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-
after, the question “Shall there be a Convention to revise, alter or amend the Constitution” shall be submitted to the electors of the state, and in case of majority of all the electors voting at such election decide in favor of a Convention, the Legislature at its next session shall provide by law for the election of delegates and the assembling of such Convention as is provided by law, but no amendment of this Constitution agreed upon by any Convention assembled in pursuance of this article shall take effect until the same shall have been submitted to the electors of the state, and adopted by a majority of those voting thereon. Lost.

Mr. Weir moved to insert words “daily or” in front of the words “weekly” in line eleven. Lost.

Mr. Dyer moved to insert the words “at least once weekly” after word “published” in line eleven. Lost.

On motion of Mr. Griffitts the rules were suspended, the article considered engrossed and put upon its final passage.

The question being shall the article pass as amended, the ayes and noes were called for and the following sixty-six members voted aye: Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Gowey, Gray, Griffitts, Hayton, Henry, Hicks, Hungate, Jamieson, Joy, Kellogg, Kinnee, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Minor, J. Z. Moore, R. S. More, Morgans, Neace, Newton, Power, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Weir, Weisnburger, West, Willison, Winsor, Mr. President. The following one member voted no: Jones. Absent and not voting: Allen, Browne, Dallam, Jeffs, Mires, Prosser, J. M. Reed, Stiles. So the article was passed and was declared part of the Constitution of the State of Washington as follows.

Amendments

Section 1. Any amendment or amendments to this Constitution may be proposed in either branch of the Legislature; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes
thereon, and be submitted to the qualified electors of the state for their approval at the next general election, and if the people shall approve and ratify such amendment or amendments, by a majority of the electors voting thereon, the same shall become part of this Constitution, and proclamation thereof shall be made by the Governor. Provided, that if more than one amendment be submitted, they shall be submitted in such manner that the people may vote for or against such amendment separately. The Legislature shall also cause the amendments that are to be submitted to the people to be [submitted]* published for at least three months next preceding the election in some weekly newspaper in every county where such newspaper is published throughout the state.

Section 2. Whenever two-thirds of the members elected to each branch of the Legislature shall deem it necessary to call a Convention to revise or amend this Constitution, they shall recommend to the electors to vote at the next general election for or against a convention, and if a majority of all the electors voting at said election shall have voted for a Convention, the Legislature shall at the next session provide by law for calling the same; and such Convention shall consist of a number of members, not less than that of the most numerous branch of the Legislature.

Section 3. Any Constitution adopted by such Convention shall have no validity until it has been submitted to, and adopted by, the people.

On motion the Convention then went into committee of the whole to consider the article on revenue and taxation with Mr. Turner in the chair. At 12 noon the committee rose and the President resumed the chair.

The Committee reported that they had had under consideration the article on revenue and taxation, had made progress, but come to no resolution thereon and asked leave to sit again. Leave was granted. On motion of Mr. Bowen, the Convention took a recess until 2 p.m.

Afternoon Session

Convention called to order at 2 p.m. by President Hoyt. A quorum present. President Hoyt submitted a communication from the Board of Trade of Colfax protesting against adoption of Section

* Stricken in journal.
3 of article upon formation of counties, cities and other municipal corporations. Read and laid on the table.

Mr. Minor offered following and asked unanimous consent to its adoption.

Mr. Godman from Committee on Homestead and Exemption submitted the following which was read first and second time and ordered printed as follows.

In the Convention
Committee on Homestead and Property Exemptions

Mr. President and Members of the Convention:

Your Committee on Homesteads and Property Exemptions report the following article on the subject and recommend its adoption.

Article

Section 1. The Legislature shall protect by law from forced sale a certain portion of the homestead and other property of all heads of families.

Respectfully submitted,
M. M. Godman, Chairman
GEO. H. Jones
Henry Winsor

Mr. Comegys from the Committee on Federal Relations, Boundaries and Immigration submitted the following report which was read first and second time and ordered printed as follows.

In the Convention
Committee on Federal Relations, Boundaries and Immigration

Article

Mr. President and Members of the Convention:

Your Committee on Federal Relations, Boundaries and Immigration have had under consideration the question of boundaries of the State of Washington [and] recommend the following.

