldridge, Fairweather, Godman, Gray, Hayton, Henry, Jamieson, Jones, Manly, McDonald, McReavey, Morgans, Newton, Stevenson, Weisenburger, West, Winsor. Not voting: Gowey, Kellogg, Lillis, Suksdorf, P. C. Sullivan, Weir. Messrs. Hungate and Neace on leave. And a majority of all the members having voted in the affirmative, the article was finally agreed to and referred back to the Committee for [Revision, Adjustment and] Enrollment.

The article on school and granted lands was then read [and]* as amended and revised and the question was upon final agreement to the same. The roll was called and the following fifty-five members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Godman, Gray, Hayton, Jamieson, Jeffs, Joy, Kinnear, Lindsley, McCroskey, McElroy, Minor, Mires, R. S. More, Morgans, Newton, Power, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Sturdevant, Suksdorf, Tibbetts, Travis, Turner, Van Name, Warner, Weir, West, Winsor, Mr. President.

The following eleven no: Glascock, Griffitts, Henry, Jones, Manly, McDonald, J. Z. Moore, Prosser, J. M. Reed, Weisenburger, Willison. Not voting: Gowey, Kellogg, Lillis, McReavey, Stiles, E. H. Sullivan, P. C. Sullivan. And a majority of all the members voting in the affirmative, the article was finally agreed to and referred back to the Committee for [Revision, Adjustment and] Enrollment.

The article on cession of jurisdiction was then read as amended and revised and the question then was upon final agreement. The roll was called and the following sixty members voted aye: Allen, Berry, Blalock, Bowen, Browne, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Gray, Griffitts, Hayton, Henry, Jamieson, Jeffs, Jones, Joy, Kinnear, Lindsley, McCroskey, McElroy, McReavey, Minor, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharp-

* Stricken in journal.

stein, Sohns, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, Tibbetts, Travis, Turner, Van Name, Weir, Weisenburger, West, Winsor, Mr. President. And Manly, no. Not voting: Dickey, Gowey, Hicks, Kellogg, Lillis, Manly [sic], McDonald, Mires, Shoudy, Stiles, P. C. Sullivan, Warner, Willison. Messrs. Hungate and Neace on leave, and a majority of all the members having voted in the affirmative, the article was finally agreed to and referred to the Committee for [Revision, Adjustment and] Enrollment. (See page 462.)

The article on state seal was then read as amended and revised and the question was upon final agreement. The roll was called and the following sixty-seven members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Gray, Griffitts, Hayton, Henry, Hicks, Jamieson, Jeffs, Jones, Joy, Kinnear, Lindsley, Manly, McCroskey, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, Tibbetts, Travis, Turner, Van Name, Weir, Weisenburger, West, Willison, Winsor, Mr. President. And none no. Not voting: Gowey, Kellogg, Lillis, McDonald, P. C. Sullivan, Warner. Messrs. Hungate and Neace on leave. And a majority of all members voting in the affirmative the article was finally agreed to and referred back to the Committee for [Revision, Adjustment and] Enrollment.

The article on boundaries was then read as amended and revised. The question then was upon final agreement.

The roll was called and the following fifty-five members voted aye: Allen, Berry, Blalock, Buchanan, Clothier, Comegys, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Griffitts, Henry, Hicks, Jamieson, Jeffs, Jones, Joy, Kinnear, Lindsley, McCroskey, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Sturdevant, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Weisenburger, West, Willison, Winsor, Mr. President.

The following four [voted] no: Bowen, Burk, T. M. Reed, Weir.

Not voting: Coey, Godman, Gowey, Gray, Hayton, Kellogg, Lillis, Manly, McDonald, Stevenson, Stiles, Suksdorf, Warner, Burk. Messrs. Hungate and Neace on leave. And a majority of all the members voting in the affirmative the article was finally agreed to and referred back to the Committee on Revision [, Adjustment and Enrollment].

Mr. Turner from the Committee on Judiciary Department made the following report.

To the President and Members of the Convention:

Your Committee on the Judicial Department, to which was referred the article on schedule, respectfully report that they have amended Section 7, 9, 15, 16, and 17 and recommend that the said article with said amendments be adopted.

The Committee further recommended that each of the sections of said article referring to tidelands be voted on as separate articles.

The Committee would call the attention of the Convention to the resolution adopted directing the Committee on Revision [, Adjustment and Enrollment] to transfer the sections or articles relating to women's suffrage and prohibition to the schedule, and recommend that that course be pursued.

Respectfully submitted,

GEO. TURNER, *Chairman*
T. C. GRIFFITTS, *Secretary*

The question then was upon agreeing to the recommendation of the committee as to tideland. So ordered. And the recommendation was concurred in.

The question then was upon concurring on the amendments to Section 7 and they were concurred in. The question then was upon concurring in the amendments to Section 9 and they were concurred in.

The question then was upon concurring in the amendments to Section 15 and they were concurred in.

The question then was upon agreeing to the substitute for Section 17 and it was agreed to and ordered substituted.

Mr. Power moved that the Convention proceed first to the consideration of that part of the article confirming patents. Lost.

The question then was upon considering the article on schedule be considered engrossed and read a third time. Carried.

The article was then considered read a third time and the question was upon agreeing to the article as amended and revised.

The roll was called and the following sixty-seven members voted aye: Allen, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Gowey, Gray, Griffitts, Hayton, Henry, Hicks, Jamieson, Jeffs, Jones, Joy, Kinnear, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, Tibbetts, Travis, Turner, Weir, Weisenburger, West, Willison, Winsor, Mr. President. The following no: Stevenson, Van Name, Warner, Berry. Not voting: P. C. Sullivan, Kellogg. On leave: Hungate and Neace, and a majority of all the members voting in the affirmative the article was agreed to and referred back to the Committee on Revision [, Adjustment and Enrollment].

Mr. Power moved to take up the article validating the patent. Mr. P. C. Sullivan moved to amend by inserting "tidelands." Lost.

Mr. Power's motion was lost. The article on titles to shore lands was read and the question was upon passing the article to a third reading.

The ayes and noes were demanded and ordered. The following thirty-five members voted aye: Berry, Blalock, Browne, Buchanan, Clothier, Coey, Comegys, Dallam, Durie, Dyer, Eshelman, Godman, Gowey, Gray, Griffitts, Hicks, Jeffs, McCroskey, McDonald, McElroy, Mires, J. Z. Moore, R. S. More, Newton, J. M. Reed, Schooley, Sharpstein, Shoudy, Sturdevant, Suksdorf, Travis, Turner, Van Name, Warner, Mr. President.

The following thirty-six no: Allen, Bowen, Burk, Cosgrove, Crowley, Dickey, Dunbar, Eldridge, Fairweather, Fay, Glascock, Hayton, Henry, Jamieson, Jones, Joy, Kinnear, Lillis, Lindsley, Manly, McReavey, Minor, Morgans, Prosser, T. M. Reed, Sohns,

Stevenson, Stiles, E. H. Sullivan, P. C. Sullivan, Tibbetts, Weir, Weisenburger, West, Willison, Winsor. Not voting: Kellogg and Power. On leave: Hungate and Neace. And the motion was not so ordered.

The article on confirming patents [was read] and the question then was upon passing the article to a third reading.

The ayes and noes were demanded and ordered and the following forty-two members voted aye: Allen, Blalock, Bowen, Burk, Clothier, Cosgrove, Dallam, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Gowey, Hayton, Henry, Jeffs, Jones, Joy, Kinnear, Lindsley, McElroy, McReavey, Minor, R. S. More, Morgans, Power, Prosser, T. M. Reed, Schooley, Sohns, Stevenson, Stiles, Tibbetts, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

The following twenty-nine no: Berry, Browne, Buchanan, Coey, Comegys, Crowley, Durie, Godman, Gray, Griffitts, Hicks, Jamieson, Lillis, Manly, McCroskey, McDonald, Mires, J. Z. Moore, J. M. Reed, Sharpstein, Shoudy, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Van Name, Warner. Not voting: Newton, Kellogg. On leave: Hungate, Neace. And it was so ordered. And the question then was shall the article be engrossed and considered read a third time.

Pending which Mr. Bowen moved it be indefinitely postponed, and the ayes and noes were demanded and ordered. The roll was called and the following fifteen members voted aye: Allen, Bowen, Burk, Dickey, Eldridge, Hayton, Jamieson, Jones, Joy, Lillis, McReavey, Minor, Morgans, Stevenson, Willison. And the following fifty-three voted no: Berry, Blalock, Browne, Buchanan, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dunbar, Durie, Dyer, Eshelman, Fairweather, Fay, Glascock, Godman, Gowey, Gray, Griffitts, Jeffs, Kinnear, Lindsley, McCroskey, McDonald, McElroy, Mires, J. Z. Moore, R. S. More, Newton, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Weir, Weisenburger, West, Winsor, Mr. President. Not voting: Kellogg, Manly, Power, Sohns, Suksdorf. On leave: Hungate and Neace. And the motion was lost.

The question then was upon passing the article to a third reading. The ayes and noes were demanded and ordered. The roll

was called and the following forty-nine members voted aye: Berry, Blalock, Browne, Buchanan, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dunbar, Durie, Dyer, Eshelman, Fairweather, Fay, Glascock, Gowey, Gray, Griffitts, Hicks, Jeffs, Kinnear, Lindsley, Manly, McCroskey, McDonald, McElroy, Minor, Mires, J. Z. Moore, R. S. More, Newton, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sturdevant, Stiles, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Van Name, Warner, Weisenburger, Mr. President. And the following twenty-two no: Allen, Bowen, Burk, Dickey, Eldridge, Godman, Hayton, Henry, Jamieson, Jones, Joy, Lillis, McReavey, Morgans, Shoudy, Sohns, Stevenson, Tibbetts, Weir, West, Willison, Winsor. Not voting: Kellogg, Power. On leave: Hungate, Neace. And it was so ordered.

The question then was upon agreeing to the article. The roll was called and the following forty-one members voted aye: Allen, Blalock, Bowen, Burk, Dallam, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Gowey, Hayton, Henry, Jeffs, Jones, Joy, Kinnear, Lillis, Lindsley, Manly, McElroy, McReavey, Minor, Morgans, Power, Prosser, T. M. Reed, Schooley, Sohns, Stevenson, Stiles, Tibbetts, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

The following thirty no: Berry, Browne, Buchanan, Coey, Comegys, Cosgrove, Crowley, Durie, Godman, Gray, Griffitts, Hicks, Jamieson, McCroskey, McDonald, Mires, J. Z. Moore, R. S. More, Newton, J. M. Reed, Sharpstein, Shoudy, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Van Name, Warner. Not voting: Clothier, Kellogg. On leave: Hungate and Neace. And a majority of all the members voting in the affirmative, the article was agreed to and referred to the Committee on Revision [, Adjustment and Enrollment] for revision and adjustment.

Mr. Griffitts moved to suspend the rules and consider the article submitted by Mr. Mires. So ordered.

Mr. Mires' article, as follows, was then read.

Article

**Section 1.** The State of Washington asserts its ownership to the beds and shores 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.

Provided, that this section shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the state.

The question then was upon agreeing to the article. The roll was called and the following fifty-six members voted aye: Allen, Berry, Blalock, Browne, Buchanan, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dunbar, Durie, Dyer, Eshelman, Fairweather, Fay, Glascock, Godman, Gowey, Gray, Griffitts, Hicks, Jamieson, Jeffs, Kinnear, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, Minor, Mires, J. Z. Moore, R. S. More, Newton, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Weir, Weisenburger, Mr. President.

The following fifteen no: Bowen, Burk, Dickey, Eldridge, Griffitts, Henry, Jones, Joy, McReavey, Morgans, Sohns, Stevenson. Not voting: Kellogg, Power. On leave: Hungate, Neace, and a majority of all members voting in the affirmative, the article was agreed to and referred to the Committee on Revision [, Adjustment and Enrollment] for revision and adjustment.

Mr. Turner moved that rules be suspended and the articles on confirming patents and tidelands be considered, finally agreed to and referred to the Committee on Revision [, Adjustment and Enrollment] for enrollment.

The roll was called and the following fifty members voted aye: Berry, Blalock, Buchanan, Clothier, Coey, Cosgrove, Dallam, Dickey, Dunbar, Durie, Dyer, Eshelman, Fairweather, Fay, Glascock, Hayton, Henry, Hicks, Jamieson, Kinnear, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stiles, Sturdevant, Tibbetts, Travis, Turner, Weir, Weisenburger, West, Willison, Winsor, Mr. President. The following twenty-one no: Allen, Bowen, Browne, Burk, Comegys, Crowley, Eldridge, Godman, Gowey, Gray, Griffitts, Jones, Joy, Lillis, J. Z. Moore, Stevenson, Suksdorf, E. H. Sullivan, P. C. Sullivan, Van Name, Warner. Not voting: Jeffs, Kellogg. On leave: Hungate, Neace. And the rules were suspended

and the articles were so considered and referred to the Committee on Revision, Adjustment and Enrollment.

Mr. Prosser filed the following protest and it was ordered spread on the records.

Protest against the passage of the article providing for the sale of school lands of the State of Washington:

The undersigned respectfully, but earnestly enter their most solemn protest against the provision adopted by this Convention for the sale of the school lands of the state, for the following reasons, viz:

First. Because such sale is unnecessary. Ample funds for the present needs of the schools of the state can be obtained by the sale of timber, stone and other material from these lands and from the rental of such lots, blocks and other as any now be leased upon reasonable terms by the Legislature. If the limitation of five years in the enabling act is an obstacle to such lease there is no doubt but that Congress would make any change in such limitation, which might be petitioned for by the Legislature.

Second. Because such sale now or at any time in the near future, under any circumstances whatever, will be placing them in the market in competition with the cheap lands of the government and of the Northern Pacific Railroad Company and will therefore be sacrificed for much less than their actual value when the state shall become populous, thereby entailing a loss to the school fund of the state of many millions of dollars.

Third. Because the experience of all states having heretofore had grants of land for school purposes, has been that the Legislatures thereof have not been able to resist the combinations of influences brought to bear upon them by purchasers and speculators who desire that these lands might be sold, in order to promote selfish interests, and therefore believe it to be the bounden duty of this Convention to place a prohibition of the sale of these lands in the Constitution in order that they may be preserved for the use and maintenance of the common schools of the state for all time to come.

WM. F. PROSSER
GEO. H. JONES
THOMAS C. GRIFFITTS
N. G. BLALOCK

Mr. Dunbar at 10:45 moved to take a recess for half an hour. Carried.

At 11:05 [sic] the Convention was called to order by the President.

Mr. Minor from the Committee on Revision [, Adjustment and Enrollment] reported the articles on schedule, tidelands and confirming patents.

The article on schedule was then read and the question was upon a final agreement. The roll was called and the following sixty-nine members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Cosgrove, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Gowey, Gray, Griffitts, Hayton, Henry, Hicks, Jamieson, Jeffs, Jones, Joy, Kinnear, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Weir, Weisenburger, West, Willison, Winsor, Mr. President. Not voting: Comegys, Crowley, Kellogg, P. C. Sullivan. On leave: Hungate, Neace. And a majority of all the members voting in the affirmative the article was finally agreed to and referred back to the Committee on Engrossment.

Mr. Godman filed the following protest: We hereby protest against the action of the Convention in passing the article disclaiming title to patented lands and desire this protest entered on record. We look upon it as hasty, injudicious action, more appropriately left to the Legislature.

THOMAS C. GRIFFITTS
M. M. GODMAN
S. H. BERRY
C. H. WARNER
J. T. MCDONALD
W. B. GRAY
J. J. TRAVIS
E. H. SULLIVAN
J. F. VAN NAME
JOHN M. REED

Mr. Prosser moved to adopt the following resolution: "Resolved, that the thanks of this Convention are due and hereby tendered to President John P. Hoyt, the Chief Clerk John I. Booge, the Reading Clerk, C. M. Barton, and other officers of this Convention for the able, efficient and faithful manner in which they have discharged their respective duties during the sessions of this Convention." And it was unanimously adopted.

Mr. Manley moved to adopt the following: "Resolved, that the thanks of this Convention be extended to the reporters who have so faithfully reported the proceedings." Unanimously adopted.

Mr. Turner moved that should the Convention adjourn before the Constitution is enrolled, that the Committee on Revision, Adjustment and Enrollment remain and see that it is finished properly. Carried.

Mr. Warner moved that upon the close of the present sitting it be to 5 p.m. Mr. Manly moved to take a recess until 8 p.m. Carried.

From page 282, left out by mistake.

Revenue and Taxation

Article VII

**Section 1.** All property in the state, not exempt under the laws of the United States, or under this Constitution, shall be taxed in proportion to its value, to be ascertained as provided by law.

The Legislature shall provide by law for an annual tax sufficient with other sources of revenue to defray the estimated ordinary expenses of the state for each fiscal year. And for the purpose of paying the state debt, if there be any, the Legislature shall provide for levying a tax annually, sufficient to pay the annual interest and principal of such debt within twenty years from the final passage of the law creating the debt.

**Section 2.** The Legislature shall provide by law a uniform and equal rate of assessment and taxation on all property in the state, according to its value in money, and shall prescribe such regulations by general law as shall secure a just valuation for taxation of all property, so that every person and corporation shall pay

a tax in proportion to the value of his, her or its property, provided, that a deduction of debts from credits may be authorized.

**Section 2.** [sec] Provided further that the property of the United States, and of the state, counties, school districts and other municipal corporations and such other property as the Legislature may by general laws provide, shall be exempt from taxation.

**Section 3.** The Legislature shall provide by general law for the assessing and levying of taxes on all corporation property as near as may be by the same methods as are provided for the assessing and levying of taxes on individual property.

**Section 4.** The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the state shall be a party.

**Section 5.** No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of the same to which only it shall be applied.

**Section 6.** All taxes levied and collected for state purposes shall be paid in money only into the state treasury.

**Section 7.** An accurate statement of the receipts and expenditures of the public moneys shall be published annually in such manner as the Legislature may provide.

**Section 8.** Whenever the expenses of any fiscal year shall exceed the income, the Legislature may provide for levying a tax for the ensuing fiscal year, sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of the ensuing fiscal year.

**Section 9.** The Legislature may vest the corporate authorities of cities, towns and villages with power to make local improvements by special assessment, or by special taxation of property benefitted.

For all corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes, and such taxes shall be uniform in respect to persons and property within the jurisdiction of the body levying the same.

Olympia, August (22), 1889

John I. Booge Esq.
Chief Clerk
Constitutional Convention

I hereby certify that Miss Lillie Brown served as clerk of Committee on Election and Elective Rights from July 11th, 1889, to the day of adjournment.

P. C. SULLIVAN
*Chairman of Committee on Election and Elective Rights*

Olympia, August (22), 1889

John I. Booge Esq.
Chief Clerk
Constitutional Convention

I hereby certify that James D. Hannegan served as clerk of Committee on Engrossment from July 11th, 1889, to and including the day of adjournment.

JOHN A. SHOUDY
*Chairman of Committee on Engrossment*

Olympia, August (22), 1889

John I. Booge Esq.
Chief Clerk
Constitutional Convention

I hereby certify that Miss May Sylvester served as clerk of Committee on Judicial Department from the 10th day of July, 1889, to the adjournment.

GEORGE TURNER
*Chairman of Committee on Judicial Dept.*

Olympia, August (22), 1889

John I. Booge Esq.
Chief Clerk
Constitutional Convention

I hereby certify that O. C. Pratt served as clerk of Committee on Apportionment and Representation from July 10th, 1889, to the day of adjournment.

S. J. CROWLEY
*Chairman of Committee on Apportionment and Representation*

Olympia, August (22), 1889

John I. Booge Esq.
Chief Clerk
Constitutional Convention

I hereby certify that Robert Black has served as clerk of Committee on State, School and Granted Lands from the 11th day of July, 1889, to the day of adjournment.

R. O. DUNBAR
*Chairman of Committee on State, School and Granted Lands*

From page 451, left out by mistake.

Cession of Jurisdiction

Article XXV

**Section 1.** The consent of the State of Washington is hereby given to the exercise, by the Congress of the United States, of exclusive legislation on all cases whatsoever over such tracts or parcels of land as are now held or reserved by the government of the United States for the purpose of erecting or maintaining thereon forts, magazines, arsenals, dockyards, lighthouses and other needful buildings, in accordance with the provisions of the 17th paragraph of the eighth section of the first article of the Constitution of the United States, so long as the same shall be so held and reserved by the United States. Provided, that a sufficient

description by metes and bounds and an accurate plat or map of such tract or parcel of land be filed in the proper office of record in the county in which the same is situated, together with copies of the orders, deeds, patents or other evidence in writing of the title of the United States; and provided that all civil process issued from the courts of this state, and such criminal process as may issue under the authority of this state, against any person charged with crime in cases arising outside of such reservations, may be served and executed thereon, in the same mode and manner, and by the same officers, as if the consent herein given had not been made.

The Convention was called to order at 8 p.m. by the President. Mr. Weir introduced the following resolution and moved its adoption.

"Resolved, that when this Convention adjourn 'sine die' that the Chief Clerk be and he is hereby instructed to place the Journal and all uncopied minutes together with a copy of the Constitution in the hands of Messrs. T. M. Reed, John F. Gowey, and Francis Henry, the members from Thurston County, and that the Journal Clerk and Robert Black be instructed to copy all minutes, and the Constitution in the Journal under their supervision, and when so done, that the Journal and all papers be by Messrs. Reed, Gowey, and Henry delivered to Hon. O. C. White, Secretary of the Territory." It was adopted.

The Committee on Revision [, Adjustment] and Enrollment, reported the entire Constitution, and the article to be reported submitted as correctly enrolled, and thereupon the same was duly certified, and signed by the following named members of the Convention.

John P. Hoyt
President.

Francis Henry, J. J. Browne, George Comegys, N. G. Blalock, Oliver H. Joy, John F. Gowey, David E. Durie, Frank M. Dallam, D. Buchanan, James Z. Moore, John R. Kinnear, E. H. Sullivan, George W. Tibbetts, George Turner, H. W. Fairweather, Austin Mires, Thomas C. Griffitts, M. M. Godman, C. H. Warner, Gwin Hicks, J. P. T. McCroskey, Wm. F. Prosser, S. G. Cosgrove, R. O. Dunbar, W. B. Gray, Morgan Morgans, Trusten P. Dyer, James Power, George H. Jones, B. B. Glascock, B. L. Sharpstein, O. A.

Bowen, H. M. Lillis, Harrison Clothier, J. F. Van Name, Matt J. McElroy, Albert Schooley, J. T. Eshelman, H. C. Willison, Robert Jamieson, Louis Sohns, Thomas Hayton, A. A. Lindsley, Samuel H. Berry, J. J. Weisenburger, D. J. Crowley, P. C. Sullivan, J. T. McDonald, R. S. More, John M. Reed, Thomas T. Minor, Edward Eldridge, J. J. Travis, George Stevenson, Arnold J. West, Silvius A. Dickey, Charles T. Fay, Henry Winsor, Charles Coey, Theodore L. Stiles, Robert F. Sturdevant, James A. Burk, John A. Shoudy, T. M. Reed, John McReavey, Allen Weir, S. H. Manly, Hiram E. Allen, H. F. Suksdorf, Richard Jeffs.

Mr. Cosgrove moved that the Convention finally adjourn "Sine Die" at 9:30 p.m. Carried.

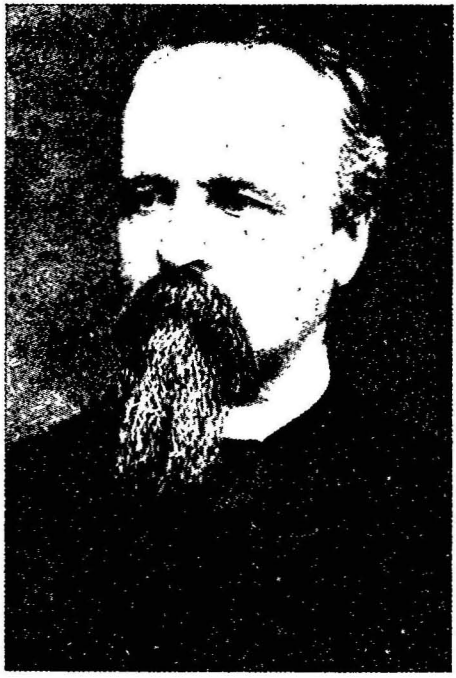
Mr. Turner introduced the following resolution and moved its adoption. It was unanimously adopted.

"Resolved, that the thanks of the Convention be, and the same hereby are tendered to the citizens of the city of Olympia for the generous hospitality with which they have entertained the members and officers, during the sitting of the Convention.

"Resolved, that a vote of thanks be and is hereby tendered to Delegate Henry, as the author of 'Old Settler' and to Ross G. O'Brien, for the pleasant manner in which he entertained this Convention at this time by singing 'The Old Settler'." And it was unanimously adopted.

At 9:30 p.m. the President declared the Convention assembled, adjourned "Sine Die."

# DELEGATES TO THE WASHINGTON CONSTITUTIONAL CONVENTION — JULY 4, 1889



**John P. Hoyt**

A Republican from the Twentieth District, the forty-seven year old lawyer and banker lived in Seattle.

Born in Ohio, Hoyt had taught school and served in the Union army. He was graduated from Ohio State and Union Law College in 1867 and served two terms in the Michigan legislature. He had been a supreme court judge in Washington from 1878 to 1887, and at the time of the Convention was manager of the Dexter Horton Bank and president of the Home Insurance Company.

Hoyt was elected president of the Constitutional Convention, having been nominated by Republican caucus after the withdrawal of Turner. He received forty votes, while his opponents, Warner and Cosgrove, received fifteen each. His election was made unanimous on motion of Warner seconded by Cosgrove.



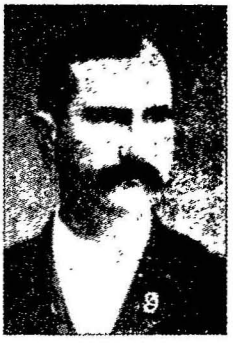
### Hiram E. Allen

An uninstructed delegate from the Third District, the thirty-two year old lawyer lived in Spokane Falls.

Born in Indiana, Allen came to Olympia, Washington, in 1872, and moved to Spokane Falls in 1880.

Allen served on the following committees: Education and Educational Institutions; Apportionment and Representation; Homestead and Property Exemptions.

### Samuel H. Berry



A delegate from the Twenty-fifth District, the forty year old real estate dealer lived in Chehalis.

He was born in Missouri and had been a teacher, surveyor, and county auditor.

Berry served on the following committees: Military Affairs; Revenue and Taxation; Engrossment.



### N. G. Blalock

A Democrat from the Tenth District, the fifty-three year old physician and wheat grower lived in Walla Walla.

Born in North Carolina, Blalock was graduated from Jefferson Medical College and practiced medicine for twelve years in Decatur, Illinois. He had been an assistant surgeon in the army. In 1873, he came to Walla Walla.

Blalock served on the following committees: Education and Educational Institutions, chairman; State, County and Municipal Indebtedness; State Medicine and Public Health; reporting proceedings.

### O. A. Bowen



A Republican from the Thirteenth District, the forty-six year old lumbering and manufacturing businessman lived in Skamakawa.

Born in Michigan, Bowen was graduated from Hillsdale College and became part owner and editor of the **Coldwater Republican.** He had five years experience in the Michigan State Land Office as commissioner and deputy commissioner. He had been a member of the Michigan legislature as well as having engaged in the lumber business there. In 1887 he came to Washington and entered the Columbia River Lumber and Manufacturing Company at Skamakawa.

Bowen served on the following committees: County, City and Township Organization; Revenue and Taxation; State, School and Granted Lands; State Seal.



### J. J. Browne

A Democrat from the Second District, the forty-five year old banker and lawyer lived in Spokane Falls.

He was born in Ohio. He came to Washington where he became president of the Browne National Bank at Spokane Falls.

Browne served on the following committees: State, County and Municipal Indebtedness, chairman; Revenue and Taxation; State, School and Granted Lands.

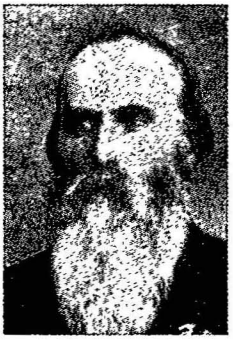
### D. Buchanan



A Republican from the Eighth District, this sixty-nine year old Ritzville farmer was the oldest member of the Convention.

Born in Scotland, he came to Washington in 1855.

Buchanan served on the following committees: Legislative Department; Miscellaneous Subjects, Schedule and Future Amendments; Federal Relations, Boundaries and Immigration.



### James A. Burk

A resident of Kalama in the Thirteenth District, Burk was a fifty-six year old farmer and stock raiser.

Born in New York in 1833, he came to Washington in 1852 and had served in both houses of the territorial legislature.

Burk served on the following committees: Elections and Elective Rights; Agriculture, Manufacturing, Fisheries and Commerce.

### Harrison Clothier



This delegate from the Seventeenth District was a merchant living in Mt. Vernon.

Clothier served on the following committees: Executive Department and Pardoning Power; Printing, Mileage and Contingent Expenses.



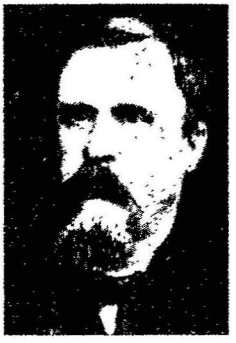
### Charles Coey

A delegate from the First District, the thirty-five year old merchant lived in Rockford.

Born in New York in 1854, he came to Washington in 1882 and engaged in the general merchandise business.

Coey served on the following committees: Legislative Department; State, County and Municipal Indebtedness; Corporations Other Than Municipal.

### George Comegys



A delegate from the Seventh District, the fifty year old lawyer had only recently moved to Oaksdale.

Born in Missouri in 1838, Comegys came to Oregon in 1850. He was a graduate of Willamette College. In 1878 he moved to Colfax and became a member of the territorial legislature in 1881 and speaker of the house. His occupations included stock raising, practicing law and mining.

Comegys served on the following committees: Federal Relations, Boundaries and Immigration, chairman; Preamble and Bill of Rights; Miscellaneous Subjects, Schedule and Future Amendments.



### S. G. Cosgrove

A delegate from the Eighth District, the forty-two year old lawyer lived in Pomeroy.

Cosgrove served on the following committees: Military Affairs; Apportionment and Representation; State, School and Granted Lands; rules for Convention.

### D. J. Crowley



A Republican from the Tenth District, the thirty-five year old lawyer lived in Walla Walla.

Born in Maine, he was raised in California and came to Washington in 1880.

Crowley served on the following committees: Apportionment and Representation, chairman; Judicial Department; rules for Convention.



### Frank M. Dallam

A Republican from the Fourth District, the forty year old printer and publisher lived in Davenport.

Born in Missouri in 1849, Dallam was raised in Illinois where he published the **Warsaw Bulletin** from 1876 to 1875. He published the **Hayward Journal** in California from 1877 to 1882. Moving to Washington, he established the **Review** in Spokane Falls, publishing it from 1883 to 1889. At the time of the Convention, he was putting out the **Davenport Times.**

Dallam served on the following committees: Preamble and Bill of Rights; County, City and Township Organization; Printing, Mileage and Contingent Expenses; State Seal.

### Silvius A. Dickey



A delegate from the Eighteenth District, the thirty-one year old teacher lived in Sackman, presently Tracyton, on Puget Sound.

He was born in Pennsylvania in 1858. At the time of the Convention, he was superintendent and teacher in a school near Silverdale.

Dickey served on the following committees: Education and Educational Institutions; Miscellaneous Subjects, Schedule and Future Amendments; State, School and Granted Lands.



### R. O. Dunbar

A Republican from the Eleventh District, the forty-four year old lawyer lived in Goldendale. Born in Illinois in 1845, Dunbar came to Oregon in 1846. He was graduated from Willamette University. He was clerk of the District Court in Olympia in 1870-71, member of the territorial council in 1878, prosecuting attorney for his district in 1882, speaker of the house in 1885, and probate judge of Klickitat county in 1888.

Dunbar served on the following committees: State, School and Granted Lands, chairman; Judicial Department; Education and Educational Institutions.

### David E. Durie



A delegate from the Nineteenth District, the forty-two year old merchant lived in Seattle.

Born in Scotland in 1847, Durie came to the United States in 1864 and to Washington in 1871. He was active in the Indian wars of 1887-88. He had been a member of the Seattle Common Council.

Durie served on the following committees: Harbors, Rivers, Tidewaters and Navigable Streams, chairman; State, County and Municipal Indebtedness; rules for Convention.



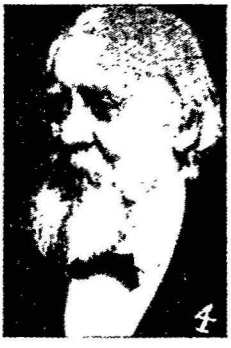
### Trusten P. Dyer

A Republican from the Nineteenth District, the thirty-three year old lawyer lived in Seattle.

Born in Missouri in 1856, Dyer was graduated from Weslyan College. He taught school and studied law, and in 1875 was admitted to the bar. He was chief clerk in the registry department of the St. Louis post office in 1878. In 1887 he came to Washington.

Dyer served on the following committees: Elections and Elective Rights; Apportionment and Representation; Revenue and Taxation; reporting proceedings.

### Edward Eldridge



A Republican from the Sixteenth District, the sixty-one year old delegate was engaged in farming and sawmilling in Whatcom.

Born in Scotland in 1828, Eldridge followed the sea until 1849. He mined in California and came to Whatcom, Washington Territory, in 1853. He had held all of the county offices and was speaker of the house in the territorial legislature in 1866. He had been a delegate at the Walla Walla Constitutional Convention of 1878.

Eldridge served on the folowing committees: Revision, Adjustment and Enrollment; State, School and Granted Lands.



### J. T. Eshelman

A Democrat from the Eleventh District, the thirty-seven year old minister and real estate dealer lived in North Yakima.

Born in Scotland in 1852, Eshelman came to the United States in 1876 and to Washington in 1887. He had been school superintendent of Klickitat county, county treasurer, and chief clerk of the United States land office in Yakima.

Eshelman served on the following committees: Education and Educational Institutions; Apportionment and Representation; State, School and Granted Lands.

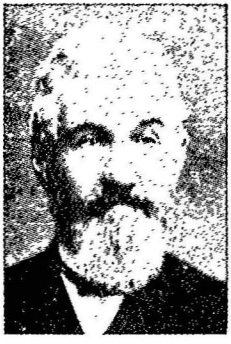
### H. W. Fairweather



A Republican from the Fourth District, the thirty-seven year old banker lived in Sprague.

Born in St. Johns, New Brunswick, in 1852, Fairweather came to the United States in 1865 and to Washington in 1871. He had been a railroad executive and at the time of the Convention was a colonel in the militia, director of the First National Bank of Spokane Falls, and president of the First National Bank of Sprague.

Fairweather served on the following committees: Executive Department and Pardoning Power; State, County and Municipal Indebtedness; Revenue and Taxation.



### Charles T. Fay

A delegate from the Twenty-third District, the sixty year old farmer lived in Steilacoom.

Born in Massachusetts in 1828, Fay came to Puget Sound in 1874 and moved to Steilacoom in 1878. He was county commissioner of Pierce county in 1886.

Fay served on the State, County and Municipal Indebtedness Committee.

### B. B. Glascock



A delegate from the Fourth District, the forty-six year old farmer and stock raiser lived in Spokane Falls.

Born in Missouri in 1843, Glascock came to Washington in 1883. He had been a member of the California Constitutional Convention.

Glascock served on the following committees: Elections and Elective Rights; Military Affairs; County, City and Township Organization.



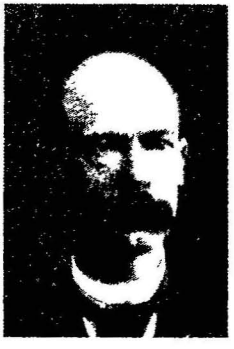
### M. M. Godman

A Democrat from the Ninth District, the thirty-three year old lawyer lived in Dayton.

Born in Missouri in 1856, Godman was educated at Pacific Methodist College in California and came to Washington in 1880.

Godman served on the following committees: Homestead and Property Exemptions, chairman; Judicial Department; Revenue and Taxation.

### John F. Gowey



A Republican from the Twenty-fourth District, the forty-three year old lawyer and bank president lived in Olympia.

Born in Ohio in 1846, Gowey was admitted to the bar in 1869 and came to Washington in 1882. He had been registrar in the United States land office for four years, and was a member of the territorial council in 1888. At the time of the Convention, he was mayor of Olympia.

Gowey served on the following committees: Revenue and Taxation, chairman; Judicial Department; Apportionment and Representation.



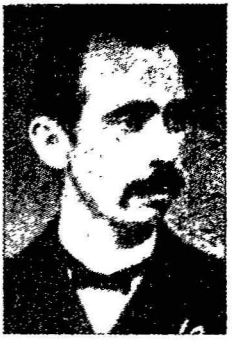
### W. B. Gray

A Democrat from the Eighth District, the forty-one year old stock raiser lived in Pasco.

Born in Maine, he had served in the Union army.

Gray was a member of the following committees: Legislative Department; Miscellaneous Subjects, Schedule and Future Amendments; Mining and Mining Interests.

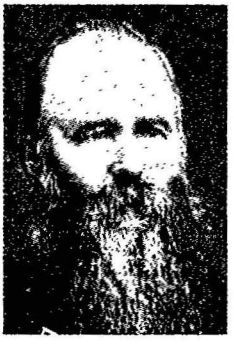
### Thomas C. Griffitts



A Democrat from the Third District, the thirty-one year old lawyer lived in Spokane Falls.

Born in Illinois, he moved to Utah at the age of twenty-three and came to Spokane Falls in 1884.

Griffitts served on the following committees: Judicial Department; County, City and Township Organization; credentials; rules for Convention.



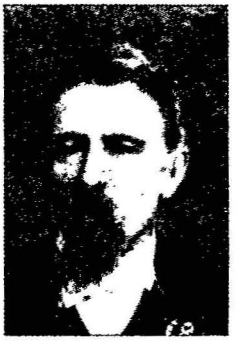
### Thomas Hayton

A delegate from the Seventeenth District, the fifty-seven year old farmer lived in Fir on Puget Sound.

Born in Kentucky in 1832, Hayton was raised in that state and farmed there until 1862 when he entered the Union army. He moved to Missouri in 1868, and came to Washington Territory in 1876 to farm in Skagit county.

Hayton served on the following committees: State Institutions and Public Buildings; Agriculture, Manufacturing, Fisheries and Commerce.

### Francis Henry



A delegate from the Twenty-fourth District, the sixty-two year old lawyer lived in Olympia.

Henry was born in Illinois in 1827. A Mexican war veteran, he came to Olympia in 1862 and served three terms in the territorial legislature. He was probate judge of Thurston county in 1879, after having been a clerk of the Supreme Court and treasurer of the city of Olympia. He was a member of the Walla Walla Constitutional Convention of 1878.

Henry served on the following committees: Preamble and Bill of Rights; Corporations Other Than Municipal; State, School and Granted Lands.

### Gwin Hicks



A delegate from the Twenty-second District, the thirty-one year old real estate and stock exchange manager lived in Tacoma.

Born in Olympia in 1858, Hicks was the only native of the territory in the Convention. He was a printer and reporter in Portland until 1882, when he moved to Tacoma and became a typesetter on the Tacoma **Ledger.** He had been deputy revenue collector for Western Washington, and at the time of the Convention was manager of the Tacoma Real Estate and Stock Exchange.

Hicks served on the following committees: Preamble and Bill of Rights; Executive Department and Pardoning Power; State Seal; Apportionment and Representation.

### James A. Hungate



A Democrat from the Seventh District, the 45 year old farmer lived in Pullman.

Born in Illinois, Hungate came to Whitman county in 1873. He was a deputy city clerk and a former Oregon county commissioner.

Hungate served on the following committees: Executive Department and Pardoning Power; State, County and Municipal Indebtedness; Apportionment and Representation.



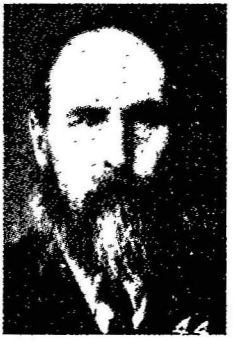
### Robert Jamieson

A delegate from the Twenty-fifth District, the thirty-five year old mining engineer lived in Wilkeson.

He was born in Scotland in 1854 and was educated at Glasglow. In 1882 he came to California and moved to Wilkeson in 1884.

Jamieson served on the following committees: Miscellaneous Subjects, Schedule and Future Amendments; Mining and Mining Interests.

### Richard Jeffs



A delegate from the Eighteenth District, the sixty-two year old farmer lived in Pialschie (between Auburn and Kent) in King County.

Born in New York, Jeffs came to Washington in 1847. He had been a justice of the peace and was engaged in husbandry and hop growing.

Jeffs served on the following committees: County, City and Township Organization; Homestead and Property Exemptions.



### George H. Jones

A delegate from the Fifteenth District, he resided in Port Townsend and practiced law.

Jones served on the following committees: Judicial Department; Homestead and Property Exemptions; Engrossment.

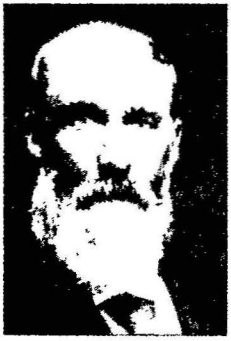
### Oliver H. Joy



A delegate from the Twenty-fifth District, the fifty-eight year old farmer and mill owner lived in Boisfort.

Born in New Hampshire in 1831, Joy came to California where he mined from 1849 to 1861. He helped form the California mining laws. After lumbering in that state until 1878 he moved to Washington.

Joy served on the following committees: Printing, Mileage and Contingent Expenses; State, School and Granted Lands.



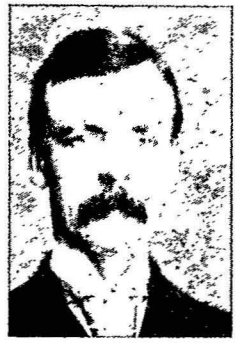
### J. C. Kellogg

A delegate from the Eighteenth District, the sixty-nine year old doctor lived in Coupeville.

Born in New York in 1821, he came to Puget Sound in 1852. He was a member of the territorial legislature in 1855-56.

Kellogg served on the following committees: Preamble and Bill of Rights; State, School and Granted Lands.

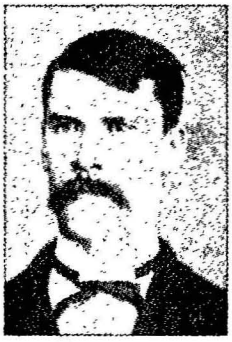
### John R. Kinnear



A Republican from the Twentieth District, the fifty year old lawyer lived in Seattle.

Born in Indiana, Kinnear attended Eureka College in Illinois and Chicago law school. He came to Seattle in 1883 and was a member of the territorial legislature in 1885-86.

Kinnear served on the following committees: Corporations Other Than Municipal, chairman; Judicial Department.

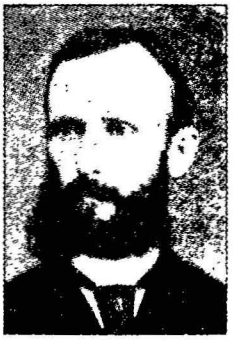


### H. M. Lillis

A Republican from the Twenty-third District, the thirty-three year old teacher lived in Tacoma where he was a member of the city council.

Lillis served on the following committees: Education and Educational Institutions; Miscellaneous Subjects, Schedule and Future Amendments; Printing, Mileage and Contingent Expenses.

### Addison A. Lindsley



A delegate from the Twelfth District, the forty-one year old farmer lived in Union Ridge, thirty miles from Portland on the Columbia River.

Born in Wisconsin in 1848, Lindsley moved to Oregon in 1868 where he was a surveyor and engineer. In 1881 he came to Washington. He served in the territorial legislature in 1885-86. At the time of the Convention he was engaged in dairying and stock raising on the Lewis River.

Lindsley served on the following committees: Education and Educational Institutions; State Institutions and Public Buildings; County, City and Township Organization; reporting proceedings.



### S. H. Manly

A Republican from the First District, the forty-two year old delegate practiced medicine and engaged in stock raising. He lived at Colville.

Born in Ohio, Manly came to Washington in 1882. He had represented Whatcom and Skagit counties in the legislature.

Manly served on the following committees: Mining and Mining Interests, chairman; Water and Water Rights; State Medicine and Public Health; credentials.

### J. P. T. McCroskey



A delegate from the Sixth District, the sixty-one year old farmer lived in Colfax.

Born in Tennessee, he came to Washington in 1879.

McCroskey served on the following committees: State Institutions and Public Buildings; Corporations Other Than Municipal; Water and Water Rights.



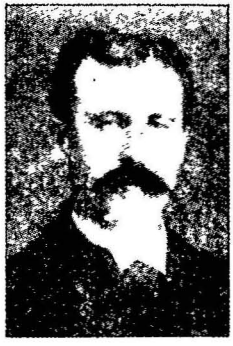
### J. T. McDonald

A Republican from the Sixth District, the forty-one year old miner and farmer lived in Ellensburg.

Born in Canada, McDonald came to the United States in 1864. He engaged in lumbering in Michigan and mining in Nevada before coming to Washington in 1884 to mine in Kittitas county. He had been a delegate to the legislature and chairman of the Republican central committee, and at the time of the Convention he was a member at large of that committee. He owned stock in a saloon in Ellensburg.

McDonald served on the following committees: Agriculture, Manufacturing, Fisheries and Commerce; Mining and Mining Interests.

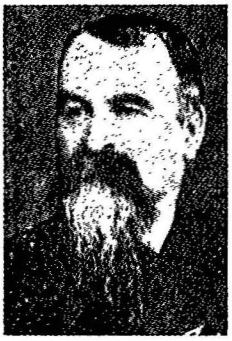
### Matt J. McElroy



A Democrat from the Twentieth District, the forty-nine year old merchant lived in Seattle.

He was born in Tennessee and lived in Skagit county before moving to Seattle. He served in the territorial legislature in 1887. Nominated by labor, he was endorsed by the Democrats.

McElroy served on the following committees: State Institutions and Public Buildings; Miscellaneous Subjects, Schedule and Future Amendments; Federal Relations, Boundaries and Immigration.



### John McReavey

A Democrat from the Fourteenth District, the forty-nine year old delegate was engaged in lumbering and lived in Skokomish.

Born in Maine, McReavey came to Washington in 1863. He served four terms in the legislature.

McReavey served on the following committees: Legislative Department; Federal Relations, Boundaries and Immigration; Engrossment.

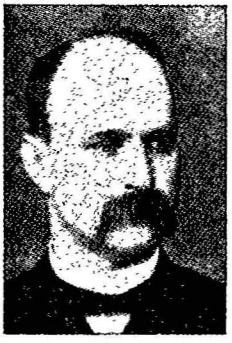
### Thomas T. Minor



A Republican from the Nineteenth District, the forty-five year old doctor lived in Seattle.

Born in Connecticutt in 1844, Minor was an assistant surgeon in the Civil War. He was graduated from Yale College. He came to Puget Sound in 1868 and to Seattle in 1883 where he served as mayor from 1887-88.

Minor served on the following committees: Revision, Adjustment and Enrollment, chairman; State, School and Granted Lands; State Medicine and Public Health.



### Austin Mires

A Republican from the Fifth District, the thirty-seven year old lawyer lived in Ellensburg.

Born in Iowa, Mires was graduated from law school in Ann Arbor, Michigan. In 1853 he moved to Oregon where he became chief clerk of the Oregon senate. Later he was mayor, city attorney, and treasurer of Ellensburg.

Mires served on the following committees: Water and Water Rights, chairman; Judicial Department; Credentials.

### James Z. Moore



A Republican from the Second District, the forty year old lawyer lived in Spokane Falls.

Born in Kentucky and a graduate of Harvard Law School, he came to Washington in 1886. In 1884 he had been a representative to the Republican National Convention in Chicago. Before the election of a permanent chairman of the Constitutional Convention, he served as president pro tempore.

Moore served on the following committes: Legislative Department, chairman; Elections and Elective Rights.



### R. S. More

A Democrat from the Twenty-third District, the sixty-one year old farmer lived in Puyallup.

Born in Scotland, More came to the United States in 1831 and to Puget Sound in 1853. He had been a county commissioner since 1854 and was a member of the territorial legislature in 1857-58 and 1871. He took part in the Indian wars and helped build the Naches road.

More served on the following committees: Water and Water Rights; Harbors, Rivers, Tidewaters and Navigable Streams.

### Morgan Morgans



A Republican from the Twenty-first District, the fifty-nine year old mining executive lived in Black Diamond.

Born in South Wales, Morgans came to the United States in 1846. Engaged in coal mining in Pennsylvania, he continued this work in California from 1855-68. At the time of the Convention he was superintendent of the Black Diamond mines.

Morgans served on the following committees: Legislative Department; Mining and Mining Interests.



### Lewis Neace

A delegate from the Ninth District, the fifty-four year old farmer lived in Waitsburg.

Born in Germany, he came to the United States in 1847 and to Walla Walla in 1859 where he was a stock raiser and farmer.

Neace served on the following committees: Elections and Elective Rights; Legislative Department; Corporations Other Than Municipal.

### W. L. Newton

A labor delegate from the Twenty-first District, the thirty-five year old miner lived in Olney, forty-three miles from Seattle.

Newton served on the following committees: Agriculture, Manufacturing, Fisheries and Commerce; Mining and Mining Interests. He refused to sign the Constitution when it was completed.





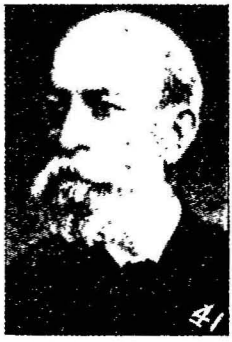
### James Power

A delegate from the Sixteenth District, the forty year old printer and publisher lived in LaConner.

Born in Ireland, he came to Ohio and then to Washington. He was a member of the territorial legislature in 1883.

Power served on the following committees: Printing, Mileage and Contingent Expenses, chairman; Harbors, Rivers, Tidewaters and Navigable Streams; rules for Convention.

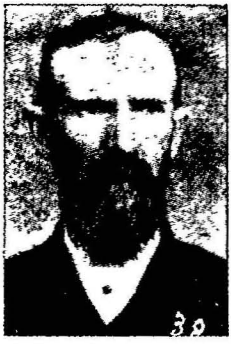
### William F. Prosser



A Republican from the Eleventh District, the fifty-five year old lawyer lived in North Yakima.

Born in Pennsylvania in 1834, Prosser had been a teacher, surveyor and miner. He was a colonel in the Civil War. In 1886 he became auditor of Yakima county, and he was special land agent for the general land office for Washington and Oregon.

Prosser served on the following committees: Military Affairs, chairman; Apportionment and Representation; Harbors, Rivers, Tidewaters and Navigable Streams; rules for Convention.



### John M. Reed

A delegate from the Seventh District, the forty-seven year old Presbyterian clergyman and farmer lived in Oaksdale.

Born in Missouri, Reed came to Washington in 1879. He had had legislative experience in Oregon and was County Commissioner of Whitman county for four years.

Reed served on the following committees: Miscellaneous Subjects, Schedule and Future Amendments; Revision, Adjustment and Enrollment; Agriculture, Manufacturing, Fisheries and Commerce.

### Thomas Milburne Reed



A Republican from the Twenty-fourth District, the sixty-four year old surveyor, civil engineer and lawyer lived in Olympia.

Born in Kentucky in 1825, Reed followed the California, Fraser River and Idaho gold rushes. He was on the Board of Supervisors and County Treasurer of Eldorado county in Idaho, became a member of the Idaho legislature and was admitted to the bar in that state. In 1857 he came to Olympia where he was chief clerk of the United States surveyor-general's office for seven years. He was a member of the territorial council in 1876 and president

of it in 1877. For ten years he was auditor of the territory. He had been Grand Secretary of the Grand Lodge of Masons for twenty-eight years, Grand High Priest of the Royal Arch Masons, and was a Knight Templar and thirty-third degree Mason-Scottish Rite.

Reed served on the following committees: State Institutions and Public Buildings, chairman; Revision, Adjustment and Enrollment; State, County and Municipal Indebtedness; credentials; rules for Convention.

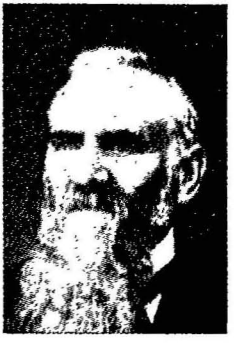


### Albert Schooley

A delegate from the Seventeenth District, he lived in Florence on Puget Sound.

Schooley served on the following committees: Harbors, Rivers, Tidewaters and Navigable Streams; State, School and Granted Lands.

### B. L. Sharpstein



A Democrat from the Tenth District, the sixty-one year old lawyer lived in Walla Walla.

He had been a member of the territorial council.

Sharpstein served on the following committees: Miscellaneous Subjects, Schedule and Future Amendments, chairman; Judicial Department; Corporations Other Than Municipal.



### John A. Shoudy

A delegate from the Fifth District, the forty-six year old merchant lived in Ellensburg.

Born in Illinois, he came to Puget Sound in 1861 and in 1865 took up land on the present site of Ellensburg.

Shoudy served on the following committees: Engrossment, chairman; Corporations Other Than Municipal; State, School and Granted Lands.

### Louis Sohns



A Republican from the Twelfth District, the sixty-two year old manufacturer and banker lived in Vancouver.

Born in Germany, Sohns came to Washington in 1852 where he engaged in manufacturing and established and became president of the First National Bank of Vancouver. He was mayor of Vancouver for six years, and he was a trustee of the Washington School for Defective Youths.

Sohns served on the following committees: Preamble and Bill of Rights; Apportionment and Representation; Revenue and Taxation; rules for Convention.



### George H. Stevenson

A Democrat from the Twelfth District, the thirty-one year old fisherman lived in Cascades.

Born in Missouri, he came to Washington where he served in the territorial legislature in 1887-88. He was auditor of Skamania county for four years.

Stevenson served on the following committees: Legislative Department; Revision, Adjustment and Enrollment; Harbors, Rivers, Tidewaters and Navigable Streams.

### Theodore L. Stiles



A Republican from the Twenty-second District, the forty-one year old lawyer lived in Tacoma.

Born in Ohio in 1848, he was educated at Amherst College and Columbia Law College. He practiced law in New York City from 1873 to 1877, when he came to Washington.

Stiles served on the following committees: County, City and Township Organization, chairman; Judicial Department; State, School and Granted Lands; rules for Convention.



### Rob't. F. Sturdevant

A Republican from the Ninth District, the forty-seven year old lawyer lived in Dayton.

He was born in Pennsylvania.

Sturdevant served on the following committees: Judicial Department; State, County and Municipal Indebtedness; Apportionment and Representation.

### H. F. Suksdorf



A Democrat from the Third District, the forty-six year old lawyer lived in Spangle.

Born in Germany in 1843, he came to the United States in 1858 and to Washington in 1883. He was graduated from the Iowa State University and at the time of the Convention was engaged in farming near Spangle.

Suksdorf served on the following committees: Revenue and Taxation; Printing, Mileage and Contingent Expenses; State, School and Granted Lands.



### E. H. Sullivan

A Republican from the Sixth District, the thirty-nine year old lawyer lived in Colfax.

Born in Michigan in 1850, he came to Washington in 1862. He was prosecuting attorney for Whitman county for two years.

Sullivan served on the following committees: Agriculture, Manufacturing, Fisheries and Commerce, chairman; County, City and Township Organization; Water and Water Rights.

### P. C. Sullivan



A Republican from the Twenty-second District, the thirty year old lawyer lived in Tacoma.

Born in Nebraska in 1859, he came to Colfax about 1882 and to Tacoma about 1884.

Sullivan served on the following committees: Elections and Elective Rights, chairman; Apportionment and Representation; Corporations Other Than Municipal.



### George W. Tibbetts

A delegate from the Twenty-first District, the forty-three year old merchant lived in Olney.

He was born in Maine.

Tibbetts served on the following committees: Legislative Department; Military Affairs.

### J. J. Travis

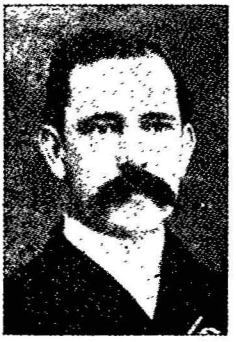


A delegate from the First District, the thirty-one year old farmer lived in Chewelah.

He was born in Tennessee in 1858. He became head of the Colville Indian Agency by appointment from President Cleveland.

W. W. Waltman was mistakenly received as the delegate from the First District. After this error was rectified the committee appointments given to Waltman were turned over to Travis.

Travis served on the following committees: Election and Elective Rights; State Institutions and Public Buildings; State, School and Granted Lands; rules for Convention.



### George Turner

A Republican from the Second District, the thirty-nine year old lawyer and judge lived in Spokane Falls.

Born in Missouri in 1850, Turner came to Washington in 1884 where he became an associate justice of the territorial court. He had been a member of the national Republican conventions of 1876, 1880 and 1884. He was opposed for election to the Convention by the Northern Pacific Railway, the Knights of Labor, and Women's Sufferage and Prohibition groups, but was elected by a three hundred majority.

Turner served on the following committees: Judicial Department, chairman; Harbors, Rivers, Tidewaters and Navigable Streams; State Medicine and Public Health.

### J. F. Van Name



A delegate from the Thirteenth District, the thirty-two year old teacher and lawyer lived in Kelso.

Born in Illinois, he came to Washington in 1882. He had been clerk of the second judicial district.

Van Name served on the following committees: Apportionment and Representation; Printing, Mileage and Contingent Expenses; Engrossment.



### C. H. Warner

A Democrat from the Sixth District, the fifty-three year old Colfax resident was engaged in flour milling.

Born in New York, Warner came to Washington in 1879. He had taught and practiced law in earlier years. He had been registrar of the Walla Walla Land Office and a member of the territorial legislature in 1883 and 1885.

Warner served on the following committees: Preamble and Bill of Rights, chairman; School and Granted Lands; credentials; rules for Convention.

### Allen Weir



A Republican from the Fifteenth District, the thirty-five year old Port Townsend resident was a newspaperman, logger and political appointee.

Born in California, Weir came to Washington in 1860 where he worked in logging camps and on a newspaper in Port Townsend. In 1879 he was clerk of the territorial council. He was a member of the Board of Regents of the territorial University for three terms, a justice of the peace, an acting Commissioner for shipping on Puget Sound, and a United States commissioner appointed by the territorial Supreme Court.

Weir served on the folowing committees: Executive Department and Pardoning Power, chairman; Harbors, Rivers, Tidewaters and Navigable Streams. Before the election of permanent officers of the Convention, he served as temporary Secretary.



### J. J. Weisenburger

A delegate from the Sixteenth District, the thirty-three year old lawyer lived in Whatcom.

He was born in Illinois in 1855. He had been city attorney and a justice of the peace.

Weisenburger served on the following committees: Judicial Department; Corporations Other Than Municipal; Mining and Mining Interests.

### Arnold J. West



A delegate from the Fourteenth District, the fifty year old Aberdeen resident was engaged in lumbering and manufacturing.

Born in Ireland, he came to Washington by way of Canada in 1884.

West served on the following committees: Apportionment and Representation; Harbors, Tidewaters and Navigable Streams; Federal Relations, Boundaries and Immigration; rules for Convention.



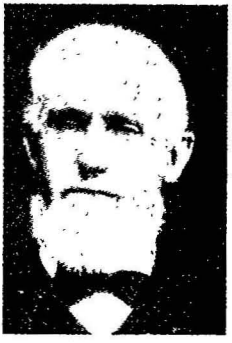
### H. C. Willison

A Democrat from the Fifteenth District, the forty-four year old physician lived in Port Townsend.

Born in Indiana, Willison was graduated from the University of the City of New York and came to Washington in 1873. He had been physician to the territorial asylum and penitentiary at Steilacoom and health officer for Puget Sound customs collection district.

Willison served on the following committees: State Medicine and Public Health, chairman; County, City and Township Organization; Apportionment and Representation.

### Henry Winsor



A delegate from the Fourteenth District, Winsor was engaged in farming and lived in Shelton.

He served on the following committees: State Institutions and Public Buildings; Homestead and Property Exemptions.

# ANALYTICAL INDEX

## PREAMBLE AND DECLARATION OF RIGHTS

Agreement was general on this article except for two small arguments. One was whether to mention the Deity in the Preamble. Those who feared it to be a public display of religious sentiment lost to the majority who thought it fitting to so express thanks.

After an effort by some to eliminate any reference to taking private property for private uses or to giving municipal corporations more rights, Section 16 was passed giving rather broad powers in the field of eminent domain. One member thought that municipal corporations should be allowed to take lands condemned for streets as soon as damages had been ascertained and before actual payment. Thus the words "other than municipal" were inserted so as to make municipalities an exception to the rule that compensation precede condemnation. However, since the rest of the section was so explicit, the courts refused to recognize this exception.[1]

The prohibition in Section 24 against organizing, maintaining, or employing an armed body of men resulted from the territorial experiences in the mining strikes at Newcastle and Roslyn. The use of armed detectives against the striking Knights of Labor caused the reaction which resulted in this constitutional prohibition.[2]

The Committee for the Preamble and Declaration of Rights was appointed July 9. (p.19)

**Members:** Warner, chairman; Hicks, Comegys, Henry, Dallam, Kellogg and Sohns.

### Preamble

**Present Language of the Constitution:**

**We, the people of the State of Washington, grateful to the Supreme Ruler of the Universe for our liberties, do ordain this Constitution.**

Original language same as present.

1. Theodore L. Stiles, "The Constitution of the State," **Washington Historical Quarterly**, IV (October, 1913), 282-3.
2. Wilfred J. Airey, "A History of the Constitution and Government of Washington Territory," (unpublished Ph.D. dissertation, University of Washington, 1945), 456; James L. Fitts, "The Washington Constitutional Convention of 1889," (unpublished Master's thesis, University of Washington, 1951), 27; Robert C. Nesbit, **He Built Seattle** (Seattle: University of Washington Press, 1961), 294-6.

Proposition submitted to Convention by Weir, July 11:

> "We, the people of the State of Washington, to the end that justice be established, order maintained, and liberty perpetuated do ordain this constitution." (p. 50)

Text as given in report of committee, July 25:

> "We, the people of the State of Washington, to preserve our rights, do ordain this constitution." (p. 153)

Consideration by committee of the whole, July 29:[3]

> **Motion:** Lindsley moved a substitute for the section.
>
> **Action:** Motion withdrawn in favor of Turner's substitute.
>
> **Motion:** Dyer moved to amend by inserting "grateful to Almighty God for liberty and self-government" so that the preamble would read: "We, the people of the State of Washington, grateful to Almighty God for blessings of liberty and self-government, and in order to preserve our rights, do ordain this constitution."
>
> **Action:** Motion lost.
>
> **Motion:** Turner moved a substitute similar to the preamble of the national constitution except that it included thanks to the Deity. "We, the people of Washington, in order to form a more perfect government, establish peace, insure tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, profoundly grateful to Almighty God, for this inestimable right, and invoking His favor and guidance, do ordain and establish, the following constitution and form of government for the State of Washington."
>
> **Action:** Motion lost.
>
> **Ledger** gives the vote as 33 to 32; **Review** states vote to be 32 to 32; and the **Argus** and **Globe** as 34 to 32.
>
> **Discussion as follows** on the subject of the Deity in the Constitution:

3. **Seattle Times**, July 29; **Spokane Falls Review**, **Tacoma Daily Ledger**, **Tacoma Morning Globe**, July 30; **Washington Standard** [Olympia, Wash.], August 2; **Walla Walla Weekly Statesman**, August 3; **Puget Sound Weekly Argus** [Port Townsend, Wash.], August 8, 1889.

**For:** It was believed by those who favored mentioning the Deity that there was a need for showing respect for a higher power. Because the subject had been raised now, people would criticize if the reference were not put in. Some members supported the idea from religious feelings, but most from a sense of fitness. Dyer, Cosgrove, Buchanan, Turner, T. M. Reed, J. Z. Moore, Tibbetts, and Eshelman spoke in favor of the motions to include a reference to the Deity.

**Against:** Those opposing mentioning the Deity argued that the constitution was a matter of business and reference to the Deity did not belong in it. Most members opposed it from a sincere desire not to parade religious sentiment. Comegys, Warner, P. C. Sullivan, Griffitts, E. H. Sullivan, Godman, and Sturdevant spoke against the motions.

**Motion:** Minor offered a substitute the text of which was as follows: "We, the people of Washington, with profound reverence for the Supreme Ruler of the Universe, in order to secure and perpetuate the blessings of self-government, do ordain and establish this constitution for the State of Washington."

**Action:** Motion lost.

The **Globe** records the vote as 33 to 32; the **Argus** as 33 to 33; and the **Review** says the motion carried 33 to 32, but on a motion to adopt the preamble it was lost by a tie of 33 to 33.

On motion of Turner, the section was sent back to the committee for revision.

Majority report as returned by committee, July 31:

"We, the people of the State of Washington, to secure the blessings of liberty, insure domestic tranquility, and preserve our rights, do ordain this constitution."

Signed by Hicks, Warner, Henry, Comegys, and Dallam. (p. 198)

Minority report as returned by committee, July 31:

"We, the people of Washington, grateful to the Supreme Ruler

of the Universe for our liberties, do ordain this constitution." Signed by Sohns and Kellogg. (p. 198)

Reconsideration by committee of the whole, July 31:[4]

**Motion:** Comegys moved to adopt the majority report.

**Action:** The motion lost 45 to 22. There was no debate.

**Motion:** Lindsley moved to adopt the minority report.

**Motion:** Comegys moved to substitute the word "majority" for "minority."

**Action:** Comegys' motion lost 45 to 22, and then Lindsley's motion prevailed.

Final action by Convention, July 31:

Decision of committee of the whole accepted. (p. 199)

**Motion:** Prosser moved to add "the state of" before Washington."

**Action:** Motion carried. (p. 200)

## ARTICLE I DECLARATION OF RIGHTS

### Section 1

**Present Language of the Constitution:**

**POLITICAL POWER. All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.**

Original language same as present.[5]

Proposition submitted to Convention by Weir, July 11:

"All men are possessed of equal and unalienable natural rights, among which are life, liberty, and the pursuit of happiness. All power is inherent in the people and all free governments are founded on their authority and instituted for their peace, safety and happiness; and they have at all times the right to

4. **Review, Ledger, Globe,** August 1; **Statesman,** August 3; **Argus,** August 8, 1889.

5. **Political Power:** Hill, Prop. Wash. Const., Art. 1, sec. 1; Ore., Const. (1857), Art. 1, sec. 1; See also Declaration of Independence. [In substance.]

alter or reform the government as they may think proper." (p. 51)

Text as given in report of committee, July 25:

Same as final except that it stated that political power "abides with" the people rather than "is inherent in the people." (p. 154)

Consideration by committee of the whole, July 29:[6]

**Motion:** Eldridge moved to add that all political power is inherent in the people.

**Action:** Motion carried 29 to 25.

### Section 2

**Present Language of the Constitution:**

**SUPREME LAW OF THE LAND. The Constitution of the United States is the supreme law of the land.**

Original language same as present.[7]

Proposition submitted to Convention by Weir, July 11:

"The State of Washington is an inseparable part of the American Union, and the Constitution of the United States is the supreme law of the land." (p. 51)

Text as given in report of committee, July 25:

Same as final. (p. 154)

Consideration by committee of the whole, July 29:[8]

**Motion:** Buchanan moved to strike this section because it was a mere declaration of power and not of any right of the people.

**Action:** Motion lost.

### Section 3

**Present Language of the Constitution:**

6. Review, Globe, July 30, 1889.
7. Supreme Law; Hill, Prop. Wash. Const., Art. 1, sec. 2; U.S., Const., Art. 6, sec. 2. [Identical in part.]
8. Review, July 30, 1889.

**PERSONAL RIGHTS. No person shall be deprived of life, liberty, or property, without due process of law.**

Original language same as present.[9]

### Section 4

**Present Language of the Constitution:**

**RIGHT OF PETITION AND ASSEMBLAGE. The right of petition and of the people peaceably to assemble for the common good shall never be abridged.**

Original language same as present.[10]

Proposition submitted to Convention by Weir, July 11:

"The right of petition, public assembly and trial by jury shall never be denied to any person." (p. 51)

Text as given in report of committee, July 25:

Same as final. (p. 154)

Consideration by committee of the whole, July 29:[11]

**Motion:** Eldridge moved to strike out "for the common good."

**Action:** Motion lost.

### Section 5

**Present Language of the Constitution:**

**FREEDOM OF SPEECH. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right.**

Original language same as present.[12]

Proposition submitted to Convention by Weir, July 11:

"The right of free speech written, printed or spoken, when

9. **Due Process of Law:** U.S., **Const.**, Amend. 5. [Identical.] Ore., **Const.** (1857), Art. 1, sec. 10 (Hill, Prop. Wash. **Const.**, Art. 1, sec. 8, identical with Ore.). [In substance.]

10. **Right of Petition:** U.S., **Const.**, Amend. 1. [Identical.]

11. **Review,** July 30, 1889.

12. **Free Speech Guaranteed:** Cal., **Const.** (1879), Art. 1, sec. 8. [Almost identical.] Ore., **Const.** (1857), Art. 1, sec. 8 (Ind., **Const.** (1851), Art. 1, sec. 9, and Hill, Prop. Wash. **Const.**, Art. 1, sec. 5, identical with Ore.). [Similar.]

not infringing the rights of others, shall forever remain inviolate, and shall be secured to every citizen." (p. 51)

Text as given in report of committee, July 25:

Same as final. (p. 154)

**Section 6**

**Present Language of the Constitution:**

**OATHS — MODE OF ADMINISTERING. The mode of administering an oath, or affirmation, shall be such as may be most consistent with and binding upon the conscience of the person to whom such oath, or affirmation, may be administered.**

Original language same as present.[13]

Text as given in report of committee, July 25:

Same as final. (p. 154)

**Section 7**

**Present Language of the Constitution:**

**INVASION OF PRIVATE AFFAIRS OR HOME PROHIBITED. No person shall be disturbed in his private affairs or his home invaded, without authority of law.**

Original language same as present.[14]

Proposition submitted to Convention by Weir, July 11:

"The right of the people to be secure in their persons, houses, papers and effects, against unreasonable search or seizure shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched and the person or thing to be seized." (p. 51)

Text as given in report of committee, July 25:

Same as final. (p. 154)

13. **Oaths:** Ore., **Const.** (1857), Art. 1, sec. 7 (Ind., **Const.** (1851), Art. 1, sec. 8; and Hill, Prop. Wash. **Const.**, Art. 1, sec. 4, identical with Ore.). [Identical.]

14. **Private Affairs Sacred:** Ore., **Const.** (1857), Art. 1, sec. 9 (Hill, Prop. Wash. **Const.**, Art. 8, sec. 7, and U. S., **Const.** Amend. 4, identical with Ore.). [Similar.]

### Section 8

**Present Language of the Constitution:**

> **IRREVOCABLE PRIVILEGE, FRANCHISE OR IMMUNITY PROHIBITED. No law granting irrevocably any privilege, franchise or immunity, shall be passed by the legislature.**

Original language same as present.[15]

Text as given in report of committee, July 25:

> Same as final. (p. 154)

### Section 9

**Present Language of the Constitution:**

> **RIGHTS OF ACCUSED PERSONS: No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.**

Original language same as present.[16]

Proposition submitted to Convention by Weir, July 11:

> "No person shall be put in jeopardy twice for the same offense nor be compelled in any criminal prosecution to testify against himself." (Section 11, p. 52)

Text as given in report of committee, July 25:

> Same as final. (p. 154)

Consideration by committee of the whole, July 29:[17]

> **Motion:** Griffitts moved an amendment, the text of which was not reported.
>
> **Action:** Motion lost.

### Section 10

**Present Language of the Constitution:**

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15. **Irrevocable Franchise or Immunity:** Ore., **Const.** (1857), Art. 1, sec. 20 (Ind., **Const.** (1851), Art. 1, sec. 23, and Hill, Prop. Wash. **Const.**, Art. 1, sec. 22, identical with Ore.). [Similar.]
16. **Former Jeopardy:** Ore., **Const.** (1857), Art. 1, sec. 12 (Hill, Prop. Wash. **Const.**, Art. 1, sec. 12, identical with Ore.); U.S., **Const.** Amend. 5 [Similar.]
17. **Review,** July 30, 1889.

**ADMINISTRATION OF JUSTICE. Justice in all cases shall be administered openly, and without unnecessary delay.**

Original language same as present.[18]

Proposition submitted to Convention by Weir, July 11:

> "No court shall be secret but justice shall be administered openly and without prejudice, completely and without delay and every person shall have remedy by due course of law for injury done him in his person, property or reputation." (Section 8, p. 51)

Text as given in report of committee, July 25:

> Same as final. (p. 154)

## Section 11

**Present Language of the Constitution:**

**RELIGIOUS FREEDOM. Absolute f r e e d o m of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment: *Provided, however,* That this article shall not be so construed as to forbid the employment by the state of a chaplain for such of the state custodial, correctional and mental institutions as in the discretion of the legislature may seem justified. No religious qualifications shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony. [1957 p 1299, Senate Joint Resolution No. 14. Approved November 4, 1958.]**

18. Open Court; Early Trial: Ore., Const. (1857), Art. 1, sec. 10 (Hill, Prop. Wash. Const., Art. 1, sec. 8, identical with Ore.); Ind., Const. (1851), Art. 1, sec. 12. [Similar.]

Original language:[19]

> Absolute freedom of conscience in all matters of religious sentiment, belief, and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person, or property, on account of religion, but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for, or applied to any religious worship, exercise or instruction, or the support of any religious establishment. No religious qualification shall be required for any public office, or employment, nor shall any person be incompetent as a witness, or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony.

Proposition submitted to Convention by Weir, July 11:

> "All men shall be secured in their natural rights to worship God according to the dictates of their own conscience; nor shall be compelled to attend any form of worship, nor shall any control of or interference with the rights of conscience upon the subject of religion or worship be permitted; no public money shall ever be appropriated for the support of any religious establishment or any form of worship." (Section 3, p. 51)

Text as given in report of committee, July 25:

> Same as final. (p. 154)

### Section 12

**Present Language of the Constitution:**

> **SPECIAL PRIVILEGES AND IMMUNITIES PROHIBITED. No law shall be passed granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall not equally belong to all citizens, or corporations.**

19. **Religious Liberty:** Ore., **Const.** (1857), Art. 1, secs. 2-6; Hill, Prop. Wash. **Const.**, Art. 1, sec. 3; Cal., **Const.** (1879), Art. 1, sec. 4; Mo., **Const.** (1875), Art. 1, secs. 5-8; Ind., **Const.** (1851), Art. 1, secs. 5-6. [Similar.]

Original language same as present.[20]

Proposition submitted to Convention by Weir, July 11:

> "No law shall be passed granting to any citizen or class of citizens any privileges or immunities which upon the same terms shall not equally belong to all citizens." (Section 18, p. 53)

Text as given in report of committee, July 25:

> Same as final. (p. 155)

### Section 13

**Present Language of the Constitution:**

> **HABEAS CORPUS. The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion and the public safety requires it.**

Original language same as present.[21]

Proposition submitted to Convention by Weir, July 11:

> "The right of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety requires it." (Section 21, p. 53)

Text as given in report of committee, July 25:

> Same as final. (p. 155)

### Section 14

**Present Language of the Constitution:**

> **EXCESSIVE BAIL, FINES AND PUNISHMENTS. Excessive bail shall not be required, excessive fines imposed, nor cruel punishment inflicted.**

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20. **Special Privileges Shall Not Be Granted:** Ore., Const. (1857), Art. 1, sec. 20 (Hill, Prop. Wash. Const., Art. 1, sec. 22; Ind., Const. (1851), Art. 1, sec. 23, identical with Ore.). [Identical except that Wash. inserts the word "corporation."]

21. **Suspension of Writ of Habeas Corpus:** Ore., Const. (1857), Art. 1, sec. 23 (Hill, Prop. Wash. Const., Art. 1, sec. 25, identical with Ore.). [Identical.] Ind., Const. (1851), Art. 1, sec. 27. [Similar.] U.S., Const., Art. 1, sec. 9. [Identical except for addition of words "when" and "may."]

Original language same as present.[22]

Text as given in report of committee, July 25:

Same as final. (p. 155)

Consideration by committee of the whole, July 29:[23]

**Query:** Griffitts asked why the ordinary phrase "cruel and unusual" was not used.

**Answer:** Warner said that the committee thought the word "cruel" sufficient.

**Motion:** Griffitts moved to insert "unusual" since he was opposed to execution by electricity.

**Action:** Not reported, but presumably lost.

### Section 15

**Present Language of the Constitution:**

**CONVICTIONS, EFFECT OF. No conviction shall work corruption of blood, nor forfeiture of estate.**

Original language same as present.[24]

Proposition submitted to Convention by Weir, July 11:

"No conviction for any crime shall work corruption of blood or forfeiture of estate." (Section 23, p. 53)

Text as given in report of committee, July 25:

Same as final. (p. 155)

### Section 16

**Present Language of the Constitution:**

22. **Excessive Bail:** U. S., **Const.**, Amend. 8. [Identical except for omission of word "unusual."] Ore., **Const.** (1857), Art. 1, sec. 16 (Hill, Prop. Wash. **Const.**, Art. 1, sec. 16, identical with Ore.). [Similar. Ore. adds "but all penalties shall be proportioned to the offense. In all criminal cases whatever, the jury shall have the right to determine the law, and the facts under the direction of the court as to the law, and the right of new trial, as in civil cases."]

23. **Review,** July 30, 1889.

24. **No Corruption of Blood, nor Forfeiture of Estate:** Ore., **Const.** (1857), Art. 1, sec. 25 (Hill, Prop. Wash. **Const.**, Art. 1, sec. 17; Ind., **Const.** (1851), Art. 1, sec. 30, identical with Ore.). [Identical except that Wash. uses "nor" in place of "or."] U.S., **Const.**, Art. 3, sec. 2. [Similar.]

**EMINENT DOMAIN. Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes, or ditches on or across the lands of others for agricultural, domestic, or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, and no right-of-way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money, or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such, without regard to any legislative assertion that the use is public: *Provided,* that the taking of private property by the state for land reclamation and settlement purposes is hereby declared to be for public use. [1919 p 385 § 1. Approved November, 1920.]**

Original language:[25]

Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes or ditches on or across the lands of others for agricultural, domestic or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, and no right of way shall be appropriated to the use of any corporation other than municipal, until full compensation therefor be first made in money, or ascertained and paid into the court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated

25. **Taking of Private Property for Public Use:** Cal., Const. (1879), Art. 1, sec. 14; Ala., Const. (1867), Art. 1, sec. 25. [Similar.]

use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.

Proposition submitted to Convention by Weir, July 11:

"Private property shall not be taken nor damaged for public use without just compensation therefor." (Section 15, p. 52)

Text as given in report of committee, July 25:

Same as final except that it omitted "drains, flumes, or ditches on or across the land of others for agricultural, domestic, or sanitary purposes." It also left out the manner of discovering if use was public or not. (p. 155)

Consideration by committee of the whole, July 29:[26]

**Motion:** Turner moved to strike "except for private ways of necessity."

**Action:** Motion lost by a vote of 17 ayes and noes not counted.

**Discussion as follows:**

**For:** Turner said such private ways should not be made at the expense of other private property, but that such a right of way should be included in the purchase of isolated land. Griffitts, Blalock, and Buchanan favored the motion.

**Against:** Crowley explained that the idea was to allow right of way from isolated farms to public roads. Power, E. H. Sullivan, T. M. Reed, Cosgrove, Warner and Comegys spoke against the motion.

**Motion:** Blalock moved to amend by striking out all the words preceding those intended to be stricken by Turner.

**Action:** Motion ruled out of order as it was made before a vote was taken on Turner's amendment.

**Motion:** J. M. Reed moved to strike "other than municipal" as he feared organized towns would take private property without paying the owners.

26. Review, Ledger, July 30, 1889.

**Action:** Motion lost 25 to 16.

Action by Convention, July 31:

**Motion:** Mires moved to strike out "except for private ways of necessity."

**Motion:** Gowey moved to amend the amendment by striking out line one and the words "of necessity" in line two.

**Action:** Motion lost. A vote was then taken on Mires' amendment which was lost 57 to 13. (p. 200)

**Voting for:** Allen, Gowey, Griffitts, Hungate, Jeffs, McReavey, Minor, Mires, Sturdevant, Tibbetts, Turner, Van Name, Willison. **Not voting:** Dallam, Gray, McDonald, Stevenson.

The section was referred to the Judicial Committee for an opinion and new wording. (p. 201)

Text, as given in the Judicial Committee report, August 5:

Same as final except it added "mining and milling" purposes. (p. 227)

Final action by Convention, August 6:

**Motion:** Godman moved to strike out the part about drains, etc.

**Action:** Motion lost. (p. 265)

**Motion:** Durie moved to leave out the reference to the Legislature in the last of the section.

**Action:** Motion lost. (p. 266)

**Motion:** Lillis moved to strike out "mining and milling."

**Action:** Motion carried. (p. 266) The **Seattle Times,** August 7, gives the vote as 22 to 19.

**Motion:** Weisenburger moved to strike out "other than municipal."

**Action:** Motion lost 45 to 19. (p. 266)

**Voting for:** Buchanan, Burk, Clothier, Eldridge, Dickey, Dunbar, Godman, Griffitts, Hayton, Lindsley, McReavey, J. Z. Moore, J. M. Reed, Schooley, Stevenson, Stiles, Travis, Weisenburger, and West. **Absent and not voting:** Allen, Berry, Browne, Comegys, Dallam, Henry, Hicks, Jeffs, Sohns, and Weir.

**Motion:** Godman moved to strike out all of the section except the last part.

**Action:** Motion lost 42 to 19. (p. 266)

**Voting for:** Buchanan, Burk, Clothier, Eldridge, Glascock, Godman, Gray, Griffitts, Hungate, Jamieson, McReavey, J. Z. Moore, Newton, Stevenson, Sturdevant, E. H. Sullivan, Travis, Weisenburger, and Willison. **Absent and not voting:** Allen, Berry, Browne, Comegys, Dallam, Durie, Henry, Hicks, Jeffs, Sohns, Stiles, Van Name, Warner, and Weir.

**Motion:** Sharpstein moved adoption of the section.

**Action:** Motion carried 44 to 18. Voting was the same as on the motion of Godman except that Lindsley voted no and Newton yes. (p. 267)

### Section 17

**Present Language of the Constitution:**

**IMPRISONMENT FOR DEBT. There shall be no imprisonment for debt, except in cases of absconding debtors.**

Original language same as present.[27]

Proposition submitted to Convention by Weir, July 11:

Same as final except for minor wording. (Section 16, p. 52)

Text as given in report of committee, July 25:

Same as final. (p. 155)

Consideration by committee of the whole, July 29:[28]

27. **No Imprisonment for Debt:** Ore., **Const.** (1857), Art. 1, sec. 19. [Identical except that Ore. adds word "fraud."] Hill, Prop. Wash. **Const.**, Art. 1, sec. 20. [Identical except that Hill adds word "debt."]

28. **Review**, July 30, 1889.

**Query:** Dyer asked if this section would allow men to escape imprisonment for unpaid fines.

**Answer:** Warner replied that it would not since it was only applicable to civil cases.

### Section 18

**Present Language of the Constitution:**

**MILITARY POWER, LIMITATION. The military shall be in strict subordination to the civil power.**

Original language same as present.[29]

Proposition submitted to Convention by Weir, July 11:

Same as final except for minor word changes. (Section 13, p. 52)

Text as given in report of committee, July 25:

Same as final. (p. 155)

### Deleted Section

Text as given in report of committee, July 25:

"No power of suspending laws shall be exercised except by the Legislature." (Section 19, p. 155)

Consideration by committee of the whole, July 29:[30]

**Motion:** A motion was made that the section be stricken.

The **Ledger** records Hoyt as making this motion, while the **Review** cites Schooley.

**Action:** Motion carried.

**Discussion as follows:**

**For:** Lindsley, Buchanan, Turner, Griffitts, and Cosgrove feared the section would prevent the Governor from declaring martial law. Cosgrove thought the Legislature had only power to enact laws, not to suspend them. Hoyt declared that if the section did not accomplish anything

29. **Military Subordinate to Civil Power:** Ore., Const. (1857), Art. 1, sec. 27 (Ind., Const. (1851), Art. 1, sec. 33, identical with Ore.). [Identical.]

30. **Review, Ledger,** July 30, 1889.

it should not be there, and if it prevented the calling of martial law it was mischievous.

**Against:** Warner said he did not think this section would prevent the calling of martial law. He thought it was not necessary to allow the Governor to suspend the law since he could call together the Legislature if he wanted to do so.

Final action by Convention, July 31:

Decision of committee of the whole accepted. (p. 199)

### Section 19

**Present Language of the Constitution:**

**FREEDOM OF ELECTIONS: All elections shall be free and equal, and no power, cilvil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.**

Original language same as present.[31]

Text as given in report of committee, July 25:

"All elections shall be free and equal." (Section 20, p. 155)

Consideration by committee of the whole, July 29:[32]

**Query:** Cosgrove asked the meaning of "equal."

**Answer:** Moore said it meant the same as "free."

**Motion:** Dyer moved to substitute "open" for "equal."

**Action:** The **Review** account is unclear as to whether this motion lost or was amended by Reed's which followed.

**Motion:** T. M. Reed moved to insert "impartial" instead of "equal."

**Action:** Motion lost.

**Motion:** Lindsley moved to strike out the section.

**Action:** Motion lost.

---

31. **Elections to be Free and Equal:** Ore., **Const.** (1857), Art. 2, sec. 1 (Ind., **Const.** (1851), Art. 2, sec. 1, identical with Ore.). [Identical except that Ore. **Const.** omits everything after the first clause.]

32. **Review, Ledger, Globe,** July 30, 1889.

**Motion:** Minor moved to add "and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage."

**Action:** Motion carried.

Final action by Convention, July 31:

Decision of committee of the whole accepted. (p. 199)

### Section 20

**Present Language of the Constitution:**

**BAIL, WHEN AUTHORIZED. All persons charged with crime shall be bailable by sufficient sureties, except for capital offense when the proof is evident, or the presumption great.**

Original language same as present.[33]

Proposition submitted to Convention by Weir, July 11:

"Offenses except murder and treason shall be bailable. Murder and treason shall not be bailable when the proof is evident or the presumption strong. Excessive bail shall not be required nor excessive fines imposed. In all criminal cases the jury shall be exclusive judges of the law and the facts under direction of the court as to the law and the right of new trial as in civil cases." (Section 12, p. 52)

Text as given in report of committee, July 25:

Same as final except that it did not have phrase "charged with crime." (Section 21, p. 155)

Consideration by committee of the whole, July 29:[34]

**Motion:** Turner moved to substitute "all persons charged with crime" for "all prisoners."

**Action:** Motion carried.

33. **Right to Bail:** Ore., **Const.** (1857), Art. 1, sec. 14 (Hill, Prop. Wash. **Const.**, Art. 1, sec. 14; Ind., **Const.** (1851), Art. 1, sec. 17, identical with Ore.). [Similar.]

34. **Review,** July 30, 1889.

## Section 21

**Present Language of the Constitution:**

> **TRIAL BY JURY. The right of trial by jury shall remain inviolate, but the legislature may provide for a jury of any number less than twelve in courts not of record, and for a verdict by nine or more jurors in civil cases in any court of record, and for waiving of the jury in civil cases where the consent of the parties interested is given thereto.**

Original language same as present.[35]

Text as given in report of committee, July 25:

> Same as final. (Section 22, p. 155)

Consideration by committee of the whole, July 29:[36]

> **Motion:** Griffitts objected to a majority of the jury determining a verdict and moved to strike it out.
>
> **Action:** Motion lost.
>
> **Discussion as follows:** (on Griffitt's motion)
>
> > **Against:** Crowley favored the innovation as tending to secure justice which often failed when one or two jurors hang up a jury. Turner favored the new system for similar reasons.
>
> **Motion:** Buchanan moved to substitute "nine out of twelve jurors" for "nine or more jurors."
>
> **Action:** Motion lost.
>
> **Discussion as follows:** (Griffitts' motion)
>
> > **For:** Buchanan thought the language as reported was ambiguous.
> >
> > **Against:** Crowley thought a change necessary.

## Section 22

**Present Language of the Constitution:**

> **RIGHTS OF THE ACCUSED. In criminal prosecutions the accused shall have the right to appear and defend in person,**

35. **Right to Jury Trial:** Ore., Const. (1857), Art. 1, sec. 18; Hill, Prop. Wash. Const., Art 1, sec. 9; Cal., Const. (1879), Art. 1, sec. 7; Nev., Const. (1864), Art. 1, sec. 3. [Similar.]

36. **Review, Ledger,** July 30, 1889.

**or by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his behalf, to have a speedy public trial by an impartial jury of the county in which the offense is charged to have been committed and the right to appeal in all cases: Provided, The route traversed by any railway coach, train or public conveyance, and the water traversed by any boat shall be criminal districts; and the jurisdiction of all public offenses committed on any such railway car, coach, train, boat or other public conveyance, or at any station or depot upon such routes, shall be in any county through which the said car, coach, train, boat or other public conveyance may pass during the trip or voyage, or in which the trip or voyage may begin or terminate. In no instance shall any accused person before final judgment be compelled to anvance money or fees to secure the rights herein guaranteed. (1921 p 79 § 1. Approved November, 1922).**

Original language:[37]

In criminal prosecutions, the accused shall have the right to appear and defend in person, and by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed, and the right to appeal in all cases; and, in no instance, shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed.

Text as given in report of committee, July 25:

Same as final except that it did not include the phrase "and by counsel." (Section 23, p. 156)

Consideration by committee of the whole, July 29:[38]

**Motion:** Dyer moved to insert "or by counsel" after "defend in person."

37. **Right of Defense and Appeal:** Ore., Const. (1857), Art. 1, sec. 11 (Hill, Prop. Wash. Const., Art. 1, sec. 11; Ind., Const. (1851), Art. 1, sec. 13, Identical with Ore.); U. S. Const. Amend 6. [Similar.]

38. Review, July 30, 1889.

**Action:** Motion carried 27 to 16.

Griffitts suggested that it should read "and by counsel." The chair said if there was no objection it would be so read.

### Section 23

**Present Language of the Constitution:**

**BILL OF ATTAINDER, EX POST FACTO LAW, ETC. No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed.**

Original language same as present.[39]

Text as given in report of committee, July 25:

Same as final. (Section 24, p. 156)

### Section 24

**Present Language of the Constitution:**

**RIGHT TO BEAR ARMS. The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men.**

Original language same as present.[40]

Proposition submitted to Convention by Weir, July 11:

"The people shall have the right to bear arms in defense of themselves and of the state." (p. 53)

Text as given in report of committee, July 25:

Same as final. (Section 25, p. 156)

Consideration by committee of the whole, July 29:[41]

39. **Ex Post Facto:** Cal., **Const.** (1879), Art. 1, sec. 16 (Hill, Prop. Wash. **Const.**, Art. 1, sec. 23, identical with Cal.). [Identical.] Ore., **Const.** (1857), Art. 1, sec. 21. [Similar.] U. S., **Const.**, Art. 1, sec. 10. [Identical.] Ind., **Const.** (1851), Art. 1, sec. 23. [Identical except that Indiana omits clause relative to Bills of Attainder.]

40. **Right to Bear Arms:** U. S. **Const.**, Amend. 2; Ore., **Const.** (1857), Art. 1, sec. 27; (Hill, Prop. Wash. **Const.**, Art. 1, sec. 28.). [Similar in part.]

41. **Ledger, Globe,** July 30, 1889.

**Motion:** E. H. Sullivan moved to add a provision against carrying concealed weapons.

**Action:** Motion lost.

This section arose from a territorial experience of having armed detectives used in labor strikes at mines in the eastern part of Washington territory.

### Section 25

**Present Language of the Constitution:**

> **PROSECUTION BY INFORMATION. Offenses heretofore required to be prosecuted by indictment may be prosecuted by information, or by indictment, as shall be prescribed by law.**

Original language same as present.[42]

Text as given in report of committee, July 25:

> Same as final. (Section 26, p. 156)

### Section 26

**Present Language of the Constitution:**

> **GRAND JURY. No grand jury shall be drawn or summoned in any county, except the superior judge thereof shall so order.**

Original language same as present.[43]

Proposition submitted to Convention by Weir, July 11:

> "A grand jury consisting of fifteen qualified electors, twelve of whom must concur to find an indictment, shall be summoned at least once in each year in each district." (Section 9, p. 52)

Text as given in report of committee, July 25:

> Same as final except that it provided for a grand jury of seven, any five of whom could indict. (Section 27, p. 156)

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42. **Prosecution by Information:** Cal., Const. (1879), Art. 1, sec. 8 (Hill, Prop. Wash. Const., Art. 1, sec. 10, almost identical with Cal.). [Similar.]

43. **Grand Jury:** Probably original.

