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,

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.⁴

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.)

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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)


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

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:

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:

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)


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 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)


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)

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\(^6\) 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.]
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

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 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.

Original language same as present.\textsuperscript{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)

\textsuperscript{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)


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.


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 ballot 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.
§ 9  ANALYTICAL INDEX

For: Dyer wanted the people to pronounce on the issue. Sturdevant also favored the substitute.

Against: Cosgrove preferred postponement until 1891.

Motion: 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.


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.

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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)


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)


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,

**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)

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 proportionately 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.
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:

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 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.”

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: *

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.]
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:

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)


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)


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 tax-
ation 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 Reso-
lution No. 9. Approved November, 1946.]

Original language:

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 regu-
lations by general law as shall secure just valuation for tax-
ation 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 God­
man 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:

**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:**

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.\(^\text{13}\)

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:\(^\text{14}\)

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

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\(^\text{13}\) No Tax Except in Pursuance of Law: Ore., Const. (1857), Art. 9, sec. 3. (Hill, Prop. Wash. Const., Art. 7, sec. 3, identical with Ore.). [Identical.]

\(^\text{14}\) 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:

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.

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.
Original language same as present.\textsuperscript{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:\textsuperscript{18}

\textbf{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.

\textbf{Action}: Motion carried.

Final action by Convention, August 7:

Decision of committee of the whole accepted. (p. 278)

\textbf{Section 9}

\textbf{Present Language of the Constitution}:

\textbf{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.\textsuperscript{19}

Text as given in report of committee, August 5:

Same as final. (Section 12, p. 236)

\textbf{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

\textsuperscript{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.]

\textsuperscript{18} Ledger, August 8, 1889.

\textsuperscript{19} Cities May Have Special Taxes: II., 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:

**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:** Griffiths 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)

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20. Ledger, August 8, 1889.

Passage of Article

Article on Revenue and Taxation approved by Convention, August 7, by a vote of 41 to 17. (p. 282)


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)

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 indebtedness3 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.
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


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.

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)


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)

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12. Exceptions to Limitation: Ia., Const. (1857), Art. 7, sec. 4. [Identical except for slight word change.]
§ 3 ANALYTICAL INDEX

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

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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-
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)


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

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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


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:\textsuperscript{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

\textsuperscript{24} \textit{Times}, August 1, 2; Review, Ledger, August 2; Standard, August 9; Argus, August 8, 1889.

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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)


**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,

**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.

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25. Review, August 2, 1889.