GEO. COMEGYS,  
Chairman
D. Buchanan
John McReavey
Arnold J. West
Matt J. McElroy
The boundaries of the State of Washington shall be as follows: Beginning at a point one marine league due west of and opposite the middle of the north ship channel of the Columbia River, thence running easterly to and up the middle channel of said river and where it is divided by islands up the middle of the widest channel thereof to where the forty-sixth parallel of north latitude crosses said river, near the mouth of the Walla Walla River, thence east on said forty-sixth parallel of latitude to the middle of the main channel of the Shoshone or Snake River; thence follow down the middle of the main channel of Snake River to a point opposite the mouth of the Kooskooski or Clearwater River: thence due north to the forty-ninth parallel of north latitude, thence west along said forty-ninth parallel of north latitude to the middle of the channel which separates Vancouver's Island from the continent, that is to say to a point in longitude 123 degrees 19 minutes and 15 seconds west, thence following the boundary line between the United States and British possessions through the channel which separates Vancouver's Island from the continent to the termination of the boundary line between the United States and British possessions at a point in the Pacific Ocean equidistant between Bonilla Point on Vancouver's Island and Tatoosh Island lighthouse, thence running in a southerly course and parallel with the coast line, keeping one marine league off shore to place of beginning.

Mr. Blalock from Committee on Education and Educational Institutions submitted the following report which was read first and second time and ordered printed as follows.

In the Convention

Committee on Education and Educational Institutions

Mr. President and Members of the Convention:

Your Committee on Education and Educational Institutions respectfully submit the following article and recommend its adoption.

Article

Section 1. It is the paramount duty of the state to make ample provision for the education of all children residing within its borders without distinction or preference on account of race, color, caste or sex.

Section 2. The Legislature shall provide for a general and
uniform system of public schools. The public school system shall include common schools and such high schools, normal schools, and technical schools as may hereafter be established. But the entire revenue derived from the state school fund, and the state school tax shall be exclusively applied to the support of the common schools.

Section 3. The principal of the common school fund shall remain permanent and irreducible. The said fund shall be derived from the following named sources, to wit: Appropriations and donations by the state to this fund; donations and bequests by individuals to the state or public for educational institutions; the proceeds of lands and other property which revert to the state by escheat and forfeiture; the proceeds of all property granted to the state when the purpose of the grant is not specified, or is uncertain; funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law; the proceeds of the sale of timber, stone, mineral or other property from school and state lands; all moneys recovered from persons appropriating timber, stone, minerals or other property from school and state lands, and all moneys other than rental recovered from persons trespassing on said lands, five per centum of the proceeds of the sale of public lands lying within the state, which shall be sold by the United States subsequent to the admission of the state into the union as provided by Section 13 of the act of Congress enabling the admission of the state into the Union. The principal of all funds arising from the sale of lands and other property which have been, and thereafter may be granted to the state for the support of the common schools. The Legislature may make further provisions for enlarging said fund. The interest accruing on said fund together with all rentals and other revenues derived from school and state lands and properties mentioned in this section shall be exclusively applied to the current use of the common schools.

Section 4. All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence.

Section 5. All losses to the permanent common school or any state college or university fund, which shall have been occasioned by defalcation, mismanagement or fraud of the agent or officers controlling or managing the same, shall be audited by the proper
authorities of the state. The amount so audited shall be a permanent funded debt against the state in favor of the particular fund sustaining such loss, upon which not less than six per cent annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized and limited elsewhere in this Constitution.

N. G. BLALOCK, Chairman
S. A. DICKEY, Secretary
A. A. LINDSLEY
H. M. LILLIS
J. T. ESHELMAN
R. O. DUNBAR

Mr. Gowey at 2:10 p.m. moved to go into committee of the whole for the further consideration of the article on revenue and taxation with Mr. Turner in the chair. Carried.

At 4:20 the committee rose and the President resumed the chair and reported that they had had under consideration the article on revenue and taxation, had made several amendments thereto and asked the Convention to concur therein.

All the amendments except amendment to Section 4 were concurred in without division.

On the amendment to Section 4 the ayes and noes were demanded and ordered, and the following forty-two members voted aye: Blalock, Buchanan, Burk, Coey, Cosgrove, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Griffitts, Henry, Jamieson, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, McCroskey, McElroy, McReavey, Minor, J. Z. Moore, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Shoudy, Sohns, Stiles, Tibbetts, Weir, Weisenburger, West, Winsor.