Consideration by committee of the whole, July 29:[44]

**Motion:** Prosser moved to add that the Superior Court judge must call a grand jury once a year in each county.

**Action:** Motion lost.

**Motion:** Turner moved to strike out the first sentence relating to the number on a grand jury.

**Action:** Motion carried by a vote of 30 to 26.

Final action by Convention, July 31:

**Motion:** Godman moved to strike out the section and substistute that a grand jury must be called at least once a year in each county. (p.200)

**Action:** Motion lost.

Decision of committee of the whole accepted. (p. 199)

## Section 27

**Present Language of the Constitution:**

**TREASON, DEFINED, ETC. Treason against the state shall consist only in levying war against the state, or adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.**

Original language same as present.[45]

Proposition submitted to Convention by Weir, July 11:
Same as final. (Section 22, p. 53)

Text as given in report of committee, July 25:

Same as final except for minor wording. (Section 28, p. 156)

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44. Ledger, July 30, 1889.

45. **Treason Against State:** Ore., Const. (1857), Art. 1, sec. 24 (Hill, Prop. Wash. Const., Art. 1, sec. 26; Ind., Const. (1851), Art. 1, secs. 28, 29, identical with Ore.). [Identical except that Wash. adds an additional conjunction "or."] U.S., Const., Art. 4, sec. 3. [Identical.]

## Section 28

**Present Language of the Constitution:**

> **HEREDITARY PRIVILEGES ABOLISHED. No hereditary emoluments, privileges, or powers, shall be granted or conferred in this state.**

Original language same as present.[46]

Text as given in report of committee, July 25:

> Same as final. (Section 29, p. 156)

Consideration by committee of the whole, July 29:[47]

> **Motion:** Prosser moved to insert "perpetuities" after "privileges."
>
> > **Query:** Buchanan asked if "perpetuities" would cover corporations because they are not perpetual.
> >
> > **Answer:** An unrecorded source replied in the negative.
>
> **Motion:** Power moved to substitute "or right of entail" for "perpetuities."
>
> > **Action:** The chair said if there was no objection Power's substitute would be used. Both the amendment and its substitute lost.

## Section 29

**Present Language of the Constitution:**

> **CONSTITUTION MANDATORY. The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise.**

Original language same as present.[48]

Text as given in report of committee, July 25:

> Same as final. (Section 30, p. 157)

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46. **No Hereditary Privilege to be Granted:** Ore., Const. (1857), Art. 1, sec. 29 (Ind., Const. (1851), Art. 1, sec. 35, identical.). U.S., Const. Art. 1, sec. 9. [Similar in substance.]

47. **Review,** July 30, 1889.

48. **Provisions Mandatory:** Cal., Const. (1879), Art. 1, sec. 22. [Identical except that Cal. adds word "prohibitory."]

### Section 30

**Present Language of the Constitution:**

> **RIGHTS RESERVED. The enumeration in this Constitution of certain rights shall not be construed to deny others retained by the people.**

Original language same as present.[49]

Text as given in report of committee, July 25:

> Same as final. (Section 31, p. 157)

### Section 31

**Present Language of the Constitution:**

> **STANDING ARMY. No standing army shall be kept up by this state in time of peace, and no soldier shall in time of peace be quartered in any house without the consent of its owner, nor in time of war except in the manner prescribed by law.**

Original language same as present.[50]

Text as given in report of committee, July 25:

> Did not include this section.

Final action by Convention, July 31:

> **Motion:** Godman moved to add an additional section, the text of which was same as final.
>
> **Action:** Motion carried.

### Section 32

**Present Language of the Constitution:**

> **FUNDAMENTAL PRINCIPLES. A frequent recurrence to fundamental principles is essential to the security of individual right and the perpetuity of free government.**

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49. **Reserved Rights; Rule of Construction:** U. S., **Const.**, Art. 9. [Identical except that U. S. **Const.** adds words "or disparage."] Cal., **Const.** (1879), Art. 1, sec. 23; Ore., **Const.** (1857), Art. 1, sec. 25 (Iowa, **Const.** (1846), sec. 24; Hill, Prop. Wash. **Const.**, Art. 1, sec. 31, identical). [Similar.]

50. **Standing Army:** Ore., **Const.** (1857), Art. 1, sec. 29 (Hill, Prop. Wash. **Const.**, Art. 1, sec. 18; U.S., **Const.**, Amend 3, identical with Ore.). [Identical except that Wash. adds the first clause not found in the others.]

Original language same as present.[51]

Text as given in report of committee, July 25:

Did not include this section.

Consideration in committee of the whole, July 29:[52]

**Motion:** Turner moved to add an additional section the text of which was the same as final.

**Action:** Motion carried.

### Section 33

**Present Language of the Constitution:**

**RECALL OF ELECTIVE OFFICERS. Every elective public officer of the state of Washington expect [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 said office to which he was elected at the preceding election, is filed with the officer with whom a petition for nomination, or certificate for 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. (1911 p 504 § 1. Approved November, 1912).**

(Section 33 added by 8th Amendment.)

### Section 34

**Present Language of the Constitution:**

**SAME. The legislature shall pass the necessary laws to carry out the provisions of section thirty-three (33) of this**

51. **Fundamental Principles Essential to Security:** Wis., Const. (1848), Art. 1, sec. 22; N. H., Const. (1792), sec. 38; Ill., Const. (1870), Art. 2, sec. 20. [Similar.]

52. **Review, Globe,** July 30, 1889.

**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; 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. (1911 p 504 § 1. Approved November, 1912).**

(Section 34 added by 8th Amendment.)

**Passage of Article**

Article on Preamble and Declaration of Rights approved by Convention, August 14, by a vote of 55 to 4. (p. 360)

> **Voting against:** Godman, Griffitts, Jeffs, and E. H. Sullivan. **Not voting:** Dickey, Gray, Henry, Lindsley, Manly, Lillis, McReavey, R. S. More, Newton, Prosser, T. M. Reed, Stiles, and Winsor. **Absent on leave:** Hungate and Neace.

## ARTICLE II LEGISLATIVE DEPARTMENT

Although the committee report recommended a large Legislature, some attempt was made to reduce its size in the interests of economy. However, the opinion of the majority of the Convention members and also statements by the press favored a large Legislature to represent all classes regardless of expense.[1]

Some pressure was exerted to have a state printer. The committee reported a section providing for contracts to the lowest bidder, but the Convention left the question to the Legislature by eliminating the section.

Section 22 provides that no bill shall become a law unless the vote is taken by yeas and nays on its final passage, but Stiles later wrote that the section had remained ineffective since the Constitution provided no way by which the question of the passage of a bill could be tested and the Supreme Court had held that there could be no inquiry into the history of a bill beyond the enrolled bill.[2]

Section 33, which bars aliens from owning land except under certain provisions, showed the desire of many to keep out foreign syndicates as well as individuals. The **Seattle Post Intelligencer** expressed the opinion that the restriction on land ownership was good but that the new state would need the investment of foreign capital, especially banking capital. The **Seattle Times** took the opposing view, stating that alien ownership of land was a constant drain on the resources of the country and only resulted in more money being spent on foreign shores. It had only praise for this section.[3]

The Committee for the Legislative Department was appointed July 9. (p. 19)

**Members:** J. Z. Moore, chairman; Buchanan, Stevenson, Neace, McReavey, Morgans, Coey, Gray, and Tibbetts.

### Section 1

**Present Language of the Constitution:**

**LEGISLATIVE POWERS, WHERE VESTED. The legislative authority of the state of Washington shall be vested in the legislature, consisting of a senate and house of representa-**

1. Tacoma Daily Ledger, July 13; Seattle Post Inteligencer, July 21, 1889.
2. Theodore L. Stiles, "The Constitution of the State and Its Effect upon Public Interests," Washington Historical Quarterly, IV (October, 1913), 282.
3. Seattle Times, August 10; Post Inteligencer, August 10, 11, 1889.

tives, 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 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 measures 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.

(Portion of subdivision (a) is superseded by the 30th Amendment. See Section 1A below.)

(b) Referendum. The second power reserved by the people is the 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) (Subdivision (c) is superseded by Art. 2, Sec. 41. See page 557.)

(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 introduce 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. [1911 p 136 § 1. Approved November, 1912.]**

Original language:[4]

The legislative powers shall be vested in a Senate and House of Representatives, which shall be called the Legislature of the State of Washington.

Text as given in report of committee, August 5:

Same as final. (p. 239)

## Section 1A

**Present Language of the Constitution:**

**INITIATIVE AND REFERENDUM, SIGNATURES REQUIRED. Hereafter, the number of valid signatures of legal voters required upon a petition for an initiative measure shall be equal to eight per centum of the number of voters registered and voting for the office of governor at the last preceding regular gubernatorial election. Hereafter, the number of valid signatures of legal voters required upon a petition for a referendum of an act of the legislature or any part thereof, shall be equal to four per centum of the number of voters registered and voting for the office of governor at the last preceding regular gubernatorial election. These provisions supersede the requirements specified in section 1 of this article as amended**

4. **Legislature:** Cal., Const. (1879), Art. 4, sec. 1; Hill, Prop. Wash. Const., Art. 4, sec. 1; Mich., Const. (1850), Art. 4, sec. 3. [Similar. Wash. places enacting a clause in a separate section.]

**by the seventh amendment to the Constitution of this state. [1955 p 1860, Senate Joint Resolution No. 4. Approved November 6, 1956.]**

(Section 1A added by 30th Amendment).

**Section 2**

**Present Language of the Constitution:**

**HOUSE OF REPRESENTATIVES AND SENATE. The house of representatives shall be composed of not less than sixty-three nor more than ninety-nine members. The number of senators shall not be more than one-half nor less than one-third of the number of members of the house of representatives. The first legislature shall be composed of seventy members of the house of representatives, and thirty-five senators.**

Original language same as present.[5]

Partial report of committee, July 11:

This partial report of the committee was submitted early for the purpose of allowing the Committee on Apportionment to begin its work.

> Provided that the House have never less than sixty-four nor more than one hundred members. The Senate was to be made up of not more than fifty nor less than thirty-two. The first Legislature was to consist of seventy Representatives and thirty-five Senators. (p. 49)

Consideration by committee of the whole, July 11:[6]

> **Motion:** Comegys moved to amend by making the figures of the House not less than sixty and the Senate not less than thirty.
>
> **Motion:** Suksdorf submitted a substitute providing for the constitution of a Legislature, the style of its enactments, its powers, the number of Senators to be eighteen and the number of Representatives to be fifty-four, with a provision that for an increase in the future but not to more than thirty-three Senators and ninety-nine Representatives. This same ratio of three to one was always to be maintained. There was also a provision for districting the state into election and senatorial districts.

5. **Limited Membership:** Wis., Const. (1848), Art. 4, sec. 2. [Similar.]
6. Spokane Falls Reveiw, July 12, 1889.

**Action:** Suksdorf's substitute was ruled out of order.

**Motion:** Turner moved an amendment to Comegy's motion which provided that the Senate would consist of not less than thirty-three nor more than fifty, and the House not less than ninety nor more than one hundred and fifty. The first Legislature was to consist of a House of ninety-nine and a Senate of thirty-three.

**Motion:** Gowey moved to fix a minimum and maximum number, and allow the apportionment committee to provide other details.

**Action:** Gowey's motion was ruled out of order.

**Action:** When the vote was taken it was ruled that Comegys' and Turner's motions lost, but there was some discussion as to the correctness of the count. Moreover, the entire time spent in committee of the whole had been plagued by a discussion of the rules of procedure. Therefore, when the committee rose to report progress to the Convention, it was reported that no action had been taken.

**Discussion:**

The debates centered mainly on the issue of a large versus a small legislative body. Those advocating the larger body argued that it would be less likely to succumb to corrupt influences and could more easily represent the state's diversity of interest. Those who favored a smaller body maintained that it would be more economical and could act more quickly.

Proposition submitted to Convention by Hicks, July 12:

That there be three times the number of Representatives as Senators. (Section 1, p. 85)

Text as given in report of committee, August 5:

Same as final. (p. 239)

Consideration by committee of the whole, August 8.[7]

**Motion:** Warner moved to make the minimum limit twenty Representatives and twenty Senators in the interest of economy.

**Action:** Motion lost.

7. **Ledger**, August 9, 1889.

### Section 3

**Present Language of the Constitution:**

> **THE CENSUS. The legislature shall provide by law for an enumeration of the inhabitants of the state in the year one thousand eight hundred and ninety-five and every ten years thereafter; and at the first session after such enumeration, and also after each enumeration made by the authority of the United States, the legislature shall apportion and district anew the members of the senate and house of representatives, according to the number of inhabitants, excluding Indians not taxed, soldiers, sailors and officers of the United States army and navy in active service.**

Original language same as present.[8]

Text as given in report of committee, August 5:

> Same as final. (p. 239)

### Section 4

**Present Language of the Constitution:**

> **ELECTION OF REPRESENTATIVES AND TERM OF OFFICE. Members of the house of representatives shall be elected in the year eighteen hundred and eighty-nine at the time and in the manner provided by this Constitution, and shall hold their offices for the term of one year and until their successors shall be elected.**

Original language same as present.[9]

Proposition submitted to Convention by Hicks, July 12:

> That each voter have as many votes as there are candidates to be elected. (Section 2, p. 85)

Text as given in report of committee, August 5:

> Same as final. (p. 239)

Consideration by committee of the whole, August 8:[10]

8. **State Census:** Wash., **Const.** (1878), Art. 4, sec. 3. [Identical except for last three words "in active service."] Wis., **Const.** (1848), Art. 4, sec. 3; N.Y., **Const.** (1846), Art. 4, sec. 4; Ore., **Const.** (1857), Art. 4, sec. 5; Mo., **Const.** (1875), Art. 4, sec. 3; Cal., **Const.** (1879), Art. 4, sec. 3. [Similar.] Mich., **Const.** (1850), Art. 4, sec. 3; Neb., **Const.** (1875), Art. 3, sec. 2. [Very similar.]

9. **First Election of Representatives:** Cal., **Const.** (1879), Art. 4, sec. 3. [Similar.] **Tenure of Office: Ibid.**

10. **Ledger,** August 9, 1889.

**Motion:** Griffitts moved to make three years the term for Representatives.

**Action:** Motion lost.

### Section 5

**Present Language of the Constitution:**

**ELECTIONS, WHEN TO BE HELD. The next election of the members of the house of representatives after the adoption of this Constitution shall be on the first Tuesday after the first Monday of November, eighteen hundred and ninety, and thereafter, members of the house of representatives shall be elected biennially and their term of office shall be two years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise changed by law.**

Original language same as present.[11]

Text as given in report of committee, August 5:

Same as final. (p. 239)

### Section 6

**Present Language of the Constitution:**

**ELECTION AND TERM OF OFFICE OF SENATORS. After the first election the senators shall be elected by single districts of convenient and contiguous territory, at the same time and in the same manner as members of the house of representatives are required to be elected; and no representative of their number retiring every two years. The senatorial district. They shall be elected for the term of four years, one-half of their number retiring every two years. The senatorial districts shall be numbered consecutively, and the senators chosen at the first election had by virtue of this Constitution, in odd numbered districts, shall go out of office at the end of the first year; and the senators, elected in the even numbered districts, shall go out of office at the end of the third year.**

Original language same as present.[12]

11. **Second and Subsequent Elections:** Cal., Const. (1879), Art. 4, sec. 3. [Almost identical with Wash.]

12. **Election State Senators:** Wis., Const. (1848), Art. 4, sec. 5, as amended 1881. [Similar.]

Proposition submitted to Convention by Berry, July 12:

To have six-year terms for Senators with one-third elected every two years. (p. 84)

Proposition submitted to Convention by Schooley, July 12:

To have fifty senatorial districts, nearly equal in population and each entitled to one Senator. (p. 78)

Text as given in report of committee, August 5:

Same as final except it did not include the phrase "after the first election." (p. 239)

Consideration by committee of the whole, August 8:[13]

**Motion:** Stiles moved that Senators shall be elected for four years after the first election.

**Action:** The motion was accepted by J. Z. Moore, chairman of the committee. Motion carried.

Final action by Convention, August 9:

Decision of committee of the whole accepted 39 to 17 (p. 301)

**Voting against:** Clothier, Coey, Durie, Godman, Gray, Griffitts, Jeffs, Jones, McReavey, R. S. More, Newton, Sharpstein, Stevenson, P. C. Sullivan, Travis, Warner, West. **Absent and not voting:** Allen, Browne, Comegys, Cosgrove, Dallam, Dickey, Henry, Hungate, Jamieson, Manly, McDonald, McElroy, Neace, J. M. Reed, Shoudy, Van Name, Weir, Willison, Winsor.

## Section 7

**Present Language of the Constitution:**

**QUALIFICATIONS OF LEGISLATORS. No person shall be eligible to the legislature who shall not be a citizen of the United States and a qualified voter in the district for which he is chosen.**

Original language same as present.[14]

13. **Times**, August 9, 1889.

14. **Eligibility:** Wis., **Const.** (1848), Art. 4, sec. 6. [Similar except as to requirement of being a citizen of U.S.] Hill, Prop. Wash. **Const.**, Art. 4, sec. 8. [Contains the requirement that member must be a citizen of U. S.]

Text as given in report of committee, August 5:

> Same as final except for its inclusion of a two-year residence requirement on all elections after the one held on the adoption of the Constitution (when any previously qualified voter would be eligible). (p. 240)

Consideration by committee of the whole, August 8:[15]

> **Motion:** Griffitts moved to strike out "and have resided two years within the state."
>
> **Action:** Motion lost.
>
> **Motion:** T. M. Reed moved to strike out "provided that at the first election every citizen who is a qualified voter when elected shall be eligible."
>
> **Action:** Motion carried 32 to 13.
>
> **Motion:** P. C. Sullivan moved to strike the entire section.
>
> **Action:** Motion lost.
>
> **Motion:** Dunbar moved to amend so that a member of the Legislature must be a citizen of the United States and an elector of the state, leaving out the two-year requirement of residence.
>
> **Action:** Motion carried.

Final action by Convention, August 9:

> Decision of committee of the whole accepted. (p. 302)

## Section 8

**Present Language of the Constitution:**

> **JUDGES OF THEIR OWN ELECTION AND QUALIFICATION—QUORUM. Each house shall be the judge of the election, returns and qualifications of its own members, and a majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day and may compel the attendance of absent members, in such manner and under such penalties as each house may provide.**

15. Times, Ledger, August 9, 1889.

Original language same as present.[16]

Text as given in report of committee, August 5:

Same as final. (p. 240)

### Section 9

**Present Language of the Constitution:**

**RULES OF PROCEDURE. Each house may detemine the rules of its own proceedings, punish for contempt and disorderly behavior, and, with the concurrence of two-thirds of all members elected, expel a member, but no member shall be expelled a second time for the same offense.**

Original language same as present.[17]

Text as given in report of committee, August 5:

Same as final. (p. 240)

Consideration by committee of the whole, August 8:[18]

A motion to strike the section was lost.

### Section 10

**Present Language of the Constitution:**

**ELECTION OF OFFICERS. Each house shall elect its own officers; and when the lieutenant governor shall not attend as president, or shall act as governor, the senate shall choose a temporary president. When presiding, the lieutenant governor shall have the deciding vote in case of an equal division of the senate.**

Original language same as present.[19]

16. **Election Returns:** Wis., **Const.** (1848), Art. 4, sec. 7. [Identical.] Cal., **Const.** (1879), Art. 4, sec. 7; U.S., **Const.**, Art. 1 ,sec. 5. [Similar.] **Quorum:** Wis., **Const.** (1848), Art. 4, sec. 7; Cal., **Const.** (1879), Art. 4, sec. 8. [Identical.] U. S., **Const.**, Art. 1, sec. 5. [Similar.]

17. **Rules:** Wis., **Const.** (1848), Art. 4, sec. 8. [Identical except Wis. reads "cause" instead of "offense."] Cal., **Const.** (1879), Art. 4, sec. 9. [Similar in part.] U. S., **Const.**, Art. 1, sec. 5. [Very similar.]

18. **Times**, August 9, 1889.

19. **Officers of Each House:** Wis., **Const.** (1848), Art. 4, sec. 9. [Identical except that Wash. adds provision giving the Lieutenant Governor a vote in case of a tie. Language of Wash. **Const.** is also transposed from that of Wis. **Const.**]

Text as given in report of committee, August 5:

Same as final. (p. 240)

Consideration by committee of the whole, August 8:[20]

**Motion:** Godman moved to strike out the provision giving the Lieutenant Governor the deciding vote in case of a tie.

**Action:** Motion lost.

### Section 11

**Present Language of the Constitution:**

**JOURNAL, PUBLICITY OF MEETINGS—ADJOURNMENTS. Each house shall keep a journal of its proceedings and publish the same, except such parts as require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall adjourn for more than three days, not to any place other than that in which they may be sitting, without the consent of the other.**

Original language same as present.[21]

Text as given in report of committee, August 5:

Same as final. (p. 240)

Consideration by committee of the whole, August 8:[22]

**Motion:** Griffitts moved to strike out the provisions for secret sessions.

**Action:** Motion lost.

### Section 12

**Present Language of the Constitution:**

**SESSIONS, WHEN—DURATION. The first legislature shall meet on the first Wednesday after the first Monday in November, A. D., 1889. The second legislature shall meet**

20. **Times**, August 9, 1889.

21. **Journal:** Wis., **Const.** (1848), Art. 4, sec. 10. [Identical.] U. S., **Const.**, Art. 1, sec. 5. [Similar.]
**Adjournment:** Wis., **Const.** (1848), Art. 4, sec. 10; Cal., **Const.** (1879), Art. 4, sec. 14; U. S., **Const.**, Art. 1, sec. 5. [Identical.]

22. **Times**, Aug. 9, 1889.

**on the first Wednesday after the first Monday in January, A.D., 1891, and sessions of the legislature shall be held biennially thereafter, unless specially convened by the governor, but the times of meeting of subsequent sessions may be changed by the legislature. After the first legislature the sessions shall not be more than sixty days.** (L. 1891 c 20 changed date of convening to second Monday in January.)

Original language same as present.[23]

Petition submitted to Convention by Knights of Labor Assembly No. 115, July 25:

To have annual legislative sessions with no restriction on their length. (p. 150)

Text as given in report of committee, August 5:

Same as final except for minor wording. (p. 240)

### Section 13

**Present Language of the Constitution:**

**LIMITATION ON MEMBERS HOLDING OFFICE IN THE STATE. No member of the legislature, during the term for which he is elected, shall be appointed or elected to any civil office in the state, which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.**

Original language same as present.[24]

Text as given in report of committee, August 5:

Same as final. (p. 241)

### Section 14

**Present Language of the Constitution:**

**SAME, FEDERAL OR OTHER OFFICE. No person, being a member of congress, or holding any civil or military**

23. **Meetings of Legislature:** Wis., Const. (1848), Art. 4, sec. 11; Cal., Const. (1879), Art. 4, sec. 3; Ore., Const. (1857), Art. 4, sec. 10. [Similar. Limit of Session 60 Days.] Nev., Const. (1864), Art. 4, sec. 29. [Identical although several states have provisions from 45-50 days.]

24. **Legislators Ineligible for Other State Offices:** Wis., Const. (1848), Art. 4, sec. 12. [Identical except for transposition of word "small."]

**office under the United States or any other power, shall be eligible to be a member of the legislature; and if any person after his election as a member of the legislature, shall be elected to congress or be appointed to any other office, civil or military, under the government of the United States, or any other power, his acceptance thereof shall vacate his seat, provided, that officers in the militia of the state who receive no annual salary, local officers and postmasters, whose compensation does not exceed three hundred dollars per annum, shall not be ineligible.**

Original language same as present.[25]

Text as given in report of committee, August 5:

Same as final. (p. 241)

### Section 15

**Present Language of the Constitution:**

**VACANCIES IN LEGISLATURE AND IN PARTISAN COUNTY ELECTIVE OFFICE. Such vacancies as may occur in either house of the legislature or in any partisan county elective office shall be filled by appointment by the board of county commissioners of the county in which the vacancy occurs: Provided, That the person appointed to fill the vacancy must be from the same legislative district and the same political party as the legislator whose office has been vacated, and shall be one of three persons who shall be nominated by the county central committee of that party, and the person so appointed shall hold office until his successor is elected at the next general election, and shall have qualified: Provided, That in case of a vacancy occurring in the office of joint senator or joint representative, the vacancy shall be filled from a list of three nominees selected by the state central committee, by appointment of the joint action of the boards of county commissioners of the counties composing the joint senatorial or joint representative district, the person appointed to fill the vacancy must be from the same legislative district and of the same political party as the legislator whose office has been vacated, and**

25. **Ineligible to Membership in Legislature:** Wis., Const. (1848), Art. 4, sec. 13. [Identical down to the proviso except for phrase "or any other power."] Cal., Const. (1879), Art. 4, sec. 2; U.S., Const., Art. 1, sec. 6. [Similar proviso.]

**in case a majority of said county commissioners do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district and of the same political party as the legislator whose office has been vacated. [1955 p 1862, Senate Joint Resolution No. 14. Approved, November 6, 1956.]**

Original language:[26]

The Governor shall issue writs of election to fill such vacancies as may occur in either house of the Legislature.

Text as given in report of committee, August 5:

Same as final. (p. 241)

### Section 16

**Present Language of the Constitution:**

**PRIVILEGES FROM ARREST. Members of the legislature shall be privileged from arrest in all cases except treason, felony and breach of the peace; they shall not be subject to any civil process during the session of the legislature, nor for fifteen days next before the commencement of each session.**

Original language same as present.[27]

Text as given in report of committee, August 5:

Same as final except it exempted from civil processes for fifteen days after the close of a session. (p. 241)

Consideration by committee of the whole, August 8:[28]

**Motion:** Dunbar moved to strike the exemption after the close of a session.

**Action:** Motion carried.

Final action by Convention, August 9:

Decision of committee of the whole reflected in the final draft although the **Journal** records that amendment was not concurred in. (p. 302)

26. **Vacancies:** Wis., **Const.** (1848), Art. 4, sec. 14. [Identical.]
27. **Immunity from Arrest:** Wis., **Const.** (1848), Art. 4, sec. 15. [Identical except for transposition of words.] U.S., **Const.**, Art. 1, sec. 6. [Similar.]
28. **Times, Ledger,** August 9, 1889.

### Section 17

**Present Language of the Constitution:**

> **FREEDOM OF DEBATE. No member of the legislature shall be liable in any civil action or criminal prosecution whatever, for words spoken in debate.**

Original language same as present.[29]

Text as given in report of committee, August 5:

Same as final. (p. 241)

### Section 18

**Present Language of the Constitution:**

> **STYLE OF LAWS. The style of the laws of the state shall be: "Be it enacted by the Legislature of the State of Washington." And no laws shall be enacted except by bill.**

Original language same as present.[30]

Text as given in report of committee, August 5:

Same as final. (p. 241)

### Section 19

**Present Language of the Constitution:**

> **BILL TO CONTAIN ONE SUBJECT. No bill shall embrace more than one subject, and that shall be expressed in the title.**

Original language same as present.[31]

Text as given in report of committee, August 5:

Same as final. (p. 241)

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29. **Free Speech:** Wis., Const. (1848), Art. 4, sec. 16. [Identical.]

30. **Style of Laws:** Wash., Const. (1878), Art. 4, sec. 1. [Identical.] Wis., Const. (1848), Art. 4, sec. 17. [Similar.] **No Law to be Enacted Except by Bill:** Ore., Const. (1857), Art. 4, sec. 1; Cal., Const. (1879), Art. 4, sec. 15; Wis., Const. (1848), Art. 4, sec. 17. [Identical.] (Cal., Const. (1879), Art. 4, sec. 15, and Wis., Const. (1848), Art. 4, sec. 17, identical with Ore.).

31. **Only One Subject in Bill:** Wis., Const. (1848), Art. 4, sec. 18; Cal., Const. (1879), Art. 4, sec. 24. [Similar.]

### Section 20

**Present Language of the Constitution:**

> **ORIGIN AND AMENDMENTS OF BILLS. Any bill may originate in either house of the legislature, and a bill passed by one house may be amended in the other.**

Original language same as present.[32]

Text as given in report of committee, August 5:

> Same as final. (p. 242)

### Section 21

**Present Language of the Constitution:**

> **YEAS AND NAYS. The yeas and nays of the members of either house shall be entered on the journal, on the demand of one-sixth of the members present.**

Original language same as present.[33]

Text as given in report of committee, August 5:

> Same as final. (p. 242)

### Section 22

**Present Language of the Constitution:**

> **PASSAGE OF BILLS. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor.**

Original language same as present.[34]

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32. **Either House May Amend:** Wis., Const. (1848), Art. 4, sec. 19 (Wash., Const. (1878), Art. 4, sec. 21, identical.) [Identical except Wash. uses "in" where Wis. uses "by."]

33. **Yeas and Nays:** Wis., Const. (1848), Art. 4, sec. 20. [Identical except that Wis. adds the phrase "on any question."] U.S., Const., Art. 1, sec. 5. [Similar.]

34. **Yeas and Nays in Passage of Bill:** Wash., Const. (1878), Art. 4, sec. 16; Cal., Const. (1879), Art. 4, sec. 15. [Similar.] Penn., Const. (1873), Art. 3, sec. 4. [Identical.]

Text as given in report of committee, August 5:

Some as final. (p. 242)

Consideration by committee of the whole, August 8:[35]

**Motion:** Stiles moved to prevent a bill being introduced within the last ten days of the session.

**Action:** Motion lost 24 to 12. Stiles raised a point of order that a quorum was not present. The chair said a quorum was not necessary in committee of the whole.

**Motion:** Turner moved that the words "majority vote" be be stricken.

**Action:** Motion lost.

**Motion:** Power moved to insert a provision that a majority of those present could pass a bill.

**Action:** Motion lost.

## Section 23

**Present Language of the Constitution:**

**COMPENSATION OF MEMBERS. Each member of the legislature shall receive for his services five dollars for each day's attendance during the session, and ten cents for every mile he shall travel in going to and returning from the place of the meeting of the legislature, on the most usual route.** (As to compensation of members this section is repealed by the 20th Amendment. See Art. 28 for compensation of state officers.)

Original language same as present.[36]

Text as given in report of committee, August 5:

Same as final. (p. 242)

Consideration by committee of the whole, August 8:[37]

**Motion:** Sharpstein moved to pay (**Ledger** says three hundred dollars; **Times** says two hundred dollars) for each regular

35. **Times, Ledger,** August 9, 1889.

36. **Compensation of Members:** Wis., **Const.** (1848), Art. 4, sec. 21. [Identical except as amount per diem (Wis. is $2.50; Wash. is $5.00).]

37. **Times, Ledger,** August 9, 1899.

session plus ten cents per mile coming and going, and five dollars a day for special sessions, or called meetings, plus mileage.

**Action:** Motion lost.

**Motion:** Power moved to increase the per diem to eight dollars.

**Motion:** Sharpstein moved to amend to four dollars.

**Action:** Both motions lost.

**Motion:** Power moved that the Legislature be authorized to increase or decrease the per diem.

**Action:** Motion lost.

**Motion:** Gowey moved a substitute allowing the Legislature to fix the salary.

**Action:** Motion lost.

Final action by Convention, August 9:

**Motion:** Suksdorf moved to insert "eight" for "five."

**Motion:** Sharpstein moved to amend by inserting "four" instead of "five."

**Action:** Sharpstein's motion lost, and a vote was taken on Suksdorf's motion which lost 50 to 4. (p. 307)

**Voting for:** Dyer, Glascock, Suksdorf, Turner. **Absent and not voting:** Allen, Browne, Buchanan, Comegys, Dallam, Dickey, Dunbar, Gray, Hungate, Jamieson, Jeffs, Kellogg, McCroskey, McDonald, Neace, Power, Shoudy, Stevenson, E. H. Sullivan, and Willison.

## Section 24

**Present Language of the Constitution:**

**LOTTERIES AND DIVORCE. The legislature shall never authorize any lottery or grant any divorce.**

Original language same as present.[38]

Text as given in report of committee August 5:

Same as final. (p. 242)

38. **Lottery:** Wis., **Const.** (1848), Art. 4, sec. 24. [Identical.]
**Divorce:** Wash., **Const.** (1878), Art. 4, sec. 22. [Identical except that **Const.** (1878) adds "the sale of lottery tickets shall be by law."]

Consideration by committee of the whole, August 8:[39]

A motion to strike the section was made and lost.

### Section 25

**Present Language of the Constitution:**

**EXTRA COMPENSATION PROHIBITED. The legislature shall never grant any extra compensation to any public officer, agent, employee, servant, or contractor, after the services shall have been rendered, or the contract entered into, nor shall the compensation of any public officer be increased or diminished during his term of office. Nothing in this section shall be deemed to prevent increases in pensions after such pensions shall have been granted. [1957 p. 1301, Senate Joint Resolution No. 18, Approved November 4, 1958.]**

Original language:[40]

The Legislature shall never grant any extra compensation to any public officer, agent, servant, or contractor, after the services shall have been rendered, or the contract entered into, nor shall the compensation of any public officer be increased or diminished during his term of office.

Text as given in report of committee, August 5:

Same as final. (p. 242)

### Deleted Section

Petition presented to Convention by Tacoma Typographical Union No. 170, August 2:

That the Constitution provide for a state printer. (p. 213)

Text as given in report of committee, August 5:

"The Legislature shall provide by law that all stationery required for the use of the state, and all printing authorized and required by it, to be done for its use or for the state, shall be let by contract to the lowest bidder, but the Legislature may establish a maximum price. Provided in case of emergency the

39. **Times**, August 9, 1889.

40. **Extra Compensation Forbidden:** Wis., **Const.** (1948), Art. 4, sec. 26. [Identical.]

Legislature may otherwise provide. No member of the Legislature or other state officer shall be interested in any such contract, either directly or indirectly." (p. 242)

Consideration by committee of the whole, August 8:[41]

**Motion:** Griffitts moved to strike the section.

**Action:** Motion carried.

Final action by Convention, August 9:

Decision of committee of the whole accepted 43 to 19. (p. 302)

**Voting against:** Buchanan, Coey, Comegys, Eldridge, Gowey, Jamieson, Jeffs, Joy, Kinnear, McCroskey, McElroy, J. Z. Moore, R. S. More, Newton, T. M. Reed, Sharpstein, Sohns, and Stevenson. **Absent and not voting:** Browne, Dallam, Dickey, Dyer, Gray, Hungate, Kellogg, Lindsley, Neace, Shoudy, Warner and Willison.

## Section 26

**Present Language of the Constitution:**

**SUITS AGAINST THE STATE. The legislature shall direct by law, in what manner, and in what courts, suits may be brought against the state.**

Original language same as present.[42]

Text as given in report of committee, August 5:

Same as final. (p. 242)

### Deleted Section

Text as given in report of committee, August 5:

It set the form of oath to be taken by members of the Legislature and given by a Supreme Court or Superior Court judge or the presiding officer of either house. Refusal to take the oath would forfeit the office. Violation of the oath would forfeit the present ofice or any future legislative office plus any further penalties as might be provided by law. (p. 242)

41. **Times, Ledger,** August 9, 1869.

42. **Suit Against State:** Wis., **Const.** (1848), Art. 4, sec. 27 (Wash., **Const.** (1878), Art. 4, sec. 30, identical with Wis.). [Identical.]

Consideration by committee of the whole, August 8:[43]

43. Times, Ledger, August 9, 1889.

**Motion:** Eshelman moved to strike out the section.

**Action:** Motion carried 30 to 25.

Final action by Convention, August 9:

Decision of committee of the whole accepted 43 to 20. (p. 302)

**Voting against:** Berry, Coey, Eldridge, Fay, Gowey, Hicks, Joy, Kinnear, Lindsley, McCroskey, McElroy, McReavey, J. Z. Moore, R. S. More, Newton, J. M. Reed, Sharpstein, Stevenson, Tibbetts, and Warner. **Absent and not voting:** Allen, Browne, Dallam, Dickey, Dyer, Gray, Hungate, Manly, Neace, Shoudy, and Willison.

## Section 27

**Present Language of the Constitution:**

**ELECTIONS—VIVA VOCE VOTE. In all elections by the legislature the members shall vote viva voce, and their votes shall be entered on the journal.**

Original language same as present.[44]

Text as given in report of committee, August 5:

Same as final. (p. 243)

Consideration by committee of the whole, August 8:[45]

A motion to strike the section was made and lost.

## Section 28

**Present Language of the Constitution:**

**SPECIAL LEGISLATION. The legislature is prohibited from enacting any private or special laws in the following cases:**

**1. For changing the names of persons, or constituting one person the heir at law of another.**

44. Viva Voce Votes: Wis., Const. (1848), Art. 4, sec. 30 (Wash., Const. 1878), Art. 4, sec. 32, identical with Wis.). [Identical except that Wis. inserts phrase "to be made."]

45. Times, August 9, 1889.

2. For laying out, opening or altering highways, except in cases of state roads extending into more than one county, and military roads to aid in the construction of which lands shall have been or may be granted by congress.

3. For authorizing persons to keep ferries wholly within this state.

4. For authorizing the sale or mortgage of real or personal property of minors, or others under disability.

5. For assessment or collection of taxes, or for extending the time for collection thereof.

6. For granting corporate powers or privileges.

7. For authorizing the apportionment of any part of the school fund.

8. For incorporating any town or village or to amend the charter thereof.

9. From giving effect to invalid deeds, wills or other instruments.

10. Releasing or extinguishing in whole or in part, the indebtedness, liability or other obligation, of any person, or corporation to this state, or to any municipal corporation therein.

11. Declaring any person of age or authorizing any minor to sell, lease, or encumber his or her property.

12. Legalizing, except as against the state, the unauthorized or invalid act of any officer.

13. Regulating the rates of interest on money.

14. Remitting fines, penalties or forfeitures.

15. Providing for the management of common schools.

16. Authorizing the adoption of children.

17. For limitation of civil or criminal actions.

18. Changing county lines, locating or changing county

**seats, provided, this shall not be construed to apply to the creation of new counties.**

Original language same as present.[46]

Subdivision 1

Text as given in report of committee, August 5:

Same as final. (p. 243)

Consideration by committee of the whole, August 8:[47]

**Motion:** Griffitts moved to add a provision against the granting of divorces.

**Action:** Motion carried.

Final action by Convention, August 9:

Decision of committee of the whole reflected in the final draft, but the **Journal** record is incomplete. (p. 303)

Subdivision 2 through 17

Text as given in report of committee, August 5:

Same as final. (p. 243)

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46. **Certain Private Laws Forbidden:**
1. Wis., **Const.** (1848), Amend. Art. 4, sec. 31, cl. 1 (1871). [Identical.]
2. **Ibid.,** cl. 2. [Identical except that Wash. adds phrase "shall have been."]
3. **Ibid.,** cl. 3. [Identical except that Wis. inserts words "across streams at points."]
4. **Ibid.,** cl. 4. [Identical.]
5. **Ibid.,** cl. 6. [Identical.]
6. **Ibid.,** cl. 7. [Identical except that Wis. inserts words "except to cities."]
7. **Ibid.,** cl. 8. [Identical.]
8. **Ibid.,** cl. 9. [Identical.]
10. **Ibid.,** cl. 16. (Hill, Prop. Wash. **Const.,** Art. 4, sec. 28, cl. 16, identical with Cal.) [Identical.]
11. **Ibid.,** cl. 17. (Hill, Prop. Wash. **Const.,** Art. 4, sec. 28, cl. 17, identical with Cal.) [Identical.]
12. **Ibid.,** cl. 18. (Hill, Prop. Wash. **Const.,** Art. 4, sec. 28, cl. 18, identical with Cal.) [Identical.]
13. **Ibid.,** cl. 23. (Wash., **Const.** (1878), Art. 4, sec. 17, cl. 13, identical with Cal.) [Identical.]
14. **Ibid.,** cl. 26. (Hill. Prop. Wash. **Const.,** Art. 4, sec. 28, cl. 25; Wash., **Const.** (1878), Art. 4, sec. 17, cl. 17, identical with Cal.) [Identical.]
15. **Ibid.,** cl. 27. (Hill, Prop. Wash. **Const.,** Art. 4, sec. 28, cl. 26; Wash., **Const.,** (1878), Art. 4, sec. 17, cl. 12, identical with Cal.) [Identical.]
16. **Ibid.,** cl. 31. (Hill, Prop. Wash. **Const.,** Art. 4, sec. 28, identical with Cal.) [Identical except that Wash. omits word "legitimation."]
17. **Ibid.,** cl. 32. (Hill, Prop. Wash. **Const.,** Art. 4, sec. 28, cl. 30, identical with Cal.) [Identical.]
18. **Ibid.,** cl. 21. (Hill, Prop. **Wash.** Const., Art. 4, sec. 28, cl. 20, identical with Cal.) [Similar.] Wis., **Const.** (1848), Amend, Art. 4, sec. 31,, cl. 5 (1871). [Very similar. However neither of the above contains the Wash. proviso relative to creation of new counties.]

47. **Times, Ledger,** August 9, 1889.

Subdivision 18

Text as given in report of committee, August 5:

Prohibits "changing county lines or locating county seats." (p. 244, subdivision 24)

Consideration by committee of the whole, August 8:[48]

**Motion:** Stiles moved to insert "or changing" before "county seats."

**Action:** Motion carried.

Final action by Convention, August 9:

Decision of committee of the whole accepted. (p. 304)

**Motion:** Comegys moved to add that it would not apply to the creation of new counties.

**Action:** Motion carried. (p. 304)

**Motion:** Turner moved to strike out the old section for which these amendments were a substitute.

**Action:** Motion carried. (p. 304)

Deleted Subdivision

Text as given in report of committee, August 5:

Prohibits "granting to any corporation, association or individual any special or exclusive rights, privileges, or immunities." (p. 244, subdivision 14)

Consideration by committee of the whole, August 8:[49]

**Motion:** Stiles moved to strike the section.

**Action:** Motion carried.

Final action by Convention, August 9:

Decision of committee of the whole accepted. (p. 303)

Deleted Subdivision

Text as given in report of committee, August 5:

48. Ledger, August 9, 1889.
49. Ibid.

Prohibits "exempting property from taxation." (p. 244, subdivision 15)

Consideration by committee of the whole, August 8:[50]

**Motion:** P. C. Sullivan moved to strike out the section.

**Action:** Motion carried.

Final action by Convention, August 9:

Decision of committee of the whole, accepted. (p. 303)

Deleted Subdivision

Text as given in report of committee, August 5:

Prohibits "restoring to citizenship any persons who have been convicted of bribery or other infamous crimes." (p. 244, subdivision 16)

Consideration by committee of the whole, August 8:[51]

**Motion:** Griffitts moved to strike the section.

**Action:** Motion carried.

Final action by Convention, August 9:

Decision of committee of the whole reflected in the final draft but not set out clearly in the **Journal.** (p. 303)

Deleted Subdivision

Text as given in report of committee, August 5:

Prohibits "creating officers or prescribing the powers and duties of officers in counties, cities, and townships." (p. 244, subdivision 20)

Consideration by committee of the whole, August 8:[52]

**Motion:** P. C. Sullivan moved to strike the section.

**Action:** Motion carried.

Final action by Convention, August 9:

Decision of committee of the whole accepted. (p. 303)

50. **Ibid.**
51. **Ibid.**
52. **Ibid.**

## Section 29

**Present Language of the Constitution:**

> **CONVICT LABOR. After the first day of January eighteen hundred and ninety the labor of convicts of this state shall not be let out by contract to any person, copartnership, company or corporation, and the legislature shall by law provide for the working of convicts for the benefit of the state.**

Original language same as present.[53]

Text as given in report of committee, August 5:

> Same as final. (p. 244)

Consideration by committee of the whole, August 8:[54]

> **Motion:** Griffitts moved to strike the last sentence from "and the Legislature" onward.
>
> **Action:** Motion lost.
>
> **Motion:** West moved to strike the section.
>
> **Action:** Motion lost.
>
> **Discussion as follows:**
>
> > **For:** West thought convicts should be self-sustaining. Weir feared the competition to "honest" labor. T. M. Reed thought it demoralized the working class.
> >
> > **Against:** Buchanan and Lindsley thought convict labor should be used on public works. Comegys did not favor tying the Legislature up in this manner and felt that convicts should work. Griffitts, Moore and Prosser strongly opposed the motion.

### Deleted Section

Text as given in report of committee, August 5:

> "The Legislature shall provide by general laws for the transaction of any business that may be prohibited by Section 28,

53. **Labor of Convicts:** Ill., Const. (1870), (Amendment of 1886). [Similar.]
54. **Ledger, Tacoma Morning Globe, August 9, 1889.**

and all such laws shall be uniform in their operation throughout the state." (p. 244)

Consideration by committee of the whole, August 8:[55]

Motion lost to strike the section.

Final action by Convention, August 9:

**Motion:** Godman moved to strike the section.

**Action:** Motion carried. (p. 306)

**Voting against:** Berry, Clothier, Dyer, Eshelman, Glascock, Hayton, Hicks, Joy, Lindsley, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Prosser, T. M. Reed, Sohns, Stevenson, Tibbetts, and Hoyt. **Absent or not voting:** Allen, Browne, Buchanan, Coey, Comegys, Dallam, Dickey, Dunbar, Fay, Gray, Hungate, Jamieson, Jeffs, Kellogg, Lillis, Manly, McDonald, Neace, Power, Shoudy, and Willison.

### Section 30

**Present Language of the Constitution:**

**BRIBERY OR CORRUPT SOLICTATION. The offense of corrupt solicitation of members of the legislature, or of public officers of the state or any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practice of solicitation, and shall not be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy, but such testimony shall not afterwards be used against him in any judicial proceeding—except for perjury in giving such testimony—and any person convicted of either of the offenses aforesaid, shall as part of the punishment therefor, be disqualified from ever holding any position of honor, trust or profit in this state. A member who has a private interest in any bill or measure**

55. Ledger, August 9, 1889.

**proposed or pending before the legislature, shall disclose the fact to the house of which he is a member, and shall not vote thereon.**

Original language same as present.[56]

Proposition submitted to Convention by Weir, July 12:

> That any effort to influence public officers by gifts or personal advantage shall be bribery punishable by fine and imprisonment and barring from public office. Participants would be compelled to give testimony. (p. 83)

Text as given in report of committee, August 5:

> Same as final except that it contained: "Any person who directly or indirectly shall offer, give, or promise any money or thing of value, testimonial, privilege, or personal advantage to any executive or judicial officer or member of the Legislature to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and shall be punished in such manner as provided by law." (p. 245)

Consideration by committee of the whole, August 8:[57]

> **Motion:** Dunbar moved to strike the section.
>
> **Action:** Motion lost 29 to 24.
>
> **Discussion as follows:**
>
> **For:** Dunbar said the section was unnecessary since bribery was already a crime under the law. Cosgrove asserted that the section was only paper legislation and had no effect. Schooley and E. H. Sullivan also favored striking.
>
> **Against:** Stiles strongly defended the section. J. Z. Moore, Griffitts, and Buchanan favored the section in principle.
>
> **Motion:** Schooley moved to strike that half of the section which obligated bribers to testify.
>
> **Action:** Motion lost.

56. **Corrupt Solicitation:** Penn., Const. (1873), Art. 3, secs. 31, 32. [Identical.] **Members Shall Not Vote in Certain Cases:** Penn., Const. (1873), Art. 3, sec. 33 (Wash., Const. (1878), Art. 6, sec. 29, identical with Penn.) [Identical.]

57. Times, Ledger, August 9; Globe, August 10, 1889.

**Motion:** Turner moved to strike the first sentence as quoted above.

**Action:** Motion carried 30 to 25.

Final action by Convention, August 9:

Decision of committee of the whole reflected in the final draft, although not recorded in the **Journal.**

### Section 31

**Present Language of the Constitution:**

(This section stricken by 7th amendment; see Article II, Sections 1 and 41).

Original language:[58]

LAWS, WHEN TO TAKE EFFECT. No law, except appropriation bills, shall take effect until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency (which emergency must be expressed in the preamble or in the body of the act) the Legislature shall otherwise direct by a vote of two-thirds of all the members elected to each house; said vote to be taken by yeas and nays and extended on the journals.

Text as given in report of committee, August 5:

Same as final. (p. 245)

### Section 32

**Present Language of the Constitution:**

**LAWS, HOW SIGNED. No bill shall become a law until the same shall have been signed by the presiding officer of each of the two houses in open session, and under such rules as the legislature shall prescribe.**

Original language same as present.[59]

58. **Laws Take Effect When:** Texas, **Const.** (1876), Art. 3, sec. 39. [Identical except that Wash. has omitted a few words.] Ore., **Const.** (1857), Art. 4, sec. 28; Colo., **Const.** (1876), Art. 5, sec. 19 (Wash., **Const.** (1878), Art. 6, sec. 14, identical with Colo.); Hill, Prop. Wash. **Const.**, Art. 4, sec. 27. [Similar.]

59. **Presiding Officers to Sign Bills:** Wash., **Const.** (1878), Art. 6, sec. 18; Hill, Prop. Wash. **Const.**, Art. 4, sec. 25. [Similar.]

Text as given in report of committee, August 5:

Same as final. (p. 245)

### Section 33

**Present Language of the Constitution:**

**ALIEN OWNERSHIP. The ownership of lands by aliens, other than those who in good faith have declared their intention to become citizens of the United States, is prohibited in this state, except where acquired by inheritance, under mortgage or in good faith in the ordinary course of justice in the collection of debts; and all conveyances of lands hereafter made to any alien directly, or in trust for such alien, shall be void: Provided, That the provisions of this section shall not apply to lands containing valuable deposits of minerals, metals, iron, coal, or fire clay, and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom: And provided further, That the provisions of this section shall not apply to the citizens of such of the Provinces of the Dominion of Canada as do not expressly or by implication prohibit ownership of provincial lands by citizens of this state. (1953 p 853, House Joint Resolution No. 16. Approved November 2, 1954).**

Original language:[60]

The ownership of lands by aliens, other than those who in good faith have declared their intention to become citizens of the United States, is prohibited in this state, except where acquired by inheritance, under mortgage or in good faith in the ordinary course of justice in the collection of debts; and all conveyances of lands hereafter made to any alien directly or in trust for such alien shall be void: Provided, That the provisions of this section shall not apply to lands containing valuable deposits of minerals, metals, iron, coal or fire clay, and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom. Every corporation, the majority of the capital stock of which is owned by aliens, shall be considered an alien for the purposes of this prohibition.

60. **Alien Ownership of Lands:** Ore., Const. (1857), Art. 15, sec. 8. [Similar in part.]

Text as given in report of committee, August 5:

> "The ownership of lands by aliens is detrimental to the best interests of the state and is therefore prohibited in this state except where acquired by inheritance or in good faith in the ordinary course of justice in the collection of debts heretofore created, and all conveyances of lands hereafter made to any alien directly or in trust for such alien shall be void. Provided that the provisions of this section shall not apply to lands containing valuable deposits of precious metals, copper, or lead, and the necessary land for mills and other machinery to mine and reduce the ore thereof." (p. 246)

Consideration by committee of the whole, August 9:[61]

**Motion:** Jamieson moved a substitute for the report which was the same as the final text except that it omitted "other than those who in good faith have declared their intentions to become citizens of the United States." It added fire clay and coal to property that aliens could hold.

**Motion:** Crowley moved to add property acquired under mortgage to land which aliens could hold.

**Action:** Motion as amended carried.

**Motion:** E. H. Sullivan moved to strike the substitute.

**Action:** Motion lost.

**Discussion as follows:**

**For alien ownership of land:**

P. C. Sullivan could not see that any damage had been done by alien landlordism and thought it was necessary. Stiles said that a large investment of foreign capital in the United States was a great protection since a country with a great amount of capital invested here could not be forced into a war with this country. He pointed out that the Northern Pacific land grant of alternative sections prevented any man or corporation from acquiring a large section of land in a body. Cosgrove thought the investment of foreign capital should be encouraged since it had greatly lowered the rate of interest. Mires favored

61. **Times**, August 9; **Ledger, Globe**, August 10; **Washington Standard** [Olympia, Wash.], August 16, 1889.

striking the section. Suksdorf thought there was no danger in allowing aliens to own land. Buchanan claimed that adoption of such a section was going back to Chinese exclusiveness.

**Against alien land ownership:**

Griffitts said that foreign syndicates owned twenty-one million acres of land in this country. He thought that lands should be protected for American citizens. J. Z. Moore pointed to what the English did in Ireland as an example of the danger. Turner thought it would protect our institutions as well as the land. Minor said the provision was old, but under it England had become the most wealthy and powerful country in the world. Warner and Weisenburger considered it a great evil to allow foreigners to acquire property and thought it was a protection to the state to have its lands held by its citizens.

Final action by Convention August 9:

Decision of committee of the whole accepted. (p. 303)

**Motion:** Stiles moved to limit alien land ownership to six hundred forty acres.

**Action:** Motion lost 30 to 28. (p. 305)

**Voting for:** Blalock, Bowen, Buchanan, Crowley, Comegys, Durie, Eldridge, Eshelman, Fairweather, Fay, Glascock, Gowey, Jones, Joy, Kinnear, McElroy, Minor, R. S. More, Morgans, T. M. Reed, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Van Name, West, and Hoyt. **Absent and not voting:** Allen, Browne, Dallam, Dickey, Dunbar, Godman, Gray, Hungate, Jamieson, Jeffs, Kellogg, Lillis, Manly, McDonald, Neace, Shoudy, and Willison.

**Motion:** Godman moved to insert "other than those who in good faith have declared their intentions to become citizens of the United States."

**Action:** Motion carried. (p. 306)

**Motion:** Lindsley moved to add a provision not to disturb existing titles.

**Action:** Motion lost. (p. 306)

### Section 34

**Present Language of the Constitution:**

> **BUREAU OF STATISTICS, AGRICULTURE AND IMMIGRATION. There shall be established in the office of the secretary of state, a bureau of statistics, agriculture and immmigration, under such regulations as the legislature may provide.**

Original language same as present.[62]

Proposition submitted to Convention by Griffitts, July 10:

> To establish in the office of the Secretary of State a Bureau of Labor Statistics. The Legislature to pass laws to establish and maintain it. (p. 42)

Text as given in report of committee, August 5:

> Same as final. (p. 246)

Consideration by committee of the whole, August 9:[63]

> A motion to strike the section was carried.

Action by Convention, August 9:[64]

> The section was restored in the Convention.

### Section 35

**Present Language of the Constitution:**

> **PROTECTION OF EMPLOYEES. The legislature shall pass necessary laws for the protection of persons working in mines, factories and other employments dangerous to life or deleterious to health; and fix pains and penalties for the enforcement of the same.**

Original language same as present.[65]

Text as given in report of committee, August 5:

> Same as final. (p. 246)

### Deleted Section

62. **Bureau of Statistics:** Ohio, Const. (1851), Art. 15, sec. 8. [Similar.]

63. **Times,** August 9; **Standard,** August 16, 1889

64. **Standard,** August 16, 1889.

65. **Laws Relating to Mines, Factories:** Ill., Const. (1870), Art. 4, sec. 29; Ohio, Const. (1851), Art. 2, sec. 35; Ark., Const. (1874), Art. 19, sec. 18; Colo., Const. (1876), Art. 16, sec. 2. [Similar.]

Text as given in report of committee, August 5:

> "Mechanics, laborers, and material men shall have liens upon the property of their employers for labor performed or material furnished and the Legislature shall provide for the summary enforcement of the same." (p. 246)

Consideration by committee of the whole, August 9:[66]

> **Motion:** Dunbar moved to strike the section.
>
> **Action:** Motion carried.
>
> **Motion:** Turner moved to add the same as an additional section.
>
> **Action:** Motion lost.

Final action by Convention, August 9:

> Decision of committee of the whole accepted. (p. 303)

### Section 36

**Present Language of the Constitution:**

> **WHEN BILLS MUST BE INTRODUCED. No bill shall be considered in either house unless the time of its introduction shall have been at least ten days before the final adjournment of the legislature, unless the legislature shall otherwise direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session.**

Original language same as present.[67]

Report of committee did not include this section.

Consideration by committee of the whole, August 9:[68]

> **Motion:** Stiles moved to add an additional section, the text of which was the same as final.
>
> **Action:** Motion carried.

Final action by Convention, August 9:

> Decision of committee of the whole accepted. (p. 304)

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66. **Times**, August 9; **Ledger**, August 10; **Standard**, August 16, 1889.

67. **Introduction of Bills Limited:** Colo., **Const.** (1876), Art. 5, sec. 19; Md., **Const.** (1867), Art. 3, sec. 27; Minn., **Const.** (1857), Art. 4, sec. 1; Neb., **Const.** (1875), Art. 3, sec. 4. [Similar.]

68. **Ledger, Globe**, August 10; **Standard**, August 16, 1889.

### Section 37

**Present Language of the Constitution:**

> **REVISION OR AMENDMENT. 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.**

Original language same as present.[69]

Report of committee did not include this section.

Consideration by committee of the whole, August 9:[70]

> **Motion:** P. C. Sullivan moved an additional section the text of which was the same as final.
>
> **Action:** Motion carried.

Final action by Convention, August 9:

> Decision of committee of the whole accepted. (p. 304)

### Section 38

**Present Language of the Constitution:**

> **LIMITATION ON AMENDMENTS. No amendment to any bill shall be allowed which shall change the scope and object of the bill.**

Original language same as present.[71]

Report of committee did not include this section.

Consideration by committee of the whole, August 9:[72]

> **Motion:** Stiles moved to add an additional section the text of which was the same as final.
>
> **Action:** Motion carried.

Final action by Convention, August 9:

> Decision of committee of the whole accepted. (p. 304)

69. **Amending Laws:** Ore., **Const.** (1857), Art. 4, sec. 22 (Hill, Prop. Wash. **Const.**, Art. 4, sec. 22, identical with Ore.) [Identical except that Wash. omits words "and punished."] Wash., **Const.** (1878), Art. 6, sec. 17. [Similar.]

70. **Ledger, Globe,** August 10; **Standard,** August 16, 1889.

71. **Amendment to Bill:** Colo., **Const.** (1876), Art. 5, sec. 17. [Similar.]

72. **Ledger, Globe,** August 10; **Standard,** August 16, 1889.

## Section 39

**Present Language of the Constitution:**

> **FREE TRANSPORTATION TO PUBLIC OFFICER PROHIBITED. It shall not be lawful for any person holding public office in this state to accept or use a pass or to purchase transportation from any railroad or other corporation, other than as the same may be purchased by the general public, and the legislature shall pass laws to enforce this provision.**

Original language same as present.[73]

Report of committee did not include this section.

Final action by Convention, August 9:

> **Motion:** J. Z. Moore moved to add an additional section the text of which was the same as final.
>
> **Action:** Motion carried 37 to 27. (p. 304)
>
> **Voting against:** Comegys, Cosgrove, Crowley, Eshelman, Fay, Glascock, Godman, Gowey, Henry, Jamieson, Jeffs, Jones, Lindsley, Manly, Minor, Mires, Morgans, T. M. Reed, Sturdevant, P. C. Sullivan, E. H. Sullivan, Travis, Turner, Van Name, West, and Winsor. **Absent and not voting:** Allen, Browne, Dallam, Gray, Neace, Shoudy, Stiles, and Willison.

### Proposed Section

Consideration by committee of the whole, August 9:[74]

> **Motion:** Griffitts moved an additional section that would make members of the Constitutional Convention ineligible to hold any office created by the Constitution, for one year after its adoption.
>
> **Motion:** Buchanan moved to amend to disqualify Constitution makers forever.

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73. **Passes Forbidden:** Penn., **Const.** (1873), Art. 17, sec. 8. [Similar.] Cal., **Const.** (1879), Art. 12, sec. 19. [See Wash., **Const.** (1889), Art. 12, sec. 20, for another similar section. In most states such a provision appears under article on corporations.]

74. **Times**, August 9; **Globe**, August 10; **Walla Walla Weekly Statesman**, August 12, 1889.

**Action:** Motion as amended carried unanimously.

Action by Convention, August 9:[75]

A motion to strike the section carried 40 to 24. It had been considered a joke from its inception.

**Section 40**

**Present Language of the Constitution:**

**HIGHWAY FUNDS. All fees collected by the State of Washington as license fees for motor vehicles and all excise taxes collected by the State of Washington on the sale, distribution or use of motor vehicle fuel and all other state revenue intended to be used for highway purposes, shall be paid into the state treasury and placed in a special fund to be used exclusively for highway purposes. Such highway purposes shall be construed to include the following:**

**(a) The necessary operating, engineering and legal expenses connected with the administration of public highways, county roads and city streets;**

**(b) The construction, reconstruction, maintenance, repair, and betterment of public highways, county roads, bridges and city streets; including the cost and expense of (1) acquisition of rights-of-way, (2) installing, maintaining and operating traffic signs and signal lights, (3) policing by the state of public highways, (4) operation of movable span bridges, (5) operation of ferries which are a part of any public highway, county road, or city street;**

**(c) The payment or refunding of any obligation of the State of Washington, or any political subdivision thereof, for which any of the revenues described in section 1 may have been legally pledged prior to the effective date of this act;**

**(d) Refunds authorized by law for taxes paid on motor vehicle fuels;**

**(e) The cost of collection of any revenues in this section:**

**Provided, That this section shall not be construed to include revenue from general or special taxes or excises not**

75. Times, August 9; Globe, Post Intelligencer, August 10, 1889.

**levied primarily for highway purposes, or apply to vehicle operator's license fees or any excise tax imposed on motor vehicles or the use thereof in lieu of a property tax thereon, or fees for certificates of ownership of motor vehicles. [1943 p 938, House Joint Resolution No. 4. Approved November, 1944.]**

(Added by the 18th Amendment)

**Section 41**

**Present Language of the Constitution:**

**LAWS, EFFECTIVE DATE. INITIATIVE, REFERENDUM—AMENDMENT OR REPEAL. 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: Provided, That any such act, law or bill may be amended within two years after such enactment at any regular or special session of the legislature by a vote of two-thirds of all the members elected to each house with full compliance with section 12, Article III, of the Washington Constitution, and no amendatory law adopted in accordance with this provision shall be subject to referendum. But such enactment may be amended or repealed at any general regular or special election by direct vote of the people thereon. These provisions supersede the provisions of subsection (c) of section 1 of this article as amended by the seventh amendment to the Constitution of this state. [1951 p 959, Sub. Senate Joint Resolution No. 7. Approved November 4, 1952.]**

(Added by the 26th Amendment)

**Passage of Article**

Article on legislative department approved by Convention, August 9, by a vote of 44 to 12. (p. 308)

**Voting against:** Cosgrove, Durie, Godman, Gowey, Griffitts, Henry, Sharpstein, Suksdorf, P. C. Sullivan, Turner, Warner, and West. **Absent and not voting:** Allen, Browne, Buchanan, Comegys, Dallam, Dickey, Dunbar, Gray, Hungate, Jamieson, Kellogg, Manly, McDonald, Neace, Newton, Power, Shoudy, E. H. Sullivan, and Willison.

## ARTICLE III THE EXECUTIVE

A move was made to eliminate the Lieutenant Governor as an elective officer for reasons of economy. It failed, as the majority believed that a man who might become Governor should be elected.

A similar effort to drop the office of Commissioner of Public Lands was defeated because of the argument that state-owned lands were so valuable they would need special attention.

Four-year terms were given to all officers instead of to only the Governor and Lieutenant Governor as the report of the committee recommended.

A determined attempt was made to reduce the Governor's check on the Legislature by trying to lower the number of votes necessary to override a veto from two-thirds to three-fifths. When this failed, an effort was made to establish it at a two-thirds vote of all members instead of two-thirds of those present. However, those preferring the strong traditional veto power prevailed.

Qualifications for office-holding were lowered considerably by the Convention from those suggested by the report of the committee.

The Committee for the Executive Department was appointed July 9. (p. 19)

**Members:** Weir, chairman; Fairweather, Hicks, Clothier, and Hungate.

### Section 1

**Present Language of the Constitution:**

> **EXECUTIVE DEPARTMENT. The executive department shall consist of a governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, and a commissioner of public lands, who shall be severally chosen by the qualified electors of the state at the same time and place of voting as for the members of the legislature.**

Original language as present.[1]

Proposition submitted to Convention by Suksdorf, July 11:

1. **Executive Department Consists of Whom:** Hill, Prop. Wash. Const., Art. 5, sec. 1; Wash., Const. (1878), Art. 9, sec. 1; Colo., Const. (1876), Art. 4, sec. 1. [Very similar; except that Wash. adds "other officers."]

To have an elective state statistician with the same term as Governor. (p. 54)

Proposition submitted to Convention by Weir, July 12:

Same as final except for minor wording. (p. 79)

Text as given in report of committee, July 23:

Same as final except for minor wording. (p. 130)

Consideration by committee of the whole, July 25:[2]

**Motion:** Sharpstein moved to strike out Lieutenant Governor.

**Action:** Motion lost 38 to 31.

All papers agree on this vote except **Standard** which gives it as 35 to 21.

**Discussion as follows:**

**For:** Godman attacked the character of the men who held this office by calling them political manipulators. McElroy said that he did not want to see the Legislature become an employment bureau and he agreed with Dunbar and Eshelman that the office was superfluous. The **Times** reports that Browne also thought this office unnecessary while the other papers record Browne as opposed to the motion.

**Against:** Weir said a Lieutenant Governor was needed to supervise the many state institutions which would be necessary. Browne, Dyer, and Buchanan said that if the Senate speaker was taken to the Governor's office it would remove from the floor an elected representative. Gowey and Lillis thought the people should elect for the office a man who might become Governor. Cosgrove opposed striking. According to the **Times,** J. Z. Moore pointed out that a Vice President had been provided for by the first constitutional convention of the United States and he thought that that body compared favorably with this one.

**Motion:** Mires moved to amend by offering a substitute which

2. **Seattle Times, Spokane Falls Review, Tacoma Daily Ledger,** July 26; **Puget Sound Weekly Argus** [Port Townsend, Wash.], August 1; **Washington Standard** [Olympia, Wash.], August 2, 1889.

left out the offices of Lieutenant Governor, Commissioner of Public Lands, and Auditor, and authorized the Legislature to create all necessary offices.

**Action:** Motion lost.

**Motion:** Sharpstein moved to strike out the office of Commissioner of Public Lands.

**Action:** Motion lost.

**Discussion as follows:**

The two following motions, Buchanan's and Gowey's, were brought up during the discussion of this motion so the comments were closely interrelated and have been separated as best possible.

**For:** Sharpstein favored a board composed of state officers to perform these duties. Eldridge and Godman did not see why the office was being argued over when there had been no policy yet made regarding the state lands themselves. Gowey thought the Secretary of State could perform these duties.

**Against:** Bowen and Weir said that this office was important because of the amount and value of the state-owned lands. Prosser and Lillis asserted that there were millions of dollars involved in these lands and thought this called for able management. Blalock favored the committee report without amendment. Cosgrove thought that to eliminate this office would be false economy.

**Motion:** Buchanan moved to substitute to provide a Board of Land Commissioners similar to that of Wisconsin and composed of the Governor, Treasurer, and Attorney General.

The **Times** reports that it was the Lieutenant Governor instead of the Governor.

**Action:** Motion lost with only Buchanan voting in its favor.

**Discussion as follows:**

**Against:** Weir said that the Wisconsin board had only to sell the lands and apply the proceeds, while in Washington the land and its treatment were to be so varied that a

separate department with a responsible head would be better than a board. Stiles did not think the Constitution was a proper place to provide for boards. Bowen thought there should be an executive head to carry out any such board's decisions. He proposed that the officers named in Buchanan's motion be an advisory board but withdrew the proposition as out of order. Gowey and Prosser also opposed this substitute.

**Motion:** Gowey moved to make the Secretary of State ex officio commissioner.

**Action:** Motion lost.
The **Times** records it received twelve votes.

**Discussion as follows:**

**For:** Gowey said the Secretary of State could easily handle these additional duties.

**Against:** Kinnear did not think the Secretary of State could properly carry out these additional duties. Weir also spoke against the motion.

**Motion:** Mires moved to strike the office of Auditor.

**Action:** Motion lost 31 to 31.

Final action by Convention, July 26:

**Motion:** Durie moved to strike the office of Lieutenant Governor.

**Action:** Motion lost 40 to 30. (p. 180)

**Voting for:** Berry, Blalock, Comegys, Dunbar, Durie, Eshelman, Godman, Gray, Griffitts, Henry, Jeffs, McCroskey, McDonald, McReavey, Mires, Neace, Newton, J. M. Reed, Sharpstein, Shoudy, Stevenson, Sturdevant, E. H. Sullivan, Tibbetts, Travis, Van Name, Warner, West, and Willison. **Not voting:** Browne, Dickey, and Kellogg. **On leave:** Morgans and Glascock.

**Section 2**

**Present Language of the Constitution:**

**GOVERNOR, TERM OF OFFICE. The supreme ex-**

**ecutive power of this state shall be vested in a governor, who shall hold his office for a term of four years, and until his successor is elected and qualified.**

Original language same as present.[3]

Proposition submitted to Convention by Weir, July 12:

Same as final. (p. 79)

Text as given in report of committee, July 23:

Same as final. (p. 131)

Consideration by committee of the whole, July 25:[4]

**Motion:** Sharpstein moved to change the Governor's term from four years to two.

**Action:** Motion lost.

### Section 3

**Present Language of the Constitution:**

**OTHER EXECUTIVE OFFICERS, TERMS OF OFFICE. The lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, and commissioner of public lands, shall hold their offices for four years respectively, and until their successors are elected and qualified.**

Original language same as present.[5]

Proposition submitted to Convention by Weir, July 12:

That the Lieutenant Governor, Superintendent of Public Instruction, and Commissioner of Public Lands have two-year terms and the other officers four-year terms. (p. 79)

Text as given in report of committee, July 25:

That the Lieutenant Governor have a four-year term and the other officers two-year terms. (p. 131)

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3. **Governor:** Ore., **Const.** (1857), Art. 5, sec. 1; Wash., **Const.** (1878), Art. 7, sec. 1; Hill, Prop. Wash. **Const.**, Art. 5, sec. 4. [Similar; Wash. drops the limitations on number of terms of office.]

4. **Times, Review, Ledger,** July 26, 1889.

5. **Other Officers:** Hill, Prop. Wash. **Const.**, Art. 5, sec. 2; Wash., **Const.** (1878), Art. 9, sec. 1; Ore., **Const.** (1857), Art. 6, sec. 1; Wis., **Const.** (1848), Art. 6, sec. 1; Cal., **Const.** (1879), Art. 5, sec. 17. [Similar. Most constitutions provide for these officers. The details vary greatly.]

Consideration by committee of the whole, July 25:[6]

**Motion:** Crowley moved to make the term for all officers four years.

**Action:** Motion carried.

Final action by Convention, July 26:

Decision of committee of the whole 47 to 22. (p. 177)

**Voting against:** Berry, Clothier, Durie, Griffitts, Hayton, Hicks, Hungate, Jeffs, McElroy, McReavey, Mires, R. S. More, Newton, J. M. Reed, Sharpstein, Stevenson, Tibbetts, Travis, Warner, West, Willison, and Hoyt. **Not voting:** Browne, Gowey, Gray, and Shoudy. **Absent:** Glascock and Morgans.

## Section 4

**Present Language of the Constitution:**

**RETURNS OF ELECTIONS, CANVASS, ETC. The returns of every election for the officers named in the first section of this article shall be sealed up and transmitted to the seat of government by the returning officers, directed to the secretary of state, who shall deliver the same to the speaker of the house of representatives at the first meeting of the house thereafter, who shall open, publish and declare the result thereof in the presence of a majority of the members of both houses. The person having the highest number of votes shall be declared duly elected, and a certificate thereof shall be given to such person, signed by the presiding officers of both houses; but if any two or more shall be highest and equal in vote for the same office, one of them shall be chosen by the joint vote of both houses. Contested elections for such officers shall be decided by the legislature in such manner as shall be determined by law. The terms of all officers named in section one of this article shall commence on the second Monday in January after their election until otherwise provided by law.**

6. Times, Review, Ledger, July 26, 1889.

Original language same as present.[7]

Text as given in report of committee, July 23:

> Same as final except that it named only the Governor and Lieutenant Governor instead of "the officers." (p. 131)

Consideration by committee of the whole, July 25:[8]

> **Query:** Stiles asked if contests weren't decided through the courts.
>
> **Answer:** Weir said that these partisan contests should be determined by the Legislature.
>
> **Motion:** Lillis moved to strike the last sentence.
>
> **Action:** Motion lost 25 to 18.
>
> **Discussion as follows:**
>
> **For:** Lillis thought state officers should have a fixed date to enter terms of office.
>
> **Against:** Weir thought that the Committee on Schedules should fix the dates for starting all these terms.

Final action by Convention, July 26:

> **Motion:** Lillis moved to substitute "officers named in the first section" for "Lieutenant Governor and Governor."
>
> **Action:** Motion carried. (p. 180)
>
> **Motion:** Griffitts moved to substitute "such officers" for "Lieutenant Governor and Governor" near the end of the section.
>
> **Action:** Motion carried. (p. 185)

## Section 5

**Present Language of the Constitution:**

> **GENERAL DUTIES OF GOVERNOR. The governor**

7. **Returns on Election of Executive Officers:** Hill, Prop. Wash. **Const.**, Art. 5, sec. 3. [Identical.] Ore., **Const.** (1857), Art. 5, sec. 4; Wash., **Const.** (1878), Art. 7, sec. 3. [Similar.] **Certificate of Election:** Hill, Prop. Wash. **Const.**, Art. 5, sec. 3; Ore., **Const.** (1857), Art. 5, sec. 6; Wash., **Const.** (1878), Art. 7, sec. 3 (Similar in form). [Identical except that Wash. applies the authority of "all officers."]

8. **Review,** July 26, 1889.

**may require information in writing from the officers of the state upon any subject relating to the duties of their respective offices, and shall see that the laws are faithfully executed.**

Original language same as present.[9]

Text as given in report of committee, July 23:
Same as final. (p. 131)

**Section 6**

**Present Language of the Constitution:**

**MESSAGES. He shall communicate at every session by message to the legislature the condition of the affairs of the state, and recommend such measures as he shall deem expedient for their action.**

Original language same as present.[10]

Text as given in report of committee, July 23:

Same as final except for minor wording. (p. 131)

**Section 7**

**Present Language of the Constitution:**

**EXTRA LEGISLATIVE SESSIONS. He may, on extraordinary occasions, convene the legislature by proclamation, in which shall be stated the purposes for which the legislature is convened.**

Original language same as present.[11]

Text as given in report of committee, July 23:

"He may on extraordinary occasions convene the Legislature by proclamation, and shall state to both houses when assembled the purposes for which they are convened." (p. 132)

Consideration by committee of the whole, July 25:[12]

9. **Duties of Governor:** Hill, Prop. Wash. Const., Art. 5, sec. 4. [Identical except that Wash. substitutes "State" for "executive department."]
10. **Message:** Hill, Prop. Wash. Const., Art. 5, sec. 5. [Identical.]
11. **Convene Extraordinary Sessions:** Hill, Prop. Wash. Const., Art. 5, sec. 6. [Identical except for slight change of words.]
12. **Times,** July 26; **Review,** July 27, 1889.

**Motion:** Griffitts moved a reconsideration of Section 7.

**Action:** Reconsideration ordered.

**Motion:** Griffitts moved to strike out all after "state" and to substitute therefor "In the call therefor the purpose for which the Legislature is convened."

**Action:** Motion carried.

**Motion:** Dyer moved to amend by adding "and shall have no power when so convened to act upon any other matter not so stated in the proclamation."

**Action:** Motion lost.

**Discussion as follows:**

**For:** Dyer thought that this was a provision common to the majority of constitutions. He said it would help curb excessive legislation.

**Against:** Turner said it would be a restriction on the representatives of the people. J. Z. Moore pointed out that important matters might come up between the date of the Governor's call and the meeting of the Legislature. Weir was also opposed.

**Motion:** Shoudy moved to amend by adding "and all their acts shall be as valid as if transacted in regular session." He said that courts had sometimes held that only matter stated in the call was legally acted upon.

**Action:** Motion lost.

**Motion:** Buchanan moved to substitute "the Governor" for "he."

**Action:** Motion lost.

Final action by Convention, July 26:

**Motion:** Godman moved to substitute "in which shall be stated" for "and shall state in the call thereof."

**Action:** Motion carried. (p. 181)

## Section 8

**Present Language of the Constitution:**

**COMMANDER-IN-CHIEF. He shall be commander-in-**

**chief of the military in the state except when they shall be called into the service of the United States.**

Original language same as present.[13]

Text as given in report of committee, July 23:

Same as final. (p. 132)

**Deleted Section**

Text as given in report of committee, July 23:

"In case of disagreement between the two houses in respect to the time of adjournment, he shall have power to adjourn the Legislature to such time as he may think proper, but not beyond the regular meetings thereof." (Section 8, p. 132)

Consideration by committee of the whole, July 25:[14]

**Motion:** Griffitts moved to strike the section.

**Action:** Motion carried.

**Discussion as follows:**

**For:** Griffitts thought this section gave the Governor too much power when used in conjunction with the smaller house. Buchanan said he wanted no Cromwells in the state and so favored the amendment.

The **Review** states that Weir, Dunbar, Godman, Dyer, Stiles and Durie also debated this motion, but does not give their positions.

**Section 9**

**Present Language of the Constitution:**

**PARDONING POWER. The pardoning power shall be vested in the governor under such regulations and restrictions as may be prescribed by law.**

Original language same as present.[15]

13. **Commander-in-Chief:** Hill, Prop. Wash. **Const.**, Art. 5, sec. 8. [Identical.]
14. **Review, Ledger,** July 26, 1889.
15. **Pardoning Power:** Hill, Prop. Wash. **Const.**, Art. 5, sec. 9. [Identical.] Wash., **Const.** (1878), Art. 8, sec. 5. [Similar.]

Text as given in report of committee, July 23:

Same as final. (Section 10, p. 132)

Consideration by committee of the whole, July 25:[16]

**Motion:** Gowey moved to substitute by making the Secretary of State and the Attorney General a Governor's Council to act with him on pardons.

**Action:** Motion lost.
The **Times** states it received three votes.

**Discussion as follows:**

**For:** Gowey said that the older states were instituting boards of pardons.

**Against:** Cosgrove opposed political machinery to deal with criminals. He said that the section already permitted the Legislature to experiment and this prerogative would be eliminated under the amendment. Turner and Weir stressed the idea that the pardoning power should be placed in a single person who then would be responsible and be more likely not to abuse this power.

## Section 10

**Present Language of the Constitution:**

**VACANCY IN OFFICE OF GOVERNOR. In case of the removal, resignation, death or disability of the governor, the duties of the office shall devolve upon the lieutenant governor; and in case of a vacancy in both the offices of governor and lieutenant governor, the duties of the governor shall devolve upon the secretary of state. In addition to the line of succession to the office and duties of governor as hereinabove indicated, if the necessity shall arise, in order to fill the vacancy in the office of governor, the following state officers shall succeed to the duties of governor and in the order named, viz.: Treasurer, auditor, attorney general, superintendent of public instruction and commissioner of public lands. In case of the death, disability, failure or refusal of the person regularly elected to the office of governor to qualify at the time provided by law, the duties of the office**

16. Times, Review, Ledger, July 26; Standard, August 2, 1889.

**shall devolve upon the person regularly elected to and qualified for the office of lieutenant governor, who shall act as governor until the disability be removed, or a governor be elected; and in case of the death, disability, failure or refusal of both the governor and the lieutenant governor elect to qualify, the duties of the governor shall devolve upon the secretary of state; and in addition to the line of succession to the office and duties of governor as hereinabove indicated, if there shall be the failure or refusal of any officer named above to qualify, and if the necessity shall arise by reason thereof, then in that event in order to fill the vacancy in the office of governor, the following state officers shall succeed to the duties of governor in the order named, viz.: Treasurer, auditor, attorney general, superintendent of public instruction and commissioner of public lands. Any person succeeding to the office of governor as in this section provided, shall perform the duties of such office only until the disability be removed, or a governor be elected and qualified; and if a vacancy occur more than thirty days before the next general election occurring within two years after the commencement of the term, a person shall be elected at such election to fill the office of governor for the remainder of the unexpired term. [1909 p 642 § 1. Approved November, 1910.]**

Original language:[17]

> In case of the removal, resignation, death, or disability of the Governor, the duties of the office shall devolve upon the Lieutenant Governor, and in case of a vacancy in both the offices of Governor and Lieutenant Governor, the duties of Governor shall devolve upon the Secretary of State, who shall act as Governor until the disability be removed or a Governor be elected.

Text as given in report of committee, July 23:

> Same as final. (Section 11, p. 132)

17. **Lieutenant-Governor Shall Act as Governor:** Wash., Const. (1878), Art. 7, sec. 6; Hill, Prop. Wash. Const., Art. 5, sec. 12. [Similar, although they do not provide for Lieutenant-Governor. The idea of the office of the Lieutenant-Governor probably came from Cal. or Wis.]

## Section 11

**Present Language of the Constitution:**

> **REMISSION OF FINES AND FORFEITURES. The governor shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law, and shall report to the legislature at its next meeting each case of reprieve, commutation or pardon granted, and the reasons for granting the same, and also the names of all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted and the reasons for the remission.**

Original language same as present.[18]

Text as given in report of committee, July 23:

> Same as final. (Section 12, p. 132)

## Section 12

**Present Language of the Constitution:**

> **VETO POWER. Every act which shall have passed the legislature shall be, before it becomes a law, presented to the governor. If he approves, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, which house shall enter the objections at large upon the journal and proceed to reconsider. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present, it shall become a law; but in all such cases the vote of both houses shall be determined by the yeas and nays, and the names of the members voting for or against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the governor within five days, Sundays excepted, after it shall be presented to him, it shall become a law without his signature, unless the general adjournment shall prevent its return, in which case it shall become a law unless the governor, within ten days next after**

18. Governor May Remit Fines, etc: Ore., Const. (1857), Art. 5, sec. 14. (Hill, Prop. Wash. Const., Art. 5, sec. 14, identical with Ore.). [Identical.]

**the adjournment, Sundays excepted, shall file such bill with his objections thereto, in the office of secretary of state, who shall lay the same before the legislature at its next session in like manner as if it had been returned by the governor. If any bill presented to the governor contain several sections or items, he may object to one or more sections or items while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the section, or sections; item or items to which he objects and the reasons therefor, and the section or sections, item or items so objected to, shall not take effect unless passed over the governor's objection, as hereinbefore provided.**

Original language same as present.[19]

Proposition submitted to Convention by Power, July 12:

That the Governor be given no veto power. (p. 77)

Text as given in report of committee, July 23:

Same as final except that it added that the Governor shall not be eligible to the office of United States Senator or any other office during the term for which he was elected. (p. 132)

Consideration by committee of the whole, July 26:[20]

**Motion:** Power moved to change two-thirds to three-fifths of the members present to be able to override a veto.

**Action:** Motion lost 41 to 30.

**Motion:** Browne moved to change two-thirds to a majority.

**Action:** Motion lost 49 to 18.

**Discussion as follows** applying to both motions:

**For:** Jones thought the experience of Congress showed the wisdom of reducing the number necessary to override a veto. Power, Jones, Gowey, and E. H. Sullivan wanted

19. **Duties of Governor in Regard to Enactment of Laws:** Hill, Prop. Wash. Const., Art. 5, sec. 15. [Identical except for slight changes in minor words.] Ore., Const. (1857), Art. 5, sec. 15; Cal., Const. (1879), Art. 4, sec. 16; Wis., Const. (1848), Art. 5, sec. 10; Wash., Const. (1878), Art. 7, sec. 7. [Similar. Veto of Individual Sections.] Hill, Prop. Wash. Const., Art. 5, sec. 15. [Almost identical; Ore. did not add this clause until 1920.]

20. **Review,** July 26; **Times, Ledger,** July 27; **Argus,** August 1; **Standard,** August 2, 1889.

no veto power at all as they believed it gave the Governor too much legislative control. E. H. Sullivan cited the example of Ohio, which had neither the veto nor the Governor's signature on her bills. He thought the three branches of government should be kept distinct in function. Dyer alluded to the ill results of an unbridled use of the veto. He said when parties were evenly balanced, a few men could control all legislatures by a pact with the Governor. But neither he nor P. C. Sullivan wished to abolish it entirely. Warner said there was too little time at the end of the session for proper consideration of bills by the Governor. Crowley said the veto power was a relic of monarchy and wanted to limit it. Cosgrove thought the Legislature should take on its own responsibilities and not shift them to the Governor, while Stiles favored a majority vote to override a veto since he thought the veto power should be used only in an advisory fashion. Gowey again referred to Ohio as an example. Henry and Lillis said a majority provision would not remove the veto entirely as it would make the Legislature think the matter over, and they were in favor of this. Suksdorf favored abolishing the veto entirely as did Browne who thought checks on the Legislature should be made by the Constitution and not by the Governor. Dunbar also spoke in favor of the three-fifths amendment.

**Against:** Griffitts thought the Convention should follow the established paths. Turner cited the French Revolution as one example of taking all checks from the executive and he stated that the veto power was one of the fundamental principles of government. Weir explained that the committee thought what was good enough for Congress would be good enough for the state. Godman thought a regular "old-fashioned presidential kind of veto" was a good check in the government. Prosser, Buchanan, J. Z. Moore, and Kinnear also spoke in favor of retaining the veto power.

**Motion:** Schooley moved to amend so as to allow the Governor ten days in which to consider a bill during the session and twenty days after adjournment.

The **Ledger** reports the motion was to change from five to

ten days the time for signing bills and from ten to twenty days the time for an act to become law on the failure to receive the Governor's signature.

**Action:** Motion lost.

**Motion:** Turner moved to strike the clause making the Governor ineligible for United States Senator during his term.

**Motion:** Gowey moved to amend this motion by striking the whole sentence to which Turner referred and thus to include other offices. Turner accepted the amendment.

**Action:** Motion as amended carried 29 to 26.

**Discussion as follows:**

**For:** Turner explained that the United States Constitution fully fixes the qualifications for U. S. Senators. Bowen said that the clause was superfluous.

Final action by Convention, July 26:

Decision of committee of the whole to strike the Governor's ineligibility to office of Senator accepted 48 to 21. (p. 177)

**Voting against:** Clothier, Comegys, Crowley, Fairweather, Griffitts, Hicks, Hungate, Jeffs, Jones, Kinnear, Manly, McElroy, R. S. More, Newton, J. M. Reed, P. C. Sullivan, Tibbetts, Warner, Weir, Willison. **Not voting:** Browne, Gowey, and Kellogg. **On leave:** Glascock and Morgans.

Decision of the committee of the whole to strike out ineligibility to other offices accepted 35 to 33. (p. 178)

**Voting against:** Allen, Clothier, Comegys, Crowley, Durie, Fairweather, Godman, Griffitts, Henry, Hicks, Hungate, Jeffs, Jones, Kinnear, Manly, McElroy, McReavey, Mires, R. S. More, J. M. Reed, Sharpstein, Stevenson, Sturdevant, E. H. Sullivan, P. C. Sullivan, Tibbetts, Van Name, Warner, Weir, Weisenburger, West, Willison and Winsor. **Not voting:** Browne, Gowey, Kellogg, Newton, and Shoudy. **On leave:** Glascock and Morgans.

**Motion:** Dyer moved to reduce the size of the vote to override a veto from two-thirds to three-fifths.

**Action:** Motion lost 42 to 31. (p. 181)

**Voting for:** Allen, Blalock, Cosgrove, Crowley, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fay, Gowey, Gray, Hayton, Henry, Jeffs, Jones, Joy, Kellogg, Lillis, Lindsley, Newton, Power, J. M. Reed, Shoudy, Stiles, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Warner, and Winsor. **Not voting:** Browne. **On leave:** Glascock and Morgans.

**Discussion as follows:**[21]

**For:** Stiles said he found new evidence to sustain his vote of the day before to limit the veto power. He said twenty-five states had begun with no veto or a simple majority to override. Eleven had had no veto for several years. He concluded by saying that the result at that time was that nine states had no veto or needed only a simple majority to override.

**Against:** Turner said that these facts argued against Stiles rather than for him. He pointed out that the tendency was to come to a veto.

**Motion:** Godman moved to strike the word "present." This would have made a two-thirds vote of all members necessary to pass over a veto.

**Action:** Motion lost 46 to 20. (p. 185)

**Voting for:** Berry, Blalock, Clothier, Durie, Godman, Griffitts, Jeffs, Kinnear, Manly, McCroskey, McElroy, Mires, J. Z. Moore, R. S. More, Neace, Prosser, Schooley, Tibbetts, Turner, Van Name. **Not voting:** McReavey, and T. M. Reed. **On leave:** Browne, Cosgrove, Glascock, Morgans, Newton and Travis.

**Discussion as follows:**[22]

**For:** Godman thought it was dangerous to leave the word "present" in since that would allow a mere two-thirds of a majority to override a veto. In answer to Buchanan's objection, Godman thought that the Legislature would have enough power to compel attendance.

**Against:** Buchanan thought it was dangerous to allow

21. Review, July 27, 1889.
22. Ibid.

one-third of the Legislature to prevent action by merely absenting themselves or refusing to vote.

**Motion:** Weisenburger moved to restrict the item to appropriation bills.

**Action:** Motion lost. (p. 185)

**Discussion as follows:**[23]

**For:** Weisenburger thought this power was dangerous when used on other than appropriations bills. Stiles supported the motion.

**Against:** Lillis opposed.

**Motion:** Turner moved to restrict the Governor's power of vetoing separate sections to the actual time when the Legislature was in session.

**Action:** Motion lost.

**Discussion as follows:**[24]

**Against:** Griffitts thought that this would hold the temptation to insert improper sections into appropriations bills at the very end of the session so the Governor couldn't veto them. Weir agreed and also opposed.

The **Review** states that Buchanan, J. M. Reed, Gowey, E. H. Sullivan, and Allen also debated the motion but does not give their positions.

### Section 13

**Present Language of the Constitution:**

**VACANCY IN APPOINTIVE OFFICE. When, during a recess of the legislature, a vacancy shall happen in any office, the appointment to which is vested in the legislature, or when at any time a vacancy shall have occurred in any other state office, for the filling of which vacancy no provision is made elsewhere in this Constitution, the Governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified.**

23. Ibid.
24. Ibid.

Original language same as present.[25]

Text as given in report of committee, July 23:

Same as final. (p. 133)

### Section 14

**Present Language of the Constitution:**

(This section stricken by the 20th Amendment; see Article 28; section 1.)

Original language:[26]

SALARY. The governor shall receive an annual salary of four thousand dollars, which may be increased by law, but shall never exceed six thousand dollars per annum.

Text as given in report of committee, July 23:

Same as final except that it begins "He" instead of "the governor."

Consideration by committee of the whole, July 26:[27]

**Motion:** Sharpstein moved to substitute three thousand dollars for four thousand dollars.

**Action:** Motion lost 37 to 26.

**Motion:** Turner moved to strike "but shall never exceed six thousand dollars."

**Action:** Motion lost 18 ayes, and noes not counted.

**Motion:** Dyer moved to change six thousand dollars to eight thousand dollars.

**Action:** Motion lost.

**Motion:** Warner moved to change six thousand dollars to four thousand dollars.

**Action:** Ruled out as nugatory.

25. **Vacancies Filed by Appointment:** Hill, Prop. Wash. Const., Art. 5, sec. 16. [Identical.]

26. **Salary of Governor:** Varies in all constitutions which specifically provide the amount of the salary.

27. **Review, July 27, 1889.**

**Motion:** McElroy moved to strike all but the annual salary of four thousand dollars.

**Action:** Motion lost.

Final action by Convention, July 26:

**Motion:** Turner moved to strike out all after the words "increased by law." This would have removed the maximum limit for salary.

**Action:** Motion lost 47 to 21. (p. 183)

**Voting for:** Allen, Dickey, Dyer, Eshelman, Fay, Gowey, Jamieson, Jones, Joy, Minor, Power, Prosser, T. M. Reed, Shoudy, Stiles, P. C. Sullivan, Tibbetts, Turner, Van Name, and Weisenburger. **Not voting:** Browne, Crowley, Newton, Sohns, and Hoyt. **On leave:** Glascock and Morgans.

**Motion:** Sharpstein moved to change four thousand dollars to three thousand dollars.

**Action:** Motion lost 46 to 21. (p. 184)

**Voting for:** Berry, Blalock, Burk, Clothier, Durie, Eldridge, Godman, Griffitts, Jeffs, McCroskey, McElroy, Neace, T. M. Reed, Sharpstein, Stevenson, Suksdorf, Van Name, Warner, West, and Willison. **Not voting:** McReavey, and Travis. **On leave:** Browne, Cosgrove, Glascock, Morgans, and Newton.

