THE JOURNAL OF THE
WASHINGTON STATE
CONSTITUTIONAL CONVENTION
1889

with Analytical Index

by

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Edited by
Beverly Paulik Rosenow

Journal, Aug. 1-6 (pp. 202-72)
lib.law.washington.edu/waconst/

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

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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 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 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."


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, William. 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 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, Sturdevant, 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,

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.


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 au­
thority 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 prop­
erty therein, to be ascertained by the last assessment for state
and county purposes previous to the incurring of such indebted­
ness, 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 dis­
trict 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 Committee on Corporations Other Than Municipal, 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-
AUGUST 2, 1889

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 Committee 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, Tubbetts, 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,
AUGUST 2, 1889


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.
AUGUST 3, 1889

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-
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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.


† 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:
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

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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 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.

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, Tibeetts, 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.

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 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 spirituous 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, to­
gether 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 esti­
mated 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 Legisla­
ture 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
AUGUST 5, 1889

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
AUGUST 5, 1889

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 con­
victs 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 investi­
gation 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 con­
victed 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 preemptory 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-
AUGUST 6, 1889


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, Henry, McCroskey, McDonald, R. S. More, Neace, Suksdorf, Tibbetts, Warner, Weisenburger, Willison, Winsor, Mr. President.

The following twenty-seven members voted no: Berry, Blalock, Clothier, Comegys, Crowley, Godman, Henry, Jamieson, Jones, Joy,

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-

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, Wilson, 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 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, Gowe, 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.


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 negli­
genence 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 ascer­
tained 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 or­
ganized 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 al­
lowed 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, Fair­
weather, Gowey, Gray, Jamieson, Jones, McReavey, Minor, Mor­
gans, 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 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 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-

[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

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, Shody, 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, Glasscock, 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.


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-