The following twenty-three members voted no: Berry, Bowen, Clothier, Comegys, Crowley, Godman, Gowey, Gray, Hicks, Manly, McDonald, R. S. More, Neace, Sharpstein, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, Turner, Van Name, Warner, Willison, Mr. President. Absent and not voting: Allen, Browne, Dallam, Fairweather, Hayton, Hungate, Jeffs, Mires, P. C. Sullivan, Travis. So the amendment was adopted.

Mr. J. Z. Moore moved to amend Section 4 by inserting after the word “property” and the words “and exclusively for charitable or religious purposes.” Lost.
Mr. West offered the following amendment to the amendment: And five hundred dollars worth of household goods including tools and provisions of each householder. Lost.

Mr. Suksdorf offered the following additional section. Land and improvements thereon shall be separately assessed, cultivated and uncultivated land of the same quality and similarly situated, shall be assessed at the same value.

The ayes and noes were demanded and ordered and the following nineteen members voted aye: Berry, Blalock, Clothier, Cosgrove, Crowley, Eshelman, Glascock, Godman, Hayton, Hicks, Joy, Manly, McCrosky, J. M. Reed, Sharpstein, Suksdorf, Tibbetts, Warner, Weisenburger.


Mr. Griffitts offered the following as an additional section.

Section. A mortgage, deed of trust, contract or other obligation by which a debt is secured, shall, for the purpose of assessment and taxation, be deemed and treated as an interest in the property affected thereby. Except as to railroad and other quasi public corporations, in case of debt so secured, the value of the property affected by such mortgage, deed of trust, contract or obligation, less the value of such security shall be assessed and taxed to the owner of the property, and the value of such security shall be assessed and taxed to the owner thereof in the county, city or district in which the property affected thereby is situated. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security, if paid by the owner of the security, the tax so levied upon the property affected thereby shall become a part of the debt so secured, if the owner of the property shall pay the tax so levied upon such security, it shall constitute a payment thereon, and to the extent of such pay-
ment a full discharge thereof. Provided, that if any such security or indebtedness shall be paid by any such debtor or debtors, after assessment and before the tax levy, the amount of such levy may likewise be returned by such debtor or debtors, and shall be computed according to the tax levy for the preceding year.

The ayes and noes being ordered, the following twenty-three members voted aye: Berry, Clothier, Coey, Cosgrove, Dickey, Glascock, Godman, Griffitts, Jones, Joy, Lindsley, Manly, McCroskey, McDonald, R. S. More, J. M. Reed, Schooley, Stevenson, Turner, Van Name, Warner, Weisenburger, West.


Mr. Comegys offered the following as a substitute for Section 4. The property of the United States and of the state, counties, school districts, and other municipal, corporations, places of burial not used or held for private or corporate profit, public libraries and institutions of purely public charity, shall be exempt from taxation. Personal property to any amount not exceeding in value five hundred dollars to the head of each family and actual places of worship not exceeding three thousand dollars in value may be exempted by the Legislature but such exemption shall be by general law only.

On this the ayes and noes were demanded and ordered and the following eighteen members voted aye: Comegys, Crowley, Gray, Hicks, Jamieson, Joy, Lindsley, Manly, McDonald, Neace, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, Turner, Van Name, Warner, Weisenburger.

The following forty-five members voted no: Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Cosgrove, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Gowey, Griffitts, Hayton, Henry, Jones, Kinnear, Lillis, McCroskey, McElroy, McReavey, Minor, J. Z. Moore, R. S. More, Morgans, Power,
Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stiles, Tibbetts, Weir, West, Willison, Winsor, Mr. President. Absent and not voting: Allen, Browne, Dallam, Fairweather, Godman, Hungate, Jeffs, Kellogg, Mires, Newton, Travis, P. C. Sullivan. So the amendment was not adopted.

Mr. T. M. Reed offered the following as a substitute for Section 4.

Section 4. The property of the United States and of the state, counties, school districts and other municipal corporations shall be exempt from taxation, and such other property as may be used exclusively for actual places of religious worship, places of burial not used or held for private or corporate profit and institutions of purely public charity, public libraries and personal property to any amount not exceeding in value two hundred dollars to the head of each family, may be exempted from taxation by the Legislature, but such exemption shall be only by general laws.