**Deleted Section**

Text as given in report of committee, July 23:

"He (the Governor) shall issue writs of election to fill such vacancies as may have occurred in the legislative assembly." (p. 133)

Consideration by committee of the whole, July 26:[28]

**Motion:** Griffitts moved to strike the entire section.

**Action:** Motion carried.

Final action by Convention, July 26:

Decision of committee of the whole accepted. (p. 178)

28. Ledger, July 27, 1889.

## Section 15

**Present Language of the Constitution:**

> **COMMISSIONS, HOW ISSUED. All commissions shall issue in the name of the state, shall be signed by the governor, sealed with the seal of the state, and attested by the secretary of state.**

Original language same as present.[29]

Text as given in report of committee, July 23:

> Same as final except that it added that the Governor would forfeit his office and any further office if he accepted bribes or used his position to bribe or threaten the Legislature. (Section 17, p. 133)

Consideration by committee of the whole, July 26:[30]

> **Motion:** It was moved to strike out all after the word "state," so that the entire forfeiture clause would be eliminated.
>
> **Action:** Motion carried.
>
> The **Review** credits Dunbar with this motion, while the **Post-Intelligencer** cites Turner.
>
> **Motion:** Stiles moved to strike the rest of the section.
>
> **Action:** Motion lost 30 to 23.
>
> **Discussion as follows:**
>
> **Against:** Griffitts thought that the section could do no harm and that it might prove useful to determine certificates at the first election.

Final action by Convention, July 26:

> Decision of committee of the whole accepted. (p. 178)

## Section 16

**Present Language of the Constitution:**

> **LIEUTENANT GOVERNOR, DUTIES AND SALARY. The lieutenant governor shall be presiding officer of the state**

29. **Governor Issues Commissions:** Ore., **Const.** (1857), Art. 5, sec. 8 (Hill, Prop. Wash. **Const.**, Art. 5, sec. 18; Ind., **Const.** (1851), Art. 15, sec. 6, identical with Ore.). [Identical.]

30. **Post Intelligencer, Review,** July 27, 1889.

**senate, and shall discharge such other duties as may be prescribed by law. He shall receive an annual salary of one thousand dollars, which may be increased by the legislature, but shall never exceed three thousand dollars per annum.** (As to salary this section is repealed by 20th Amendment. See Article 28, Section 1.)

Original language same as present.[31]

Text as given in report of committee, July 23:

Same as final except that it set fifteen hundred dollars for salary. (p. 134)

Consideration by committee of the whole, July 26:[32]

**Motion:** Gowey moved to substitute one thousand dollars for fifteen hundred dollars.

**Action:** Motion lost.

**Motion:** McReavey proposed to pay the Lieutenant Governor a per diem rate which should never exceed three thousand dollars per annum while acting as presiding officer of the Senate.

**Action:** Motion lost.

**Motion:** Sharpstein moved to amend so that the salary would be five hundred dollars.

**Action:** Motion lost.

**Discussion as follows:**

**For:** Sharpstein thought that five hundred dollars would be enough for just presiding over the Senate.

**Against:** Weir said that fifteen hundred dollars was a reasonable sum. Dunbar stated that he was opposed to a Lieutenant Governor but if there was to be one, enough salary should be offered to attract a good man.

**Motion:** Dunbar moved to strike the clause restricting the

31. **Lieutenant Governor Presides Over Senate:** Cal., Const. (1879), Art. 5, sec. 15; Wis., Const. (1848), Art. 5, sec. 8. [Similar in this extent only.]

32. **Review,** July 27, 1889.

Legislature from increasing the salary over three thousand dollars.

**Action:** Motion lost.

Final action by Convention, July 26:

**Motion:** Clothier moved to amend to add that the Lieutenant Governor shall vote only when the Senate is equally divided.

**Action:** Motion lost. (p. 181)

**Motion:** McReavey moved to make the pay per diem while presiding over the Senate. This payment could be in salary form but not to exceed two thousand dollars.

**Action:** Motion lost 42 to 27. (p. 181)

**Voting for:** Berry, Blalock, Clothier, Comegys, Cosgrove, Durie, Fay, Godman, Griffitts, Henry, Hungate, Kellogg, McReavey, Mires, Neace, Newton, J. M. Reed, Sharpstein, Sohns, Stevenson, Stiles, Travis, Van Name, Warner, West, Willison, and Winsor. **Not voting:** Browne, Gray, McCroskey, McDonald. **On leave:** Morgans and Glascock.

**Motion:** Gowey moved to insert one thousand dollars for fifteen hundred dollars.

**Action:** Motion carried 39 to 31. (p. 182)

**Voting against:** Allen, Buchanan, Burk, Coey, Crowley, Dallam, Dickey, Dunbar, Dyer, Fairweather, Hayton, Hicks, Jamieson, Jones, Joy, Kinnear, Lillis, Manly, Minor, J. Z. Moore, R. S. More, Prosser, T. M. Reed, Schooley, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Turner, Weir, Weisenburger. **Not voting:** Browne, Gray, and McDonald. **On leave:** Glascock and Morgans.

## Section 17

**Present Language of the Constitution:**

**SECRETARY OF STATE, DUTIES AND SALARY. The secretary of state shall keep a record of the official acts of the legislature, and executive department of the state, and shall, when required, lay the same, and all matters relative thereto, before either branch of the legislature, and shall per-**

**form such other duties as shall be assigned him by law. He shall receive an annual salary of twenty-five hundred dollars, which may be increased by the legislature, but shall never exceed three thousand dollars per annum.** (As to salary this section is repealed by 20th Amendment. See Article 28, Section 1.)

Original language same as present.[33]

Text as given in report of committee, July 23:

Same as final except that it modified "record" with the adjective "fair" and used "legislative assembly" instead of "Legislature."

Consideration by committee of the whole, July 26:[34]

**Motion:** Buchanan moved to change "fair" to "correct" so that the Secretary of State would be required to keep a correct record. E. H. Sullivan suggested "true."

**Motion:** Dunbar moved to amend so as to strike "fair" entirely.

**Action:** Dunbar's motion was adopted.

Final action by Convention, July 26:

**Motion:** Stiles moved to add that the Secretary of State be Commissioner of Public Printing and procure work by contract. (p. 184)

**Action:** Motion lost.

**Discussion as follows:**[35]

**For:** Dyer favored the motion because it was the closest to the public printer that he favored.

**Against:** J. Z. Moore said that the matter was covered in the legislative report.

33. **Duties of Secretary of State:** Hill, Prop. Wash. Const., Art. 5, sec. 19; Cal., Const. (1879), Art. 5, sec. 18. [Identical except that Wash. drops the word "fair" from the Hill Constitution and the word "correct" from the Cal. Const.] Ore., Const. (1857), Art. 6, sec. 2. [Similar.]

34. Times, Review, July 27, 1889.

35. Review, July 27, 1889.

## Section 18

**Present Language of the Constitution:**

> **SEAL. There shall be a seal of the state kept by the secretary of state for official purposes, which shall be called, "The Seal of the State of Washington."**

Original language same as present.[36]

Text as given in report of committee, July 23:

> Same as final. (p. 134)

Final action by Convention, July 26:

> **Motion:** Dyer moved to insert "Great" before "Seal" so that it would read "The Great Seal of the State of Washington."
>
> **Action:** Motion lost. (p. 179)

## Section 19

**Present Language of the Constitution:**

> **STATE TREASURER, DUTIES AND SALARY. The treasurer shall perform such duties as shall be prescribed by law. He shall receive an annual salary of two thousand dollars. which may be increased by the legislature, but shall never exceed four thousand dollars per annum.** (As to salary this section is repealed by 20th Amendment. See Article 28, Section 1.)

Original language same as present.[37]

Text as given in report of committee, July 23:

> Same as final except that it set the salary at twenty-five hundred dollars. (p. 134)

Consideration by committee of the whole, July 26:[38]

> **Motion:** Dunbar moved to strike twenty-five hundred dollars and insert "two thousand dollars."
>
> **Action:** Motion carried 27 to 24.

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36. **Shall Keep State Seal:** Ore., Const. (1857), Art. 6, sec. 3 (Hill, Prop. Wash. Const., Art. 5, sec. 20, identical with Ore.). [Identical.]

37. **Duties of State Treasurer:** Ore., Const. (1857), Art. 6, sec. 4 (Hill, Prop. Wash. Const., Art. 5, sec. 21, identical with Ore.). [Identical.] Wash., Const. (1879), Art. 9, sec. 3. [Similar.]

38. **Post Intelligencer, Review, July 27, 1889.**

Final action by Convention, July 26:

Decision of committee of the whole (on Section 21) accepted 37 to 34. (p. 178)

**Voting against:** Allen, Bowen, Buchanan, Coey, Cosgrove, Crowley, Dickey, Dunbar, Dyer, Fairweather, Fay, Gray, Jamieson, Jones, Lillis, Lindsley, Manly, J. Z. Moore, R. S. More, Prosser, Power, T. M. Reed, Schooley, Shoudy, Sohns, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Tibbetts, Turner, Weir, Weisenburger, and Hoyt. **Not voting:** Browne and Newton. **On leave:** Glascock and Morgans.

## Section 20

**Present Language of the Constitution:**

**STATE AUDITOR, DUTIES AND SALARY. The auditor shall be auditor of public accounts, and shall have such powers and perform such duties in connection therewith as may be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the legislature, but shall never exceed three thousand dollars per annum.** (As to salary this section is repealed by 20th Amendment. See Article 28, Section 1.)

Original language same as present.[39]

Text as given in report of committee, July 23:

Same as final except for minor wording. (Section 22, p. 135)

Consideration by committee of the whole, July 26:[40]

**Motion:** Dunbar moved to substitute twenty-five hundred dollars for two thousand dollars.

**Action:** Motion lost by 20 ayes and noes not counted.

Final action by Convention, July 26:

**Motion:** T. M. Reed moved to change "two" to "three" and "three" to "four." (Section 22)

**Action:** Motion lost 60 to 7. (p. 183)

39. **Duties of State Auditor:** Hill, Prop. Wash. Const., Art. 5, sec. 22. [Identical.]

40. **Review, July 27, 1889.**

**Voting for:** Dickey, Jamieson, Lindsley, Minor, Power, T. M. Reed, Weisenburger. **Not voting:** Browne, Dunbar, Eshelman, Gowey, Sohns, and Weir. **On leave:** Glascock and Morgans.

**Motion:** Gowey moved to put "twenty-five hundred" for "three thousand."

**Action:** Motion lost. (p. 183)

### Section 21

**Present Language of the Constitution:**

**ATTORNEY GENERAL, DUTIES AND SALARY. The attorney general shall be the legal adviser of the state officers, and shall perform such other duties as may be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the legislature, but shall never exceed thirty-five hundred dollars per annum.** (As to salary this section is repealed by 20th Amendment. See Article 28, Section 1.)

Original language same as present.[41]

Text as given in report of committee, July 23:

Same as final. (Section 23, p. 135)

### Section 22

**Present Language of the Constitution:**

**SUPERINTENDENT OF PUBLIC INSTRUCTION, DUTIES AND SALARY. The superintendent of public instruction shall have supervision over all matters pertaining to public schools, and shall perform such specific duties as may be prescribed by law. He shall receive an annual salary of twenty-five hundred dollars, which may be increased by law, but shall never exceed four thousand dollars per annum.** (As to salary this section is repealed by 20th Amendment. See Article 28, Section 1.)

Original language same as present.[42]

41. **Duties of Attorney General:** Hill, Prop. Wash. Const., Art. 5, sec. 23. [Identical except that Wash. uses "state officers" instead of naming them separately.]

42. **Duties of Superintendent of Public Instruction:** Wash., Const. (1878), Art. 9, sec. 3. [Similar in part.]

Text as given in report of committee, July 23:

> Same as final except it gave a salary of eighteen hundred dollars with a maximum of twenty-five hundred dollars. (Section 24, p. 135)

Consideration by committee of the whole, July 26:[43]

> **Motion:** Prosser moved to substitute twenty-five hundred dollars for eighteen hundred dollars and four thousand dollars for twenty-five hundred dollars.
>
> **Action:** Motion carried 35 to 30.
>
> **Discussion as follows:**
>
> **For:** Prosser thought any man qualified to run the state schools should be treated with liberality. Godman agreed with him. J. Z. Moore read and endorsed a letter from Professor Turner of Spokane Falls arguing that the Superintendent of School's salary shauld be equal to the Secretary of State's. Dickey thought that the committee report must be mistaken since the cities of Seattle, Spokane, and Tacoma pay their school superintendents two thousand dollars per year. He said the whole state shouldn't pay less. Lillis favored the increase and stressed the importance of this officer.
>
> **Against:** Buchanan said that eighteen hundred dollars per year was six dollars per day and he thought this sufficient. Griffitts and Durie opposed the motion and Weir defended the committee report.
>
> **Motion:** Travis moved to go back to two thousand dollars and thirty-five hundred dollars.
>
> **Action:** Motion not seconded.
>
> **Motion:** Buchanan moved to strike the restriction on future increases.
>
> **Action:** Motion lost.

Final action by Convention, July 26:

> Decision of committee of the whole (on Section 24) accepted 36 to 34. (p. 179)

43. **Post Intelligencer, Review, July 27, 1889.**

**Voting for:** Allen, Blalock, Coey, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Godman, Gray, Hayton, Jamieson, Jones, Joy, Lillis, Lindsley, Minor, Mires, J. Z. Moore, Power, Prosser, T. M. Reed, Schooley, Sohns, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Turner, Weir, Weisenburger, and Winsor. **Not voting:** Browne, Comegys, and Newton. **On leave:** Glascock and Morgans.

## Section 23

**Present Language of the Constitution:**

**COMMISSIONER OF PUBLIC LANDS—COMPENSATION. The commissioner of public lands shall perform such duties and receive such compensation as the legislature may may direct.**

Original language same as present.[44]

Text as given in report of committee, July 23:

Same as final. (Section 25, p. 135)

Consideration by committee of the whole, July 26:[45]

**Motion:** Weir moved to create a Board of Commissioners and to fix the salary of the Commissioners.

**Action:** Motion not seconded.

## Section 24

**Present Language of the Constitution:**

**RECORDS, WHERE KEPT, ETC. The governor, secretary of state, treasurer, auditor, superintendent of public instruction, commissioner of public lands and attorney general shall severally keep the public records, books and papers relating to their respective offices, at the seat of government, at which place also the governor, secretary of state, treasurer and auditor shall reside.**

Original language same as present.[46]

44. **Duties of Land Commissioners:** Seems to be original.

45. **Review, July 27, 1889.**

46. **Certain Offices to be Kept at Capital:** Hill, Prop. Wash. Const., Art. 5, sec. 24. [Almost identical.] Wash., Const. (1878), Art. 9, sec. 1. [Similar.]

Text as given in report of committee, July 23:

> Same as final except that it omitted the Superintendent of Public Instruction and the Commissioner of Public Lands in the first of the section and it left out the Governor in stating the residence of certain officers. (Section 26, p. 135)

Consideration by committee of the whole, July 26:[47]

> **Motion:** Dyer moved that the Governor should also reside at the seat of government.
>
> **Action:** Motion carried.
>
> **Motion:** Bowen moved to add the Commissioner of Public Lands to the list of officers who shall keep records at the seat of government.
>
> **Action:** Motion carried.
>
> **Motion:** Godman moved to strike the entire section as he thought it was legislative.
>
> **Action:** Motion lost.
>
> **Motion:** Schooley moved that the Superintendent of Public Schools should keep records at the capitol.
>
> **Action:** Motion carried 26 to 24.
>
> **Motion:** Suksdorf moved that all state officers reside and keep records at the capitol.
>
> **Action:** Motion withdrawn.
>
> **Discussion as follows:**
>
> **Against:** Turner pointed out that this would include judges of the Supreme Court. Griffitts and Gowey also opposed.
>
> **Motion:** Henry offered a substitute rearranging the section.
>
> **Action:** Motion lost.
>
> **Motion:** Durie moved to strike the section.
>
> **Action:** Motion lost.
>
> **Discussion as follows:**
>
> **For:** Godman thought the section was purely legislative.

47. Post Intelligencer, Review, July 27, 1889.

**Against:** Griffitts and Dyer opposed. Warner thought the Governor, Secretary of State, and Treasurer should always live at the capitol.

**Motion:** Tibbetts moved to strike all the amendments made except the one requiring the Governor to live at the capitol.

**Action:** Motion lost.

**Motion:** E. H. Sullivan moved a substitute for the entire section which provided that the Governor, Secretary of State, and Treasurer reside at the capitol.

**Motion:** Power moved to amend by adding "and keep their offices thereat." Sullivan accepted the amendment.

**Action:** Motion lost.

Final action by Convention, July 26:

Decision of committee of the whole (on Section 26) accepted. (p. 179)

### Section 25

**Present Language of the Constitution:**

**QUALIFICATIONS, COMPENSATION, OFFICES WHICH MAY BE ABOLISHED. No person, except a citizen of the United States and a qualified elector of this state, shall be eligble to hold any state office. The compensation for state officers shall not be increased or diminished during the term for which they shall have been elected. The legislature may in its discretion abolish the offices of the lieutenant governor, auditor and commissioner of public lands. [1955 p 1861, Senate Joint Resolution No. 6. Approved November 6, 1956.]**

Original language:[48]

No person, except a citizen of the United States and a qualified elector of this state, shall be eligible to hold any state office, and the State Treasurer shall be ineligible for the term suc-

48. **Eligibility to State Office:** Wis., Const. (1848), Art. 5, sec. 2; Ill., Const. (1870), Art. 7, sec. 6; Colo., Const. (1876), Art. 7, sec. 6. [Similar in part.] **Treasurer Ineligible for Second Term:** Wash., Const. (1878), Art. 9, sec. 4; Neb., Const. (1875), Art. 5, sec. 3. [Similar.] **Certain Offices May Be Abolished:** Cal., Const. (1879), Art. 5, sec. 19. [Similar with regard to surveyor-general.]

ceeding that for which he was elected. The compensation for state officers shall not be increased or diminished during the term for which they shall have been elected. The Legislature may in its discretion abolish the office of the Lieutenant Governor, Auditor and Commissioner of Public Lands.

Text as given in report of committee, July 23:

"No person, except a citizen of the United States and a resident of the state or territory at least two years shall be eligible to hold any state office. No person shall be eligible to hold the office of Governor or Lieutenant Governor unless he be at least thirty-five years old, and shall have resided in the state or territory at least five years preceding his election to such office. No person shall be eligible to hold the office of State Treasurer more than two consecutive terms. The compensation of state officers shall not be increased or diminished during the term for which they shall have been elected." (Section 27, p. 135)

Consideration by committee of the whole, July 26:[49]

**Motion:** E. H. Sullivan moved to strike "at least thirty-five" and add "a qualified elector."

**Action:** It is not clear what happened to this motion, or if it was merely a proposal not made formally into a motion.

**Motion:** Sharpstein moved to add as a substitute for the section as follows: "No person, except a qualified elector of this state, shall be eligible to hold any state office, and no person shall be eligible to hold the office of State Treasurer more than two consecutive terms. The compensation for state officers shall not be increased or diminished during the term for which they shall have been elected."

**Action:** Motion carried.

Final action by Convention, July 26:

Decision of committee of the whole (on Section 27) accepted. (p. 179)

49. **Post Intelligencer, Review, July 27, 1889.**

**Motion:** J. Z. moore moved to amend to make the Governor and Treasurer ineligible for the succeeding term.

**Motion:** Dunbar moved to amend the amendment by striking our "Governor."

**Action:** Dunbar's motion carried; a vote on Moore's motion as amended carried 62 to 9. (p. 180)

**Voting against:** Coey, Crowley, Henry, McDonald, R. S. More, Shoudy, P. C. Sullivan, Van Name, and Weir. **Not voting:** Browne and Kellogg. **On leave:** Glascock and Morgans.

**Motion:** Stiles moved to insert "citizen of the United States" in the first line.

**Action:** Motion carried. (p. 182)

**Motion:** Godman moved to add that the Legislature may abolish the offices of Lieutenant Governor, Auditor, and Commissioner of Public Lands.

**Action:** Motion carried 37 to 32. (p. 182)

**Voting against:** Allen, Bowen, Buchanan, Clothier, Coey, Cosgrove, Dallam, Dickey, Dyer, Fairweather, Fay, Gowey, Hayton, Hungate, Jones, Joy, Kinnear, Lillis, Lindsley, Manly, Minor, J. Z. Moore, R. S. More, Power, Prosser, T. M. Reed, Schooley, Shoudy, Tibbetts, Van Name, Weir, and Winsor. **Not voting:** Browne, Gray, Hicks, and McDonald. **On leave:** Glascock and Morgans.

**Motion:** Suksdorf moved that no other state officer should hold office for more than two terms in succession.

**Action:** Motion (to amend Section 27) lost. (p. 186)

### Passage of Article

Article on Executive approved by Convention, July 29, by a vote of 58 to 7. (p. 189)

**Voting against:** Eldridge, J. M. Reed, Sharpstein, Turner, Warner, Weisenburger, and West. **Not voting:** McElroy.

**Absent:** Berry, Browne, Dallam, Lillis, McReavey, Morgans, Weir, and Willison.

## ARTICLE IV THE JUDICIARY

The judiciary article of the Washington Constitution was borrowed largely from William Lair Hill's Proposed Constitution which appeared in the **Morning Oregonian,** July 4, 1889. Hill in turn had based his article on the California system. The **Spokane Falls Review** reported that the Judiciary Committee had endorsed the California system from beginning to end, and the **Seattle Times** commented editorially that the committee "had done well in modeling the judicial system of Washington upon that of California. Almost all attorneys who have given the matter thought, pronounce it far superior to the old term courts."[1]

The Convention had made only a bare beginning when delegate Trusten P. Dyer of Seattle said in a newspaper interview that the Committee on Judiciary was the most important of all the committees.[2] Another delegate to the Convention, Theodore L. Stiles, who became a Supreme Court Judge, years later wrote that the article on the judiciary was among the finest work of the Convention.[3]

The keen interest and pride in this article may be explained in part by the fact that the composition of the Convention was slightly top-heavy with lawyers. Of the seventy-five delegates, twenty-two were classified as lawyers. The committee membership itself numbered thirteen, twelve of whom were lawyers. The article they produced, introducing a new court system into the area, was well received. The superior courts absorbed the functions of the old probate and district courts and the circuit court system was abolished.

The most important issues discussed in committee of the whole were: (1) whether to have a Supreme Court bench composed of three or five members; (2) whether Superior Court judges should hold office for a term of four or six years; (3) whether minority representation would assert itself in the election of the judiciary; (4) whether the Legislature should be allowed to increase the

1. **Morning Oregonian** [Portland, Oregon], July 4; **Spokane Falls Review,** July 13; **Seattle Times,** July 18, 1889.
2. **Times, Seattle Post Intelligencer,** July 8, 1889.
3. Theodore L. Stiles, "The Constitution of the State and Its Effects Upon Public Interests," **Washington Historical Quarterly,** IV (October, 1913), 283.

number of Supreme Court judges; and (5) what the salaries of the judiciary were to be.

The issue of salaries was a recurrent one, arising later in the articles on executive and legislative branches. The salaries provided in the article on judiciary were neither high nor stringent in comparison with those of other states, and the fee system was almost entirely abolished. Satisfaction with the salary scale was not complete, however. A letter to the editor of the **Tacoma Daily Ledger** signed by a Knight of Labor protested that the high salaries provided in the Constitution would bankrupt the state. The **Walla Walla Weekly Statesman** had earlier charged that the only reason for the high salaries was that the delegates intended to seek these offices, and the **Washington Standard** asserted that salaries for state officers should be made to more closely correspond to those of the laboring class.[4]

It was chiefly the lawyers who debated the limitation on the judge's duty in instructing juries as expressed in Section 16. It has since been said that the section prevents judges from exercising effective control over the conduct of trials.[5]

The Committee on Judicial Department was appointed July 9. (p. 19)

**Members:** Turner, chairman; Dunbar, Gowey, Stiles, Godman, Sturdevant, Griffitts, Mires, Sharpstein, Jones, Kinnear, Weisenburger, and Crowley.

## Section 1

**Present Language of the Constitution:**

> **JUDICIAL POWER, WHERE VESTED. The judicial power of the state shall be vested in a supreme court, superior courts, justices of the peace, and such inferior courts as the legislature may provide.**

Original language same as present.[6]

4. **Tacoma Daily Ledger,** September 9; **Walla Walla Weekly Statesman,** July 29; **Washington Standard** [Olympia, Wash.], July 19, 1889.
5. James L. Fitts, "The Washington Constitutional Convention of 1889," (unpublished Master's thesis, University of Washington, 1951), 50-1.
6. **Supreme Court, Inferior Courts:** Hill, Prop. Wash. Const., Art. 6, sec. 1. [Identical except that Wash. drops words "in any incorporated city."]

Text as given in report of committee, July 16:

Same as final. (p. 99)

Consideration by committee of the whole, July 18:[7]

**Motion:** J. Z. Moore moved to strike the words following "justices of the peace."

**Action:** Motion withdrawn.

**Discussion as follows:**

**For:** Moore thought the Convention should frame a Constitution which would stand the test of time. He was opposed to probate courts and did not wish to have the Legislature have the power to create them.

**Against:** J. M. Reed and E. H. Sullivan took issue with the motion. The latter claimed that Section 12 could be amended to meet this objection. Crowley feared that striking the last clause would prevent the establishment of police courts.

**Motion:** Suksdorf moved to change the name "Superior" to "District."

**Action:** Motion lost.

**Discussion as follows:**

**For:** Suksdorf said that superior and supreme were synonymous and the people were used to the name District.

**Against:** Dyer stated that the United States courts would be called district courts, and to name the state courts the same would cause confusion. Turner informed the Convention that superior and supreme were not synonymous, the one being in the comparative, the other in the superlative. He and Griffitts explained that since the proposed courts would be different from district courts, it would be inconsistent to call them the same. Moreover, since they were adopting the California system, the same names should be used.

7. Times, Review, Ledger, Tacoma Morning Globe, July 19, 1889.

## Section 2

**Present Language of the Constitution:**

> **SUPREME COURT. The supreme court shall consist of five judges, a majority of whom shall be necessary to form a quorum, and pronounce a decision. The said court shall always be open for the transaction of business except on nonjudicial days. In the determination of causes all decisions of the court shall be given in writing and the grounds of the decision shall be stated. The legislature may increase the number of judges of the supreme court from time to time and may provide for separate departments of said court.**

Original language same as present.[8]

Proposition submitted to Convention by Buchanan, July 12:

> Called for three members on the Supreme Court to be increased to five and given ten-year terms when the state had a population of one million. (p. 67)

Text as given in majority report of committee, July 16:

> Same as final except that it provided for three judges and did not include the provision that the Legislature may provide for separate departments of the court. (p. 99)

Text as given in minority report of committee, July 16:

> Provided for five judges. Signed by Griffitts, Crowley, Sturdevant, Stiles, Dunbar, and Gowey. (p. 106)

Consideration by committee of the whole, July 18:[9]

> **Motion:** Griffitts moved to substitute providing for five judges and to strike the clause allowing the Legislature to increase the number of judges.
>
> **Action:** Motion carried, 44 ayes, noes not counted.
>
> **Discussion as follows:**
>
> **For:** Hoyt and Dunbar argued that a smaller court could

8. **Supreme Court Consists of Whom:** Hill, Prop. Wash. Const., Art. 6, sec. 2. [Similar in part.] Wash., Const. (1878), Art. 8, sec. 4. [Identical.] **Separate Departments:** Cal., Const. (1879), Art. 6, sec. 2. [Similar in part.]

9. **Post Intelligencer, July 18; Times, Review, Ledger, Globe, July 19; Walla Walla Weekly Statesman, July 20, 1889.**

be more easily controlled by the corporations than a larger one and also that many important questions would be coming up in the next few years. Dyer said it would expedite business. P. C. Sullivan thought quantity would give quality. Dunbar added that the judges were now behind six months as an illustration of the present need for more members of the bench. Sturdevant supported five because of the important decisions which he felt would come up in the immediate future, decisions which would be the basis for the state's jurisprudence, but he opposed restricting the number of judges to five. J. Z. Moore believed it was important to give the judiciary a good start and so favored the larger number. Prosser pointed out the diversity of question which would arise before the court and favored five as having a broader knowledge. Crowley felt a smaller court was liable to form a one-man power. Browne desired the larger number even if it became necessary to cut salaries. Griffitts said that he had talked to more than one hundred men, and outside of members of the bar he had not found a single man who favored three judges only. He stated further that it was false economy to save at the price of inefficiency, delay, and chances of a one-man power on the court. Stiles said the small number of territorial judges had made some poor decisions; he preferred a larger bench for the state court. E. H. Sullivan, Allen, and Willison also favored five.

**Against:** Kinnear said it would be too expensive to increase the number of judges. Turner thought quality was more important than quantity, and said further that a bench of five could move no faster than a bench of three since the entire court hears all arguments. Buchanan believed that judges were not the kind of men to be influenced. Sharpstein said that three judges were certainly sufficient for the present population of the state and when more were needed they could be provided for by the Legislature.

**Motion:** Browne moved to amend by adding: "The Legislature may increase the number of judges of the Supreme Court from time to time."

**Action:** Motion carried.

**Motion:** Turner moved to add "and may provide for separate departments of said courts," stating that this would facilitate the work.

**Action:** Motion carried.

Final action by Convention, July 22:

Decision of committee of the whole accepted. (p. 127)

The **Seattle Times** took the Convention sharply to task for providing for five judges.[10] It previously had praised the Judiciary Committee report in this respect because three judges were all that were presently needed and their number could be increased as need arose.[11] The **Times** stated that economy was a very proper consideration for the delegates.

The **Seattle Post-Intelligencer** feared the prospect of allowing the Legislature to increase the number of judges, feeling this could permit a packed court. "It is a dangerous thing to place it within the power of any party to override the Constitution, and that the Constitution can be overridden when the Legislature has the power to increase the number of judges of the Supreme Court at will is too plain to be disputed."[12]

## Section 3

**Present Language of the Constitution:**

**ELECTION AND TERMS OF SUPREME JUDGES. The judges of the supreme court shall be elected by the qualified electors of the state at large at the general state election at the times and places at which state officers are elected, unless some other time be provided by the legislature. The first election of judges of the supreme court shall be at the election which shall be held upon the adoption of this Constitution and the judges elected thereat shall be classified by lot, so that two shall hold their office for the term of three years, two for the term of five years, and one for the term of seven years. The lot shall be drawn by the judges who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the secretary**

10. **Times**, July 20, 1889.
11. **Times**, July 18, 1889.
12. **Post Intelligencer**, July 20, 1889.

**of state, and filed in his office. The judge having the shortest term to serve not holding his office by appointment or election to fill a vacancy, shall be the chief justice, and shall preside at all sessions of the supreme court, and in case there shall be two judges having in like manner the same short term, the other judges of the supreme court shall determine which of them shall be chief justice. In case of the absence of the chief justice, the judge having in like manner the shortest or next shortest term to serve shall preside. After the first election the terms of judges elected shall be six years from and after the second Monday in January next succeeding their election. If a vacancy occur in the office of a judge of the supreme court the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold the office for the remainder of the unexpired term. The term of office of the judges of the supreme court, first elected, shall commence as soon as the state shall have been admitted into the Union, and continue for the term herein provided, and until their successors are elected and qualified. The sessions of the supreme court shall be held at the seat of government until otherwise provided by law.**

Original language same as present.[13]

Proposition submitted to Convention by Buchanan, July 12:

> That the judges be appointed by the Governor with two-thirds consent of the Senate. They were to have six-year alternate terms and the Governor would nominate the Chief Justice at the first meeting. (p. 67)

Text as given in report of committee, July 16:

> Same as final except, aside from minor wording; it did not contain "unless some other time be provided" in the first sentence or where the sessions were to be held. (p. 100)

Consideration by committee of the whole, July 19:[14]

13. **Supreme Court Election:** Cal., Const. (1879), Art. 6, sec. 3; Hill, Prop. Wash. Const., Art. 6, sec. 3. [Portions identical; portions similar. Other portions probably original.]

14. **Globe, Daily Oregon Statesman** [Salem], **Post Intelligencer, Ledger, Review, Times, July 19; Vancouver Independent** [Vancouver, Wash.], **July 14; Standard, Chehalis Nugget, July 26, 1889.**

**Motion:** Griffitts moved to amend so the section would read that two judges would hold office for terms of three years, two for five years, and one for seven years.

**Action:** Motion left pending when section referred back to committee for amendment.

**Motion:** Warner moved to amend after "so that" in line four as follows: "two shall hold office for terms of three years, three for terms of five years, and at such election each elector shall vote for three of such judges and no more."

**Action:** Motion lost.

The **Times** reports vote as 43 to 23, while the **Globe** says it was 44 to 24.

The object of this motion was to secure a minority representation on the bench for the Democratic party. At a caucus the evening of July 17, the party had determined to take this stand. The arguments in the committee of the whole were strictly along party lines. The territorial newspapers reflected this same divided attitude. The **Chehalis Nugget** favored minority representation and chided the Republicans in an article reprinted from the **Tacoma News,** while the **Vancouver Independent** advocated the opposite side: "When the democracy of Texas and South Carolina accept minority representation will be soon time enough for Washington to do it. The Republicans have won by hard work and they propose to keep what they have."

**Discussion as follows:**

**For:** Browne said that the substitute would divest politics from the bench. Sharpstein agreed with this. Godman believed it was a question of principle—to protect the minority. Griffitts stated that it was a matter of protecting individuals from aggressions of majorities. Suksdorf thought that minorities were entitled to a voice in government, while Eshelman said that he would vote for the substitute because he was a Democrat and that he expected all Republicans to vote against it for the same reason.

**Against:** Dyer stated that political parties should be responsible for the judiciary as much as any other office. That this substitute would restrict suffrage rights was

Dunbar's idea, while Turner said that it introduced politics into the court. Kinnear agreed that the bench should be utterly nonpartisan. E. H. Sullivan opposed minority representation because he said it began on the principle that judges are corrupt; moreover, to the party in power belong the fruits of success. Sturdevant, Weir, Lillis, Coey, and Minor expressed themselves in favor of majority rule. Crowley said that judges cease to be politicians when they get on the bench. Gowey thought the substitute was contrary to American institutions and said states which had adopted minority representation were sorry for having done so.

**Motion:** Buchanan moved a substitute for Sections 2 and 3 which provided that the Chief Justice and two associates be appointed by the Governor with the consent of the Legislature and that the number of judges be increased to four when the population reached one million.

**Action:** Motion lost by a decided vote.

**Motion:** J. Z. Moore moved a substitute dividing the Supreme Court into two districts, one east and one west of the mountains. Each district would elect two judges and the state at large would elect one judge who would be Chief Justice.

**Action:** Motion lost.

**Discussion as follows:**

**For:** Moore said that under this proposed system the voters would know their men better.

**Against:** Turner disagreed as he believed all voters should have a voice on all men.

**Motion:** Sullivan moved to pass Section 3 and move to Section 4. This would have left Griffitts' motion pending.

The **Globe** reports that E. H. Sullivan made this motion. The motion was then ruled out of order by the chair, and Sullivan appealed from this decision and was sustained. The **Standard** reports that P. C. Sullivan made this motion, that it was voted upon and lost 33 to 20. The paper stated that Suksdorf moved that the committee rise and report a recommendation that the Convention

recommit Section 3 to the Committee on Judicial Department. This motion carried.

The section was sent back to committee.

Text of report as returned by committee, July 19:

> Same as final except it omitted "unless some other time be provided by the Legislature" from the first sentence. (p. 118)

Reconsideration by committee of the whole, July 19:[15]

> **Motion:** Browne moved to amend to provide that elections for the judiciary should be held every six years in April. He said that this would remove the judiciary from politics.
>
> **Action:** Motion lost.

The **Daily Oregon Statesman** reported that Browne's motion was warmly supported by the Democrats, who claimed they wanted to remove any such election from politics. Republicans were just as strongly opposed on the plea that the cost of a special election would be too great and wouldn't do any good anyway.

"His measure would have been accorded the hearty support of all the minority, but it entirely destroyed the principle of rotation in office and it was defeated by more than party vote," stated the **Walla Walla Weekly Statesman.**

> **Motion:** Warner moved to add to the first sentence the words "unless otherwise provided for by the Legislature."
>
> **Action:** Motion carried.
>
> **Discussion as follows:**
>
> **For:** Turner, Kinnear, and Sharpstein agreed that the future wealth of the state might allow separate elections; they felt that the Legislature shouldn't have its hands tied.
>
> **Against:** Gowey thought that the people could change by amendment if they wanted. Sturdevant, Dyer, and Lindsley didn't want the Legislature to meddle with the court under any circumstances. Comegys feared that

15. **Ledger, Times, Review, July 20; Daily Oregon Statesman [Salem], July 21; Walla Walla Weekly Statesman, July 22, 1889.**

this amendment might be interpreted to allow the appointment of judges.

**Motion:** Shoudy moved to strike the words, "until otherwise provided by law" in the last sentence.

**Action:** Motion lost.

**Discussion as follows:**

**For:** Shoudy wanted to insure that the Supreme Court would always sit at the seat of government.

**Against:** Turner thought it might sometimes be advantageous to have the court sit elsewhere.

Final action by Convention, July 22:

Decision of the committee of the whole accepted. (p. 127)

### Section 3(a)

**Present Language of the Constitution:**

**RETIREMENT OF SUPREME COURT AND SUPERIOR COURT JUDGES. A judge of the supreme court or the superior court shall retire from judicial office at the end of the calendar year in which he attains the age of seventy-five years. The legislature may, from time to time, fix a lesser age for mandatory retirement, not earlier than the end of the calendar year in which any such judge attains the age of seventy years, as the legislature deems proper. This provision shall not affect the term to which any such judge shall have been elected or appointed prior to, or at the time of, approval and ratification of this provision. Notwithstanding the limitations of this section, the legislature may by general law authorize or require the retirement of judges for physical or mental disability, or any cause rendering judges incapable of performing their judicial duties. [1951 p. 960, House Joint Resolution No. 6. Approved November 4, 1952.]**

(This section added by 25th amendment.)

### Section 4

**Present Language of the Constitution:**

**JURISDICTION. The supreme court shall have original jurisdiction in habeas corpus, and quo warranto and mandamus**

**as to all state officers, and appellate jurisdiction in all actions and proceedings, excepting that its appellate jurisdiction shall not extend to civil actions at law for the recovery of money or personal property when the original amount in controversy, or the value of the property does not exceed the sum of two hundred dollars ($200) unless the action involves the legality of a tax, impost, assessment, toll, municipal fine, or the validity of a statute. The supreme court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari and all other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Each of the judges shall have power to issue writs of habeas corpus to any part of the state upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself, or before the supreme court, or before any superior court of the state or any judge thereof.**

Original language same as present.[16]

Text as given in report of committee, July 16:

Same as final except for minor wording. (p.100)

Consideration by committee of the whole, July 19:[17]

**Motion:** Crowley moved to change "other cases" in the first sentence to "actions and proceedings."

**Action:** Motion carried.

Although the **Review** reports that this motion lost by a decided vote, the **Times** records that it carried. This agrees with the final text.

**Motion:** J. Z. Moore moved to remove the money limit for civil appeals.

**Action:** Motion lost.

**Discussion as follows:**

**For:** Allen said that if a person is entitled to justice in one court he is entitled to it in all courts. Godman thought

16. **Jurisdiction Supreme Court:** Cal., Const. (1879), Art. 6, sec. 4; Hill, Prop. Wash. Const., Art. 6, sec. 4. [Portions identical; portions similar. Other portions probably original.]

17. **Times,** July 19; **Ledger, Review, Globe, Post Intelligencer,** July 20, 1889.

that the right of the citizen to appeal to the highest tribunal should not be abridged.

**Against:** Dunbar argued that rich men and corporations could oppress the poor simply by appealing and making litigation so expensive poor men would stop trying for their rights in court. Browne agreed that the poor man would be left out of court altogether if this motion passed. Turner said that the clause was in the interests of justice and should be allowed to stand. Browne would have preferred a five hundred dollar limit, while E. H. Sullivan favored a one hundred dollar limit.

**Motion:** Hoyt moved to strike the section and substitute: "The Supreme Court shall have jurisdiction in all cases prescribed by law."

**Action:** Motion lost.

**Discussion as follows:**

**For:** Hoyt argued that the task of establishing the court's jurisdiction was a legislative function and should not be included in the Constitution. T. M. Reed supported him.

**Against:** Kinnear, Moore, and Godman said that to establish the court's jurisdiction was a proper duty of the Convention. Turner pointed out that almost every other constitution in the country defined its courts' jurisdictions. Stiles and Kinnear believed the substitute would leave a period between the acceptance of the Constitution and legislative action when there would be no jurisdiction for the court.

**Motion:** Dyer moved to increase two hundred dollars to three hundred dollars.

**Action:** Motion lost.

**Motion:** E. H. Sullivan moved to amend by inserting the word "ordinance" after the words "municipal fine."

**Action:** Motion lost.

**Motion:** Durie moved to strike the words "municipal fine" and to insert "municipal ordinance."

**Action:** Motion lost.

Final action by Convention, July 22:

**Motion:** Cosgrove moved to amend to give the Supreme Court appellate jurisdiction in cases involving one hundred dollars or more, instead of limiting the amount to two hundred dollars.

**Action:** Motion withdrawn.

**Discussion as follows:**[18]

**Against:** Turner objected, saying litigants could appeal from justice to Superior Courts, and such extra work shouldn't be saddled on the Supreme Court.

**Motion:** Allen moved to strike the entire clause limiting the appellate jurisdiction of the Supreme Court.

**Action:** Motion lost. (p. 128)

**Motion:** Gowey moved to strike the appellate jurisdiction clause and to provide in its stead that the Supreme Court have such appellate jurisdiction "as may be prescribed by law."

**Action:** Motion lost. (p. 129)

**Secton 5**

**Present Language of the Constitution:**

**SUPERIOR COURT—ELECTION OF JUDGES, TERMS OF, ETC. There shall be in each of the organized counties of this state a superior court for which at least one judge shall be elected by the qualified electors of the county at the general state election: Provided, That until otherwise directed by the legislature one judge only shall be elected for the counties of Spokane and Stevens; one judge for the county of Whitman; one judge for the counties of Lincoln, Okanogan, Douglas and Adams; one judge for the counties of Walla Walla and Franklin; one judge for the counties of Columbia, Garfield and Asotin; one judge for the counties of Kittitas, Yakima and Klickitat; one judge for the counties of Clarke, Skamania, Pacific, Cowlitz and Wahkiakum; one judge for the counties of Thurston, Chehalis, Mason and Lewis; one judge for the county of Pierce; one judge for the county of King; one judge for the counties of Jefferson, Island,**

18. Globe, July 23, 1889.

**Kitsap, San Juan and Clallam; and one judge for the counties of Whatcom, Skagit and Snohomish. In any county where there shall be more than one superior judge, there may be as many sessions of the superior court at the same time as there are judges thereof, and whenever the governor shall direct a superior judge to hold court in any county other than that for which he has been elected, there may be as many sessions of the superior court in said county at the same time as there are judges therein or assigned to duty therein by the governor, and the business of the court shall be so distributed and assigned by law or in the absence of legislation therefor, by such rules and orders of court as shall best promote and secure the convenient and expeditious transaction thereof. The judgments, decrees, orders and proceedings of any session of the superior court held by any one or more of the judges of such court shall be equally effectual as if all the judges of said court presided at such session. The first superior judges elected under this Constitution shall hold their offices for the period of three years, and until their successors shall be elected and qualified, and thereafter the term of office of all superior judges in this state shall be for four years from the second Monday in January next succeeding their election and until their successors are elected and qualified. The first election of judges of the superior court shall be at the election held for the adoption of this Constitution. If a vacancy occurs in the office of judge of the superior court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall be at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.**

Original language same as present.[19]

Text as given in report of committee, July 16:

> Same as final except that it provided for six-year terms which were to begin on the first Monday in January, and also provided that the first election was to be held at the first general election under the Constitution. (p. 101)

19. **Superior Courts—Sessions—Tenure:** Cal., Const. (1879), Art. 6, sec. 6; Hill, Prop. Wash. Const., Art. 6, sec. 5. [Portions identical; portions similar; portions probably original. Portions now obsolete due to statutes.]

Text as given in minority report of committee submitted by Mires, Griffitts, Stiles, Godman, and Kinnear, July 16:

> Set the term of office for Superior Judges at four years. (p. 106)

Consideration by committee of the whole, July 19:[20]

**Motion:** Godman moved to fix the term at four years.

**Action:** Motion carried 36 to 34.

**Discussion as follows:**

**For:** Godman said that if a judge did a proper job he could trust the people for re-election; moreover, if a judge was honest he could not be corrupted. Stiles thought that in the formative period of the state a shorter term would be better, as the state would be enabled to make use of new men who moved into the state. Warner saw it as a means of getting rid of unfitted men sooner. Griffitts, according to the **Review,** favored a four-year term since the probate business was just being put into the superior courts "and he did not wish to commit himself to that experiment for more than four years in the hands of only one judge." Comegys also spoke in favor of a four-year term.

**Against:** Turner said that twenty-nine states had six-year terms or more, while only eight had a four-year term. He thought, "if judges are to truckle to public opinion it certainly is better to let them truckle only once in six years instead of once in four years," the **Review** reported. Dyer said that a six-year term would take the election out of the presidential year and help to remove the judiciary from politics. Jones believed it would remove the courts from the sway of popular excitement. Dunbar urged that it was a necessity for a judge to be independent in his office and there was no real need for restriction, while Buchanan wanted to place the bench as far removed from public clamor and out of reach of attack as possible. Weisenburger and Gowey also spoke in favor of a six-year term.

20. **Ledger, Globe, Review, Times, Post Intelligencer,** July 20; **Standard,** July 26, 1889.

**Motion:** Power moved to amend to change the apportionment so that Island and Kitsap counties would be interchanged and Jefferson, Kitsap, San Juan and Clallam would be in one judicial district and Whatcom, Skagit, Island and Snohomish in another. Powers explained that these divisions were natural as they were of contingent counties and that the modes of communications were better between these counties than in the old arrangement. Dickey, Weisenburger, and Schooley favored this.

**Motion:** Eldridge moved to amend Power's amendment by inserting both Island and Kitsap counties in the district with Jefferson, San Juan and Clallam. This was supported by Jones and Weir.

**Action:** Motion as amended carried.

**Motion:** Buchanan moved to amend by providing for the election of judges in an off-year.

**Action:** Motion lost.

**Motion:** P. C. Sullivan moved to substitute the word "directed" for "provided" in the third line.

**Action:** Motion carried.

**Motion:** Durie moved to amend so that King County could have two judges.

**Action:** Motion lost, ayes 21, noes not counted.

**Discussion as follows:**

**For:** Dyer pointed out the large population of King County, and said the probate business alone was more than one judge could handle. Hoyt stated that the judges were much overworked and this amounted to a denial of justice. He complained that the large criminal case load in King County had crowded out the civil cases and he indicated that he would rather have the county pay two-thirds or three-fourths of the judiciary cost than be without enough judges. Kinnear also stressed the need for two judges.

**Against:** Weir feared the reaction of the people to the piling up of such extra expense. He reminded the group

that a judge could be called from other counties. Stiles suggested that the commissioner could also help. Weisenburger stated that there would be no more United States business in the court once the territory became a state and one judge would be sufficient. Dunbar and Turner thought it would lead to similar demands from other counties.

**Motion:** Bowen moved to have the election of judges at the same time as the vote for the constitution.

**Action:** Motion carried.

While the **Globe** records the failure of this motion by a vote of 28 to 27, the **Ledger** records its passage.

**Motion:** Eshelman moved to have Kittitas and Yakima counties given one judge.

**Action:** Motion lost.

Although the **Times** says the motion carried, this report is in conflict with the final section.

Final action by Convention, July 22:

**Motion:** Turner asked for a separate vote on the amendment changing the terms of the superior judges from six to four years.

**Action:** The Convention accepted the decision of the committee of the whole 45 to 14. (p. 127)

**Voting against:** Coey, Gowey, Jones, Lindsley, Manly, Minor, J. Z. Moore, Morgans, Neace, Prosser, T. M. Reed, Sturdevant, Turner, and Weisenburger.

### Section 6

**Present Language of the Constitution:**

**JURISDICTION OF SUPERIOR COURTS. The superior court shall have original jurisdiction in all cases in equity and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand or the value of the property in controversy amounts**

**to one thousand dollars, or a lesser sum in excess of the jurisdiction granted to justices of the peace and other inferior courts, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. They shall always be open, except on nonjudicial days, and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and nonjudicial days. [1951 p. 962, Sub. House Joint Resolution No. 13. Approved November 4, 1952.]**

Original language:[21]

The Superior Court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll or municipal fine, and in all other cases in which the demand, or the value of the property in controversy amounts to one hundred dollars, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. The Superior

21. **Jurisdiction of Superior Courts:** Cal., Const. (1879), Art. 6, sec. 5; Hill, Prop. Wash. Const., Art. 6, sec. 6, identical with Cal.). [Identical except for a few word changes.]

Court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization, and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justice and other inferior courts in their respective counties as may be prescribed by law. They shall be always open except on nonjudicial days, and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and nonjudicial days.

Text as given in report of committee, July 16:

Same as final. (p. 102)

Consideration by committee of the whole, July 19:[22]

**Motion:** P. C. Sullivan moved to strike "conferring on these Superior Courts jurisdiction in cases where municipal fines are concerned."

**Action:** Motion lost.

**Motion:** Stiles moved to insert words "by law" after the words "in all cases of misdemeanor not otherwise provided for."

**Action:** Motion carried.

**Motion:** Griffitts moved to add "and the Superior Courts shall have jurisdiction co-extensive with their respective counties."

**Action:** Motion lost by a large vote.

**Discussion as follows:**

**Against:** Hoyt opposed it, saying it would prevent process from running out of the county. Gowey read a later clause which stated that process is statewide. Turner said the amendment was unnecessary.

22. Review, Times, July 20, 1889.

**Motion:** Sharpstein moved to strike "exclusive of interest" in the third line.

**Action:** Motion carried.

**Motion:** Buchanan moved to change the word "demand" to "claim."

**Action:** Motion lost.

### Section 7

**Present Language of the Constitution:**

**EXCHANGE OF JUDGES — JUDGE PRO TEMPORE. The judge of any superior court may hold a superior court in any county at the request of the judge of the superior court thereof, and upon the request of the governor it shall be his duty to do so. A case in the superior court may be tried by a judge, pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court and sworn to try the case.**

Original language same as present.[23]

Text as given in report of committee, July 16:

Same as final. (p. 102)

Consideration by committee of the whole, July 19:[24]

**Motion:** Hoyt moved to strike the last sentence saying this was arbitration, not trial by court.

**Action:** Motion lost by a great count.

### Section 8

**Present Language of the Constitution:**

**ABSENCE OF JUDICIAL OFFICER. Any judicial officer who shall absent himself from the state for more than sixty consecutive days shall be deemed to have forfeited his**

23. **Judges May Hold Court in Any County:** Cal., Const. (1879), Art. 6, sec. 8 (Hill, Prop. Wash. Const., Art. 6, sec. 7, identical with Cal.). [Identical.] **Pro Tempore Judges:** Cal., Const. (1879), Art. 6, sec. 8. [Identical except that Wash. requires selection of pro tempore judge to be approved by court.]

24. Review, July 20, 1889.

**office: Provided, That in cases of extreme necessity the governor may extend the leave of absence such time as the necessity therefor shall exist.**

Original language same as present.[25]

Text as given in report of committee, July 16:

Same as final. (p. 102)

### Section 9

**Present Language of the Constitution:**

**REMOVAL OF JUDGES, ATTORNEY GENERAL, ETC. Any judge of any court of record, the attorney general, or any prosecuting attorney may be removed from office by joint resolution of the legislature, in which three-fourths of the members elected to each house shall concur, for incompetency, corruption, malfeasance, or delinquency in office, or other sufficient cause stated in such resolution. But no removal shall be made unless the officer complained of shall have been served with a copy of the charges against him as the ground of removal, and shall have an opportunity of being heard in his defense. Such resolution shall be entered at length on the journal of both houses and on the question of removal the ayes and nays shall also be entered on the journal.**

Original language same as present.[26]

Text as given in report of committee, July 16:

Same as final except that it used the words "any judge of the Supreme Court or judge of the Superior Court" instead of "any judge of any court of record." Also it did not include the accused's privileges of being served with the charges and being heard in his own defense. (p. 103)

Consideration by committee of the whole, July 19:[27]

25. **Leave of Absence of Judges:** Cal., **Const.** (1879), Art. 6, sec. 9 (Hill, Prop. Wash. **Const.**, Art. 6, sec. 8, identical with Cal.). [Identical with the exception of the proviso, which seems to be original.]

26. **Removal of Judges:** Cal., **Const.** (1879), Art. 6, sec. 10; Hill, Prop. Wash. **Const.**, Art. 6, sec. 8; Wis., **Const.** (1848), Art. 7, sec. 13. [Similar.]

27. **Globe, Ledger, Review,** July 20, 1889.

**Motion:** Eldridge moved to add the provision concerned with the accused's privileges.

**Action:** Motion carried.

**Motion:** Gowey moved to amend the first sentence to read "any judge of any court of record, the Attorney General, or the Prosecuting Attorney, etc."

**Action:** Motion carried.

Final action by Convention, July 22:

Decision of committee of the whole accepted. (p. 127)

### Section 10

**Present Language of the Constitution:**

**JUSTICES OF THE PEACE. The legislature shall determine the number of justices of the peace to be elected and shall prescribe by law the powers, duties and jurisdiction of justices of the peace: Provided, That such jurisdiction granted by the legislature shall not trench upon the jurisdiction of superior or other courts of record, except that justices of the peace may be made police justices of incorporated cities and towns. Justices of the peace shall have original jurisdiction in cases where the demand or value of the property in controversy is less than three hundred dollars or such greater sum, not to exceed one thousand dollars, as shall be prescribed by the legislature. In incorporated cities or towns having more than five thousand inhabitants, the justices of the peace shall receive such salary as may be provided by law, and shall receive no fees for their own use. [1951 p. 962, Sub. House Joint Resolution No. 13. Approved November 4, 1952.]**

Original language:[28]

The Legislature shall determine the number of justices of the peace to be elected in incorporated cities or towns and in precincts, and shall prescribe by law the powers, duties and jurisdiction of justices of the peace: Provided, that such jurisdiction granted by the Legislature shall not trench upon the jurisdiction of Superior or other courts of record, except

28. Justice of Peace: Cal., Const. (1879), Art. 6, sec. 11; Hill, Prop. Wash. Const., Art. 6, sec. 8. [Similar.]

that justices of the peace may be made police justices of incorporated cities and towns. In incorporated cities and towns having more than five thousand inhabitants the justices of the peace shall receive such salary as may be provided by law, and shall receive no fees for their own use.

Text as given in report of committee, July 16:

Same as final except that it did not include the provision that justices of the peace may be police judges in incorporated towns or cities. (p. 103)

Consideration by committee of the whole, July 19:[29]

**Motion:** Weisenburger moved to amend by giving concurrent jurisdiction with the Superior Court to justices where the amount involved did not exceed two hundred dollars. He argued that this would furnish a chance for a review and second trial in these cases.

**Action:** Motion lost.

**Discussion as follows:**

**Against:** Crowley opposed, saying that he favored abolishing the court entirely and Turner remarked that there was no justice dealt by that court. E. H. Sullivan expressed a desire to reduce rather than increase the justice court's jurisdiction.

**Motion:** Stiles moved to strike out "shall receive no fees for their own use."

**Action:** Motion lost 21 to 16.

Final action by Convention, July 22:[30]

**Motion:** Turner moved to insert the provision concerning police judges.

**Action:** Motion carried. (p. 137)

At least two territorial newspapers commented favorably upon this section. The **Chehalis Nugget's** position was that every official

29. **Ledger, Review,** July 20, 1889.

30. **Globe, Review,** July 25; **Puget Sound Weekly Argus** [Port Townsend, Wash.], August 1, 1889.

in the state from the Governor down to the justice of the peace should be salaried.[31]

The **Seattle Post Intelligencer** commented that with the passing of this section "the palmy days of the justice of the peace in Washington will be gone forever. He is to be stripped of all the fees upon which he at present waxes fat, and must be contented with a beggarly salary fixed by law. Indeed, the feeling of the delegates seemed to be such that they would evidently have abolished the office of the justice of the peace if they did not think them absolutely necessary in some cases."[32]

### Section 11

**Present Language of the Constitution:**

> **COURTS OF RECORD. The supreme court and the superior courts shall be courts of record, and the legislature shall have power to provide that any of the courts of this state, excepting justices of the peace, shall be courts of record.**

Original language same as present.[33]

Text as given in report of committee, July 16:

> Same as final. (p. 103)

### Section 12

**Present Language of the Constitution:**

> **INFERIOR COURTS. The legislature shall prescribe by law the jurisdiction and powers of any of the inferior courts which may be established in pursuance of this Constitution.**

Original language same as present.[34]

Text as given in report of committee, July 16:

> Same as final. (p. 103)

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31. **Nugget**, July 19, 1889.
32. **Post Intelligencer**, July 23, 1889.
33. **Courts of Record:** Hill, Prop. Wash. Const., Art. 6, sec. 11. [Identical except for slight change.]
34. **Jurisdiction of Inferior Courts:** Hill, Prop. Wash. Const., Art. 6, sec. 12. [Identical.] Cal., Const. (1879), Art. 6, sec. 13. [Similar.]

## Section 13

**Present Language of the Constitution:**

> **SALARIES OF JUDICIAL OFFICES—HOW PAID, ETC. No judicial officer, except court commissioners and unsalaried justices of the peace, shall receive to his own use any fees or perquisites of office. The judges of the supreme court and judges of the superior courts shall severally at stated times, during their continuance in office, receive for their services the salaries prescribed by law therefor, which shall not be increased after their election, nor during the term for which they shall have been elected. The salaries of the judges of the supreme court shall be paid by the state. One-half of the salary of each of the superior court judges shall be paid by the state, and the other one-half by the county or counties for which he is elected. In cases where a judge is provided for more than one county, that portion of his salary which is to be paid by the counties shall be apportioned between or among them according to the assessed value of their taxable property, to be determined by the assessment next preceding the time for which such salary is to be paid.**

Original language same as present.[35]

Text as given in report of committee, July 16:

> Same as final. (p. 103)

Consideration by committee of the whole, July 19:[36]

> **Motion:** Suksdorf moved to strike portion which stated that counties shall pay one-half of superior court judges' salaries. He felt that if the state paid the entire salary it would come from one fund and be easier to account for.
>
> **Action:** Motion lost.
>
> **Discussion as follows:**
>
> **For:** Power favored the motion; he said that the taxpayer paid for all anyway. Browne, Moore, Shoudy, and Gower also supported the motion.

35. **Compensation of Judicial Officers:** Hill, Prop. Wash. Const., Art. 6, sec. 13. [Identical except for slight change.] Cal., Const. (1879), Art. 6, sec. 15. [Similar in part.]

36. **Ledger, Review,** July 20, 1889.

**Against:** Turner said it would lead to all counties wanting a judge if the expense were removed from them; moreover, he wanted to follow the California system. Kinnear, T. M. Reed, and E. H. Sullivan also opposed the motion.

### Section 14

**Present Language of the Constitution:**

**SALARIES OF SUPREME AND SUPERIOR COURT JUDGES. Each of the judges of the supreme court shall receive an annual salary of four thousand dollars ($4,000); each of the superior court judges shall receive an annual salary of three thousand dollars ($3,000), which said salaries shall be payable quarterly. The legislature may increase the salaries of judges herein provided.**

Original language same as present.[37]

Text as given in report of committee, July 16:

Same as final except that it put the Supreme Court salary at five thousand dollars and the Superior Court salary at thirty-six hundred dollars. (p. 104)

Consideration by committee of the whole, July 19:[38]

**Motion:** Willison moved to have the salary of both courts fixed and paid by the state. Salaries were not to exceed three thousand dollars for the Supreme Court nor two thousand dollars for the Superior Court.

**Action:** Motion lost.

**Motion:** Weir moved to amend so that the question of salaries be left to the Legislature.

**Action:** Motion lost.

**Discussion as follows:**

**For:** Weir said that good men would come for three thousand dollars. Hoyt thought the question of salaries was one for the Legislature.

37. **Salaries of Judges:** Amounts vary in most state constitutions where fixed by the Constitution itself.

38. **Ledger, Globe, Review, July 20, 1889.**

**Against:** Minor believed that the first judges would have no salaries if the motion prevailed. Dunbar thought that judges should know what compensation they were to receive and said that they couldn't get the best men for a small amount. Dyer supported him in this belief that the Convention should be liberal. Stiles objected to the substitute as not fixing a fair compensation and to the amendment as leaving the salary question in the dark. He did not want to see the spectacle of a judicial lobby scheming to get higher salaries.

**Motion:** Dyer moved that the Supreme Court salary be four thousand dollars, the Superior Court salary three thousand dollars, and that the Legislature be given the power to increase it when necessary.

**Action:** Motion carried with 53 favoring.

**Discussion as follows:**

**For:** Hoyt endorsed the motion. Warner said that three judges had done the work for the territory and twelve were provided to carry a lighter load for the state so these salaries were sufficient. He wanted to make the tax burden as light as possible for the people. Buchanan said that good legal minds could be found for four thousand dollars and he was not willing to go a cent higher.

**Against:** Turner cited states which paid higher salaries and had the best legal minds on the bench. Godman stated that poor salaries were poor economy. Skilled labor came high, he said, and since the state wanted good men it should be willing to pay for them. Griffitts favored five thousand dollars since he thought judges should be able to live in comfort and keep away from temptation.

**Motion:** Hicks moved to make salaries of Supreme Court judges four thousand dollars, and that of the Chief Justice five thousand dollars.

**Action:** Motion lost.

**Motion:** Suksdorf moved to make salaries of Supreme Court judges thirty-six hundred dollars.

**Action:** Motion lost.

**Motion:** Durie moved to amend so that salaries of judges would not be increased or decreased during their term of office.

**Action:** Motion lost.

Final action by Convention, July 22:

Decision of committee of the whole accepted. (p. 127)

The question of providing for salaries in the Constitution raised sharp criticism from the press. "The only way to have a judiciary above criticism, as to capability, is to pay salaries commensurate with the talent required," stated the **Seattle Times**, and in a later editorial took the Convention to task for creating a salaried Lieutenant Governor and paying the Supreme and Superior Court judges so poorly by comparison.[39]

The **Tacoma Morning Globe** was wary of establishing salaries at all in the Constitution. The **Washington Standard** said judges' salaries should be more in line with laborers' wages and hoped the Convention would not follow the lead of the Judiciary Committee in establishing high salaries for other officers. The **Standard** later charged Turner and his associates with being personally interested in the judgeships themselves and thus wanting high salaries.[40]

### Section 15

**Present Language of the Constitution:**

**INELIGIBILITY OF JUDGES. The judges of the supreme court and the judges of the superior court shall be ineligible to any other office or public employment than a judicial office, or employment, during the term for which they shall have been elected.**

Original language same as present.[41]

Text as given in report of committee, July 16:

Same as final. (p. 104)

### Section 16

**Present Language of the Constitution:**

**CHARGING JURIES. Judges shall not charge juries**

39. **Times**, July 20, 27, 1889.

40. **Globe**, July 31; **Standard**, July 19, 26, 1889.

41. **Judges Ineligible to Any Other Office:** Hill, Prop. Wash. Const., Art. 6, sec. 14. [Identical.] Cal., Const. (1879), Art. 6, sec. 18. [Similar.]

**with respect to matters of fact, nor comment thereon, but shall declare the law.**

Original language same as present.[42]

Text as given in report of committee, July 16:

Same as final. (p. 104)

Consideration by committee of the whole, July 20:[43]

**Motion:** Suksdorf moved to strike the phrase "nor comment thereon."

**Motion:** Dyer moved to amend Suksdorf's amendment so that judges could not instruct juries in regard to matter of fact, but could state the testimony and declare the law. Suksdorf accepted this amendment.

**Action:** Motion lost, 10 ayes, noes not counted.

**Discussion as follows:**

**For:** Turner felt it was necessary to refer to the facts in order to make the law clear to the jury. Buchanan urged that judges ought to be allowed to protect juries from lawyers who confused them. J. Z. Moore thought the judge should be an active factor. Suksdorf said the amendment was in the interest of the people who paid the costs of litigation. Hoyt and Jones also spoke in favor of it.

**Against:** Godman opposed the motion because he thought it was useless. Dunbar feared that the jury would follow the judge's lead, and E. H. Sullivan said the jury should be the sole judge of facts. Crowley and Kinnear thought the functions of judge and jury should be kept separate and distinct. Dyer pointed out that the jury system began as a protection from judges who tried to carry out the corrupt desires of English kings. P. C. Sullivan and Griffitts were also opposed to the motion.

**Motion:** Stiles moved to put "disputed" before "matters."

**Action:** Motion lost.

42. **Charge to July:** Hill, Prop. Wash. **Const.**, Art. 6, sec. 15. [Identical except that Wash. adds words "or comment on."] Cal., **Const.** (1879), Art. 6, sec. 19. [Similar.]

43. **Ledger, Daily Oregon Statesman** [Salem], **Times, Review, July 21; Spokane Falls Northwest Tribune, July 26, 1889.**

### Section 17

**Present Language of the Constitution:**

> **ELIGIBILITY OF JUDGES. No person shall be eligible to the office of judge of the supreme court, or judge of a superior court, unless he shall have been admitted to practice in the courts of record of this state, or of the Territory of Washington.**

Original language same as present.[44]

Text as given in report of committee, July 16:

> Same as final. (p. 104)

Consideration by committee of the whole, July 20:[45]

> **Motion:** Buchanan moved to add "and a citizen thereof for two years."
>
> **Action:** Motion lost.
>
> **Motion:** Power moved to add "and a qualified elector."
>
> **Action:** Motion lost.

### Section 18

**Present Language of the Constitution:**

> **SUPREME COURT REPORTER The judges of the supreme court shall appoint a reporter for the decisions of that court, who shall be removable at their pleasure. He shall receive such annual salary as shall be prescribed by law.**

Original language same as present.[46]

Text as given in report of committee, July 16:

> Same as final. (p. 104)

### Section 19

**Present Language of the Constitution:**

> **JUDGES MAY NOT PRACTICE LAW. No judge of a**

44. **Eligibility to Judgeship:** Hill, Prop. Wash. Const., Art. 6, sec. 18. [Identical.] Cal., Const. (1879), Art. 6, sec. 23. [Similar.]

45. **Ledger, Times,** July 21, 1889.

46. **Reporter for Supreme Court:** Hill, Prop. Wash. Const., Art. 6, sec. 16. [Identical.]

**court of record shall practice law in any court of this state during his continuance in office.**

Original language same as present.[47]

Text as given in report of committee, July 16:

Same as final. (p. 104)

### Section 20

**Present Language of the Constitution:**

**DECISIONS, WHEN TO BE MADE. Every cause submitted to a judge of a superior court for his decision shall be decided by him within ninety days from the submission thereof; Provided, That if within said period of ninety days a rehearing shall have been ordered, then the period within which he is to decide shall commence at the time the cause is submitted upon such a rehearing.**

Original language same as present.[48]

Text as given in report of committee, July 16:

Same as final. (p. 104)

### Section 21

**Present Language of the Constitution:**

**PUBLICATION OF OPINIONS. The legislature shall provide for the speedy publication of opinions of the supreme court, and all opinions shall be free for publication by any person.**

Original language same as present.[49]

Text as given in report of committee, July 16:

Same as final. (p. 104)

47. **Judges Shall Not Practice Law:** Cal., Const. (1879), Art. 6, sec. 22 (Hill, Prop. Wash. Const., Art. 6, sec. 17, identical with Cal.). [Identical.]

48. **Decision of Judges, Superior Court, Limit of Time:** Hill, Prop. Wash. Const., Art. 6, sec. 19. [Identical.] Md., Const. (1867), Art. 4, sec. 23. [Similar.]

49. **Publication of Opinion, Supreme Court:** Cal., Const. (1879), Art. 6, sec. 16 (Hill, Prop. Wash. Const., Art. 6, sec. 26, identical with Cal.). [Identical except Wash. adds "by salary only."]

## Section 22

**Present Language of the Constitution:**

> **CLERK OF THE SUPREME COURT. The judges of the supreme court shall appoint a clerk of that court who shall be removable at their pleasure, but the legislature may provide for the election of the clerk of the supreme court, and prescribe the term of his office. The clerk of the supreme court shall receive such compensation by salary only as shall be provided by law.**

Original language same as present.[50]

Text as given in report of committee, July 16:

> Same as final except it did not say the pay was to be by salary only. (p. 104)

Consideration by committee of the whole, July 20:[51]

> **Motion:** Henry moved to strike out the provision that the Legislature may provide for the election of the Supreme Court clerk.
>
> **Action:** Motion lost.
>
> **Discussion as follows:**
>
> > **For:** Henry said that the clerk's duties were confidential and so close to the court that he should be appointed by the court. Henry stressed the close working relationship which must exist between a judge and his clerk.
>
> **Motion:** Lindsley moved to add "by salary only."
>
> **Action:** Motion carried.

### Deleted Section

Text as given in report of committee, July 16:

> "In any case in the Supreme Court in which a judge is disqualified the remaining judges shall choose some disinterested member of the Supreme Court bar to participate with them in the hearing and decision of the case; who shall be sworn to

50. **Clerk Supreme Court:** Hill, Prop. Wash. Const., Art. 6, sec. 20. [Identical except Wash. adds "by salary only."]

51. **Ledger, Review, Times,** July 21, 1889.

try to decide the case according to law, and the decision rendered by the court thus constituted shall stand as other decisions in said court." (Section 23, p. 105)

Consideration by committee of the whole, July 20:[52]

**Motion:** Weisenburger moved to strike out the section.

**Action:** Motion carried.

**Discussion as follows:**

**For:** Turner supported the motion because he felt this section was unnecessary now that there were five judges provided for.

Final action by Convention, July 22:

Decision of committee of the whole accepted. (p. 127)

### Section 23

**Present Language of the Constitution:**

**COURT COMMISSIONERS. There may be appointed in each county, by the judge of the superior court having jurisdiction therein, one or more court commissioners, not exceeding three in number, who shall have authority to perform like duties as a judge of the superior court at chambers, subject to revision by such judge, to take depositions and to perform such other business connected with the administration of justice as may be prescribed by law.**

Original language same as present.[53]

Text as given in report of committee, July 16:

Same as final. (Section 24, p. 105)

### Section 24

**Present Language of the Constitution:**

**RULES FOR SUPERIOR COURTS. The judges of the superior courts, shall from time to time, establish uniform rules for the government of the superior courts.**

52. **Ledger, Daily Oregon Statesman [Salem], Review, Times, July 21, 1889.**

53. **Court Commissioner:** Cal., Const. (1879), Art. 7, sec. 14; Wis., Const. (1848), Art. 7, sec. 23; Minn., Const. (1857), Art. 6, sec. 15. [Similar.]

Original language same as present.[54]

Text as given in report of committee, July 16:

Same as final. (Section 25, p. 105)

### Section 25

**Present Language of the Constitution:**

**REPORTS OF SUPERIOR COURT JUDGES. Superior judges, shall on or before the first day of November in each year, report in writing to the judges of the supreme court such defects and omissions in the laws as their experience may suggest, and the judges of the supreme court shall on or before the first day of January in each year report in writing to the governor such defects and omissions in the laws as they may believe to exist.**

Original language same as present.[55]

Report of committee, July 16, did not include this section.

Consideration by committee of the whole, July 20:[56]

**Motion:** P. C. Sullivan moved to add a new section. The text of the section was the same as adopted except that it contained "such defects in laws and Constitution" and ended with "together with the appropriate forms of bills to cure such defects and omissions."

**Motion:** Gowey moved to strike the word "Constitution."

**Action:** Motion carried.

**Motion:** Griffitts moved to strike the last sentence as he believed the courts should not have legislative power. He said that judges would be required to pass upon the validity of these very bills.

**Action:** Motion carried.

**Action:** Sullivan's motion, as amended, carried.

**Discussion as follows:**

**For:** Turner spoke in favor of the section, saying that it

54. **Rules of Court:** Seems to be original.

55. **Superior Judges to Report to Supreme Court Judges:** Colo., Const. (1876), Art. 6, sec. 27; Ill., Const. (1870), Art. 6, sec. 15. [Similar.]

56. **Ledger, Times, Review,** July 21, 1889.

was a good way to remedy defects in the state laws. Gowey also approved.

**Against:** Power and Dunbar thought that the Legislature should attend to this.

Final action by Convention, July 22:

Decision of committee of the whole accepted. (p. 127)

**Proposed Sections**

Before going on to consider Section 26, other sections were suggested:[57]

**Motion:** Prosser moved for the creation of a Board of Arbitration.

**Action:** Motion lost.

**Motion:** E. H. Sullivan moved to add a new section stating: "No cases shall be referred without the consent of all parties involved."

**Action:** Motion failed badly.

**Motion:** Godman moved to modify this section to read that no cases should be referred except by consent of all the parties.

**Action:** Motion lost.

**Discussion as follows:**

**Against:** Turner said that referees could not be appointed anyway unless certain necessary facts were missing and therefore saw no necessity for this section. Sharpstein and Stiles thought this should be left to the Legislature.

**Motion:** McElroy moved to add a new section requiring Superior Courts to sit at county seats.

**Action:** Motion lost.

**Section 26**

**Present Language of the Constitution:**

**CLERK OF THE SUPERIOR COURT. The county clerk shall be by virtue of his office, clerk of the superior court.**

57. Review, Times, July 21; Tribune, July 26, 1889.

Original language same as present.[58]

Text as given in report of committee, July 16:

Same as final. (p. 105)

### Section 27

**Present Language of the Constitution:**

**STYLE OF PROCESS. The style of all process shall be, "The State of Washington," and all prosecutions shall be conducted in its name and by its authority.**

Original language same as present.[59]

Text as given in report of committee, July 16:

Same as final. (p. 105)

### Section 28

**Present Language of the Constitution:**

**OATH OF JUDGES. Every judge of the supreme court, and every judge of a superior court shall, before entering upon the duties of his office, take and subscribe an oath that he will support the Constitution of the United States and the Constitution of the State of Washington, and will faithfully and impartially discharge the duties of judge to the best of his ability, which oath shall be filed in the office of the secretary of state.**

Original language same as present.[60]

Text as given in report of committee, July 16:

Same as final. (p. 105)

### Passage of Article

Article on Judiciary approved by Convention, July 24, by a vote of 67 to 6. (p. 137)

**Voting against:** Buchanan, Eldridge, Gowey, Newton, Stevenson, and Suksdorf. **Not voting:** Willison. **On leave:** Dallam.

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58. **Clerk Superior Court:** Cal., Const. (1879), Art. 6, sec. 14 (Hill, Prop. Wash. Const., Art. 6, sec. 21, identical with Cal.). [Similar.]

59. **Style of Process:** Cal., Const. (1879), Art. 6, sec. 20. [Identical.]

60. **Oaths of Judges:** Hill, Prop. Wash. Const., Art. 6, sec. 27; Ore., Const. (1857), Art. 6, sec. 21. [Similar.]

## ARTICLE V IMPEACHMENT

There was no debate on this article and no amendments were made or attempted. However, Stiles later wrote that the article was inadequate for two reasons: legislative sessions were too short to attend to trial details, and sessions were conducive to a partisan atmosphere.[1]

The Committee for Impeachment and Removal from Office was the same as the Judicial Committee.

### Section 1

**Present Language of the Constitution:**

> **IMPEACHMENT — POWER OF AND PROCEDURE. The house of representatives shall have the sole power of impeachment. The concurrence of a majority of all the members shall be necessary to an impeachment. All impeachments shall be tried by the senate, and, when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence. When the governor or lieutenant governor is on trial, the chief justice of the supreme court shall preside. No person shall be convicted without a concurrence of two-thirds of the senators elected.**

Original language same as present.[2]

Text as given in report of committee, August 5:

> Same as final. (p. 226)

### Section 2

**Present Language of the Constitution:**

> **OFFICERS LIABLE TO. The governor and other state and judicial officers, except judges and justices of courts not of record, shall be liable to impeachment for high crimes or misdemeanors, or malfeasance in office, but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit, in the state. The party, whether convicted or acquitted, shall,**

1. Theodore L. Stiles, "The Constitution of the State and Its Effects upon Public Interests," Washington Historical Quarterly, IV (October, 1913), 285.
2. Proceedings: Colo., Const. (1876), Art. 5, sec. 1; Nev., Const. (1864), Art. 7, sec. 2. [Identical.]

**nevertheless, be liable to prosecution, trial, judgment and punishment according to law.**

Original language same as present.[3]

Text as given in report of committee, August 5:

Same as final. (p. 226)

### Section 3

**Present Language of the Constitution:**

**REMOVAL FROM OFFICE. All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.**

Original language same as present.[4]

Text as given in report of committee, August 5:

Same as final. (p. 226)

### Passage of Article

Article on Impeachment approved by Convention, August 6, by a vote of 65 to 0. (p. 263)

**Absent and not voting:** Allen, Dallam, Gowey, Jeffs, and Stiles. (The additional five members are not accounted for in the journal.)

3. **Impeachable Offenses:** Colo., **Const.** (1876), Art. 5, sec. 2; Nev., **Const.** (1864), Art. 7, sec. 2. [Identical except for a slight word change.] U. S., **Const.**, Art. 1, sec. 3. [Similar.]

4. **Removable from Office:** Colo., **Const.** (1876), Art. 5, sec. 3. [Identical.]

## ARTICLE VI ELECTIONS AND ELECTIVE RIGHTS

Petitions for women's suffrage flooded the Convention, and a strong lobby followed every move of the elections committee. The suffragettes were disappointed that Edward Eldridge, a strong believer in votes for women, was not made chairman of the committee.

Eldridge led a small, determined group of delegates who tried to include women's suffrage in this article, but the cause was hopeless. Too many members feared that a Constitution enfranchising women would be rejected by the voters. However, women were allowed to vote at school elections under the article as approved by the Convention.

The elections article for awhile included a section providing a separate article on women's suffrage. One plan was for it to be voted on at the first election of officers following the adoption of the Constitution. But when the elections article was passed by the Convention, the separate suffrage article was moved on the ballot with the Constitution.

The Judiciary Committee subsequently changed the wording of the section and incorporated it in Section 17 of the article on schedule. Mires wrote later that women's suffrage was rejected by a vote of 34,513 opposed and 16,527 favoring.[1]

The Committee for Elections and Elective Rights was appointed July 9. (p. 19)

**Members:** P. C. Sullivan, chairman; J. Z. Moore, Dyer, Glascock, Travis, Burk, and Neace.

### Section 1

**Present Language of the Constitution:**

> **QUALIFICATIONS OF ELECTORS. All persons of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections: They shall be citizens of the United States; they shall have lived in the state one year, and in the county ninety days, and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote; they shall**

1. Austin Mires, "Remarks on the Constitution of the State of Washington," Washington Historical Quarterly, XXII (October, 1931), 282-3.

**be able to read and speak the English language: Provided, That Indians not taxed shall never be allowed the elective franchise: And further provided, That this amendment shall not affect the rights of franchise of any person who is now a qualified elector of this state. The legislative authority shall enact laws defining the manner of ascertaining the qualifications of voters as to their ability to read and speak the English language, and providing for punishment of persons voting or registering in violation of the provision of this section. There shall be no denial of the elective franchise at any election on account of sex. [1909 p 26 § 1. Approved November, 1910.]**

Original language:[2]

All male persons of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections: They shall be citizens of the United States; they shall have lived in the state one year, and in the county ninety days, and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote; Provided, that Indians not taxed shall never be allowed the elective franchise: Provided, further, that all male persons who at the time of the adoption of this Constitution are qualified electors of the territory, shall be electors.

Proposition submitted to Convention by Weisenburger, July 11:

Voting qualifications to be male, native and naturalized citizens, age twenty-one, residence in the state for six months, the county ninety days, and the precinct thirty days. (p. 61)

Text as given in report of committee, August 8:

All male persons of the age of twenty-one years or over possessing the following qualifications shall be entitled to vote at all elections.

Section 1. They shall be citizens of the United States, provided that Indians not taxed shall never be allowed the elective franchise. Provided, further, that all male persons who at the time of the adoption of this Constitution are qualified electors of the territory shall be electors.

2. **Qualification of Electors:** Colo., **Const.** (1876), Art. 7, sec. 1; Wis., **Const.** (1848), Art. 3, sec. 1; Ore., **Const.** (1857), Art. 2, sec. 1; Mo., **Const.** (1875), Art. 8, sec. 2. [Similar.]

Section 2. They shall have lived in the state one year and in the county ninety days, and in the city, town or precinct thirty days immediately preceding the election at which they offer to vote. (p. 289)

Consideration by committee of the whole, August 12:[3]

**Motion:** Eldridge moved to strike the word "male" from the section.

**Action:** Motion lost by an overwhelming vote.

**Discussion as follows:**

**For:** Eldridge was the only speaker. He called for democracy in the Constitution and for the delegates to live up to their pledges for women's suffrage. He said that the Supreme Court had under consideration the question of the territory's right to grant equal suffrage under the Constitution and he thought that until a decision was given, the women should have the right to vote. By unanimous vote, the delegates allowed Eldridge to speak over the time limit and he continued for nearly an hour.

**Motion:** Hicks moved a substitute conveying the same ideas as Eldridge but in a different form.

**Action:** Motion lost.

**Motion:** Gowey offered a substitute rearranging the preamble and Section 1.

**Action:** Motion lost.

**Motion:** Griffitts moved to incorporate the preamble, Section 1 and Section 2 into one section to read as Section 1.

**Action:** Motion carried.

Action by Convention, August 12:

**Motion:** Eldridge moved to strike the word "male" from the section.

**Action:** Motion lost 50 to 8. (p. 336)

3. **Seattle Times**, August 12; **Spokane Falls Review, Tacoma Daily Ledger, Tacoma Morning Globe**, August 13; **Walla Walla Weekly Statesman**, August 14; **Washington Standard** [Olympia, Washington], August 16, 1889.

**Voting for:** Dickey, Eldridge, Eshelman, Joy, McCroskey, Newton, Prosser, and Winsor. **Absent and not voting:** Allen, Berry, Browne, Fay, Gray, Hicks, Hungate, Jones, Kellogg, Kinnear, McDonald, McReavey, Mires, Neace, Shoudy, Weir, and Willison.

Final action by Convention, August 15:

**Motion:** Shoudy moved that after 1895 voters be required to read and write English.

**Action:** Motion lost. (p. 366)

### Section 2

**Present Language of the Constitution:**

(This section stricken by 5th Amendment.)

Original language:[4]

SCHOOL ELECTIONS—FRANCHISE, HOW EXTENDED. The Legislature may provide that there shall be no denial of the elective franchise at any school election on account of sex.

Proposition submitted to Convention by Prosser, July 12:

To allow women to vote for school officers and measures, and to hold school offices. (p. 69)

Text as given in report of committee, August 8:

Same as final. (p. 290)

Consideration by committee of the whole, August 12:[5]

**Motion:** Eshelman moved to allow women to vote at school elections.

**Action:** Motion withdrawn in favor of Dunbar's motion.

**Motion:** Dunbar moved to strike out "at any school election." This would have allowed the Legislature to grant women's suffrage.

**Action:** Motion lost 38 to 18.

4. **In School Elections:** Colo., **Const.** (1876), Art. 7, sec. 1. [Similar.]

5. **Times,** August 12; **Review, Ledger, Globe,** August 13; **Statesman,** August 14; **Standard,** August 16, 1889.

**Standard** gives vote as 36 to 18, while **Ledger** and **Globe** give 38 to 18.

**Discussion as follows:**

**For:** Dunbar said he personally favored women's suffrage but when voting in a representative capacity had to vote against it. He preferred leaving the entire question to the Legislature. Cosgrove took exactly the same ground. He and Griffitts were afraid the Constitution would be defeated if women's suffrage were in it, but were willing to leave it to the Legislature. Sharpstein opposed the entire section but favored the amendment if the section had to be retained. Prosser and Eshelman said they would support any effort to give women the vote. Henry preferred to have it in the Constitution, but favored the amendment as better than nothing.

**Against:** Turner made a lengthy speech expressing the idea that it should be the people of the state who determined the question rather than the Legislature. P. C. Sullivan and J. Z. Moore wanted it submitted to the people. Dyer, Warner, and Sturdevant would leave it to the people. Stiles thought if the Legislature could fix this one qualification for voting it should be allowed to do so in all other cases, which might, he said, result in idiots being allowed to vote. Godman and Lillis also opposed, saying if the question was left unsettled it would be be brought up at every session and be a constant source of trouble.

**Motion:** Griffitts moved to substitute, "The Legislature may provide for the extension of suffrage to persons other than as specified in the Constitution."

**Action:** Motion lost by a large vote.

**Discussion as follows:**

**For:** Griffitts, Prosser, Warner, and Eshelman spoke in favor of the motion.

**Against:** Godman thought this motion would leave the Legislature too much power and could be too far-reaching if used. Sturdevant, Dyer, Lillis, Comegys, Sharpstein, and Stiles spoke against the motion.

**Motion:** Eshelman moved to amend so as to give women the privilege of voting at municipal elections.

**Action:** Motion lost 32 to 22.

**Motion:** Henry moved to strike the entire section.

**Action:** Motion lost.

Final action by Convention, August 12:

**Motion:** Dunbar moved to strike the words "at any school election."

**Action:** Motion lost 43 to 18. (p.337)

**Voting for:** Cosgrove, Dickey, Eldridge, Eshelman, Griffitts, Jamieson, Joy, McCroskey, Prosser, J. M. Reed, Sharpstein, Stevenson, Sturdevant, E. H. Sullivan, Warner, West, and Winsor. **Absent and not voting:** Allen, Berry, Browne, Fay, Hicks, Hungate, Jones, Kellogg, Kinnear, McReavey, Neace, Shoudy, and Weir.

**Motion:** Power moved to insert "nor right to hold office of school superintendent or director."

**Action:** Motion lost. (p. 339)

**Section 3**

**Present Language of the Constitution:**

**WHO DISQUALIFIED. All idiots, insane persons, and persons convicted of infamous crime unless restored to their civil rights are excluded from the elective franchise.**

Original language same as present.[6]

Proposition submitted to Convention by Weisenburger, July 11:

To deny the vote to Chinese, idiots, insane, one convicted of an infamous crime, or hereafter of embezzlement of public funds. (p. 61)

Text as given in report of committee, August 8:

Same as final except that it did not include "unless restored to their civil rights." (p. 290)

6. **Certain Persons Not Electors:** Wis., **Const.** (1848), Art. 3, sec. 2; Ore., **Const.** (1857), Art. 2, sec. 3. [Similar.]

Consideration by committee of the whole, August 12:[7]

**Motion:** Gowey moved to add "unless restored to civil rights."

**Action:** Motion carried 26 to 3.

**Motion:** Sharpstein moved to add "except at school elections."

**Action:** Motion lost.

Final action by Convention, August 12:

Decision of committee of the whole accepted. (p. 336)

### Section 4

**Present Language of the Constitution:**

> **RESIDENCE, CONTINGENCIES AFFECTING. For the purpose of voting and eligibility to office no person shall be deemed to have gained a residence by reason of his presence or lost it by reason of his absence, while in the civil or military service of the state or of the United States, nor while a student at any institution of learning, nor while kept at public expense at any poor-house or other asylum, nor while confined in public prison, nor while engaged in the navigation of the waters of this state or of the United States, or of the high seas.**

Original language same as present.[8]

Text as given in report of committee, August 8:

> Same as final except that it did not include "nor while engaged in the navigation of the waters of this state or of the United States, or of the high seas." (p. 290)

Consideration by committee of the whole, August 12:[9]

**Motion:** Joy moved to add the phrase about navigation.

**Action:** Motion carried.

Final action by Convention, August 12:

Decision of committee of the whole accepted. (p. 336)

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7. Ledger, August 13, 1889.

8. **Residence not Gained or Lost by Military Service:** Colo., Const. (1876), Art. 7, sec. 4; Penn., Const. (1873), Art. 8, sec. 13; Nev., Const. (1864), Art. 2, sec. 2. [Identical except that Wash. adds last sentence.] **In Navigation:** Mo., Const. (1875), Art. 8, sec. 4; Colo., Const. (1876), Art. 7, sec. 5; Ore., Const. (1857), Art. 2, sec. 13. [Identical except for slight transposition of words. Wash. adds last sentence.] **Military Service on Day of Election:** Neb., Const. (1875), Art. 7, sec. 5; Ore., Const. (1857), Art. 2, sec. 13. [Identical.]

9. Ledger, August 13, 1889.

### Section 5

**Present Language of the Constitution:**

> **VOTER—WHEN PRIVILEGED FROM ARREST. Voters shall in all cases except treason, felony, and breach of the peace be privileged from arrest during their attendance at elections and in going to, and returning therefrom. No elector shall be required to do military duty on the day of any election except in time of war or public danger.**

Original language same as present.[10]

Text as given in report of committee, August 8:

> Same as final. (p. 290).

### Deleted Section

Text as given in report of committee, August 8:

> "No person except a qualified elector shall be elected or appointed to any office, civil or military." (p. 290)

Final action by Convention, August 12:

> **Motion:** Cosgrove moved to strike "military."
>
> **Action:** Motion lost. (p. 337)
>
> **Motion:** Sullivan moved to strike the section.
>
> **Action:** Motion carried. (p. 337)

### Section 6

**Present Language of the Constitution:**

> **BALLOT. All elections shall be by ballot. The legislature shall provide for such method of voting as will secure to every elector absolute secrecy in preparing and depositing his ballot.**

Original language same as present.[11]

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10. **Immunity from Arrest:** Mo., **Const.** (1875), Art. 8, sec. 4; Colo., **Const.** (1876), Art. 7, sec. 5; Ore., **Const.** (1857), Art. 2, sec. 13. [Identical except for slight transposition of words. Wash. adds last sentence.] **Military Service on Day of Election:** Neb., **Const.** (1875), Art. 7, sec. 5; Ore., **Const.** (1857), Art. 2, sec. 13. [Identical.]

11. **Election by Ballot:** Nearly all states provide for this form of election. **Preservation of Secrecy:** This provision is in most constitutions under various forms of language.

Proposition submitted to Convention by Kinnear and Hicks, July 16:

That the secret ballot be used. (p. 107)

Text as given in report of committee, August 8:

Same as final. (p. 290)

### Section 7

**Present Language of the Constitution:**

**REGISTRATION. The legislature shall enact a registration law, and shall require a compliance with such law before any elector shall be allowed to vote; Provided, that this provision is not compulsory upon the legislature except as to cities and towns having a population of over five hundred inhabitants. In all other cases the legislature may or may not require registration as a pre-requisite to the right to vote, and the same system of registration need not be adopted for both classes.**

Original language same as present.[12]

Proposition submitted to Convention by J. M. Reed, July 17:

To have registration of voters in their own precinct thirty days before the election. (p. 111)

Text as given in report of committee, August 8:

Same as final. (p. 290)

Consideration by committee of the whole, August 12:[13]

**Motion:** Schooley moved to insert "and district of five hundred inhabitants" and also to strike the proviso.

**Action:** Motion lost.

**Motion:** Power moved to insert "one thousand" instead of "five hundred."

**Action:** Motion lost.

12. **Registration:** Wis., **Const.** (1848), Amend. Art. 1, sec. 4 (1882); Wash., **Const.** (1878), Art. 4, sec. 9. [Similar.] Hill, Prop. Wash. **Const.**, Art. 2, sec. 4. [Hill added this clause in view of decision of Ore. Sup. Court following that of Wis. that a specific constitutional provision was necessary to authorize a registration law. See Wis. Amend. above mentioned.]

13. **Ledger**, August 13, 1889.

**Motion:** Joy moved to strike the proviso.

**Action:** Motion lost.

### Section 8

**Present Language of the Constitution:**

**ELECTIONS, TIME OF HOLDING. The first election of county and district officers not otherwise provided for in this Constitution shall be on the Tuesday next after the first Monday in November 1890, and thereafter all elections for such officers shall be held bi-ennially on the Tuesday next succeeding the first Monday in November. The first election of all state officers not otherwise provided for in this Constitution, after the election held for the adoption of this Constitution, shall be on the Tuesday next after the first Monday in November, 1892, and the elections for such state officers shall be held in every fourth year thereafter on the Tuesday succeeding the first Monday in November.**

Original language same as present.[14]

Text as given in report of committee, August 8:

Same as final. (p. 290)

### Section 9

(This section remained in the article on Elections and Elective Rights until August 22 when it was placed in Section 17 of the article on schedule.)

Remonstrance against women's suffrage presented to Convention by Henry, July 11:

No text given. (p. 48)

Petitions favoring women's suffrage presented to Convention by the following groups:

No texts given.

P. G. Hendricks, 394 other men, and 414 women. (p. 63)

William West and others. (p. 64)

Francis Miner of St. Louis. (p. 89)

14. **First Election:** Many states have provisions of this kind. Naturally, they vary greatly. Colo. and Hill, Prop. Wash. **Const.**, similar in part.