The ayes and noes were demanded and ordered and the following twenty-seven members voted aye: Blalock, Bowen, Buchanan, Cosgrove, Dickey, Dyer, Eshelman, Glascock, Gowey, Hayton, Joy, Kinnear, Lindsley, McCroskey, Minor, J. Z. Moore, Morgans, Prosser, J. M. Reed, T. M. Reed, Sohns, Stevenson, Suksdorf, Tibbetts, Turner, Weisenburger, Mr. President.


Mr. Schooley moved to insert after "property" all the words "all places of purely public charity." Lost.

Mr. Weisenburger offered the following amendment: Strike from Section 1 the words "under this Constitution" and insert "of this state." Lost.

Mr. Weir moved to suspend the rules, consider the article engrossed and put it upon its final passage. Carried.
The article was then read a third time. The question being shall the article pass, the ayes and noes were demanded and ordered and the following forty-one members voted aye: Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Cosgrove, Dickey, Dunbar, Durie, Dyer, Eshelman, Fay, Glascock, Gowey, Griffitts, Hayton, Henry, Jamieson, Jones, Joy, Kinnear, Lindsley, McCroskey, McElroy, McReavey, J. Z. Moore, R. S. More, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Shoudy, Sohns, Stiles, Tibbetts, Weir, Winsor, Mr. President.

The following seventeen members voted no: Comegys, Crowley, Eldridge, Godman, Hicks, Minor, Sharpstein, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, Turner, Van Name, Warner, Weisenburger, West, Willison. Absent and not voting: Allen, Browne, Berry, Dallam, Fairweather, Gray, Hungate, Kellogg, Lillis, Manly, McDonald, Mires, Neace, Newton, P. C. Sullivan, Travis. So the article passed and was declared to be part of the Constitution of the State of Washington.

For article on revenue and taxation see page 459 (omitted by mistake).

Mr. Turner was granted leave for the balance of the week.

At 5:15 p.m. Mr. Jones moved to adjourn. Agreed to and the Convention adjourned till August 8th, 1889, at 9 a.m.

August 8th, 1889

The Convention was called to order at 9 a.m. by President Hoyt. In the absence of the Chaplain prayer was dispensed with.


The minutes of previous day were read, amended and approved. The President submitted a communication from Allen C. Mason and others in relation to tidelands. Ordered to lie on the table.

Also a communication from C. D. Potter of Adams Center, N. Y., relative to Sunday Law. Referred to Committee on Miscellaneous Subjects, Schedule and Future Amendments.
Mr. Lillis presented a communication from Henry Drum and others of Tacoma relative to tidelands. Ordered to lie on the table.

Mr. P. C. Sullivan presented a similar petition from Otis Sprague and others of Tacoma. Ordered to lie on the table.

Mr. Stiles presented similar petition from Henry M. Ball and others of Tacoma. Ordered to lie on the table.

Mr. Fay presented similar petition from C. U. Masterson and others of Tacoma. Ordered to lie on the table.

Mr. Comegys from Committee on Federal Relations, Boundaries and Immigration submitted a compact with the United States which was read twice and ordered printed as follows.

To the President and Members of the Constitution Convention:

Your Committee on Federal Relations, Boundaries and Immigration recommend that the following article be inserted in the Constitution.

GEO. COMEGYS, Chairman
D. BUCHANAN
ARNOLD J. WEST
JOHN McREAVEY

Article

Compact with the United States

The following article shall be irrevocable without the consent of the United States and the people of this state.

First. That perpetual toleration of religious sentiment shall be secured and that no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship.

Second. That the people inhabiting this state do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries of this state and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States and that the lands be-
longing to citizens of the United States residing without the limits of this state shall never be taxed at a higher rate than the lands belonging to residents thereof; and that no taxes shall be imposed by the state on lands or property therein belonging to or which may be hereafter purchased by the United States or reserved for its use. Provided, that nothing in this article shall preclude the state from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation, which exemption shall continue so long and to such extent as such act of Congress may prescribe.

Mr. Mires from Committee on Water and Water Rights submitted a report which was read twice and ordered printed as follows.

To the President and Members of the Convention:

Your Committee on Water and Water rights beg leave to report as follows.

Article

Section 1. The use of the waters of this state for irrigation, mining and manufacturing purposes shall be deemed a public use.

A. Mires, Chairman
E. H. Sullivan, Secretary
J. P. T. McCroskey
R. S. More
S. H. Manly

Mr. Bowen offered the following, "That the President appoint a special committee of three to present to this Convention a suitable device for the Seal of the State of Washington." Adopted.

Mr. Minor offered the following: "Resolved, that all reports of standing committees, except the Committee on Schedule and Revision, Adjustment and Enrollment, shall be presented to the Convention on or before Saturday, August 10th, and if necessary permission is hereby given for such committees to sit during the sessions of this Convention."
Mr. Power moved to amend by excepting Committee on Harbors. Lost. And resolution adopted.

Mr. Travis was granted leave indefinitely.

Mr. Suksdorf moved to recommit the reports of the Committee on State, School and Granted Lands back to the Committee. Lost.

Mr. McElroy to make report special order for Tuesday morning. On this question the ayes and noes were demanded and ordered and the following forty members voted aye: Bowen, Buchanan, Clothier, Coey, Comegys, Durie, Eldridge, Fairweather, Fay, Gray, Griffitts, Hayton, Hungate, Jones, Joy, Lindsley, McCroskey, McDonald, McElroy, McReavey, Mires, J. Z. Moore, R. S. More, Neace, Newton, Power, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Suksdorf, E. H. Sullivan, P. C. Sullivan, Turner, Van Name, Warner, Willison, Winsor.

The following twenty-seven members voted no: Berry, Blalock, Burk, Cosgrove, Crowley, Dickey, Dunbar, Dyer, Eshelman, Glasscock, Henry, Hicks, Jamieson, Kellogg, Kinnear, Lillis, Manly, Minor, Morgans, Prosser, Shoudy, Sturdevant, Tibbetts, Weir, Weisenburger, West, Mr. President. Absent and not voting were Messrs. Allen, Browne, Dallam, Godman, Gowey, Jeffs, Stiles, Travis. So the amendment was agreed to.

Mr. T. M. Reed gave notice of motion to reconsider the vote by which the article on revenue and taxation was passed yesterday. Also to reconsider vote by which certain amendments to Section 4 were adopted.

Mr. Griffitts moved to reconsider the vote by which the article on revenue and taxation was agreed to. Mr. Stiles moved to lay the motion on the table. Lost.

Mr. Dickey was given leave for the rest of the week.

The question being on the reconsideration of the article on revenue and taxation, the ayes and noes were demanded and ordered and the following thirty-one members voted aye: Berry, Bowen, Buchanan, Clothier, Coey, Dickey, Durie, Dyer, Eldridge, Fairweather, Gowey, Hayton, Hicks, Joy, Kellogg, Kinnear, Lindsley, Minor, Mires, J. Z. Moore, Power, Prosser, T. M. Reed, Schooley, Sharpstein, E. H. Sullivan, Turner, Warner, West, Willison, Mr. President.
The following thirty-four members voted no: Burk, Comegys, Cosgrove, Crowley, Dunbar, Eshelman, Fay, Glascock, Godman, Gray, Griffitts, Henry, Hungate, Jones, Lillis, Manly, McCroskey, McElroy, McReavey, R. S. More, Morgans, Neace, Newton, J. M. Reed, Shoudy, Stevenson, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Weir, Weisenburger, Winsor. Absent and not voting: Messrs. Allen, Blalock, Browne, Dallam, Jamieson, Jeffs, McDonald, Sohns, Travis, Van Name. So the motion was not agreed to.

At 10:20 a.m. Mr. Dyer moved to go into a committee of the whole upon the article reported from the Committee on State Institutions and Public Buildings. Carried and Mr. Crowley was appointed chairman of the Committee.

At 11:43 the committee rose and the President resumed the chair. Mr. Crowley reported that they had had under consideration the article on state institutions and public buildings, had made amendments thereto and asked concurrence of the Convention therein. The amendments were concurred in.

Mr. Griffitts moved to suspend the rules, consider the article on state institutions and public buildings engrossed and placed upon its final passage. Carried. The ayes and noes being demanded and ordered, the following sixty-seven members voted aye: Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gowey, Gray, Griffitts, Hayton, Henry, Hicks, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindley, Manly, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, R. S. More, Morgans, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Turner, Van Name, Warner, Weir, Weisenburger, West, Willison, Winsor, Mr. President. Voting no: Mr. J. Z. Moore. Absent and not voting were Messrs. Allen, Browne, Dallam, Fairweather, Hungate, Jeffs, Travis. So the article was passed as follows.