A. M. Sweeney, Jennie Aukney and others of Walla Walla. (p. 112)

H. J. Beeks and others. (p. 113)

Mr. Gilliam and others. (p. 113)

Mary T. Jones and others. (p. 113)

G. C. Barron and others. (p. 113)

W. V. Anders and others. (p. 113)

Lucinda King and others. (p. 114)

L. W. Studgall and others. (p. 114)

W. P. Stewart and others. (p. 114)

P. J. Flint and others. (p. 114)

Mrs. McCoy and 26 teachers. (p. 117)

Dr. A. K. Bush and 94 others. (p. 120)

S. M. Ballard and 151 others. (p. 120)

George E. Cline and 163 others. (p. 120)

L. M. Lord and 82 others. (p. 120)

C. F. Woodcock and 120 others. (p. 188)

Ninety-three voters of Buckley. (p. 362)

Zeralda McCoy, a taxpaying woman. (p. 362)

Text as given in report of committee, August 8:

"At the time of the election of county officers on the Tuesday next after the first Monday in November in the year 1890, a proposition to amend this Constitution by striking out the word 'male' from the article on elections and elective rights shall be submitted to the electors of the state for adoption or rejection in manner following: Said election shall be by ballot and the ballot of those voting in favor shall read 'For woman suffrage amendment, Yes' and the ballots of those voting against shall read 'For woman suffrage, No.' The provisions of the laws of the state touching general elections shall as far as applicable apply to said elections. If at said election, the number of ballots cast in favor of the adoption of said propo-

sition shall exceed those cast against its adoption then the word 'male' shall be stricken from said article on elections and elective rights and shall be no part thereof." (p. 291)

Consideration by committee of the whole, August 12:[15]

**Motion:** Cosgrove moved to submit the question in 1891 instead of 1890.

**Action:** Motion lost.

**Motion:** Godman moved to substitute so that it would be a special article at the time of voting for the Constitution.

**Action:** Motion carried 31 to 26.

**Discussion as follows:**

**For:** Godman said that many delegates were pledged to this. Glascock read the Enabling Act to show that the question had to be submitted at the same time as the Constitution. Some other members claimed they had petitions asking for immediate submission.

**Against:** P. C. Sullivan, head of the Elections Committee, said that supporters of the movement for equal suffrage wanted it submitted at a time when other matters such as prohibition were not being considered.

**Motion:** Eldridge moved to allow all women of the proper qualifications to vote on the question.

**Action:** Motion lost.

Action by Convention, August 12:

Decision of committee of the whole accepted. (p. 336)

**Motion:** Eldridge moved to add "and all females possessing qualifications of electors shall vote on this question."

**Action:** Motion lost 43 to 16. (p. 337)

**Voting for:** Burk, Crowley, Dickey, Dunbar, Eldridge, Eshelman, Glascock, Gowey, Joy, McCroskey, Newton, Prosser, J. M. Reed, Stevenson, Tibbetts, Weisenburger, Winsor, and Hoyt. **Absent and not voting:** Allen, Berry, Browne, Fay, Hicks, Hungate, Jones, Kellogg, Kinnear, McReavey, Neace, Shoudy, Weir, and Willison.

15. **Ledger, Globe,** August 13; **Standard,** August 16, 1889.

**Motion:** Dyer moved a substitute for the section the text of which was the same as the committee report.

**Action:** Motion carried 31 to 29. (p. 338)

This reversed the decision made in committee of the whole and set the election date for the same time as the election of county officers.

**Voting for:** Bowen, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Gowey, Joy, Lillis, Lindsley, McCroskey, Minor, Mires, J. Z. Moore, Morgans, Newton, Power, Prosser, T. M. Reed, Schooley, Sohns, Stiles, P. C. Sullivan, Tibbetts, Turner, Winsor, and Hoyt. **Absent and not voting:** Allen, Berry, Browne, Burk, Fay, Hicks, Hungate, Jones, Kellogg, Kinnear, McReavey, Neace, Shoudy, Weir, and Willison.

Final action by Convention, August 15:

**Motion:** Crowley moved the following substitute: "The following article shall be submitted separately to the electors of the territory at the time of the election held for the adoption of the Constitution.

Separate Article

All persons male and female of the age of twenty-one years and over possessing the following qualifications shall be entitled to vote at all elections.

The ballott of those voting in favor of the article shall read 'For Woman Suffrage' and the ballots of those voting against the article shall read 'Against Woman Suffrage.' If at said election the number of ballots cast in favor of the adoption of said article exceeds those cast against its adoption, then said separate article shall become a part of the Constitution and shall be substituted for and take the place of the following sentence in the article on elections and elective rights 'All male persons of the age of twenty-one years or over possessing the following qualifications shall be entitled to vote at all elections'." (p. 365)

**Action:** Motion carried.

**Discussion as follows:**[16]

16. Statesman, August 17, 1889.

**For:** Dyer wanted the people to pronounce on the issue. Sturdevant also favored the substitute.

**Against:** Cosgrove preferred postponement until 1891.

**Motion:**[17] Eldridge moved to further amend by giving the Legislature the power to resubmit the question to the voters at any time in the future, in the event it was defeated when offered with the Constitution.

**Action:** Motion lost 43 to 28.

Recommendation of Judicial Committee, August 22:

That this section be changed in wording and incorporated in Section 17 of the article on Schedule. (p. 452)

Accepted by Convention.

(See Sections 17 and 18 of Article XXVII for final text.)

**Passage of Article**

Action by Convention, August 12:

**Motion:** Reed moved to suspend the rules and that the article be considered engrossed and passed to a third reading.

**Action:** Motion lost. (p. 338)

**Motion:** Dyer moved to suspend the rules, put the article upon its third reading and final passage. He demanded the ayes and noes.

**Action:** Motion lost. The vote was 38 for and 23 against, but a two-thirds vote was necessary to suspend the rules.

**Voting against:** Blalock, Buchanan, Clothier, Comegys, Cosgrove, Durie, Glascock, Godman, Gray, Griffitts, Henry, Jeffs, McDonald, McElroy, R. S. More, Sharpstein, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, Van Name, Warner, and West. **Absent and not voting:** Allen, Berry, Browne, Fay, Hicks, Hungate, Jones, Kellogg, Kinnear, McReavey, Neace, Shoudy, Weir, and Willison.

The question then was upon passing the article to a third reading, considering it engrossed and sending it to be printed.

**Action:** It was so ordered by a vote of 31 to 30. (p. 339)

17. **Times**, August 15; **Standard**, August 16; **Statesman**, August 17, 1889.

**Voting against:** Blalock, Buchanan, Clothier, Comegys, Cosgrove, Dickey, Durie, Eldridge, Glascock, Godman, Gray, Griffitts, Henry, Jeffs, Joy, McCroskey, McDonald, McElroy, R. S. More, Newton, J. M. Reed, Sharpstein, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, Van Name, Warner, West, and Willison. **Absent and not voting:** Berry, Browne, Fay, Hicks, Hungate, Kellogg, McReavey, Neace, Shoudy, Weir, and Winsor.

Action by Convention, August 13:

The article was read a third time. The question was then put as to its final passage and the article was lost. The vote was 33 for and 31 against, but an affirmative vote by a majority of all the members was needed to pass an article. (pp. 346-7)

**Voting against:** Blalock, Buchanan, Clothier, Comegys, Durie, Eldridge, Eshelman, Fay, Glascock, Godman, Gray, Griffitts, Henry, Jeffs, McCroskey, McDonald, McElroy, McReavey, R. S. More, Newton, J. M. Reed, Sharpstein, Stevenson, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Van Name, Warner, and West. **Absent on leave:** Berry, Browne, Hicks, Hungate, Kellogg, Neace, Weir, and Willison. **Not voting:** Dickey, Fairweather, and Power.

Final action by Convention, August 15:

This action is recorded exactly as it appears in the **Journal.**

**Motion:** P. C. Sullivan moved that the vote by which the article failed to pass be reconsidered.

**Action:** Motion carried 50 to 19. (p. 364)

**Voting against:** Browne, Clothier, Crowley, Durie, Eldridge, Glascock, Godman, Gray, Griffitts, Hicks, Jeffs, McDonald, R. S. More, Schooley, Stevenson, Sturdevant, E. H. Sullivan, Warner, and West. **Not voting:** Dallam, Jamieson, and Stiles. **On leave:** Hungate and Neace.

**Motion:** Crowley moved that the vote by which a third reading of the article was defeated be reconsidered.

**Action:** Motion carried 59 to 11. (pp. 364-5)

**Voting against:** Browne, Fairweather, Lillis, Lindsley, Manly, Mires, J. Z. Moore, Morgans, Weir, Weisenburger,

and Hoyt. **Not voting:** Dallam, Jamieson, and Stiles. **On leave:** Hungate and Neace.

**Motion:** Dyer moved that the rules be suspended, the article be considered engrossed and passed to a third reading.

**Action:** It was so ordered. (p. 366)

The question was then upon agreeing to the article as read.

Article on elections and elective rights approved by Convention, August 15, by a vote of 67 to 5. (pp. 366-7)

**Voting against:** Clothier, Eldridge, Manly, McReavey, and Tibbetts. **Not voting:** Gowey. **On leave:** Hungate and Neace.

## ARTICLE VII REVENUE AND TAXATION

The first four sections of this article as drawn up by the Convention have been replaced by the 14th Amendment to the state Constitution, adopted in 1930. The original sections are traced here.

Godman and Suksdorf led a fight to secure a provision that cultivated and uncultivated land of the same quality should be taxed equally. This failed because to many it looked like class favoritism.

Whether the Constitution should exempt church property and charitable institutions from taxation was a live problem. Editorials expressing the views of those opposing such exemption for churches charged that it would be a show of favoritism and would work an injustice to the taxpayer who would have to supply the deficit created.[1] Those favoring exemption urged that churches were maintained purely for community benefit and a tax levied upon them would be like taxing a public institution.[2] The problem was finally left to the Legislature.

A section to make the payment of taxes on mortgaged property part of the discharge of debt failed of inclusion. An effort to regulate the state purchase of stationery and other articles was rejected by the Convention.

A **Seattle Times** editorial had charged that the committee was overlooking a very important matter—the creation of a board of equalization, the duties of which would be to adjust the valuations made by the county assessors in order to make the burden of state government rest proportionatelly upon all counties.[3] However, the suggestion was never acted upon by the Convention.

The Committee for Revenue and Taxation was appointed July 9. (p. 20)

**Members:** Gowey, chairman; Dyer, Fairweather, Berry, Browne, Suksdorf, Godman, Sohns, and Bowen.

### Section 1

**Present Language of the Constitution:**

**TAXATION. The power of taxation shall never be sus-**

1. **Seattle Times**, July 18; **Walla Walla Weekly Statesman**, July 17, 1889.
2. **Washington Standard** [Olympia, Wash.], July 12; **Statesman**, July 25, 1889.
3. **Times**, August 2, 1889.

**pended, surrendered or contracted away. All taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax and shall be levied and collected for public purposes only. The word "property" as used herein shall mean and include everything, whether tangible or intangible, subject to ownership. All real estate shall constitute one class: Provided, That the legislature may tax mines and mineral resources and lands devoted to reforestation by either a yield tax or an ad valorem tax at such rate as it may fix, or by both. Such property as the legislature may by general laws provide shall be exempt from taxation. Property of the United States and of the state, counties, school districts and other municipal corporations, and credits secured by property actually taxed in this state, not exceeding in value the value of such property, shall be exempt from taxation. The legislature shall have power, by appropriate legislation, to exempt personal property to the amount of three hundred dollars ($300.00) for each head of a family liable to assessment and taxation under the provisions of the laws of this state of which the individual is the actual bona fide owner. [1929 p 499 § 1. Approved November, 1930.]**

Original language:[4]

> All property in the state, not exempt under the laws of the United States, or under this Constitution, shall be taxed in proportion to its value, to be ascertained as provided by law. The Legislature shall provide by law for an annual tax sufficient, with other sources of revenue, to defray the estimated ordinary expenses of the state for each fiscal year. And for the purpose of paying the state debt, if there be any, the Legislature shall provide for levying a tax annually, sufficient to pay the annual interest and principal of such debt within twenty years from the final passage of the law creating the debt.

Text as given in majority report of committee, August 5:

> "The Legislature shall provide by law for an annual tax sufficient, with other sources of revenue, to defray the estimated

4. **All Property Taxed According to Value:** Tex., Const. (1876), Art. 7, sec. 1; Cal., Const. (1879), Art. 13, sec. 1; Wash., Const. (1878), Art. 12, sec. 1; Ore., Const. (1857), Art. 9, sec. 2; Kan., Const. (1857), Art. 11, sec. 2. [Similar in parts.]

ordinary expenses of the state for each fiscal year, not to exceed in any one year three mills on the dollar of the assessed valuation of all taxable property in the state to be ascertained by the last assessment made for state and county purposes. And for the purpose of paying the state debt, if there be any, the Legislature shall provide for levying a tax annually sufficient to pay the annual interest and principal of such debt within twenty years from the final passage of the law creating the debt." (p. 234)

Text as given in minority report of committee submitted by Godman and Suksdorf, August 5:

"All property in the state not exempt under the laws of the United States shall be taxed in proportion to its value to be ascertained as provided by law. The word 'property' as used in this article and section is hereby declared to include moneys, credits, bonds, stocks, franchises and all other matters and things real, personal, mixed, capable of private ownership." (p. 237)

Consideration by committee of the whole, August 7:[5]

**Motion:** Warner moved that the minority report be substituted.

**Action:** Motion carried.

**Discussion as follows:**

**For:** Godman objected to the majority report limiting the state tax to three mills because he thought it might create an enormous debt. He advocated a pay-as-you-go policy.

**Motion:** Griffitts moved to add "or under this Constitution" after "United States."

**Action:** Motion carried.

**Motion:** Stiles moved to strike the sentence defining the word "property" since it had already been defined by the courts and he objected to the strict definitions.

**Action:** Motion carried 27 to 15.

5. Tacoma Daily Ledger, Tacoma Morning Globe, August 8; Times, August 7; Statesman, August 9, 1889.

**Motion:** A motion to add the last sentence of the majority report, regarding payment of the state debt, was proposed.

The **Ledger** records that Gowey made this motion, while the **Statesman** credits the motion to Griffitts and gives the vote as 24 to 22.

**Action:** Motion carried.

**Motion:** Gowey moved to amend so as to add, "The Legislature shall provide by law for an annual tax sufficient, with all other sources of revenue, to defray the estimated ordinary expenses of the state for each fiscal year."

**Action:** Motion carried.

Final action by Convention, August 7:

Decision of committee of the whole accepted. (p. 278)

**Motion:** Weisenburger moved to insert "in this state" for "under this Constitution."

**Action:** Motion lost. (p. 281)

### Section 2

**Present Language of the Constitution:**

**FORTY MILL LIMIT. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed forty mills on the dollar of assessed valuation, which assessed valuation shall be fifty per centum of the true and fair value of such property in money: Provided, however, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only**

**(a) By any taxing district when specifically authorized**

so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: Provided, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, and Provided further, That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of the Constitution;

(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort. [1943 p 936, House Joint Resolution No. 1. Approved November, 1944.]

Original language:[6]

> The Legislature shall provide by law a uniform and equal rate of assessment and taxation on all property in the state, according to its value in money, and shall prescribe such regulation by general law as shall secure a just valuation for taxation of all property, so that every person and corporation shall pay a tax in proportion to the value of his, her, or its property; Provided, that a deduction of debts from credits may be authorized: Provided, further, that the property of the United States and of the state, counties, school districts and other municipal corporations, and such other property as the Legislature may by general laws provide, shall be exempt from taxation.

Proposition submitted to Convention by Turner, July 11:

> That all property except that of the United States and its municipal subdivisions be made taxable at a uniform rate. Also that each individual and corporation be entitled to exemption from taxation an amount equal to the indebtedness owing by him or it to individuals or corporations in the state or taxable within it. (p. 58)

Text as given in report of committee, August 5:

> "The Legislature shall provide by law a uniform and equal rate of assessment and taxation on all property in the state, according to the value in money, and shall prescribe such regulations by general law as shall secure just valuation for taxation of property so that every person and corporation shall pay a tax in proportion to his, her, or its property, provided that a deduction of debts from credits may be authorized and the Legislature shall provide by general law for the assessing and levying of taxes on all corporation property as near as may be by the same methods as are provided for the assessing and levying of taxes on individual property." (Section 2, p. 235)

Consideration by committee of the whole, August 7:[7]

6. **Uniform and Equal Rate of Taxation:** Ore., **Const.** (1857), Art. 9, sec. 1; Ill., **Const.** (1870), Art. 9, sec. 1; Ind., **Const.** (1851), Art. 9, sec. 1; Kan., **Const.** (1857), Art. 11, sec. 2; Colo., **Const.** (1876), Art. 10, sec. 4. [Similar in parts.]

7. **Times, Ledger,** August 8, 1889.

**Motion:** Dyer moved to strike "provided that deductions of debts from credits may be authorized."

**Action:** Motion lost.

The following text and discussion pertain to the second proviso in the original language of Section 2. The proviso is repeated here for easy reference.

Original language:

> . . . Provided further, that the property of the United States and of the state, counties, school districts and other municipal corporations, and such other property as the Legislature may by general laws provide, shall be exempt from taxation.

Petitions submitted to Convention by several church groups, July 18, July 22, July 25, and July 26:

> Petitions related to the taxation of church property; no texts given. (pp. 113, 122, 157, 165, 166)

Proposition submitted to Convention by Schooley, July 11:

> That the Legislature might by general laws exempt from taxation public property used for public purposes, places of burial not used for private or corporate profit, and institutions of public charity. (p. 58)

Text as given in majority report of committee, August 5:

> "The property of the United States and of the state, counties, school districts, and other municipal corporations shall be exempt from taxation, and such other property as may be used exclusively for actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of purely public charity, public libraries, and personal property to any amount not exceeding in value two hundred fifty dollars to the head of each family may be exempted from taxation by the Legislature, but such exemption shall be by general law." (Section 4, p. 235)

Text as given in minority report of committee, submitted by Godman and Suksdorf, August 5:

> "The property of the United States and the property of the state and counties, property of municipalities, public school

property, cemeteries not owned or used for private or corporate profit, and public libraries shall be exempt from taxation. Growing crops and personal property to the amount not exceeding in value two hundred fifty dollars to the head of the family may be exempted from taxation by the Legislature. The Legislature may provide for a deduction of debts from credits." (Section 4, p. 237)

Consideration by committee of the whole, August 7.[8]

**Motion:** Comegys moved to limit the exemption of church property to one thousand dollars.

**Motion:** Hoyt moved to amend to make the limit five thousand dollars.

**Action:** Hoyt's motion lost 30 to 28, and then Comegys' motion was also lost.

**Discussion as follows** on the issue of exempting church property from taxation:

**For:** Crowley was opposed to unlimited exemption, but would not object to a limited exemption. Gowey said it was the place and not the value that should be exempted. Cosgrove believed in unlimited exemption. He thought the churches were an effective police force, and pointed out that it was mostly the poor who supported them. Griffitts admitted that he was not a church member but said he wanted them exempt as it would be like taxing people's generosity to tax churches. Dyer, Griffitts, and Warner advocated the five thousand dollar exemption.

**Against:** Godman was against exemption as it seemed to him to be leading up to the joining of church and state. He opposed giving churches more power as he believed they were too influential now. Buchanan and T. M. Reed were in favor of leaving the matter to the Legislature. Stiles had a petition signed by several Tacoma businessmen and the Rev. W. E. Copeland opposing church exemption.

**Motion:** Godman moved to substitute the minority report.
**Action:** Motion lost 26 to 23.

**Motion:** Dickey moved to amend the majority report so as to

8. **Times**, August 7, 8; **Ledger, Globe**, August 8; **Standard**, August 9, 1889.

exempt all church property from taxation and not to leave the entire question to the Legislature.

**Action:** Motion lost.

**Motion:** Eshelman moved to exempt the property of widows to the amount of one thousand dollars.

**Action:** Motion lost.

**Motion:** Durie moved to increase the limit of personal property exemption to five hundred dollars.

**Action:** Motion lost.

**Motion:** Minor moved to exempt each family instead of the head of the family.

**Action:** Motion lost.

**Motion:** Griffitts moved to amend the majority report to read, "The property of the United States, counties, school districts, and other municipal corporation and such property as the Legislature may provide shall be exempt from taxation."

**Action:** Motion carried.

The **Globe** reported that some of the delegates offered amendments to exempt the property of poor widows, lone orphans, and toiling mechanics. One delegate drew a distinction between taxing the rich man and the poor man. The newspaper called these amendments a display of the rankest demagogy.

Final action by Convention, August 7:

Decision of committee of the whole accepted 42 to 23. (p.278, Section 4: This Journal entry is in accordance with the Section number as reported.)

**Voting against:** Berry, Bowen, Clothier, Comegys, Crowley, Godman, Gowey, Gray, Hicks, Manly, McDonald, R. S. More, Neace, Sharpstein, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, Turner, Van Name, Warner, Willison, and Hoyt. **Absent and not voting:** Allen, Browne, Dallam, Fairweather, Hayton, Hungate, Jeffs, Mires, P. C. Sullivan, and Travis.

**Motion:** J. Z. Moore moved to add "and used exclusively for charitable and religious purposes."

**Action:** Motion lost. (p. 278)

**Motion:** West moved to include exemption of five hundred dollars of household goods including tools.

**Action:** Motion lost. (p. 279)

**Motion:** Comegys offered a substitute which would allow the Legislature to give families five hundred dollars exemption and church property up to three thousand dollars.

**Action:** Motion lost 45 to 18. (p. 280)

**Voting for:** Comegys, Crowley, Gray, Hicks, Jamieson, Joy, Lindsley, Manly, McDonald, Neace, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, Turder, Van Name, Warner, and Weisenburger. **Absent and not voting:** Allen, Browne, Dallam, Fairweather, Godman, Hungate, Jeffs, Kellogg, Mires, Newton, P. C. Sullivan, and Travis.

**Motion:** T. M. Reed moved a substitute which would have exempted all church property and allowed the Legislature to exempt family property up to two hundred dollars.

**Action:** Motion lost 32 to 27. (p. 281)

**Voting for:** Blalock, Bowen, Buchanan, Cosgrove, Dickey, Dyer, Eshelman, Glascock, Gowey, Hayton, Joy, Kinnear, Lindsley, McCroskey, Minor, J. Z. Moore, Morgans, Prosser, T. M. Reed, Sohns, Stevenson, Suksdorf, Tibbetts, Turner, Weisenburger, and Hoyt. **Absent and not voting:** Allen, Browne, Dallam, Fairweather, Godman, Hungate, Jeffs, Kellogg, Mires, Newton, P. C. Sullivan, and Travis.

**Motion:** Schooley moved to add "all places of public charity."

**Action:** Motion lost. (p. 281)

**Section 3**

**Present Language of the Constitution:**

**TAXATION OF FEDERAL AGENCIES AND PROPERTY. The United States and its agencies and instrumentalities, and their property, may be taxed under any of the tax**

**laws of this state, whenever and in such manner as such taxation may be authorized or permitted under the laws of the United States, notwithstanding anything to the contrary in the Constitution of this state. [1945 p 932, House Joint Resolution No. 9. Approved November, 1946.]**

Original language:[9]

The Legislature shall provide by general law for the assessing and levying of taxes on all corporation property as near as may be by the same methods as are provided for the assessing and levying of taxes on individual property.

Text as given in report of committee, August 5:

"The Legislature shall provide by law a uniform and equal rate of assessment and taxation on all property in the state, according to the value in money, and shall prescribe such regulations by general law as shall secure just valuation for taxation of property so that every person and corporation shall pay a tax in proportion to his, her, or its property, provided that a deduction of debts from credits may be authorized and the Legislature shall provide by general law for the assessing and laying of taxes on all corporation property as near as may be by the same methods as are provided for the assessing and levying of taxes on individual property." (Section 2, p. 235, the first part of which was discussed as Section 2)

**Deleted Section**

Petition submitted to Convention by Tacoma Typographical Union No. 170, July 10:

That land held from use be taxed as high as land used. (p. 39)

Petition submitted to Convention by Knights of Labor Assembly No. 115, July 25:

That land held from use be taxed as high as land used. (p. 149)

Proposition submitted to Convention by Stevenson, July 11:

Land and improvements thereon to be separately assessed. Cultivated land and uncultivated land to be assessed at the same value if of the same quality in the same locality. (p. 60)

9. **Assessment of Corporation Property:** Colo., Const. (1876), Art. 10, sec. 10; (Wash., Const. (1878), Art. 12, sec. 6, identical with Colo.). [Similar.]

Text as given in majority report of committee, August 5:

> "Land and improvements thereon shall be separately assessed." (Section 3, p. 235)

Text as given in minority report of committee submitted by Berry, August 5:

> "Cultivated and uncultivated land of the same quality and similarly situated shall be assessed at the same value." He recommended this sentence be added to the majority report. (p. 237)

Text as given in minority report of committee submitted by Godman and Suksdorf, August 5:

> "Land and improvements thereon shall be separately assessed, cultivated and uncultivated land of the same quality and similarly located shall be assessed at the same value." (Section 2, p. 237, recommended as a substitute for Section 2 of committee report, but subject matter relates to Section 3.)

Consideration by committee of the whole, August 7:[10]

> **Motion:** Cosgrove moved to substitute the minority report of Godman and Suksdorf.
>
> **Action:** Motion lost 36 to 19.
>
> **Discussion as follows:**
>
> **For:** Godman and Suksdorf said the minority report was an effort to protect the farming class. Others favoring claimed the substitute would have the effect of inducing cultivation and clearing of the land. Berry and Cosgrove supported the substitute.
>
> **Against:** R. S. More thought it might exempt much valley land. He believed that under such a regulation the rich man could clear and improve land and not pay more taxes. This would also favor the land speculators, he claimed. J. Z. Moore thought it was class legislation made for a few eastern Washington farmers, when in reality it would benefit land speculators on Puget Sound. Buchanan said it was another attempt to depart from

10. **Times**, August 7; **Ledger, Globe**, August 8, 1889.

custom and he thus opposed it. Fay, Weir, McElroy, T. M. Reed, Lillis, and Griffitts also opposed the substitute.

**Motion:** Hoyt moved to strike the section.

**Action:** Motion carried.

Final action by Convention, August 7:

**Motion:** Suksdorf moved an additional section to assess land and improvements separately and cultivated and uncultivated land at the same rate.

**Action:** Motion lost 45 to 19. (p. 279)

**Voting for:** Berry, Blalock, Clothier, Cosgrove, Crowley, Eshelman, Glascock, Godman, Hayton, Hicks, Joy, Manly, McCroskey, J. M. Reed, Sharpstein, Suksdorf, Tibbetts, Warner, and Weisenburger. **Absent and not voting:** Allen, Browne, Dallam, Fairweather, Hungate, Jeffs, Mires, Power, Stevenson, P. C. Sullivan, and Travis.

### Deleted Section

Text as given in report of committee, August 5:

"All laws exempting property from taxation, other than the property mentioned above, shall be void." (Section 5, p. 235)

Consideration by committee of the whole, August 7:[11]

**Motion:** Hoyt moved to strike the section.

**Action:** Motion carried.

Final action by Convention, August 7:

Decision of committee of the whole accepted. (p. 278)

### Section 4

**Present Language of the Constitution:**

(This section stricken by 14th Amendment.)

Original language:[12]

11. **Times**, August 8; **Ledger, Globe, Standard**, August 9, 1889.

12. **Assessment of Corporation Property:** Tex., **Const.** (1876), Art. 8, sec. 4. [Identical.] Ga., **Const.** (1877), Art. 7, sec. 5; Colo., **Const.** (1876), Art. 10, sec. 9 (Wash. **Const.** (1878), Art. 12, sec. 5; identical with Colo.). [Similar.]

The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the state shall be a party.

Text as given in report of committee, August 5:

Same as final. (Section 6, p. 235)

### Section 5

**Present Language of the Constitution:**

**TAXES, HOW LEVIED. No tax shall be levied except in pursuance of law; and every law imposing a tax shall state distinctly the object of the same to which only it shall be applied.**

Original language same as present.[13]

Text as given in report of committee, August 5:

Same as final. (Section 7, p. 235)

### Deleted Section

Text as given in report of committee, August 5:

"All laws authorizing the borrowing of money, by and on behalf of the state shall specify the purpose for which the money is to be used and the money so borrowed shall be used for the purpose specified and no other." (Section 8, p. 235)

Consideration by committee of the whole, August 7:[14]

**Motion:** Griffitts moved to strike the section.

**Action:** Motion carried.

Final action by Convention, August 7:

Decision of committee of the whole accepted. (p. 278)

### Section 6

**Present Language of the Constitution:**

**TAXES, HOW PAID. All taxes levied and collected for**

13. **No Tax Except in Pursance of Law:** Ore., Const. (1857), Art. 9, sec. 3. (Hill, Prop. Wash. Const., Art. 7, sec. 3, identical with Ore.). [Identical.]

14. **Times, Ledger, Globe,** August 8; **Standard,** August 9, 1889.

**state purposes shall be paid in money only into the state treasury.**

Original language same as present.

Text as given in report of committee, August 5:

Same as final except it did not include "in money only". (Sec. 9, p. 235)

Consideration by committee of the whole, August 7:[15]

**Motion:** Griffitts moved to strike the section.

**Action:** Motion lost.

**Motion:** Gowey moved to add "in money only" after "paid".

**Action:** Motion carried.

Final action by Convention, August 7:

Decision of committee of the whole accepted. (p. 278)

### Section 7

**Present Language of the Constitution:**

**ANNUAL STATEMENT. An accurate statement of the receipts and expenditures of the public moneys shall be published annually in such manner as the legislature may provide.**

Original language same as present.[16]

Text as given in report of committee, August 5:

Same as final. (Section 10, p. 236)

### Section 8

**Present Language of the Constitution:**

**TAX TO COVER DEFICIENCIES. Whenever the expenses of any fiscal year shall exceed the income, the legislature may provide for levying a tax for the ensuing fiscal year, sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of the ensuing fiscal year.**

15. Times, Ledger, Globe, August 8, 1889.

16. Statement of Receipts and Expenditures: Ore., Const. (1857), Art. 9, sec. 5 (Ind., Const. (1851), Art. 10, sec. 4; Hill, Prop. Wash. Const., Art. 7, sec. 5, identical with Ore.). [Identical.]

Original language same as present.[17]

Text as given in report of committee, August 5:

> Same as final except that it had "shall" instead of "may". (Section 11, p. 236)

Consideration by committee of the whole, August 7:[18]

> **Motion:** J. Z. Moore moved to insert "may" instead of "shall" before "provide". This left it optional with the Legislature whether a special tax would be levied.
>
> **Action:** Motion carried.

Final action by Convention, August 7:

> Decision of committee of the whole accepted. (p. 278)

**Section 9**

**Present Language of the Constitution:**

> **SPECIAL ASSESSMENTS OR TAXATION FOR LOCAL IMPROVEMENTS. The legislature may vest the corporate authorities of cities, towns and villages with power to make local improvements by special assessment, or by special taxation of property benefited. For all corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes and such taxes shall be uniform in respect to persons and property within the jurisdiction of the body levying the same.**

Original language same as present.[19]

Text as given in report of committee, August 5:

> Same as final. (Section 12, p. 236)

**Deleted Section**

Text as given in report of committee, August 5:

> "All stationery and other articles required for the use of the state shall be furnished under such regulations as may be

17. **Deficiencies Provided For:** Wis., Const. (1848), Art. 8, sec. 5; Ore., Const. (1857), Art. 9, sec. 6; Hill, Prop. Wash. Const., Art. 7, sec. 6. [Identical.]
18. **Ledger,** August 8, 1889.
19. **Cities May Have Special Taxes:** Il., Const. (1870), Art. 9, sec. 9. [Identical except for slight word change.]

prescribed by law, but no state officer or member of the Legislature shall be interested in any contract, or bid for furnishing such stationery or articles." (Section 13, p. 236)

Consideration by committee of the whole, August 7:[20]

**Motion:** Weisenburger moved to strike the section.

**Action:** Motion carried.

Final action by Convention, August 7:

Decision of committee of the whole accepted. (p. 278)

**Deleted Section**

Text as given in minority report submitted by Berry, August 5:

"A mortgage, deed of trust, contract, or other obligation by which a debt is secured shall for the purpose of assessment and taxation be deemed and treated as an interest in the property affected thereby. Except as to railroads and other quasi-public organizations, in case of debts so secured, the value of the property affected by such mortgage, deed of trust, contract, or obligation, less the value of such security, shall be assessed and taxed to the owner thereof, in the county, city, or district in which the property affected thereby is situated. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security. If paid by the owner of the security, the tax so levied upon the property affected thereby shall become a part of the debt so secured. If the owner of the property shall pay the tax so levied upon such security it shall constitute a payment thereon, and to the extent of such payment a full discharge thereof. Provided, that if any such security or indebtedness shall be paid by any such debtor or debtors, after assessment, and before the tax levy, the amount of such levy may likewise be retained by such debtor or debtors and shall be computed according to the tax levy for the preceding year." (p. 238)

Final action by Convention, August 7:

**Motion:** Griffitts moved that an additional section be added to the article the text of which was similar to that of Berry's minority report.

**Action:** Motion lost 41 to 23. (p. 279)

20. Ledger, August 8, 1889.

**Voting for:** Berry, Clothier, Coey, Cosgrove, Dickey, Glascock, Godman, Griffitts, Jones, Joy, Lindsley, Manly, McCroskey, McDonald, R. S. More, J. M. Reed, Schooley, Stevenson, Turner, Van Name, Warner, Weisenburger, and West. **Absent and not voting:** Allen, Browne, Dallam, Fairweather, Hungate, Jeffs, Kellogg, Mires, Newton, P. C. Sullivan, and Travis.

**Passage of Article**

Article on Revenue and Taxation approved by Convention, August 7, by a vote of 41 to 17. (p. 282)

**Voting against:** Comegys, Crowley, Eldridge, Godman, Hicks, Minor, Sharpstein, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, Turner, Van Name, Warner, Weisenburger, West, and Willison. **Absent and not voting:** Allen, Browne, Berry, Dallam, Fairweather, Gray, Hungate, Kellogg, Lillis, Manly, McDonald, Mires, Neace, Newton, P. C. Sullivan, and Travis.

Action by Convention, August 8:

**Motion:** Griffitts moved to reconsider the vote by which the Article on Revenue and Taxation had been approved.

**Action:** Motion lost 34 to 31. (p. 285)

**Voting for:** Barry, Bowen, Buchanan, Clothier, Coey, Dickey, Durie, Dyer, Eldridge, Fairweather, Gowey, Hayton, Hicks, Joy, Kellogg, Kinnear, Lindsley, Minor, Mires, J. Z. Moore, Power, Prosser, T. M. Reed, Schooley, Sharpstein, E. H. Sullivan, Turner, Warner, West, Willison, and Hoyt. **Absent and not voting:** Allen, Blalock, Browne, Dallam, Jamieson, Jeffs, McDonald, Sohns, Travis, and Van Name.

## ARTICLE VIII

## STATE, COUNTY AND MUNICIPAL INDEBTEDNESS

Few delegates wanted to allow the state unlimited indebtedness, fearing the effect on future prosperity. Although some favored a limit based on a percentage of taxable property, those who preferred limiting by a definite amount triumphed with a four hundred thousand dollar ceiling. An attempt to allow the Legislature to incur special debts without the consent of the voters was unsuccessful.

Because of disastrous fires in Seattle, Ellensburg, and Spokane, delegates from these areas were anxious that any limitation of county or city indebtedness allow for rebuilding public facilities. Men sent by the Seattle City Council described the needs of a growing city to the committee on indebtedness.[1] Their mission was heartily approved of by the **Vancouver Independent.**[2] Two newspapers said the Convention had no right to limit municipal indebtedness[3] and another sharply criticized this sixth section of the committee's report.[4]

Finally, a debt of up to one and one half per cent of the taxable property was allowed without a vote of the people. With the consent of three-fifths of the voters a debt of up to five per cent of the taxable property could be incurred. An editorial in the **Seattle Post Intelligencer** expressed satisfaction with the final clause.[5] Caustic editorial disapproval was expressed in the **Spokane Falls Review.**[6]

Walla Walla's desire to aid in the construction of a branch line railroad caused its delegates, supported by some others from eastern Washington, to demand that counties be allowed to grant subsidies to corporations. The **Yakima Herald** said the present population should not bear the full burden of improvements which future generations would enjoy.[7]

The battle over the Walla Walla subsidy scheme was one of

1. **Seattle Post Intelligencer,** July 12, 17, 1889.
2. **Vancouver Independent** [Vancouver, Wash.], July 17, 1889.
3. **Post Intelligencer,** July 12; **Tacoma Daily Ledger,** July 18, 1889.
4. **Seattle Times,** July 12, 1889.
5. **Post Intelligencer,** August 1, 1889.
6. **Spokane Falls Review,** July 28, 1889.
7. **Yakima Herald,** July 18, 25, 1889.

the most bitter of the Convention. It has been suggested that the origin of the problem was in the rivalry between the Union Pacific and the Great Northern railroads in Washington Territory, although this was not brought out in the Convention.[8]

The delegates who feared government partnership with private corporations saw to it that counties and municipalities were forbidden to loan their credit. Walla Walla County rejected the Constitution, undoubtedly for this reason.

Stiles later bemoaned the fact that a definition of indebtedness had been neither included in the Constitution nor provided by the Legislature. He said reckless assessments in early years had encouraged extravagances, forcing the spirit of the section to bend to expediencies.[9]

The Committee for State, County, and Municipal Indebtedness was appointed July 9. (p. 19)

**Members:** Browne, chairman; Blalock, J. M. Reed, Durie, Coey, Hungate, Sturdevant, Fairweather, and Fay.

### Section 1

**Present Language of the Constitution:**

> **LIMITATION OF STATE DEBT. The state may to meet casual deficits or failure in revenues, or for expenses not provided for, contract debts, but such debts, direct and contingent, singly or in the aggregate, shall not at any time exceed four hundred thousand dollars ($400,000), and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained or to repay the debts so contracted, and to no other purpose whatever.**

Original language same as present.[10]

8. James L. Fitts, "The Washington Constitutional Convention of 1889" (unpublished Master's thesis, University of Washington, Seattle, 1951), 65-75; Wilfred J. Airey, "A History of the Constitution and Government of Washington Territory" (unpublished Ph.D. dissertation, University of Washington, Seattle, 1945), 481-7.

9. Theodore L. Stiles, "The Constitution of the State and Its Effects upon Public Interests," **Washington Historical Quarterly**, IV (October, 1913), 284.

10. **State Indebtedness Limited:** Ia., **Const.** (1857), Art. 7, sec. 2. [Identical except for slight word change.] Hill, Prop. Wash. **Const.**, Art. 7, sec. 8. [Similar.]

Text as given in report of committee, July 25:

> Same as final except that it did not include the words "or failures" in the first sentence. (p. 150)

Consideration by committee of the whole, July 31:[11]

> **Motion:** Cosgrove moved to strike "but such debts, direct and contingent, singly or in the aggregate, shall not at any time exceed four hundred thousand dollars."
>
> **Motion:** Turner moved to further amend by striking the entire section.
>
> **Action:** Both motions lost.
>
> **Discussion as follows:**
>
> **For:** Turner was opposed to any limitation because he did not wish to have the people vote every time special expenses arose. Cosgrove argued that the result of adopting such a section would be that bonds would never be floated at par. He pointed out that the great needs of a new state as reason for refusing a limitation. Stiles wished to leave it to the Legislature.
>
> **Against:** Browne thought it necessary to have a limitation. He pointed to Section 3 as authorizing special expenditures by the people, and cited California and New York as examples of states which had specific debt limits. J. Z. Moore and T. M. Reed endorsed Browne's views. Sturdevant thought four hundred thousand dollars was enough, and Blalock said the committee report struck a safe spot between two extremes. Lillis feared the danger from allowing unlimited indebtedness and wanted the state to set a good example for cities and counties. Minor opposed the amendments because he thought this was a necessary limitation on the Legislature. J. M. Reed believed that with the large land grants given to the state there should be no need to contract a debt larger than the amount provided. Kinnear was opposed to unlimited debts. Durie said that with the limitation, bonds could be floated at a much lower rate of interest than otherwise.

11. **Times, July 31; Review, Ledger, Tacoma Morning Globe, August 1; Washington Standard [Olympia, Wash.], August 2, 1889.**

Weir thought there should be a limitation, but one which was a per centum upon the assessed value of the property. Stiles agreed with Weir and added that he did not believe that the people should have to be consulted every time a public building was needed.

**Motion:** Minor offered as an amendment the following substitute: "No debts shall hereafter be contracted by, or on behalf of this state, unless such a debt shall be authorized by law for some single work or object to be distinctly specified therein, which last shall provide ways and means, exclusive of loans, for the payment of interest on such debt as it falls due, and also to pay and discharge the principal of such debt within twenty years of the contracting thereof." Then Section 1 follows preceded by the word "provided."

**Action:** Ruled out of order. The Convention had adopted the Cushing Manual as a parliamentary guide and the manual stated that only one amendment to an amendment was in order. Cosgrove's and Turner's amendments had not yet been voted on. Both were then voted on and lost. Minor again put his motion and it also lost.

**Discussion as follows:**

**For:** Griffitts preferred this amendment since it provided for limited indebtedness.

**Against:** Turner believed in limiting counties or municipalities to debts for specified purposes, but thought that on the state level such a limitation could restrict various departments. Stiles agreed; he believed in leaving the subject to the control of the Legislature after inserting some limitation in the Constitution.

**Motion:** Weir moved to limit indebtedness to three per cent for general purposes.

**Action:** Motion lost.

**Motion:** Weir moved to strike "four hundred thousand dollars" and substitute "one per cent of the taxable property."

**Action:** Motion lost.

**Motion:** Lillis moved to strike "four hundred thousand dollars" and substitute "eight hundred thousand dollars."

**Action:** Motion lost.

**Motion:** Stiles moved to make it one half of one per cent of the taxable property.

**Action:** Motion lost.

Section was accepted as reported by the committee.

Final action by Convention, August 1:

**Motion:** Weir moved to strike "four hundred thousand dollars" and insert in lieu thereof "one half of one per cent of its taxable wealth."

**Motion:** P. C. Sullivan moved to amend by striking out "one half of one" and inserting "one."

**Action:** Weir accepted the amendment; a vote taken on the motion as amended lost 51 to 23. (p. 209)

**Voting for:** Blalock, Bowen, Comegys, Crowley, Dickey, Dunbar, Eldridge, Eshelman, Glascock, Jamieson, Jones, Joy, Kellogg, Mires, Prosser, Sohns, Stiles, Suksdorf, P. C. Sullivan, Tibbetts, Van Name, Weir, and Winsor. **On leave:** Gowey.

## Section 2

**Present Language of the Constitution:**

**POWERS EXTENDED IN CERTAIN CASES. In addition to the above limited power to contract debts the state may contract debts to repel invasion, suppress insurrection, or to defend the state in war, but the money arising from the contracting of such debts shall be applied to the purpose for which is was raised and to no other purpose whatever.**

Original language same as present.[12]

Text as given in report of committee, July 25:

Same as final. (p. 151)

12. **Exceptions to Limitation:** Ia., Const. (1857), Art. 7, sec. 4. [Identical except for slight word change.]

## Section 3

**Present Language of the Constitution:**

> **SPECIAL INDEBTEDNESS, HOW AUTHORIZED. Except the debt specified in sections one and two of this article, no debts shall hereafter be contracted by, or on behalf of this state, unless such debt shall be authorized by law for some single work or object to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within twenty years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people and have received a majority of all the votes cast for and against it at such election, and all moneys raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, if one be published therein, throughout the state, for three months next preceding the election at which it is submitted to the people.**

Original language same as present.[13]

Text as given in report of committee, July 25:

> Same as final except that it had in addition: "The Legislature may at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same, and may at any time forbid by law the contracting of any further debt or liability under such law but the tax imposed by such act, in proportion to the debt and liability which may have been contracted in pursuance of such law, shall remain in force and be irrepealable and be annually collected until the proceeds thereof shall have made the provision hereinbefore specified to pay and discharge the interest and principal of the debt and liability therein created." (p. 151)

Consideration by committee of the whole, July 31:[14]

> **Motion:** Turner moved to strike out all of the section after the

13. **Special Provision for Incurring Indebtedness:** Cal., Const. (1879), Art. 16, sec. 1. [Identical except for slight word change.]

14. **Review, Ledger, Globe,** August 1; **Standard,** August 2, 1889.

first sentence. This would have eliminated the vote by the people.

**Action:** Motion lost 38 to 19.

**Discussion as follows:**

**For:** Turner feared to submit legislative matters to the people as they might be moved by excitement or generous impulses. Stiles supported the motion for the same reason and also because the section would call for too many elections. Dunbar believed in trusting the Legislature and did not think the people had to be consulted all the time. The **Standard** states that Sullivan supported Turner's motion to strike. However, the **Review** claimed that E. H. Sullivan made the motion, making no further mention of it.

**Against:** Griffitts defended the people as voters and their right to vote on such subjects. Weir favored the report and would put even more brakes on the Legislature by a percentage limitation. Browne defended the report and said that it was taken from the New York Constitution. Cosgrove was willing to trust the people but not the Legislature. He did favor striking the last sentence referring to the repeal of such a law after it was once passed. Sturdevant also spoke against the motion.

**Motion:** Stiles moved to strike out the last of the section.

**Action:** Motion carried 37 to 17.

**Motion:** Minor moved to strike out the portion demanding publication of the law in newspapers.

**Action:** Motion lost 36 to 22.

The section was approved as amended.

Final action by Convention, August 1:

Decision of committee of the whole accepted. (p. 207)

**Section 4**

**Present Language of the Constitution:**

**MONEYS DISBURSED ONLY BY APPROPRIATIONS. No moneys shall ever be paid out of the treasury of this state,**

**or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within one calendar month after the end of the next ensuing fiscal biennium, and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum. [1921 p 80 § 1. Approved November, 1922.]**

Original language:[15]

No moneys shall ever be paid out of the treasury of this state, or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within two years from the first day of May next after the passage of such appropriation act, and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied, and it shall not be sufficient for such law to fix such sum.

Text as given in report of committee, July 25:

Same as final except that it called for payment within two years after the appropriation while the final section called for payment within two years after the first of May. (p. 151)

Consideration by committee of the whole, July 31:[16]

**Motion:** E. H. Sullivan moved to strike out the section.

**Action:** Motion lost.

**Motion:** Stiles moved to insert "from the first day of May" for the sake of uniformity in fixing the beginning of the state fiscal year.

**Action:** Motion carried.

**Query:** Griffitts asked the meaning of the two-year clause.

**Answer:** Browne explained that it was to prevent the Legislature from authorizing expenditures to be made any

15. **Appropriations:** Wash., Const. (1878), Art. 12, sec. 7; Hill, Prop. Wash. Const., Art. 7, sec. 4. [Similar in part. Most constitutions contain this provision. The remainder of the Wash. section seems to be original.]

16. **Review, Ledger, Globe,** August 1, 1889.

further on appeal than two years. He said that through a postponed payment plan, California had far exceeded its debt limitation. T. M. Reed added that the clause also prevented the state from paying interest on money lying idle under specific appropriations.

### Section 5

**Present Language of the Constitution:**

**CREDIT NOT TO BE LOANED. The credit of the state shall not, in any manner be given or loaned to, or in aid of, any individual, association, company or corporation.**

Original language same as present.[17]

Text as given in report of committee, July 25;

Same as final. The **Journal**, however, has run the texts of Sections 5 and 6 together. (p. 152)

Consideration by committee of the whole, July 31:[18]

**Motion:** E. H. Sullivan moved to strike the section.

**Action:** Motion lost.

**Discussion as follows:**

**For:** Sullivan said that this subject was treated in Section 12 of the corporations article.

**Against:** Turner opposed striking.

**Motion:** Griffitts moved to amend so that the section covered donations.

**Action:** Motion lost.

**Discussion as follows:**

**Against:** Dunbar and Buchanan thought the words "in any manner be given" were sufficient.

### Section 6

**Present Language of the Constitution:**

**LIMITATIONS UPON MUNICIPAL INDEBTEDNESS.**

17. **Credit of the State Shall Not be Pledged:** Ia., **Const.** (1879), Art. 7, sec. 1. [Identical except that Wash. adds the word "comparing."] Wash., **Const.** (1878), Art. 12, sec. 9. [Similar.]

18. **Review**, August 11, 1889.

**No county, city, town, school district, or other municipal corporation shall for any purpose become indebted in any manner to an amount exceeding one and one-half percentum of the taxable property in such county, city, town, school district, or other municipal corporation, without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five percentum on the value of the taxable property therein, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness, except that in incorporated cities the assessment shall be taken from the last assessment for city purposes: Provided, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly county, city, town, school district, or other municipal purposes: Provided further, That (a) any city or town, with such assent, may be allowed to become indebted to a larger amount, but not exceeding five percentum additional for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the municipality and (b) any school district with such assent, may be allowed to become indebted to a larger amount but not exceeding five percentum additional for capital outlays. [1951 p 961, House Joint Resolution No. 8. Approved November 4, 1952.]**

Original language:[19]

No county, city, town, school district or other municipal corporation shall for any purpose become indebted in any manner to an amount exceeding one and one-half per centum of the taxable property in such county, city, town, school district or other municipal corporation, without the assent of three-fifths of the voters therein, voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five percentum on the value of the taxable property therein, to be ascertained by the last assessment for the state, and county purposes previous to the incurring of such indebtedness; except that in incorporated cities the assess-

19. **Limit of Indebtedness of Counties, Cities or School Districts:** Ill., Const. (1878), Art. 9, sec. 12. [Similar. This section was inserted to help Seattle following the big fire of 1889.]

ment shall be taken from the last assessment for city purposes; provided, that no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly county, city, town, school district, or other municipal purposes. Provided further, that any city or town with such assent may be allowed to become indebted to a larger amount but not exceeding five per centum additional for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the municipality.

Resolution submitted to Convention by Seattle City Council, July 16:

Asked allowance of indebtedness in bonding for water, sewage, and other purposes. Favored a two-thirds vote of the people rather than a debt limitation. (p. 99)

Memorial submitted to Convention by Knights of Labor No. 115, July 25:

Asked that municipal ownership of industries and public conveniences be allowed. (p. 149)

Petition submitted to Convention by N. W. Harris of Chicago (purchaser of all of King County and Spokane Falls bonds), July 11:

That indebtedness of municipalities be regulated. (p. 44)

Text as given in report of committee, July 25:

Same as final except that it had one per cent instead of one and one-half per cent limitation. Also it did not include "except that in incorporated cities the assessment shall be taken from the last assessment for city purposes." (Section 5, p. 152)

Consideration by committee of the whole, July 31:[20]

**Motion:** Godman moved to strike "voters" and insert "property taxpayers."

**Motion:** Power moved to amend to add "and qualified electors."

**Action:** Godman accepted Power's amendment and then the motion as amended lost 33 to 23.

20. Review, Ledger, Globe, August 1, 1889.

**Motion:** E. H. Sullivan moved to increase the limit from one to one and one-half per cent.

**Action:** Motion carried 40 to 5.

**Discussion as follows:**

**For:** Warner said this increase was needed and explained that his city (Colfax) had been twice burned out and needed to go into debt to rebuild. P. C. Sullivan and Gowey favored the motion.

**Against:** Browne spoke against the motion.

**Query:** Stiles asked how city authorities were to obtain the amount of county indebtedness officially.

**Answer:** Browne replied that it would be done by going to the county records.

**Motion:** Stiles moved to insert "except that in incorporated cities the assessment shall be taken from the last assessment for city purposes."

**Action:** Motion carried.

**Motion:** P. C. Sullivan moved to add "the limitation shall not include any existing indebtedness or be applied to or affect any existing contracts."

**Action:** Motion lost.

**Discussion as follows:**

**Against:** Durie said this would then apply different measures to different localities and he opposed the motion. Lillis agreed with him. Griffitts thought the motion too indefinite.

**Motion:** Turner moved to amend to require a majority assent of the voters instead of the three-fifths requirement.

**Motion:** Blalock moved to amend the amendment to make it a majority of the votes of property taxpayers.

**Action:** Blalock's amendment carried. Turner's motion was then lost.

The **Ledger** gives the vote on Blalock's amendment as 64 to 3, while the **Review** records it as 34 to 30.

**Discussion as follows:**

**Against:** Turner asked to have his own motion as amended voted down since he did not believe in property qualifications. Griffitts said this would make any property holder qualified to vote whether he was a state resident or not. Browne said the three-fifths rule was a protection against the floating population and really required only a majority of bona fide residents. Kinnear also favored three-fifths.

Final action by Convention, August 1:

Decision of committee of the whole to change "one" to "one and one-half" was accepted 51 to 22. (p. 207)

**Voting against:** Blalock, Browne, Buchanan, Burk, Clothier, Coey, Eldridge, Godman, Griffitts, Henry, Hicks, Hungate, Jeffs, Lindsley, McReavey, J. Z. Moore, Newton, J. M. Reed, Sharpstein, Stevenson, West, and Willison. **Not voting:** Comegys. **On leave:** Gowey.

**Motion:** Turner moved to strike "three-fifths" and substitute "majority."

**Action:** Motion lost 41 to 33. (p. 208)

**Voting for:** Cosgrove, Crowley, Dallam, Dickey, Dunbar, Griffitts, Hicks, Jamieson, Jeffs, Jones, Joy, Kellogg, McCroskey, McElroy, Mires, H. S. More, Morgans, Power, J. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Stiles, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Warner, Weisenburger, West, and Hoyt. **On leave:** Gowey.

The **Spokane Falls Review** gives the vote as 41 to 30, and records that Cosgrove spoke for the motion while Buchanan opposed. The **Washington Standard** agrees with the vote recorded in the **Journal.**[21]

**Section 7**

**Present Language of the Constitution:**

**CREDIT NOT TO BE LOANED. No county, city, town**

21. Review, August 2; Standard, August 9, 1889.

**or other municipal corporation shall hereafter give money, or property, or loan its money, or credit to or in aid of any individual, association, company or corporation, except for the necessary support of the poor and infirm, or become directly or indirectly the owner of any stock in or bonds of any association, company or corporation.**

Original language same as present.[22]

Proposition submitted to Convention by Griffitts, July 10:

> That no county, city or municipal corporation give any subsidy or loan its credit to any corporation or individual. (p. 41)

Text as given in majority report of committee, July 25:

> "No county shall hereafter give or loan its money, property, or credit to or in aid of any individual, company, corporation, or association unless two-thirds of the property taxpayers thereof being legal electors therein and voting thereon, vote therefor at an election to be held for such purpose and in no case shall the sum so voted exceed in the aggregate four percentum of its assessed valuation for county and state purposes as shown by its assessment next preceding such election." (p. 152)

Text as given in minority report of committee submitted by Browne, Hungate, Coey, and Fairweather, July 25:

> Same as final except it did not include "except for the necessary support of the poor and infirm." (p. 153)

Consideration by committee of the whole, July 31:[23]

> **Motion:** Dunbar moved to adopt the majority report.
>
> > **Action:** Committee began discussion but later rose without vote on the motion and when a vote was taken the following day, the motion was lost.
>
> **Discussion as follows:**
>
> **For:** Crowley of Walla Walla said he believed in home

22. **Counties Shall Not Aid Corporations:** Ore., **Const.** (1857), Art. 11, sec. 9; Hill, Prop. Wash. **Const.**, Art. 11, sec. 6; Wash., **Const.** (1878), Art. 12, sec. 9; N. Y., **Const.** Amend., Art. 7, sec. 11 (1874). [Similar in parts.]

23. **Review, Ledger,** August 1; **Standard,** August 2; **Puget Sound Weekly Argus** [Port Townsend, Wash.], August 8, 1889.

rule and that the people of Walla Walla were benefited by a railroad they had partly constructed. He believed there were enough restrictions in the section to guard against too much indebtedness. He wanted the people to have the power to reward enterprises which tended to further their own good. Dunbar and Crowley vividly portrayed the injustices their counties of Walla Walla and Klickitat had suffered in the transportation of their grain because of extortion practiced by the existing monopolies.

**Against:** Weir declared that subsidization was vicious, that Missouri had suffered unfortunate results from it, and that people could not be trusted because they would carry a measure on a wave of popular excitement. He did not believe it fair to pledge a whole county for the desires of the people of Walla Walla. Griffitts said he would be willing to relieve the people of Klickitat and Walla Walla, but not by means of the Constitution acting for one locality. This he thought vicious. He read from a newspaper to show that the P.B.&V. Railroad, of which Dunbar was president, felt confident of success in a contemplated line in Klickitat County. He was against property being donated to private individuals and so favored the minority report. Buchanan and J. Z. Moore also attacked the majority report, but the latter did favor aiding enterprises by voluntary contributions.

Committee rose without vote on motion of Dunbar.

Consideration by committee of the whole, August 1:[24]

Debates continued on Dunbar's motion.

**For:** Sturdevant supported the majority report because he thought it was safe against ill-advised subsidies and the people would benefit. He admitted that evils had arisen elsewhere over the granting of subsidies, but claimed that these instances were foreign to the present controversy. Prosser also supported it and said the people of eastern Washington wanted these subsidies. He contended that they should have as much right to subsidize a railroad as to build a county railroad. Stiles said that

24. **Times, August 1, 2; Review, Ledger, August 2; Standard, August 9; Argus, August 8, 1889.**

the railroad was a quasi-public concern and that it was a good principle for the government to aid it. Dunbar informed them that the constitutions of thirteen states grant this, ten prohibit, and thirteen don't mention it. T. M. Reed thought it right for counties and cities to raise money by tax for subsidy purposes if a majority of the voters agreed to it. Blalock said that such a section was found in sixteen constitutions, and Lillis maintained that the granting of railroad subsidies would promote the general welfare.

**Against:** Buchanan said that the question involved the underlying principle of government; the protection from enemies without and the protection of weak from the strong within. He cited examples of railroad agents entangling people in disastrous schemes. Comegys opposed the motion, not desiring to rob the minority to please the majority. He believed that the majority should subscribe privately as governments were not made for partnerships with corporations. Griffitts showed the difference between this and water works owned by a city to be that the railroad profit goes into private pockets. E. H. Sullivan opposed the motion as it placed the weak at the mercy of the strong. Jones, Manly, and Browne argued for the defeat of subsidies. Turner said he could not support such a vicious measure, although he sympathized with the people of Walla Walla and Klickitat. He would restrict the power of the people to divert public money for private purposes. He feared subsidies would go to other purposes than railroads. The state should control this as the time might come when it would need the help of counties for general purposes. J. Z. Moore said that the government was not instituted for the confiscation of property to assist private corporations or enterprises.

**Motion:** Power moved to amend the majority report by inserting the following: provided that any railroad company shall not combine with or sell out to any competing railroad company, but the railroad so aided shall be maintained and operated as an independent public line.

**Action:** Motion lost.

The **Review** reports that the motion was withdrawn at

Browne's request so there could be a direct vote on the majority report. The **Times** and **Ledger** record the motion as lost.

**Discussion as follows:**

**Against:** Weir thought this would require a two-thirds vote on the railroad proposition but not anything else. Crowley said the question was simply whether or not these counties were to be allowed this subsidy privilege.

**Motion:** Stiles moved to amend the majority report so that a subsidy must be for public use.

**Action:** Motion lost 34 to 27.

Dunbar's motion to accept the majority report was then voted on and lost.

**Motion:** Stiles moved to amend the minority report so that money could be given or loaned for necessary support of the poor.

**Action:** Motion lost.

The minority report was then approved.

Final action by Convention, August 1:

Decision of committee of the whole to strike the majority report and substitute the minority report carried 49 to 25. (p. 207)

**Voting against:** Blalock, Bowen, Burk, Crowley, Dunbar, Durie, Eshelman, Fay, Hayton, Henry, Jamieson, Joy, Lillis, Neace, Power, Prosser, T. M. Reed, Sharpstein, Shoudy, Sohns, Stiles, Sturdevant, P. C. Sullivan, West, and Hoyt. **Absent:** Gowey.

**Motion:** Sohns moved to add that cities would not be prevented from granting terminal and shipping facilities and rights of way.

**Action:** Motion lost, 43 to 31. (p. 208)

**Voting for:** Bowen, Burk, Cosgrove, Crowley, Dallam, Dickey, Eldridge, Glascock, Jeffs, Jones, Kellogg, Kinnear, Lindsley, McCroskey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Power, T. M. Reed, Sharpstein, Shoudy,

Sohns, Stiles, Suksdorf, P. C. Sullivan, Tibbetts, Weir, Weisenburger, and Hoyt. **Absent:** Gowey.

**Motion:** Stiles moved to add a phrase "except for the necessary support of the poor and infirm." (p. 209)

**Action:** Motion carried.

The **Review** gives the vote as 30 to 27.[25]

**Motion:** Shoudy moved to add a phrase "excepting for the building and operating of canals for irrigation."

**Action:** Motion lost. (p. 209)

**Passage of Article**

Article on State, County and Municipal Indebtedness approved by Convention, August 1, by a vote of 48 to 24. (p. 210)

**Voting against:** Blalock, Bowen, Burk, Crowley, Dunbar, Durie, Eldridge, Eshelman, Fay, Godman, Hayton, Jamieson, Joy, Lillis, Mires, Prosser, T. M. Reed, Sohns, Stiles, Sturdevant, E. H. Sullivan, Tibbetts, West, and Hoyt. **Not voting:** Cosgrove and Shoudy. **On leave:** Gowey.

25. **Review**, August 2, 1889.

## ARTICLE IX EDUCATION

The Convention was practically unanimous in drawing up an education article which protected the common school fund and set up a democratic, nonsectarian system of public education. In the early days of the Convention, the **Tacoma Daily Ledger** ran a series of four editorials featuring an educational system for the new state.[1] It is not known how effective these ideas were, but it is certain that the delegates were influenced in their work by a list of provisions for the governing of schools which was prepared by the territorial board of education and placed in the hands of the Committee on Education.[2]

Stiles later praised the school system which had been thus provided. He explained that the Convention was familiar with the disappointing history of school funds in many other states, and wanted to provide an irreducible fund for its common schools.[3]

The Committee for Education and Educational Institutions was appointed July 9. (p. 19)

**Members:** Blalock, chairman; Lindsley, Lillis, Dickey, Eshelman, Dunbar, and Allen.

### Section 1

**Present Language of the Constitution:**

> **PREAMBLE. It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.**

Original language same as present.[4]

Text as given in report of committee, August 7:

> Same as final. (p. 276)

1. **Tacoma Daily Ledger**, July 1, 3, 4, 6, 1889.
2. **Spokane Falls Review**, July 17, 1889.
3. Theodore L. Stiles, "The Constitution of the State and Its Effects upon Public Interests," **Washington Historical Quarterly**, IV (October, 1913), 284.
4. **Education of Children:** Original.

## Section 2

**Present Language of the Constitution:**

> **PUBLIC SCHOOL SYSTEM. The legislature shall provide for a general and uniform system of public schools. The public school system shall include common schools, and such high schools, normal schools, and technical schools as may hereafter be established. But the entire revenue derived from the common school fund and the state tax for common schools shall be exclusively applied to the support of the common schools.**

Original language same as present.[5]

Text as given in report of committee, August 7:

> Same as final except that the last sentence read, "But the entire revenue derived from the state school fund, and the state school tax shall be exclusively applied to the support of the common schools." (p. 276)

Final action by Convention, August 10:

> **Motion:** Turner moved to strike out the last sentence.
>
> **Action:** Motion lost. (p. 328)
>
> **Motion:** Cosgrove moved to have a school session of not less than six months.
>
> **Action:** Motion lost. (p. 328)
>
> **Motion:** Griffitts moved to change "common" to "public" in the last line.
>
> **Action:** Motion lost. (p. 328)
>
> **Motion:** Turner moved to amend the last sentence to its final form.
>
> **Action:** Motion carried. (p. 328)

5. **Uniform System:** Ore., Const. (1857), Art. 8, sec. 3. [Similar. Many states have a provision similar to this.] **Includes What; Support of:** Cal., Const. (1879), Art. 9, sec. 6. [Very similar.]

## Section 3

**Present Language of the Constitution:**

> **FUNDS FOR SUPPORT. The principal of the common school fund shall remain permanent and irreducible. The said fund shall be derived from the following named sources, to wit: Appropriations and donations by the state to this fund; donations and bequests by individuals to the state or public for common schools; the proceeds of lands and other property which revert to the state by escheat and forfeiture; the proceeds of all property granted to the state when the purpose of the grant is not specified, or is uncertain; funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law; the proceeds of the sale of timber, stone, minerals, or other property from school and state lands, other than those granted for specific purposes; all moneys received from persons appropriating timber, stone, minerals or other property from school and state lands other than those granted for specific purposes, and all moneys other than rental recovered from persons trespassing on said lands; five per centum of the proceeds of the sale of public lands lying within the state, which shall be sold by the United States subsequent to the admission of the state into the Union as approved by section 13 of the act of congress enabling the admission of the state into the Union; the principal of all funds arising from the sale of lands and other property which have been, and hereafter may be granted to the state for the support of common schools. The legislature may make further provisions for enlarging said fund. The interest accruing on said fund together with all rentals and other revenues derived therefrom and from lands and other property devoted to the common school fund shall be exclusively applied to the current use of the common schools.**

Original language same as final.[6]

Proposition submitted to Convention by Turner, July 12:

> That the school fund be invested under rules prescribed by law, the interest only be used for schools, any deficit be supplied by taxation, and the funds augmented by fines, for-

6. **Common School Fund:** Ore., Const. (1857), Art. 8, sec. 2; Hill, Prop. Wash. Const., Art. 8, sec. 3; Wash., Const. (1878), Art. 11, sec. 4. [Similar.]

feitures, unclaimed witness and jury fees, gifts and grants of property to the state not otherwise directed. (p. 86)

Text as given in report of committee, August 7:

Same as final except that it had "educational institutions" instead of "common schools" after "bequests by individuals to the state or public for" and omitted "other than those granted for specific purposes" after "persons appropriating timber, stone, minerals, or other property from school and state lands." (p. 277)

Final action by Convention, August 10:

**Motion:** Godman moved to strike out "and state" from every mention of "school and state lands." This would have left school lands to furnish the revenue from lands.

**Action:** Motion lost. (p. 328)

**Motion:** Turner moved to strike "educational institutions" and insert "common schools" in line four.

**Action:** Motion carried.

**Motion:** Bowen moved to add "other than those granted for specific purposes" after "state lands."

**Action:** Motion carried. (p. 328)

**Motion:** Cosgrove moved to add that this would not affect lands the state owned by its sovereignty.

**Action:** Motion lost. (pp. 328-9)

**Motion:** Turner moved to amend the clause to read, "The interest accruing on said fund together with all rentals and other property devoted to the common school fund shall be exclusively applied to the current use of the common schools."

**Action:** Motion carried. (p. 329)

**Section 4**

**Present Language of the Constitution:**

**SECTARIAN CONTROL OR INFLUENCE PROHIBITED. All schools maintained or supported wholly or in part**

**by the public funds shall be forever free from sectarian control or influence.**

Original language same as present.[7]

Proposition submitted to Convention by Turner, July 11:

That there shall be no grant of money, property, or allotment of public school funds to any sectarian school or institution by state, county, city, town or other municipal subdivision. (p. 58)

Text as given in report of committee, August 7:

Same as final. (p. 277)

Final action by Convention, August 10:

**Motion:** Comegys moved to add that there be no religious exercises or instruction.

**Action:** Motion lost 33 to 20. (p. 329)

**Voting for:** Clothier, Coey, Comegys, Crowley, Durie, Eldridge, Fay, Griffitts, Hayton, Hicks, Jeffs, Manly, McElroy, Power, Sturdevant, Suksdorf, P. C. Sullivan, Van Name, Weisenburger, and Winsor. **Absent and not voting:** Allen, Berry, Browne, Dallam, Dickey, Fairweather, Gray, Hungate, Jamieson, Kellogg, Kinnear, McDonald, McReavey, Minor, Newton, Shoudy, Stevenson, Warner, and Willison.

**Motion:** J. Z. Moore moved to strike "or influence."

**Action:** Motion lost 33 to 11. (p. 328)

**Voting for:** Buchanan, Henry, Jeffs, Joy, Lindsley, Mires, J. Z. Moore, R. S. More, T. M. Reed, Schooley and Travis. **Absent and not voting:** Allen, Berry, Browne, Dallam, Dickey, Fairweather, Gray, Hungate, Jamieson, Kellogg, Kinnear, Manly, McDonald, and McReavey.

### Section 5

**Present Language of the Constitution:**

**LOSS OF PERMANENT FUND TO BECOME STATE DEBT. All losses to the permanent common school or any**

7. **Schools to be Nonsectarian:** Hill, Prop. Wash. Const., Art. 8, sec. 1. [Identical.]

**other state educational fund, which shall be occasioned by defalcation, mismanagement or fraud of the agents or officers controlling or managing the same, shall be audited by the proper authorities of the state. The amount so audited shall be a permanent funded debt against the state in favor of the particular fund sustaining such loss, upon which not less than six per cent. annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized and limited elsewhere in this Constitution.**

Original language same as present.[8]

Text as given in report of committee, August 7:

> Same as final except that it has in the first line "any state college or university fund" instead of "any other state educational fund." (p. 277)

Final action by Convention, August 10:

> **Motion:** Turner moved to strike "have been" in line two and insert "be."
>
> **Action:** Motion carried. (p. 330)
>
> **Motion:** Bowen moved to change "any state college or university" to "any other state educational fund."
>
> **Action:** Motion carried. (p. 330)
>
> **Motion:** Lindsley moved an additional section that the University of Washington might be regulated by the Legislature but would be free from partisan and sectarian control in the appointment of regents, administration, and instruction, and that the Legislature may provide for normal schools and separate schools for blind, defective, etc., youths.
>
> **Action:** Motion lost. (p. 330)

**Passage of Article**

Article on Education approved by Convention, August 10, by a vote of 53 to 2. (pp. 330-1)

> **Voting against:** Comegys and Jeffs. **Absent and not voting:** Allen, Berry, Browne, Dallam, Dickey, Fair-

8. **Losses to Permanent School Fund:** Wash., Const. (1878), Art. 11, sec. 3. [Similar in substance.]

weather, Gray, Hungate, Jamieson, Kellogg, Kinnear, McReavey, Minor, Neace, Newton, Shoudy, E. H. Sullivan, and Willison.

## ARTICLE X MILITIA

Such a detailed plan for the militia was presented by the committee report that the Convention thought it too legislative and cut it down to bare essentials, thus leaving the details for future legislative action.

The Committee for Military Affairs was appointed July 9. (p. 19)

**Members:** Prosser, chairman; Tibbetts, Cosgrove, Berry, and Glascock.

### Section 1

**Present Language of the Constitution:**

**WHO LIABLE TO MILITARY DUTY. All able-bodied male citizens of this state between the ages of eighteen (18) and forty-five (45) years except such as are exempt by laws of the United States or by the laws of this state, shall be liable to military duty.**

Original language same as present.[1]

Text as given in report of committee, July 26:
Same as final. (p. 174)

### Section 2

**Present Language of the Constitution:**

**ORGANIZATION—DISCIPLINE—OFFICERS—POWER TO CALL OUT. The legislature shall provide by law for organizing and disciplining the militia in such manner as it may deem expedient, not incompatible with the Constitution and laws of the United States. Officers of the militia shall be elected or appointed in such manner as the legislature shall from time to time direct and shall be commissioned by the governor. The governor shall have power to call forth the militia to execute the laws of the state to suppress insurrections and repel invasions.**

Original language same as present.[2]

1. **Military Duty: Who Are Liable to:** Ore., **Const.** (1857), Art. 10, sec. 1 (Hill, Prop. Wash. Const., Art. 9, sec. 1, identical with Ore.); Colo., **Const.** (1876), Art. 17, sec. 1. [Similar. This provision in varying forms is common to many constitutions.]

2. **Organization of Militia:** Cal., **Const.** (1879), Art. 8, sec. 1. [Identical.]

Proposition submitted to Convention by Hicks, July 12:

> That the militia be used only in case of invasion or rebellion, not for police duty. The military to be subservient to the civil authority. The writ of habeas corpus not to be suspended except in times of invasion or for public safety. (p. 85)

Text as given in report of committee, July 26:

> "The militia of this state shall be divided into two classes, to wit: One consisting of those who enlist in the active militia, which shall be known as the National Guard of Washington, and the other to consist of those subject to military duty, but not included in the active or enlisted militia." (p. 174)

Consideration by committee of the whole, July 30:[3]

> **Motion:** Griffitts moved to strike the section.
>
> **Motion:** Browne presented an amendment to Griffitts' motion so that it would be a motion to strike Section 2 and to insert a substitute text which was the same as the final form.
>
> **Action:** Motion carried 35 to 32 on the substitute and then the question was presented on Griffitts' motion as thus amended and was carried 34 to 30.
>
> **Discussion as follows:**
>
> **For:** Griffitts feared the entire section subordinated the civil to the military. He thought the military article entirely too legislative to be included in a constitution. Turner saw the article as placing the military above the civil, and this section as harmless but legislative. He said that the system provided for by the committee report was opposed to the American history of freedom from military despotism. Comegys did not approve of an elaborate military organization, and Godman favored a militia but wanted the Legislature to organize it. Moore did not think the section was necessary as the legislative article permitted the forming of a militia. He quoted from the Declaration of Independence to show that one of the protests against George III was the keeping of standing armies in times of peace; he further quoted from Jamie-

3. Seattle Times, July 30; Spokane Falls Review, Tacoma Daily Ledger, Tacoma Morning Globe, July 31; Chehalis Bee, Washington Standard [Olympia, Wash.], August 2; Puget Sound Weekly Argus [Port Townsend, Wash.] August 8, 1889.

**son on Constitutions** to show that only fundamentals should be included in these documents, and from sundry state constitutions to show how briefly this subject was treated and how generally it was left to the Legislature.

Speaking for his substitute, Browne said it was a copy of the California provision and he believed it amply sufficient. Stiles favored an effective military system, but since he thought the committee report was too legislative he spoke for the substitute.

**Against:** Kinnear said that the section was very proper and merely provided what class of citizens should be liable to military duty. Cosgrove favored establishing a military system in the Constitution so that it would be safe from disturbance. Dunbar thought a nucleus of the militia should be part of the state's organic law. Buchanan proposed to stand by the committee's article since no substitutes were being introduced for it. Power thought this section very fundamental and could not understand the objections. Prosser quoted provisions of other constitutions to show that this article was not overly legislative. He said it was a serious matter and not one to be laughed out by Moore, Griffitts, and Turner, the latter of whom, he said, did not like the name of National Guard. He claimed that the militia was valuable in Seattle during the fire. P. C. Sullivan favored a small but efficient military system. E. H. Sullivan made a plea for an organized military system placed beyond dispute in the Constitution. He pointed out that constitutions grew longer only because the people who had lived under earlier documents learned by experience that more restrictions were required on the Legislature. Jones cited other constitutions to show that such a military system as the one proposed was not an innovation, but was a necessity to keep the system from frequent change. Weisenburger favored establishing the militia in the Constitution as he thought this would remove it as far as possible from politics.

Speaking against the substitute, Minor expressed fears that its adoption would make it necessary for the militia to come to every Legislature to plead for recognition and support. Bowen also opposed the substitute section.

Final action by Convention, July 30:

Decision of committee of the whole accepted 41 to 31. (p. 193)

**Voting against:** Bowen, Buchanan, Burk, Cosgrove, Crowley, Dallam, Dunbar, Dyer, Fairweather, Fay, Glascock, Gowey, Hayton, Jones, Joy, Kellogg, Kinnear, McElroy, Minor, Neace, Prosser, T. M. Reed, Shoudy, Sohns, Sturdevant, E. H. Sullivan, P. C. Sullivan, Tibbetts, Weir, Weisenburger, and Hoyt. **Not voting:** Dickey. **On leave:** Morgans and Willison.

## Section 3

**Present Language of the Constitution:**

**SOLDIERS' HOME. The legislature shall provide by law for the maintenance of a soldiers' home for honorably discharged Union soldiers, sailors, marines and members of the state militia disabled while in the line of duty and who are bona fide citizens of the state.**

Original language same as present.[4]

Proposition submitted to Convention by Kinnear, July 12:

To establish a soldiers' home for honorably discharged Union veterans who shall be citizens and residents of the state, and also for the state militia disabled in line of duty. (p. 67)

Text as given in report of committee, July 26:

Same as final. This section is misnumbered in the **Journal**; it should have been section 10. (Section 9, p. 175)

Consideration by committee of the whole, July 30:[5]

**Motion:** A motion was made to strike the section.

The **Review** states that Glascock made this motion, while the **Ledger** says it was Stiles.

**Action:** Motion lost by a large vote.

**Discussion as follows:**

**For:** Stiles pointed out that this section was far more

4. **Soldiers' Home:** Seems to be original, although Texas has a provision, the substance of which is similar. Several states admitted at about the time or subsequent to Wash. have provisions similar to this.

5. **Review, Ledger, Globe,** July 31; **Standard,** August 2; **Argus,** August 8, 1889.

legislative than several previous sections which had been stricken from the committee report. Buchanan expressed his shame at the Convention's actions in making a bid for these old soldiers' votes in this fashion. He pointed out that in a few years this would be a useless part of the Constitution and for that reason was purely legislative.

**Against:** Griffitts, Turner, Weir, Reed and Lillis supported the section. Cosgrove, Dunbar, Durie, Gowey, Kinnear, and Dyer made patriotic speeches in behalf of the old soldiers.

Resolution submitted to Convention from Stevens Post No. 1 and John F. Miller Post No. 31, G.A.R., August 8:

A resolution of thanks for the adoption of the section incorporating a soldiers' home. (p. 292)

### Section 4

**Present Language of the Constitution:**

**PUBLIC ARMS. The legislature shall provide by law, for the protection and safe keeping of the public arms.**

Original language same as present.[6]

Text as given in report of committee, July 26:

Same as final. (Section 11, p. 175)

Consideration by committee of the whole, July 30:[7]

Cosgrove argued in favor of keeping this section in and it was retained by a vote of 31 to 23 against striking.

### Section 5

**Present Language of the Constitution:**

**PRIVILEGE FROM ARREST. The militia shall, in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at musters**

6. Arms: Ohio, Const. (1851), Art. 9, sec. 5. [Identical.] Mo., Const. (1875), Art. 13, sec. 7; Colo., Const. (1876), Art. 17, sec. 4. [Similar.]

7. Review, July 31, 1889.

**and elections of officers, and in going to and returning from the same.**

Original language same as present.[8]

Text as given in report of committee, July 26:

Same as final. (Section 12, p. 176)

**Section 6**

**Present Language of the Constitution:**

**EXEMPTION FROM MILITARY DUTY. No person or persons, having conscientious scruples against bearing arms, shall be compelled to do militia duty in time of peace: Provided, such person or persons shall pay an equivalent for such exemption.**

Original language same as present.[9]

Text as given in report of committee, July 26:

Same as final. (Section 13, p. 176)

Consideration by committee of the whole, July 30:[10]

**Motion:** E. H. Sullivan moved to strike the section.

**Action:** Motion not seconded.

**Deleted Section**

Text as given in report of committee, July 26:

"The National Guard of Washington shall consist of not less than twenty companies of infantry and two companies of cavalry, and each company shall consist of not less than twenty-four enlisted men." (Section 3, p. 174)

Consideration by committee of the whole, July 30:[11]

**Motion:** Griffitts moved to strike the section.

**Action:** Motion carried 33 to 30.

8. **Immunity from Arrest:** Ill., **Const.** (1870), Art. 12, sec. 4; Ala., **Const.** (1867), Art. 11, sec. 5. [Very similar.]

9. **Exemption from Military Duty:** Colo., **Const.** (1876), Art. 17, sec. 5; Ill., **Const.** (1870), Art. 12, sec. 6. [Identical.]

10. **Review,** July 31, 1889.

11. **Ibid.**

Final action by Convention, July 30:

Decision of committee of the whole accepted 42 to 30. (p. 193)

**Voting against:** Berry, Bowen, Buchanan, Burk, Cosgrove, Crowley, Dallam, Dunbar, Dyer, Fairweather, Fay, Glascock, Hayton, Jones, Joy, Kellogg, Kinnear, Minor, Neace, Power, Prosser, Shoudy, Sohns, Sturdevant, E. H. Sullivan, P. C. Sullivan, Tibbetts, Weir, Weisenburger, and Hoyt. **Not voting:** Dickey. **On leave:** Morgans and Willison.

**Deleted Section**

Text as given in report of committee, July 26:

"The Militia of Washington Territory as now organized under and by virtue of the laws thereof, shall be and hereby is a part of the National Guard of Washington, and the officers thereof shall hold their respective offices until their successors are elected or appointed and have qualified." (Section 4, p. 174)

Consideration by committee of the whole, July 30:[12]

**Motion:** Jones moved to adopt the section.

**Action:** Motion lost.

**Motion:** Turner moved to strike the section.

**Action:** Motion carried by a small margin.

**Discussion as follows:**

**For:** In answer to Cosgrove's objections, Godman called his attention to the last section of the Enabling Act.

**Against:** Cosgrove opposed this motion as leaving the present system in doubt.

Final action by Convention, July 30:

Decision of committee of the whole accepted 41 to 28. (p. 194)

**Voting against:** Allen, Berry, Bowen, Buchanan, Cosgrove, Dallam, Dunbar, Dyer, Fairweather, Fay, Glascock, Hayton, Jones, Joy, Kellogg, Kinnear, Minor, Neace, Power,

12. Review, Ledger, Globe, July 31; Standard, August 2, 1889.

Prosser, Shoudy, Sohns, P. C. Sullivan, Tibbetts, Weisenburger, and Hoyt. **Not voting:** Crowley, Dickey, Sturdevant, and E. H. Sullivan. **On leave:** Morgans and Willison.

**Deleted Section**

Text as given in report of committee, July 26:

"The Legislature shall at all times by suitable appropriations and laws make adequate provisions for the organization, maintenance, uniforming, equipping and discipline of the National Guard of Washington, and the laws now in force in the Territory of Washington shall remain in force as a part of the laws of the state until such time as the Legislature shall make provisions equally effective for the organization, maintenance, and discipline of the National Guard of the state." (Section 5, p. 175)

Consideration by committee of the whole, July 30:[13]

It was recommended that the section be stricken. Lindsley pointed out that Browne's amendment, already adopted, covered all this.

Final action by Convention, July 30:

Decision of committee of the whole accepted 40 to 27. (p. 194)

**Voting against:** Bowen, Buchanan, Burk, Cosgrove, Dallam, Dunbar, Dyer, Fairweather, Fay, Glascock, Gowey, Jones, Joy, Kellogg, Kinnear, Minor, Neace, Power, Prosser, T. M. Reed, Shoudy, Sohns, P. C. Sullivan, Tibbetts, Weir, Weisenburger, and Hoyt. **Not voting:** Crowley, Dickey, Sturdevant, E. H. Sullivan, West, and Winsor. **On leave:** Morgans and Willison.

**Deleted Section**

Text as given in report of committee, July 26:

"Major Generals shall be elected by the Brigadier Generals and field officers of their respective divisions. Brigadier Generals shall be elected by the field officers of their respective brigades. Field officers shall be elected by the field officers and

13. **Ibid.**

line officers of their respective regiments. Line officers shall be elected by the enlisted men of their respective companies." (Section 6, p. 175)

Consideration by committee of the whole, July 30:[14]

**Motion:** Griffitts moved to strike the section.

**Action:** Motion carried.

Final action by Convention, July 30:

Decision of committee of the whole accepted 39 to 23. (p. 194)

**Voting against:** Berry, Bowen, Buchanan, Burk, Cosgrove, Dyer, Fairweather, Fay, Glascock, Hayton, Jones, Joy, Kellogg, Minor, Neace, Power, Prosser, Shoudy, Sohns, P. C. Sullivan, Tibbetts, Weir, and Weisenburger. **Not voting:** Crowley, Dallam, Dickey, Warner, West, and Winsor. **On leave:** Morgans and Willison.

**Deleted Section**

Text as given in report of committee, July 26:

"The Governor shall appoint the Adjutant General and other members of his staff and Major Generals, Brigadier Generals, and Commanders of regiments and battalions shall respectively appoint their own staffs, and all commissioned officers shall continue in office for such time as may be provided by laws. Provided, no person shall be eligible to any staff appointment unless he hold or has held a position in the line or staff, or served in the volunteer or regular army of the United States." (Section 7, p. 175)

Consideration by committee of the whole, July 30:[15]

It was recommended to strike the section.

Final action by Convention, July 30:

Decision of committee of the whole accepted 43 to 22. (p. 195)

**Voting against:** Bowen, Buchanan, Burk, Cosgrove, Dunbar, Dyer, Fairweather, Fay, Glascock, Hayton, Jones, Joy, Kellogg, Minor, Neace, Prosser, Shoudy, Sohns, P. C.

14. **Ibid.**
15. **Ibid.**

Sullivan, Tibbetts, Weir, and Weisenburger. **Not voting:** Crowley, Dallam, Dickey, Kinnear, Power, Sturdevant. E. H. Sullivan, West, and Winsor. **On leave:** Morgans and Willison.

**Deleted Section**

Text as given in report of committee, July 26:

"The National Guard of this state shall be divided into convenient divisions, brigades, battalions, and companies and have officers of corresponding titles of rank elected to command them, conforming as nearly as possible to the general regulations of the army of the United States." (Section 8, p. 175)

Consideration by committee of the whole, July 30:[16]

It was recommended to strike this section.

Final action by Convention, July 30:

Decision of committee of the whole accepted 42 to 23. (p. 195)

**Voting against:** Bowen, Buchanan, Burk, Cosgrove, Dyer, Fairweather, Fay, Glascock, Hayton, Jones, Joy, Kellogg, Kinnear, Minor, Neace, Power, Prosser, Shoudy, Sohns, P. C. Sullivan, Tibbetts, Weir, and Weisenburger. **Not voting:** Crowley, Dallam, Dickey, Dunbar, Sturdevant, E. H. Sullivan, and West. **On leave:** Morgans and Willison.

**Deleted Section**

Text as given in report of committee, July 26:

"The Governor shall be commander in chief of the militia by sea and land and shall have power to call it out and order it into service to execute the laws of the state, preserve the peace, and suppress insurrection and invasion, except when they shall be called into the service of the United States." (Section 9)

Consideration by committee of the whole, July 30:[17]

It was recommended the section be stricken by a vote of 36 to 21.

16. Ibid.
17. Review, Ledger, July 31, 1889.

Final action by Convention, July 30:

Decision of committee of the whole accepted 39 to 26. (p. 196)

**Voting against:** Bowen, Buchanan, Burk, Cosgrove, Dunbar, Dyer, Eshelman, Fay, Glascock, Hayton, Jones, Joy, Kellogg, Kinnear, Minor, Neace, Prosser, Shoudy, Sohns, Sturdevant, P. C. Sullivan, Travis, Weir, Weisenburger, and Hoyt. **Not voting:** Comegys, Crowley, Dallam, Dickey, Fairweather, E. H. Sullivan, and West. **On leave:** Morgans and Willison.

**Passage of Article**

Article on Militia approved by Convention, July 31, by a vote of 61 to 13. (p. 197)

**Voting against:** Cosgrove, Dallam, Dickey, Dyer, Fairweather, Hayton, Jones, Neace, Prosser, Sturdevant, Weir, Weisenburger, and Willison. **Not voting:** Eldridge.

## ARTICLE XI COUNTY, CITY, TOWNSHIP ORGANIZATION

The Convention made it more difficult to remove or relocate a county seat by substituting a three-fifths vote of the electors for a majority vote as reported by the committee.

Because at this time there was a boundary dispute on the north line between Pierce and King counties, the debate on provisions for changing county lines, Section 3, became acrimonious. A determined effort to change the necessary petition signers from a majority to two-thirds or three-fifths met with failure.

Although agreeing that most officers should be paid by salary, a number of delegates wanted the sheriff paid by fee. The majority voted this down, fearing that the sheriff might "cook up business" under a fee system.

How large a city should be allowed to frame its own charter and by what vote this charter could be amended, caused trouble in Section 10. After it seemed the entire question would be left to the Legislature, a motion carried to set the population at twenty thousand and a majority vote for amendment. Stiles later wrote that allowing cities to frame their own charters was a "melancholy mistake." He said it had cost these cities more than fifty thousand dollars to avail themselves of this privilege, and that before most important charter provisions could be enforced a Supreme Court opinion was required to determine if they conflicted with the general law.[1]

The Committee for County, City, Township Organization was appointed July 9. (p. 19)

**Members:** Stiles, chairman; Lindsley, Dallam, Bowen, Glascock, E. H. Sullivan, Jeffs, Griffitts, and Willison.

### Section 1

**Present Language of the Constitution:**

**EXISTING COUNTIES RECOGNIZED. The several counties of the Territory of Washington existing at the time**

1. Theodore L. Stiles, "The Constitution of the State and Its Effects upon Public Interests," **Washington Historical Quarterly**, (October, 1913), 284.

**of the adoption of this Constitution are hereby recognized as legal sub-divisions of this state.**

Original language same as present.[2]

Text as given in report of committee, July 22:

Same as final. (p. 123)

### Section 2

**Present Language of the Constitution:**

**COUNTY SEATS—LOCATION AND REMOVAL. No county seat shall be removed unless three-fifths of the qualified electors of the county, voting on the proposition at a general election shall vote in favor of such removal, and three-fifths of all votes cast on the proposition shall be required to relocate a county seat. A proposition of removal shall not be submitted in the same county more than once in four years.**

Original language same as present.[3]

Proposition submitted to Convention by Durie, July 12:

That no county seat be removed without a majority vote of the qualified electors. (p. 76)

Text as given in report of committee, July 22:

Same as final except that it required a majority vote for removal or relocation of a county seat. (p. 123)

Consideration by committee of the whole, July 24:[4]

**Motion:** Glascock moved to amend by requiring a two-thirds vote to move a county seat, instead of a majority.

**Action:** Motion lost 35 to 30.

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2. **County Organization Recognized:** Cal., Const. (1879), Art. 11, sec. 1; (Hill, Prop. Wash. Const., Art. 11, sec. 1, identical with Cal.) [Similar.]
3. **Removal of County Seats:** Ill., Const. (1870), Art. 10, sec. 4; Mo., Const. (1875), Art. 9, sec. 2; Cal., Const. (1879), Art. 11, sec. 2. [Very similar.]
4. **Seattle Times, July 24; Spokane Falls Review, Tacoma Daily Ledger, Tacoma Morning Globe, July 25; Washington Standard [Olympia, Wash.], July 26, 1889.**

**Discussion as follows:**

**For:** P. C. Sullivan said the power of the Legislature should be restricted in this instance. Legislators are elected because of their fitness to make general laws and he did not want to see a legislator's election depend upon his position in a county seat fight. Dyer said that a majority of one should not be allowed to change a county seat. Kinnear favored the amendment to prevent bad blood between the counties, and Warner because he didn't want the question brought to the Legislature.

**Against:** Stiles, chairman of the committee, explained that this section was mainly a restriction on the Legislature. Power pointed out that centers of population in counties were continually shifting and argued that a two-thirds vote was prohibitory. Comegys, J. M. Reed, and J. Z. Moore favored a majority vote as being more democratic. Griffitts opposed the amendment explaining that the section did not say that when a majority of the electors so voted a county seat would be changed, but only that until the majority did so vote, the Legislature could not change it. Turner asserted that this was merely a legislative restriction, not a grant of power. T. M. Reed agreed with him.

**Motion:** Warner moved to strike the entire section.

**Action:** Motion lost by a decided vote.

**Motion:** Dyer moved to strike "a majority" and insert "three-fifths."

**Action:** Motion lost 35 to 22.

**Motion:** Weisenburger moved to strike "four" and insert "ten" in the last sentence so that a proposition for removal could be submitted only once in ten years.

The **Times** reports that Eldridge made this motion, while the **Standard, Review,** and **Ledger** agree upon Weisenburger.

**Action:** Motion lost.

Action by Convention, July 24:

**Motion:** Glascock moved to amend Section 2 by striking out "majority" and inserting "two-thirds."

**Motion:** Dyer renewed his motion from committee of the whole to insert "three-fifths" instead of "two-thirds."

**Action:** Dyer's amendment carried 38 to 26. (p. 146)

**Voting against:** Bowen, Burk, Comegys, Dickey, Eldridge, Fay, Griffitts, Hungate, Jeffs, Joy, Lillis, Lindsley, McReavey, Mires, J. Z. Moore, Power, Prosser, Schooley, Stevenson, Sturdevant, Stiles, Travis, Van Name, Weir, West, and Winsor. **Not voting:** Fairweather, Godman, Hayton, Henry, Jones, Kellogg, Manly, and Sharpstein. **On leave:** Allen, Dallam, and Turner.

**Action:** The vote was then on Glascock's motion as amended and it was carried 42 to 26. (p. 147)

**Voting against:** Berry, Bowen, Burk, Comegys, Dickey, Fay, Hungate, Jeffs, Joy, Lillis, Lindsley, J. Z. Moore, Power, Prosser, J. M. Reed, Schooley, Stevenson, Stiles, Sturdevant, Travis, Turner, Van Name, Weir, West, Winsor, and Hoyt. **Absent on leave:** Allen, Dallam, and Turner. **Not voting:** Fairweather, Henry, Jones, Manly, and Sharpstein.

Final action by Convention, July 25:

**Motion:** Stiles moved for reconsideration of the vote which changed "majority" to "three-fifths."

**Action:** Motion lost 42 to 30. (p. 163)

**Voting for:** Allen, Bowen, Comegys, Dallam, Dickey, Fay, Griffitts, Hungate, Jamieson, Jeffs, Jones, Kellogg, Lillis, Lindsley, McReavey, Mires, J. Z. Moore, R. S. More, Power, J. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Stiles, Tibbetts, Travis, Van Name, Weir, and Hoyt. **Not voting:** Berry and West. **On leave:** Turner.