In the Convention

Committee on State Institutions and Public Buildings

Article

Section 1. Educational, reformatory and penal institutions, those for the benefit of blind, deaf, dumb or otherwise defective
youth, for the insane or idiotic and such other institutions as the public good may require, shall be fostered and supported by the state, subject to such regulations as may be provided by law. The regents, trustees or commissioners of all such institutions existing at the time of the adoption of this Constitution and of such as shall thereafter be established by law, shall be appointed by the Governor, by and with the advice and consent of the Senate, and upon all nominations made by the Governor, the question shall be taken by the ayes and noes and entered upon the journal.

Mr. Prosser moved to amend Section 1 of article on seat of government by striking out “the election to be held for the adoption of this Constitution” and insert the words “at the general election to be held on the first Tuesday after the first Monday in November, 1890,” and demanded the ayes and noes. The following twenty-four members voted aye: Messrs. Bowen, Buchanan, Burk, Coey, Crowley, Dickey, Dy er, Eldridge, Eshelman, Kinnear, Lillis, Manly, Minor, J. Z. Moore, Morgans, Prosser, Schooley, Stiles, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Turner, Weisenburger.

Those voting no were Messrs. Berry, Blalock, Clothier, Cosgrove, Dunbar, Durie, Fay, Glascock, Godman, Gowey, Gray, Griffitts, Hayton, Henry, Hicks, Hungate, Jamieson, Jones, Joy, Kellogg, Lindsley, McCroskey, McDonald, McElroy, McReavey, Mires, R. S. More, Neace, Newton, Power, J. M. Reed, T. M. Reed, Sharpstein, Shoudy, Sohns, Stevenson, Sturdevant, Van Name, Warner, Weir, West, Willison, Winsor, Mr. President. Those absent and not voting were Messrs. Allen, Browne, Comegys, Dallam, Fairweather, Jeffs, Travis. So the amendment was not agreed to.

On motion of Mr. Griffitts the rules were suspended, the article on seat of government considered engrossed, read third time and placed on its final passage.

The ayes and noes being demanded and ordered, the following sixty-five members voted aye: Messrs. Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gowey, Gray, Griffitts, Hayton, Henry, Hicks, Hungate, Jamieson, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCrosky, McDonald, McElroy, McReavey, Minor, Mires, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy,

In the Convention

Seat of Government

Section 1. The Legislature shall have no power to change or to locate the seat of government of this state, but the question of the permanent location of the seat of government for the state shall be submitted to the qualified electors of the territory at the election to be held for the adoption of this Constitution. A majority of all the votes cast at said election upon said question shall be necessary to determine the permanent location of the seat of government for the state; and no place shall ever be the seat of government which shall not receive a majority of the votes cast on that matter. In case there shall be no choice of location at said first election, the Legislature shall at its first regular session after the adoption of this Constitution provide for submitting to the qualified electors of the state, at the next succeeding general election thereafter, the question of choice of location between the three places for which the highest number of votes shall have been cast at the said first election. Said Legislature shall provide further that in case there shall be no choice of location at said second election, the question of choice between the two places for which the highest number of votes shall have been cast shall be submitted in like manner to the qualified electors of the state at the next ensuing general election. Provided that until the seat of government shall have been permanently located as herein provided, the temporary location thereof shall remain at the city of Olympia.

Section 2. When the seat of government shall have been located as herein provided, the location thereof shall not thereafter be changed, except by a vote of two-thirds of all the qualified electors of the state voting on that question at a general election at which the question of location of the seat of government shall have been submitted by the Legislature.

Section 3. The Legislature shall make no appropriation or expenditures for capital buildings or grounds except to keep the territorial capital buildings and grounds in repair and for making
all necessary additions thereto until the seat of government shall have been permanently located and the public buildings are erected at the permanent capital in pursuance of law.

The President submitted a telegram from J. E. Clarke, President Port Townsend Board of Trade, in relation to tidelands. Laid on the table.

At 11:55 Convention on motion of Mr. E. H. Sullivan took a recess until 2 p.m.

Afternoon Session

The Convention was called to order at 2 p.m. by President Hoyt, a quorum being present.