### Section 3

**Present Language of the Constitution:**

**NEW COUNTIES. No new counties shall be established which shall reduce any county to a population less than four thousand (4,000), nor shall a new county be formed containing a less population than two thousand (2,000). There shall be**

**no territory stricken from any county unless a majority of the voters living in such territory shall petition therefor and then only under such other conditions as may be prescribed by a general law applicable to the whole state. Every county which shall be enlarged or created from territory taken from any other county or counties shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken: Provided, That in such accounting neither county shall be charged with any debt or liability then existing incurred in the purchase of any county property, or in the purchase or construction of any county buildings then in use, or under construction, which shall fall within and be retained by the county: Provided further, That this shall not be construed to affect the rights of creditors.**

Original language same as present.[5]

Proposition submitted to Convention by Durie, July 12:

> That no county be divided or part taken from it without vote of electors of that county and majority approval of the same. (p. 76)

Text as given in report of committee, July 22:

> Same as final except that it did not include "and then only such other conditions as may be prescribed by a general law applicable to the whole state" as a condition for taking territory from a county. (p. 123)

Consideration by committee of the whole, July 24:[6]

> **Motion:** P. C. Sullivan moved to insert "nor shall any new county be created unless two-thirds of the electors voting shall vote for such division at an election held for the purpose" after the words "two thousand" in the first sentence.
>
> **Action:** Motion lost.

5. **Organization of New Counties:** Ill., Const. (1870), Art. 10, sec. 1. [Identical except for number of inhabitants.] Cal., Const. (1879), Art. 11, sec. 3; Mo., Const. (1875), Art. 9, secs. 3, 4. [Similar.] **Teritory stricken from County:** Ill., Const. (1870), Art. 10, sec. 3. [Identical. Cal., Tex., Md., and Ark., have similar provisions.] Mo., Const. (1875), Art. 9, sec. 3. [Similar.] **Change of Boundaries:** Ill., Const. (1870), Art. 10, sec. 3. [Identical.] Cal., Const. (1879), Art. 11, sec. 3; Mo., Const. (1875), Art. 9, sec. 3. [Similar.]

6. Times, July 24; Review, Ledger, Globe, July 25; Standard, July 26, 1889.

**Discussion as follows:**

**Against:** Stiles argued that this would indefinitely postpone the formation of new counties. He thought some counties were so large that a later division could become necessary.

**Motion:** Sohns moved to strike the second "territory" in the second sentence and insert "county" so that it would take a majority vote of the county to strike any territory, rather than just a majority vote of the voters living in the territory concerned.

**Motion:** Durie proposed an amendment to this motion that a special election be necessary to separate any part of a county. The amendment was accepted by Sohns.

**Action:** Sohns' motion as amended was lost.

**Discussion as follows:**

**Against:** Stiles explained that this was not a grant of power, but merely a restriction on the Legislature.

**Motion:** Suksdorf moved to strike the last provision of the section regarding creditors' rights.

**Action:** Motion lost.

**Discusion as follows:**

**For:** Suksdorf said that this last provision contradicted the preceding proviso.

**Against:** Stiles and Griffitts explained that these provisos were added to keep county credit rating as high as possible.

**Motion:** Turner moved to strike the entire second sentence which read: "There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition therefor."

**Action:** Motion lost by 20 ayes and noes not counted.

**Discussion as follows:**

**For:** Turner thought the Legislature should determine when new counties should be created or divisions made.

Kinnear agreed as it seemed to him unjust to let a small section prevent a division.

**Against:** E. H. Sullivan and Godman thought that the people should be consulted before any change was made. Griffitts favored the idea that the Legislature could not commence action in any such case except upon desire of the people affected.

**Motion:** Warner moved to strike "4,000" and insert "8,000" so that no county would be left with less than 8,000 population.

**Action:** Motion lost.

Action by Convention, July 24:

**Motion:** Kinnear moved to amend by striking out the lines concerned with territory stricken from a county. (p. 148)

**Action:** Consideration put over to the next day when the motion lost by a vote 50 to 17. (p. 158)

Final action by Convention, July 25:

Motion of Kinnear lost 50 to 17. (p. 158)

**Voting for:** Clothier, Durie, Dyer, Gowey, Hayton, Kinnear, McCroskey, McElroy, McReavey, Minor, J. Z. Moore, Morgans, Sohns, Stevenson, Tibbetts, Warner, and Hoyt. **Not voting:** Cosgrove, Dunbar, Eshelman, Fairweather, Fay, Joy, and Mires. **On leave:** Turner.

**Discussion as follows:**[7]

**For:** Kinnear argued that this was a matter which should be left to the Legislature. Durie thought the entire county should have a voice in its division because as the section stood, any rights which the county might have were disregarded. Minor brought the strife between King and Pierce counties into the open when he charged that the clause was slipped into the section for a selfish and vicious purpose. He asserted that the aid given to Seattle by Tacoma after the Seattle fire was given for a purpose, saying it reminded him of the actions of a physician

7. **Times**, July 25, 26; **Globe**, July 25; **Review**, **Standard**, July 26; **Daily Oregon Statesman** [Salem, Oregon], **Puget Sound Weekly Argus** [Port Townsend, Wash.], August 1, 1889.

chloroforming a patient before dismembering him. Since Stiles, chairman of the committee, was a Tacoma delegate, these statements were considered by many to be a direct insult to him. Later Minor gained the floor and apologized. The entire problem was the result of the actions of the people of Adelaide precinct, the southerly portion of King County adjoining Pierce, who had petitioned the territorial Legislature of 1887 to become part of Pierce County. It cost a King County delegation time and money to defeat the request. Now the King County delegation to the Constitutional Convention thought this clause in Section 3 was a special provision inserted for this particular area's benefit. The **Seattle Times** called the clause a vicious one which advocated the doctrine of secession. Sohns said the section was wrong in principle.

**Against:** Comegys said there was no justice in giving the entire county the vote since the area should be able to leave if it desired. P. C. Sullivan spoke in favor of the section as both conferring a right and establishing a legislative restriction. E. H. Sullivan cited Minor's speech as reason enough to support the section, but added that he considered it a just limitation which would prevent legislative jobbery. He said that this was a common clause in constitutions throughout the country. Stiles explained that the section came from the California constitution. Griffitts added that if the section was stricken the Legislature would be able to divide the counties in any way. Buchanan pointed out that the only power given the people of an area was merely that of petitioning the Legislature. Weir also opposed the motion.

**Motion:** J. Z. Moore moved to add "And then only under such other conditions as shall be prescribed by a general law applicable to the whole state." to the second sentence.

**Action:** Motion carried. (p. 159)

**Motion:** Kinnear moved to strike the word "majority" and insert "two-thirds."

**Motion:** Warner moved an amendment to the motion to change "two-thirds" to "three-fifths."

**Action:** Warner's motion lost 44 to 25. (p. 159)

**Voting for:** Blalock, Buchanan, Coey, Dickey, Durie, Dyer, Glascock, Godman, Gowey, Jones, McCroskey, McDonald, McElroy, Minor, Morgans, Power, T. M. Reed, Schooley, Sohns, Stevenson, Suksdorf, Tibbetts, Van Name, Warner, Weisenburger. **Not voting:** Cosgrove, Crowley, Fairweather, Gray, Kellogg. **On leave:** Turner.

**Action:** A vote was then taken on Kinnear's motion which lost 49 to 23. (p. 159)

**Voting for:** Blalock, Buchanan, Clothier, Coey, Durie, Dyer, Gray, Hayton, Kinnear, McCroskey, McDonald, McElroy, Minor, Morgans, Newton, Power, T. M. Reed, Sohns, Stevenson, Tibbetts, Warner, Weisenburger, and Hoyt. **Not voting:** Cosgrove and Kellogg. **On leave:** Turner.

**Motion:** Tibbetts moved to strike the entire section dealing with territory to be stricken.

**Action:** Motion lost. (p. 160)

**Motion:** P. C. Sullivan moved to have a three-fifths vote necessary to create a new county.

**Action:** Motion lost. (p. 163)

### Section 4

**Present Language of the Constitution:**

**COUNTY GOVERNMENT AND TOWNSHIP ORGANIZATION. The legislature shall establish a system of county government, which shall be uniform throughout the state except as hereinafter provided, and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified electors of such county voting at a general election shall so determine; and whenever a county shall adopt township organization, the assessment and collection of the revenue shall be made, and the business of such county and the local affairs of the several townships therein, shall be managed and transacted in the manner prescribed by such general law.**

**Any county may frame a "Home Rule" charter for its own government subject to the Constitution and laws of this state, and for such purpose the legislative authority of such**

county may cause an election to be had, at which election there shall be chosen by the qualified voters of said county not less than fifteen (15) nor more than twenty-five (25) freeholders thereof, as determined by the legislative authority, who shall have been residents of said county for a period of at least five (5) years preceding their election and who are themselves qualified electors, whose duty it shall be to convene within thirty (30) days after their election and prepare and propose a charter for such county. Such proposed charter shall be submitted to the qualified electors of said county, and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said county and shall become the organic law thereof, and supersede any existing charter, including amendments thereto, or any existing form of county government, and all special laws inconsistent with such charter. Said proposed charter shall be published in two (2) legal newspapers published in said county, at least once a week for four (4) consecutive weeks prior to the day of submitting the same to the electors for their approval as above provided. All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election and shall be given for at least ten (10) days before the day of election in all election districts of said county. Said elections may be general or special elections and except as herein provided, shall be governed by the law regulating and controlling general or special elections in said county. Such charter may be amended by proposals therefor submitted by the legislative authority of said county to the electors thereof at any general election after notice of such submission published as above specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such charter or amendment thereto, any alternate article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to others.

Any home rule charter proposed as herein provided, may provide for such county officers as may be deemed necessary to carry out and perform all county functions as provided by charter or by general law, and for their compensation, but shall not affect the election of the prosecuting attorney, the county superintendent of schools, the judges of the superior

court, and the justices of the peace, or the jurisdiction of the courts.

Notwithstanding the foregoing provision for the calling of an election by the legislative authority of such county for the election of freeholders, to frame a county charter, registered voters equal in number to ten (10) per centum of the voters of any such county voting at the last preceding general election, may at any time propose by petition the calling of an election of freeholders. The petition shall be filed with the county auditor of the county at least three (3) months before any general election and the proposal that a board of freeholders be elected for the purpose of framing a county charter shall be submitted to the vote of the people at said general election, and at the same election a board of freeholders of not less than fifteen (15) or more than twenty-five (25), as fixed in the petition calling for the election, shall be chosen to draft the new charter. The procedure for the nomination of qualified electors as candidates for said board of freeholders shall be prescribed by the legislative authority of the county, and the procedure for the framing of the charter and the submission of the charter as framed shall be the same as in the case of a board of freeholders chosen at an election initiated by the legislative authority of the county.

In calling for any election of freeholders as provided in this section, the legislative authority of the county shall apportion the number of freeholders to be elected in accordance with either the legislative districts or the county commissioner districts, if any, within said county, the number of said freeholders to be elected from each of said districts to be in proportion to the population of said districts as nearly as may be.

Should the charter proposed receive the affirmative vote of the majority of the electors voting thereon, the legislative authority of the county shall immediately call such special election as may be provided for therein, if any, and the county government shall be established in accordance with the terms of said charter not more than six (6) months after the election at which the charter was adopted.

The terms of all elective officers, except the prosecuting attorney, the county superintendent of schools, the judges

**of the superior court, and the justices of the peace, who are in office at the time of the adoption of a Home Rule Charter shall terminate as provided in the charter. All appointive officers in office at the time the charter goes into effect, whose positions are not abolished thereby, shall continue until their successors shall have qualified.**

**After the adoption of such charter, such county shall continue to have all the rights, powers, privileges and benefits then possessed or thereafter conferred by general law. All the powers, authority and duties granted to and imposed on county officers by general law, except the prosecuting attorney, the county superintendent of schools, the judges of the superior court and the justices of the peace, shall be vested in the legislative authority of the county unless expressly vested in specific officers by the charter. The legislative authority may by resolution delegate any of its executive or administrative powers, authority or duties not expressly vested in specific officers by the charter, to any county officer or officers or county employee or employees.**

**The provisions of sections 5, 6, 7, and the first sentence of section 8 of this Article as amended shall not apply to counties in which the government has been established by charter adopted under the provisions hereof. The authority conferred on the board of county commissioners by Section 15 of Article II as amended, shall be exercised by the legislative authority of the county. [1947 p 1372, Senate Joint Resolution No. 5. Approved November 2, 1948.]**

Original language:[8]

The Legislature shall establish a system of county government which shall be uniform throughout the state, and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified electors of such county voting at a general election shall so determine, and whenever a county shall adopt township organization and assessment and collection of the revenue shall be made and the business of such county, and the local

8. System of County Government: Cal., Const. (1879), Art. 11, sec. 4. [Identical.] Ill., Const. (1870), Art. 10, sec. 5; Mo., Const. (1875), Art. 9, sec. 8. [Similar.]

affairs of the several townships therein shall be managed and transacted in the manner prescribed by such general laws.

Text as given in report of committee, July 22:

Same as final. (p. 123)

Consideration by committee of the whole, July 24:[9]

**Query:** Suksdorf asked the meaning of "township government" as used in this section.

**Answer:** Stiles replied that it referred to a system of government and not to county lines.

**Motion:** Browne moved to strike all after the word "organization" so that the section would leave the entire matter to the Legislature.

**Action:** Motion lost.

**Discussion as follows:**

**For:** Browne desired a uniform system throughout the state and wanted the Legislature to establish a township system. Sturdevant said he was familiar with that system as used in Wisconsin and approved of it.

**Against:** T. M. Reed said he favored the township system, but thought it would lead to complications when a township lay in two counties. Godman favored the report as made since it simply provided general laws for township organization but made it neither mandatory nor compulsory for a county to organize townships. Stiles argued that if the township system were adopted it would either be oppressive or there would be no township governments for a long while.

## Section 5

**Present Language of the Constitution:**

**COUNTY GOVERNMENT. The legislature, by general and uniform laws, shall provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys and other county,**

9. Review, Ledger, Globe, July 25; Standard, July 26, 1889.

**township or precinct and district officers, as public convenience may require, and shall prescribe their duties, and fix their terms of office: Provided, That the legislature may, by general laws, classify the counties by population and provide for the election in certain classes of counties certain officers who shall exercise the powers and perform the duties of two or more officers. It shall regulate the compensation of all such officers, in proportion to their duties, and for that purpose may classify the counties by population. And it shall provide for the strict accountability of such officers for all fees which may be collected by them and for all public moneys which may be paid to them, or officially come into their possession. [1923 p 254 § 1. Approved November, 1924.]**

Original language:[10]

> The legislature by general and uniform laws shall provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys, and other county, township or precinct and district officers as public convenience may require, and shall prescribe their duties, and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to their duties, and for that purpose may classify the counties by population. And it shall provide for the strict accountability of such officers for all fees which may be collected by them, and for all public moneys which may be paid to them, or officially come into their possession.

Text as given in report of committee, July 22:

> Same as final. (p. 124)

Consideration by committee of the whole, July 24:[11]

> **Motion:** Berry moved to add "register of deeds" in the schedule of officers.
>
> **Motion:** Suksdorf moved to amend by adding "recorders and auditors."
>
> **Action:** Both motions, the amendment and the substitute, lost.

10. **County Officers, Compensation of:** Cal., Const. (1879), Art. 11, sec. 5. [Identical except for slight word change.]

11. **Review, Ledger, Globe,** July 25; **Standard,** July 26, 1889.

**Discussion as follows:**

**For:** Browne said that if these additional officers were not provided the county clerk would have all these offices and duties to fulfill. He further pointed out that his salary would then be larger than that of a Supreme Court Judge.

**Against:** Griffitts said he favored leaving the provision of such officers to the Legislature as the needs of some counties varied from those of others. Cosgrove thought that small counties would not be able to support this many officers. Bowen agreed and added that the Legislature could regulate the matter of salaries under the provision of Section 8. Godman and Gowey preferred the Legislature to be left free to prescribe the duties of office. Kinnear, Stiles, and T. M. Reed also spoke against these motions.

**Motion:** Dickey moved to include "superintendent of schools" after "attorneys."

**Action:** Motion lost.

Final action by Convention, July 25:

**Motion:** Power moved to add that the salary should not exceed fees collected.

**Action:** Motion lost. (p. 161)

**Section 6**

**Present Language of the Constitution:**

**VACANCIES IN COUNTY, ETC., OFFICES, HOW FILLED. The board of county commissioners in each county shall fill all vacancies occurring in any county, township, precinct or road district office of such county by appointment, and officers thus appointed shall hold office till the next general election, and until their successors are elected and qualified.**

Original language same as present.[12]

Text as given in report of committee, July 22:

Same as final. (p. 124)

12. Vacancies: Mo., Const. (1875), Art. 9, sec. 11. [Similar.]

Consideration by committee of the whole, July 24:[13]

**Query:** Reed inquired whether this included the office of Superior Judge.

**Answer:** Stiles explained that this was provided for in the judicial article.

**Motion:** Gowey moved to have county officers appointed unless otherwise provided by law.

**Action:** Motion lost.

## Section 7

**Present Language of the Constitution:**

TENURE OF OFFICE LIMITED. (This section repealed by 22nd Amendment.)

Original language:[14]

No county officer shall be eligible to hold his office more than two terms in succession.

Text as given in report of committee, July 22:

Same as final. (p. 124)

Consideration by committee of the whole, July 24:[15]

**Motion:** Suksdorf moved to strike the section.

**Action:** Motion lost.

**Motion:** Gowey moved to make the section apply only to county sheriffs and treasurers.

**Action:** Motion lost 33 to 30.

**Query:** Godman asked if the Superior Court Judge was a county officer.

**Answer:** Stiles answered no, and added that his jurisdiction was co-extensive with the state.

13. **Review, Ledger, July 25; Standard, July 26, 1889.**

14. **Ineligibility for More Than Two Terms: Ill., Const. (1870), Art. 10, sec. 8; Mo., Const. (1875), Art. 9, sec. 11. [Similar in substance.]**

15. **Review, Ledger, Globe, July 25; Standard, July 26, 1889.**

Final action by Convention, July 25:

**Motion:** Suksdorf moved to strike the section.

**Action:** Motion lost. (p. 163)

## Section 8

**Present Language of the Constitution:**

**SALARIES AND LIMITATIONS AFFECTING. The legislature shall fix the compensation by salaries of all county officers, and of constables in cities having a population of five thousand and upwards; except that public administrators, surveyors and coroners may or may not be salaried officers. The salary of any county, city, town, or municipal officers shall not be increased or diminished after his election, or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.**

Original language same as present.[16]

Text as given in report of committee, July 22:

Same as final. (p. 124)

Consideration by committee of the whole, July 24:[17]

**Motion:** Crowley moved that sheriffs be added to the list of officers who may or may not be salaried.

**Action:** Motion lost 36 to 25.

**Discussion as follows:**

**For:** Crowley thought that salaried sheriffs were not as efficient and that it was hard to determine a salary when the exact amount of work to be done was not known. Cosgrove approved the amendment as he wanted to make the sheriff's pay depend upon his services, and he thought that no salary could be fixed to do justice to the services. Godman thought if the Legislature fixed a mileage rate to be paid sheriffs this would merely be another form of fees and so favored the amendment.

16. **Salaries:** Cal., Const. (1879), Art. 11, sec. 9. [Identical in part; remainder original.]

17. **Review, Ledger, Globe, July 25; Standard, July 26, 1889.**

**Against:** Reed (initials not specified) objected to the line of argument presented by Crowley and Cosgrove since he thought it implied that the officer would not do his duty without a bonus. He added that he had audited sheriffs' accounts for ten years and he knew of no other officers more exorbitant in their charges. Stiles favored salaried sheriffs and said that mileage could be fixed by the Legislature. The fees collected could then be turned over to the county treasurer. Griffitts thought the fee system vicious as the sheriff "cooks up business."

**Motion:** E. H. Sullivan moved to prescribe mileage for the sheriff's actual travel.

**Action:** Motion lost.

Final action by Convention, July 24:

**Motion:** Crowley again moved to add sheriffs to the list of officers who may or may not be salaried.

**Action:** Motion lost 36 to 29. (p. 146)

**Voting for:** Berry, Buchanan, Burk, Clothier, Comegys, Cosgrove, Crowley, Dunbar, Eldridge, Godman, Gowey, Gray, Jeffs, McDonald, McReavey, Minor, Mires, J. Z. Moore, Morgans, Power, Prosser, Schooley, Sohns, Stevenson, Sturdevant, P. C. Sullivan, Tibbetts, Weir, and Hoyt. **Not voting:** Fairweather, Hayton, Henry, Jamieson, Jones, Manly, and Sharpstein. **On leave:** Allen, Dallam, and Turner.

Attempted revival of question, July 25:[18]

**Motion:** Jones moved to amend by inserting "sheriffs and recorders" in list of officers who may or may not be salaried.

**Action:** Griffitts raised a point of order that this had already been voted on in committee of the whole and in Convention. The chair pointed out that the additional word "recorder" had been added. Griffitts answered that the motion was separable and the point of order was sustained.

18. Review, July 26, 1889.

### Section 9

**Present Language of the Constitution:**

> **STATE TAXES NOT TO BE RELEASED OR COMMUTED. No county, nor the inhabitants thereof, nor the property therein, shall be released or discharged from its or their proportionate share of taxes to be levied for state purposes, nor shall commutation for such taxes be authorized in any form whatever.**

Original language same as present.[19]

Text as given in report of committee, July 22:

Same as final. (p. 124)

At least two territorial newspapers reported that it was understood that this section was to tax churches, private schools and charitable institutions.[20] One editorial expressed fears that the clause was so broad that it would compel a tax for state purposes to be levied upon the public property of counties and municipalities.[21]

### Section 10

**Present Language of the Constitution:**

> **INCORPORATION OF MUNICIPALITIES. Corporations for municipal purposes shall not be created by special laws; but the legislature, by general laws, shall provide for the incorporation, organization and classification in proportion to population, of cities and towns, which laws may be altered, amended or repealed. Cities and towns heretofore organized, or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election, shall so determine, and shall organize in conformity therewith; and cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution shall be subject to, and controlled by general**

19. **All Counties Liable for State Taxes:** Cal., Const. (1879), Art. 11, sec. 10. [Identical except that Wash. omits "city, town or other public or municipal corporations."]

20. **Spokane Falls Northwest Tribune,** July 26; **Argus,** August 1, 1889. [The correspondent for the latter wrote that these institutions should be exempted.]

21. **Times,** July 25, 1889.

**laws. Any city containing a population of twenty thousand inhabitants, or more, shall be permitted to frame a charter for its own government, consistent with and subject to the Constitution and laws of this state, and for such purpose the legislative authority of such city may cause an election to be had at which election there shall be chosen by the qualified electors of said city, fifteen freeholders thereof, who shall have been residents of said city for a period of at least two years preceding their election and qualified electors, whose duty it shall be to convene within ten days after their election, and prepare and propose a charter for such city. Such proposed charter shall be submitted to the qualified electors of said city, and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said city, and shall become the organic law thereof, and supersede any existing charter including amendments thereto, and all special laws inconsistent with such charter. Said proposed charter shall be published in two daily newspapers published in said city, for at least thirty days prior to the day of submitting the same to the electors for their approval, as above provided. All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election, and shall be given for at least ten days before the day of election, in all election districts of said city. Said elections may be general or special elections, and except as herein provided shall be governed by the law regulating and controlling general or special elections in said city. Such charter may be amended by proposals therefor submitted by the legislative authority of such city to the electors thereof at any general election after notice of said submission published as above specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such charter, or amendment thereto, any alternate article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.**

Original language same as present.[22]

22. **Municipal Corporations Not Created by Special Law:** Cal., Const. (1879), Art. 11, sec. 6. [Identical down to sentence beginning "Any city containing 20,000," etc.] Cal., Const. (1879), Art. 11, sec. 8; Mo., Const. (1875), Art. 9, sec. 16. [Similar for balance of section.]

Text as given in report of committee, July 22:

> Same as final except that it specified twenty-five thousand population for a city to make its own charter and a two-thirds vote of the people to amend a charter. (p. 125)

Consideration by committee of the whole, July 24:[23]

> **Motion:** Godman moved to require fifty thousand population for a city to make its own charter.
>
> **Action:** Motion lost.
>
> **Motion:** Insertion of "Provided that the Legislature by special act may provide for the consolidation of contiguous and adjacent towns and cities under one name and government" after "special laws" in the first sentence was moved by Turner, according to the **Ledger.** The **Globe, Standard,** and **Review** report that J. Z. Moore made the motion at Turner's request.
>
> **Action:** Motion lost.
>
> **Discussion as follows:**
>
> **For:** Weisenburger thought that some towns needed this benefit. He desired the consolidation of Sehome with Whatcom and Fairhaven.
>
> **Against:** E. H. Sullivan opposed special legislation because he regarded it as a vehicle of jobbery. Stiles explained that the section as it stood would permit general laws for the same purpose, thus satisfying Weisenburger. Sturdevant feared that the "big fish" would swallow the little.
>
> **Motion:** P. C. Sullivan moved to strike all but the first sentence.
>
> **Action:** Motion lost.
>
> **Discussion as follows:**
>
> **For:** Sullivan said the section as reported was a bid for ring rule since it put power in the hands of a few men.
>
> **Against:** Stiles explained that the fifteen freeholders would only prepare and submit the organization to the

23. **Review, Ledger, Globe,** July 25; **Standard,** July 26, 1889.

people, not stay in office. He thought it was a question of whether the Convention was ready to give large cities local self-government. Dyer said there were many things, such as police and sanitary regulations, which cities needed while the rest of the county did not. Kinnear, Durie, and Reed agreed with him. Lillis said that the amendment was detrimental to the interests of large cities where charters were needed at once.

**Motion:** Hoyt moved that the vote necessary for changing a charter be lowered from two-thirds to a majority, the **Ledger** reports. The **Globe** and **Review** mistakenly say that Hoyt moved to lower the vote necessary to ratify a proposed charter from two-thirds to a majority. This vote had been reported from committee as only a majority.

**Action:** This was proposed as an independent motion which had precedence to Sullivan's motion to strike. Motion carried.

**Discussion as follows:**

**For:** Griffitts spoke in favor of the charter system and the amendment.

**Against:** Browne thought that the new charters would be sought every two years. He wanted to leave the matter to the Legislature.

**Motion:** Browne moved to amend Sullivan's motion by striking out all after the second sentence, ending with the word "law".

**Action:** Motion lost.

**Motion:** J. Z. Moore moved to change the population of cities which could frame their own charters from twenty-five thousand to fifteen thousand.

**Action:** Motion lost. This motion also took precedence to Sullivan's motion to strike out.

Final action by Convention, July 25:

**Motion:** Weir moved to substitute "ten" for "twenty-five" thousand.

**Action:** Motion lost. (Sec. 5, p. 159)

**Motion:** T. M. Reed moved to substitute "ten" for "twenty-five" thousand.

Both the **Seattle Times** and the **Spokane Falls Review** report that Reed moved to substitute "twelve" for "twenty-five" thousand.[24]

**Motion:** Browne moved to amend the motion by substituting "five" for "ten".

> **Action:** Browne's amendment carried. (p.160) A vote was then taken on the motion as amended and it carried 40 to 31. (p. 160)
>
> **Voting against:** Bowen, Buchanan, Burk, Coey, Comegys, Crowley, Dallam, Dunbar, Durie, Fairweather, Fay, Glascock, Godman, Hayton, Jamieson, Jeffs, Kellogg, Lillis, Lindsley, Manly, McElroy, J. Z. Moore, Prosser, J. M. Reed, Schooley, Stiles, Sturdevant, E. H. Sullivan, Winsor, and Hoyt. **Not voting:** Cosgrove, Dyer, and Shoudy. **On leave:** Turner.

**Motion:** Henry moved to strike out the whole provision in Section 10 for city charters. This would leave the question of local government to the Legislature.

> **Action:** Motion caried 42 to 29. (p. 161)
>
> **Voting against:** Berry, Bowen, Clothier, Dallam, Dickey, Durie, Eshelman, Griffitts, Hayton, Hicks, Jones, Kinnear, Lillis, Lindsley, McCroskey, McElroy, Mires, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Tibbetts, Van Name, Weir, Weisenburger, West, Willison, and Hoyt. **Not voting:** Cosgrove, Jamieson, and Stiles. **On leave:** Turner.

**Motion:** Warner moved to strike in line eight the words "any city of five thousand" and insert "any city duly incorporated". This would have permitted all cities to frame charters.

> **Action:** Motion lost. (p. 161)

**Motion:** Griffitts moved to amend the section by adding in the stricken part similar wording to that of the committee report,

24. **Times**, July 25; **Review**, July 26, 1889.

but setting twenty thousand as the population for forming a charter and requiring a majority vote to amend it.

**Action:** Motion carried. (p. 162)

The **Spokane Falls Review** gives the vote on this motion as 38 to 24.[25]

**Motion:** Browne moved to substitute "five" for "twenty".

**Action:** Motion last. (p. 163)

**Motion:** Kinnear moved to strike "majority" and insert "two-thirds".

**Action:** Motion lost. (p. 163)

Recommendation by Committee on Revision, August 16:

That the incorporation of cities by special laws be permitted. (pp. 370-1)

**Motion:** Minor moved that the committee be instructed to make such a change.

**Action:** P. C. Sullivan raised a point of order that such a recommendation was not within the duties of the revision committee. Point of order sustained.

**Motion:** Gowey moved to suspend the rules to consider the recommendation of the revisions committee.

**Action:** Motion lost. (p. 371)

### Section 11

**Present Language of the Constitution:**

**POLICE AND SANITARY REGULATIONS. Any county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws.**

Original language same as present.[26]

25. **Review**, July 26, 1889.

26. **Privileges of Cities:** Cal., Const. (1879), Art. 11, sec. 11. [Identical except for slight word change.] Hill, Prop. Wash. **Const.**, Art. 11, sec. 7. [Similar.]

Petition submitted to Convention by Tacoma Typographical Union, July 10:

> That municipal governments be allowed to own and control such industries and public conveniences as the people may choose to own and control. (p. 39)

Text as given in report of committee, July 22:

> Same as final. (p. 126)

### Section 12

**Present Language of the Constitution:**

> **ASSESSMENT AND COLLECTION OF TAXES IN MUNICIPALITIES. The legislatnre shall have no power to impose taxes upon counties, cities, towns or other municipal corporations, or upon the inhabitants or property thereof, for county, city, town, or other municipal purposes, but may, by general laws, vest in the corporate authorities thereof, the power to assess and collect taxes for such purposes.**

Original language same as present.[27]

Text as given in report of committee, July 22:

> Same as final. (p. 126)

### Section 13

**Present Language of the Constitution:**

> **PRIVATE PROPERTY, WHEN MAY BE TAKEN FOR PUBLIC DEBT. Private property shall not be taken or sold for the payment of the corporate debt of any public or municipal corporation, except in the mode provided by law for the levy and collection of taxes.**

Original language same as present.[28]

Text as given in report of committee, July 22:

> Same as final. (p. 126)

27. **Local Taxation; Government by General Laws:** Cal., Const. (1879), Art. 11, sec. 12. [Identical.] Hill, Prop. Wash. Const., Art. 11, sec. 8. [Similar.]

28. **Private Property Not Liable for Public Debt:** Cal., Const. (1879), Art. 11, sec. 15. [Identical except that Wash. adds an exception.]

## Section 14

**Present Language of the Constitution:**

> **PRIVATE USE OF PUBLIC FUNDS PROHIBITED. The making of profit out of county, city, town, or other public money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.**

Original language same as present.[29]

Text as given in report of committee, July 22:

> Same as final. (p. 126)

## Section 15

**Present Language of the Constitution:**

> **DEPOSIT OF PUBLIC FUNDS. All moneys, assessments and taxes belonging to or collected for the use of any county, city, town or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the treasurer, or other legal depositary to the credit of such city, town, or other corporation respectively, for the benefit of the funds to which they belong.**

Original language same as present.[30]

Text as given in report of committee, July 22:

> Same as final. (p. 126)

Consideration by committee of the whole, July 24:[31]

> **Query:** Browne asked what the word "immediately" meant.
>
> **Answer:** Stiles replied that it meant "at the earliest possible time".

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29. **Unlawful Use of Public Money:** Cal., Const. (1879), Art. 11, sec. 17. [Identical.]
30. **All Public Money Deposited with Treasurer:** Cal., Const. (1879), Art. 11, sec. 16. [Identical.]
31. **Review, July 25, 1889.**

## Section 16

**Present Language of the Constitution:**

**COMBINED CITY AND COUNTY. The legislature shall, by general law, provide for the formation of combined city and county municipal corporations, and for the manner of determing the territorial limits thereof, each of which shall be known as a "city and county," and, when organized, shall contain a population of at least three hundred thousand (300,000) inhabitants. No such city and county shall be formed except by a majority vote of the qualified electors of the area proposed to be included therein and also by a majority vote of the qualified electors of the remainder of that county from which such area is to be taken. Any such city and county shall be permitted to frame a charter for its own government, and amend the same, in the manner provided for cities by section 10 of this article: Provided, however, That the first charter of such city and county shall be framed and adopted in a manner to be specified in the general law authorizing the formation of such corporations: Provided further, That every such charter shall designate the respective officers of such city and county who shall perform the duties imposed by law upon county officers. Every such city and county shall have and enjoy all rights, powers and privileges asserted in its charter, not inconsistent with general laws, and in addition thereto, such rights, powers and privileges as may be granted to it, or possessed and enjoyed by cities and counties of like population separately organized.**

**No county or county government existing outside the territorial limits of such county and city shall exercise any police, taxation or other powers within the territorial limits of such county and city, but all such powers shall be exercised by the city and county and the officers thereof, subject to such constitutional provisions and general laws as apply to either cities or counties: Provided, That the provisions of sections 2, 3, 4, 5, 6, 7, and 8 of this article shall not apply to any such city and county: Provided further, That the salary of any elective or appointive officer of a city and county shall not be changed after his election or appointment or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or ap-**

**pointed. In case an existing county is divided in the formation of a city and county, such city and county shall be liable for a just proportion of the existing debts or liabilities of the former county, and shall account for and pay the county remaining a just proportion of the value of any real estate or other property owned by the former county and taken over by the county and city, the method of determining such just proportion to be prescribed by general law, but such division shall not affect the rights of creditors. The officers of a city and county, their compensation, qualifications, term of office and manner of election or appointment shall be as provided for in its charter, subject to general laws and applicable constitutional provision. [1947 p 1386, House Joint Resolution No. 13. Approved November 2, 1948.]**

(This section was added by 23rd amendment.)

**Passage of Article**

Article on County, City and Township Organization approved by Convention, July 25, by a vote of 55 to 18. (p. 164)

**Voting against:** Crowley, Dallam, Fairweather, Godman, Gray, Jones, McReavey, Mires, Sharpstein, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Van Name, and Weisenburger.

The **Seattle Times,** July 26, reports 17 voting against the article. This report includes Fay and Wilson (possibly meaning Willison), but does not mention Godman.

Telegram received by Convention, August 7, from Colfax Board of Trade:

Protested the adoption of Section 3.

**Action:** Read and ordered laid on table.

## ARTICLE XII

## CORPORATIONS OTHER THAN MUNICIPAL

The desire of the Convention, and of the people, to control and regulate corporations is apparent in the making of this article. Protections were set up against watered stock, trusts and monopolies, legislative extension of existing franchises, and the enacting of special privilege laws by the Legislature. However, fears were expressed from many quarters that too severe restrictions would drive capital out of the state and discourage new capital investments.[1] This faction was powerful enough to eliminate from the reported corporation article its more harsh provisions.

The choice of Kinnear as chairman of this committee was criticized by the **Tacoma Morning Globe,** since it was well known that he favored strong restrictions on corporations, but the **Seattle Times** early expressed a sense of security that the chairmanship was in such capable hands.[2]

Two prominent Seattle businessmen were influential in stirring up opposition to the more restrictive sections which appeared in the committee report. They were successful in getting Section 11 changed, and in helping to defeat the constitutional enactment of a railroad commission.[3]

The section of the committee report setting up a powerful railroad and transportation commission caused the most controversy. It was opposed on the grounds that it was legislative in content and would drive foreign capital from the state. Those favoring it pointed to the slowness of legislatures in making regulatory laws, and to the need for a central body to settle disputes involving railroads. Many telegrams were received objecting to such a commission.

The section authorizing a commission was accepted by the committee of the whole on August 4, but rejected at the next meeting, August 6. It is certain that the activities of a strong rail-

1. **Tacoma Daily Ledger,** July 27; **Puget Sound Weekly Argus** [Port Townsend, Wash.], **Washington Standard** [Olympia, Wash.], August 1; **Spokane Falls Northwest Tribune,** August 2, 1889.
2. **Tacoma Morning Globe,** August 3; **Seattle Times,** July 10, 1889.
3. James L. Fitts, "The Washington Constitutional Convention of 1889" (unpublished Master's thesis, University of Washington, Seattle, 1951), 101-116; Robert C. Nesbit, **He Built Seattle,** (Seattle: University of Washington Press, 1961), 308-316.

road lobby were effective in securing this changed vote. Territorial newspapers reported that certain delegates admitted changing their votes when informed that support of a railroad commission would result in the halting of railroad construction needed in their counties.[4] This lobby approached George Turner, the most active and influential advocate of the section and a known aspirant for a senatorial seat from the new state, with promises of a large contribution to his senatorial campaign if he would leave the Convention during the debates on the section. Turner's reply was not recorded, but it is probable that he rejected this proposal in no uncertain terms, and he remained the Convention's most formidable opponent of the lobby's interests.[5]

The railroad commission was lost to these strong interests, but a compromise of sorts was effected by placing a clause in Section 18 that "a railroad and transportation commission may be established." The **Post-Intelligencer** and the **Vancouver Independent** later noted this failure to set up a commission as one of the major shortcomings of the Constitution.[6]

The Committee for Corporations other than Municipal was appointed July 9. (p. 20)

**Members:** Kinnear, chairman; Weisenburger, McCroskey, P. C. Sullivan, Neace, Sharpstein, Shoudy, Henry and Coey.

### Section 1

**Present Language of the Constitution:**

> **CORPORATIONS, HOW FORMED. Corporations may be formed under general laws, but shall not be created by special acts. All laws relating to corporations may be altered, amended or repealed by the legislature at any time, and all corporations doing business in this state may, as to such business, be regulated, limited or restrained by law.**

Original language same as present.[7]

4. **Seattle Post Intelligencer, Ledger,** August 7; **Walla Walla Weekly Statesman,** August 8, 1889.
5. Claudius O. Johnson, "George Turner, A Character from Plutarch," 18 **Washington Law Review,** 172 (1943).
6. **Post-Intelligencer,** August 26; **Vancouver Independent,** Wash., August 28, 1889.
7. **Not Created by Special Laws:** Cal., **Const.** (1879), Art. 12, sec. 1; Wash., **Const.** (1878), Art. 16, sec. 1. [Similar.]

Proposition submitted to Convention by Sharpstein, July 10:

> That general, not special, laws be used to regulate corporations. That corporations may be restricted, limited, or restrained by law. (p. 43)

Proposition submitted to Convention by Godman, July 10:

> That special laws shall not allow charters, extend or alter them or their rights or powers. (p. 46)

Text as given in report of committee, July 26:

> Same as final. (p. 166)

### Section 2

**Present Language of the Constitution:**

> **EXISTING CHARTERS. All existing charters, franchises, special or exclusive privileges, under which an actual and bona fide organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this Constitution shall thereafter have no validity.**

Original language same as present.[8]

Text as given in report of committee, July 26:

> Same as final. (p. 166)

Consideration by committee of the whole, August 1:[9]

> **Motion:** Stiles moved to strike the section.
>
> **Action:** Motion lost 24 to 21.
>
> **Discussion as follows:**
>
> **For:** Stiles saw no necessity for the section or why corporations in process with stock partially subscribed, but not quite able to proceed, should stop and lose their expenses and have to begin all over again. Cosgrove thought the section was unfair.

8. **Corporation Must Have Bona Fide Organization:** Cal., Const. (1879), Art. 12, sec. 6. [Identical.] Penn., Const. (1873), Art. 16, sec. 1. [Identical except for slight word change.] Wash., Const. (1878), Art. 13, sec. 1. [Similar.]

9. **Spokane Falls Review,** August 2; **Standard,** August 9, 1889.

**Against:** Kinnear informed the delegates that this clause appeared in a number of recent state constitutions. It was to stop incorporators who had been granted charters by special acts of the territorial legislature but who had not yet started business. He said all corporations should come under the general law and not be able to exercise special privileges. Turner explained that this provision was to bring all corporations not actually doing business in under the general law.

**Motion:** Minor moved to strike the word "franchise" and substitute "grants."

**Action:** Motion lost.

**Section 3**

**Present Language of the Constitution:**

**EXISTING CHARTERS NOT TO BE EXTENDED NOR FORFEITURE REMITTED. The legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter of any corporation now existing, or which shall hereafter exist under the laws of this state.**

Original language same as present.[10]

Proposition submitted to Convention by Godman, July 10:

That the Legislature shall not remit the forfeiture of the charter or franchise of any corporation. (p. 47)

Text as given in report of committee, July 26:

Same as final. (p. 166)

**Section 4**

**Present Language of the Constitution:**

**LIABILITY OF STOCKHOLDERS. Each stockholder in all incorporated companies, except corporations organized for banking or insurance purposes, shall be liable for the debts of the corporation to the amount of his unpaid stock and no more; and one or more stockholders may be joined as parties defendant in suits to recover upon this liability.**

10. **Legislature Shall Not Extend Franchise:** Cal., Const. (1879), Art. 13, sec. 7. [Identical.] Penn., Const. (1873), Art. 16, sec. 2. [Similar.]

Original language same as present.[11]

Text as given in report of committee, July 26:

> All stockholders in all incorporated companies, except corporations organized for banking or insurance purposes, shall be liable for the debts of the corporation to the amount of their unpaid stock and no more. (p. 166)

Consideration by committee of the whole, August 1:[12]

**Motion:** Griffitts moved to strike the section.

**Motion:** Sharpstein moved to strike "except corporations organized for banking or insurance purposes," leaving all corporations to stand alike.

**Action:** Sharpstein's motion lost and Griffitts' was left pending when the committee rose to report progress. The discussion was continued on the following day and when put to a vote, the motion to strike was lost by a vote of 12 ayes and noes not counted.

**Discussion as follows:**

**For:** Griffitts favored striking since he believed the section was already law anyway and was legislative in character.

**Against:** Turner said banks and insurance companies ought to be under heavier liabilities than other corporations because they took the people's money largely in excess of the amount of their capital stock. Hoyt agreed as to banking companies, but not as to insurance companies. Crowley believed in retaining the section; he thought stockholders in insurance companies should pay when the company dissolves and an insured against event occurs. Dyer agreed with Crowley because he thought this would prevent wildcat companies. Hoyt said a double or treble liability on insurance stockholders would result in having stock all in the hands of persons who could not respond and thus encourage instead of discourage wild-

11. **Limiting of Stockholders:** Ore., **Const.** (1857), Art. 11, sec. 3; Ohio, **Const.** (1851), Art. 13, sec. 3 (Ala., **Const.** (1876), Art. 1, sec. 8, identical with Ohio. [Similar.]

12. **Review,** August 2; **Standard,** August 9, 1889.

cat insurance. Sharpstein, Turner, Stiles, Moore, Kinnear, E. H. Sullivan, Buchanan and P.C. Sullivan discussed this point largely in its legal aspect.

Further consideration by committee of the whole, August 2:[13]

The vote was put on Griffitts' motion; it lost by a vote of 12 for and noes not counted. The section was then adopted.

Action by Convention, August 10:

**Motion:** P. C. Sullivan moved to add a clause limiting stockholders' liability.

**Action:** Motion carried. (p. 318)

**Motion:** Turner moved to amend by substituting a section providing for limitation of libility and joinder of defendants.

**Action:** Motion carried. (p. 318)

### Section 5

**Present Language of the Constitution:**

**TERM "CORPORATION," DEFINED—RIGHT TO SUE AND BE SUED. The term corporations, as used in this article, shall be construed to include all associations and joint stock companies having any powers or privileges of corporations not possessed by individuals or partnerships, and all corporations shall have the right to sue and shall be subject to be sued, in all courts, in like cases as natural persons.**

Original language same as present.[14]

Text as given in report of committee, July 26:

Same as final. (p. 167)

### Section 6

**Present Language of the Constitution:**

**LIMITATIONS UPON ISSUANCE OF STOCK. Corporations shall not issue stock, except to bona fide subscribers therefor, or their assignees; nor shall any corporation issue**

13. Times, August 2; Review, Globe, August 3; Standard, August 9, 1889.
14. Corporations Construed to Include What: Cal., Const. (1879), Art. 13, sec. 4; N. Y., Const. (1846), Art. 8, Sec. 3. [Identical.]

**any bond, or other obligation, for the payment of money, except for money or property received or labor done. The stock of corporations shall not be increased, except in pursuance of a general law, nor shall any law authorize the increase of stock, without the consent of the person or persons holding the larger amount in value of the stock, nor without due notice of the proposed increase having been previously given in such manner as may be prescribed by law. All fictitious increase of stock or indebtedness shall be void.**

Original language same as present.[15]

Text as given in report of committee, July 26:

Same as final. (p. 167)

Consideration by committee of the whole, August 2:[16]

**Motion:** Stiles moved to strike the section.

**Action:** Motion lost.

**Discussion as follows:**

**For:** Stiles said most of the provisions of this section were already well settled by law. He claimed that the first provision would only give corporations a chance to set up a defense against their own bond in the hands of innocent holders. Warner thought that the section would not prevent the watering of stocks and agreed with Stiles. Stiles closed by adding that this proposition would stop railroads from issuing bonds at anything less than one hundred cents on a dollar. He said that this was not good business and people who did purchase the bonds at par would be liable to a defense against the railroad company claiming the bonds were illegally issued by the company, and so voted.

**Against:** Browne said watered stock was one of the greatest evils of the day and thought the section would help stop that practice. Lillis thought corporations should have a real value to their stocks, dollar for dollar. Sharpstein said that companies wanted good interest on ficti-

15. **Corporation Stock Fictitious Issues Void:** Cal., Const. (1879), Art. 13, sec. 11; Penn., Const. (1873), Art. 16, sec. 7. [Similar.]

16. **Times**, August 2; **Review**, **Ledger**, **Globe**, August 3; **Standard**, August 9, 1889.

tious stock and people had to pay on more than the amount invested in the railroads. E. H. Sullivan said the section was directed at fraud and should go in the Constitution. Buchanan said that he wanted the section because railroads based charges for services on the amount of stock, fictitious as well as actual. Kinnear defended the section by saying that experience had shown such a limitation to be necessary and that many petitions had asked for it. Power reported that the railroad men were saying that it would prevent placing the stock "where it would do the most good." Turner also spoke in favor of retaining the section.

**Motion:** Browne moved to strike the first sentence and insert in its place, "No corporation shall issue any stock or bonds except to bona fide purchasers thereof and except for money, labor, or property actually received and applied to the purposes for which the corporation was created."

**Action:** Motion lost.

**Discussion as follows:**

**Against:** Turner and P. C. Sullivan argued that this amendment went too far. They both thought that the committee had reported a sufficient section.

**Motion:** Browne moved to insert the word "stock" before "bond" in the sentence reading "nor shall any corporation issue any bond, or other obligation," etc.

**Action:** Motion lost.

**Discussion as follows:**

**For:** Browne contended that the amendment would absolutely prevent the issuance of watered stock. He said stock should show on its face how much of it has been paid up, or else be issued to stockholders as fast as it was paid for.

**Against:** Stiles opposed the amendment as being more vicious than the section. Crowley, Weisenburger, and Turner agreed that the amendment would have an evil effect as it would compel all companies to pay in full the amount of their capital stock. Dunbar and Gowey said

the amendment would cripple every struggling corporation in the state and prevent the formation of building and loan associations, title insurance companies, and home insurance companies.

**Deleted Section**

Text as given in report of committee, July 26:

"No corporation shall engage in any business other than that authorized in its charter, or the law under which it may have been or may hereafter be organized." (Section 7, p. 167)

Consideration by committee of the whole, August 2:[17]

**Motion:** Turner moved to strike the section.

**Action:** Motion carried.

**Discussion as follows:**

**For:** Turner thought the section was purely legislative and that the law now confined corporations to their charters. He further stressed that the section would give corporations a chance to avoid their obligations by pleading that they were outside their charters. Sturdevant also spoke in favor of striking. Stiles thought the section would help corporations to evade their obligations, so favored striking it, as did Godman, Jones, Crowley, and Dunbar.

**Against:** Buchanan favored the section because when corporations go out of their corporate business it requires litigation to collect money from them. E. H. Sullivan wanted the section to stand so that courts and the Legislature could not deal with the matter. Kinnear also favored it.

Action by Convention, August 6:

Decision by committee of the whole accepted. (p. 252)

**Section 7**

**Present Language of the Constitution:**

**FOREIGN CORPORATIONS. No corporation organized outside the limits of this state shall be allowed to transact**

17. Review, Ledger, Globe, August 3; Standard, August 9, 1889.

**business within the state on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this state.**

Original language same as present.[18]

Proposition submitted to Convention by Godman, July 10:

That all out-of-state corporations have the same business privileges as those organized in the state. (p.47)

Text as given in report of committee, July 26:

Same as final. (Section 8, p. 167)

Consideration by committee of the whole, August 2:[19]

**Motion:** Dyer moved to provide that foreign corporations be compelled to keep one or more business offices and authorized agents within the state. Kinnear accepted the amendment on behalf of the committee.

**Action:** Motion lost 21 to 18.

Action by Convention, August 6:

**Motion:** Dyer moved to amend that no foreign corporation could do business unless it had a known place of business and an authorized agent in the state upon whom processes could be served.

**Action:** Motion lost 36 to 28. (p. 256)

**Voting for:** Berry, Buchanan, Clothier, Coey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Glascock, Joy, Kinnear, Minor, Mires, J. Z. Moore, Neace, Prosser, Schooley, Sharpstein, Shoudy, E. H. Sullivan, Tibbetts, Travis, Warner, Weir, Weisenburger, Winsor, and Hoyt. **Absent and not voting:** Allen, Browne, Dallam, Dickey, Hayton, Hicks, Jamieson, Jeffs, McCroskey, Turner, and Willison.

**Deleted Section**

Proposition submitted to Convention by Godman, July 10:

That corporations must maintain offices in the state and the

18. **All Corporations to be Treated Equally:** Cal., Const. (1879), Art. 13, sec. 15. [Identical.] Hill, Prop, Wash. Const., Art. 10, sec. 6. [Similar.]

19. **Review,** Globe, August 3, 1889.

records must be open to inspection showing all stock ownership and transfers, liabilities, assets, and officers. (p. 47)

Text as given in report of committee, July 26:

"Every corporation other than religious, educational, or benevolent organized or doing business in this state shall have and maintain an office or place in this state for the transaction of its business, where transfers of stock shall be made, and in which shall be kept for inspection by every person having an interest therein, including creditors and legislative committees, books in which shall be recorded the amount of capital stock subscribed and by whom, the names of the owners of its stock and the amount owned by them respectively, the amount of stock paid in and by whom, the transfers of stock, the amount of its assets and liabilities, and the names and places of residence of its officers." (Section 9, p. 167)

Consideration by committee of the whole, August 2. [20]

**Motion:** T. M. Reed moved to strike the section.

**Motion:** Kinnear moved to amend so that the provision would apply only to domestic corporations by inserting the word "domestic" after the first "every".

**Motion:** Kinnear added to this motion the striking out of the words "or doing business".

**Action:** Both amendments lost by a vote of 18 ayes and noes not counted. The motion to strike then carried.

**Discussion as follows:**

**For** section as amended: Dyer and Buchanan favored the amendments. Warner hoped the amendments would prevail; he and E. H. Sullivan thought Section 8 could afterwards be amended to correspond.

**Against** section and for striking: Crowley, Turner, Sharpstein, Hoyt, and Weisenburger were against the section as being legislative. Griffitts read provisions of the Code of Washington (section 2436) on the subject and then objected to the section as legislative and unnecessary.

20. **Review, Ledger, Globe,** August 3; **Standard,** August 9, **Argus,** August 8, 1889.

Final action by Convention, August 6:

Decision of committee of the whole accepted. (p. 252)

**Deleted Section**

Text as given in report of committee, July 26:

"A corporation or association may be sued in the county where the contract is made or is to be performed, or where the obligation or liability arises, or the breach occurs, or in the county where the principal place of business of such corporation is situated, subject to the power of the court to change the place of trial as in other cases." (Section 10, p. 167)

Consideration by committee of the whole, August 2:[21]

**Motion:** Crowley moved to strike the section.

**Action:** Motion carried.

**Discussion as follows:**

**For:** Stiles, Crowley, Turner and Dunbar spoke in favor of striking.

**Against:** Buchanan and Kinnear defended the section.

Final action by Convention, August 6:

Decision of committee of the whole accepted. (p. 252)

**Section 8**

**Present Language of the Constitution:**

**ALIENATION OF FRANCHISE NOT TO RELEASE LIABILITIES. No corporation shall lease or alienate any franchise, so as to relieve the franchise, or property held thereunder, from the liabilities of the lessor, or grantor, lessee, or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise or any of its privileges.**

Original language same as present.[22]

21. Review, Ledger, Globe, August 3; Standard, August 9, 1889.

22. Leasing or Alienation of Franchise: Cal., Const. (1879), Art. 13, sec. 10. [Identical except for the first few words.]

Text as given in report of committee, July 26:

> "The Legislature shall not pass any laws permitting the leasing or alienation of any franchise, so as to relieve the franchise or property held thereunder from the liabilities of the lessor or grantor, lessee, or grantee contracted or incurred in the operation, use or enjoyment of such franchise, or any of its privileges." (Section 11, p. 168)

Consideration by committee of the whole, August 2:[23]

**Motion:** Turner moved to amend so that it would read "The Legislature shall pass laws prohibiting the leasing, etc." He said the leasing could be done without laws so this amendment was necessary.

**Motion:** Sharpstein moved to amend by striking out the clause under attack and inserting, "No corporation shall lease or alienate any franchise, etc."

**Action:** Turner accepted Sharpstein's amendment, and Sharpstein's motion carried and the amended motion was then adopted.

**Discussion as follows:**

**For:** Shoudy favored the amended motion since he did not see how the Legislature could be compelled to pass such laws. Sharpstein said the idea was to prevent corporations from escaping liability on the plea that their property was leased to someone else.

**Motion:** Stiles moved to strike out "lessee or grantee".

**Action:** Motion lost.

**Discussion as follows:**

**For:** Stiles understood that the object was "somehow to prevent something or other" between the Northern Pacific and the Oregon Railway and Navigation Company, and thought that all that was needed was to strike out the words he had indicated. Crowley said that in a case then in court the Oregon Railway and Navigation Company sought to escape paying damages on the plea that its property was not being operated by itself but by the Union Pacific.

23. **Review, Globe,** August 3, 1889.

### Section 9

**Present Language of the Constitution:**

> **STATE NOT TO LOAN ITS CREDIT OR SUBSCRIBE FOR STOCK. The state shall not in any manner loan its credit, nor shall it subscribe to, or be interested in the stock of any company, association or corporation.**

Original language same as present.[24]

Proposition submitted to Convention by Sharpstein, July 10:

> That the credit of the state is not to be loaned or given to any corporation, company, association, or person. (p. 43)

Text as given in report of committee, July 26:

> Same as final. (Section 12, p. 168)

Consideration by committee of the whole, August 2:[25]

> **Motion:** T. M. Reed moved to strike the section.
>
> **Action:** Motion lost.
>
> **Discussion as follows:**
>
> **For:** Reed said that this was already provided for in an earlier article. (see Article VIII, Section 5.)
>
> **Against:** P. C. Sullivan said the prohibition regarding subscriptions to stock was not made anywhere else, and this was important. Dyer thought the revision committee could attend to this and his motion to adopt the section prevailed.

### Section 10

**Present Language of the Constitution:**

> **EMINENT DOMAIN AFFECTING. The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the legislature from taking the property and franchises of incorporated companies, and subjecting them to public use the same as the property of individuals.**

24. State Shall Not Loan Credit: Cal., Const. (1879), Art. 13, sec. 13. [Identical.]
25. Review, August 3, 1889.

Original language same as present.[26]

Proposition submitted to Convention by Godman, July 10:

> That corporate property be subject to the right of eminent domain. (p. 47)

Text as given in report of committee, July 26:

> Same as final. (Section 13, p. 168)

Consideration by committee of the whole, August 2:[27]

> **Query:** Comegys asked what the section meant.
>
> **Answer:** Kinnear explained that the section allowed corporate property to be taken under the right of eminent domain the same as private property.
>
> **Query:** Turner asked if the section would let railway companies take the roadbed of another company.
>
> **Answer:** Kinnear answered in the affirmative but added that such a case would not be likely to arise.
>
> **Query:** Moore asked if the public didn't already have such a a right.
>
> **Answer:** Kinnear said no; that all authorities were clear that corporation franchises could not be taken unless by an express act of the Legislature.
>
> **Query:** Dunbar asked if the Legislature could act without the section.
>
> **Answer:** Kinnear agreed that it could do so, but added that the section declared a principle.
>
> **Motion:** J. Z. Moore moved to strike the section.
>
> **Action:** Motion carried.
>
> **Discussion as follows:**
>
> **For:** Moore said that the section would only be a bugbear

26. **Eminent Domain, State May Exercise Right:** Ark., Const. (1874), Art. 17, sec. 9. [Identical.] Penn., Const. (1873), Art. 16, sec. 3 (Cal., Const. (1879), Art. 13, sec. 8, identical with Penn.); Colo., Const. (1876), Art. 15, sec. 8; Mo., Const. (1875), Art. 12, sec. 4; Neb., Const. (1875), Art. 11, sec. 6; Ill., Const. (1870), Art. 11, sec. 14. [Identical except for slight word change.]

27. **Review, Ledger, Globe,** August 3; **Standard,** August 9, 1889.

which, held up before investors, would possibly prevent their investment in railroad building in the state. Turner thought the Legislature could provide for this. He feared that a claim might be made that one railroad was more important than another and so condemn the roadbed after it was completed and ready for use. Jones answered Kinnear's argument by stating that the territorial courts had held that a franchise was not a contract between the holder and the government and that non-use was not a forfeiture of a grant. Griffitts thought the section useless and pointed out that Section 8 of the Bill of Rights, which prohibited the granting of an irrevocable franchise, was a sufficient answer to Kinnear.

**Against:** Kinnear defended the section. He said that the authorities claimed that a franchise was in the nature of a contract and could not be taken away without a provision in the organic law. He added that the only authority of eminent domain the Legislature had was in the Bill of Rights, which did not authorize the taking away of a franchise, and that such a provision was also needed in the Constitution.

Final action by Convention, August 6:

Decision of committee of the whole to strike the section was lost 60 to 9. (p. 252)

**Voting for:** Blalock, Comegys, Sturdevant, Stiles, P. C. Sullivan, Turner, and Van Name: **Absent and not voting:** Allen, Browne, Dallam, Gowey, Hicks and Jeffs.

### Section 11

**Present Language of the Constitution:**

**STOCKHOLDER LIABILITY. No corporation, association, or individual shall issue or put in circulation as money anything but the lawful money of the United States. Each stockholder of any banking or insurance corporation or joint stock association shall be individually and personally liable equally and ratably, and not one for another, for all contracts, debts, and engagements of such corporation or association accruing while they remain such stockholders, to the extent**

**of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.**

**The legislature may provide that stockholders of banking corporations organized under the laws of this state which shall provide and furnish, either through membership in the Federal Deposit Insurance Corporation, or through membership in any other instrumentality of the government of the United States, insurance or security for the payment of the debts and obligations of such banking corporation equivalent to that required by the laws of the United States to be furnished and provided by national banking associations, shall be relieved from liability for the debts and obligations of such banking corporation to the same extent that stockholders of national banking associations are relieved from liability for the debts and obligations of such national banking associations under the laws of the United States. [1939 p 1024, Senate Joint Resolution No. 8. Approved November, 1940.]**

Original language:[28]

No corporation, association, or individual shall issue or put in circulation as money anything but the lawful money of the United States. Each stockholder of any banking or insurance corporation or joint stock association shall be individually and personally liable equally and ratably and not for another, for all contracts, debts and engagements of such corporation or association accruing while they remain such stockholders to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

Text as given in report of committee, July 26:

"The Legislature shall have no power to pass any act granting any charter for banking or insurance purposes, but corporations or associations may be formed for such purposes under general laws. No corporation, association or individual shall issue or put in circulation as money anything but the lawful money of the United States. Each stockholder of any such corporations or joint stock associations shall be individually and personally liable for such proportion of all its debts and

28. **Corporations and Individuals Shall Not Issue Money:** Cal., Const. (1879), Art. 11, secs. 3 and 5; Ia., Const. (1857), Art. 8, sec. 9 (Neb., Const. (1875), Art. 11, sec. 7, identical with Ia.). [Similar.]

liabilities contracted or incurred during the time he was a stockholder, as the amount of stock or shares owned by him bears to the whole of the subscribed capital stocks or shares of the corporation or association." (Section 14, p. 168)

Consideration by committee of the whole, August 2:[29]

**Motion:** Weisenburger moved a substitute as follows: "The Legislature shall have no power to pass any act granting any charter for banking or insurance purposes, but corporations or associations may be formed for such purposes under general laws. No corporation, association, or individual shall issue or put in circulation as money anything but the lawful money of the United States. Each stockholder of any such corporation or joint stock association shall be individually and personally liable equally and ratably, and not one for another for all contracts, debts, and engagements of such corporation or association occurring while they remain such stockholders, to the extent of the amount of their stock therein at par value thereof in addition to the amount invested in such shares."

**Action:** Motion carried 22 to 20.

**Discussion as follows:**

**For:** Stiles preferred the substitute. He said the section as reported was made up by a piecemeal process from a California section and that it was mixing up two systems.

**Motion:** J. Z. Moore moved to strike the sentence about issuing money as he felt the United States Constitution and the National Banking Act provided against the same thing.

**Action:** Motion lost 20 to 17.

**Discussion as follows:**

**For:** Moore supported his motion and in answer to Crowley's objection said that the National Banking Act provided for the problem therein posed.

**Against:** Crowley feared that this amendment would open the way for wildcat banks. Weisenburger and Dyer also opposed.

29. Review, Ledger, Globe, August 3, 1889.

**Motion:** Power moved to add "except as authorized by the United States" after "money".

**Action:** Motion withdrawn.

**Motion:** Browne moved to amend so that no banking corporation shall issue anything to circulate as money.

**Action:** Motion lost by a vote of 14 ayes and noes not counted.

**Motion:** Minor offered a substitute prohibiting anything but federal money of the United States from being used as money.

**Action:** Motion lost.

**Discussion as follows:**

**Against:** Browne thought "federal money" too vague a term. Buchanan agreed and thought there was no such thing known to law. Kinnear said the clause as it stood in the section was as well expressed as any and was found in several state constitutions.

**Motion:** E. H. Sullivan moved to strike the first sentence.

**Action:** Motion carried 22 to 19.

The section was approved as amended 35 to 20.

Final action by Convention, August 6:

Decision of committee of the whole accepted 50 to 18. (p. 253)

**Voting against:** Berry, Buchanan, Coey, Dunbar, Durie, Eshelman, Fairweather, Glascock, Griffitts, Hayton, Henry, McCroskey, McDonald, R. S. More, Neace, Suksdorf, Tibbetts, and Warner. **Absent and not voting:** Allen, Browne, Dallam, Gowey, Gray, Hicks, and Jeffs.

## Section 12

**Present Language of the Constitution:**

**RECEIVING DEPOSITS BY BANK AFTER INSOLVENCY. Any president, director, manager, cashier, or other officer of any banking institution, who shall receive or assent to the reception of deposits, after he shall have knowledge of the fact that such banking institution is insolvent or in**

**failing circumstances, shall be individually responsible for such deposits so received.**

Original language same as present.[30]

Proposition submitted to Convention by Dyer, July 12:

> That it be a crime for any bank officer to receive deposits, or create debts, if the bank was insolvent or in failing circumstances. (p. 68)

Text as given in report of committee, July 26:

> "It shall be a crime, the nature and punishment of which shall be prescribed by law, for any president, director, manager, cashier or other officer of any banking institution, to receive or assent to the reception of deposits after he shall have knowledge of the fact that such banking institution is insolvent or in failing circumstances, and any such officer, agent or manager shall be individually responsible for such deposits so received." (Section 15, p. 168)

Consideration by committee of the whole, August 2:[31]

> **Motion:** E. H. Sullivan moved to insert "civilly" in place of "individually" in the last line.
>
> > **Action:** Motion withdrawn. Dunbar pointed out that the amendment would destroy the object of the section and Sullivan agreed.
>
> **Motion:** Turner proposed a substitute striking out all criminal portions, leaving a declaration of individual responsibility and allowing the Legislature to declare what was a crime.
>
> > **Action:** Motion carried.
>
> **Discussion as follows:**
>
> > **For:** Turner said it was the business of the Legislature to declare such conduct a crime. P. C. Sullivan agreed.
>
> **Motion:** Stiles moved to further amend by stating "banking corporations" instead of "banking institutions".
>
> > **Action:** Motion lost.

30. **Insolvent Banks Shall Not Receive Deposits:** Mo., Const. (1875), Art. 12, sec. 17 (La., Const. (1879), Art. 241, identical with Mo.). [Similar.]

31. **Review,** Globe, August 3, 1889.

Final action by Convention, August 10:

**Motion:** Jamieson moved to strike out "or in failing circumstances".

**Action:** Motion lost. (p. 319)

### Section 13

**Present Language of the Constitution:**

**COMMON CARRIERS, REGULATION OF. All railroad, canal and other transportation companies are declared to be common carriers and subject to legislative control. Any association or corporation organized for the purpose, under the laws of this state, shall have the right to connect at the state line with railroads of other states. Every railroad company shall have the right with its road, whether the same be now constructed or may hereafter be constructed, to intersect, cross or connect with any other railroad, and when such railroads are of the same or similar gauge they shall at all crossings and at all points, where a railroad shall begin or terminate at or near any other railroad, form proper connections so that the cars of any such railroad companies may be speedily transferred from one railroad to another. All railroad companies shall receive and transport each the other's passengers, tonnage and cars without delay or discrimination.**

Original language same as present.[32]

Proposition submitted to Convention by Godman, July 10:

That railroads have the right of connection and crossing of other railroads and must without delay or discrimination carry each others passengers, tonnage and cars, and the Legislature to provide penalties for failure to do so. (p. 46)

Text as given in report of committee, July 26:

Same as final. (Section 16, p. 168)

### Section 14

**Present Language of the Constitution:**

**PROHBITION AGAINST COMBINATIONS BY CARRIERS. No railroad company, or other common carrier, shall**

32. **Common Carriers, Rights and Duties:** Cal., Const. (1879), Art. 12, sec. 27; Penn., Const. (1873), Art. 17, sec. 1; Mo., Const. (1875), Art. 12, sec. 13. [Similar.]

**combine or make any contract with the owners of any vessel that leaves port or makes port in this state, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying.**

Original language same as present.[33]

Text as given in report of committee, July 26:

Same as final. (Section 17, p. 169)

Consideration by committee of the whole, August 2:[34]

**Motion:** Comegys moved to strike the section.

**Action:** Motion lost.

**Standard** records vote as 28 to 25; **Ledger** as 26 to 25; **Review** says it was 25 to 25 tie which was broken by the vote of the chair to lose 26 to 25.

**Discussion as follows:**

**For:** Comegys did not think it was possible to interfere and regulate commerce like this. Griffitts feared the section was an attempt to regulate commerce between states and foreign countries. He thought pooling was adequately covered by the section on monopolies and trusts. Buchanan said there was a possibility of the Northern Pacific joining with some ship company to form a Japan line. He thought this would provide competition with the Canadian Pacific which he did not want prohibited. Godman thought the section unnecessary. Turner did not think the state need be prevented from saying that it would not give the machinery of its courts to the enforcement of any pooling system. Weisenburger said there were now steamboats on Puget Sound and he hoped that soon there would be railroads on either side of it. He did not think the state would want to prevent pooling between the boats and these roads. Minor said the California constitutional provision against pooling had not had the slightest effect in practice.

33. **Certain Combinations Forbidden:** Cal., Const. (1879), Art. 12, sec. 20. [Identical.]

34. **Review, Ledger, Globe,** August 3; **Standard,** August 9, 1889.

**Against:** Power explained that the Pacific mail steamship company and the transcontinental railway pooled and kept up freights. Kinnear was opposed to all schemes of pooling and proposed to apply this principle to all common carriers.

**Motion:** Godman moved to strike "leave port or make port" and insert "plying between ports in this state".

**Action:** Motion lost.

**Discussion as follows:**

**Against:** Warner said this amendment would destroy the effect of the section.

The motion to strike the section lost, as did the motion to adopt it, so the section was sent before the Convention without recommendation.

Final action by Convention, August 6:

**Motion:** McReavey moved to strike the section.

**Action:** Motion lost 43 to 21. (p. 258)

**Voting to strike:** Blalock, Bowen, Burk, Comegys, Crowley, Dickey, Fairweather, Gowey, Gray, Jamieson, Jones, McReavey, Minor, Morgans, Sohns, Stevenson, Stiles, Tibbetts, Weir, West, and Winsor. **Absent and not voting:** Allen, Browne, Dallam, Hicks, Jeffs, McCroskey, McDonald, Newton, Sharpstein, Sturdevant, Van Name, and Willison.

## Section 15

**Present Language of the Constitution:**

**PROHIBITION AGAINST DISCRIMINATING CHARGES. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this state, or coming from or going to any other state. Persons and property transported over any railroad, or by any other transportation company, or individual, shall be delivered at any station, landing or port, at charges**

**not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port or landing. Excursion and commutation tickets may be issued at special rates.**

Original language same as present.[35]

Text as given in report of committee, July 26:

Same as final. (Section 18, p. 169)

Final action by Convention, August 6:

**Motion:** Gowey moved to insert after the word "landing" in line eight, the words "under substantially similar cirmumstances and conditions."

**Action:** Motion lost. (p. 258)

**Section 16**

**Present Language of the Constitution:**

**PROHIBITION AGAINST CONSOLIDATING OF COMPETING LINES. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a competing line.**

Original language same as present.[36]

Proposition submitted to Convention by Sharpstein, July 10:

That combinations for controlling prices of transportation of commodities be prohibited. (p. 43)

Text as given in report of committee, July 26:

Same as final. (Section 19, p. 169)

Consideration by committee of the whole, August 2:[37]

**Motion:** Schooley offered a substitute which set forth the same ideas but in a longer form.

35. **Discrimination in Rates Forbidden:** Cal., Const. (1879), Art. 12, sec. 21. [Identical.] Penn., Const. (1873), Art. 17, sec. 7 (Mo., Const. (1875), Art. 12, sec. 23, identical with Penn.). [Similar in part.]

36. **Shall Not Consolidate:** Ill., Const. (1870), Art. 11, sec. 11; Penn., Const. (1873), Art. 17, sec. 4 (Mo., Const. (1875), Art. 12, sec. 17, identical with Penn.); Wash., Const. (1878), Art. 13, sec. 3; Tex., Const. (1876), Art. 10, sec. 5. [Similar in part.]

37. Review, August 3; Standard, August 9, 1889.

**Action:** Motion lost.

**Motion:** Dyer moved to amend so as to read "owning or operating".

**Action:** Motion lost.

### Section 17

**Present Language of the Constitution:**

> **ROLLING STOCK, PERSONALTY FOR PURPOSE OF TAXATION. The rolling stock and other movable property belonging to any railroad company or corporation in this state, shall be considered personal property, and shall be liable to taxation and to execution and sale in the same manner as the personal property of individuals and such property shall not be exempted from execution and sale.**

Original language same as present.[38]

Text as given in report of committee, July 26:

> Same as final except it does not include that such property shall be liable to taxation. (Section 20, p. 169)

Consideration by committee of the whole, August 2:[39]

**Motion:** Turner moved to insert "taxation and to" between the words "liable to" and "execution".

**Action:** Motion carried.

**Motion:** Jones moved to strike the last clause of the section.

**Action:** Motion lost.

**Discussion as follows:**

**For:** Jones could not see any reason to retain these words. Griffitts favored declaring that this sort of property was taxable, but thought it should be done in the article on revenue and taxation.

**Against:** Weisenburger wanted the Constitution to make

38. **Rolling Stock, Personal Property:** Ark., **Const.** (1874), Art. 17, sec. 11; Ill., **Const.** (1870), Art. 11, sec. 10 (Mo., **Const.** (1875), Art. 12, sec. 16, identical with Ill.); Neb., **Const.** (1875), Art. 11, sec. 2; Tex., **Const.** (1876), Art. 10, sec. 4. [Very similar.]

39. **Review, Ledger,** August 3, 1889.

it clear that this kind of property could not be exempted by the Legislature. Moore favored leaving the section and letting the courts construe it. Kinnear said the provision had come from the Illinois constitution. T. M. Reed also opposed the motion.

Final action by Convention, August 6:

Decision of committee of the whole accepted. (p. 253)

**Deleted Section**

Text as given in report of committee, July 26:

"A railroad commission consisting of three members is hereby established. The railroad commissioners shall be qualified electors of the state and shall be elected by the state at large at the general state elections, and their term of office shall commence on the Monday following the first day of January next succeeding their election. The commissioners elected at the election held upon the adoption of the Constitution shall at their first meeting so classify themselves by lots, that one shall hold office for the term of three years, one for the term of five years, and one for the term of seven years, and they shall certify the results of such casting of lots to the Secretary of State. After the first election the term of each commissioner shall be for six years. In the event of a vacancy existing in such commission the Governor shall fill the same by appointment and the person so appointed shall hold office until the next general election and the person so elected shall hold for the remainder of the unexpired term.

"A majority of said commissioners shall have power to transact any of its business. It shall be the duty of such commissioners to exercise a supervisory control over all railroads, canals, and other transportation companies, associations, and corporations and over all other common carriers, and in the absence of legislation upon the subject to regulate fares and freights and prescribe and limit the charges therefor to prevent abuses, discrimination, and extortion by such companies, associations, or corporations and to perform such other duties as may be prescribed by law. The Legislature shall enact all laws necessary to carry the foregoing provisions into effect and shall more fully define the qualifications, powers, duties,

responsibilities, and fix the compensation of railroad commissioners. (Section 21, p. 170)

Text as given in minority report submitted by P. C. Sullivan, July 26:

"The Legislature shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight and to correct abuses and prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads and other common carriers in this state and shall enforce such laws by adequate penalties. A railroad commission may be established and its powers and duties fully defined by law." (p. 172)

Text of protest against this section in minority report submitted by Henry, July 29:

"I dissent from the recommendation of the majority of said committee in regard to this section and recommend that it does not pass for the following reasons:

"First: Because I believe that the creation of the commission contemplated thereby with the extraordinary powers conferred upon it, to supervise and regulate the affairs of individuals or associations of individuals engaged in certain specified lines of lawful business to the exclusion of others, is discriminating, arbitrary, and unjust in the extreme, and in violation of the fundamental principles of free government.

"Second: That the powers conferred upon said commission . . . is a delegation to one and the same person of all the powers which the people in the formation of governments for themselves have jealously separated into three independent departments, as said section, in its terms creates a board of three persons, a majority of whom can exercise legislative, judicial and executive powers, or who in other words can enact such rules or laws as they may deem necessary to regulate fares and freights, the charges therefor and to prevent abuses, discrimination and extortion [and] therefore sit as judges of the facts and of the law thus enacted by themselves, and exercise the executive arm of the government in enforcing their decrees.

"Third: That the effect of the same whether it is enforced or not will be to prevent the investment of capital in the development of the resources of the state, to paralyze the great enter-

prises of improvement which have already been commenced, and to prevent the inauguration of others now in contemplation, thus cutting off the hopes of competition against those who now have control of the carrying business, which I regard as the only practicable and sure remedy against every species of monoply." (p. 188)

Consideration by committee of the whole, August 2:[40]

**Motion:** P. C. Sullivan moved that the minority report be adopted.

**Motion:** Kinnear moved to amend by substituting the majority report.

**Action:** These two motions were left pending when the committee rose to report progress and a vote was taken on them on the following day.

**Discussion as follows:**

**For Majority Report:** Kinnear favored the majority report because he said twenty-one other states had railroad commissioners without the power to enforce their acts but that railroads complied with their orders. He saw it as a way of settling complaints without the courts and of saving the poor man those expenses. He said it had been impossible in the past to get a railroad commission established by the Legislature and that it would not be done in the future.

E. H. Sullivan asked if any states had this provision in their constitutions. Kinnear answered that one did and the others had accomplished it by legislative action. Sharpstein said railroad lobbyists and others who agreed that injustice was being done claimed that attempts to correct wrongs would drive capital from the state. He favored corrections being made and thought the Constitution was the place to do it.

**For Minority Report:** P. C. Sullivan thought the majority report would be a serious blow to the prosperity of the state and called attention to the many protests against it which had been received.

40. **Review, Ledger, Globe,** August 3; **Argus,** August 8; **Standard,** August 9, 1889.

Discussion was continued the following day.

Further consideration by committee of the whole, August 3:[41]

**Motion:** Griffitts moved to amend the majority report by adding a proviso. "Provided, that the Legislature may abolish the commission herein created by a two-thirds vote."

Sharpstein suggested "majority" in place of "two-thirds" and Griffitts accepted this.

**Action:** The chair ruled this amendment out of order because the pending question of "minority" or "majority" report had not yet been determined. The Convention sustained this decision of the chair.

Discussion on the pending motions was continued:

**For Majority Report:** Griffitts, who desired a commission elected by the people, pointed to Yakima as a town ruined by the refusal of the railroad to establish a station there. He said a commission could have settled the question more fairly. He believed that the numerous petitions of complaint were the opinion of a minority. Weisenburger didn't like the section as it was, but he would vote for a commission as he thought regulation was necessary. Warner thought the formation of a commission should be made mandatory on the Legislature in order to right the wrongs of the people. If it was left to the Legislature, he feared a railroad lobby would defeat the action. J. M. Reed explained how dependent the farmers were on these railroad lines. He said a board of commissioners could equalize the burden between the carrier and the producer. Comegys said he would support the majority report, but believed it had to be amended. Eshelman favored a commission and did not trust the Legislature to form one unless directed to by the Constitution. Buchanan quoted California records to prove that the commission there had served to reduce rates. Power thought a commission would reduce rates and should be put in the Constitution. Dyer said King County felt the need for more railroads, and although he feared that a commission was liable to keep in power the monoply which controlled the territorial

41. **Review, Ledger, Globe,** August 4; **Times,** August 3; **Statesman,** August 5; **Standard,** August 9; **Argus,** August 15, 1889.

roads, he believed the policy of the state should be defined so that capital knew where it stood.

Turner favored a commission. He said that the argument that it was legislative could also be used against other articles such as the one dealing with the courts. He believed a commission would protect people and aid the railroads themselves by bringing true facts to the attention of the superior officers over the heads of grasping subordinates. He said that a commission could be reasonable in settling rates and could take all factors into consideration so that new roads would not be at a disadvantage with older established ones. He cited the example of Yakima to show how railroads had pressed a heavy hand upon the territory. He said the Northern Pacific railroad had built its line through Yakima's corporate limits but had refused to stop its trains at Yakima and instead had built a station and a town four miles further down the line. Yakima was ruined and houses actually were placed on wheels and moved along to the other depot. Yakima had turned to the courts for relief which was granted, but the railroad company had appealed to the United States Supreme Court and the appeals still reposed in the archives of that court. Meanwhile, Turner continued, not a vestige of Yakima remained. He concluded that a railroad commission could prevent wrongs while courts were forced to wait before acting until the wrong had already been committed.

J. Z. Moore believed a commission should be made mandatory on the Legislature, but he opposed the election of commissioners, maintaining that it would throw a corrupting influence into politics. Minor said he would vote for the majority report although he wanted to amend it later. He thought the commissioners should be elected by the Legislature and hold their office at its pleasure. Godman and Joy expressed intention of voting for the majority report, but also with intent to later amend.

**Against Majority Report:** E. H. Sullivan was opposed to to the section as being wrong in principle. He thought that if the Legislature could render the commission inoperative by stopping salaries, the entire matter should

be left to the Legislature. Henry opposed all commissions as preventing the correction of abuses. He believed the capitalists would not build in a state that was so controlled. He said that where there is free competition there is no danger of monopoly. Stiles pointed out that only one other state, California, had such a constitutional provision and said it had proved of no use there. He did not think three men should legislate for all the state by fixing rates and rules and regulations.

**Action:** The vote to substitute the word "majority" for "minority" carried by 39 ayes, noes not counted. The majority report was now before the committee.

**Motion:** Griffitts moved his amendment that the Legislature be given power to abolish such a commission.

**Action:** Before a vote was taken on this motion, the committee rose to report progress to the Convention and the motion was left pending.

Final consideration by committee of the whole, August 5:[42]

**Motion:** Turner moved to amend Griffitts' motion by substituting "two-thirds" for "majority."

**Action:** Motion lost. A further amendment to substitute "three-fifths" for "majority" also lost.

The result of Griffitts' motion is never clearly stated, although from accounts given it is certain that it lost.

A vote was then taken on the section and it was rejected 36 to 22. Sharpstein and Turner spoke in favor of a commission and Cosgrove spoke against.

Action by Convention, August 6:[43]

Amendments of committee of the whole accepted 43 to 27. (p. 253) **Standard** gives vote as 46 to 24.

**Voting against:** Berry, Blalock, Clothier, Comegys, Crowley, Godman, Henry, Jamieson, Jones, Joy, Lillis, Lindsley, McDonald, McReavey, R. S. More, Newton, Sohns, Stevenson, Sturdevant, Stiles, E. H. Sullivan, P. C. Sullivan,

42. **Ledger, Globe,** August 6; **Standard,** August 9, 1889.
43. **Globe,** August 7; **Statesman,** August 8; **Standard,** August 9, 1889.

Travis, Van Name, Weir, and West. **Absent and not voting:** Allen, Browne, Dallam, Hicks, and Jeffs.

**Motion:** Turner moved to amend by striking out all the section and inserting that there shall be a railroad commission of three members elected every four years by the Legislature and to have such powers as the Legislature prescribes.

**Action:** Motion lost 42 to 28. (p. 254)

**Voting for:** Buchanan, Coey, Cosgrove, Dickey, Dunbar, Durie, Dyer, Fairweather, Griffitts, Hayton, Hungate, Kinnear, McCroskey, McElroy, Minor, Mires, J. Z. Moore, R. S. More, Neace, Newton, J. M. Reed, T. M. Reed, Schooley, Tibbetts, Turner, Weisenburger, Willison, and Hoyt. **Absent and not voting:** Allen, Browne, Dallam, Hicks, and Jeffs.

**Motion:** Lindsley moved to strike out the section.

**Action:** Motion carried 47 to 23. (p. 254)

**Voting against:** Buchanan, Coey, Dunbar, Durie, Dyer, Griffitts, Hayton, Hungate, Kellogg, Kinnear, McCroskey, McElroy, J. Z. Moore, Neace, Weisenburger, Willison, and Hoyt. **Absent and not voting:** Allen, Browne, Dallam, Hicks, and Jeffs.

The same debates were again brought forward and Turner charged that a railroad lobby had been busy over the weekend. He was taken to task by members of the Convention for this accusation and the **Statesman,** August 8, sharply criticized him for his statements.

Final action by Convention, August 10:[44]

**Motion:** Turner moved an additional section which would provide for a railroad commission. The three commissioners were to hold office for four years, be appointed by the Governor, and their power and duties were to be prescribed by law.

**Motion:** Griffitts moved to amend so as to have the commissioners elected by the people.

**Action:** Griffitts' motion lost 37 to 26.

44. **Times,** August 10; **Globe,** August 11; **Statesman,** August 12, 1889.

**Voting for:** Berry, Burk, Coey, Crowley, Dunbar, Durie, Dyer, Eldridge, Eshelman, Griffitts, Hayton, Jones, Kinnear, McCroskey, Neace, Newton, J. M. Reed, Schooley, Sharpstein, Suksdorf, Tibbetts, Turner, Warner, Weir, Weisenburger, and Hoyt. **Voting against:** Blalock, Bowen, Buchanan, Clothier, Comegys, Cosgrove, Fairweather, Fay, Glascock, Godman, Gray, Henry, Hicks, Jamieson, Jeffs, Joy, Kellogg, Lillis, R. S. More, Morgans, Power, Prosser, T. M. Reed, Sohns, Stevenson, Sturdevant, Stiles, E. H. Sullivan, P. C. Sullivan, and Travis. **Absent and not voting:** not recorded.

**Action:** Turner's proposed section lost 39 to 24.

**Voting for:** Buchanan, Coey, Comegys, Dunbar, Durie, Dyer, Fairweather, Griffitts, Hayton, Hicks, Kinnear, Manly, McCroskey, Mires, J. Z. Moore, Neace, Newton, J. M. Reed, Schooley, Sharpstein, Tibbetts, Weir, Weisenburger, and Hoyt. **Absent and not voting:** Allen, Browne, Dallam, Dickey, Gowey, Hungate, McElroy, Minor, Shoudy, Turner, Van Name, Willison.

## Section 18

**Present Language of the Constitution:**

**MAXIMUM RATES FOR TRANSPORTATION. The legislature shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight, and to correct abuses and prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads and other common carriers in the state, and shall enforce such laws by adequate penalties. A railroad and transportation commission may be established and its powers and duties fully defined by law.**

Original language same as present:[45]

Proposition submitted to Convention by Godman, July 10:

That railroads as common carriers are subject to regulation by law and must be forbidden to charge excessive or extortionate

45. **Regulation of Fares and Rates:** Ill., Const. (1870), Art. 11, sec. 15; Ark., Const. (1874), Art. 17, sec. 10; Tex., Const. (1876), Art. 10, sec. 2. [Similar.] **Railroad Commission:** Cal., Const. (1879), Art. 12, sec. 22. [Similar in substance.]

rates or to discriminate in rates against person or places under penalty of legislative law. (p. 46)

Text as given in report of committee, July 26:

Same as final except that it did not include the part relating to a railroad and transportation commission. (Section 22, p. 170)

Consideration by committee of the whole, August 5:[46]

**Motion:** P. C. Sullivan proposed an amendment that a railroad commission may be established.

**Motion:** Stiles moved to amend it to read "a railroad and transportation commission."

**Action:** Motion as amended carried.

Final action by Convention, August 6:

Decision of committee of the whole accepted 64 to 5. (p. 254)

**Voting against:** Henry, Kinnear, McElroy, Turner, and Weisenburger. **Absent and not voting:** Allen, Browne, Dallam, Hicks, Jeffs, and Stiles.

## Section 19

**Present Language of the Constitution:**

**TELEGRAPH AND TELEPHONE COMPANIES. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph and telephone within this state, and said companies shall receive and transmit each other's messages without delay or discrimination and all of such companies are hereby declared to be common carriers and subject to legislative control. Railroad corporations organized or doing business in this state shall allow telegraph and telephone corporations and companies to construct and maintain telegraph lines on and along the rights of way of such railroads and railroad companies, and no railroad corporation organized or doing business in this state shall allow any telegraph corporation or company any facilities, privileges or rates for transportation of men or material**

46. Ledger, Globe, August 6; Standard, August 9, 1889.

**or for repairing their lines not allowed to all telegraph companies. The right of eminent domain is hereby extended to all telegraph and telephone companies. The legislature shall, by general law of uniform operation, provide reasonable regulations to give effect to this section.**

Original language same as present.[47]

Text as given in report of committee, July 26:

Same as final except that is did not include the right of eminent domain for telegraph and telephone companies. (Section 23, p. 170)

Consideration by committee of the whole, August 5:[48]

The section was amended so as to give competing telegraph companies the right to build lines along the railroad, a privilege which had been formerly monopolized by one company.

Action by Convention, August 6:

**Motion:** Griffitts moved to strike words "upon payment of just compensation to be ascertained in the manner provided by law for condemnation of private property for public use" and to add that the right of eminent domain be given to all telegraph and telephone companies. (p. 258)

**Action:** Motion carried.

Final action by Convention, August 10:[49]

**Motion:** Cosgrove moved to amend to make telephone and telegraph companies subject to control of the Legislature.

**Action:** Motion carried.

## Section 20

**Present Language of the Constitution:**

**PROHIBITION AGAINST FREE TRANSPORTATION FOR PUBLIC OFFICERS. No railroad or other transportation company shall grant free passes, or sell tickets or passes**

47. **Telegraph and Telephone Companies:** Colo., Const. (1879), Art. 15, sec. 13; Penn., Const. (1873), Art. 16, sec. 12. [Similar in part; probably for most part original.]

48. **Globe**, August 6; **Standard**, August 9, 1889.

49. **Times**, August 10; **Globe**, August 11; **Statesman**, August 12, 1889.

**at a discount, other than as sold to the public generally, to any member of the legislature, or to any person holding any public office within this state. The legislature shall pass laws to carry this provision into effect.**

Original language same as present.[50]

Proposition submitted to Convention by Dyer, July 22:

That state officers be forbidden to accept passes over any railroad or steamboat line. (p. 127)

Text of committee report did not include this section.

Final action by Convention, August 6:

**Motion:** J. Z. Moore moved to add an additional section forbidding railroads or transportation companies giving passes or reduced rates to public officials.

**Action:** Motion carried 43 to 18. (p. 257)

**Voting against:** Berry, Blalock, Cosgrove, Dickey, Eshelman, Fay, Glascock, Gray, Henry, Jones, Lindsley, Prosser, Shoudy, Sohns, Suksdorf, P. C. Sullivan, Turner, and Van Name. **Absent and not voting:** Allen, Browne, Dallam, Dunbar, Godman, Hicks, Jeffs, McCroskey, McDonald, Mires, Newton, Stiles, E. H. Sullivan, and Willison.

**Motion:** Manly moved to add that transportation companies could give free transportation for legislative members on official business.

**Action:** Motion lost. (p. 257)

### Section 21

**Present Language of the Constitution:**

**EXPRESS COMPANIES. Railroad companies now or hereafter organized or doing business in this state, shall allow all express companies organized or doing business in this state, transportation over all lines of railroad owned or operated by such railroad companies upon equal terms with any other express company, and no railroad corporation organized or doing business in this state shall allow any express cor-**

50. **Free Passes:** Cal., Const. (1879), Art. 12, sec. 19; Penn., Const. (1873), Art. 17, sec. 8.

**poration or company any facilities, privileges or rates for transportation of men or materials or property carried by them or for doing the business of such express companies not allowed to all express companies.**

Original language same as present.[51]

Text of committee report did not include this section.

Final action of Convention, August 6:

**Motion:** Griffitts moved an additional section that all lines of railroads be open to use of all express companies on equal terms. Text same as final.

**Action:** Motion carried. (p. 258)

### Section 22

**Present Language of the Constitution:**

**MONOPOLIES AND TRUSTS. Monopolies and trusts shall never be allowed in this state, and no incorporated company, co-partnership, or association of persons in this state shall directly or indirectly combine or make any contract with any other incorporated company, foreign or domestic, through their stockholders, or the trustees or assignees of such stockholders, or with any copartnership or association of persons, or in any manner whatever for the purpose of fixing the price or limiting the production or regulating the transportation of any product or commodity. The legislature shall pass laws for the enforcement of this section by adequate penalties, and in case of incorporated companies, if necessary for that purpose, may declare a forfeiture of their franchises.**

Original language same as present.[52]

Proposition submitted to Convention by Kinnear, July 9:

To have an anti-monopoly clause that would forbid such combinations and would require the Legislature to assess penalties even to the forfeiture of property and franchise. (p. 34)

51. **Railroads Shall Not Discriminate Against Express Companies:** Probably original, although many states with constitutions subsequent to Washington have similar provision.

52. **Trusts and Monopolies:** Probably original.

Text as given in report of committee, July 26:

> "Monopolies and trusts are contrary to the best interests of free governments, and shall never be allowed in this state, and no incorporated company, co-partnership or association of persons in this state shall directly or indirectly combine or make any contract with any other incorporated company, foreign or domestic, through their stockholders or the trustees or assignees of such stockholders, or with any co-partnership or association of persons, or in any manner whatever for the purpose of fixing the price or regulating the production or transportation of any product or commodity. The Legislature shall pass laws for the enforcement of this section by adequate penalties and in the case of incorporated companies, if necessary for that purpose, may declare forfeiture of their property and franchises." (Section 24, p. 171)

Final action by Convention, August 10:[53]

> **Motion:** Cosgrove moved to strike out the declaration that monopolies and trusts were contrary to the best interest of free governments.
>
> **Action:** Motion carried.