Mr. P. C. Sullivan asked and was granted unanimous consent to make a report from the Committee on Elections and Elective Rights which was read first and second time and ordered printed as follows.

In the Convention

Committee on Elections and Elective Rights

Mr. President and Members of the Convention:

The Committee on Elections and Elective Rights, respectfully submit the following article and recommend its adoption. We have given careful consideration to all propositions and petitions referred to us, and herewith report them all back to the Convention.

Article

All male persons of the age of twenty-one years or over possessing the following qualifications shall be entitled to vote at all elections.

Section 1. They shall be citizens of the United States, provided that Indians not taxed shall never be allowed the elective franchise. Provided further that all male persons who at the time of the adoption of this Constitution are qualified electors of the territory shall be electors.

Section 2. They shall have lived in the state one year and in the county ninety days, and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote.
Section 3. The Legislature may provide that there shall be no denial of the elective franchise at any school election on account of sex.

Section 4. All idiots, insane persons and persons convicted of infamous crimes are excluded from the elective franchise.

Section 5. For the purpose of voting and eligibility to office, no person shall be deemed to have gained a residence by reason of his presence or lost it by reason of his absence while in the civil or military service of the state or of the United States, nor while a student at any institution of learning, nor while kept at public expense in any poorhouse or other asylum, nor while confined in public prison.

Section 6. Voters shall in all cases except treason, felony and breach of the peace be privileged from arrest during their attendance of elections and in going to and returning therefrom. No elector shall be required to do military duty on the day of any election except in time of war or public danger.

Section 7. No person except a qualified elector shall be elected or appointed to any office, civil or military.

Section 8. All elections shall be by ballot. The Legislature shall provide for such method of voting as will secure to every elector absolute secrecy in preparing and depositing his ballot.

Section 9. The Legislature shall enact a registration law, and shall require a compliance with such a law before any elector shall be allowed to vote. Provided, that this provision is not compulsory upon the Legislature except as to cities and towns having a population of over five hundred inhabitants. In all other cases the Legislature may or may not require registration as a prerequisite to the right to vote, and the same system of registration need not be adopted for both classes.

Section 10. The first election of county officers not otherwise provided for in this Constitution shall be on the Tuesday next after the first Monday in November, 1890, and thereafter all elections for such officers shall be held biennially on the Tuesday next succeeding the first Monday in November. The first election of all state officers not otherwise provided for in this Constitution, after the election held for the adoption of this Constitution, shall be on the Tuesday next after the first Monday in November, 1892,
and the elections for such state officers shall be held in every fourth year thereafter on the Tuesday succeeding the first Monday in November.

Section 11. At the time of the election of county officers on the Tuesday next after the first Monday in November in the year 1890, a proposition to amend this Constitution by striking out the word "male" from the article on elections and elective rights shall be submitted to the electors of the state for adoption or rejection in manner following. Said election shall be by ballot, and the ballots of those voting in favor shall read: "For Woman Suffrage Amendment—Yes." And the ballots of those voting against shall read: "For Woman Suffrage Amendment—No." The provisions of the laws of the state touching general elections shall as far as applicable apply to said election. If at said election the number of ballots cast in favor of the adoption of said proposition shall exceed those cast against its adoption, then the word "male" shall be stricken from said article on election and elective rights, and shall be no part thereof.

TRUSTEN P. DYER, Secretary
LEWIS NEACE
J. A. BURK
JAMES Z. MOORE

We concur in the foregoing report except as to Section 2 and would recommend that the words "one year" should be stricken from said section and the words "six months" inserted in their stead.

P. C. SULLIVAN, Chairman
TRUSTEN P. DYER
B. B. GLASCOCK

Mr. Hungate, Mr. Willison, Mr. Shoudy were granted indefinite leave.

President Hoyt presented the following, which was read and ordered spread on the minutes:

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To Hon. John P. Hoyt.
President Constitutional Convention.
Olympia, W. T.

Dear Sir:

At a joint meeting of Stevens Post No. 1 and John F. Miller Post, No. 31, G. A. R., the following resolution was unanimously adopted:

"Resolved, that the Commanders of Stevens and Miller Posts be instructed to draft and forward to the Constitutional Convention a resolution of thanks for the adoption of the section incorporating a soldiers' home."

In accordance with the above instructions we desire through you to express to the Convention the heartfelt gratitude of the above-named posts for thus providing for the needs of our comrades of the Union Army in their declining years.