**Passage of Article**

Article on Corporations other than Municipal approved by Convention, August 10, by a vote of 60 to 4. (p. 325)

> **Voting Against:** Griffitts, Mires, Newton, and Tibbetts. **Absent and not voting:** Allen, Browne, Dallam, Dickey, Gowey, Hungate, McElroy, Minor, Shoudy, Van Name, and Willison.

Report of Committee on Revision, August 19:

> Declared that the following clause from Section 19 dealing with telephone and telegraph companies had been omitted:
>
> > "upon payment of just compensation to be ascertained in the manner provided by law for the condemnation of private property for public use." (p. 399)

Convention refused to insert the words by a vote of 35 to 24. (pp. 399-400)

53. **Times**, August 10; **Globe**, August 11, 1889.

**Voting for insertion:** Buchanan, Clothier, Dunbar, Durie, Dyer, Gowey, Hayton, Kinnear, Lindsley, Manly, Minor, Mires, J. Z. Moore, Power, Prosser, T. M. Reed, Schooley, Turner, Weir, Weisenburger, West, Willison, Winsor, and Hoyt. **Not voting:** Allen, Berry, Blalock, Comegys, Cosgrove, Dallam, Fay, Hicks, McDonald, Stiles, Sturdevant, E. H. Sullivan, and Van Name.

Protest to refusal filed by Turner, Hoyt, Gowey, T. M. Reed, and Weisenburger, August 19:

"The undersigned members of the Constitutional Convention respectfully protest against the action of the Convention in refusing to amend the Article on Corporations so as to require telegraph corporations proposing to occupy the roadbed of railroad companies to make just compensation for the same because

"1st. Said amendment was adopted in committee of the whole and in the Convention and was by mistake omitted from the printed article adopted by the Convention.

"2nd. The Article in its present form allows the confiscation of the roadbeds of railroad companies or so much thereof as may be necessary for telegraph companies." (p. 400)

## ARTICLE XIII STATE INSTITUTIONS

This article caused no dissension. The Convention struck a section reported by the committee which provided that all public institutions and buildings be located at the seat of government.

The Committee for State Institutions and Public Buildings was appointed July 9. (p. 19)

**Members:** T. M. Reed, chairman; Lindsley, Winsor, Hayton, McCroskey, Travis, and McElroy.

### Section 1

**Present Language of the Constitution:**

> **EDUCATIONAL, REFORMATORY AND PENAL INSTITUTIONS. Educational, reformatory and penal institutions; those for the benefit of blind, deaf, dumb, or otherwise defective youth; for the insane or idiotic; and such other institutions as the public good may require, shall be fostered and supported by the state, subject to such regulations as may be provided by law. The regents, trustees, or commissioners of all such institutions existing at the time of the adoption of this Constitution, and of such as shall thereafter be established by law, shall be appointed by the governor, by and with the advice and consent of the senate; and upon all nominations made by the governor, the question shall be taken by ayes and noes, and entered upon the journal.**

Original language same as present.[1]

Text as given in report of committee, August 6:

> Same as final. (p. 250)

### Deleted Section

Text as given in report of committee, August 6:

> "All state institutions and public buildings of the state not provided for by law at the time of the adoption of this Constitution shall be located at the permanent seat of government, unless otherwise provided by law." (Section 2, p. 251)

1. **Educational Reformatory and Penal Institutions:** Colo., Const. (1876), Art. 8, sec. 1; Wash.,Const. (1878), Art. 14, sec. 1. [Identical in part.] Ohio, Const. (1851), Art. 7, secs. 1, 2. [Similar.]

Consideration by committee of the whole, August 8:[2]

**Motion:** Griffitts moved to strike the section.

**Action:** Motion carried.

Final action by Convention, August 8:

Decision of committee of the whole accepted. (p. 286)

**Passage of Article**

Article on State Institutions approved by Convention, August 8, by a vote of 67 to 1. (p. 286)

**Voting against:** J. Z. Moore. **Absent and not voting:** Allen, Browne, Dallam, Fairweather, Hungate, Jeffs, and Travis.

2. **Tacoma Daily Ledger**, August 9, 1889.

## ARTICLE XIV SEAT OF GOVERNMENT

The more important cities of the territory were anxious to be named the permanent seat of state government. North Yakima made an especially strong bid. The advantages that city claimed were set forth by the **Yakima Herald** during July and August. A pamphlet illustrating with pictures as well as words the reasons for making North Yakima capital of the state was sent to every delegate at the convention and to leading territorial newspapers. The **Herald** noted the favorable reception these "handsome pamphlets" received.[1]

Some delegates tried to postpone the date for voting on this question to enable cities suffering from recent fire losses time to rebuild and enter the race. This faction was not strong enough, however, and the vote was set for the same time as the voting on the Constitution.

A section giving the Legislature too much leeway for building and repairing the temporary capitol buildings at Olympia, before the permanent seat was chosen, was modified to hold such expenditures to the barest minimum for necessary repairs.

The Committee for State Institutions and Public Buildings was appointed July 9. (p. 19)

> **Members:** T. M. Reed, chairman; Lindsley, Winsor, Hayton, McCroskey, Travis, and McElroy.

The choice of T. M. Reed as comittee chairman caused some dissension; it was said that a delegate from Olympia could not be expected to be completely impartial in the selection of a permanent capital.[2]

### Section 1

**Present Language of the Constitution:**

> **STATE CAPITAL, LOCATION OF. The legislature shall have no power to change, or to locate the seat of government of this state; but the question of the permanent location of the seat of government of the state shall be submitted to the qualified electors of the Territory, at the election to be held for the adoption of this Constitution. A majority of all the votes cast**

1. Yakima Herald, July 18, 1889.
2. Tacoma Morning Globe, August 3, 1889.

**at said election, upon said question, shall be necessary to determine the permanent location of the seat of government for the state; and no place shall ever be the seat of government which shall not receive a majority of the votes cast on that matter. In case there shall be no choice of location at said first election the legislature shall, at its first regular session after the adoption of this Constitution, provide for submitting to the qualified electors of the state, at the next succeeding general election thereafter, the question of choice of location between the three places for which the highest number of votes shall have been cast at the said first election. Said legislature shall provide further that in case there shall be no choice of location at said second election, the question of choice between the two places for which the highest number of votes shall have been cast, shall be submitted in like manner to the qualified electors of the state at the next ensuing general election: Provided, That until the seat of government shall have been permanently located as herein provided, the temporary location thereof shall remain at the city of Olympia.**

Original language same as present.

Text as given in report of committee, August 6:

> Same as final except that it provided that the question be submitted at the general election in October, 1889. (p. 251)

Consideration by committee of the whole, August 8:[3]

> **Motion:** Prosser moved to amend so that the question would be submitted on the first Tuesday after the first Monday in November, 1890.
>
> **Motion:** Gowey offered as an amendment to the motion a provision for submission in 1896.
>
> > **Action:** Gowey's motion lost. Prosser's motion also lost, 44 to 24.
>
> **Discussion as follows:**
>
> > **For:** Turner, Cosgrove, Stiles, Dunbar, McElroy, T. M. Reed, and Lillis favored 1890 as the date for submission.

3. Seattle Times, August 8; Tacoma Daily Ledger, Globe, Washington Standard [Olympia, Wash.], August 9; Walla Walla Weekly Statesman, August 10, 1889.

Suksdorf and Sturdevant favored postponing it until later. J. Z. Moore feared an immense trade of property would result if the question were put to the people with the Constitution. Power favored 1895 to give cities destroyed by fire a chance to rebuild and bid for the capital. Kinnear and Dyer favored delaying the immediate submission of the question.

**Against:** Cosgrove, Griffitts, Dunbar, and Godman spoke in favor of immediate submission. Griffitts wanted work to commence on the state buildings as soon as possible.

The **Times** also lists Reed and McElroy in favor of immediate submission, while the **Ledger** reports them to be in favor of the Gowey amendment. The **Standard** agrees with the **Times** regarding McElroy's position.

**Motion:** Minor moved to submit the question in 1892.

**Action:** Motion lost.

**Motion:** Griffitts moved to submit the question at the Constitutional election.

**Action:** Motion carried.

Final action by Convention, August 8:

**Motion:** Prosser moved to change the time of election from that for acceptance of the Constitution to the first general election in October.

**Action:** Motion lost 44 to 24. (p. 287)

**Voting for:** Bowen, Buchanan, Burk, Coey, Crowley, Dickey, Dyer, Eldridge, Eshelman, Kinnear, Lillis, Manly, Minor, J. Z. Moore, Morgans, Prosser, Schooley, Stiles, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Turner, and Weisenburger. **Absent and not voting:** Allen, Browne, Comegys, Dallam, Fairweather, Jeffs, and Travis.

## Section 2

**Present Language of the Constitution:**

**CHANGE OF STATE CAPITAL. When the seat of government shall have been located as herein provided, the location thereof shall not thereafter be changed except by a vote**

**of two-thirds of all the qualified electors of the state voting on that question, at a general election, at which the question of location of the seat of government shall have been submitted by the legislature.**

Original language same as present.[3]

Text as given in report of committee, August 6:

Same as final. (p. 252)

**Section 3**

**Present Language of the Constitution:**

**RESTRICTIONS ON APPROPRIATIONS FOR CAPITOL BUILDINGS. The legislature shall make no appropriations or expenditures for capitol buildings or grounds, except to keep the Territorial capitol buildings and grounds in repair, and for making all necessary additions thereto, until the seat of government shall have been permanently located, and the public buildings are erected at the permanent capital in pursuance of law.**

Original language same as present.[4]

Text as given in report of committee, August 6:

"The Legislature shall have power to provide such means or make such appropriations from the state treasury for repairs and enlargement of the capitol or state buildings at Olympia as shall be deemed necessary and proper for the use of the executive, legislative, and judicial departments of the state and to subserve the public good until the seat of government is permanently fixed and the public buildings erected thereat in pursuance of law." (p. 252)

Consideration by committee of the whole, August 8:[5]

**Motion:** Godman moved a substitute text which was the same as the final except that it did not include "and public buildings erected at the permanent capitol."

**Action:** Motion carried 35 to 15.

3. **How Changed:** Hill, Prop. Wash. **Const.**, Art. 15, sec. 2; Ore., **Const.** (1857), Art. 14, sec. 3. [Similar.]

4. **Capitol Building:** Hill, Prop. Wash. **Const.**, Art. 15, sec. 3. [Similar.]

5. **Ledger, Standard,** August 9, 1889.

**Motion:** Gowey moved to add at the end "and public buildings erected at the permanent capitol."

**Action:** Motion carried.

**Motion:** Minor moved to strike the substitute.

**Action:** Motion lost.

Final action by Convention, August 8:

Decision of committee of the whole accepted. (p. 287)

**Passage of Article**

Article on Seat of Government approved by Convention, August 8, by a vote of 65 to 3. (p. 287)

**Voting against:** J. Z. Moore, R. S. More, and Morgans.

**Absent and not voting:** (Not recorded in Journal).

## ARTICLE XV HARBORS AND TIDEWATERS

The article as it came from the committee provided for harbor rims to be controlled by the state with power to lease to municipalities or other corporations in whole or part for a period not to exceed thirty years.

There was a strong effort made in the Convention to vest control of harbors in municipalities, but this failed.

The appointment of Durie as chairman of the committee caused a flurry in some circles for it was feared that this committee would be influential in deciding the fate of the disputed tidelands, and Durie was a substantial owner of Seattle tideland property. It was finally pointed out by Hoyt that there was another committee to handle the tidelands question, and Durie's vested interests would not be reflected in his work on harbors.[1]

Those who wanted control of the valuable tidelands within the harbor area lobbied for donation of these lands to the cities or the power of outright sale vested in the state. Either way they planned to gain possession of these lands.

The Convention successfully provided for perpetual state ownership of the harbor rims, but in practice the article did not provide adequate protection. Primarily through the actions of Judge Thomas Burke, court proceedings so hindered the actions of the harbor commission that the provisions of the section were successfully averted to the desires of the powerful railroad interests.[2] The commission did accomplish its work, but in a manner which was not offensive to the railroads.

Stiles later pronounced the article a failure. He said it seldom was possible to lay out an arbitrary line to serve as a harbor rim, and concluded that the article had not been put into effective operation because of its inadequacies.[3]

The Committee for Harbors, Tidewaters, and Navigable Streams was appointed July 9. (p. 20)

1. **Tacoma Daily Ledger**, July 10. Later references to the same problem appeared in the **Seattle Times**, August 14; **Tacoma Morning Globe**, August 15; **Washington Standard** [Olympia, Wash.], August 16, 1889.
2. Robert C. Nesbit, **He Built Seattle** (Seattle: University of Washington Press, 1961), 316-342.
3. Theodore L. Stiles, "The Constitution of the State and Its Effects upon Public Interests," **Washington Historical Quarterly**, IV (October, 1913), 285.

**Members:** Durie, chairman; Prosser, R. S. More, West, Power, Schooley, Stevenson, Weir, and Turner.

## Section 1

**Present Language of the Constitution:**

**HARBOR LINE COMMISSION AND RESTRAINT ON DISPOSITION. The legislature shall provide for the appointment of a commission whose duty it shall be to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays and inlets of this state, wherever such navigable waters lie within or in front of the corporate limits of any city, or within one mile thereof on either side. Any harbor line so located or established may thereafter be changed, relocated or reestablished by the commission pursuant to such provisions as may be made therefor by the legislature. The state shall never give, sell or lease to any private person, corporation, or association any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor line and the line of ordinary high water, and within not less than fifty feet nor more than two thousand feet of such harbor line (as the commission shall determine) be sold or granted by the state, nor its rights to control the same relinquished, but such area shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce. [1931 p 417 § 1. Approved November, 1932.]**

Original language:[4]

The Legislature shall provide for the appointment of a commission whose duty it shall be to locate and establish harbor lines in the navigable water of all harbors, estuaries, bays and inlets of this state, wherever such navigable waters lie within or in front of the corporate limits of any city or within one mile thereof on either side. The state shall never give, sell or lease to any private person, corporation or association any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor line and the line of ordinary high tide, and within not less than fifty feet nor more than six hundred feet of such harbor line (as

4. **Harbor Line Commission:** Hill, Prop. Wash. Const., Art. 12, sec. 1. [Probably original for the most part.]

the commission shall determine) be sold or granted by the state, nor its right to control the same relinquished, but such area shall be forever reserved for landings, wharves, streets and other conveniences of navigation and commerce.

Text as given in report of committee, August 10:

"The Legislature shall provide for the appointment of a commission whose duty it shall be to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays, and inlets of the state, wherever such navigable waters lie within or in front of the corporate limits of any city or within one mile thereof upon either side. Such harbor lines shall be so located and established that the water where such lines shall be located and established shall not be less than twenty-four feet deep at ordinary low tide. The state shall never give, sell or lease to any private person, corporation or association any rights whatsoever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor line and the line of ordinary high tide, and within not less than two hundred feet nor more than six hundred feet of such harbor line (as the commission shall determine) be sold or granted by the state, nor its rights to control the same be relinquished, but such area shall be forever reserved for landings, wharves, streets and other conveniences of navigation and commerce." (pp. 316-7)

Text as given in minority report submitted by Weir, August 10:

That the Legislature provide for harbor lines along cities now or hereafter incorporated. That it be at a depth of twenty-four feet at low tide. That there be no privilege for structures to extend beyond this point. That municipalities control this frontage for wharves. That the state not give up the power to take control at any time. (pp. 317-8)

Consideration by committee of the whole, August 13:[5]

**Motion:** Power moved to strike out the word "high" and insert "low" in the last of the section, and also to strike out all after the word "tide" in the same line, to and including the word feet."

5. Times, August 13; Ledger, Globe, Seattle Post Intelligencer, Morning Oregonian [Portland, Oregon], Walla Walla Weekly Statesman, August 14; Standard, August 16, 1889.

The **Globe, Ledger, Statesman, Oregonian,** and **Post Intelligencer** credit this motion to Power, but the **Times** records that it was made by Kinnear.

**Action:** Motion lost.

Power's amendment provided a general discussion of the issues on harbor lines and tidelands. The following remarks have been divided according to whether or not satisfaction was expressed with the section as reported by the committee.

**Discussion as follows:**

**For amending the committee report:**

Jones thought harbor lines should be regular and not have an arbitrary limit between two hundred and six hundred feet. He did not understand why there had to be any limit on the commission's actions and would leave the running of the harbor lines to its findings. He explained that a wharf was needed only below low water mark. Cosgrove did not believe that a harbor line could be established that would do justice to all citizens. He said an attempt to run a line at the twenty-four foot depth would result in a zigzag line. Godman said the section as reported by the committee gave too much power to the commission.

Stiles thought that commerce would suffer if the people would wait until the state could provide proper facilities and he did not think that municipalities could afford the necessary expensive improvements. He concluded that action by private business would be necessary to get the wharves built. P. C. Sullivan agreed that private enterprise would be needed to develop the harbors. He said that private corporations in Tacoma had improvements up to two million dollars on such lands and he did not believe that the city could do this work nor did he think municipalities should gain control of these lands without providing any compensation.

McElroy favored establishing an outside harbor line and he approved placing a maximum limit on the commission, but he feared that such a line would be run across the mouths of navigable rivers which emptied into the Sound and would interfere with navigation on the rivers.

Griffitts approved of a maximum limit being placed on the commission because he feared that commerce might be moved seaward, thus increasing the value of the tidelands. He was afraid the state might be improvident with these lands.

**Against amending the committee report:**

Durie, the committee chairman, explained that the purpose of the section was to place a maximum and minimum limit upon the Legislature. He did not think the section would prevent the state from leaving rivers open, nor did he think harbor lines would include much of the valuable tidelands. He said that not one hundredth part of those lands in Elliott Bay or Commencement Bay would be included. He thought streets to the waterfront would increase the value of the tidelands which were left. The section allowed control to cities, he explained, and this would create a healthy rivalry and a reduction of wharfage charges.

Turner spoke at length defending the committee report, saying state control of harbors was wise. He thought the committee's purpose of establishing a narrow strip for harbors was successfully expressed. He said a limit fixed between twenty-four feet and low water would not allow a harbor in many cases. Crowley favored the principle of the report as he was opposed to giving control of harbor frontage to private corporations. Prosser thought that cities and the state alone were qualified to control wharfage.

Kinnear feared that the amendment would prevent the extension of the harbor line. He thought that it might become necessary in fixing a proper line to come in upon the shore land.

Dyer and Dunbar favored the section as reported by committee because it forever set apart harbors to be controlled by the state. Buchanan favored the section as giving adequate dockage to deep-sea vessels.

Hoyt opposed the amendment because he said the state could provide for going to any depth that was neces-

sary. He favored making the minimum strip narrower but thought the solution of the harbor question by the commission was proper and just. He then announced that he would move to reduce the two hundred feet limit to fifty feet.

**Motion:** Cosgrove moved to strike out the second sentence of the section.

**Motion:** Gowey moved to amend the amendment by striking out the first two sentences and inserting a general provision establishing harbor lines.

**Action:** Gowey withdrew his amendment in favor of one by Weir.

**Motion:** Weir moved an amendment in the nature of a substitute. "The Legislature shall provide by law for uniformly establishing harbor lines along the harbor frontage of every city now incorporated or hereafter to be incorporated within the state, on the shore of navigable tide water, and when such harbor lines are so established no privilege or franchise shall ever be granted to any individual or corporation for any structure whatever to extend beyond their limits toward or into such navigable water. Every municipal corporation so situated shall have the right to extend its streets and highways across any intervening shore or tide lands to such limit, and shall have full power to control, for the purposes of wharves, warehouses, and kindred improvements, the entire length of its harbor line or frontage so established and limited; and the area between such limit and the line of ordinary low tide and such area shall never be alienated from the state by lease, grant or franchise, but such area shall be for such purposes under control of such municipal corporation, subject, however, to the superior right of the state to resume control of the same at any time."

**Action:** Motion lost.

The **Ledger** gives the vote as 32 to 23; the **Standard** records it as 33 to 23.

A vote was then taken on Cosgrove's motion which resulted in a loss.

**Discussion as follows:**

**For:** Cosgrove spoke in favor of his amendment and explained that he feared the section as reported since it might authorize the commission to hire a civil engineer. Stiles favored striking the second line since he opposed a twenty-four foot limit. He thought it would limit cities to a narrow strip which might be at considerable distance from the shore line, as at the Puyallup River mouth. He thought the lines should run up the river.

Weir advocated his substitutes since he opposed the absolute limit set by the committee report. If the two hundred to six hundred foot clause prevailed, he believed nine-tenths of the tide lands would be taken within the harbor lines. He thought harbor rims should go beyond low water. In answer to Kinnear's objection that harbor lines under the substitute would be located on the shore, Weir said that since his substitute fixed no certain depth of water there would be no danger of such a situation ever arising.

**Against:** Durie opposed Cosgrove's amendment since he thought that the commission should have authority to employ any personnel which might facilitate its work.

Turner claimed that Weir's substitute was a part of the same effort made earlier to protect against interference with the rights of shore owners. He said that no judicial decisions had yet favored the rights of the riparian owners. The state had full right to accept or deny their claims to tide lands whether improvements were on them or not. He stated that the courts considered them trespassers unless they had built wharves to deep water, but he believed that some compensation should be given to them. Burk asked if Turner would call all who have invested millions in wharves, canning factories, and industries intruders, to which Turner replied that they had taken out three dollars for every dollar invested.

**Motion:** Griffitts moved a substitute which left out the two hundred to six hundred foot provision.

**Action:** Motion carried.

The **Ledger** and **Times** record the vote as 28 to 27, while the **Standard** gives it as 29 to 28.

**Discussion as follows:**

**For:** Griffitts claimed that striking out this provision would avoid the tide lands question by preventing such a grant to cities. Stiles favored the substitute. He was against city control as it didn't work in San Francisco where the state had to take over after the city went into debt. P. C. Sullivan preferred the substitute to the committee report since the latter had for its purpose the reservation of large areas of land from sale.

**Against:** Durie objected to the substitute as he thought it gave control over the harbors to the state, while he favored local government and city control.

**Motion:** Turner moved to rise and recommend that the article not pass.

**Action:** Motion lost.

**Motion:** Browne moved a substitute which was the same as the section finally appearing in the Constitution except that it had the two hundred to six hundred foot limitation.

**Action:** Motion carried 32 to 18.

**Motion:** Hoyt moved to change two hundred feet to fifty feet.

**Action:** Motion carried.

The **Standard** recorded that these last two motions were made in the Convention after the committee of the whole arose.

Action by Convention, August 13:

Decision of committee of the whole accepted. (p. 348)

**Motion:** Weir moved to strike out "and line of ordinary high tide."

**Action:** Motion lost. (p. 349)

**Motion:** Gowey moved to substitute a new section which left out the twenty-four foot depth and provided that municipal

corporations may lease the right to maintain wharves subject to state control at any time.

**Action:** Motion lost 49 to 17. (p. 350)

**Voting for:** Berry, Blalock, Dickey, Durie, Fay, Gowey, Henry, Hicks, Jamieson, Kinnear, McElroy, Minor, T. M. Reed, Stiles, P. C. Sullivan, Turner, and Weisenburger. **Not voting:** Comegys, Dallam, McDonald, and Sharpstein. **On leave:** Cosgrove, Hungate, Neace, and Willison.

Final action by Convention, August 14:

**Motion:** T. M. Reed moved to substitute "government meander line" for "line of ordinary high tide."

**Motion:** West moved to amend the amendment by inserting "the line of vegetation."

**Action:** West withdrew his motion, and that of Reed was lost. (p. 358)

The **Standard** records Reed's motion losing 40 to 28.

**Motion:** Griffitts moved to insert in line one "by general laws provided for" instead of "appointment."

**Action:** Motion lost. (p. 358)

**Motion:** Stiles moved to insert in line two "rivers" after "harbors."

**Action:** Motion carried. (p. 358)

### Section 2

**Present Language of the Constitution:**

**LEASING AND MAINTENANCE OF WHARVES, DOCKS, ETC. The legislature shall provide general laws for the leasing of the right to build and maintain wharves, docks and other structures upon the areas mentioned in section one of this article, but no lease shall be made for any term longer than thirty years, or the legislature may provide by general laws for the building and maintaining upon such area wharves, docks, and other structures.**

Original language same as present.[6]

6. **Leasing of Sites for Wharves:** Hill, Prop. Wash. Const., Art. 12, sec. 4. [Probably original.]

Text as given in report of committee, August 10:

> "The state shall vest control of said area for general police purposes and for the building and maintenance of wharves, docks, and other structures or the leasing of the right to build and maintain such structures in the municipal corporations fronting thereon, subject, however, to the right of the state to resume control of the same at any time." (p. 317)

Consideration by committee of the whole, August 13:[7]

> **Motion:** Browne offered a substitute which was the same as the section which finally appeared in the Constitution except that it carried a lease limit of twenty years.
>
> **Action:** Motion carried 32 to 18.
>
> **Motion:** Kinnear moved to raise the lease limit.
>
> **Action:** Motion carried.

Final action by Convention, August 14:

> Decision of committee of the whole accepted. (p. 359)
>
> **Motion:** Stiles moved to insert "licensing" instead of "leasing."
>
> **Action:** Motion lost. (p. 359)
>
> **Discussion as follows:**[8]
>
> **For:** Stiles said the best wharfage system was that of Liverpool, where the wharves were built by the government and a small fee was charged to maintain wharves. He wanted the state to adopt this system which could not be done if the wharves were leased, as the lessees would exact a fee for every pound of freight shipped from their wharves, a tax on commerce. Cosgrove concurred with Stiles that the leasing system would encourage speculation to the detriment of shippers.
>
> **Against:** Warner, Moore, and Browne opposed. Godman didn't see how the amendment would help since leasing and licensing were the same as long as a license fee was charged.

7. **Ledger**, August 14, 1889.
8. **Globe**, August 15, 1889.

**Motion:** Power moved to limit leasing to wharves and warehouses with the Legislature to provide laws for charges.

**Action:** Motion lost. (p. 359)

**Motion:** Griffitts moved to change so as to prevent the Legislature from vesting control in any municipality, or other political subdivision, person, firm, or association.

**Action:** Motion lost. (p.359)

### Section 3

**Present Language of the Constitution:**

**EXTENSION OF STREETS OVER TIDE LANDS. Municipal corporations shall have the right to extend their streets over intervening tide lands to and across the area reserved as herein provided.**

Original language same as present.[9]

Text as given in report of committee, August 10:

"Municipal corporations shall have the right to extend their streets over intervening tide lands to the area reserved as herein provided." (p. 317)

Final action by Convention, August 14:

**Motion:** Turner moved to amend by inserting after "intervening to" the words "and across."

**Action:** Motion carried. (p. 359)

### Proposed Section

Action of Convention, August 14:[10]

**Motion:** Durie moved an additional section the text of which was as follows: "The state shall vest the control of said area for general police purposes and for the building and maintaining of wharves, docks and other structures, or leasing of the right to build and maintain such structures in municipal

9. **Municipal Corporations May Extend Streets Over Tide Lands:** Hill, Prop. Wash. Const., Art. 12, sec. 4. [Probably original.]

10. **Times,** August 14; **Spokane Falls Review, Globe,** August 15; **Standard,** August 16, 1889.

corporations fronting thereon, subject to such general laws as the Legislature may provide."

**Action:** Motion lost 70 to 3.

**Voting for:** Berry, Durie, and McElroy.

**Discussion as follows:**

**For:** Durie said he didn't think the matter had been fairly considered. He believed that municipalities were capable and should have control of their harbors.

**Against:** Browne, Turner, Hoyt, Dunbar, and Dyer opposed city control of harbors. Griffitts opposed alienation of the tide lands from the state to any corporation, municipal or otherwise. He said he had been told that the Legislature had given the city of Seattle control of certain tide and shore lands which had since been transferred to a private corporation. Browne said the wharves would pay a rental which the state should receive to apply for the benefit of all.

**Passage of Article**

Article on Harbors and Tidewaters was approved by Convention, August 15, by a vote of 49 to 21. (p. 363)

**Voting against:** Eldridge, Fairweather, Godman, Gowey, Gray, Henry, Jones, Lillis, Manly, McDonald, McReavey, Minor, Mires, T. M. Reed, Sharpstein, Stevenson, Stiles, P. C. Sullivan, Tibbetts, Weisenburger, and West. **Not voting:** Dallam, Jamieson, and Sturdevant. **On leave:** Hungate and Neace.

## ARTICLE XVI SCHOOL AND GRANTED LANDS

Passage of this article as first reported by the committee was precluded by a section on tidelands. Sent back to the committee, the article was split into school lands (this article) and tidelands (Article XVII).

Two and a half million acres were provided by the Enabling Act for the support of schools. Some delegates believed enough money could be obtained from timber sales and the leasing or rental of the land to make sale of it unnecessary. However, the majority approved of sale with provisions limiting the amount sold in a certain time.

The Committee for State, School, and Granted Lands was appointed July 9, 11. (pp. 20, 48)

**Members:** Dunbar, chairman; Browne, Warner, Dickey, Minor, Henry, Shoudy, Schooley, Eldridge, Suksdorf, Travis, Cosgrove, Eshelman, Joy, Kellogg, Stiles, and Bowen.

### Section 1

**Present Language of the Constitution:**

> **DISPOSITION OF. All the public lands granted to the state are held in trust for all the people and none of such lands, nor any estate or interest therein, shall ever be disposed of unless the full market value of the estate or interest disposed of, to be ascertained in such manner as may be provided by law, be paid or safely secured to the state; nor shall any lands which the state holds by grant from the United States (in any case in which the manner of disposal and minimum price are so prescribed) be disposed of except in the manner and for at least the price prescribed in the grant thereof, without the consent of the United States.**

Original language same as present.[1]

Proposition submitted to Convention by Tacoma Typographical Union No. 170, July 10:

That all school lands and lands ceded to the state by the United

1. **Shall Not Be Sold at Less Than Market Value:** Hill, Prop. Wash. Const., Art. 12, sec. 1. [Identical.]

States be reserved forever, and that they be treated so as to secure the highest perpetual income to the schools. (p. 39)

Proposition submitted to Convention by Griffitts, July 10:

That there be no sale or transfer of land owned by the state at the time it becomes a state except those granted for scientific schools, normal schools, public buildings, and state charitable, educational, penal, and reformatory institutions. (p. 41)

Proposition submitted to Convention by Knights of Labor No. 115, July 25:

That school lands and all lands ceded to the state by the United States be reserved forever and treated so as to insure the highest possible perpetual income to the state and schools. (p. 149)

Text as given in report of committee, August 1:

Same as final except in the first line it has all the public lands "of the state" instead of "granted to the state." (p. 204)

Consideration by committee of the whole, August 14:[2]

**Motion:** Cosgrove moved to insert after "state" in the fourth line: "Provided that the Legislature may donate to the United States such tracts of shore or other lands as may be needed by the government of the United States for establishing and maintaining defense works, arsenals, magazines and light houses."

**Motion:** Jones moved to amend the amendment to insert "forts."

**Action:** Motion carried.

**Motion:** Turner moved to amend the amendment to state that whenever such works, forts, arsenals, magazines, or lighthouses are abandoned, lands so granted shall revert to the state.

**Action:** Motion carried, and then Cosgrove's motion as amended carried 31 to 18.

**Motion:** Griffitts moved a substitute for the section. "No

2. **Tacoma Daily Ledger,** August 15; **Washington Standard** [Olympia, Wash.], August 16, 1889.

land owned by the State of Washington, either by grant or otherwise at the time it becomes a state, for the establishment or maintenance of scientific schools, normal schools, public buildings, and state charitable, education, penal, and reformatory institutions, shall ever be sold or in any manner transferred but the title thereof shall remain forever in the state."

**Action:** Motion lost.

**Discussion as follows:**

**Against:** Dunbar said that under the Enabling Act the land could be leased for only five years, which would prevent the building of fine structures on that land. He believed that rented lands always depreciated. Cosgrove said that past experience with leasing had proved bad, since lands were exploited and left in poor shape. Turner thought the lands should be sold as soon as possible as leasing was too slow in bringing in money to the school fund. Browne said the Enabling Act contemplated selling the land and that the provisions for the short-term lease were to enable the land to sell better.

**Motion:** Browne moved to amend by adding that lands may be leased, under legislative regulation, for not more than five years, except as provided in this Constitution and in quantities not exceeding one section to any one person or company.

**Action:** Motion lost.

Action by Convention, August 17:

Decision of committee of the whole accepted. (p. 377)

**Motion:** Griffitts moved to substitute that there be no sale of state owned lands except that for public institutions, normal schools, and scientific schools.

**Action:** Motion lost 53 to 16. (p. 384)

**Voting for:** Berry, Blalock, Comegys, Crowley, Eldridge, Glascock, Gray, Griffitts, Hicks, Mires, J. Z. Moore, Prosser, J. M. Reed, Sharpstein, E. H. Sullivan, and Warner. **Not voting:** Durie, Godman, Manly, and McDonald. **Absent on leave:** Hungate and Neace.

**Motion:**[3] Jones moved to extend the donation of land to the United States to include "docks and dockyards".

**Action:** Motion carried.

Action by Convention, August 19:

Article failed at third reading. (p. 401)

**Motion:** Turner moved that the article be sent back to the committee for separate articles on tidelands and state and school lands.

**Action:** Motion carried. (p. 405)

Text as given in second report of committee, August 20:

Same as final except that in the first line it has all the public lands "of the state" instead of "granted to the state." (p. 415)

Final action by Convention, August 20:

**Motion:** Stiles moved to insert "granted to the state" after "lands" in the first sentence.

**Action:** Motion carried. (p. 427)

### Section 2

**Present Language of the Constitution:**

**MANNER AND TERMS OF SALE. None of the lands granted to the state for educational purposes shall be sold otherwise than at public auction to the highest bidder, the value thereof, less the improvements shall, before any sale, be appraised by a board of appraisers to be provided by law, the terms of payment also to be prescribed by law, and no sale shall be valid unless the sum bid be equal to the appraised value of said land. In estimating the value of such lands for disposal, the value of the improvements thereon shall be excluded: Provided, That the sale of all school and university land heretofore made by the commissioners of any county or the university commissioners when the purchase price has been paid in good faith, may be confirmed by the legislature.**

Original language same as present.[4]

3. **Tacoma Morning Globe**, August 18, 1889.

4. **Educational Lands Sold to Highest Bidder:** Wash., **Enabling Act**, Sec. 11; Hill, Prop. Wash. **Const.**, Art. 11, sec. 10; Minn., **Const.** (1857), Art. 8, sec. 2. [Similar in substance.]

Proposition submitted to Convention by Prosser, July 12:

> That the school lands are never to be sold or donated for any purpose and the timber and other perishable property may be sold on terms set by the Legislature. Lands may be leased and the money from this and the sale of timber is to go in the common school fund. (p. 69)

Proposition submitted to Convention by Hicks, July 12:

> That school lands may be sold and the proceeds shall go in a permanent fund, only the interest of which is to be used for schools. (p. 71)

Text as given in report of committee, August 1:

> "None of the lands granted to the state shall be sold otherwise than at public auction to the highest bidder after the value thereof, less the improvements, shall be appraised by a board of appraisers to be provided by law, the terms of payment also to be prescribed by law, and no sale shall be valid unless the sum bid be equal to the appraised value of said land." (Section 3, p. 204)

Text as given in minority report submitted by Cosgrove, August 2:

> Provided for sale at public auction with appraisal of lands before sale less improvements and if the purchaser is the owner of the improvements he may deduct them from the purchase price as low as the assessed valuation. (p. 216)

Text as given in minority report submitted by Browne, Schooley, Travis, and Suksdorf, August 6:

> Provided for sale by auction at a price no lower than that set by appraisers, excluding improvements on the land at February 22, 1889. Ten dollars an acre to be set as the minimum price and lease to be for a maximum of five years. Not over one section to be sold to one person or corporation. (Sections 1 and 2, p. 249)

Consideration by committee of the whole, August 15:[5]

> **Motion:** Cosgrove offered his minority report as a substitute.
>
> **Action:** Motion lost.

5. Globe, August 16, 1889.

**Motion:** Gowey moved to amend by adding, "And land so sold shall be advertised for a period of at least thirty days prior to the date of sale, in some paper of general circulation in the county where such lands are located."

**Action:** The motion was left pending when the committee rose to report progress to the convention, but on a vote the next day it was lost.

Further consideration by committee of the whole, August 16:[6]

**Motion:** Bowen moved to strike out "less the improvements" and add: "And the Legislature shall provide that an amount be paid to all parties who have made bona fide improvements upon said lands, equal to the increased valuation of said lands on account of said improvements."

**Motion:** Browne offered a substitute for the amendment: "In estimating the value of such lands for disposal, the value of the improvements thereon on the 22nd day of February, A.D. 1889, shall be excluded and said improvements shall not be deemed the property of the state."

**Action:** Browne's motion carried and this substitute for Bowen's amendment was adopted.

**Motion:** Crowley moved to amend by adding: "Provided, that the sale of all school and university lands heretofore made by the commissioners of any county or the university commissioners when the purchase price has been paid in good faith, is hereby ratified and confirmed."

**Motion:** After discussion began on Crowley's amendment, Sharpstein offered an addition to the amendment which was accepted by Crowley. "Provided, that the sale of all school and university lands heretofore made by the commissioners where the purchase price has been paid in good faith, may be confirmed by the Legislature."

**Action:** Motion carried.

**Discussion as follows:**

**For:** Sharpstein said the proceeds from the sale of these university lands had been squandered, but the people who

6. **Seattle Times**, August 16; **Spokane Falls Daily Review, Globe**, August 17; **Standard**, August 23, 1889.

purchased the lands in good faith should be protected. The state should instead punish the men who misappropriated the funds, he said, but since he did favor leaving the matter in the hands of the Legislature, his motion was made to that effect. Crowley said the state had taken the money of the purchasers and used it and should do justice to those who had acted in good faith. Stiles thought that without an amendment, no equitable claim could later be presented to the Legislature.

**Against:** Turner said the Convention was making a mistake by confirming titles. J. Z. Moore spoke in opposition to the Convention turning into a court of chancery to settle land titles. J. M. Reed did not see how the Convention could confirm the titles since the Enabling Act provided that the state should receive ten dollars an acre for the lands. E. H. Sullivan did not think the Convention should further consider private interests. Browne thought the matter should be left entirely to the Legislature. He said the Convention did not have enough information about these sales. Warner said that he did not know how the state could overcome the provision in the Enabling Act that it must receive ten dollars per acre. He feared that if the provisions of that Act were disregarded, the titles would be void whether they were confirmed by the Convention or not. Turner agreed. He said the Convention had no right to direct the Legislature to validate an invalid act.

The substitutes and the amendments thereto were adopted by a vote of 27 to 21.

**Motion:** Prosser offered the following as a substitute for the entire section. "Sections numbered 16 and 36 in each township of the State of Washington have been received from the government of the United States for the purpose of being applied to the support of the common schools in the State of Washington, and the lands within the sections aforesaid shall never be sold, but shall remain the property of the state forever. Timber, stone or perishable property thereon, after due appraisement, may be sold under such terms and conditions as may be prescribed by law. The school lands of the state shall be appraised and leased in such manner and under such terms

and conditions as may be prescribed by the Legislature, which shall also provide by law for the protection of the school lands from trespass or unlawful appropriation, and for their defense against all unauthorized claims or efforts to divert them, or the income therefrom, from the school fund of the state."

**Action:** Motion lost.

**Discussion as follows:**

**For:** Prosser spoke for over half an hour in favor of his substitute. Reviewing the history of school lands from 1785 to the present, he argued that wherever lands had been sold the income had been diverted or misappropriated. He said the sale of school lands had been a continual source of corruption and fraud, and he opposed leaving the matter to the Legislature. He suggested selling the timber from these lands to raise an immediate fund. Griffitts and J. Z. Moore favored this leasing proposition.

**Against:** Cosgrove, Bowen, and Dunbar favored the sale of lands.

Action by Convention, August 17:

Decision of committee of the whole accepted. (p. 378)

**Motion:**[7] Prosser again offered his section providing for the leasing of school lands, but declared the title to be in the state forever.

**Action:** Motion lost 43 to 22.

**Voting for:** Blalock, Comegys, Crowley, Dunbar, Eldridge, Eshelman, Gray, Griffitts, Hicks, Jones, Lindsley, McElroy, Mires, J. Z. Moore, R. S. More, Prosser, J. M. Reed, Sharpstein, Warner, Willison, Winsor, and Hoyt. **Voting against:** Allen, Berry, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Cosgrove, Dallam, Dickey, Dunbar, Dyer, Fairweather, Fay, Glascock, Hayton, Henry, Hungate, Jamieson, Joy, Kellogg, Kinnear, Lillis, McCroskey, McReavey, Morgans, Newton, Power, T. M. Reed, Schooley, Shoudy, Sohns, Stevenson, Stiles, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Weir, Weisenburger, and West.

7. Globe, August 18, 1889.

Action by Convention, August 19:

Article failed at third reading. (p. 401)

**Motion:** Turned moved that the article be sent back to committee for separate articles on tidelands and state and school lands.

**Action:** Motion carried. (p. 405)

Text as given in second report of committee, August 20:

Same as final except that it did not include the provision concerning the previous sales of school and university lands and required that improvements on the 22nd of February, 1889, be excluded. (p. 416)

Final action by Convention, August 20:

**Motion:** Dunbar moved to strike out "on the 22nd day of February, 1889."

**Action:** Motion carried. (p. 426)

**Motion:** Crowley moved to add that previous sales of school and university lands in good faith be confirmed.

**Action:** Motion carried. (p. 427) The vote is given as 29 to 21 in the Globe.[8]

## Section 3

**Present language of the Constitution:**

**LIMITATIONS ON SALES. No more than one-fourth of the land granted to the state for educational purposes shall be sold prior to January 1, 1895, and not more than one-half prior to January 1, 1905: provided, that nothing herein shall be so construed as to prevent the state from selling the timber or stone off of any of the state lands in such manner and on such terms as may be prescribed by law: and provided, further, that no sale of timber lands shall be valid unless the full value of such lands is paid or secured to the state.**

Original language same as present.

8. Globe, August 21, 1889.

Proposition submitted to Convention by Hicks, July 12:

> That only one-fourth of any section be sold in five years, one-half in ten years, and three-fourths in fifteen years. (p. 71)

Text as given in majority report of committee, August 1, signed by Bowen, Dunbar, Kellogg, Dickey, Shoudy, Eshelman, Stiles, Henry, Joy, Eldridge, and Minor:

> Same as final except that it provided a sale limit of one-third before 1895, and two-thirds before 1900, and it omits "stone" after "timber." (Section 4, p. 205)

Text as given in minority report submitted by Warner, August 5:

> Provided for sale by county commissioners, one-fifth cash and the rest mortgaged for thirty years, with the interest determined by law. Provided not to sell the timber land, but timber and coal land to be leased at a royalty fixed by law. (p. 233)

Consideration by committee of the whole, August 16:[9]

> **Motion:** Browne moved a substitute. "Not more than one-fourth of each section of land granted to the state for educational purposes shall be sold prior to January 1, 1895, and not more than one-half prior to January 1, 1900, and not more than three-fourths prior to January 1, 1905."
>
> **Action:** Motion lost by a large majority.
>
> **Discussion as follows:**
>
> **For:** Browne said he believed in the gradual sale of the lands so that the state could realize the full benefit as the lands increased in value.
>
> **Against:** Power did not consider it proper for the state to speculate with property held in trust. Cosgrove thought the substitute dangerous. He favored selling all the lands that would bring ten dollars or more at once to make an immediate fund. Dunbar thought the proposal an impractical scheme since the land would have to be sold for what it would bring at periods fixed by law. Stiles thought the Convention should confine itself to placing certain restrictions on the Legislature on this subject. T. M. Reed favored the committee report.

9. **Ledger, Globe,** August 17; **Standard,** August 23, 1889.

**Motion:** T. M. Reed moved that "stone" be included in the property that could be sold off school lands.

**Action:** Motion carried.

Action by Convention, August 17:

Decision of committee of the whole not accepted. (p. 378)

**Motion:** Browne moved to add "of each section" after "two-thirds."

**Action:** Motion carried 35 to 31. (pp. 383-4)

**Voting for:** Berry, Blalock, Browne, Coey, Comegys, Crowley, Dyer, Eldridge, Fairweather, Fay, Glascock, Gowey, Gray, Griffitts, Hicks, Kinnear, Lindsley, Mires, J. Z. Moore, R. S. More, Newton, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Tibbetts, Travis, Turner, Warner, Weisenburger, West, Willison, and Hoyt. **Absent:** Godman, Hungate, and Neace.

**Motion:** Prosser moved to change 1895 to 1900 and 1900 to 1920.

**Action:** Motion lost 38 to 29. (p. 385)

**Voting for:** Blalock, Browne, Comegys, Crowley, Dallam, Eldridge, Fairweather, Glascock, Gray, Griffitts, Hicks, Jones, Kellogg, Lindsley, McReavey, Minor, J. Z. Moore, R. S. More, Newton, Power, Prosser, J. M. Reed, Schooley, Sharpstein, Tibbetts, Warner, Weisenburger, and Willison. **Not voting:** Godman, Manly, McDonald, Stiles, E. H. Sullivan, and Winsor. **On leave:** Hungate and Neace.

Action by Convention, August 19:

Article failed at third reading. (p. 401)

**Motion:** Turner moved that the article be sent back to the committee for separate articles on tidelands and state and school lands.

**Action:** Motion carried. (p. 405)

Text as given in second report of committee, August 20:

Same as final. (p. 416)

Final action by Convention, August 20:

**Motion:** Browne moved to strike out all the first sentence down to, and including 1905, and substitute "Not more than one section in each township shall be sold prior to January 1, 1900."

**Action:** Motion lost 38 to 19. (p. 427)

**Voting for:** Allen, Berry, Blalock, Browne, Coey, Crowley, Durie, Fay, Glascock, Gray, Griffitts, Lindsley, McReavey, Mires, J. Z. Moore, Newton, Prosser, Sharpstein, and Willison. **Not voting:** Comegys, Dallam, Eldridge, Fairweather, Gowey, Hicks, Hungate, Power, Stiles, Suksdorf, E. H. Sullivan, Warner, Winsor, and Neace.

### Section 4

**Present Language of the Constitution:**

**HOW MUCH MAY BE OFFERED IN CERTAIN CASES —PLATTING OF. No more than one hundred and sixty (160) acres of any granted lands of the state shall be offered for sale in one parcel, and all lands within the limits of any incorporated city or within two miles of the boundary of any incorporated city where the valuation of such land shall be found by appraisement to exceed one hundred dollars ($100) per acre shall, before the same be sold, be platted into lots and blocks of not more than five acres in a block, and not more than one block shall be offered for sale in one parcel.**

Original language same as present.[10]

Proposition submitted to Convention by Hicks, July 12:

That the lands be subdivided to get the highest price. (p. 71)

Text as given in report of committee, August 1:

"Not more than one quarter of a section of any lands of the state shall be offered for sale in one parcel and all lands within the limits of any incorporated city or within one mile of the boundary of any incorporated city where the valuation of such land shall be found by appraisement to exceed two hundred

10. **Subdivision of:** [Probably original.]

dollars per acre shall before the same be sold be platted into lots and blocks of not more than four acres in a block and not more than one block shall be offered for sale in one parcel." (Section 5, p. 205)

Text as given in minority report submitted by Browne, Schooley, Travis, and Suksdorf, August 6:

Provides for plots of five acres per block if in a city where valuation is one hundred dollars per acre. (p. 249)

Consideration by committee of the whole, August 16:[11]

**Motion:** Joy moved to amend so as to include the entire section, any portion of which is within a mile of a city.

**Action:** Motion lost.

**Motion:** Stiles moved to strike out "parcel".

**Action:** Motion withdrawn.

**Motion:** Browne moved to substitute for the section: "Not more than one-quarter section of any lands belonging to the state shall be offered for sale in one parcel, and all lands within the limits of any incorporated city or town where the valuation of such lands shall be found by appraisement to exceed one hundred dollars per acre, shall before the same is sold, be platted in lots and blocks of not more than five acres in a block and not more than one block shall be offered for sale in one parcel."

**Action:** Motion lost.

**Motion:** Stiles moved to strike "four" acres and change it to read "five" acres.

**Action:** Motion carried 30 to 19.

Action by Convention, August 17:

Decision of committee of the whole accepted. (p. 379)

**Motion:** Griffitts moved to strike out "one" in the first sentence and substitute "two."

**Action:** Motion carried. (p. 384)

11. Review, Ledger, Globe, August 17; Standard, August 23, 1889.

**Motion:** Stiles moved to strike out "lots and blocks" after "platted" and "lots" after "acres."

**Action:** Motion lost. (p. 384)

Action by Convention, August 19:

Article failed at third reading. (p. 401)

**Motion:** Turner moved that the article be sent back to the committee for separate articles on tidelands and state and school lands.

**Action:** Motion carried. (p. 405)

Text as given in second report of committee, August 20:

Same as final except that it did not use "granted" in the first line and had a two hundred dollar valuation. (p. 416)

Final action by the Convention, August 20:

**Motion:** Berry moved to change two hundred dollars to one hundred dollars.

**Action:** Motion carried. (p. 428)

**Motion:** Shoudy moved to add that not more than one-half of the said lots and blocks be sold prior to January 1, 1890.

**Action:** Motion lost. (p. 428)

**Motion:** P. C. Sullivan moved to insert the word "granted" after "any" in line one.

**Action:** Motion carried 34 to 29. (pp. 427-8)

**Voting against:** Browne, Cosgrove, Dallam, Dunbar, Durie, Eshelman, Glascock, Godman, Gray, Griffitts, Joy, Lindsley, McCroskey, McElroy, J. Z. Moore, Newton, Prosser, J. M. Reed, T. M. Reed, Sharpstein, Tibbets, Travis, Turner, Van Name, Warner, Weir, Weisenburger, Willison, and Hoyt. **Not voting:** Comegys, Fairweather, Gowey, Henry, Hicks, Hungate, McDonald, Minor, Stiles, and Suksdorf. **On leave:** Neace.

### Section 5

**Present Language of the Constitution:**

**INVESTMENT OF SCHOOL FUND.** None of the per-

**manent school fund of this state shall ever be loaned to private persons or corporations, but it may be invested in national, state, county, municipal or school district bonds. [1893 p 9 § 1. Adopted November, 1894.]**

Original language:[12]

None of the permanent school fund shall ever be loaned to private persons or corporations, but it may be invested in national, state, county, or municipal bonds.

Proposition presented to Convention by Sohns, July 12:

That the proceeds from the sale of school lands may be loaned to the state and to municipal corporations, the bonds to run fifteen to twenty-five years at no less than four per cent interest. (p. 86)

Text as given in report of committee did not suggest this section for the article.

Action by Convention, August 19:

**Motion:** Crowley moved to suspend the rules and consider for an additional section the provision that money from school lands is not to be loaned to private persons or corporations, only to national, state, county, or municipal corporations.

**Action:** Motion lost. (p. 400)

Action by Convention, August 20:[13]

**Motion:** T. M. Reed offered the following additional section: "None of the permanent common school fund shall ever be loaned to private persons or corporations, but may be invested in national, state, county or municipal bonds."

**Action:** Motion carried.

**Passage of Article**

Article on School and Granted Lands approved by Convention, August 21, by a vote of 48 to 23. (pp. 435-6)

**Voting against:** Burk, Coey, Eldridge, Glascock, Gowey, Griffitts, Henry, Hicks, Jamieson, Jones, McDonald, McReavey, J.

12. **Investment of Funds:** Minn., Const. (1857), Art. 8, secs. 2, 6; Mo., Const. (1875), Art. 11, sec. 9; Tex., Const. (1878), Art. 7, secs. 4, 11. [Similar.]
13. **Review, Globe,** August 21; **Walla Walla Weekly Statesman,** August 22; **Standard,** August 23, 1889.

Z. Moore, Morgans, Power, Prosser, J. M. Reed, Travis, Weir, Weisenburger, West, Willison, and Winsor. **Not voting:** Godman, Hungate, and Stevenson. **On leave:** Neace.

Protest against the sale of school lands was filed by Prosser, Jones, Griffitts, and Blalock, August 22:

**Reasons given:** It is unnecessary as enough money can be had from lease, rental, and sale of timber. Competing in a market with national and Northern Pacific Railway lands, school lands could not be sold for their real value. There is too much pressure on legislatures by interested groups, as shown by experiences in other states, to leave the sale of these lands in legislative hands. (p. 457)

## ARTICLE XVII TIDELANDS

This article caused more argument and divergence of opinion than any other. A strong lobby favored unlimited sale of tidelands. Many delegates wanted no constitutional reference to tidelands, thus enabling the Legislature to dispose of them.

This desire to leave the question to the Legislature was labeled by the **Seattle Post Intelligencer** as a scheme of "corporations and land grabbers" to buy the land at a low appraised valuation.[1]

A group of "old settlers," among whom were Edward Eldridge and Thomas Burke, signed a petition asking for the protection of clams. The petition wanted all rights of early settlers recognized and suggested tearing down improvements on tidelands and reseeding to clams.[2] The **Anacortes Progress** called it nothing short of a "gross injustice" to declare state ownership of these lands because of the years of toil which the settlers had expended upon them.[3]

The **Tacoma Daily Ledger** reported that many people wondered about Durie, who owned tidelands on Elliott Bay, being chairman of the committee on Harbors, Tidewaters, and Navigable Streams.[4] President Hoyt explained that the question of tidelands would be handled by the Committee on State, School, and Granted Lands, which was headed by Dunbar, an inland man.

The view of the Committee on Tidelands was said by the **Ledger** to be changing from an original desire for no sale of tidelands by the state, to an approval of sale with protection for previous owners. This change was attributed to the activities of a large lobby in Olympia.[5]

Those Convention members who wanted the state to keep the title to tidelands made determined efforts to prohibit their sale. They failed to get such a statement in the articles on School and Granted Lands, Harbors and Tidewaters, and Schedule.

It was not until the final session that a separate article was approved declaring ownership of tidelands to be in the state. Mires,

1. **Seattle Post Intelligencer**, August 5, 1889.
2. **Post Intelligencer**, August 4, 1889; Robert C. Nesbit, **He Built Seattle** (Seattle: University of Washington Press, 1961), 308-316.
3. **Anacortes Progress**, August 3, 1889.
4. **Tacoma Daily Ledger**, July 10, 1889.
5. **Ledger**, July 19, 1889.

who introduced the article, later wrote of meeting with the opposition and effecting a compromise the night before the adjournment of the Convention. He indicates a strong lobby with intention to steal the tidelands. He also mentioned the presence of Stiles who had "consistently opposed every move for a constitutional provision on the subject of tidelands."[6]

In an editorial on the finished Constitution, the **Post Intelligencer** criticized the Convention for its failure to define the policy of the state more definitely in the matter of its tideland property.[7]

The Committee for Tidelands was appointed July 9 and July 11. It was the same as the Committee for State, School, and Granted Lands. (pp. 20, 48)

**Members:** Dunbar, chairman; Browne, Warner, Dickey, Minor, Henry, Shoudy, Schooley, Eldridge, Suksdorf, Travis, Cosgrove, Eshelman, Joy, Kellogg, Stiles, and Bowen.

### Section 1

**Present Language of the Constitution:**

**DECLARATION OF STATE OWNERSHIP. The state of Washington asserts its ownership to the beds and shores 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: Provided, that this section shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the state.**

Original language same as present.[8]

Petition presented to Convention by Tacoma Typographical Union No. 170, July 10:

That the tidelands be forever reserved to the state. (p. 39)

Proposition submitted to Convention by Prosser, July 10:

That the tidelands are the property of the state by the right

6. Austin Mires, "Remarks on the Constitution of the State of Washington," **Washington Historical Quarterly**, XXII (October, 1931), 276.
7. **Post Inteligencer**, August 23, 1889.
8. **Claim of State:** Plea of Hill in connection with his proposed article 9 is probably responsible for this article. See decision in case of **Hinman v. Warren**, 6 Ore. 408.

of eminent domain and are not to be sold or donated, but the Legislature may prescribe terms of lease for not over twenty-one years. (p. 42)

Proposition submitted to Convention by Griffitts, July 10:

That there be no sale of any lands owned by the state at the time it becomes a state except some granted for educational purposes. (p. 41)

Proposition submitted to Convention by Durie, July 12:

Not to validate the act of the Territorial Legislature of 1873 in confirming a grant of tidelands by Seattle to the Seattle and Walla Walla Railway. (p. 75)

Proposition submitted to Convention by Hicks, July 12:

That the Legislature be forbidden to sell or dispose of the tidelands to any individual or corporation other than municipal to which they may be leased for not over fifty years and not over one hundred forty acres to the same municipality. (p. 85)

Text as given in report of Committee for Article on School and Granted Lands, August 1:

"No individual, partnership, or corporation claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in the state shall be permitted to exclude the right of way to such waters whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such waters, and the Legislature shall enact such laws as will give the most liberal construction to this provision so that access to the navigable waters of this state shall always be attainable for the people thereof." (Section 2, p. 204)

Text as given in minority report submitted by Dickey, Bowen, Eldridge, Kellogg, Joy, and Shoudy, August 1:

"All persons occupying shore lands and having thereon valuable improvements in actual use and necessity for commerce, trade, or business (such lands being other than the extension of any street, alley or public highway) shall have the prior right to purchase as much of said shore lands as may be necessary for the purpose for which such improvements were made, at the valuation fixed by a board of appraisers, which board

shall fix such valuation irrespective of the improvements thereon." (Section 7, p. 206)

Consideration by committee of the whole, August 14:[9]

**Motion:** Turner moved a substitute to the section. "The State of Washington by virtue of its inherent sovereignty is the owner of the beds and shores of all navigable waters in the state up to and including the line of high water in all rivers, lakes and no act of the Territory of Washington or any of its officers or agents, and no act of any individual or corporation in pursuance of a claim of private right, shall be permitted to prejudice the state in the assertion and maintenance of such ownership."

**Action:** Further discussion was postponed until the next day. The substitute then carried 36 to 33.

**Discussion as follows:**

**For:** Turner insisted that title to the lands up to ordinary high tide were vested in the state, that he was sustained by the United States Supreme Court in this belief, and that the United States patents could not extend below ordinary high tide even if the meander line did so extend. McElroy and Dunbar supported him.

**Against:** Hoyt admitted the legal status of the matter but he thought it was a great wrong to parties who had purchased these lands in good faith and had received United States patents. He believed that the state should relinquish its right to lands covered by United States patents. E. H. Sullivan and J. Z. Moore maintained that the equities of this matter should be left to the Legislature and the courts.

Consideration by committee of the whole, August 15:[10]

**Motion:** Stiles moved to strike all of Turner's substitute after "lakes."

**Action:** Motion lost.

9. **Ledger**, August 15; **Washington Standard** [Olympia, Wash.], August 16, 1889.

10. **Seattle Times**, August 15; **Ledger**, **Tacoma Morning Globe**, **Standard**, August 16, 1889.

**Discussion as follows:**

**For:** Stiles spoke in defense of the riparian rights of those persons whose lands abutted upon the tidelands. He thought these property owners should have the right to attempt to establish their rights in court. He quoted a court decision [*Barney v. City of Keokuk,* 94 U. S. 324 (1877)] to show that title to lands under rivers was in the state. Weir supported Stiles. T. M. Reed said that the state had no sovereignty until it became a state, and therefore it could not declare its sovereign power. He wanted to substitute "meander line" for "high water mark" to protect the vested rights of riparian owners. Blalock feared that if Turner's substitute were adopted without amendment it would confiscate valuable farms on the Columbia which were flooded.

**Against:** Turner cited the law of 1873 which granted certain tidelands to the Seattle and Walla Walla Railway and said that the law was not valid but that a constitutional statement was needed to so declare it. He refuted Stiles' construction of the case the latter had cited. Turner said the United States Supreme Court had therein held that the ownership of tide or shore lands was in the state by its inherent right, and he declared that the state had the power to protect that right. Kinnear considered the railway grant illegal and thought the Constitution should so declare. He believed that the United States Constitution would protect its rights so Stiles' substitute would not be valid. Dunbar said that the United States never had any title to such lands but only held them in trust for the state. He concluded that the federal government had no right to survey below ordinary high water mark.

**Motion:** At Godman's suggestion, Turner amended his substitute so that it fixed the limit in rivers at ordinary high waters.

**Action:** Turner's substitute as amended carried 36 to 33.

Action by Convention, August 17:

Decision of committee of the whole accepted 43 to 26. (p. 378)

**Voting against:** Allen, Blalock, Bowen, Burk, Dallam, Dickey, Eldridge, Fairweather, Fay, Gowey, Hayton, Jeffs, Jones, Joy, Kellogg, Lillis, Lindsley, McReavey, Morgans, Stevenson, P. C. Sullivan, Tibbetts, Weir, West, Willison, and Winsor. **Not voting:** Durie and Stiles. **Absent:** Godman, Hungate, and Neace.

**Motion:** Stiles moved to add "Provided that this section shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the state."

**Action:** Motion carried 44 to 19. (pp. 382-3)

**Voting against:** Clothier, Coey, Eshelman, Glascock, Griffitts, Hicks, Manly, McElroy, Mires, J. Z. Moore, R. S. More, Newton, J. M. Reed, Shoudy, Sturdevant, Travis, Turner, Van Name, and Warner. **Not Voting:** Bowen, Comegys, Dallam, Dickey, Durie, Gray, McDonald, Suksdorf, and E. H. Sullivan. **Absent:** Godman, Hungate, and Neace.

**Motion:** Weir moved to adopt a new section which gave prior purchase right to shore lands to those who owned land abutting on them and had put on improvements necessary for business.

**Action:** Motion carried 44 to 25. (pp. 381-2)

**Voting against:** Berry, Buchanan , Clothier, Coey, Comegys, Dallam, Dunbar, Eshelman, Glascock, Griffitts, Hicks, Manly, McDonald, McElroy, Mires, R. S. Moore, Newton, Prosser, J. M. Reed, Sturdevant, Suksdorf, Travis, Turner, Van Name, and Warner. **Not voting:** Crowley, and E. H. Sullivan. **Absent:** Godman, Hungate, and Neace.

Article (including these two sections on tidelands) passed to its third reading 46 to 22. (pp. 385-6)

**Motion:** Weisenburger moved to suspend the rules and put the article on its final passage.

**Action:** Motion lost 35 to 35. (p. 388)

**Voting for:** Allen, Berry, Bowen, Burk, Comegys, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Gowey, Gray, Henry, Jeffs, Joy, Kellogg, Kinnear, Lindsley, Mc-

Donald, Minor, Mires, Morgans, Newton, Power, T. M. Reed, J. M. Reed, Shoudy, Sohns, E. H. Sullivan, Tibbetts, Turner, Weir, Weisenburger, and West. **Not voting:** Sharpstein and Hayton. **Absent:** Godman, Hungate, and Neace.

Action by Convention, August 19:

**Motion:** Kinenar moved to amend the section concerned with prior rights of purchase to include those who had in good faith made valuable improvements on shore lands.

**Action:** Motion lost. (p. 400)

Article failed to get the necessary majority for final agreement with 35 for and 34 against. (p. 401)

**Voting for agreement:** Allen, Bowen, Browne, Burk, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fay, Hayton, Henry, Jamieson, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Minor, Morgans, Power, T. M. Reed, Schooley, Shoudy, Sohns, Stiles, P. C. Sullivan, Turner, Weir, Weisenburger, West, Willison, Winsor, and Hoyt. **Not voting:** Dallam, Hicks, Hungate, and Sharpstein. **Absent:** Godman and Neace.

Article referred to the Committee for Separate Articles on Tidelands and School Lands. (p. 405)

Text as given in report of Committee for Separate Articles, August 20:

"The State of Washington asserts its ownership to the beds and shores 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: Provided, that this section shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the state." (p. 414)

Action by Convention, August 20:

**Motion:** Sohns moved to amend by striking out all that related to navigable rivers and streams.

**Action:** Motion carried 38 to 30. (pp. 422-3)

**Voting against:** Allen, Berry, Buchanan, Coey, Cosgrove,

Dunbar, Dyer, Eshelman, Fairweather, Glascock, Gray, Jamieson, Manly, McCroskey, McDonald, McElroy, Mires, J. Z. Moore, Morgans, Newton, Prosser, J. M. Reed, Shoudy, Stiles, E. H. Sullivan, Tibbetts, Turner, Van Name, Weisenburger, and Hoyt. **Not voting:** Browne, Gowey, Henry, Hicks, Hungate, and Sharpstein. **Absent:** Neace.

**Motion:** Turner moved a substitute which provided that nothing was to prejudice the ownership of the state to tidelands except those reserved by the Constitution for harbors.

**Action:** Motion lost 48 to 20. (pp. 421-2)

**Voting for:** Berry, Buchanan, Crowley, Dallam, Dyer, Glascock, Godman, Griffitts, McCroskey, Mires, J. Z. Moore, R. S. More, J. M. Reed, Sturdevant, Suksdorf, E. H. Sullivan, Travis, Turner, Van Name, and Warner. **Not voting:** Browne, Gowey, Henry, Hicks, Hungate, and Sharpstein. **On leave:** Neace.

**Motion:** Browne moved a substitute which provided for the right of the state to sell tidelands at public auction following appraisal for value and giving prior purchase rights to any owner with improvements on this land. The sale would be limited to one forty acre tract to each purchaser with the proceeds going into the permanent school fund.

**Action:** Motion lost 42 to 27. (pp. 424-5)

**Voting for:** Berry, Browne, Clothier, Crowley, Eldridge, Glascock, Gowey, Gray, Griffitts, Henry, Kellogg, McCroskey, McDonald, McElroy, Mires, J. Z. Moore, R. S. More, Newton, J. M. Reed, T. M. Reed, Schooley, Shoudy, E. H. Sullivan, Travis, Turner, Van Name, and Warner. **Not voting:** Durie, Godman, Hicks, Hungate, and Sharpstein. Neace was absent.

Article was passed to the third reading. (p. 426)

**Motion:** Dickey moved to suspend the rules and place the article on its final passage. (p. 426)

**Action:** Motion lost for lack of the necessary two-thirds with 42 for and 27 against.

Action by Convention, August 21:

Final agreement to the section was lost 40 to 32. (p. 435)

**Voting for:** Allen, Blalock, Bowen, Burk, Comegys, Dickey, Eldridge, Fay, Gowey, Hayton, Henry, Jamieson, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, McReavey, Morgans, Power, T. M. Reed, Sohns, P. C. Sullivan, Stevenson, Stiles, Weir, Weisenburger, West, Willison, Winsor, and Hoyt. **Not voting:** Durie and Hungate. **Absent:** Neace.

Action by Convention, August 17 (Attempt to get into article on Harbors):

**Motion:** Griffitts moved a substitute for Section 1 that the state was not to sell any land except that granted for higher schools and institutions.

**Action:** Motion lost 53 to 16. (p. 384)

**Voting for:** Berry, Blalock, Comegys, Crowley, Eldridge, Glascock, Gray, Griffitts, Hicks, Mires, J. Z. Moore, Prosser, J. M. Reed, Sharpstein, E. H. Sullivan, and Warner. **Not voting:** Durie, Godman, Manly, and McDonald. **Absent:** Neace and Hungate.

**Motion:** Browne moved an additional section which would allow the Legislature to divide the tidelands into small lots for sale or lease to the public.

**Action:** Motion lost. (p. 385)

Action by Convention, August 21 (Attempts to get into article on Schedule):

**Motion:** Turner moved an additional section. "The State of Washington hereby asserts its ownership of the beds and shores 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 in all rivers and lakes. Provided that nothing herein shall be construed to debar any person or corporation from asserting vested rights in the courts and provided further, that the state hereby disclaims title to any tide, swamp, or overflow lands to which patent had issued under the laws of the United States to persons acquiring the same in good faith and without fraud unless said lands are included within the reservation for harbor purposes by this Constitution and in which case the title of the state to the same shall be maintained." (p. 438)

**Motion:** E. H. Sullivan moved an amendment to Turner's section which would allow the Legislature to adjust claims of those having necessary improvements and owning abutting land to purchase a limited amount for a limited time but not without appraisal and confirmation by the Governor, Secretary of State, and the Attorney General.

**Action:** Motion lost 48 to 25. (pp. 439-40)

**Voting for:** Blalock, Coey, Comegys, Crowley, Dickey, Glascock, Gowey, Hicks, Jamieson, Jones, Kellogg, Lillis, Lindsley, McCroskey, Minor, Mires, R. S. More, Shoudy, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Warner, and Winsor. **Absent:** Hungate and Neace.

**Motion:** Lillis moved a substitute for Turner's section which was the same except that it left out the second proviso.

**Action:** Motion lost. (p. 441)

**Action:** A vote was then taken on Turner's section and it was lost 46 to 27. (p. 442)

**Voting for:** Blalock, Clothier, Dallam, Dunbar, Durie, Dyer, Fairweather, Glascock, Gowey, Hayton, Hicks, Kinnear, Lindsley, Manly, McElroy, Minor, Mires, R. S. More, Prosser, T. M. Reed, Schooley, Shoudy, Stiles, Tibbetts, Turner, Weisenburger, and Hoyt. **Absent:** Hungate and Neace.

**Motion:** Joy moved an additional section "The State of Washington by virtue of its sovereignty is the owner of the beds and shores of all the navigable waters of the state and all of the tidelands lying along the shores of the Pacific Ocean below high water mark and the beds and banks of all streams that are navigable up to the ordinary high water mark within the bank thereof."

**Action:** Motion lost 42 to 27. (pp. 442-3)

**Voting for:** Blalock, Clothier, Dunbar, Durie, Eshelman, Fairweather, Gowey, Hayton, Henry, Hicks, Joy, Kellogg, Lindsley, Minor, R. S. More, Morgans, Power, Prosser, T. M. Reed, Shoudy, Sturdevant, Tibbetts, Weisenburger, West, Willison, and Hoyt. **Not voting:** Cosgrove, Dyer, Kinnear, and Stiles. **Absent:** Hungate and Neace.

**Motion:** Dyer moved an additional section the same as Section 1 in final article on tidelands.

**Action:** Motion lost 34 to 32. (p. 444)

**Voting for:** Allen, Blalock, Buchanan, Clothier, Coey, Comegys, Crowley, Dunbar, Dyer, Fairweather, Glascock, Gray, Hayton, Hicks, Jeffs, Kellogg, Lindsley, McElroy, Minor, Mires, J. Z. Moore, R. S. More, Prosser, T. M. Reed, Schooley, Sharpstein, Shoudy, E. H. Sullivan, Tibbetts, Turner, Warner, and Hoyt. **Not voting:** Dallam, Gowey, Kinnear, Lillis, Newton, Sohns, and Sturdevant. **Absent:** Hungate and Neace.

**Motion:** McElroy moved to add as a separate section "The title in fee and absolute right of disposition of all shores below ordinary high tide, within the limits of this state is hereby declared to be in this commonwealth and the property of the state."

**Action:** Motion carried 48 to 28. (p. 447)

**Voting against:** Cosgrove, Dickey, Dunbar, Eldridge, Eshelman, Fairweather, Fay, Glascock, Gowey, Hayton, Henry, Jamieson, Jeffs, Jones, Lillis, Manly, McDonald, McReavey, J. M. Reed, T. M. Reed, Stevenson, Stiles, P. C. Sullivan, Weir, Weisenburger, West, Willison, and Winsor. **Not voting:** Blalock, Griffitts, Minor, Power, and Sohns. **Absent:** Hungate and Neace.

Article sent to Judicial Committee to be made congruous. (p. 448)

Judicial Committee report, August 22:

Recommended that the tideland and patent sections be voted on as separate articles. (p. 452

Final action by Convention, August 22:

**Motion** to pass tideland section (see McElroy's section above) to a third reading lost 36 to 35. (p. 453)

**Voting for:** Berry, Blalock, Browne, Buchanan, Clothier, Coey, Comegys, Dallam, Durie, Dyer, Eshelman, Godman, Gowey, Gray, Griffitts, Hicks, Jeffs, McCroskey, McDonald, McElroy, Mires, J. Z. Moore, R. S. More, Newton, J

M. Reed, Schooley, Sharpstein, Shoudy, Sturdevant, Suksdorf, Travis, Turner, Van Name, Warner, and Hoyt. **Not voting:** Kellogg and Power. **Absent:** Hungate and Neace.

**Motion:** Mires moved a section the same as final.

**Action:** Motion carried 56 to 15. (p. 456)

**Voting against:** Bowen, Burk, Dickey, Eldridge, Griffitts, Henry, Jones, Joy, McReavey, Morgans, Sohns, and Stevenson. **Not voting:** Kellogg and Power. **Absent:** Hungate and Neace.

### Section 2

**Present Language of the Constitution:**

**DISCLAIMER OF CERTAIN LANDS. The state of Washington disclaims all title in and claim to all tide, swamp and overflowed lands, patented by the United States: Provided the same is not impeached for fraud.**

Original language same as present.[11]

Proposition submitted to Convention by Power, July 10:

That the state shall confirm all patents and grants of land made by the United States to settlers and purchasers of tide marsh lands. (p. 44)

Text as given in report of Committee for Article on School and Granted Lands, August 1:

"The State of Washington disclaims any right in or claim to any lands covered by patents of the United States lying beneath the navigable waters of the state; provided the same is never impeached for fraud." (Section 6, p. 205)

Consideration by committee of the whole, August 15:[12]

Two additional sections not given in the committee report, but relating to this subject, were proposed and concurred in.

### First Additional Section

**Motion:** Hoyt offered the following section which was desig-

11. **Ownership Disclaimed to Certain Lands:** Wash., **Enabling Act,** Sec. 17. [Enabling Act substitutes other lands in lieu of "Swamp and overflowed lands."] Wash., **Const.** (1878), Art. 15, sec. 10. [This section disclaims the effect of above (see sec. 1) decision of **Hinman v. Warren.**]

12. **Ledger, Globe,** August 16; **Standard,** August 23, 1889.

nated Section 3 by the committee and Section 3 of the original report became Section 5 in the order of consideration.

"All patents of the United States purporting to grant to individuals lands between high tide and the meander line of the United States survey shall have the same force and effect as though such lands were above high water."

**Motion:** Crowley offered this amendment to the section. "The State of Washington disclaims title to all school lands heretofore sold by the commissioners of any county pursuant to territorial statutes where the purchase price has been paid in good faith."

**Action:** Crowley withdrew his amendment after discussion on Hoyt's section began.

**Motion:** Turner offered a substitute for the substitute and the amendment.

**Action:** Ruled out of order.

**Motion:** Turner offered a substitute for the section which provided that the Legislature could make laws to confirm and validate title to the tide and shore lands under patents from the United States, or by means of a conveyance from the patentees of the United States provided that the state should not part with the title to lands necessary for harbor purposes.

**Action:** Motion lost 39 to 26.

**Motion:** On motion of Kinnear, Hoyt's section was made to read: "The State of Washington disclaims any right in, or claim to homestead, preemption or donation land claims, covered by patents of the United States lying below the high water mark in the navigable waters of the state."

**Action:** Hoyt's section as amended was finally adopted. The **Globe** gives the vote as 37 to 20; the **Standard** records it as 36 to 20.

**Discussion as follows:**

**For:** Hoyt opposed postponement of this question for the Legislature. He said until the question of high water mark was settled there would be a delay in the building projects in Seattle, and the money lenders would with-

hold their loans until these patents were confirmed. Weisenburger thought the United States grants were permanent as they were and that such laws were sovereign. He said the government claimed these lands by right of discovery and right of possession and until it parted with these lands to the state, title was firmly vested in it. Cosgrove and Godman wanted to confirm these patents. Kinnear said that the United States had the right to these lands based on discovery. He pleaded against ousting the old settlers from them.

**Against:** J. Z. Moore wanted to leave the question to the Legislature since he did not believe the Convention was well enough informed as to the status of these lands. E. H. Sullivan was willing to confirm old donation land claims but not all United States patents. He protested against the land speculators who had grabbed these lands in order to realize a profit. P. C. Sullivan did not think the Convention should sit as a court arbitrating matters between private individuals. Weir and Turner agreed that it was a question for the Legislature and the courts.

**Second Additional Section**

**Motion:** Glascock offered the following additional section which was designated Section 4 in the order of discussion. "The first Legislature shall provide for a commission, the duty of which shall be to make a full investigation of the facts concerning tidal or shore lands, and report such facts to the Legislature, together with such recommendations as are in their judgment advisable. The Legislature shall provide by law for the sale or leasing of tidal or shore lands, provided no such law shall go into effect until it shall have been enacted by two Legislatures, one succeeding the other, and be signed by the Governor."

**Motion:** Turner moved to strike the proposed proviso and insert the following: "The Legislature shall provide by law for the leasing or sale of its tidal, or shore lands, but no law for the sale of said lands shall go into effect until it shall have been enacted by two Legislatures, one succeeding the other."

**Action:** Turner's proviso carried and then Glascock's section as amended was adopted.

Action by Convention, August 17:[13]

The section known as Section 6 in the committee report was concurred in without debate or opposition.[14]

The additional section proposed by Hoyt was adopted 45 to 23. (p. 378)

**Voting against:** Berry, Coey, Dallam, Fairweather, Gray, Griffitts, Hicks, Manly, McCroskey, McDonald, Mires, J. Z. Moore, R. S. More, Newton, J. M. Reed, Sturdevant, Suksdorf, E. H. Sullivan, Travis, Turner, Van Name, Warner, and Willison. **Absent or not voting:** Comegys, Eldridge, Godman, Gowey, Hayton, Hungate, and Neace.

The additional section proposed by Glascock was lost 36 to 32. (pp. 378-9)

**Voting for:** Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Dyer, Glascock, Gowey, Gray, Griffitts, Henry, Hicks, Jeffs, Joy, Lindsley, McCroskey, Mires, J. Z. Moore, R. S. More, Newton, J. M. Reed, T. M. Reed, Sharpstein, Shoudy, Sturdevant, Suksdorf, E. H. Sullivan, Travis, Turner, and Warner. **Voting against:** Allen, Berry, Crowley, Dallam, Dickey, Dunbar, Eldridge, Eshelman, Fairweather, Fay, Hayton, Jamieson, Jones, Kellogg, Kinnear, Lillis, Manly, McDonald, McElroy, McReavey, Minor, Morgans, Power, Prosser, Schooley, Sohns, Stevenson, Stiles, P. C. Sullivan, Tibbetts, Weir, Weisenburger, West, Willison, Winsor, and Hoyt. **Not voting:** Comegys, Cosgrove, Durie, and Van Name. **Absent:** Godman. **On leave:** Hungate and Neace.

Action by Convention, August 19:

Article failed at third reading. (p. 401)

**Motion:** Turner moved that the article be sent back to committee for separate articles on tidelands and state and school lands.

**Action:** Motion carried. (p. 405)

13. **Times**, August 17; **Spokane Falls Review**, **Globe**, August 18; **Standard**, August 23, 1889.

14. **Globe**, August 18, 1889.

Text as given in report of committee for separate articles, August 20:

"The State of Washington disclaims all title in and claim to all tide, swamp, and overflowed lands patented by the United States." (p. 414)

Action by Convention, August 20:

**Motion:** Godman moved to strike the section.

**Action:** Motion lost 49 to 19. (pp. 425-6)

**Voting for:** Berry, Blalock, Browne, Coey, Crowley, Godman, Gray, Griffitts, McCroskey, McDonald, J. Z. Moore, Newton, J. M. Reed, Suksdorf, E. H. Sullivan, Travis, Turner, Van Name, and Warner. **Not voting:** Comegys, Dallam, Durie, Hicks, Hungate, and Sharpstein. **On leave:** Neace.

Article was passed to the third reading. (p. 426)

**Motion:** Dickey moved to suspend the rules and place the article on its final passage.

**Action:** Motion lost for lack of the necessary two-thirds with 42 for and 27 against. (p. 426)

Action by Convention, August 21:

Final agreement to the section lost 40 to 32. (p. 435)

Action by Convention, August 21 (Attempt to get into article on Schedule):

**Motion:** Joy moved an additional section. "The State of Washington disclaims any right or claim to any homestead preemption or donation land claims covered by patents of the United States below high water mark."

**Action:** Motion lost 42 to 27. (p. 443)

**Voting for:** Blalock, Clothier, Dunbar, Durie, Eshelman, Fairweather, Gowey, Hayton, Henry, Hicks, Joy, Kellogg, Lindsley, Minor, R. S. More, Morgans, Power, Prosser, T. M. Reed, Shoudy, Sturdevant, Tibbetts, Weisenburger, West, Willison, and Hoyt. **Not voting:** Cosgrove, Dyer, Kinnear, and Stiles. **On leave:** Hungate and Neace.

**Motion:** Power moved an additional section same as final.

**Action:** Motion carried 43 to 26. (p. 443)

**Voting against:** Berry, Browne, Buchanan, Coey, Comegys, Cosgrove, Gray, Griffitts, Hicks, Jeffs, Manly, McCroskey, McDonald, Mires, J. Z. Moore, Newton, J. M. Reed, Sharpstein, Sturdevant, Suksdorf, P. C. Sullivan, E. H. Sullivan, Travis, Turner, Van Name, and Warner. **Not voting:** Dallam, Godman, Lillis, and Sohns. **On leave:** Hungate and Neace.

**Motion:** Suksdorf moved to strike "tide" and insert "salt marsh."

**Action:** Motion lost. (p. 443)

Article sent to Judicial Committee to be made congruous. (p. 448)

Judicial Committee report, August 22:

Recommend that the tide and patent sections be voted on as separate articles. (p. 452)

Final action by Convention, August 22:

**Motion:** Power moved to consider the article on patents.

**Action:** Motion lost. (p. 453)

Patent article agreed to 41 to 30. (p. 455)

**Voting against:** Berry, Browne, Buchanan, Coey, Comegys, Cosgrove, Crowley, Durie, Godman, Gray, Griffitts, Hicks, Jamieson, McCroskey, McDonald, Mires, J. Z. Moore, R. S. More, Newton, J. M. Reed, Sharpstein, Shoudy, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Van Name, and Warner. **Absent and not voting:** Clothier, Kellogg, Hungate, and Neace.

**Deleted Section**

Text as given in report of Committee for Separate Articles, August 20:

"The Legislature shall provide by general law that all persons owning land abutting upon the shore of any navigable water within the limits of the state, and having prior to February 22,

1889, valuable improvements occupying shore lands below the government meander line in front of such abutting land, such improvements being in actual use and necessity for trade, commerce, or business and the shore land so occupied being other than the extension of street, alley, or other public highway, shall have the prior right for a limited time to purchase as much of said shore land as may be necessary for the purpose for which such improvements were made, at the valuation fixed by a board of appraisers which board shall fix such valuation irrespective of the improvements on such land. Provided that nothing herein shall apply to the area covered by the reservation in front of any incorporated city as specified in the article on harbors, nor to any lands lying in front of any fort or lighthouse owned by the United States." (pp. 414-5)

Dunbar, Cosgrove, Schooley, and Shoudy of the committee did not concur in this section.

Action by Convention, August 20:

**Motion:** Stiles moved a substitute the same as the original except for the beginning. "Whenever the Legislature shall by law authorize the sale of any of the tidelands of the state it shall provide also that all persons etc."

**Action:** Motion carried 35 to 34. (p. 423)

**Voting against:** Berry, Browne, Clothier, Coey, Comegys, Cosgrove, Dallam, Dickey, Dunbar, Dyer, Fairweather, Glascock, Godman, Gray, Griffitts, Jeffs, Kinnear, Manly, McCroskey, McDonald, McElroy, Mires, J. Z. Moore, J. M. Reed, Schooley, Shoudy, Sturdevant, E. H. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, and Hoyt. **Not voting.** Durie, Hicks, Hungate, Newton, and Sharpstein. **On leave:** Neace.

**Motion:** Kinnear moved an amendment to the amendment of Stiles which would include those who had in good faith made valuable improvements.

**Action:** Motion lost 39 to 28. (p. 424)

**Voting for:** Allen, Blalock, Burk, Dickey, Dyer, Fairweather, Hayton, Henry, Jamieson, Kellogg, Kinnear, McElroy, McReavey, Minor, Morgans, Power, Prosser, T. M.

Reed, Schooley, Shoudy, Sohns, Stevenson, Suksdorf, E. H. Sullivan, Tibbetts, Travis, Weisenburger, and Hoyt. **Not voting:** Crowley, Durie, Gowey, Hicks, Hungate, Sharpstein, and Warner. **On leave:** Neace.

**Passage of Article**

Article on Tidelands approved by Convention, August 22, by a vote of 50 to 21. (p. 456)

**Voting against:** Allen, Bowen, Browne, Burk, Comegys, Crowley, Eldridge, Godman, Gowey, Gray, Griffitts, Jones, Joy, Lillis, J. Z. Moore, Stevenson, Suksdorf, E. H. Sullivan, P. C. Sullivan, Van Name, and Warner. **Not voting:** Jeffs and Kellogg. **On leave:** Hungate and Neace.

Protest filed by Griffitts, Godman, Berry, Warner, McDonald, Gray, Travis, E. H. Sullivan, Van Name, and J. M. Reed, August 22:

"We hereby protest against the action of the Convention in passing the article disclaiming title to patented lands and desire this protest entered on record. We look upon it as a hasty, injudicious action, more appropriately left to the Legislature." (p. 458)

## ARTICLE XVIII STATE SEAL

Given a choice of three designs by the report of the committee, the Convention chose the simplest, modified it, and arrived at a design satisfactory to all the delegates. The work of the special committee on the seal had sparked considerable interest in the territory, and one newspaper reported that a painting on silk of the arms of George Washington had been submitted by a Port Townsend man for the consideration of the committee.[1]

The Committee for State Seal was appointed August 9. (p. 294)

**Members:** Bowen, Hicks, and Dallam.

### Section 1

**Present Language of the Constitution:**

> **SEAL OF THE STATE. The seal of the State of Washington shall be, a seal encircled with the words: "The Seal of the State of Washington," with the vignette of General George Washington as the central figure, and beneath the vignette the figures "1889."**

Original language same as present.[2]

Text as given in report of committee, August 17:

Three choices were given.

1. A vignette of General George Washington as the central figure encircled with the motto: "Our varied industries invite you," with the date "1889" beneath.
2. Representation of a mountain, forest, ship, factory, church, school building, and a train of cars on the mountainside with the chief products of Washington lettered on the cars, a rising star, and encircling all the motto: "Westward the star of empire takes its way."
3. The present seal of the territory with the motto "Al-ki," changed to "Welcome" and the date "1853" changed to "1889." (p. 377)

1. **Walla Walla Weekly Statesman**, August 12; **Tacoma Morning Globe**, August 11, 1889.
2. **Design:** Original.

Final action by Convention, August 19:

**Motion:** Sharpstein moved to adopt the first suggestion.

**Motion:** Turner moved as an amendment that the seal be adopted without the motto.

**Motion:** Joy moved as an amendment to Turner's motion that the motto be changed to "Put none but Americans on guard."

**Action:** Joy's motion lost; Turner's motion carried, and then Sharpstein's motion as amended was carried. (pp. 401-2)

**Motion:** Stiles moved to insert as a motto "We the people rule."

**Action:** Motion lost. (p. 402)

**Passage of Article**

Article on State Seal approved by Convention, August 19, by a vote of 64 to 0. (p. 402)

**Not voting:** Crowley, Hicks, Hungate, Kinnear, Morgans, Sohns, Stevenson, Sturdevant, E. H. Sullivan, and Hoyt.

**On leave:** Neace.

## ARTICLE XIX EXEMPTIONS

This was a routine article to protect owners of land granted by the United States before statehood.

The Committee for Homesteads and Property Exemption was appointed July 9. (p. 20)

**Members:** Godman, chairman; Jeffs, Jones, Winsor, and Allen.

### Section 1

**Present Language of the Constitution:**

> **EXEMPTIONS—HOMESTEADS, ETC. The legislature shall protect by law from forced sale a certain portion of the homestead and other property of all heads of families.**

Original language same as present.[1]

Text as given in report of committee, August 7:

> Same as final. (p. 275)

### Passage of Article

Article on Exemptions approved by Convention, August 10, by a vote of 59 to 0. (pp. 325-6)

> **Absent and not voting:** Allen, Browne, Crowley, Dallam, Dickey, Fairweather, Gowey, Hungate, Jamieson, Jeffs, McElroy, Minor, Schooley, Shoudy, Van Name, and Willison.

1. **Homestead:** Cal., Const. (1879), Art. 17, sec. 1. [Identical.]

## ARTICLE XX PUBLIC HEALTH AND VITAL STATISTICS

This article caused no dissention and passed without amendment.

The Committee for State Medicine and Public Health was appointed July 10. (p. 37)

**Members:** Willison, chairman; Manly, Blalock, Minor, and Turner.

### Section 1

**Present Language of the Constitution:**

> **BOARD OF HEALTH AND BUREAU OF VITAL STATISTICS. There shall be established by law a state board of health and a bureau of vital statistics in connection therewith, with such powers as the legislature may direct.**

Original language same as present.[1]

Proposition submitted to Convention by Willison, July 26:

> To have a State Board of Health. (p. 176)

Memorial submitted to Convention by the Pierce County Medical Association, July 31:

> That a board of health be established, with a bureau of vital statistics. (p. 197)

Text as given in report of committee, August 9:
Same as final. (p. 297)

### Section 2

**Persent Language of the Constitution:**

> **REGULATIONS CONCERNING MEDICINE, SURGERY AND PHARMACY. The legislature shall enact laws to regulate the practice of medicine and surgery, and the sale of drugs and medicines.**

Original language same as present.[2]

1. **Board of Health:** Tex., Const. (1876), Art. 16, sec. 32. [Similar.]
2. **Practice of Medicine:** Tex., Const. (1876), Art. 16, sec. 31. [Similar.]

Petitions submitted to Convention by Blalock, July 30:

From several individuals asking that the practice of medicine be regulated. (p. 191)

Text as given in report of committee, August 9:

Same as final. (p. 297)

**Passage of Article**

Article on Public Health and Vital Statistics approved by Convention, August 12, by a vote of 50 to 0. (p. 342)

**Absent and not voting:** Allen, Berry, Browne, Comegys, Cosgrove, Dunbar, Fay, Griffitts, Henry, Hicks, Hungate, Jones, Kellogg, Kinnear, McDonald, McReavey, Neace, Shoudy, Stiles, Sturdevant, Weir, and Willison.

## ARTICLE XXI WATER AND WATER RIGHTS

The first report of the Committee of Water and Water Rights contained three sections. It declared all natural streams not already appropriated to be public property, provided a detailed system of priorities for the use of water and granted a right of way across public, private and corporate property for certain water uses.

After brief consideration the committee of the whole recommended sending the article back to committee. This action was taken.

In its second report, the committee declared the use of all state waters to be a public use for irrigation, mining, and manufacturing. In the Convention, unsuccessful attempts were made to except certain privately owned waters and regulate some water uses by a system of priorities.

The Committee for Water and Water Rights was appointed July 9. (p. 20)

> **Members:** Mires, chairman; Manly, R. S. More, McCroskey, and E. H. Sullivan.

### Deleted Section

Proposition submitted to Convention by Prosser, July 10:

> That riparian proprietors have all rights in flow and use of waters of the state which pertain to riparian proprietors at common law. That the Legislature may provide for appropriation of water in irrigation sections and determine the compensation for such use. (p. 42)

The **Yakima Herald,** July 18, 1889, reported that Prosser was being called down by his constituents for this proposition. It was said that the suggestion would upset all of the established usages of the coast and work great injury to the farming interests.

Proposition submitted to Convention by Mires, July 12:

> That the water of every natural stream not heretofore appropriated is the property of the state and dedicated to the use of the people. (p. 76)

Text as given in first report of committee, August 1:

> "That the water of every natural stream not heretofore ap-

propriated within the State of Washington is hereby declared to be the property of the public and the same is dedicated to the use of the people of the state subject to appropriation as hereinafter provided." (Section 1, p. 203)

Consideration by committee of the whole, August 5:[1]

At the request of chairman Mires the section was recommended back to the committee for revision.

Action by Convention, August 5:

Decision of committee of the whole accepted. (p. 230)

**Deleted Section**

Proposition submitted to Convention by Mires, July 12:

"That the right to divert unappropriated water to beneficial uses shall never be denied. That priority of appropriation gives better right between two users for the same purpose. Domestic uses shall have first priority followed by agriculture and manufacturings." (p. 76)

Text as given in first report of committee, August 1:

"The right to divert the unappropriated waters of any natural stream to beneficial uses shall never be denied. Priority of appropriation shall give the better right between those using the water for the same purpose; but when the waters of any natural stream are not sufficient for the services of all those desiring the use of the same, those using the water for domestic purposes shall have the preference over those claiming for any other purpose, and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes." (Section 2, p. 203)

Consideration by committee of the whole, August 5:[2]

At the request of chairman Mires the section was recommended back to the committee for revision.

Action by Convention, August 5:

Decision of committee of the whole accepted. (p. 230)

1. **Seattle Times**, August 5; **Tacoma Daily Ledger**, August 6, 1889.
2. **Ibid.**

### Deleted Section

Proposition submitted to Convention by Mires, July 12:

> That persons and corporations have the right of way across private and corporate lands for construction of ditches, canals, and flumes upon payment of just compensation. (p. 77)

Text as given in first report of committee, August 1:

> "All persons and corporations shall have the right of way across public, private, and corporate lands for the construction of ditches, canals, and flumes for the purpose of conveying water for domestic purposes, for irrigation of agricultural lands, and for mining and manufacturing purposes and for drainage upon payment of just compensation." (Section 3, p. 203)

Consideration by committee of the whole, August 5:[3]

> At the request of chairman Mires the section was recommended back to the committee for revision.

Action by Convention, August 5:

> Decision by committee of the whole accepted. (p. 230)

### Section 1

**Present Language of the Constitution:**

> **PUBLIC USE OF WATER. The use of the waters of this state for irrigation, mining and manufacturing purposes shall be deemed a public use.**

Original language same as present.[4]

Text as given in second report of committee, August 8:

> Same as final. (p. 284)

Final action by Convention, August 10:

> **Motion:** Griffitts moved to add a proviso that this section would not apply to non-navigable streams and lakes in private ownership.
>
> **Action:** Motion lost. (p. 326)

3. **Ibid.**

4. **Water Rights:** Cal., **Const.** (1879), Art. 14, sec. 1; Colo., **Const.** (1876), Art. 16, sec. 5. [Similar.] Hill, Prop. Wash. **Const.**, Art. 16, sec. 9. [Similar in part.]

**Motion:** P. C. Sullivan moved to insert "and" between "irrigation" and "mining."

**Action:** Motion lost. (p. 326)

**Motion:** Prosser moved an additional section the text of which was the same as Section 2 of the original committee report.

**Action:** Motion lost. (p. 326)

**Passage of Article**

Article on Water and Water Rights approved by Convention, August 10, by a vote of 41 to 17. (p. 327)

**Voting against:** Bowen, Buchanan, Burk, Cosgrove, Eldridge, Godman, Griffitts, Hicks, Jones, Lillis, Neace, Sohns, Stevenson, Suksdorf, Tibbetts, Travis, and Weisenburger. **Absent and not voting:** Allen, Browne, Dallam, Dickey, Fairweather, Gowey, Gray, Hungate, McElroy, Minor, J. Z. Moore, Newton, Shoudy, Van Name, Weir, and Willison.

Protest presented to Convention, August 10, by Griffitts, Godman, Cosgrove, Travis, Buchanan, Tibbetts, and Neace:

Against declaring the use of waters a public use. (p. 327)

## ARTICLE XXII LEGISLATIVE APPORTIONMENT

This article passed with only one minor amendment. A territorial newspaper commented that it was the only article of length or importance which suffered no mutilation.[1] This same paper had earlier predicted that the committee report would prove unpopular in the rural districts since it proposed to divide the state by counties, and in most counties the principal cities would have sufficient population to control representation.[2]

The Committee on Apportionment and Representation was appointed July 9. (p. 19)

**Members:** Crowley, chairman; Allen, Dyer, Gowey, Hicks, Eshelman, Sohns, West, P. C. Sullivan, Prosser, Hungate, Van Name, Willison, Cosgrove, and Sturdevant.

### Section 1

**Present Language of the Constitution:**

**SENATORIAL APPORTIONMENT. Until otherwise provided by law, the state shall be divided into twenty-four (24) senatorial districts, and said districts shall be constituted and numbered as follows: The counties of Stevens and Spokane shall constitute the first district, and be entitled to one senator; the county of Spokane shall constitute the second district, and be entitled three senators; the county of Lincoln shall constitute the third district, and be entitled to one senator; the counties of Okanogan, Lincoln, Adams and Franklin shall constitute the fourth district, and be entitled to one senator; the county of Whitman shall constitute the fifth district, and be entitled to three senators; the counties of Garfield and Asotin shall constitute the sixth district, and be entitled to one senator; the county of Columbia shall constitute the seventh district, and be entitled to one senator; the county of Walla Walla shall constitute the eighth district, and be entitled to two senators; the counties of Yakima and Douglas shall constitute the ninth district, and be entitled to one senator; the county of Kittitas shall constitute the tenth district, and be entitled to one senator; the counties of Klickitat, and Skamania shall constitute the eleventh district, and be entitled to one senator; the**

1. Walla Walla Weekly Statesman, August 20, 1889.
2. Statesman, August 12, 1889.

**county of Clarke shall constitute the twelfth district, and be entitled to one senator; the county of Cowlitz shall constitute the thirteenth district, and be entitled to one senator; the county of Lewis shall constitute the fourteenth district, and be entitled to one senator; the counties of Pacific and Wahkiakum shall constitute the fifteenth district, and be entitled to one senator; the county of Thurston shall constitute the sixteenth district, and be entitled to one senator; the county of Chehalis shall constitute the seventeenth district, and be entitled to one senator; the county of Pierce shall constitute the eighteenth district, and be entitled to three senators; the county of King shall constitute the nineteenth district, and be entitled to five senators; the counties of Mason and Kitsap shall constitute the twentieth district, and be entitled to one senator; the counties of Jefferson, Clallam and San Juan shall constitute the twenty-first district, and be entitled to one senator; the county of Snohomish shall constitute the twenty-second district, and shall be entitled to one senator; the counties of Skagit and Island shall constitute the twenty-third district, and be entitled to one senator; the county of Whatcom shall constitute the twenty-fourth district, and be entitled to one senator.**

Original language same as present.[3]

Text as given in report of committee, August 9:

> Same as final except that it put Okanogan in a senatorial district with Stevens and Spokane instead of with Lincoln, Adams, and Franklin as in the final. (p. 295)

Final action by Convention, August 12:

> **Motion:** Manly moved to strike "Okanogan" in the third line and then to strike "Spokane" and insert "Okanogan" in the sixth line.
>
> **Action:** Motion carried. (p. 340)

**Section 2**

**Present Language of the Constitution:**

**APPORTIONMENT OF REPRESENTATIVES. Until**

3. **First Apportionment Senatorial District:** Hill, Prop. Wash. Const., Art. Schedule, sec. 16; Kan., Const. (1859), Art. 10, sec. 3; Ore., Const. (1859), Art. 18, sec. 5. [A number of state constitutions contain somewhat similar provisions.]

**otherwise provided by law the representatives shall be divided among the several counties of the state in the following manner; the county of Adams shall have one representative; the county of Asotin shall have one representative; the county of Chehalis shall have two representatives; the county of Clarke shall have three representatives; the county of Clallam shall have one representative; the county of Columbia shall have two representatives; the county of Cowlitz shall have one representative; the county of Douglas shall have one representative; the county of Franklin shall have one representative; the county of Garfield shall have one representative; the county of Island shall have one representative; the county of Jefferson shall have two representatives; the county of King shall have eight representatives; the county of Klickitat shall have two representatives; the county of Kittitas shall have two representatives; the county of Kitsap shall have one representative; the county of Lewis shall have two representatives; the county of Lincoln shall have two representatives; the county of Mason shall have one representative; the county of Okanogan shall have one representative; the county of Pacific shall have one representative; the county of Pierce shall have six representatives; the county of San Juan shall have one representative; the county of Skamania shall have one representative; the county of Snohomish shall have two representatives; the county of Skagit shall have two representatives; the county of Spokane shall have six representatives; the county of Stevens shall have one representative; the county of Thurston shall have two representatives; the county of Walla Walla shall have three representatives; the county of Wahkiakum shall have one representative; the county of Whatcom shall have two representatives; the county of Whitman shall have five representatives; the county of Yakima shall have one representative.**

Original language same as present.[4]

Text as given in report of committee, August 9:

Same as final. (p. 296)

4. **First Apportionment Representative District:** Ibid. [Similar. Portion now obsolete by statute.]

**Passage of Article**

Article on Legislative Apportionment approved by Convention, August 12, by a vote of 48 to 6. (p. 340)

**Voting against:** Glascock, Godman, Griffitts, R. S. More, Sharpstein, and Hoyt. **Absent and not voting:** Allen, Berry, Browne, Clothier, Dallam, Durie, Fay, Henry, Hicks, Hungate, Jones, Kellogg, Kinnear, McReavey, Neace, Shoudy, Stiles, Suksdorf, Warner, Weir, and Willison.

## ARTICLE XXIII AMENDMENTS

This article passed with little debate and few amendments. The **Walla Walla Weekly Statesman** commented that perhaps it would save the Constitution from being rejected.[1]

The Committee for Miscellaneous Subjects, Schedule, and Future Amendments was appointed July 9. (p. 20)

**Members:** Sharpstein, chairman; McElroy, Buchanan, Lillis, J. M. Reed, Comegys, Gray, Dickey, and Jamieson.

### Section 1

**Present Language of the Constitution:**

> **HOW MADE. Any amendment or amendments to this Constitution may be proposed in either branch of the legislature; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes thereon, and be submitted to the qualified electors of the state for their approval, at the next general election; and if the people approve and ratify such amendment or amendments, by a majority of the electors voting thereon, the same shall become part of this Constitution, and proclamation thereof shall be made by the governor: Provided, that if more than one amendment be submitted, they shall be submitted in such a manner that the people may vote for or against such amendment separately. The legislature shall also cause the amendments that are to be submitted to the people to be published for at least three months next preceding the election, in some weekly newspaper, in every county where a newspaper is published throughout the state.**

Original language same as present.[2]

Text as given in majority report of committee, August 5:

Same as final except that it did not provide that the amend-

1. **Walla Walla Weekly Statesman**, August 9, 1889.
2. **State Constitution, How Amended:** Wash., **Const.** (1878), Art. 16, sec. 1. [Identical except Wash. requires publication.] Cal., **Const.** (1879), Art. 18, sec. 1; Hill, Prop. Wash. **Const.**, Art. 18, sec. 1. [Similar.] Ore., **Const.** (1857), Art. 17, sec. 1; (Ind., **Const.** (1851), Art. 16, sec. 1, almost identical to Ore.). [Numerous state constitutions contain provisions similar in varying detail.]

ment must be published "for at least three months preceding the election." (p. 228)

Text as given in minority report of committee submitted by Buchanan, August 5:

That the proposed amendment be accepted by a majority of the Legislature, published for three months before the next general election, be passed by a majority vote of the next Legislature and then be submitted to the people for a majority vote. (p. 230)

Final action by Convention, August 7:

**Motion:** Jones moved to insert "for at least six months next preceding the election" after the word "published."

**Motion:** J. Z. Moore moved to amend the amendment by changing "six" to "three."

**Action:** Moore's motion carried, and then the motion as amended was carried. (p. 272)

**Motion:** Berry moved to change "some weekly" to "the official weekly."

**Action:** Motion lost. (p. 272)

**Motion:** Schooley moved to add that no amendment or amendments would be submitted oftener than once in five years.

**Action:** Motion lost. (p. 272)

**Motion:** J. Z. Moore moved to strike out "weekly."

**Action:** Motion lost. (p. 272)

**Motion:** Buchanan moved to adopt the minority report.

**Action:** Motion lost. (p. 272)

**Motion:** Weir moved to insert "daily or" before "weekly."

**Action:** Motion lost. (p. 273)

**Motion:** Dyer moved to insert "at least one weekly" after the word "published."

**Action:** Motion lost. (p. 273)

### Section 2

**Present Language of the Constitution:**

> **CONSTITUTIONAL CONVENTIONS. Whenever two-thirds of the members elected to each branch of the legislature shall deem it necessary to call a convention to revise or amend this Constitution, they shall recommend to the electors to vote at the next general election, for or against a convention, and if a majority of all the electors voting at said election shall have voted for a convention, the legislature shall at the next session, provide by law for calling the same; and such convention shall consist of a number of members, not less than that of the most numerous branch of the legislature.**

Original language same as present.[3]

Text as given in majority report of committee, August 5:

> Same as final. (p. 229)

Text as given in minority report of committee submitted by Buchanan, August 5:

> Same as majority report except it provided for a majority vote of the Legislature to submit the question. (p. 230)

Final action by Convention, August 7:

> **Motion:** Jones moved a substitute to the section which would have made it mandatory upon the Legislature to submit the question of calling a constitutional convention to the voters every twenty years.
>
> **Action:** Motion lost. (p. 272)

### Section 3

**Present Language of the Constitution:**

> **SUBMISSION TO THE PEOPLE. Any Constitution adopted by such convention shall have no validity until it has been submitted to and adopted by the people.**

Original language same as present.[4]

3. **Convention to Amend, How Called:** Wash., Const. (1878), Art. 16, sec. 2. [Identical.] Cal., Const. (1879), Art. 18, sec. 2. [Similar.]

4. **Voters Must Ratify:** Wash., Const. (1878), Art. 16, sec. 3. [Identical.]

Text as given in report of committee, August 5:

Same as final. (p. 229)

**Passage of Article**

Article on Amendments approved by Convention, August 7, by a vote of 66 to 1. (p. 273)

**Voting against:** Jones. **Absent and not voting:** Allen, Browne, Dallam, Jeffs, Mires, Prosser, J. M. Reed, and Stiles.

## ARTICLE XXIV BOUNDARIES

The only question which arose in the consideration of this article was whether to recognize the Oregon line to the bar in the mouth of the Columbia River. However, it was determined to try to secure concurrent jurisdiction in some other way than by constitutional provision.

The Committee for Federal Relations, Boundaries, and Immigration was appointed July 9. (p. 20)

**Members:** Comegys, chairman; Buchanan, McElroy, West, and McReavey.

### Section 1

**Present Language of the Constitution:**

**STATE BOUNDARIES. The boundaries of the state of Washington shall be as follows: Beginning at a point in the Pacific ocean one marine league due west of and opposite the middle of the mouth of the north ship channel of the Columbia river thence running easterly to and up the middle channel of said river and where it is divided by islands up the middle of the widest channel thereof to where the forty-sixth parallel of north latitude crosses said river near the mouth of the Walla Walla river; thence east on said forty-sixth parallel of latitude to the middle of the main channel of the Shoshone or Snake River, thence follow down the middle of the main channel of Snake river to a point opposite the mouth of the Kooskooskia of Clear Water river, thence due north to the forty-ninth parallel of north latitude, thence west along said forty-ninth parallel of north latitude to the middle of the channel which separates Vancouver's island from the continent, that is to say to a point in longitude 123 degrees, 19 minutes and 15 seconds west, thence following the boundary line between the United States and British possessions through the channel which separates Vancouver's island from the continent to the termination of the boundary line between the United States and British possessions at a point in the Pacific ocean equidistant between Bonnilla point on Vancouver's island and Tatoosh island light house, thence running in a southerly course and parallel with the coast line, keeping one marine league off shore to place of beginning; until such boundaries are modified**

**by appropriate interstate compacts duly approved by the Congress of the United States. [1957 p 1292, Senate Joint Resolution No. 10. Approved November 4, 1958.]**

Original language:[1]

> The boundaries of the State of Washington shall be as follows: Beginning at a point in the Pacific ocean one marine league due west of and opposite the middle of the mouth of the north ship channel of the Columbia river; thence running easterly to and up the middle channel of said river and where it is divided by islands up the middle of the widest channel thereof to where the forty-sixth parallel of north latitude crosses said river near the mouth of the Walla Walla river; thence east on said forty-six parallel of latitude to the middle of the main channel of the Shoshone or Snake river, thence follow down the middle of the main channel of Snake river, to a point opposite the mouth of the Kooskooskia or Clear Water river, thence due north to the forty-ninth parallel of north latitude to the middle of the channel which separates Vancouver's island from the continent, that is to say to a point in longitude one hundred and twenty-three degrees, nineteen minutes and fifteen seconds west, thence following the boundary line between the United States and British possessions through the channel which separates Vancouver's island from the continent to the termination of the boundary line between the United States and British possessions at a point in the Pacific ocean equidistant between Bonnilla point on Vancouver's island and Tatoosh island lighthouse, thence running in a southerly course and parallel with the coast line, keeping one marine league off shore to place of beginning.

Resolution submitted to Convention by Comegys, July 15:

> Asked for authority for the committee to telegraph the Secretary of the Interior for definite information on the boundaries of the Territory of Washington. Permission granted. (p. 96)

Text as given in first report of committee, August 7:

> Same as final except that it did not include "in the Pacific ocean" and "mouth of" in the first sentence. (p. 276)

1. **Boundaries Defined:** This is a customary provision and naturally varies in each state.

Action by Convention, August 10:

**Motion:** Comegys moved to insert "mouth of" before "north ship channel" in the first sentence.

**Action:** Motion carried. (p. 334)

**Motion:** Durie moved to add "in the Pacific ocean" after "point."

**Action:** Motion carried. (p. 334)

**Motion:** Eldridge moved to substitute the description used in the Walla Walla Constitution [1878].

**Action:** Motion lost. (p. 334)

**Motion:** Suksdorf moved to recommit the article to the committee.

**Action:** Motion carried. (p. 334)

Text as given in second report of committee, August 14:

Same as final. (pp. 356-7)

Final action by Convention, August 19:

**Motion:** Burk moved to insert "main" for "north" in the first sentence, so that the boundary would be the main ship channel at the mouth of the Columbia River.

**Motion:** Minor moved to amend the amendment to strike out "main."

**Action:** Minor's motion was ruled out of order and the first motion lost. (p. 397)

The **Spokane Falls Review** mistakenly says this motion carried, but the **Washington Standard** agrees with the **Journal.**[2]

**Motion:** Dyer moved to insert "from Greenwich" after "west" in line twelve.

**Action:** Motion lost. (p. 397)

**Motion:** Bowen moved to strike "north" from the first sentence.

**Action:** Motion lost 35 to 23. (pp. 397-8)

2. **Spokane Falls Review**, August 20; **Washington Standard** [Olympia, Wash.], August 23, 1889.

**Voting for:** Bowen, Browne, Burk, Dickey, Eldridge, Gowey, Hayton, Henry, Joy, Minor, Mires, R. S. More, T. M. Reed, Schooley, Sohns, Tibbetts, Travis, Van Name, Warner, Weir, Weisenburger, Willison, and Winsor. **Not voting:** Blalock, Cosgrove, Dallam, Gray, Hicks, Hungate, Jamieson, Jeffs, Kellogg, Lillis, Lindsley, Manly, McDonald, Power, and Sharpstein. **On leave:** Godman, Neace.

**Motion:** Suksdorf moved to insert "thence westerly one league" after "lighthouse" near the end of the section.

**Action:** Motion lost. (p. 398)

**Passage of Article**

Article on Boundaries approved by Convention, August 19, by a vote of 61 to 2. (p. 398)

**Voting against:** Burk and T. M. Reed. **Not voting:** Blalock, Dallam, Dickey, Gray, Jeffs, Kinnear, Schooley, and Willison. **On leave:** Godman, Neace, and Hungate.

## ARTICLE XXV JURISDICTION

Although this article was necessary to allow the United States to set up areas of defense, it failed at its first consideration. There was a strong element which argued that its contents were purely legislative, but it was finally agreed to because of the necessity for immediate action.

When the article was taken up, it was explained to the Convention that only a few of the many reservations on Puget Sound were really useful and these would be speedily fortified while the others would be thrown open to settlement. The Convention was asked to cede the necessary jurisdiction so that as much time as possible could be gained in getting the reservations fortified. It was further stated that the reason there were so few precedents for such an article in state constitutions was that government lands were generally selected after the constitutions were framed.[1]

The Committee for Federal Relations, Boundaries, and Immigration was appointed July 9. (p. 20)

**Members:** Comegys, chairman; Buchanan, McElroy, West, and McReavey.

### Section 1

**Present Language of the Constitution:**

**AUTHORITY OF THE UNITED STATES. The consent of the state of Washington is hereby given to the exercise, by the congress of the United States, of exclusive legislation in all cases whatsoever over such tracts or parcels of land as are now held or reserved by the government of the United States for the purpose of erecting or maintaining thereon forts, magazines, arsenals, dockyards, lighthouses and other needful buildings, in accordance with the provisions of the seventeenth paragraph of the eighth section of the first article of the Constitution of the United States, so long as the same shall be so held and reserved by the United States. Provided: That a sufficient description by metes and bounds, and an accurate plat or map of each such tract or parcel of land be filed in the proper office of record in the county in which the same is situated, together with copies of the orders, deeds, patents or other**

1. Walla Walla Weekly Statesman, July 25, 1889.

**evidences in writing of the title of the United States: and provided, that all civil process issued from the courts of this state and such criminal process as may issue under the authority of this state against any person charged with crime in cases arising outside of such reservations, may be served and executed thereon in the same mode and manner, and by the same officers, as if the consent herein given had not been made.**

Original language same as present.[2]

Text as given in report of committee, July 18:

Same as final except that it does not include the sentence "so long as the same shall be so held and reserved by the United States government" before the provisio, and uses the term "17th clause" instead of "17th paragraph." (p. 115)

Action by Convention, August 3:

**Motion:** Griffitts moved to insert the words "so long as the same shall be so held and reserved by the United States government" before the proviso.

**Action:** Motion carried. (p. 220)

**Motion:**[3] Turner moved to strike out "now held or reserved" and insert "now held, reserved, occupied, or which may hereafter be held, reserved and occupied." Also to insert "in connection therewith" after "and other needful buildings."

**Tacoma Morning Globe** mistakenly reports that Turner's second motion was to strike out the words "and other needful buildings."

**Action:** Motion lost. (p. 220)

**Discussion as follows:**

**For:** Turner said to cede this jurisdiction would give the government entire control over United States court buildings and post offices.

**Against:** Comegys said the section's purpose would be defeated by the amendment, and would raise the question of what is occupancy.

2. **U.S. to Have Certain Jurisdiction:** Wash., **Enabling Act**, sec. 4, par. 2; U.S., **Const.**, Art. 1, sec. 8, par. 17. [In substance.]

3. **Tacoma Morning Globe**, August 4, 1889.

**Query:** Lillis asked who would try a murderer who committed the crime on a reservation.

**Answer:** Griffitts replied that the United States would, but that the state also reserved the right to serve criminal process.

Article failed to receive a majority of those present with a vote of 37 to 17. (p. 220)

**Voting against:** Clothier, Dunbar, Glascock, Godman, Gowey, Henry, Lillis, Minor, J. Z. Moore, Morgans, Prosser, T. M. Reed, Shoudy, Turner, Van Name, Warner, and Weisenburger. **Not voting:** Browne, Crowley, Dallam, Fairweather, Kellogg, Kinnear, Manly, McDonald, McReavey, Newton, Sharpstein, Sohns, Stevenson, Suksdorf, and P. C. Sullivan. **Absent:** Blalock, Cosgrove, Durie, Jeffs, and Tibbetts.

**Passage of Article**

Article on Jurisdiction approved by Convention, August 5, by a vote of 56 to 6. (p. 231)

**Voting against:** Dunbar, Glascock, J. Z. Moore, Prosser, Van Name, and Weisenburger. **Absent:** Allen, Browne, Dallam, Fairweather, Henry, Jeffs, Kinnear, Lillis, Manly, McReavey, Power, Suksdorf, and Turner.

## ARTICLE XXVI COMPACT WITH THE UNITED STATES

This article was adopted for the purpose of placing in the Constitution certain requirements specified in section four of the Enabling Act. It passed without debate.

The Committee for Federal Relations, Boundaries, and Immigration was appointed July 9. (p. 20)

**Members:** Comegys, chairman; Buchanan, McElroy, West, and McReavey.

### Section 1

**Present Language of the Constitution:**

> **The following ordinance shall be irrevocable without the consent of the United States and the people of this state:**
>
> **First. That perfect toleration of religious sentiment shall be secured and that no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship.**

Original language same as present.[1]

Text as given in report of committee, August 8:

> Same as final except that it used the adjective "perpetual" to modify "toleration of religious sentiment," instead of "perfect" as in the final. (p. 283)

### Section 2

**Present Language of the Constitution:**

> **Second. That the people inhabiting this state do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries of this state, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the congress of the United States and that the lands belonging to citizens of the United States residing without the limits of this state shall never be taxed**

1. **Religious Toleration:** Wash., Enabling Act, sec. 4, par. 1. [Identical.]

**at a higher rate than the lands belonging to residents thereof; and that no taxes shall be imposed by the state on lands or property therein, belonging to or which may be hereafter purchased by the United States or reserved for use: Provided, That nothing in this ordinance shall preclude the state from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of congress containing a provision exempting the lands thus granted from taxation, which exemption shall continue so long and to such an extent as such act of congress may prescribe.**

Original language same as present.[2]

Text as given in report of committee, August 8:

Same as final. (p. 283)

**Section 3**

**Present Language of the Constitution:**

**Third. The debts and liabilities of the Territory of Washington and payment of the same are hereby assumed by this state.**

Original language same as present.[3]

Report of committee, August 8, did not include this section.

Final action by Convention, August 10:

**Motion:** Gowey moved the adoption of an additional section the text of which was the same as final.

**Action:** Motion carried. (p. 332)

**Section 4**

**Present Language of the Constitution:**

**Fourth. Provision shall be made for the establishment**

2. **Rights to Appropriated Public Lands Claimed:** Wash., **Enabling Act,** sec. 4, par. 2. [Identical.]

3. **Debts of Territory Assumed:** Wash., **Enabling Act,** sec. 4, par. 3. [Identical.]

**and maintenance of systems of public schools free from sectarian control which shall be open to all the children of said state.**

Original language same as present.[4]

Report of committee, August 8, did not include this section.

Final action by Convention, August 10:

**Motion:** Gowey moved the adoption of an additional section the text of which was the same as final, except for minor wording.

**Action:** Motion carried. (p. 332)

**Passage of Article**

Article on Compact with the United States approved by Convention, August 10, by a vote of 51 to 0. (p. 333)

**Absent and not voting:** Allen, Berry, Brown, Cosgrove, Dallam, Dickey, Fairweather, Gray, Hayton, Hungate, Jamieson, Kellogg, Kinnear, Lindsley, McDonald, McReavey, Minor, Neace, Newton, Shoudy, E. H. Sullivan, Van Name, and Willison.

4. **System of Public Schools Guaranteed:** Wash., Enabling Act, sec. 4, par. 4. [Identical.]

## ARTICLE NOT ACCEPTED MINES AND MINING

This article as it came from the committee set up a complicated system of mine regulation and inspection. The Convention members thought that such matters were better left to the Legislature and so refused to accept the committee report as an article.

When the article was first defeated, Manly, chairman of the Committee on Mines and Mining, was content to let the matter rest. Dyer, however, remained anxious to include a provision for an eight-hour day for miners in the Constitution. His later attempt to move for reconsideration was ruled out of order and the article was lost.[1]

The Committee for Mines and Mining was appointed July 9. (p. 20)

**Members:** Manly, chairman; Morgans, Jamieson, Newton, McDonald, Gray, and Weisenburger.

### Section 1

Proposition submitted to Convention by Griffitts, July 12:

> "The Legislature of this state shall by suitable enactments require all such appliances and means to be provided and used as may be necessary to secure as far as possible the lives, health, and safety of all persons to be employed in any mine or mines in this state. And to that end shall provide for an Inspector of Mines, who before entering upon the duties of his office shall pass a satisfactory examination as to his duties, before a board of five examiners, appointed by the Governor and paid by the state, three of whom shall be practical miners and two civil engineers. And shall further provide for an examination by such Inspector of Mines of the employees therein as to their competency and experience in such employment. And a failure on the part of owners or operators of any mine or mines to observe the provisions of this article, or any law passed in pursuance thereof, shall be negligence per se and such owner or operators shall be liable in damages to all persons injured thereby, which damages shall be a lien upon the mine wherein such person is injured. And the Legislature shall moreover enforce its enactments under this article by adequate pains and penalties." (p. 66)

1. Walla Walla Weekly Statesman, August 15, 20, 1889.

Proposition submitted to Convention by Newton, July 12:

"A Superintendent of Mines and Mining shall be elected by the qualified electors of the state at the regular gubernatorial election, whose salary shall be fixed by law, and whose term of office shall be the same as that of the Governor. He shall be a qualified elector, a practical miner of at least five years experience two of which shall have been in this state, and possessed of a thorough knowledge of mining engineering, ventilation, and the methods and appliances for underground mining with safety to the miners and other employees. He shall have the supervision of the management of the mines in this state so far as relate to their regulation in regard to the security against accidents and the health and safety of the employees.

"The state shall be divided into at least three mining districts for each of which shall be appointed an Inspector of Mines each of whom shall be a qualified elector and shall have had practical experience as a miner of at least four years in underground mining, two of which shall have been in this state, and shall have the supervision of the mines in his district as to machinery used, ventilation of the mines, and methods of working with power to close any mine whose managers refuse to comply with the laws that are in force or may be enacted for the management of the mines. Each Inspector shall make quarterly reports to the Superintendent of Mines as to the output of the mines, the management, the accidents to the men in the mines, their causes, and recommend such changes in machinery and management as will furnish better security for the health and safety of life and limb to the employees.

"Each Inspector of Mines shall be required to appoint a board of inspection of three persons for the examination of persons employed as underground miners, two of such examiners to be appointed by him from a list of practical miners employed in his district and selected by them, and the third a qualified mining engineer, who shall serve for a term of one year and until their successors are elected and qualified, they shall divide the miners into two classes skilled and unskilled and no miner shall be employed in any capacity requiring skill and judgment until he has been approved by said examiners as skilled miner and so enrolled. The Legislature shall pass laws for

the enforcement of this provision providing for punishment by fine and imprisonment or forfeiture of corporate property of any individual officer or corporation violating the provisions of this section." (p. 69)

Text as given in report of committee, August 9:

"There shall be established and maintained the office of Inspector of Mines, the duties and salaries of which shall be prescribed by law. Inspectors of Mines shall be elected by the qualified electors of the state at large at the general state elections, and no person shall be eligible for the office of Mines Inspector unless he shall have had five years practical experience as a miner." (p. 297)

Action by Convention, August 12:

**Motion:** Durie moved to add: "In addition to the other qualifications of state officers he shall be a practical miner of ten years experience two of which shall have been in this state and shall have no interest, direct or indirect, in the mines in this state."

**Action:** Motion carried. (p. 345)

**Section 2**

Proposition submitted to Convention by Griffitts, July 12:

"Eight hours shall constitute a day's work on all State, County, Municipal, or other public works, and in mines or other employment whose labor is performed underground." (p. 66)

Proposition submitted to Convention by Newton, July 12:

"It shall not be lawful for any owner or manager to exact as a day's labor from any miner employed in underground mines more than eight hours a day nor to employ in such underground mines any person under the age of sixteen years."

"The Legislature shall pass laws requiring mines to be properly ventilated, timbered and to be equipped with the latest approved appliances for the safety of the employees and to prevent accidents in the mines."

"Boards of Arbitration shall be appointed for the adjustment of scales of prices, for labor in underground mines or other

difference between employers and employees, which board shall be composed of the Superintendent of Mining, one person selected by the employer or manager of the mines and one to be selected by the employee or employees interested and their decision shall be final except in cases of injury to employees or damages in case of death of employees from accident in the mines." (p. 70)

Proposition submitted to Convention by Dyer, July 12:

"No child under fourteen years of age shall be employed by any corporation or person in mines, manufacturing or any other business endangering health or life." (p. 77)

Text as given in report of committee, August 9:

"The General Assembly shall provide by law for the proper ventilation of mines, the construction of escapement shafts, and such other appliances as may be necessary to protect the health and secure the safety of the workmen therein, and shall prohibit the employment in the mines of children under fourteen years of age." (p. 297)

No changes were made in this section by Convention action.

**Deleted Section**

Text as given in report of committee, August 9:

"The General Assembly may make such regulations from time to time as may be necessary for the proper and equitable operating of mines." (p. 298)

Action by Convention, August 12:

**Motion:** Turner moved to strike the section.

**Action:** Motion carried. (p. 343)

**Deleted Section**

Text as given in report of committee, August 9:

"The General Assembly may provide that the science of mining and metallurgy be taught in one or more of the institutions under the patronage of the state." (p. 298)

Action by Convention, August 12:

**Motion:** Turner moved to strike the section.

**Action:** Motion carried. (p. 343)

### Section 3

Report of committee, August 9, did not include this section.

Action by Convention, August 12:

**Motion:** Dyer moved an additional section which provided an eight-hour day for underground miners.

**Action:** Motion carried 33 to 20. (p. 345)

**Voting against:** Blalock, Buchanan, Burk, Comegys, Cosgrove, Glascock, Hayton, Henry, Jamieson, Jeffs, Joy, Lindsley, J. Z. Moore, R. S. More, Morgans, Stiles, P. C. Sullivan, Turner, Van Name, and Winsor. **Absent and not voting:** Allen, Berry, Bowen, Browne, Crowley, Dallam, Dunbar, Fairweather, Fay, Godman, Gray, Hicks, Hungate, Jones, Kellogg, Kinnear, McReavey, Neace, Power, Shoudy, Weir, and Willison.

### Failure of Article

The Convention failed to accept this article, August 13, by a vote of 35 to 29. (p. 347)

**Voting for:** Clothier, Dallam, Durie, Dyer, Eldridge, Gray, Griffitts, Hayton, Kinnear, Lillis, Lindsley, McCroskey, McDonald, McElroy, McReavey, Minor, J. Z. Moore, Newton, Power, Prosser, J. M. Reed, Sharpstein, Shoudy, Stevenson, Suksdorf, Tibbetts, Van Name, Warner, and West. **Absent and not voting:** Berry, Browne, Dickey, Fairweather, Hicks, Hungate, Kellogg, Neace, Weir, Willison, and Godman.

## ARTICLE XXVII SCHEDULE

The purpose of this article was to make the change from territorial status to statehood with the least possible confusion, and to set the time and manner of voting for the Constitution and for the first election of officers. It also provided for the submission of separate articles on Prohibition and Women's Suffrage.

This article was intended to be a "catch-all" for later measures which the Convention might adopt after other articles were adopted. Thus the Schedule was not adopted until the last day of the Convention. Changes made in the committee report by the convention were of a minor nature and caused no controversy.

The Committee on Miscellaneous Subjects, Schedule, and Future Amendments was appointed July 9. (p. 20)

**Members:** Sharpstein, chairman; McElroy, Buchanan, Lillis, J. M. Reed, Comegys, Gray, Dickey, and Jamieson.

### Section 1

**Present Language of the Constitution:**

**In order that no inconvenience may arise by reason of a change from a Territorial to a State government, it is hereby declared and ordained as follows:**

**EXISTING RIGHTS, ACTIONS AND CONTRACTS SAVED. No existing rights, actions, suits, proceedings, contracts or claims shall be affected by a change in the form of government, but all shall continue as if no such change had taken place; and all process which may have been issued under the authority of the Territory of Washington previous to its admission into the Union shall be as valid as if issued in the name of the state.**

Original language same as present.[1]

Text as given in report of committee, August 14:
Same as final. (p. 352)

### Section 2

**Present Language of the Constitution:**

**LAWS IN FORCE CONTINUED. All laws now in force**

1. **Existing Rights Preserved:** Schedule, Wash., Const. (1878), sec. 1. [Similar.]

**in the Territory of Washington, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitation, or are altered or repealed by the legislature: Provided, That this section shall not be so construed as to validate any act of the legislature of Washington Territory granting shore or tide lands to any person, company or any municipal or private corporation.**

Original language same as present.[2]

Text as given in report of committee, August 14:

Same as final except that it did not include the proviso. (p. 352)

**Section 3**

**Present Language of the Constitution:**

**DEBTS, FINES, ETC., TO INURE TO THE STATE. All debts, fines, penalties and forfeitures, which have accrued, or may hereafter accrue, to the Territory of Washington, shall inure to the State of Washington.**

Original language same as present.[3]

Text as given in report of committee, August 14:

Same as final. (p. 352)

**Section 4**

**Present Language of the Constitution:**

**RECOGNIZANCES. All recognizances heretofore taken, or which may be taken before the change from a territorial to a state government shall remain valid, and shall pass to, and may be prosecuted in the name of the state; and all bonds executed to the Territory of Washington or to any county or municipal corporation, or to any officer or court in his or its official capacity, shall pass to the state authorities and their successors in office, for the uses therein expressed, and may be sued for and recovered accordingly, and all the estate, real, personal and mixed, and all judgments, decrees, bonds, specialties, choses in action, and claims or debts, of whatever**

2. **Laws of Territory Valid:** Schedule, Wash., **Const.** (1878), sec. 2. [Identical except Wash., **Const.** (1889) adds proviso.]

3. **Debts of Territory Valid:** Schedule, Wash., **Const.** (1878), sec. 3. [Identical.]

**description, belonging to the Territory of Washington, shall inure to and vest in the State of Washington, and may be sued for and recovered in the same manner, and to the same extent, by the State of Washington, as the same could have been by the Territory of Washington.**

Original language same as present.[4]

Text as given in report of committee, August 14:

Same as final. (pp. 352-3)

**Section 5**

**Present Language of the Constitution:**

**CRIMINAL PROSECUTIONS AND PENAL ACTIONS. All criminal prosecutions and penal actions which may have arisen, or which may arise, before the change from a territorial to a state government, and which shall then be pending, shall be prosecuted to judgment, and execution in the name of the state. All offenses committed against the laws of the Territory of Washington, before the change from a territorial to a state government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the State of Washington, with like effect as though such change had not taken place; and all penalties incurred shall remain the same as if this Constitution had not been adopted. All actions at law and suits in equity which may be pending in any of the courts of the Territory of Washington, at the time of the change from a territorial to a state government, shall be continued, and transferred to the court of the state having jurisdiction of the subject matter thereof.**

Original language same as present.[5]

Text as given in report of committee, August 14:

Same as final. (p. 353)

Final action by Convention, August 17:

**Motion:** Stiles moved to insert the words "superseded by."

**Action:** Motion lost. (p. 389)

4. **Recognizances of Territory Valid:** Schedule, Wash., **Const.** (1878), sec. 4. [Identical.]

5. **Penal Actions:** Schedule, Wash., **Const.** (1878), sec. 4. [Identical.]

### Section 6

**Present Language of the Constitution:**

> **RETENTION OF TERRITORIAL OFFICERS. All officers now holding their office under the authority of the United States, or of the Territory of Washington, shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the state.**

Original language same as present.[6]

Text as given in report of committee, August 14:

> Same as final except that it included at the end "and shall be entitled to receive for services rendered the state a compensation not greater than that theretofore received on the taking effect of this Constitution." (p. 353)

Final action by Convention, August 21:

> **Motion:** Sharpstein moved to strike out all after the word "state" which now ends the section.
>
> **Action:** Motion carried. (p. 446)

### Section 7

**Present Language of the Constitution:**

> **CONSTITUTIONAL OFFICERS, WHEN ELECTED. All officers provided for in this Constitution including a county clerk for each county when no other time is fixed for their election, shall be elected at the election to be held for the adoption of this Constitution on the first Tuesday of October, 1889.**

Original language same as present.[7]

Text as given in report of committee, August 14:

> Same as final. (p. 353)

### Section 8

**Present Language of the Constitution:**

> **CHANGE OF COURTS — TRANSFER OF CAUSES.**

6. **Public Officers:** Schedule, Wash., Const. (1878), sec. 5. [Identical.] Hill, Prop. Wash. Const., Art. 16, sec. 12. [Similar.]
7. **First Election of Oficers:** Wash., Enabling Act, sec. 24. [Similar in substance.]

**Whenever the judge of the superior court of any county, elected or appointed under the provisions of this Constitution shall have qualified, the several causes then pending in the district court of the territory except such causes as would have been within the exclusive jurisdiction of the United States district court had such court existed at the time of the commencement of such causes, within such county, and the records, papers and proceedings of said district court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the superior court for such county. And where the same judge is elected for two or more counties, it shall be the duty of the clerk of the district court having custody of such papers and records to transmit to the clerk of such county, or counties, other than that in which such records are kept the original papers in all cases pending in such district court and belonging to the jurisdiction of such county or counties together with transcript of so much of the records of said district court as relate to the same; and until the district courts of the Territory shall be superseded in manner aforesaid, the said district courts and the judges thereof, shall continue with the same jurisdiction and powers, to be exercised in the same judicial districts respectively, as heretofore constituted under the laws of the Territory. Whenever a quorum of the judges of the supreme court of the state shall have been elected and qualified, the causes then pending in the supreme court of the Territory, except such causes as would have been within the exclusive jurisdiction of the United States, circuit court had such court existed at the time of the commencement of such causes, and the papers, records and proceedings of said court and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the supreme court of the state, and until so superseded, the supreme court of the Territory and the judges thereof, shall continue with like powers and jurisdiction as if this Constitution had not been adopted.**

Original language same as present.[8]

Text as given in report of committee, August 14:

"Whenever the judge of the superior court of any county

8. Courts, Transfer of Cases: Schedule, Wash., Const. (1878), sec. 6. [Identical except for slight word change.]

elected or appointed under the provisions of this Constitution shall have qualified, the several causes then pending in the district court of the territory, within any county, and the records, papers, and proceedings of said district court, and the seal and other property pertaining thereto shall pass into the jurisdiction and possession of the superior court for such county and until the district courts of the territory shall be superseded in manner aforesaid, the said district courts and the judges thereof shall continue with the same jurisdiction and powers to be exercised in the same judicial districts as heretofore constituted under the laws of the territory. Whenever a quorum of the judges of the supreme court of the state shall have been elected and qualified the causes then pending in the supreme court of the territory, and the papers, records, and proceedings of said court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the supreme court of the state, and until so superseded the supreme court of the territory and the judges thereof shall continue with like powers and jurisdiction as if this Constitution had not been adopted." (pp. 353-4)

Final action by Convention, August 17:

**Motion:** Henry moved to insert after the word "county" in the fifth line the following: "And where the same judge is elected for two or more counties it shall be the duty of the clerk of the district court, having custody of such papers and records to transmit to the clerk of such county or counties other than that in which such records are kept, the original papers in all cases pending in such district court and belonging to the jurisdiction of such county or counties together with transcripts of so much of the records of said district court as relate to the same."

**Action:** Motion carried. (p. 389)

**Motion:** Gowey moved to strike "any" in the third line and insert "such."

**Action:** Not recorded. (p. 389)

**Motion:** Stiles moved to amend by inserting after "territory" in line eleven "Except such causes as would have been within the exclusive jurisdiction of the United States Circuit Court

had such court existed at the time of the commencement of such causes."

**Action:** Motion carried. (pp. 393-4)

**Section 9**

**Present Language of the Constitution:**

**SEALS OF COURTS AND MUNICIPALITIES. Until otherwise provided by law, the seal now in use in the supreme court of the Territory shall be the seal of the supreme court of the state. The seals of the superior courts of the several counties of the state shall be, until otherwise provided by law, the vignette of General George Washington with the words: "Seal of the Superior Court of.....county" surrounding the vignette. The seal of municipalities, and of all county officers of the Territory, shall be the seals of such municipalities, and county officers respectively under the state, until otherwise provided by law.**

Original language same as present.[9]

Text as given in report of committee, August 14:

Same as final except that it did not include a description of the seal of the Superior Court. (p. 354)

The Judicial Committee inserted the description of the seal when the article was referred to it for rearrangement, August 22. (p. 452)

**Section 10**

**Present Language of the Constitution:**

**PROBATE COURT, TRANSFER OF. When the state is admitted into the Union, and the superior courts in the respective counties organized, the books, records, papers and proceedings of the probate court in each county, and all causes and matters of administration pending therein, shall, upon the expiration of the term of office of the probate judges, on the second Monday in January, 1891, pass into the jurisdiction and possession of the superior court of the same county created by this Constitution, and the said court shall proceed to final judg-**

9. **Court Seals:** Schedule, Wash., Const. (1878), sec. 8. [Identical except for slight word change.]

**ment or decree, order or other determination in the several matters and causes, as the territorial probate court might have done, if this Constitution had not been adopted. And until the expiration of the term of office of the probate judges, such probate judges shall perform the duties now imposed upon them by the laws of the Territory. The superior courts shall have appellate and revisory jurisdiction over the decisions of the probate courts, as now provided by law, until such latter courts expire by limitation.**

Original language same as present.[10]

Text as given in report of committee, August 14:

> "When the state is admitted into the union and the superior courts in the respective counties organized, the books, records, papers and proceedings of the probate court in each county and all causes and matters of administration pending therein shall pass in the jurisdiction and possession of the superior court of the same county created by this Constitution and the said court shall proceed to final judgment or decree, order, or other determination in the several matters and causes, as the territorial probate court might have done if this Constitution had not been adopted. And until the election and qualification of the superior judges as provided in this Constitution the territorial probate judges shall act as judges of the probate court within the respective counties." (p. 354)

Final action by Convention, August 17:[11]

> **Motion:** P. C. Sullivan moved to amend by inserting "upon the expiration of the term of office of the probate judges" after "pending therein shall" in line three, and to strike out all of the last sentence and insert "and until the expiration of the term of office of the probate judge such probate judge shall perform the duties now imposed upon them by the laws of the territory."
>
> **Action:** Motion carried 42 to 19. (pp. 389-90)
>
> **Voting against:** Berry, Blalock, Bowen, Buchanan, Coey, Comegys, Gray, Henry, Hicks, McCroskey, McDonald,

10. **Probate Court Transferred to Superior Court:** Schedule, Wash., Const. (1878), sec. 9. [Identical except for slight word change.]

11. **Tacoma Morning Globe,** August 18; **Standard,** August 23, 1889.

R. S. More, Newton, J. M. Reed, Sharpstein, Stevenson, Travis, Van Name, and Willison. **Not voting:** Cosgrove, Dunbar, Durie, Eshelman, Griffitts, Kinnear, Lillis, McElroy, E. H. Sullivan, Warner, and Hoyt. **On leave:** Hungate and Neace. **Absent:** Godman.

**Motion:** P. C. Sullivan moved to insert after "probate judges" the words "on the second Monday in January, 1891."

**Action:** Motion carried. (p. 390)

The vote as recorded by the **Standard** was 42 to 19. The **Globe** said that the fact that this motion prevailed showed the sentiment was in favor of the hold-over policy.

**Motion:** P. C. Sullivan moved to amend by adding at the end of the section "The superior courts shall have appellate revisory jurisdiction over the decisions of the probate court as now provided by law until such latter court expire by limitation."

**Action:** Motion carried. (p. 390)

The **Globe** credits this motion to Crowley and reports that the section was adopted by a vote of 42 to 19, with 14 absent. The **Globe** then lists thirty-one names without designating whether they were absent or had voted no. Two names are unaccounted for.

**Discussion as follows:**

**For:** Dyer, Power, and P. C. Sullivan spoke in favor of the amendments.

**Voting for:** Allen, Bowen, Burk, Clothier, Crowley, Dallam, Dickey, Dyer, Eldridge, Fairweather, Fay, Glascock, Gowey, Hayton, Jamieson, Jeffs, Jones, Joy, Kellogg, Lindsley, Manly, McReavey, Minor, Mires, J. Z. Moore, Morgans, Power, Prosser, T. M. Reed, Schooley, Shoudy, Sohns, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Turner, Weir, Weisenburger, West, and Winsor.

## Section 11

**Present Language of the Constitution:**

**DUTIES OF FIRST LEGISLATURE. The legislature, at**

**its first session, shall provide for the election of all officers whose election is not provided for elsewhere in this Constitution, and fix the time for the commencement and duration of their term.**

Original language same as present.[12]

Text as given in report of committee, August 14:

Same as final. (pp. 354-5)

Final action by Convention, August 17:

**Motion:** Shoudy moved to add that after 1895 no one could vote or hold office who could not read and write English.

**Action:** Motion lost 31 to 21. (p. 390)

**Voting for:** Clothier, Comegys, Crowley, Eldridge, Fay, Hayton, Hicks, Jamieson, Jeffs, Jones, Kellogg, Lindsley, Minor, Mires, R. S. More, Shoudy, Sohns, Sturdevant, Van Name, and Willison. **Not voting:** Cosgrove, Dallam, Dunbar, Durie, Eshelman, Fairweather, Gowey, Gray, Griffitts, Kinnear, Lillis, Manly, McDonald, McElroy, Newton, Suksdorf, E. H. Sullivan, Tibbetts, Winsor, and Hoyt. **Absent:** Godman. **On leave:** Neace and Hungate.

## Section 12

**Present Language of the Constitution:**

**ELECTION CONTESTS FOR SUPERIOR JUDGES, HOW DECIDED. In case of a contest of election between candidates, at the first general election under this Constitution, for judges of the superior courts, the evidence shall be taken in the manner prescribed by the Territorial laws, and the testimony so taken shall be certified to the secretary of state; and said officer, together with the governor and treasurer of state, shall review the evidence and determine who is entitled to the certificate of election.**

Original language same as present.[13]

Text as given in report of committee, August 14:

Same as final. (p. 355)

12. **Election of Officers Not Otherwise Provided for:** Schedule, Wash., Const. (1878), sec. 10. [Identical.]

13. **Contests at First Election:** Schedule, Wash., Const. (1878), sec. 11. [Identical except for slight word change.]

### Section 13

**Present Language of the Constitution:**

> **REPRESENTATION IN CONGRESS. One representative in the congress of the United States shall be elected from the state at large, at the first election provided for in this Constitution; and, thereafter, at such times and places, and in such manner, as may be prescribed by law. When a new apportionment shall be made by congress, the legislature shall divide the state into congressional districts, in accordance with such apportionment. The vote cast for representative in congress, at the first election, shall be canvassed, and the result determined in the manner provided for by the laws of the Territory for the canvass of the vote for delegate in congress.**

Original language same as present.[14]

Text as given in report of committee, August 14:

> Same as final. (p. 355)

### Section 14

**Present Language of the Constitution:**

> **DURATION OF TERM OF CERTAIN OFFICERS. All district, county and precinct officers, who may be in office at the time of the adoption of this Constitution, and the county clerk of each county elected at the first election, shall hold their respective offices until the second Monday of January, A. D. 1891, and until such time as their successors may be elected and qualified, in accordance with the provisions of this Constitution; and the official bonds of all such officers shall continue in full force and effect as though this Constitution had not been adopted. And such officers shall continue to receive the compensation now provided, until the same be changed by law.**

Original language same as present.[15]

Text as given in majority report of committee, August 14:

14. **Representatives in Congress:** Schedule, Wash., Const. (1878), sec. 13. [Identical.]

15. **District, County, Precinct Officers Hold Office Until 1891:** Schedule, Wash., Const. (1878), sec. 5. [Similar.]

"All district, county and precinct officers under territorial laws except probate judges and prosecuting attorneys who may be in office at the time of the adoption of this Constitution shall hold their respective ofices until the .... day of January, 1891, and until their successors are elected and qualified, and the official bonds of all such officers shall continue in full force and effect until the termination of their respective terms of office, the same as if this Constitution had not been adopted." (p. 355)

Text as given in minority report submitted by Dickey, Lillis, and Jamieson, August 14:

Same as final. (p. 356)

Final action by Convention, August 17:

**Motion:**[16] Power moved to strike out "except probate judges and prosecuting attorneys."

**Motion:**[17] Sharpstein moved to amend by inserting "members of the Legislature" for the words to be stricken out.

**Motion:** T. M. Reed then moved to substitute the minority report.

**Action:** Dyer demanded the ayes and noes and the substitute was adopted 45 to 12. (p. 391)

**Voting against:** Berry, Browne, Comegys, Hicks, McReavey, Mires, R. S. More, Prosser, Stevenson, Van Name, Willison, and Winsor. **Not voting:** Cosgrove, Dunbar, Durie, Eshelman, Gray, Griffitts, Kinnear, Lillis, McDonald, McElroy, Newton, J. M. Reed, E. H. Sullivan, Tibbetts, and Hoyt. **On leave:** Hungate and Neace. **Absent:** Godman.

## Section 15

**Present Language of the Constitution:**

**ELECTION ON ADOPTION OF CONSTITUTION, HOW TO BE CONDUCTED. The election held at the time of the adoption of this Constitution shall be held and conducted in all respects according to the laws of the Territory, and the votes**

16. Globe, August 18, 1889.
17. Ibid.

**cast at said election for all officers (where no other provisions are made in this Constitution), and for the adoption of this Constitution and the several separate articles and the location of the state capital, shall be canvassed and returned in the several counties in the manner provided by Territorial law, and shall be returned to the secretary of the Territory in the manner provided by the Enabling Act.**

Original language same as present.[18]

Text as given in report of committee, August 14:

Same as final except for minor wording. (p. 355)

Final action by Convention, August 21:

**Motion:** McElroy moved an amendment to make voting more secret in the coming election.

**Action:** Motion lost 34 to 30. (pp. 444-5)

**Voting for:** Berry, Blalock, Browne, Clothier, Durie, Eldridge, Eshelman, Glascock, Godman, Griffitts, Hicks, Joy, Kellogg, McCroskey, McElroy, McReavey, R. S. More, Prosser, J. M. Reed, Sharpstein, Stevenson, E. H. Sullivan, Tibbetts, Travis, Van Name, Warner, Weisenburger, West, and Willison. **Not voting:** Comegys, Dallam, Gray, McDonald, Newton, Stiles, and Winsor. **On leave:** Hungate and Neace.

Judicial Committee made minor changes in wording when article was sent to it for rearrangement, August 22. (pp. 452-3)

## Section 16

**Present Language of the Constitution:**

**WHEN CONSTITUTION TO TAKE EFFECT. The provisions of this Constitution shall be in force from the day on which the president of the United States shall issue his proclamation declaring the State of Washington admitted into the Union, and the terms of all officers elected at the first election under the provisions of this Constitution shall commence on the Monday next succeeding the issue of said proclamation, unless otherwise provided herein.**

18. **Election to Adopt Constitution:** Wash., **Enabling Act**, sec. 8. [Similar.]

Original language same as present.[19]

Text as given in report of committee, August 14:

> Same as final, except that it did not include the last clause declaring when officers' terms shall begin. (pp. 355-6)

Final action by Convention, August 17:

> **Motion:** Crowley moved to add the clause about the beginning of officers' terms.
>
> **Action:** Motion carried. (p. 392)

**Section 17**

**Present Language of the Constitution:**

> **SEPARATE ARTICLES. The following separate articles shall be submitted to the people for adoption or rejection at the election for the adoption of this Constitution:**
>
> **SEPARATE ARTICLE, NO. 1**
>
> **"All persons male and female of the age of twenty-one years or over, possessing the other qualifications, provided by this Constitution, shall be entitled to vote at all elections."**
>
> **SEPARATE ARTICLE, NO. 2**
>
> **"It shall not be lawful for any individual, company or corporation, within the limits of this state, to manufacture, or cause to be manufactured, or to sell, or offer for sale, or in any manner dispose of any alcoholic, malt or spirituous liquors, except for medicinal, sacramental or scientific purposes."**
>
> **If a majority of the ballots cast at said election on said separate articles be in favor of the adoption of either of said separate articles, then such separate article so receiving a majority shall become a part of this Constitution and shall govern and control any provisions of the Constitution in conflict therewith.**

Original language same as present.[20]

Report of committee did not include this section.

19. **State Constitution, in Effect When:** Wash., **Enabling Act**, sec. 8. [Similar.]
20. **Separate Articles Submitted:** Schedule, Wash., **Const.** (1878), sec. 20. [Similar.]

**Women's Suffrage**

Text of separate article discussed under article on Elections and Elective Rights, Article VI. (See particularly Section 9 on page 242.)

Transferred to Section 17 of Schedule article on advice of Judicial Committee, August 22. (p. 452)

**Prohibition**

Text as given in separate majority report of committee, July 17:

> "Your committee on Miscellaneous Subjects, Schedule, and Future Amendments to whom were referred numerous petitions praying that a clause be placed in the Constitution prohibiting the manufacture and sale of alcoholic and malt liquors as a beverage have had the same under consideration and respectfully report the same back to the Convention and recommend that the prayers thereof be not granted." (p. 110)

Text as given in separate minority report submitted by Dickey and J. M. Reed, July 17:

> "Whereas certain petitions and memorials from E. B. Sutton and others, representing many thousands of our citizens, praying for the insertion in the Constitution of the State of Washington, of a clause forever prohibiting within the limits of the state the manufacture and sale of alcoholic and malt liquors as a beverage, have been referred to this committee for its decision thereon, therefore believing that the voice of so large a number of our people should receive proper recognition, and realizing the fact that the right of the majority to rule is the underlying principle of free government, we recommend that the following separate proposition be submitted with the Constitution for ratification of the people, and be inserted therein, should the majority of the electors so decide: 'It shall not be lawful for any individual, company or corporation within the limits of this state to manufacture, to sell, offer for sale, or in any way dispose of any alcoholic, malt, or spiritous liquors, except for medicinal or scientific purposes'." (p. 110)

Action by Convention, July 24:[21]

**Motion:** Dickey moved to adopt the minority report.

21. **Seattle Times**, July 24; **Spokane Falls Review, Globe**, July 25; **Washington Standard** [Olympia, Wash.], July 26, 1889.

**Motion:** Sharpstein moved to substitute the word "majority" for "minority" in Dickey's motion.

**Motion:** Warner moved to recommit the reports to the committee.

**Action:** Warner's motion was lost 39 to 29. Sharpstein's motion was carried to substitute the word "majority" for "minority" and the majority report was then adopted. (p. 144)

**Discussion as follows:**

**For** the minority report and submission of a separate article: J. M. Reed and Dickey said the shortest way to bring the subject before the Convention was to submit this report. E. H. Sullivan thought the people should express themselves on the question.

**Against** the minority and for the majority report: Sharpstein said that the petitions had requested a clause in the Constitution on prohibition, not submission of a separate article on that subject to the people. He said that the committee did not favor a constitutional clause and did not want to give the prohibitionists something that they did not ask for. Buchanan and Lillis said they personally favored separate submission, but agreed with Sharpstein that it had not been requested. Comegys and McElroy spoke for the majority report.

**For** resubmission to the committee: Cosgrove said the committee was trying to dodge the issue and he favored recommitment for a proper expression on the subject.

**Against resubmission:** Godman and Griffitts thought that recommitment was a waste of time and that the Convention should act now.

Action by Convention, July 25:

**Motion:** Dickey moved that the rules be suspended to consider a resolution that the question of prohibition be put to the people in the form of a separate article at the time of voting for the Constitution.

**Action:** Motion lost. (p. 158)

Text of report submitted to Convention by Dickey, J. M. Reed, Jamieson, Buchanan and Comegys.

Same as minority report of Dickey and J. M. Reed. (p. 218)

Action by Convention, August 5:

**Motion:** Shoudy moved to indefinitely postpone the separate article.

**Action:** Motion lost 52 to 10. (p. 231)

**Voting for:** Clothier, Coey, Gray, Griffitts, Hayton, McDonald, R. S. More, Morgans, Shoudy, and Travis. **Absent and not voting:** Allen, Browne, Dallam, Fairweather, Henry, Jeffs, Kinnear, Lillis, Manly, McReavey, Power, Suksdorf, and Turner.

**Discussion as follows:**[22]

**Against:** Dunbar, T. M. Reed, E. H. Sullivan, Cosgrove, Crowley, Dickey, Comegys, Godman, and Warner protested against postponing. Shoudy wanted to withdraw the motion but an objection was made and the ayes and noes called for.

**Motion:** Minor moved that the article be adopted as reported by the minority for the purpose of being submitted as a separate article to the decision of the people.

**Action:** Motion carried 51 to 11. (p. 232)

**Voting against:** Clothier, Gray, Hayton, Hicks, McDonald, R. S. More, Sharpstein, Shoudy, Stevenson, Stiles, and Van Name. **Absent and not voting:** Allen, Browne, Dallam, Fairweather, Henry, Jeffs, Kinnear, Lillis, Manly, McReavey, Power, Suksdorf, and Turner.

Judicial Committee recommended and the Convention concurred that the article be placed with the Schedule in Section 17, August 22. (p. 452)

### Section 18

**Present Language of the Constitution:**

**BALLOT. The form of ballot to be used in voting for or against this Constitution, or for or against the separate arti-**

22. Times, August 5, 1889.

**cles, or for the permanent location of the seat of government, shall be:**

**1. For the Constitution.....**
**Against the Constitution.....**

**2. For Woman Suffrage Article.....**
**Against Woman Suffrage Article.....**

**3 For Prohibition Article.....**
**Against Prohibition Article.....**

**4 For the Permanent Location of the Seat of Government**
**(Name of place voted for).....**

Original language same as present.[23]

Text as given in report of committee, August 14, did not include this section.

Final action by Convention, August 17:

**Motion:** Gowey moved to add a new section the text of which was the same as final.

**Motion:** Shoudy moved to amend by striking out "Yes" and "No."

**Action:** Shoudy's motion lost, and that of Gowey carried. (p. 395)

**Section 19**

**Present Language of the Constitution:**

**APPROPRIATION. The legislature is hereby authorized to appropriate from the state treasury sufficient money to pay any of the expenses of this convention not provided for by the Enabling Act of Congress.**

Original language same as present.[24]

Text as given in report of committee, August 14, did not include this section.

Final action by Convention, August 17:

**Motion:** Stiles moved to add an additional section the text of which was the same as final.

23. **Form of Ballot:** Wash., **Const.** (1878), Separate Arts. 1, 3 (Arts 2 and 4 are new.) [Similar.]

24. **Appropriation Authorized to Pay Any Deficiency:** Original.

**Motion:** Power moved a substitute for Stiles' amendment. "The first Legislature of the state is hereby authorized and required to make provision for the payment of all deficiency in the Congressional appropriation of twenty thousand dollars for defraying the expenses of the Constitutional Convention as certified by the President and Chief Clerk of said Convention."

**Motion:** McCroskey moved to amend the amendment so that the members of the Convention be exempted from the operation of the section.

**Action:** McCroskey withdrew his motion. A vote was then taken on Power's motion which was lost 32 to 26. (pp. 392-3)

**Voting for:** Blalock, Buchanan, Clothier, Dickey, Dyer, Glascock, Gowey, Hayton, Jeffs, Kellogg, McCroskey, Minor, Mires, J. Z. Moore, Morgans, Newton, Power, Prosser, Schooley, Sharpstein, Shoudy, Suksdorf, Travis, Turner, Weisenburger, and Willison. **Not voting:** Allen, Comegys, Cosgrove, Dunbar, Durie, Eshelman, Gray, Kinnear, Lillis, Manly, McElroy, Tibbetts, Warner, and Hoyt. **Absent:** Godman. **On leave:** Hungate and Neace.

**Action:** A vote was then taken on Stiles' section which carried 42 to 16. (p. 393)

**Voting against:** Allen, Berry, Browne, Burk, Comegys, Eldridge, Hicks, Joy, R. S. More, J. M. Reed, Sharpstein, Shoudy, Stevenson, E. H. Sullivan, and Warner. **Not voting:** Cosgrove, Dunbar, Gowey, Eshelman, Gray, Jeffs, Kellogg, Kinnear, Lillis, McElroy, Newton, Sohns, Tibbetts, and Hoyt. **Absent:** Godman. **On leave:** Hungate and Neace.

**Motion:**[25] J. M. Reed moved to amend by adding "except the per diem of members of this Convention."

**Action:** Motion lost.

**Proposed Section**[26]

**Motion:** Crowley brought up the Walla Walla subsidy scheme

25. **Globe**, August 18; **Standard**, August 23, 1889.
26. **Globe**, August 18; **Walla Walla Weekly Statesman**, August 19; **Standard**, August 23, 1889.

for the Hunt railroad in an additional section the text of which was as follows: "Either the counties of Columbia, Klickitat, Kittitas, Walla Walla or Yakima may, prior to January 1, 1895, give aid by the issue of its bonds or otherwise, to any person, corporation, or association; provided, two-thirds of the property taxpayers in such county, being legal voters therein and voting thereon, vote therefor at a special election to be held for the purpose of deciding the question of granting such aid. The special election shall be called by the commissioners of the county upon a petition of not less than one hundred property taxpayers and legal voters therein, and shall be held not less than sixty nor more than ninety days after the date of the order for holding said election, which shall be conducted, returns made and results declared in accordance with the general election laws; and provided, further, that the aggregate total of said granted aid under this section, by either of said counties, shall not exceed 4 per centum of its assessed valuation for county and state purposes as shown by its assessment made next preceding such election."

**Action:** Motion lost 36 to 17. (p. 394)

**Voting for:** Blalock, Clothier, Crowley, Fay, Gowey, Henry, Prosser, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stiles, Sturdevant, P. C. Sullivan, West, and Winsor. **Absent or not voting:** Six paired votes were announced later; Allen, Cosgrove, Dunbar, Durie, Eshelman, Fairweather, Godman, Gray, Hicks, Hungate, Jones, Joy, Kinnear, Lillis, McCroskey, McElroy, Neace, Power, Tibbetts, Turner, Van Name, and Hoyt.

**Passage of Article**

Article on Schedule approved by Convention, August 22, by a vote of 67 to 4. (p. 453)

**Voting against:** Stevenson, Van Name, Warner, and Berry. **Not voting:** P. C. Sullivan, and Kellogg. **Absent:** Hungate and Neace.

## ARTICLE XXVIII COMPENSATION OF STATE OFFICERS

This article was added in 1948 by the 20th Amendment.

### Section 1

**Present Language of the Constitution:**

**All elected state officials shall each severally receive such compensation as the Legislature may direct. The compensation of any state officer shall not be increased or diminished during his term of office, except that the Legislature, at its thirty-first regular session, may increase or diminish the compensation of all state officers whose terms exist on the Thursday after the second Monday in January, 1949.**

**The provisions of sections 14, 16, 17, 19, 20, 21, and 22 of Article III and section 23 of Article II in so far as they are inconsistent herewith, are hereby repealed. [1947 p 1371, Senate Joint Resolution No. 4. Approved November 2, 1948.]**

# TOPICAL INDEX

# INDEX

## TO

## PROVISIONS OF CONSTITUTION APPEARING IN ANALYTICAL INDEX

(Reference is to article and section of the Constitution and page number of the Analytical Index)


| | Art. | Sec. | Page |
|---|---|---|---|
| **Absconding debtors** | | | |
| Imprisonment for debt | 1 | 17 | 506 |
| **Absence** | | | |
| Citizen does not affect residence, for purpose of voting | 6 | 4 | 639 |
| Governor, duties devolve on lieutenant governor | 3 | 10 | 569 |
| Judicial officer, works forfeiture of office | 4 | 8 | 613 |
| **Acceptance** | | | |
| Certain offices under United States vacates seat in legislature | 2 | 14 | 531 |
| **Accused** | | | |
| Removal from office by legislature | 4 | 9 | 614 |
| Rights, criminal prosecutions | 1 | 22 | 510 |
| **Actions** | | | |
| (See also Civil actions; Criminal actions) | | | |
| Against the state authorized | 2 | 26 | 539 |
| By and against corporations authorized | 12 | 5 | 738 |
| Not affected by governmental change | 27 | 1 | 865 |
| Pending in territorial, transferred to state courts | 27 | 5, 8 | 867, 868 |
| Transfer to superior court, when | 27 | 8 | 868 |
| **Acts** | | | |
| (See Amendment to bills; Bill; Laws) | | | |
| **Adjournment of legislature** | | | |
| Lack of quorum | 2 | 8 | 528 |
| Restrictions, time and place | 2 | 11 | 530 |
| **Adoption of children** | | | |
| Special act forbidden | 2 | 28(16) | 540 |
| **Ad valorem tax** | | | |
| Authority to levy on mines and reforested lands | 7 | 1 | 649 |
| **Advances** | | | |
| Money for fees, from accused in criminal action | 1 | 22 | 510 |
| **Advice and consent of senate** | | | |
| Appointment of officers for state institutions | 13 | 1 | 773 |
| Determined by ayes and nays and entered | 13 | 1 | 773 |
| **Affirmation** | | | |
| Mode of administering | 1 | 6 | 497 |
| **Age** | | | |
| Of voter | 6 | 1 | 633 |
| **Agriculture** | | | |
| Bureau, established | 2 | 34 | 552 |
| **Alienation of franchise** | | | |
| Corporate liabilities not relieved by | 12 | 8 | 744 |
| **Aliens** | | | |
| Naturalization, superior court | 4 | 6 | 610 |
| Ownership of lands | 2 | 33 | 549 |
| Acquisition by inheritance, collection of debts | 2 | 33 | 549 |
| **Amendment to bills** | | | |
| Act amended to be set forth in full | 2 | 37 | 554 |
| Initiative measure, prohibition against amendment | 2 | 1(a) | 519 |
| May originate in either house | 2 | 20 | 535 |
| Scope and object not to be changed | 2 | 38 | 554 |
| **Amendment to charter** | | | |
| By special act forbidden | 2 | 28(8) | 540 |
| How proposed, submitted and adopted | 11 | 10 | 723 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Amendment to constitution** | | | |
| (See Constitution) | | | |
| **Amount in controversy** | | | |
| Superior court, original jurisdiction | 4 | 6 | 610 |
| Supreme court, appellate jurisdiction | 4 | 4 | 603 |
| **Annulment of marriage** | | | |
| Superior court, original jurisdiction | 4 | 6 | 610 |
| Supreme court, appellate jurisdiction | 4 | 4 | 603 |
| **Appeal** | | | |
| Superior court, appellate jurisdiction | 4 | 6 | 610 |
| Supreme court, appellate jurisdiction | 4 | 4 | 603 |
| Probate courts, appeal from | 27 | 10 | 871 |
| Rights of accused, criminal cases | 1 | 22 | 510 |
| **Appearance** | | | |
| Appearance of accused, criminal cases | 1 | 22 | 510 |
| **Appellate jurisdiction** | | | |
| Superior court | 4 | 6 | 610 |
| | 27 | 10 | 871 |
| Supreme court | 4 | 4 | 603 |
| **Appointment** | | | |
| Clerk of supreme court | 4 | 22 | 625 |
| Regents of state institutions | 13 | 1 | 773 |
| Reporter of supreme court | 4 | 18 | 623 |
| To fill vacancy in state office | 3 | 13 | 576 |
| To office under United States, vacates seat in legislature | 2 | 14 | 531 |
| **Apportionment** | | | |
| Legislators, when and how regulated | 2 | 3 | 525 |
| School fund, by special act, prohibited | 2 | 28(7) | 540 |
| Senators and representatives, among counties | 22 | 1, 2 | 839 |
| **Appropriation of private property** | | | |
| (See Eminent domain) | | | |
| **Appropriations** | | | |
| Act providing for, effective when | 2 | 31 | 548 |
| Capitol buildings, when made | 14 | 3 | 778 |
| Constitutional convention expenses | 27 | 9 | 871 |
| Incorporating other law in appropriation measure | 8 | 4 | 673 |
| Payment | 8 | 4 | 673 |
| Religious worship, appropriation for prohibited | 1 | 11 | 499 |
| Sum and object specified | 8 | 4 | 673 |
| **Area reserved** | | | |
| (See also Navigable waters) | | | |
| Between harbor lines and line of high tide | 15 | 1 | 782 |
| Commission, establish harbor line | 15 | 1 | 782 |
| Lease | 15 | 2 | 789 |
| Sale, restrictions | 15 | 1 | 782 |
| Streets over, authorized | 15 | 3 | 791 |
| **Arms** | | | |
| Private armed bodies prohibited | 1 | 24 | 512 |
| Right of people to bear arms guaranteed | 1 | 24 | 512 |
| Safekeeping of public arms provided | 10 | 4 | 697 |
| Scruples against bearing, militia duty in peacetime | 10 | 6 | 698 |
| **Army** | | | |
| (See also Militia) | | | |
| Standing, not to be kept in peacetime | 1 | 31 | 516 |
| **Arrest** | | | |
| Debtors privileged from, except | 1 | 17 | 506 |
| Electors privileged from at elections, except | 6 | 5 | 640 |
| Legislators, when privileged | 2 | 16 | 533 |
| Militia, when privileged | 10 | 5 | 697 |
| **Artificial light** | | | |
| City contract | 8 | 6 | 675 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Assemblages of people** | | | |
| Right of peaceable assembly | 1 | 4 | 496 |
| **Assessment** | | | |
| (See also Taxation) | | | |
| Imposition by special act prohibited | 2 | 28(5) | 540 |
| Property of corporations, how assessed | 7 | 3 | 658 |
| Special, for local improvements, authorized | 7 | 9 | 664 |
| Superior court, original jurisdiction | 4 | 6 | 610 |
| Supreme court, appellate jurisdiction | 4 | 4 | 603 |
| Uniform and equal rate established | 7 | 2 | 652 |
| **Assignment** | | | |
| Superior judges and judicial business | 4 | 5 | 606 |
| **Association** | | | |
| Authorized, for construction of telegraph and telephone lines | 12 | 19 | 766 |
| Combination in restraint of trade | 12 | 22 | 769 |
| Included in term "corporation" | 12 | 5 | 738 |
| Issuance of money by | 12 | 11 | 748 |
| **Assumption** | | | |
| Of territorial debts by state | 26 | 3 | 856 |
| **Attainder** | | | |
| Bills of, prohibited | 1 | 23 | 512 |
| **Attestation** | | | |
| Of commissions, by secretary of state | 3 | 15 | 579 |
| **Attorney General** | | | |
| Duties | 3 | 3 | 563 |
| Election of | 3 | 1 | 559 |
| Impeachment, liability | 5 | 2 | 631 |
| Records, kept at seat of government | 3 | 24 | 587 |
| Removal from office for incompetency or corruption | 4 | 9 | 614 |
| Rights of accused | 4 | 9 | 614 |
| Salary | 3 | 21 | 585 |
| Succession | 3 | 10 | 569 |
| Term of office | 3 | 3 | 563 |
| **Attorneys at law** | | | |
| Accused, criminal cases entitled to appear by counsel | 1 | 22 | 510 |
| Prosecuting attorney, legislature provides for election | 11 | 5 | 717 |
| **Auditor** | | | |
| Duties | 3 | 20 | 584 |
| Election | 3 | 1 | 559 |
| Impeachment, liability | 5 | 2 | 631 |
| Office, abolishment by legislature | 3 | 25 | 589 |
| Residence | 3 | 24 | 587 |
| Salary | 3 | 20 | 584 |
| Succession | 3 | 10 | 569 |
| Term | 3 | 3 | 563 |
| **Ayes and noes entered in journal** | | | |
| Proposed constitutional amendments | 23 | 1 | 843 |
| Demand of one-sixth members, either house | 2 | 21 | 535 |
| Emergency clauses | 2 | 31 | 548 |
| Final bill passage | 2 | 22 | 535 |
| Removal of public officer | 4 | 9 | 614 |
| Confirmation or rejection of appointees | 13 | 1 | 773 |
| Suspension of prohibition against bill introduction | 2 | 36 | 553 |
| **Bail** | | | |
| Allowable, when | 1 | 20 | 509 |
| Exceptions | 1 | 20 | 509 |
| Excessive | 1 | 14 | 501 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Ballot** | | | |
| Election, to be by | 6 | 6 | 640 |
| Form of | 27 | 18 | 881 |
| Initiative measure, submitting | 2 | 1(a) | 519 |
| Secrecy, provisions made | 6 | 6 | 640 |
| **Banking corporations** | | | |
| Double liability, stockholders | 12 | 11 | 748 |
| Officers, when liable | 12 | 12 | 751 |
| **Banks** | | | |
| (See Banking corporations) | | | |
| **Beds and shores of navigable waters** | | | |
| (See Navigable waters) | | | |
| **Biennial sessions** | | | |
| (See Legislature) | | | |
| **Bill** | | | |
| (See also Amendment to bills; Laws) | | | |
| Amendment, how made | 2 | 20 | 535 |
| Origin | 2 | 20 | 535 |
| Final passage, requisites | 2 | 22 | 535 |
| Initiative measures (See Initiative and referendum) | | | |
| Laws, enacted by | 2 | 18 | 534 |
| Passage by either house | 2 | 22 | 535 |
| Passage by one house | 2 | 20 | 535 |
| Presentation to governor for approval | | | |
| Governor may sign or veto | 3 | 12 | 571 |
| Passage over veto | 3 | 12 | 571 |
| Separate items or sections | 3 | 12 | 571 |
| When becomes law without approval | 3 | 12 | 571 |
| Scope, not to be changed by amendment | 2 | 38 | 554 |
| Signatures | 2 | 32 | 548 |
| Subject restrictions | 2 | 19 | 534 |
| Time limit on introduction | 2 | 36 | 553 |
| Time of taking effect | 2 | 31 | 548 |
| Title to express subject | 2 | 19 | 534 |
| Vote on, how taken | 2 | 22 | 535 |
| Vote on, interested legislators | 2 | 30 | 546 |
| **Bill of attainder** | | | |
| Enactment of | 1 | 23 | 512 |
| **Boats** | | | |
| Offense committed on, jurisdiction | 1 | 22 | 510 |
| **Bonds** | | | |
| Corporations can issue, when | 12 | 6 | 738 |
| Investment, school funds | 16 | 5 | 806 |
| Ownership, county and municipal | 8 | 7 | 679 |
| Territorial pass to state | 27 | 4 | 866 |
| **Boundaries** | | | |
| Change by special legislation | 2 | 28(18) | 540 |
| County, change by division, enlargement | 11 | 3 | 708 |
| Existing recognized | 11 | 1 | 705 |
| State, defined | 24 | 1 | 847 |
| **Bribery** | | | |
| Criminating evidence compulsory | 2 | 30 | 546 |
| Disqualifies for holding office | 2 | 30 | 546 |
| Legislature to define and provide punishment | 2 | 30 | 546 |
| **Bureau of statistics, agriculture and immigration** | | | |
| Provided by legislature | 2 | 34 | 552 |
| **Bureau of vital statistics** | | | |
| Provided by legislature | 20 | 1 | 833 |
| **Canal companies** | | | |
| (See Common carriers) | | | |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Capital offenses** | | | |
| (See Bail; Crime) | | | |
| **Capital of state** | | | |
| (See Seat of government) | | | |
| **Capitol buildings** | | | |
| Appropriation for, regulations | 14 | 3 | 778 |
| Exception, repairs | 14 | 3 | 778 |
| Not affected by change in government | 27 | 1 | 865 |
| **Causes** | | | |
| (See also Actions) | | | |
| Transfer of, from territorial to state courts | 27 | 8, 10 | 868, 871 |
| **Census** | | | |
| Apportionments of legislative members based | 2 | 3 | 525 |
| Enumeration, how made | 2 | 3 | 525 |
| Exemptions | 2 | 3 | 525 |
| **Certiorari** | | | |
| Superior court, jurisdiction | 4 | 6 | 610 |
| Supreme court | 4 | 4 | 603 |
| **Cession of jurisdiction** | | | |
| Exclusive legislation over certain lands given to United States | 25 | 1 | 851 |
| Retention by state of jurisdiction | 25 | 1 | 851 |
| **Change of name** | | | |
| (See Names) | | | |
| **Changing county lines** | | | |
| (See Boundaries) | | | |
| **Changing county seats** | | | |
| Special legislation prohibited | 2 | 28(18) | 540 |
| **Chaplain** | | | |
| State penitentiary, reformatories | 1 | 11 | 499 |
| **Charter** | | | |
| (See City; Corporations) | | | |
| **Chief justice of supreme court** | | | |
| (See Judges of supreme court) | | | |
| **Children** | | | |
| Adoption | 2 | 28(16) | 540 |
| Declare of age, special act | 2 | 28(11) | 540 |
| Sale or mortgage of property | 2 | 28(4, 11) | 540 |
| State to educate all | 9 | 1 | 685 |
| **Citizens** | | | |
| Citizenship qualification, voters | 6 | 1 | 633 |
| Equal privileges and immunities | 1 | 12 | 500 |
| **City** | | | |
| (See also Municipal corporations) | | | |
| Charter of— | | | |
| Alternative propositions, submission | 11 | 10 | 723 |
| Amendment, special law | 2 | 28(8) | 540 |
| Amendments, how affected | 11 | 10 | 723 |
| Freeholder's charter, what cities | 11 | 10 | 723 |
| Constables, salary | 11 | 8 | 679 |
| Corporate stock or bonds, owned by | 8 | 7 | 679 |
| Creation by special act prohibited | 2 | 28(8) | 540 |
| Credit of, not to be loaned | 8 | 7 | 679 |
| Incorporation of, general laws | 11 | 10 | 723 |
| Indebtedness, limitation | 8 | 6 | 675 |
| Justice of peace | 4 | 10 | 615 |
| Local improvements, special assessment | 7 | 9 | 664 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **City—(Continued)** | | | |
| Officers of— | | | |
| Deposit public moneys | 11 | 15 | 730 |
| Recall of (See Recall) | | | |
| Salary, change | 11 | 8 | 721 |
| Term of office, extension | 11 | 8 | 721 |
| Use, of public money | 11 | 14 | 730 |
| Police and sanitary regulations | 11 | 11 | 728 |
| Police justice | 4 | 10 | 615 |
| Reincorporation, under general laws | 11 | 10 | 723 |
| Taxation— | | | |
| Authorized to assess and collect general | 7 | 9 | 664 |
| Local taxes | 11 | 12 | 729 |
| Forty mill limitation | 7 | 2 | 652 |
| Uniformity in respect to persons and property required | 7 | 9 | 664 |
| **Civil actions** | | | |
| (See also Actions) | | | |
| Jury waiver | 1 | 21 | 510 |
| Limitation of, by special act | 2 | 28(17) | 540 |
| Number of jurors | 1 | 21 | 510 |
| **Civil power** | | | |
| Elections, free from interference | 1 | 19 | 508 |
| Military subordinate to | 1 | 18 | 507 |
| **Classification** | | | |
| Cities and towns | 11 | 10 | 723 |
| Counties | 11 | 5 | 717 |
| Supreme court judges, by lot | 4 | 3 | 598 |
| **Clerk** | | | |
| County, election provisions | 11 | 5 | 717 |
| Superior court | 4 | 26 | 628 |
| Supreme court | 4 | 22 | 625 |
| **Collection of taxes** | | | |
| (See Taxation) | | | |
| **Combinations** | | | |
| (See Common carriers; Corporations) | | | |
| **Commander in chief** | | | |
| (See Militia) | | | |
| **Comment on facts** | | | |
| Judge, duty in charging jury | 4 | 16 | 621 |
| **Commission** | | | |
| Harbor lines, establish | 15 | 1 | 782 |
| Railroad and transportation, regulate | 12 | 18 | 765 |
| **Commissioner of public lands** | | | |
| Duties | 3 | 23 | 587 |
| Election | 3 | 1 | 559 |
| Office, abolishment | 3 | 25 | 589 |
| Records, where kept | 3 | 24 | 587 |
| Salary | 3 | 23 | 587 |
| Succession to governorship | 3 | 10 | 569 |
| Term of office | 3 | 3 | 563 |
| **Commissions** | | | |
| Signed and attested | 3 | 15 | 579 |
| **Common carriers** | | | |
| (See also Railroad; Telegraph and telephone companies) | | | |
| Canal companies are | 12 | 13 | 753 |
| Combination between prohibited | 12 | 14 | 753 |
| Discrimination in charges, service | 12 | 15 | 755 |
| Maximum rate of charges | 12 | 18 | 765 |
| Railroad companies are | 12 | 13 | 753 |
| Regulation, commission | 12 | 18 | 765 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Common carriers—(Continued)** | | | |
| Subject to legislative control | 12 | 13 | 753 |
| Telegraph and telephone companies are | 12 | 19 | 766 |
| Transportation companies are | 12 | 13 | 753 |
| **Common school fund** | | | |
| (See School fund) | | | |
| **Common schools** | | | |
| (See Education; Public Schools) | | | |
| **Commutation of sentence** | | | |
| Governor's report, reasons for granting | 3 | 11 | 563 |
| **Commutation of taxes** | | | |
| State cannot grant | 11 | 9 | 723 |
| **Commutation tickets** | | | |
| Carrier may grant, special rates | 12 | 15 | 755 |
| **Compact with United States** | | | |
| Irrevocable without mutual consent | 26 | 1-4 | 855 |
| **Compensation** | | | |
| (See also Salaries) | | | |
| Eminent domain (See Eminent domain) | | | |
| Change of, during term of public officer | 11 | 8 | 721 |
| | 2 | 25 | 538 |
| | 3 | 25 | 589 |
| Constables | 11 | 8 | 721 |
| Classification of counties in fixing | 11 | 5 | 717 |
| County, township, precinct and district ofifcers | 11 | 5, 8 | 717, 721 |
| Extra, not to be granted public officers | 2 | 25 | 538 |
| Judges of supreme and superior courts | 4 | 13, 14 | 618 |
| Justice of peace | 4 | 10 | 615 |
| Member of legislature | 2 | 23 | 536 |
| State officers | 28 | 1 | 885 |
| **Confession in open court** | | | |
| Effect in treason | 1 | 27 | 514 |
| **Confronting witnesses** | | | |
| Right of accused | 1 | 22 | 510 |
| **Congress** | | | |
| Exclusive power of legislature over lands of United States | 25 | 1 | 851 |
| Indian lands, jurisdiction | 26 | 2 | 855 |
| Legislator elected to, vacates seat | 2 | 14 | 531 |
| Member, ineligible to legislature | 2 | 14 | 531 |
| Representatives, election | 27 | 13 | 875 |
| **Congressional districts** | | | |
| Division of state | 27 | 13 | 875 |
| **Conscience, freedom of** | | | |
| Guaranteed to every individual | 1 | 11 | 499 |
| **Consent of governed** | | | |
| Source of governmental powers | 1 | 1 | 494 |
| **Constables** | | | |
| Salaries | 11 | 8 | 721 |
| **Constitution** | | | |
| Amendment, how effected | 23 | 1 | 843 |
| Ballot for | 27 | 18 | 881 |
| Election for, how conducted | 27 | 15 | 876 |
| Existing rights not affected | 27 | 1 | 865 |
| In effect, when | 27 | 16 | 877 |
| Mandatory | 1 | 29 | 515 |
| Revision | 23 | 2 | 845 |
| Submission of revision to people | 23 | 3 | 845 |
| United States, supreme law of land | 1 | 2 | 495 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Contempt** | | | |
| House, punish | 2 | 9 | 529 |
| **Contested elections** | | | |
| (See Elections) | | | |
| **Contracts** | | | |
| (See Common carriers; Corporations) | | | |
| **Convention** | | | |
| To revise or amend constitution | 23 | 2 | 845 |
| **Conveyance** | | | |
| Jurisdiction of public offense committed on | 1 | 22 | 510 |
| **Conviction** | | | |
| Impeachment | 5 | 1 | 631 |
| No corruption of blood nor forfeiture of estate | 1 | 15 | 502 |
| **Convict labor** | | | |
| Contracts, prohibited | 2 | 29 | 545 |
| Working for state benefit | 2 | 29 | 545 |
| **Copartnerships** | | | |
| (See Corporations; Monopolies) | | | |
| **Coroners** | | | |
| Salaries, regulations | 11 | 8 | 721 |
| **Corporate powers** | | | |
| Not to be granted by special act | 2 | 28(6) | 540 |
| **Corporate property** | | | |
| (See also Franchise) | | | |
| Taxation of, power not surrendered | 7 | 4 | 661 |
| **Corporations** | | | |
| (See also Municipal corporations) | | | |
| Alien, when | 2 | 33 | 549 |
| Appropriation of right of way | 1 | 16 | 502 |
| Bonds, restriction on issuance | 12 | 6 | 738 |
| Business, may be regulated by law | 12 | 1 | 734 |
| Charter— | | | |
| Extension | 12 | 3 | 736 |
| Invalid, if unorganized when | 12 | 2 | 735 |
| Combinations affecting price, production, or transportation prohibited | 12 | 22 | 769 |
| Creation by special act prohibited | 2 | 28(6) | 540 |
| Debts, relief by special act | 2 | 28(10) | 540 |
| Eminent domain, property subject | 12 | 10 | 746 |
| Equal privileges and immunities | 1 | 12 | 500 |
| Foreign, not to be favored | 12 | 7 | 741 |
| Formation, by general, not special, laws | 12 | 1 | 734 |
| Franchise—(See Franchise) | | | |
| Laws relating to, amended, repealed | 12 | 1 | 734 |
| Legislative control | 12 | 1 | 734 |
| Liability for receipts of bank deposits after insolvency | 12 | 12 | 751 |
| Loan of school funds | 16 | 5 | 806 |
| Money, issuance prohibited | 12 | 11 | 748 |
| Monopolies and trusts forbidden | 12 | 22 | 769 |
| State, subscription or ownership of stock | 12 | 9 | 746 |
| Stockholders— | | | |
| Banking, insurance, joint stock company, liability | 12 | 11 | 748 |
| May be joined as parties defendant | 12 | 4 | 736 |
| Ordinary liability | 12 | 4 | 736 |
| Stock— | | | |
| Increase, consent and notice necessary | 12 | 6 | 738 |
| Restrictions on issuance | 12 | 6 | 738 |
| Sue and be sued, right and liability | 12 | 5 | 738 |
| Taxation of property, method | 7 | 3 | 658 |
| Telephone, telegraph lines, organization to construct | 12 | 19 | 766 |
| Term includes associations and joint stock companies | 12 | 5 | 738 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Corruption in office** | | | |
| Judges, attorney general and prosecuting attorneys removable by legislature | 4 | 9 | 614 |
| **Corruption of blood** | | | |
| Conviction not to work | 1 | 15 | 502 |
| **Corrupt solicitation** | | | |
| Compulsory testimony | 2 | 30 | 546 |
| Disqualification for holding office | 2 | 30 | 546 |
| Punishment, provided by legislature | 2 | 30 | 546 |
| **County** | | | |
| Allotment, representatives | 22 | 2 | 840 |
| Allotment, senators | 22 | 1 | 839 |
| Assignment, superior court judges | 4 | 5 | 606 |
| Classification | 11 | 5 | 717 |
| Combined city and county municipal corporations | 11 | 16 | 731 |
| Credit not to be loaned | 8 | 7 | 677 |
| Debts— | | | |
| Apportionment on division or enlargement | 11 | 3 | 708 |
| Limit of | 8 | 6 | 675 |
| Power to contract | 8 | 6 | 675 |
| Private property, not to be taken in satisfaction of | 11 | 13 | 729 |
| Division, how effected | 11 | 3 | 708 |
| Existing, legal | 11 | 1 | 705 |
| Government, legislature to provide | 11 | 4 | 713 |
| Indebtedness, regulations | 8 | 6 | 675 |
| Lines, no change by special act | 2 | 28(18) | 540 |
| Moneys— | | | |
| Deposit | 11 | 15 | 730 |
| Use of, by official | 11 | 14 | 730 |
| New— | | | |
| Formation by special act | 2 | 28(18) | 540 |
| Restrictions | 11 | 3 | 708 |
| Officers (See County officers) | | | |
| Ownership, corporate bonds or stocks | 8 | 7 | 679 |
| Police and sanitary regulations, enforcement | 11 | 11 | 728 |
| School funds, investment | 16 | 5 | 806 |
| Seal | 27 | 9 | 871 |
| Seat removal | 11 | 2 | 706 |
| By special act | 2 | 28(18) | 540 |
| Stock or bond ownership | 8 | 7 | 679 |
| Taxation— | | | |
| Assessment and collections | 11 | 12 | 729 |
| Exemption, county property | 7 | 1 | 649 |
| Taxes— | | | |
| Forty mill limitation | 7 | 2 | 652 |
| Local, imposition | 11 | 12 | 729 |
| State proportionate | 11 | 9 | 723 |
| Township organization | 11 | 4 | 713 |
| **County attorney** | | | |
| (See Prosecuting attorney) | | | |
| **County clerk** | | | |
| Accountability | 11 | 5 | 717 |
| Clerk of superior court, ex officio | 4 | 26 | 628 |
| Duties, election, term and salary | 11 | 5 | 717 |
| First election under Constitution | 27 | 5 | 867 |
| **County commissioners** | | | |
| Election and compensation | 11 | 5 | 717 |
| Vacancies in county, township, precinct and road district offices filled by | 11 | 6 | 719 |
| Vacancies in legislature, partisan county elective office, how filled | 2 | 15 | 532 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **County indebtedness** | | | |
| (See County) | | | |
| **County lines** | | | |
| (See County) | | | |
| **County officers** | | | |
| Bonds unaffected by governmental change | 27 | 14 | 875 |
| Compensation, regulated | 11 | 5 | 717 |
| Duties, election, and term prescribed | 11 | 5 | 717 |
| Election, biennial | 6 | 8 | 642 |
| Eligibility restricted | 11 | 7 | 720 |
| Fees, accountability for | 11 | 5 | 717 |
| Public money, use of | 11 | 14 | 730 |
| Recall (See Recall) | | | |
| Salaries | 11 | 8 | 721 |
| Term— | | | |
| Extension | 11 | 8 | 721 |
| Legislature to prescribe | 11 | 5 | 717 |
| Territorial, how long to hold office | 27 | 14 | 875 |
| Vacancies— | | | |
| How filled | 11 | 6 | 719 |
| Partisan offices | 2 | 15 | 532 |
| **County seat** | | | |
| (See County) | | | |
| **County treasurer** | | | |
| (See County officers) | | | |
| **Court commissioners** | | | |
| Appointment and powers | 4 | 23 | 626 |
| **Courts** | | | |
| (See also District courts; Inferior courts; Justice of the Peace; Municipal courts; Probate courts; Superior court; Supreme court.) | | | |
| Judicial power— | | | |
| Salaried officers | 4 | 13 | 618 |
| Specified courts | 4 | 1 | 594 |
| Of record, what are | 4 | 11 | 617 |
| Judges not to practice law | 4 | 19 | 623 |
| **Credit** | | | |
| Of county or municipal corporations | 8 | 5 | 679 |
| Of state | 8 | 5 | 675 |
| | 12 | 9 | 746 |
| **Crimes** | | | |
| (See Criminal action) | | | |
| **Criminal action** | | | |
| (See also Actions) | | | |
| Conviction shall not work corruption of blood | 1 | 15 | 502 |
| Cruel punishment prohibited | 1 | 14 | 501 |
| Evidence, accused not required to criminate self | 1 | 9 | 498 |
| Ex post facto laws not to be passed | 1 | 23 | 512 |
| Jurisdiction— | | | |
| Appellate of supreme court | 4 | 4 | 603 |
| Original of superior court | 4 | 6 | 610 |
| Public conveyance, jurisdiction of public offense committed on | 1 | 22 | 510 |
| Limitation by special act prohibited | 2 | 28(17) | 540 |
| Persons charged, bail | 1 | 20 | 509 |
| Process, style | 4 | 27 | 629 |
| Prosecution— | | | |
| By information | 1 | 25 | 513 |
| In name of state | 4 | 27 | 629 |
| On change from territorial to state | 27 | 5 | 867 |
| Rights of accused | 1 | 22 | 510 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Cruel punishment** | | | |
| Not to be inflicted | 1 | 14 | 501 |
| **Damage** | | | |
| To private property, compensation | 1 | 16 | 502 |
| **Dangerous employments** | | | |
| Protection to persons engaged in | 2 | 35 | 552 |
| **Death** | | | |
| Of governor, succession | 3 | 10 | 569 |
| **Debts** | | | |
| (See also County; Corporations; State indebtedness) | | | |
| Corporate— | | | |
| Fictitious increase void | 12 | 6 | 738 |
| Liability of stockholders | 12 | 4, 11 | 736, 748 |
| Due territory to inure to state | 27 | 3 | 866 |
| Imprisonment for, not allowed | 1 | 17 | 506 |
| Municipal corporations— | | | |
| Limitation on | 8 | 6 | 675 |
| Extinguishment by special act | 2 | 28(10) | 540 |
| Public, private property not to be taken for payment | 11 | 13 | 729 |
| State— | | | |
| Annual expenses, taxation | 7 | 1 | 649 |
| Invasion, insurrection | 8 | 2 | 671 |
| Power to contract, limit | 8 | 1-3 | 668 |
| Release by special act forbidden | 2 | 28(10) | 540 |
| School fund, losses | 9 | 5 | 689 |
| Territorial, assumed by state | 26 | 3 | 856 |
| **Decisions** | | | |
| (See Judicial decisions) | | | |
| **Declaration of rights** | | | |
| Statement in constitution | 1 | 1-32 | 494 |
| **Deeds** | | | |
| Cannot be validated by special law | 2 | 28(9) | 540 |
| **Defects and omissions in law** | | | |
| Report to governor and supreme judges | 4 | 25 | 627 |
| **Deficits in revenue** | | | |
| State may contract debts to meet | 8 | 1 | 668 |
| Tax may be levied to pay | 7 | 8 | 663 |
| **Delinquency in office** | | | |
| (See Corruption in office) | | | |
| **Deposits** | | | |
| Bank officers, liability | 12 | 12 | 751 |
| Public moneys, requirements | 11 | 15 | 730 |
| **Depot** | | | |
| Jurisdiction, public offense committed at | 1 | 22 | 510 |
| **Disability** | | | |
| Property of person under, cannot be affected by special laws | 2 | 28(11) | 540 |
| **Discipline** | | | |
| (See Militia) | | | |
| **Disclaimer** | | | |
| State's title, patented lands | 17 | 2 | 820 |
| Public and Indian lands, unappropriated | 26 | 2 | 855 |
| **Discrimination** | | | |
| (See Common carriers; Telephone and telegraph companies; Railroads.) | | | |
| **Disorderly behavior** | | | |
| Punishment, each house | 2 | 9 | 529 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Disqualification** | | | |
| Conviction, bribery | 2 | 30 | 546 |
| Impeachment | 5 | 2 | 631 |
| **District court** | | | |
| Clerk, transmission of papers | 27 | 8 | 868 |
| Superseded by superior court | 27 | 8 | 868 |
| **District officers** | | | |
| Duties, term, compensation | 11 | 5 | 717 |
| Election— | | | |
| Biennial | 6 | 8 | 642 |
| Legislature to provide | 11 | 5 | 717 |
| Recall (See Recall) | | | |
| Territorial— | | | |
| Hold office, until when | 27 | 14 | 875 |
| Official bonds, unaffected | 27 | 14 | 875 |
| **Ditches** | | | |
| (See Eminent domain) | | | |
| **Divorce** | | | |
| Jurisdiction, superior court | 4 | 6 | 610 |
| Legislature, not to grant | 2 | 24 | 537 |
| **Docks** | | | |
| (See Area reserved) | | | |
| **Drains** | | | |
| (See Eminent domain) | | | |
| **Drugs and medicines** | | | |
| Legislature to regulate sale | 20 | 2 | 833 |
| **Due process of law** | | | |
| Life, liberty, property not to be taken without | 1 | 3 | 495 |
| **Earnings** | | | |
| Combinations, common carriers to share | 12 | 14 | 753 |
| **Education** | | | |
| (See also Public schools) | | | |
| No distinction on account of race, color or sex | 9 | 1 | 685 |
| Provision for, made by state | 9 | 1 | 685 |
| Sale of lands | 9 | 3 | 687 |
| **Elections** | | | |
| (See also Vote; Voter) | | | |
| Ballot, required form | 6 | 6 | 640 |
| Biennial | 6 | 8 | 642 |
| Constitution (See Constitution) | | | |
| Contested, legislature to decide | 3 | 4 | 564 |
| Electors (See Voter) | | | |
| Elective franchise (See Elective franchise) | | | |
| First, according to territorial laws | 27 | 15 | 876 |
| First, representatives to congress | 27 | 13 | 876 |
| Free, equal and undisturbed | 1 | 19 | 508 |
| Freeholders, frame city charter | 11 | 10 | 723 |
| Initiative measures (See Initiative and referendum) | | | |
| Judges, superior court | 4 | 5 | 606 |
| First election | 27 | 12 | 874 |
| Judges, supreme court | 4 | 3 | 598 |
| Legislature (See Legislature) | | | |
| Military interference | 1 | 19 | 508 |
| Officers not regulated by Constitution | 27 | 11 | 873 |
| Officers under Constitution, first | 27 | 7 | 868 |
| Privilege of voters from arrest | 6 | 5 | 640 |
| Qualifications of voters (See Voters) | | | |
| Recall of officers (See Recall) | | | |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Elections (Continued)** | | | |
| Referendum (See Initiative and referendum) | | | |
| Registration law, enactment | 6 | 7 | 641 |
| School, women accorded franchise | 6 | 2 | 636 |
| Seat of government, determination | 14 | 1 | 775 |
| Secrecy of ballot | 6 | 6 | 640 |
| State officers (See State officers) | | | |
| Ties, settlement | 3 | 4 | 564 |
| Time, for state, county and district officers | 6 | 8 | 642 |
| Vacancy in office, governor | 3 | 10 | 569 |
| **Elective franchise** | | | |
| (See also Voter) | | | |
| Denial, sex in school elections | 6 | 2 | 636 |
| Exclusion, idiots, insane persons, convicted felon | 6 | 3 | 638 |
| **Electors** | | | |
| (See Voters) | | | |
| **Eligibility** | | | |
| Judges, supreme and superior courts— | | | |
| Ineligible, other offices | 4 | 15 | 621 |
| Qualifications | 4 | 17 | 623 |
| Members of legislature— | | | |
| Ineligible, offices created by | 2 | 13 | 531 |
| Qualifications | 2 | 7 | 527 |
| State officers, qualifications | 3 | 25 | 589 |
| **Emergency clause** | | | |
| Reduces time of taking effect of act | 2 | 31 | 548 |
| Two-thirds vote necessary | 2 | 31 | 548 |
| **Eminent domain** | | | |
| Compensation, regulations concerning | 1 | 16 | 502 |
| Corporate property and franchises subject | 12 | 10 | 746 |
| Private property, private use | 1 | 16 | 502 |
| Public use | 1 | 16 | 502 |
| Telegraph, telephone companies | 12 | 19 | 766 |
| Ways of necessity, taking authorized | 1 | 16 | 502 |
| **Emoluments, privileges and powers** | | | |
| Hereditary, prohibited | 1 | 28 | 515 |
| **Employments, dangerous to life** | | | |
| Protection | 2 | 35 | 552 |
| **Enacting clause** | | | |
| Statutes, terms of | 2 | 18 | 534 |
| Referred acts | 2 | 1 | 519 |
| **English language** | | | |
| (See Voter) | | | |
| **Enumeration of inhabitants** | | | |
| (See Census) | | | |
| **Enumeration of rights** | | | |
| Not to deny others reserved | 1 | 30 | 516 |
| **Equal suffrage** | 6 | 1 | 633 |
| **Equity** | | | |
| Appellate jurisdiction, supreme court | 4 | 4 | 603 |
| Original jurisdiction, superior court | 4 | 6 | 610 |
| **Evidence** | | | |
| (See also Testimony) | | | |
| Contested election, first, superior judge, manner of taking | 27 | 12 | 874 |
| **Excessive bail and fines** | | | |
| Imposition | 1 | 14 | 501 |
| **Exclusive legislation** | | | |
| Congress, over certain lands of United States | 25 | 1 | 851 |
| Over unallotted Indian lands | 26 | 2 | 855 |
| Subject, state's right | 25 | 1 | 851 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Exclusive privileges** | | | |
| Invalid, when | 12 | 2 | 735 |
| Prohibited | 1 | 12 | 500 |
| **Excursion tickets** | | | |
| (See Commutation tickets) | | | |
| **Execution** | | | |
| Private property, liability in public debt | 11 | 13 | 729 |
| Rolling stock of railroad liable | 12 | 17 | 757 |
| **Executive department** | | | |
| Election of officers, certain | 3 | 1 | 559 |
| Records, kept by secretary of state | 3 | 17 | 581 |
| **Executive power** | | | |
| (See Governor) | | | |
| **Exemptions** | | | |
| Homestead, from forced sale | 19 | 1 | 831 |
| Military duty, to whom | 10 | 6 | 698 |
| Taxation—(See Taxation) | | | |
| **Existing rights** | | | |
| Change in government, not to effect | 27 | 1 | 865 |
| **Expenses** | | | |
| Constitutional convention | 27 | 19 | 882 |
| State may contract debts to meet | 8 | 1 | 668 |
| **Ex post facto law** | | | |
| Passage prohibited | 1 | 23 | 512 |
| **Express companies** | | | |
| Railroads to grant equal terms to all | 12 | 21 | 768 |
| **Expulsion of members** | | | |
| Each house, powers and limitations | 2 | 9 | 529 |
| **Extinquishment of debts** | | | |
| (See Debts) | | | |
| **Extra compensation** | | | |
| Public officers, prohibited | 2 | 25 | 538 |
| **Extra session** | | | |
| Legislature, when convened | 3 | 7 | 566 |
| **Factories** | | | |
| Employees to be protected | 2 | 35 | 552 |
| **Fares and freights** | | | |
| (See Railroads) | | | |
| **Federal officers** | | | |
| Ineligible to legislature, except | 2 | 14 | 531 |
| **Fees** | | | |
| Accountability, county and local officers | 11 | 5 | 717 |
| Accused in criminal cases as required to advance | 1 | 22 | 510 |
| Certain used exclusively, highways | 2 | 40 | 556 |
| Judicial officers, receiving | 4 | 13 | 618 |
| Justices of the peace, receiving | 4 | 10 | 615 |
| **Felony** | | | |
| Original jurisdiction, superior court | 4 | 6 | 610 |
| Use of public money by officer | 11 | 14 | 730 |
| **Ferries** | | | |
| Authorization, special legislation | 2 | 28(3) | 540 |
| **Fictitious issue** | | | |
| Of stock or indebtedness, void | 12 | 6 | 738 |
| **Fines** | | | |
| Accrued to territory inure to state | 27 | 3 | 866 |
| Excessive, not to be imposed | 1 | 14 | 501 |
| Governor has power to remit | 3 | 2 | 562 |
| Remission by special act | 2 | 28(14) | 540 |
| **Fiscal statement** | | | |
| Annual publication required | 7 | 7 | 663 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Flumes** | | | |
| (See Eminent domain) | | | |
| **Forcible entry and detainer** | | | |
| Appellate jurisdiction, supreme court | 4 | 4 | 603 |
| Original jurisdiction, superior court | 4 | 6 | 610 |
| **Foreign corporations** | | | |
| Not to be favored | 12 | 7 | 741 |
| **Forfeiture** | | | |
| Accrued to territory inures to state | 27 | 3 | 866 |
| Corporate charter or franchise, remission | 12 | 3 | 736 |
| Estate, conviction not to work | 1 | 15 | 502 |
| Franchise, combination in restraint | 12 | 22 | 769 |
| Governor has power to remit | 3 | 2 | 562 |
| Judicial office, absence causes | 4 | 8 | 613 |
| Remission by special act | 2 | 28(14) | 540 |
| **Forts, dockyards, etc.** | | | |
| Congress to have exclusive control | 25 | 1 | 831 |
| **Forty mill limitation** | 7 | 2 | 652 |
| **Franchise** | | | |
| (See also Elective franchise) | | | |
| Corporate, creation by special act | 12 | 1 | 734 |
| Extension | 12 | 3 | 736 |
| Forfeiture | 12 | 3 | 736 |
| For unlawful combinations | 12 | 22 | 769 |
| Invalid, if unorganized | 12 | 2 | 735 |
| Irrevocable grant | 1 | 8 | 498 |
| Liability not relieved by lease | 12 | 8 | 744 |
| Subject to eminent domain | 12 | 10 | 746 |
| Taxation, state not to surrender | 7 | 4 | 661 |
| **Freedom of conscience** | | | |
| Guaranteed to every individual | 1 | 11 | 499 |
| **Freedom of speech and press** | | | |
| Guaranteed to every person | 1 | 5 | 496 |
| Legislators, liability in debate | 2 | 17 | 534 |
| **Free passes** | | | |
| Grant of, to state officers | 12 | 20 | 767 |
| Public officers forbidden to accept | 2 | 39 | 555 |
| **Freight rates** | | | |
| Regulation by ligislature authorized | 12 | 18 | 765 |
| **Fundamental principles** | | | |
| Frequent recurrence, essential | 1 | 32 | 516 |
| **Funds** | | | |
| (See Appropriations; Public money; School fund) | | | |
| **Government** | | | |
| Change— | | | |
| Completion of pending actions | 27 | 5, 8 | 867, 868 |
| Continuance of existing laws | 27 | 1, 2 | 865 |
| Perpetuity, what essential | 1 | 32 | 516 |
| Purposes | 1 | 1 | 494 |
| Source of powers | 1 | 1 | 494 |
| **Governor** | | | |
| Appointment of regents, state institutions | 13 | 1 | 773 |
| Approval of laws | 3 | 12 | 571 |
| Assignment, superior judge to other county | 4 | 5, 7 | 606, 613 |
| Commander in chief, state militia | 3 | 8 | 567 |
| Commissions issued, signs | 3 | 15 | 579 |
| Election of | 3 | 1 | 559 |
| Election to fill vacancy in office | 3 | 10 | 569 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Governor—(Continued)** | | | |
| Execution of laws | 3 | 5 | 565 |
| Extra legislature session, convene | 3 | 7 | 566 |
| Failure of person regularly elected to qualify, succession | 3 | 10 | 569 |
| Impeachment | 5 | 2 | 631 |
| Information, written required | 3 | 5 | 565 |
| Laws, militia executed | 10 | 2 | 693 |
| Leave of absence, extension | 4 | 8 | 613 |
| Messages to legislature | 3 | 6 | 566 |
| Militia officers, commissioned | 10 | 2 | 693 |
| Pardoning power, reprieve— | | | |
| Report to legislature of pardons | 3 | 11 | 571 |
| Restrictions prescribed by law | 3 | 9 | 568 |
| Vested in | 3 | 9 | 568 |
| Records kept, seat of government | 3 | 24 | 587 |
| Remission of fines and forfeitures | 3 | 11 | 571 |
| Removal or disability, who acts | 3 | 10 | 569 |
| Residence at seat of government | 3 | 24 | 587 |
| Salary | 3 | 14 | 577 |
| Succession in case of vacancy | 3 | 10 | 569 |
| Supreme executive power vested in | 3 | 2 | 562 |
| Term of office | 3 | 2 | 562 |
| Vacancies, filled by— | | | |
| Legislature | 2 | 15 | 532 |
| Office | 3 | 13 | 576 |
| Superior court | 4 | 5 | 606 |
| Supreme court | 4 | 3 | 598 |
| Veto and return of bill— | | | |
| Measures initiated by or referred to the people | 2 | 1(d) | 519 |
| Objections | 3 | 12 | 571 |
| One or more items or sections | 3 | 12 | 571 |
| **Grand jury** | | | |
| (See Jury) | | | |
| **Granted lands** | | | |
| (See Lands) | | | |
| **Habeas corpus** | | | |
| Issuance, by supreme court judges | 4 | 4 | 603 |
| Jurisdiction, original and appellate of supreme court | 4 | 4 | 603 |
| Original, of superior court | 4 | 6 | 610 |
| Suspension of writ | 1 | 13 | 501 |
| Writs— | | | |
| On non-judicial days | 4 | 6 | 610 |
| Returnable before whom | 4 | 4 | 603 |
| **Harbors** | | | |
| (See Area reserved) | | | |
| **Head of family** | | | |
| Exemption from taxation | 7 | 1 | 649 |
| **Health** | | | |
| (See Public health) | | | |
| **Heir at law** | | | |
| Not to be determined, special law | 2 | 28(1) | 540 |
| **High crimes or misdemeanors** | | | |
| Impeachment for | 5 | 2 | 631 |
| **High schools** | | | |
| (See Education; Public schools) | | | |
| **Highways** | | | |
| (See Streets and roads) | | | |
| **Holiday** | | | |
| (See Legal holidays) | | | |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Home** | | | |
| Privacy of, guaranteed | 1 | 7 | 497 |
| Soldiers, not quartered in | 1 | 31 | 516 |
| **Homestead** | | | |
| Exemption from forced sale | 19 | 1 | 831 |
| **House of representatives** | | | |
| (See also Legislature; Representatives) | | | |
| Elections, biennial after 1890 | 2 | 5 | 526 |
| Impeachment, sole power | 5 | 1 | 631 |
| Majority necessary to order | 5 | 1 | 631 |
| Members, how and when chosen | 2 | 4 | 525 |
| Number of representatives | 2 | 2 | 523 |
| Powers, legislative vested in | 2 | 1 | 519 |
| Quorum of house | 2 | 8 | 528 |
| Reapportionment after census | 2 | 3 | 525 |
| Vacancy, how filled | 2 | 15 | 532 |
| **Idiots** | | | |
| Excluded from elective franchise | 6 | 3 | 638 |
| **Immigration** | | | |
| Bureau of, establishment | 2 | 34 | 552 |
| **Immunities** | | | |
| Electors privileged from arrest | 6 | 5 | 640 |
| Equal to all citizens and corporations | 1 | 12 | 500 |
| Imprisonment for debt prohibited | 1 | 17 | 506 |
| Irrevocable grant of | 1 | 8 | 498 |
| Loss or damage to property, compensation | 1 | 16 | 502 |
| Members of legislature, arrest | 2 | 16 | 533 |
| Militia, arrest at muster | 10 | 5 | 697 |
| Soldiers not to be quartered in homes | 1 | 31 | 516 |
| Special grant of | 1 | 12 | 500 |
| Twice in jeopardy, accused | 1 | 9 | 498 |
| **Impeachment** | | | |
| Chief justice presides, when | 5 | 1 | 631 |
| House of representatives has sole power | 5 | 1 | 631 |
| Officers liable | 5 | 2 | 631 |
| Trial by senate | 5 | 1 | 631 |
| **Imposts** | | | |
| Appellate jurisdiction, supreme court | 4 | 4 | 603 |
| Original jurisdiction, superior court | 4 | 6 | 610 |
| **Imprisonment for debt** | | | |
| Prohibited, exception | 1 | 17 | 506 |
| **Incompetency in office** | | | |
| Officers removable | 4 | 8 | 613 |
| Rights of accused to be heard | 4 | 9 | 614 |
| Three-fourths house concurrence | 4 | 9 | 614 |
| **Indebtedness of corporations** | | | |
| (See Corporations) | | | |
| **Indian lands** | | | |
| Disclaimed by state of title | 26 | 2 | 855 |
| Taxation of, imposition and exemption | 26 | 2 | 855 |
| United States jurisdiction | 26 | 2 | 855 |
| **Indians** | | | |
| Excluded from census | 2 | 3 | 525 |
| Elective franchise | 6 | 1 | 633 |
| Exempt from taxation, when | 26 | 2 | 855 |
| **Indictment** | | | |
| Prosecutions of offenses | 1 | 25 | 513 |
| Right of accused to copy | 1 | 22 | 510 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Individual rights** | | | |
| Government to protect and maintain | 1 | 1 | 494 |
| Secured by recurrence, fundamental principles | 1 | 32 | 516 |
| **Individual security** | | | |
| Private affairs not to be disturbed | 1 | 7 | 497 |
| **Infants** | | | |
| (See Children) | | | |
| **Inferior courts** | | | |
| Appeal lies to superior court | 4 | 6 | 610 |
| Jurisdiction and powers | 4 | 10 | 615 |
| | 4 | 12 | 617 |
| Legislature to provide | 4 | 1 | 594 |
| **Information** | | | |
| Offenses may be prosecuted by | 1 | 25 | 513 |
| **Initiative and referendum** | | | |
| Conflicting measures, method of submitting | 2 | 1(a) | 519 |
| Effective date of acts or bills subject to referendum | 2 | 41 | 557 |
| | 2 | 1(c) | 519 |
| Effective date of measure after approval | 2 | 1(d) | 519 |
| Election for amendment or repeal of bills approved by electors | 2 | 1(c) | 519 |
| | 2 | 41 | 557 |
| Election, reference of measures at | 2 | 1(d) | 519 |
| | 2 | 1(a) | 519 |
| Exceptions from power of referendum | 2 | 1(b) | 519 |
| General laws as governing secretary of state in submitting measures to people | 2 | 1(d) | 519 |
| Legislature— | | | |
| Amendment by | 2 | 41 | 557 |
| Member of, retain right to introduce measure | 2 | 1(d) | 519 |
| Proposal of different measure | 2 | 1(a) | 519 |
| Referendum through action | 2 | 1(b) | 519 |
| Rejection, initiative measure | 2 | 1(a) | 519 |
| Number of signatures required, propose | 2 | 1A | 522 |
| Number of votes required, approval | 2 | 1(d) | 519 |
| Petition— | | | |
| Initiative— | | | |
| Filing | 2 | 1(a) | 519 |
| Per cent voters required | 2 | 1A | 522 |
| Style of bill | 2 | 1(d) | 519 |
| Referendum— | | | |
| Against part of bill | 2 | 1(d) | 519 |
| Filing | 2 | 1(d) | 519 |
| On | 2 | 1(b) | 519 |
| Passed by legislature | 2 | 1(d) | 519 |
| Per cent voters required | 2 | 1A | 522 |
| Publication of measures referred to the people | 2 | 1(d) | 519 |
| Reference of initiative measure to people | 2 | 1(a) | 519 |
| Repeal of bill approved | 2 | 1(c) | 519 |
| | 2 | 41 | 557 |
| Reservation of power in people | 2 | 1 | 519 |
| Veto power of governor | 2 | 1(d) | 519 |
| **Injunction** | | | |
| Issuance and service, nonjudicial days | 4 | 6 | 610 |
| Original jurisdiction, superior court | 4 | 6 | 610 |
| **Insane person** | | | |
| (See Elective franchise) | | | |
| **Insolvency** | | | |
| Appellate jurisdiction, supreme court | 4 | 4 | 603 |
| Original jurisdiction, superior court | 4 | 6 | 610 |
| Receipt of bank deposits, liability | 12 | 12 | 751 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Instruments** | | | |
| Affecting title, validation by special act | 2 | 28(9) | 540 |
| **Insurance companies** | | | |
| Double liability of stockholders | 12 | 11 | 748 |
| **Interest** | | | |
| Application of school fund interest | 9 | 3 | 687 |
| On certain state debts, provided | 8 | 3 | 672 |
| Private interest in bills to be disclosed by legislators | 2 | 30 | 546 |
| Regulation by special law prohibited | 2 | 28(13) | 540 |
| **Intoxicating liquors** | | | |
| (See Prohibition) | | | |
| **Invasion** | | | |
| State may contract debts to repell | 8 | 2 | 671 |
| Suspension of habeas corpus | 1 | 13 | 501 |
| **Investment** | | | |
| (See School fund) | | | |
| **Irrigation** | | | |
| Use of water for, deemed public use | 21 | 1 | 837 |
| **Jeopardy** | | | |
| No person to be twice put in | 1 | 9 | 498 |
| **Joint stock companies** | | | |
| Combinations, affecting price, etc | 12 | 22 | 769 |
| Double liability of stockholders | 12 | 11 | 748 |
| Term corporation includes | 12 | 5 | 738 |
| **Joint senatorial district** | | | |
| Filling of vacancy | 2 | 15 | 532 |
| **Journal** | | | |
| Each house to keep | 2 | 11 | 530 |
| Entry of ayes and noes— | | | |
| Demand of one-sixth | 2 | 21 | 535 |
| Introduction of bills later than ten days before session closes | 2 | 36 | 553 |
| Nominations of officers for state institutions | 13 | 1 | 773 |
| Passage of bill | 1 | 22 | 510 |
| Passage of emergency clause | 2 | 31 | 548 |
| Proposed constitutional amendments | 23 | 1 | 843 |
| Publication of, exceptions | 2 | 11 | 530 |
| Votes— | | | |
| Elections by legislature | 2 | 27 | 540 |
| Removal of judges | 4 | 9 | 614 |
| **Judge pro tempore** | | | |
| Superior court, provision | 4 | 7 | 613 |
| **Judges** | | | |
| (See also Judges pro tempore; Judges of superior court; Judges of supreme court.) | | | |
| Absence from state vacates office | 4 | 8 | 613 |
| Declare the law, not to charge juries | 4 | 16 | 621 |
| Disqualified unless admitted to practice in state | 4 | 17 | 623 |
| Ineligible to other than judicial office | 4 | 15 | 621 |
| Oath of office prescribed | 4 | 28 | 629 |
| Practice of law prohibited | 4 | 19 | 623 |
| Recall (See Recall) | | | |
| Removal for incompetency | 4 | 9 | 614 |
| Report defects in law | 4 | 25 | 626 |
| Retirement | 4 | 3(a) | 603 |
| Salaries and payment | 4 | 14 | 619 |
| | 4 | 13 | 618 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Judges of superior court** | | | |
| (See also Judges; Superior court) | | | |
| Contested election, first | 27 | 12 | 874 |
| Court commissioners, appointment | 4 | 23 | 626 |
| Decisions within ninety days | 4 | 20 | 624 |
| Each judge invested with powers of all | 4 | 5 | 606 |
| Elections of | 4 | 5 | 606 |
| May sit in any county | 4 | 5 | 606 |
| Pro tempore judge | 4 | 7 | 613 |
| Rules of court, may establish | 4 | 24 | 626 |
| Sessions of court may be held in any county on request | 4 | 7 | 613 |
| Term of office, and when begins | 4 | 5 | 606 |
| Writs may be issued | 4 | 6 | 610 |
| **Judges of supreme court** | | | |
| (See also Judges; Supreme court) | | | |
| Chief justice— | | | |
| Determined how | 4 | 3 | 598 |
| Presides in impeachments | 5 | 1 | 631 |
| Classification by lot | 4 | 3 | 598 |
| Clerk, appointed by | 4 | 22 | 625 |
| Election of | 4 | 3 | 598 |
| Issuance of writs authorized | 4 | 4 | 603 |
| Number | 4 | 2 | 596 |
| Reporter, appointment of | 4 | 18 | 623 |
| Term of office | 4 | 3 | 598 |
| **Judgment** | | | |
| Belonging to territory inures to state | 27 | 4 | 866 |
| Extent, on impeachment | 5 | 2 | 631 |
| One superior court judge, same force as all | 4 | 5 | 606 |
| Superior court, given within ninety days | 4 | 20 | 624 |
| **Judicial administration** | | | |
| Open and without delay | 1 | 10 | 498 |
| **Judicial decisions** | | | |
| Concurrence, majority necessary | 4 | 2 | 596 |
| Publication, free to anyone | 4 | 21 | 624 |
| Reporter, appointment | 4 | 18 | 623 |
| Superior court judge, time limit | 4 | 20 | 624 |
| Supreme court, written grounds | 4 | 2 | 596 |
| **Judicial officers** | | | |
| (See Court commissioners; Judges; Judges of supreme and superior courts; Justice of the peace) | | | |
| **Judicial power** | | | |
| Invested in what courts | 4 | 1 | 594 |
| **Judicial question** | | | |
| (See Eminent domain) | | | |
| **Jurisdiction** | | | |
| (See also Criminal action) | | | |
| Actions pending before change of government | 27 | 1 | 865 |
| Inferior courts, legislature prescribes | 4 | 12 | 617 |
| Justice of peace, legislature may fix | 4 | 10 | 615 |
| Superior court | 4 | 6 | 610 |
| Supreme court | 4 | 4 | 603 |
| United States over reserved lands | 25 | 1 | 851 |
| **Juror** | | | |
| Number necessary for verdict | 1 | 21 | 510 |
| Religious qualifications prohibited | 1 | 11 | 499 |
| **Jury** | | | |
| Charging, duty of judge | 4 | 16 | 621 |
| Criminal action, right of accused | 1 | 22 | 510 |
| Eminent domain proceedings | 1 | 16 | 502 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Jury—(Continued)** | | | |
| Grand, summon | 1 | 26 | 513 |
| Number in courts not of record | 1 | 21 | 510 |
| Right of trial by, inviolate | 1 | 21 | 510 |
| Verdict by less than twelve | 1 | 21 | 510 |
| Waiver, civil cases | 1 | 21 | 510 |
| **Justice** | | | |
| Administration, open and without delay | 1 | 10 | 498 |
| **Justice of peace** | | | |
| Appeal lies to superior court | 4 | 6 | 610 |
| Cannot be made court of record | 4 | 11 | 617 |
| Duties, prescribed | 4 | 10 | 615 |
| Fees prohibited, when | 4 | 10 | 615 |
| Jurisdiction, determination | 4 | 10 | 615 |
| Police justice in cities, chosen from | 4 | 10 | 615 |
| Vacancy in office, how filled | 11 | 6 | 719 |
| Vested with judicial power | 4 | 1 | 594 |
| **Land commissioner** | | | |
| (See Commissioner of public lands) | | | |
| **Lands** | | | |
| Alien ownership prohibited | 2 | 33 | 549 |
| County commissioners, confirmation | 16 | 2 | 796 |
| Granted, restrictions on sale | 16 | 1 | 793 |
| Plat of state lands in cities, required | 16 | 4 | 804 |
| Quantity of state land that may be sold in one parcel as acreage | 16 | 4 | 804 |
| Restrictions, selling school lands | 16 | 2, 3 | 796, 801 |
| Settlement and reclamation, public use | 1 | 16 | 502 |
| Taxation— | | | |
| Indian lands | 26 | 2 | 855 |
| United States, imposition | 26 | 2 | 855 |
| Timber and stone, sold how | 16 | 3 | 801 |
| Unappropriated, United States control | 26 | 2 | 855 |
| **Law of the land** | | | |
| Constitution of United States supreme | 1 | 2 | 495 |
| **Laws** | | | |
| (See also Bill) | | | |
| Bills of attainder | 1 | 23 | 512 |
| Corporations, statutory regulations | 12 | 1 | 734 |
| Defects and omissions, report | 4 | 25 | 627 |
| Enacting clause | 2 | 18 | 534 |
| Ex post facto | 1 | 23 | 512 |
| Governor's approval, presentation | 3 | 12 | 571 |
| Impairing obligation of contracts | 1 | 23 | 512 |
| Initiative measures (See Initiative and referendum) | | | |
| Legislative enactments to be by bill | 2 | 18 | 534 |
| Referendum measure | 2 | 1 | 519 |
| Requisites on final passage | 2 | 22 | 535 |
| Special legislation | 2 | 28 | 540 |
| State debt, authorization for single work | 8 | 3 | 672 |
| Territorial, remain in force, until | 27 | 2 | 865 |
| Time of taking effect | 2 | 31 | 548 |
| Without governor's approval, passage | 3 | 12 | 571 |
| **Lease** | | | |
| Corporate franchise not to relieve from liability | 12 | 1 | 734 |
| Harbor areas for building wharves | 15 | 2 | 789 |
| **Legal holiday** | | | |
| Superior courts not open | 4 | 6 | 610 |
| Writs that may be issued and served | 4 | 6 | 610 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Legislature** | | | |
| (See also House of Representatives; Initiative and referendum; Senate) | | | |
| COMPOSITION AND ORGANIZATION | | | |
| Adjournment, restrictions | 2 | 11 | 530 |
| Apportionment of members | 22 | 1, 2 | 839 |
| Attendance of absentee, compel | 2 | 8 | 528 |
| Authority generally | 2 | 1 | 519 |
| Bribery of members, how punished | 2 | 30 | 546 |
| Compensation | 28 | 1 | 885 |
| Consists of senate and house of representatives | 2 | 1 | 519 |
| Contempts punishable by each house | 2 | 9 | 529 |
| Convening, extra session, call of governor | 3 | 7 | 566 |
| Election— | | | |
| Biennial | 2 | 5 | 526 |
| Members, each house judge | 2 | 8 | 528 |
| Representatives | 2 | 5 | 526 |
| Senate | 2 | 6 | 526 |
| Eligible to membership, who | 2 | 7 | 527 |
| Expulsion of member, requirements | 2 | 9 | 529 |
| Journal, each house to keep | 2 | 11 | 530 |
| Members, civil offices excluded, what | 2 | 13 | 531 |
| Not liable for words in debate | 2 | 30 | 546 |
| Number of members | 2 | 2 | 523 |
| Office accepted under United States | 2 | 14 | 531 |
| Officers, each house to elect | 2 | 10 | 529 |
| Officers, who eligible | 2 | 14 | 531 |
| Privilege from arrest, civil process | 2 | 16 | 533 |
| Quorum, majority to constitute | 2 | 8 | 528 |
| Reapportionment after each census | 2 | 3 | 525 |
| Records, secretary of state keeps | 3 | 17 | 581 |
| Rules of proceedings, determine | 2 | 9 | 529 |
| Sessions— | | | |
| Biennial | 2 | 12 | 530 |
| Open | 2 | 11 | 530 |
| Secrecy, how obtained | 2 | 11 | 530 |
| Special, convene | 2 | 12 | 530 |
| | 3 | 7 | 566 |
| Time of meeting | 2 | 12 | 530 |
| Vacancies, how filled | 2 | 15 | 532 |
| Vote, elections by viva voce | 2 | 27 | 540 |
| Vote, member has private interest | 2 | 30 | 546 |
| DUTIES | | | |
| Accountability of county and local officers provided for | 11 | 5 | 717 |
| Accounting for state receipts and expenditures prescribed | 7 | 7 | 663 |
| Appropriation for expenses, constitutional convention made | 27 | 19 | 882 |
| Bureau of statistics, establishment | 2 | 34 | 552 |
| Cities, incorporation provided | 11 | 10 | 723 |
| Combinations, punishment provided | 12 | 22 | 769 |
| Compensation of county and local officers, regulated | 11 | 5 | 717 |
| Congressional districts, state divided | 27 | 13 | 875 |
| Contested elections, state officers, decided | 3 | 4 | 564 |
| Convict labor, provided for | 2 | 29 | 545 |
| County government, system, establish | 11 | 4 | 713 |
| Divorces, not granted | 2 | 24 | 537 |
| Drugs and medicines, sale regulated | 20 | 2 | 833 |
| Elections— | | | |
| Certificates, given state officers | 3 | 4 | 564 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Legislature (Continued)** | | | |
| DUTIES (Continued) | | | |
| County, township, precinct, and district, provided | 11 | 5 | 717 |
| Qualifications of voters, regulated | 6 | 1 | 633 |
| Employees, mines and factories, protected | 2 | 35 | 552 |
| Enumeration of inhabitants, provided | 2 | 3 | 525 |
| Harbor lines, commission established | 15 | 1 | 782 |
| Health, board of, establish | 20 | 1 | 833 |
| Homesteads, protect from forced sale | 19 | 1 | 831 |
| Initiative measures. (See Initiative and referendum) | | | |
| Justice of peace, number, powers and duties, prescribed | 4 | 10 | 615 |
| Lease of harbor areas for wharves, provided | 15 | 2 | 791 |
| Medicine and surgery, practice, regulate | 20 | 2 | 833 |
| Militia, organization and discipline, provided | 10 | 2 | 693 |
| Officers— | | | |
| County, municipal, district, precinct, township; election, duties and terms of office provided | 11 | 5 | 717 |
| Not provided for in Constitution, legislature to provide | 27 | 11 | 873 |
| Passes, grant and use by public officers | 2 | 39 | 555 |
| | 12 | 20 | 767 |
| Private interest in bill, declared | 2 | 30 | 546 |
| Public arms, safekeeping and protection, required | 10 | 4 | 697 |
| Publication of supreme court opinions, provide | 4 | 21 | 624 |
| Rates, freights and passengers, regulate | 12 | 18 | 765 |
| Referendum (See Initiative and referendum) | | | |
| Registration law, enact | 6 | 7 | 641 |
| Salaries, county officers and constables | 11 | 5 | 717 |
| Sale of school and university lands | 16 | 2 | 796 |
| Seat of government, choice of location | 14 | 1 | 775 |
| Soldiers' home, maintenance provided | 10 | 3 | 696 |
| Suits against state, manner of bringing, direct | 2 | 26 | 539 |
| System, public schools, establish | 9 | 2 | 686 |
| Taxation, | | | |
| Annual expenses, met by | 7 | 1 | 649 |
| Corporate property | 7 | 3 | 658 |
| Deficiencies and expenses, met by | 7 | 8 | 663 |
| Exemption, personal | 7 | 2 | 652 |
| State debt, liquidated by | 7 | 1 | 649 |
| Uniform and equal rate | 7 | 2 | 652 |
| Valuation of property, insure just | 7 | 2 | 652 |
| Vital statistics, bureau, establish | 20 | 1 | 833 |
| ENACTMENT OF LAWS | | | |
| Act, revised or amended, how | 2 | 37 | 554 |
| Amendment of bill | 2 | 38 | 554 |
| Bill, contain one subject | 2 | 19 | 534 |
| Bill, when not considered | 2 | 36 | 553 |
| | 2 | 19 | 534 |
| Enacting clause | 2 | 18 | 534 |
| Initiative measures (See Initiative and referendum) | | | |
| Laws, enactment by bill | 2 | 18 | 534 |
| Laws, take effect when | 2 | 31 | 548 |
| Presiding officer, signs bills | 2 | 32 | 548 |
| Rules, signing bills, prescribed | 2 | 32 | 548 |
| Style of laws | 2 | 18 | 534 |
| Title of bill, disclose object | 2 | 19 | 534 |
| Veto of bill, passage over | 3 | 12 | 571 |
| Yeas and nays, entry on journal, required | 2 | 21, 22 | 535 |
| POWERS | | | |
| Abolition, certain state offices | 3 | 25 | 589 |
| Appropriation of public funds (See Appropriations) | | | |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Legislature (Continued)** | | | |
| POWERS (Continued) | | | |
| Capitol building, appropriation restricted | 14 | 3 | 778 |
| Chaplain, penal and reformatory institutions, employ | 1 | 11 | 499 |
| Charters, corporations, extended | 12 | 3 | 736 |
| Clerk, supreme court, election provided | 4 | 22 | 625 |
| Constitution— | | | |
| Amendment proposal | 23 | 1 | 843 |
| Revision, convention | 23 | 2 | 845 |
| Corporate property and franchises, public use | 12 | 10 | 746 |
| Corporations, not created special act | 12 | 1 | 734 |
| Courts of record, establish | 4 | 11 | 617 |
| Divorces, not granted | 2 | 24 | 537 |
| Duties, county officer, prescribed | 11 | 5 | 717 |
| Elective franchise, women in school elections | 6 | 2 | 636 |
| Exemptions from taxation, provide (See Taxation) | | | |
| Extra compensation, officers, for past services | 2 | 25 | 538 |
| Fees, county officers, accountability | 11 | 5 | 717 |
| Forfeitures— | | | |
| Corporate franchises | 12 | 22 | 769 |
| Remission of, prohibited | 12 | 3 | 736 |
| Harbor areas, building, may provide laws | 15 | 2 | 789 |
| Inferior courts, powers prescribed | 4 | 12 | 617 |
| Irrevocable privilege or franchise | 1 | 8 | 498 |
| Jury, number may be fixed | 1 | 21 | 510 |
| Lotteries, authorized | 2 | 24 | 537 |
| Municipal corporations, improvements | 7 | 9 | 664 |
| Number, supreme court judges, increase | 4 | 2 | 596 |
| Private, special laws, prohibited | 2 | 28 | 540 |
| Public corporations, creation by special act | 11 | 10 | 723 |
| Public funds, accountability | 11 | 5 | 717 |
| Railroad commission, may establish | 12 | 18 | 765 |
| Removal of judges, incompetency | 4 | 9 | 614 |
| Reservation of power in people (See Initiative and referendum) | | | |
| Salaries of judges, may increase | 4 | 14 | 619 |
| School fund, may enlarge | 9 | 3 | 687 |
| Seat of government, cannot change | 14 | 1 | 775 |
| Senate, legislative authority vested in | 2 | 1 | 519 |
| Separate departments, supreme court, may provide | 4 | 2 | 596 |
| Sheriff, provide for election | 11 | 5 | 717 |
| Taxation— | | | |
| Corporate authorities, vested power | 11 | 12 | 729 |
| Exemption, personal property | 7 | 1 | 649 |
| Local cannot impose | 11 | 12 | 729 |
| Terms, county officers, may prescribe | 11 | 5 | 717 |
| Voters, authority to define qualification | 6 | 1 | 633 |
| **Liabilities** | | | |
| Corporate, alienation or lease, relieve | 12 | 8 | 744 |
| Extinguishment, special legislation | 2 | 28(10) | 540 |
| **Liberty** | | | |
| Depriving of, without due process | 1 | 3 | 495 |
| **Lieutenant governor** | | | |
| Absence from senate, who presides | 2 | 10 | 529 |
| Acts as governor, when | 3 | 10 | 569 |
| Deciding vote, tie in senate | 2 | 10 | 523 |
| Election | 3 | 1 | 559 |
| **Life** | | | |
| Deprivation of, without due process | 1 | 3 | 495 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Limit—Forty mill** | 7 | 2 | 652 |
| Office, abolishment | 3 | 25 | 589 |
| Presiding officer of senate | 3 | 16 | 579 |
| Salary | 3 | 16 | 579 |
| Succession to governorship | 3 | 10 | 569 |
| Term | 3 | 3 | 563 |
| **Limitation of actions** | | | |
| Special legislation prohibited | 2 | 28(17) | 540 |
| **Limiting production** | | | |
| Combination for, prohibited | 12 | 22 | 769 |
| **Literacy** | | | |
| Qualification of voters | 6 | 1 | 633 |
| **Loans** | | | |
| School fund, private persons or corporations | 6 | 1 | 633 |
| State may borrow to meet debts | 8 | 1 | 668 |
| **Local improvements** | | | |
| Authority of cities, levy taxes for | 7 | 9 | 664 |
| **Lotteries** | | | |
| Legislature prohibited from authorizing | 2 | 24 | 537 |
| **Majority** | | | |
| Necessary in impeachment | 5 | 1 | 631 |
| Passage of bills, requires | 2 | 22 | 535 |
| Petition for division of county | 11 | 3 | 708 |
| Quorum of each house constituted | 2 | 8 | 528 |
| Special act, declare of age | 2 | 28(11) | 540 |
| **Malfeasance** | | | |
| Officers liable to impeachment | 5 | 3 | 632 |
| Recall for | 1 | 33 | 517 |
| Removal by law | 5 | 3 | 632 |
| **Mandamus** | | | |
| Original and appellate jurisdiction, supreme court | 4 | 4 | 603 |
| Original jurisdiction, superior court | 4 | 6 | 610 |
| **Mandatory** | | | |
| (See Constitution) | | | |
| **Manufacturing purposes** | | | |
| Use of water for, deemed public use | 21 | 1 | 837 |
| **Medicine** | | | |
| Practice and sale, regulate | 20 | 2 | 833 |
| **Messages** | | | |
| Governor, communicate with legislature | 3 | 6 | 566 |
| **Military** | | | |
| (See also Army; Militia) | | | |
| Not to interfere with elections | 1 | 19 | 508 |
| Subordinate to civil power | 1 | 18 | 507 |
| **Militia** | | | |
| (See also Arms; Army; Military) | | | |
| Citizens subject and exempt, duty | 10 | 1 | 693 |
| Exemption, conscientious scruples | 10 | 6 | 698 |
| Governor, commander in chief | 3 | 8 | 567 |
| Members admitted to soldiers' home | 10 | 3 | 696 |
| Officer, eligible to legislature, when | 2 | 14 | 531 |
| Organization and discipline | 10 | 2 | 693 |
| Privilege from arrest, when | 10 | 5 | 697 |
| **Mines** | | | |
| Proposed article | .... | .... | 859 |
| Protection of employees | 2 | 35 | 552 |
| Yield tax or ad valorem tax authorized | 7 | 1 | 649 |
| **Mining purposes** | | | |
| Use of water for, deemed public use | 21 | 1 | 837 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Minors** | | | |
| (See Children) | | | |
| **Money** | | | |
| (See also Public money) | | | |
| Corporations, issue only lawful | 12 | 11 | 748 |
| Disbursement from state treasury | 8 | 4 | 673 |
| State taxes payable | 7 | 6 | 662 |
| **Monopolies** | | | |
| (See also Corporations) | | | |
| Forbidden | 12 | 22 | 769 |
| **Municipal corporations** | | | |
| (See especially City; see also Municipal courts; Municipal fines; Towns and villages.) | | | |
| Local affairs controlled | 11 | 11 | 728 |
| Organization under general laws | 11 | 10 | 723 |
| Private property, not taken for debt of | 11 | 13 | 729 |
| Seals of | 27 | 9 | 871 |
| Streets, power to extend over tidelands | 15 | 3 | 791 |
| **Municipal courts** | | | |
| Legislature may provide | 4 | 1 | 594 |
| **Municipal fine** | | | |
| Appellate jurisdiction, supreme court | 4 | 4 | 603 |
| Original jurisdiction, superior court | 4 | 6 | 610 |
| **Municipal indebtedness** | | | |
| (See City; Towns and villages) | | | |
| **Names** | | | |
| Change of, special legislation | 2 | 28(1) | 540 |
| **Naturalization** | | | |
| Power, vested in superior court | 4 | 6 | 610 |
| **Navigable waters** | | | |
| Harbor lines, commission to establish | 15 | 1 | 782 |
| Disclaimer by state, where patented | 17 | 2 | 820 |
| Ownership of state in beds and shores | 17 | 1 | 810 |
| **New county** | | | |
| (See County) | | | |
| **Nonjudicial days** | | | |
| (See Legal holidays) | | | |
| **Nonresidents** | | | |
| Taxation of lands, citizens of United States | 26 | 2 | 855 |
| **Normal schools** | | | |
| (See Education; Public schools) | | | |
| **Nuisances** | | | |
| Appellate jurisdiction, supreme court | 4 | 4 | 603 |
| Original jurisdiction, superior court | 4 | 6 | 610 |
| **Oath of office** | | | |
| (See Judges) | | | |
| **Oaths** | | | |
| Administered, how | 1 | 6 | 497 |
| Senators, in impeachment trials | 5 | 1 | 631 |
| **Obligation of contracts** | | | |
| Not impaired by legislation | 1 | 23 | 512 |
| **Offenses** | | | |
| Bailable, when | 1 | 20 | 509 |
| Existing, prosecuted in name of state | 27 | 5 | 867 |
| Impeachment of public officers | 5 | 2 | 531 |
| Jeopardy, twice in, same offense | 1 | 9 | 498 |
| Prosecution, information or indictment | 1 | 25 | 513 |
| Rights of accused | 1 | 22 | 510 |
| Trial by jury, right | 1 | 20 | 509 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Office** | | | |
| (See also Officers) | | | |
| Acceptance, United States, vacate seat in legislature, exceptions | 2 | 14 | 531 |
| Bribery, disqualification | 2 | 30 | 546 |
| Ineligibility for legislature | 2 | 14 | 531 |
| Judge— | | | |
| Ineligible to other than judicial | 4 | 15 | 621 |
| Open to whom | 4 | 17 | 623 |
| Legislature, abolish certain | 3 | 25 | 589 |
| Religious qualifications, not required | 1 | 11 | 499 |
| Removal from, how | 4 | 9 | 614 |
| Vacancy, how filled | 3 | 13 | 576 |
| **Officers** | | | |
| (See also Appointment; County officers; District officers; Governor; Lieutenant governor; Precinct officers; Recall of officers; Salaries; State officers; Term of office.) | | | |
| Abolition, certain state, authorized | 3 | 25 | 589 |
| Accountability for fees and money | 11 | 5 | 717 |
| County officer, eligibility | 11 | 7 | 720 |
| Defense of officer, removed | 1 | 9 | 498 |
| District, township, precinct election and compensation, regulated by legislature | 11 | 5 | 717 |
| Election, no Constitutional provision | 27 | 11 | 873 |
| Election, first under Constitution | 27 | 7 | 868 |
| Extra compensation | 2 | 25 | 538 |
| Guilty of felony, uses public money | 11 | 14 | 730 |
| Impeachment of | 5 | 2 | 631 |
| Legislative, each house elects | 2 | 10 | 529 |
| Local, may be legislature members | 2 | 14 | 531 |
| Militia, appointment, election | 10 | 2 | 693 |
| Militia, without salary, eligible to legislature | 2 | 14 | 531 |
| Passes, use or acceptance | 2 | 39 | 555 |
| Public moneys, deposited | 11 | 15 | 730 |
| Recall of officers (See Recall) | | | |
| Removable by law, not impeachable | 5 | 3 | 632 |
| Salary, not changed during term | 2 | 25 | 538 |
| Territorial and United States, how long | 27 | 6, 14 | 868, 875 |
| Trustees of state institutions, appointment | 13 | 1 | 773 |
| Who salaried | 11 | 8 | 721 |
| **Official acts** | | | |
| Validation by special laws | 2 | 28(12) | 540 |
| **Omissions** | | | |
| Laws, report by judges | 4 | 25 | 627 |
| **Opinions** | | | |
| Publication authorized | 4 | 21 | 624 |
| Supreme court to be reported | 4 | 18 | 623 |
| **Original jurisdiction** | | | |
| Superior court | 4 | 6 | 610 |
| Supreme court | 4 | 4 | 603 |
| **Ownership of lands** | | | |
| Aliens, prohibited, exceptions | 2 | 33 | 549 |
| **Pardoning power** | | | |
| (See Governor) | | | |
| **Partnership** | | | |
| (See Corporations) | | | |
| **Pass** | | | |
| Grant, to public officers | 12 | 20 | 767 |
| Use, by public officers | 2 | 39 | 555 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Passenger tariffs** | | | |
| (See Railroad companies) | | | |
| **Penalties** | | | |
| Accrued to territory, inure to state | 27 | 3 | 866 |
| Incurred, not affected by governmental change | 27 | 5 | 867 |
| Remission, special act | 2 | 28(14) | 540 |
| Violation, provision on monopolies | 12 | 22 | 769 |
| **Penitentiary** | | | |
| Chaplain, right to employ | 1 | 11 | 499 |
| **Pensions** | | | |
| Increase, public officers | 2 | 25 | 538 |
| **People** | | | |
| Political power inherent | 1 | 1 | 494 |
| Public lands, held in trusts | 16 | 1 | 793 |
| Reservation of power | 2 | 1 | 519 |
| Right of petition and peaceful assemblage | 1 | 4 | 496 |
| Right to religious liberty | 1 | 11 | 499 |
| Right to security in home | 1 | 7 | 497 |
| Rights retained, not affected by grants in Constitution | 1 | 30 | 516 |
| Toleration of religious sentiment | 26 | 1 | 855 |
| **Percentages** | | | |
| (See Initiative and referendum; Recall) | | | |
| **Permanent school fund** | | | |
| (See School fund) | | | |
| **Personal property** | | | |
| Appellate jurisdiction, supreme court | 4 | 4 | 603 |
| Exemption from taxation | 7 | 2 | 652 |
| Power of legislature, exempt | 7 | 1 | 649 |
| **Persons under disability** | | | |
| (See Disability) | | | |
| **Petition** | | | |
| Right, not to be abridged | 1 | 4 | 496 |
| (See also Initiative and referendum; Recall) | | | |
| **Police justice** | | | |
| Justice of peace may act | 4 | 10 | 615 |
| **Police power** | | | |
| Cities, counties, towns, townships | 11 | 11 | 728 |
| **Political power** | | | |
| Inherent in people | 11 | 1 | 705 |
| **Pooling** | | | |
| (See Common carriers; Corporations) | | | |
| **Popular government** | | | |
| (See Initiative and referendum) | | | |
| **Population** | | | |
| Counties classified by | 11 | 5 | 717 |
| **Postmaster** | | | |
| Eligible to legislature, when | 2 | 14 | 531 |
| **Powers** | | | |
| Executive, vested | 3 | 2 | 562 |
| Judicial, where vested | 4 | 1 | 594 |
| Legislative, where vested | 2 | 1 | 519 |
| Pardoning, where vested | 3 | 9 | 568 |
| Reserved by people | 2 | 1 | 519 |
| **Precinct officers** | | | |
| Election, duties, terms and compensation | 11 | 5 | 717 |
| Official bonds, unaffected by governmental change | 27 | 14 | 875 |
| Territorial, how long | 27 | 14 | 875 |
| Vacancies, how filled | 11 | 6 | 719 |
| **President of senate** | | | |
| (See Lieutenant governor) | | | |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Press** | | | |
| Liberty, secured | 1 | 5 | 496 |
| **Prices** | | | |
| (See Common carriers; Corporations) | | | |
| **Private corporations** | | | |
| (See Corporations) | | | |
| **Private legislation** | | | |
| Prohibited in enumerated cases | 2 | 28 | 540 |
| **Private property** | | | |
| (See also Eminent domain) | | | |
| Not taken for public debts | 11 | 13 | 729 |
| **Privilege and privileges** | | | |
| Electors, when and how | 6 | 5 | 640 |
| Equality to all, no special | 1 | 12 | 500 |
| Hereditary, prohibited | 1 | 28 | 515 |
| Irrevocable grant, prohibited | 1 | 8 | 498 |
| Legislative members, when from arrest or civil process | 2 | 16 | 533 |
| Militia, when from arrest | 10 | 5 | 697 |
| **Probate court** | | | |
| Judge to perform duties until | 27 | 10 | 871 |
| Merger in superior court, when | 27 | 10 | 871 |
| **Probate matters** | | | |
| Appellate jurisdiction, supreme court | 4 | 4 | 603 |
| Jurisdiction, superior court | 27 | 10 | 871 |
| Original jurisdiction, superior court | 4 | 6 | 610 |
| **Process** | | | |
| Legislators privileged from when | 2 | 16 | 533 |
| State courts, service on United States lands | 25 | 1 | 851 |
| Style of | 4 | 27 | 629 |
| Superior court, authority statewide | 4 | 6 | 610 |
| Territorial, validity | 27 | 1 | 865 |
| **Prohibition** | | | |
| Appellate and revisory jurisdiction, supreme court | 4 | 4 | 603 |
| Liquor— | | | |
| Ballot, form | 27 | 18 | 881 |
| Separate article (rejected) | 27 | 17 | 878 |
| Original jurisdiction, superior court | 4 | 6 | 610 |
| Writs, issuance and service | 4 | 6 | 610 |
| **Property** | | | |
| (See also Personal property; Taxation) | | | |
| Corporate, subject to eminent domain | 12 | 10 | 746 |
| Deprivation without due process of law prohibited | 1 | 3 | 495 |
| Private, not to be taken to pay public debts | 11 | 3 | 708 |
| Public, not to be applied to religious worship | 1 | 11 | 499 |
| Taking for private or public use | 1 | 16 | 502 |
| Territorial, to vest in state | 27 | 4 | 866 |
| **Prosecuting attorney** | | | |
| Election, duties, term, compensation | 11 | 5 | 717 |
| Removal, when and how | 4 | 9 | 614 |
| **Prosecutions** | | | |
| (See also Criminal actions) | | | |
| Commenced before statehood, how conducted | 27 | 5 | 867 |
| Conducted in name of state | 4 | 27 | 629 |
| Information or indictment authorized | 1 | 25 | 513 |
| **Protection** | | | |
| Lift, liberty and property entitled | 1 | 3 | 495 |
| Persons engaged in dangerous employments, provisions for | 2 | 35 | 552 |
| Public arms, provision for safekeeping | 10 | 4 | 697 |
| **Public Administrator** | | | |
| Salary, regulations | 11 | 8 | 721 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Public arms** | | | |
| (See Arms) | | | |
| **Publication** | | | |
| Amendments proposed to Constitution | 23 | 1 | 843 |
| Liberty of, guaranteed | 1 | 5 | 496 |
| Opinions, supreme court | 4 | 21 | 624 |
| Proposed law authorizing state to contract debt | 8 | 3 | 672 |
| Public money, receipts and expenditures | 7 | 7 | 663 |
| Referendum measures | 2 | 1(d) | 519 |
| **Public corporations** | | | |
| (See Municipal corporations) | | | |
| **Public debts** | | | |
| (See Debts) | | | |
| **Public funds** | | | |
| (See Appropriations; Public money; School fund) | | | |
| **Public health** | | | |
| Deleterious occupations, regulations | 2 | 35 | 552 |
| Referendum, exception from power of | 2 | 1(b) | 519 |
| State board of, creation | 20 | 1 | 833 |
| **Public indebtedness** | | | |
| (See City; County; Debt; Towns and villages) | | | |
| **Public institutions** | | | |
| Referendum, exception from power of | 2 | 1(b) | 519 |
| **Public lands** | | | |
| (See Commissioner of public granted lands; Lands) | | | |
| **Public money** | | | |
| (See also Money) | | | |
| Accountability of public officers | 11 | 5, 15 | 717, 730 |
| Appropriation for religious worship prohibited | 1 | 11 | 499 |
| Deposit with treasurer required | 11 | 15 | 730 |
| Statements of receipts and expenditures, publication | 7 | 7 | 663 |
| Using or making profit from, a felony | 11 | 14 | 730 |
| **Public office** | | | |
| (See Office) | | | |
| **Public officer** | | | |
| (See Officers) | | | |
| **Public property** | | | |
| (See Property) | | | |
| **Public safety** | | | |
| Habeas corpus, ground for suspension | 1 | 13 | 501 |
| Referendum, exception from power of | 2 | 1(b) | 519 |
| **Public schools** | | | |
| (See also Education) | | | |
| Establishment, maintenance guaranteed | 26 | 4 | 856 |
| Free from sectarian control | 9 | 4 | 688 |
| | 26 | 4 | 856 |
| Open to all children of state | 9 | 1 | 685 |
| | 26 | 4 | 856 |
| Special legislation affecting | 2 | 28(15) | 540 |
| Superintendent of public instruction to have supervision | 3 | 22 | 585 |
| System to be established by state | 9 | 2 | 686 |
| **Public use** | | | |
| (See Eminent domain) | | | |
| **Punishment** | | | |
| Bribery, corrupt solicitation, how punished | 2 | 30 | 546 |
| Cruel, not to be inflicted | 1 | 14 | 501 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Qualifications** | | | |
| (See also Voters) | | | |
| Each legislative house to be judge | 2 | 8 | 528 |
| Judges of supreme, superior courts | 4 | 17 | 623 |
| Members of legislature | 2 | 7 | 527 |
| Religious, not required for public office | 1 | 11 | 499 |
| State officers | 3 | 25 | 589 |
| **Quorum** | | | |
| Less number may adjourn, compel attendance | 2 | 8 | 528 |
| Majority of each house to constitute | 2 | 8 | 528 |
| Supreme court, majority of judges necessary | 4 | 2 | 596 |
| **Quo warranto** | | | |
| Appellate and original jurisdiction, supreme court | 4 | 4 | 603 |
| Original jurisdiction, superior court | 4 | 6 | 610 |
| **Race** | | | |
| Discrimination in education on account of, prohiibted | 9 | 1 | 685 |
| **Railroad and transportation commission** | | | |
| (See Railroad companies) | | | |
| **Railroad companies** | | | |
| Charges, regulations | 12 | 15 | 755 |
| Combinations— | | | |
| Prohibited | 12 | 22 | 769 |
| Sharing earnings forbidden | 12 | 14 | 753 |
| Commission to control may be established | 12 | 18 | 765 |
| Common carriers, subject to legislative control | 12 | 13 | 753 |
| Consolidation with competing lines prohibited | 12 | 16 | 756 |
| Delays, when forbidden | 12 | 13 | 753 |
| Discrimination between telegraph companies forbidden | 12 | 19 | 766 |
| Discrimination in charges between persons and places prohibited | 12 | 15 | 755 |
| Excursion and commutation tickets may be granted | 12 | 15 | 755 |
| Express companies, allowed equal terms | 12 | 21 | 768 |
| Extortion and discrimination in rates to be prevented | 12 | 18 | 765 |
| Foreign railroads, connection with authorized | 12 | 13 | 753 |
| Grant of passes to public officers forbidden | 12 | 20 | 767 |
| Intersecting, crossing or connecting with other railroads authorized | 12 | 13 | 753 |
| Jurisdiction, public offense on railway car | 1 | 22 | 510 |
| Maximum rates, establishment | 12 | 18 | 765 |
| Passes, acceptance and use by public officers unlawful | 2 | 39 | 555 |
| Rolling stock subject to taxation, execution sale | 12 | 17 | 757 |
| Telegraph and telephone companies, allowed to use right-of-way | 12 | 19 | 766 |
| **Railway cars** | | | |
| (See Railroad companies) | | | |
| **Ratification** | | | |
| Constitutional amendments | 23 | 1 | 843 |
| Revision | 23 | 3 | 845 |
| | **Art.** | **Sec.** | **Page** |
| **Real property** | | | |
| Appellate jurisdiction, supreme court | 4 | 4 | 603 |
| Original jurisdiction, superior court | 4 | 6 | 610 |
| **Rebellion or invasion** | | | |
| Suspension of writ of habeas corpus | 1 | 13 | 501 |
| **Recall of officers** | | | |
| Legislature, duty to carry out provisions of recall section | 1 | 34 | 517 |
| Malfeasance, misfeasance, or violation of oath of office, recall for | 1 | 33 | 517 |
| Officers subject to | 1 | 33 | 517 |
| Petition for, requirements | 1 | 33, 34 | 517 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Receipts and expenditures** | | | |
| (See Public money) | | | |
| **Reclamation** | | | |
| Public use in taking for | 1 | 16 | 502 |
| **Recognizances** | | | |
| Territorial inure to state | 27 | 4 | 866 |
| Valid and unaffected by change in government | 27 | 4 | 866 |
| **Records** | | | |
| State officers, where kept | 3 | 24 | 587 |
| Territorial courts, transfer | 27 | 8 | 868 |
| **Referendum** | | | |
| (See Initiative and referendum) | | | |
| **Reforestation** | | | |
| Taxation by yield tax or ad valorem tax | 7 | 1 | 649 |
| **Regents** | | | |
| (See State institutions) | | | |
| **Registration law** | | | |
| Compliance with, elector | 6 | 7 | 641 |
| Enactment required, when | 6 | 7 | 641 |
| Punishment, illegal registration | 6 | 1 | 633 |
| **Religion** | | | |
| Appropriations of public funds for religious purposes, prohibited | 1 | 11 | 499 |
| Chaplain of state penitentiary, right to employ | 1 | 11 | 499 |
| Freedom of conscience, guaranteed | 1 | 11 | 499 |
| Public office, religious qualification prohibited | 1 | 11 | 499 |
| Toleration in, secured | 26 | 1 | 855 |
| **Removal from office** | | | |
| (See also Recall) | | | |
| Governor, who to act | 3 | 10 | 569 |
| Impeachment | 5 | 1 | 631 |
| Joint resolution of legislature | 4 | 9 | 614 |
| Lieutenant governor, who to act | 3 | 10 | 569 |
| Officers not liable to impeachment, how removed | 5 | 3 | 632 |
| **Reporter of supreme court** | | | |
| Appointment and salary | 4 | 18 | 623 |
| **Reports** | | | |
| Decisions, supreme court | 4 | 21 | 624 |
| Defects and omissions in the laws | 4 | 25 | 627 |
| **Representative districts** | | | |
| Allotment among counties | 22 | 2 | 840 |
| **Representatives** | | | |
| (See also House of Representatives; Recall) | | | |
| Apportionment among counties | 22 | 2 | 840 |
| Compensation and mileage | 2 | 23 | 536 |
| Congressional, how and when elected | 27 | 13 | 875 |
| Election | 2 | 4, 5 | 525 |
| Number | 2 | 2 | 523 |
| Privileges, arrest and civil process | 2 | 16 | 533 |
| Qualifications | 2 | 7 | 527 |
| Reapportionment | 2 | 3 | 525 |
| Term | 2 | 4, 5 | 525 |
| **Reprieves** | | | |
| (See Governor) | | | |
| **Residence** | | | |
| Absence, effect | 6 | 4 | 639 |
| Eligibility to office and right of voting, how affected | 6 | 4 | 639 |
| Qualifications for voters | 6 | 1 | 633 |
| State officers, where | 3 | 24 | 587 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Retirement** | | | |
| Judges of supreme, superior courts | 4 | 3(a) | 603 |
| Public officers, increase in pension | 2 | 25 | 538 |
| **Revenue** | | | |
| Failure in, state may incur debt to meet | 8 | 1 | 668 |
| Tax, authorized to cover deficiencies | 7 | 8 | 663 |
| **Revenue and taxation** | | | |
| (See Taxation) | | | |
| **Review, writ of** | | | |
| Appellate and revisory jurisdiction, supreme court | 4 | 4 | 603 |
| Original jurisdiction, superior court | 4 | 6 | 610 |
| **Revision of Constitution** | | | |
| (See Constitution) | | | |
| **Right of petition** | | | |
| Not to be abridged | 1 | 4 | 496 |
| **Right-of-way** | | | |
| (See Eminent domain) | | | |
| **Right to assemble** | | | |
| Not to be abridged | 1 | 4 | 496 |
| **Right to bear arms** | | | |
| Not to be impaired | 1 | 24 | 512 |
| Employment of armed men by private persons, restricted | 1 | 24 | 512 |
| **Rights** | | | |
| (See also Accused; Initiative and referendum) | | | |
| Declaration of | 1 | 1-32 | 494, 516 |
| Enumerated, not to affect others retained | 1 | 30 | 516 |
| Existing, not affected by change in government | 27 | 1 | 865 |
| **Road district** | | | |
| Vacancy in office, how filled | 11 | 6 | 719 |
| **Roads** | | | |
| (See Streets and roads) | | | |
| **Rolling stock** | | | |
| (See Railroad companies) | | | |
| **Rules of court** | | | |
| (See Superior court) | | | |
| **Rules of proceeding** | | | |
| Each house to determine | 2 | 9 | 529 |
| **Sailors** | | | |
| (See Census) | | | |
| **Salaries** | | | |
| (See also Compensation) | | | |
| Change during term, prohibited | 2 | 25 | 538 |
| Clerk, supreme court | 4 | 22 | 625 |
| Constables, certain cities | 11 | 8 | 721 |
| County, township, precinct and district officers | 11 | 5, 8 | 717, 721 |
| Judges, supreme and superior courts— | | | |
| Change during term, prohibited | 4 | 13 | 618 |
| Payable, how and when | 4 | 14 | 619 |
| Justice of peace, certain cities | 4 | 10 | 615 |
| Reporter, supreme court | 4 | 18 | 623 |
| State officers— | | | |
| Attorney general | 3 | 21 | 585 |
| Auditor | 3 | 20 | 584 |
| Change during term | 3 | 25 | 589 |
| Commissioner of public lands | 3 | 23 | 587 |
| Governor | 3 | 14 | 577 |
| Lieutenant governor | 3 | 16 | 579 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Salaries (Continued)** | | | |
| Secretary of state | 3 | 17 | 581 |
| Superintendent of public instruction | 3 | 22 | 585 |
| Treasurer | 3 | 19 | 583 |
| **Sanitary regulations** | | | |
| County, city and town may enforce | 11 | 11 | 728 |
| **School district** | | | |
| Debts, authority to contract | 8 | 6 | 675 |
| Property, exemption from taxation | 7 | 1 | 649 |
| **School elections** | | | |
| (See Elections; Election franchise; Voter) | | | |
| **School fund** | | | |
| Application, common schools | 9 | 2 | 686 |
| Apportionment by special act forbidden | 2 | 28(7) | 540 |
| Bonds, investment | 16 | 5 | 806 |
| Enlargement authorized | 9 | 3 | 687 |
| Interest, applied to current expenses | 9 | 3 | 687 |
| Investment | 16 | 5 | 806 |
| Loans to private persons or corporations forbidden | 16 | 5 | 806 |
| Losses, how made good | 9 | 5 | 689 |
| Principal, irreducible | 9 | 3 | 687 |
| Sources | 9 | 3 | 687 |
| **School lands** | | | |
| (See Lands) | | | |
| **Schools** | | | |
| (See Education; Public schools) | | | |
| **Seal** | | | |
| State, design | 18 | 1 | 829 |
| Custodian, secretary of state | 3 | 18 | 583 |
| Superior courts, design | 27 | 9 | 871 |
| Territorial court, county, municipal officers | 27 | 8, 9 | 868, 871 |
| **Seat of government** | | | |
| Ballot form | 27 | 18 | 881 |
| Election under territorial law | 27 | 15 | 876 |
| Location, how determined | 14 | 1 | 775 |
| Permanent, how changed | 14 | 2 | 777 |
| Temporary | 14 | 1 | 775 |
| Vote, majority necessary | 14 | 1 | 775 |
| **Secrecy** | | | |
| (See Elections; Legislature) | | | |
| **Secretary of state** | | | |
| Attests commissions issued by state | 3 | 15 | 579 |
| Bureau of statistics, etc., to be established in office of | 2 | 34 | 552 |
| Duties | 3 | 17 | 581 |
| Election | 3 | 1 | 559 |
| Initiative and referendum | 2 | 1(a), (d) | 519 |
| Records to be kept at capital | 3 | 24 | 587 |
| Residence | 3 | 24 | 587 |
| Salary | 3 | 17 | 581 |
| Seal of state, custodian | 3 | 18 | 583 |
| Succession to governorship | 3 | 10 | 569 |
| Term | 3 | 3 | 563 |
| **Sectarian control** | | | |
| (See Public schools) | | | |
| **Security** | | | |
| Individual rights | 1 | 32 | 516 |
| Person in private affairs, home | 1 | 7 | 497 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Senate** | | | |
| (See also Legislature; Senators) | | | |
| Appointments, advice and consent | 13 | 1 | 773 |
| Impeachments tried by | 5 | 1 | 631 |
| Legislative powers, authority vested | 2 | 1 | 519 |
| Presiding officer in absence of lieutenant governor | 2 | 10 | 529 |
| Quorum | 2 | 8 | 528 |
| **Senatorial districts** | | | |
| Allotment among counties | 22 | 1 | 839 |
| Territory, requirements | 2 | 6 | 526 |
| **Senators** | | | |
| (See also Recall; Senate) | | | |
| Allotment | 2 | 6 | 526 |
| Apportionment | 22 | 1 | 839 |
| Compensation and mileage | 2 | 23 | 536 |
| | 28 | 1 | 885 |
| Elections | 2 | 6 | 526 |
| Impeachments tried by | 5 | 1 | 631 |
| Number | 2 | 2 | 523 |
| Privileges, arrest and civil process | 2 | 16 | 533 |
| Qualifications | 2 | 7 | 527 |
| Reapportionment | 2 | 3 | 525 |
| Term | 2 | 6 | 526 |
| Vacancy in office, how filled | 2 | 15 | 532 |
| **Separate articles** | | | |
| (See Prohibition; Women's suffrage) | | | |
| **Sessions** | | | |
| (See Legislature) | | | |
| **Sewers** | | | |
| Cities may contract debts for | 8 | 6 | 675 |
| **Sex** | | | |
| (See Education; Elective franchise; Women's suffrage) | | | |
| **Sheriffs** | | | |
| Accountability for fees, moneys | 11 | 5 | 717 |
| Duties, term and salary | 11 | 5 | 717 |
| Election | 11 | 5 | 717 |
| **Shores and beds of navigable waters** | | | |
| (See Navigable waters) | | | |
| **Soldiers** | | | |
| (See also Census) | | | |
| Quartering in private homes | 1 | 31 | 516 |
| **Soldiers' home** | | | |
| Admission, qualifications | 10 | 3 | 696 |
| Maintenance | 10 | 3 | 696 |
| **Special election** | | | |
| (See Recall) | | | |
| **Special legislation** | | | |
| Prohibited, enumerated cases | 2 | 28 | 540 |
| **Special privileges** | | | |
| Grant of, prohibited | 1 | 12 | 500 |
| Invalid, when | 12 | 2 | 135 |
| **Special taxation** | | | |
| (See Taxation) | | | |
| **Speech** | | | |
| Liberty of, guaranteed | 1 | 5 | 496 |
| **State** | | | |
| Boundaries | 24 | 1 | 847 |
| Cession to United States | 25 | 1 | 851 |
| Compact with United States | 26 | 1-4 | 855 |
| Congressional districts | 27 | 13 | 875 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **State (Continued)** | | | |
| Convict labor | 2 | 29 | 545 |
| Corporations, ownership of stock in or loaning credit to, prohibited | 12 | 9 | 746 |
| Credit not to be loaned | 8 | 5 | 675 |
| Criminal prosecution, continuation on change of government | 27 | 5 | 867 |
| Debts, fines, penalties and forfeitures— | | | |
| Accrued to territory inure to state | 27 | 3 | 866 |
| Limitation on power | 8 | 1-3 | 668 |
| Money raised, how applied | 8 | 1 | 668 |
| Power to contract | 8 | 1-3 | 668 |
| Education | 9 | 1 | 685 |
| Government and Indian lands, disclaimer of title | 26 | 2 | 855 |
| Granted lands, held in trust for people | 16 | 1 | 793 |
| Harbors, sale of lands or rights in restricted | 15 | 1 | 782 |
| Indian lands, when taxable | 26 | 2 | 855 |
| Navigable waters, ownership of beds and shores | 17 | 1 | 810 |
| Public schools, duty to establish | 26 | 4 | 856 |
| Representative districts | 22 | 2 | 840 |
| Senatorial districts | 22 | 1 | 839 |
| State institutions, support | 13 | 1 | 773 |
| Suits against | 2 | 26 | 539 |
| Taxation— | | | |
| Exemption of state property | 7 | 1 | 649 |
| Power | 7 | 4 | 661 |
| Territorial debts and liabilities, assumption | 26 | 3 | 856 |
| Territorial property passes to state | 27 | 4 | 866 |
| Timber, stone on state lands, sale | 16 | 3 | 801 |
| United States patented lands, disclaimer | 17 | 2 | 820 |
| Validation of void official acts | 2 | 28(12) | 540 |
| **State auditor** | | | |
| (See Auditor) | | | |
| **State board of health** | | | |
| Establishment | 20 | 1 | 833 |
| **State capital** | | | |
| (See Seat of government) | | | |
| **State courts** | | | |
| (See also Courts; Superior court; Supreme court) | | | |
| Territorial court actions, assumption of jurisdiction | 27 | 5 | 867 |
| **State indebtedness** | | | |
| (See Debt) | | | |
| **State institutions** | | | |
| Appointment of officers | 13 | 1 | 773 |
| Chaplains | 1 | 11 | 499 |
| Support | 13 | 1 | 773 |
| **State land commissioner** | | | |
| (See Commissioner of public lands) | | | |
| **State lands** | | | |
| (See Lands) | | | |
| **Statement of receipts and expenditures** | | | |
| (See Fiscal statement) | | | |
| **State militia** | | | |
| (See Militia) | | | |
| **State officers** | | | |
| Compensation, change during term and extra, prohibited | 2 | 25 | 538 |
| Elections (See Elections) | | | |
| Impeachment, who liable | 5 | 2 | 631 |
| Information, governor may require | 3 | 5 | 565 |
| Passes, acceptance and use prohibited | 12 | 20 | 767 |
| | 2 | 39 | 555 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **State officers—(Continued)** | | | |
| Qualifications | 3 | 25 | 589 |
| Records, where kept | 3 | 24 | 587 |
| Residence, certain officers | 3 | 24 | 587 |
| Salaries (See Salaries) | | | |
| Terms | 3 | 3 | 563 |
| **State offices** | | | |
| (See Offices) | | | |
| **State reformatories** | | | |
| Chaplain, right to employ | 1 | 11 | 499 |
| **State school tax** | | | |
| Application | 9 | 2 | 686 |
| **State seal** | | | |
| (See Seal) | | | |
| **State taxes** | | | |
| (See Taxation) | | | |
| **State treasurer** | | | |
| (See Treasurer) | | | |
| **Statistics** | | | |
| (See Bureau of vital statistics) | | | |
| **Statutes** | | | |
| (See Bills; Laws) | | | |
| **Stockholders** | | | |
| (See Corporations) | | | |
| **Stock of corporations** | | | |
| (See Corporations) | | | |
| **Stone** | | | |
| Sale, from state lands | 16 | 3 | 801 |
| **Streets and roads** | | | |
| Extension over tidelands, permitted | 15 | 3 | 791 |
| Opening under special laws prohibited, exceptions | 2 | 28(2) | 540 |
| **Students** | | | |
| Right to vote, not affected by residence | 6 | 4 | 639 |
| **Subpoena** | | | |
| (See Accused) | | | |
| **Suffrage** | | | |
| (See Voter; Women's suffrage) | | | |
| **Suits against state** | | | |
| (See State) | | | |
| **Superintendent of public instruction** | | | |
| (See also State officers) | | | |
| Duties | 3 | 22 | 585 |
| Election | 3 | 1 | 559 |
| Records, where kept | 3 | 24 | 587 |
| Salary | 3 | 22 | 585 |
| Succession to governorship | 3 | 10 | 569 |
| Term | 3 | 3 | 563 |
| **Superior court** | | | |
| (See also Judges; Judges of superior court) | | | |
| Assignment of business | 4 | 5 | 606 |
| Clerk | 4 | 26 | 628 |
| Court of record | 4 | 11 | 617 |
| Decisions, when made | 4 | 20 | 624 |
| Eligibility | 4 | 17 | 623 |
| Grand jury, how summoned | 1 | 26 | 513 |
| Judicial power, vested | 4 | 1 | 594 |
| Jurisdiction, original and appellate | 4 | 6 | 610 |
| Naturalization, power of | 4 | 6 | 610 |
| Open, except on nonjudicial days | 4 | 6 | 610 |
| Probate courts, appellate jurisdiction over | 27 | 10 | 871 |
| Process, extension | 4 | 6 | 610 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Superior court (Continued)** | | | |
| Report, defect in laws | 4 | 25 | 627 |
| Rules of practice, may establish | 4 | 24 | 626 |
| Seal | 27 | 9 | 871 |
| Sessions, distribution of business | 4 | 5 | 606 |
| Territorial causes and records, pass to | 27 | 5 | 867 |
| Vacancies, how filled | 4 | 5 | 606 |
| Writs, power to issue | 4 | 6 | 610 |
| **Supreme court** | | | |
| (See also Judges; Judges of supreme court) | | | |
| Court of record | 4 | 11 | 617 |
| Decisions, requirements | 4 | 2 | 596 |
| Departments of court may be provided | 4 | 2 | 596 |
| Eligilibity to office | 4 | 17 | 623 |
| Judicial power, vested | 4 | 1 | 594 |
| Jurisdiction, original and appellate | 4 | 4 | 603 |
| Open, except on nonjudicial days | 4 | 2 | 596 |
| Opinions, publication | 4 | 21 | 624 |
| Quorum, to form and pronounce decisions | 4 | 2 | 596 |
| Seal | 27 | 9 | 871 |
| Sessions, where held | 4 | 3 | 598 |
| Territorial supreme court, when jurisdiction over causes passes to state court | 27 | 8 | 868 |
| Vacancies, how filled | 4 | 3 | 598 |
| **Supreme court clerk** | | | |
| (See Clerk) | | | |
| **Supreme court reporter** | | | |
| (See Reporter of supreme court) | | | |
| **Supreme law** | | | |
| United States Constitution | 1 | 2 | 495 |
| **Surgery** | | | |
| Practice of, regulated | 20 | 2 | 833 |
| **Surveyor** | | | |
| Salaries, regulation | 11 | 8 | 721 |
| **Swamp and overflowed lands** | | | |
| Patented, state disclaims title | 17 | 2 | 820 |
| **Taxation** | | | |
| Ad valorem tax, mines and reforested lands | 7 | 1 | 649 |
| Annual tax, state debt and expenses | 7 | 1 | 649 |
| Assessment, collection by special law prohibited | 2 | 28(5) | 540 |
| Cities, power to tax | 11 | 12 | 729 |
| Corporate property subject | 7 | 3 | 658 |
| Counties, power to tax | 11 | 12 | 729 |
| Deduction of debts from credits | 7 | 2 | 652 |
| Deficiencies, state may levy tax | 7 | 8 | 663 |
| Exemption— | | | |
| Allowed certain property | 7 | 2 | 652 |
| Indian lands, when | 26 | 2 | 855 |
| Property, legislative power to exempt | 7 | 1 | 649 |
| Public property | 7 | 1 | 649 |
| United States lands, when | 26 | 2 | 855 |
| Extension of time for collection | 2 | 28(5) | 540 |
| Gasoline (certain) taxes, limitations on use | 2 | 40 | 556 |
| Head of family, exemption | 7 | 1 | 649 |
| Indian lands, patented, how taxed | 26 | 2 | 855 |
| Intangible property | 7 | 1 | 649 |
| Jurisdiction, appellate, supreme court | 4 | 4 | 603 |
| Jurisdiction, original, superior court | 4 | 6 | 610 |
| Levy only in pursuance of law | 7 | 5 | 662 |
| Local, legislature may not impose | 11 | 12 | 729 |
| Nonresidents, land, how taxed | 26 | 2 | 855 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Taxation (Continued)** | | | |
| Power of taxation | 7 | 1 | 649 |
| Property subject | 7 | 1, 2 | 649 |
| Property tax, amount limited | 7 | 2 | 652 |
| Public purposes | 7 | 1 | 649 |
| Real estate, uniformity of taxation | 7 | 1 | 649 |
| Rolling stock of railroads subject | 12 | 17 | 757 |
| Special taxation, when authorized | 7 | 9 | 664 |
| State purposes— | | | |
| How payable | 7 | 6 | 662 |
| Taxes, county's proportionate share | 11 | 9 | 723 |
| Surrender, corporate property tax | 7 | 4 | 661 |
| Towns, power to tax | 11 | 12 | 729 |
| Uniformity required | 7 | 1, 2, 9 | 649, 652, 664 |
| Yield tax, mines and reforested lands | 7 | 1 | 649 |
| **Technical schools** | | | |
| (See Public schools; Education) | | | |
| **Telegraph and telephone companies** | | | |
| Common carriers (See Common carriers) | | | |
| Construction of lines | 12 | 19 | 766 |
| Delay, discrimination prohibited | 12 | 19 | 766 |
| Eminent domain, right | 12 | 19 | 766 |
| Railroads, grant of facilities | 12 | 19 | 766 |
| Rights-of-way | 12 | 19 | 766 |
| **Tenure of office** | | | |
| (See also Recall of officers; Term of office) | | | |
| County officers, succession in terms | 11 | 7 | 720 |
| County, local officers, extension of term | 11 | 8 | 721 |
| Office-holders at adoption of Constitution | 27 | 14 | 875 |
| **Term of office** | | | |
| (See also Recall) | | | |
| Attorney general | 3 | 3 | 563 |
| Auditor | 3 | 3 | 563 |
| Commencement of term | 3 | 4 | 564 |
| Commissioner of public lands | 3 | 3 | 563 |
| County, district, precinct and township officers | 11 | 5 | 717 |
| First officers under Constitution | 27 | 16 | 877 |
| Governor | 3 | 2 | 562 |
| Judges, superior court | 4 | 5 | 606 |
| Judges, supreme court | 4 | 3 | 598 |
| Lieutenant governor | 3 | 3 | 563 |
| Officers not provided for in Constitution | 27 | 11 | 873 |
| Representatives | 2 | 4, 5 | 525 |
| Secretary of state | 3 | 3 | 563 |
| Senators | 2 | 6 | 526 |
| Superintendent of public instruction | 3 | 3 | 563 |
| Treasurer | 3 | 3 | 563 |
| **Territory** | | | |
| Bonds and recognizances, pass to state | 27 | 4 | 866 |
| Courts, continuation and causes transferred | 27 | 5, 8 | 867, 868 |
| Debts, assumed by state | 26 | 3 | 856 |
| Debts, fines, etc., inure to state | 27 | 3 | 866 |
| Existing rights, how affected by change | 27 | 1 | 865 |
| Laws, remain in force, exception | 27 | 2 | 865 |
| Liabilities, assumed by state | 26 | 3 | 856 |
| Officers, how long to hold office | 27 | 6 | 868 |
| Process, validity | 27 | 1 | 865 |
| Property, to vest in state | 27 | 4 | 856 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Testimony** | | | |
| (See also Evidence) | | | |
| Accused, testimony against self— | | | |
| Exception, bribery | 2 | 30 | 546 |
| Not required | 1 | 9 | 498 |
| Compulsory, cases of corrupt solicitation | 2 | 30 | 546 |
| Treason, what necessary for conviction | 1 | 27 | 514 |
| Weight of, not affected by religious belief | 1 | 11 | 499 |
| **Tidelands** | | | |
| Lands, patented, state disclaims title | 17 | 2 | 820 |
| Ownership, assertion by state | 17 | 1 | 810 |
| Streets, extension over permitted | 15 | 3 | 791 |
| Vested rights, asserted in courts | 17 | 1 | 810 |
| **Tidewaters** | | | |
| Control, regulation within harbor areas | 15 | 1-3 | 782 |
| **Timber and timber lands** | | | |
| Sale | 16 | 3 | 801 |
| **Time** | | | |
| (See Initiative and referendum) | | | |
| **Title** | | | |
| Tidelands, assertion by state | 17 | 1 | 810 |
| Patented lands, disclaimer by state | 17 | 2 | 820 |
| **Tolerance** | | | |
| (See Religion) | | | |
| **Toll** | | | |
| Appellate jurisdiction, supreme court | 4 | 4 | 603 |
| Original jurisdiction, superior court | 4 | 6 | 610 |
| **Towns and villages** | | | |
| (See also City; Municipal corporations; Townships) | | | |
| Charter, amendment by special act | 2 | 28(8) | 540 |
| Corporate stock or bonds, ownership forbidden | 8 | 7 | 679 |
| Credit not to be loaned, exception | 8 | 7 | 679 |
| Indebtedness, limitation, increase, power and restrictions | 8 | 6 | 675 |
| Moneys— | | | |
| Use of, by official, a felony | 11 | 14 | 730 |
| Where deposited | 11 | 15 | 730 |
| Officers, salary and term | 11 | 8 | 721 |
| Organization under general laws required | 11 | 10 | 723 |
| Police and sanitary regulations | 11 | 11 | 728 |
| Taxation, power | 11 | 12 | 729 |
| **Townships** | | | |
| County, adoption of township form of organization | 11 | 4 | 713 |
| Local affairs, management | 11 | 4 | 713 |
| Officers, election, duties, terms, compensation | 11 | 5 | 717 |
| Police and sanitary regulations, enforcement | 11 | 11 | 728 |
| Salaries of officers, change during term prohibited | 11 | 8 | 721 |
| Term of office, extension | 11 | 8 | 721 |
| Vacancies in office, how filled | 11 | 6 | 719 |
| **Trains** | | | |
| (See Railway cars) | | | |
| **Transportation companies** | | | |
| (See Common carriers; Railroad companies) | | | |
| **Treason** | | | |
| Acts constituting | 1 | 27 | 514 |
| Evidence necessary for conviction | 1 | 27 | 514 |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Treasurer** | | | |
| Duties | 3 | 19 | 583 |
| Election | 3 | 1 | 559 |
| Records, where kept | 3 | 24 | 587 |
| Residence | 3 | 24 | 587 |
| Salary | 3 | 19 | 583 |
| Succession to governorship | 3 | 10 | 569 |
| Term | 3 | 3 | 563 |
| **Treasury** | | | |
| Paid out of state, how and when | 8 | 4 | 673 |
| **Trial by jury** | | | |
| (See Jury) | | | |
| **Trustees** | | | |
| (See State institutions) | | | |
| **Trusts** | | | |
| (See Corporations) | | | |
| **Twice in jeopardy** | | | |
| (See Jeopardy) | | | |
| **Uniformity** | | | |
| County government, provision for | 11 | 4 | 713 |
| Taxation | 7 | 2, 9 | 652, 664 |
| **United States** | | | |
| (See also Congress; Federal officers; Forts, dockyards; Indian lands.) | | | |
| Compact of state with | 26 | 1-4 | 855 |
| Constitution, supreme law of land | 1 | 2 | 495 |
| Lands— | | | |
| Certain, consent necessary for disposal | 16 | 1 | 793 |
| Exempt from taxation | 26 | 2 | 855 |
| Unappropriated, title remains in | 26 | 2 | 855 |
| Officers, territorial, remain until | 27 | 6 | 868 |
| Office under, acceptance vacates legislative seat | 2 | 14 | 531 |
| **Vacancies in office** | | | |
| County partisan elective offices | 2 | 15 | 532 |
| County, township, precinct and road district | 11 | 6 | 719 |
| Governor, succession | 3 | 10 | 569 |
| Judges, supreme and superior courts | 4 | 3, 5 | 598, 606 |
| Legislature | 2 | 15 | 532 |
| State, filled by governor until next election | 3 | 13 | 576 |
| **Validating acts** | | | |
| Relating to deeds, etc., by special laws, prohibited | 2 | 28(9) | 540 |
| **Validity of statute** | | | |
| Appellate jurisdiction, supreme court | 4 | 4 | 603 |
| **Verdict** | | | |
| (See Jury) | | | |
| **Vested rights** | | | |
| (See Tidelands) | | | |
| **Veto** | | | |
| (See Governor; Bill) | | | |
| **Village** | | | |
| (See Towns and villages) | | | |
| **Vital statistics** | | | |
| (See Bureau of vital statistics) | | | |

| | Art. | Sec. | Page |
|---|---|---|---|
| **Vote** | | | |
| (See also Elections; Initiative and referendum; Voter) | | | |
| Ballot, required | 6 | 6 | 640 |
| Congressional election, how determined | 27 | 13 | 875 |
| Legislative elections, members vote viva voce | 2 | 27 | 540 |
| Registration a prerequisite, when | 6 | 7 | 641 |
| Residence of certain persons not to affect rights | 6 | 4 | 639 |
| **Voter** | | | |
| (See also Elections; Elective franchise; Qualifications) | | | |
| Absence of certain persons not to affect rights | 6 | 4 | 639 |
| Exempt from military duty, election day | 6 | 5 | 640 |
| Indians, not taxed | 6 | 1 | 633 |
| Privilege from arrest, when | 6 | 5 | 640 |
| Punishment for illegal voting, power to prescribe | 6 | 1 | 633 |
| Qualifications | 6 | 1 | 633 |
| Recall of public officer, percentage of voters required for petition | 1 | 33, 34 | 517 |
| Residence, not lost in certain circumstances | 6 | 4 | 639 |
| Secrecy, secured | 6 | 6 | 640 |
| Women as qualified | 6 | 1 | 633 |
| **Waiver of jury** | | | |
| (See Jury) | | | |
| **Water and water rights** | | | |
| Irrigation, etc., use declared public | 21 | 1 | 837 |
| Municipal corporations, power to contract debt for | 8 | 6 | 675 |
| Sale by state, restrictions | 15 | 1 | 782 |
| **Ways of necessity** | | | |
| (See Eminent domain) | | | |
| **Wharves** | | | |
| (See Area reserved; Navigable waters) | | | |
| **Wills** | | | |
| Validation by special law prohiibted | 2 | 28(9) | 540 |
| **Witness** | | | |
| (See also Testimony) | | | |
| Accused as having right to confront | 1 | 22 | 510 |
| Crimination of self, when compulsory | 2 | 30 | 546 |
| Number necessary, treason conviction | 1 | 27 | 514 |
| Religious belief not ground of incompetency | 1 | 11 | 499 |
| **Women's suffrage** | | | |
| (See also Elections; Elective franchise; Voters) | | | |
| Adoption of | 6 | 1 | 633 |
| Denial in school elections, provision against permitted | 6 | 2 | 636 |
| Separate article submitted (rejected) | 27 | 17 | 878 |
| **Worship** | | | |
| (See Religion) | | | |
| **Writs** | | | |
| Issuance and service, nonjudicial days | 4 | 6 | 610 |
| Jurisdiction, supreme court | 4 | 4 | 603 |
| Jurisdiction, superior court | 4 | 6 | 610 |
| **Yeas and nays** | | | |
| (See Ayes and noes) | | | |

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