Most respectfully,

W. E. WILSON,
Commander, Stevens Post No. 1.

WM. M. MORSE,
Commander, John F. Miller Post No. 31.

Mr. J. Z. Moore presented the following reports from Committee on Legislative Department, which were read and referred to the committee of the whole.

In the Convention
Committee on Legislative Department
Minority Reports

Mr. President:

I hereby tender this minority report from the Committee on the Legislative Department, to wit: I recommend the adoption of the following additional section, viz:

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Section 41. It shall not be lawful for any person holding public office in this state to accept or use a pass or to purchase transportation from any railroad or other corporation, other than as the same may be purchased by the general public, and the legislature shall pass laws to enforce this provision.

JAMES Z. MOORE

I concur in the said report with the exception of Sections 36 and 37, which sections I consider of doubtful constitutionality, illiberal, exclusive and not in harmony with the spirit of the age.

D. BUCHANAN

Mr. Dyer moved to go into a committee of the whole to consider the reports from the Committee on Legislative Department. Carried, and Mr. Blalock was appointed chairman of the committee.

At 5:53 p.m. President Hoyt resumed the chair. Mr. Blalock from the committee of the whole reported that the committee had made progress with the article on Legislative Department, and asked leave to sit again. Leave was granted.

President Hoyt submitted the following telegram:

Boise City, Idaho
August 8, 1889

To President of Constitutional Convention.

Olympia, W. T.

The Idaho Constitutional Convention before adjournment ordered its congratulations to be sent the Constitutional Convention of Washington, Montana, and North and South Dakota at the progress the people of the entire Northwest are making toward early statehood. Idaho is now prepared to present itself before Congress simultaneously with its sister territories and ask for admission into the Union of states being fully able to support a state government and possessed of unlimited national resources. We ask for your friendly assistance and cooperation in attaining a speedy release from territorial dependence.

GEO. L. SHOUP, Governor,
W. H. CLIGER, President
Mr. Stiles moved that the President be requested to reply to the foregoing dispatch and to express the sentiment of this Convention to the effect that the people of the State of Washington sincerely desire to see Idaho's early admission to the Union as the forty-third state, which was unanimously adopted.

On motion of Mr. Mires the Convention at 5:55 p.m. adjourned until 9 a.m., August 9, 1889.

August 9th, 1889

The Convention was called to order at 9 a.m. by President Hoyt. Prayer by the Rev. Mr. Buck. At a roll call all answered to their names except Messrs. Allen, Browne, Dallam, Dickey, Hungate, Shoudy, Willison.

President appointed as select Committee on State Seal, Messrs. Bowen, Hicks and Dallam.

Mr. Crowley from Committee on Apportionment and Representation submitted the following article which was read first and second time and ordered printed as follows.

In the Convention

Committee on Apportionment and Representation

Mr. President and Members of the Convention:

Your Committee on Apportionment and Representation respectfully present the following report and ask that the same be adopted.

D. J. CROWLEY, Chairman
P. C. SULLIVAN, Secretary
R. F. STURDEVANT
A. J. WEST
S. G. COSGROVE
TRUSTEN P. DYER
J. T. ESHELMAN
H. C. WILLISON
GWIN HICKS
JOHN F. GOWEY
J. F. VAN NAME
LOUIS SOHNS
WM. F. PROSSER

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AUGUST 9, 1889

Legislative Apportionment

Article

Section 1. Until otherwise provided by law, the state shall be divided into twenty-four senatorial districts, and said districts shall be constituted and numbered as follows: The counties of Okanogan, Stevens and Spokane shall constitute the First District and be entitled to one Senator; the county of Spokane shall constitute the Second District and be entitled to three Senators; the county of Lincoln shall constitute the Third District and be entitled to one Senator; the counties of Spokane, Lincoln, Adams and Franklin shall constitute the Fourth District and be entitled to one Senator; the county of Whitman shall constitute the Fifth District and be entitled to three Senators; the counties of Garfield and Asotin shall constitute the Sixth District, and be entitled to one Senator; the county of Columbia shall constitute the Seventh District and be entitled to one Senator; the county of Walla Walla shall constitute the Eighth District and be entitled to two Senators; the counties of Yakima and Douglas shall constitute the Ninth District, and be entitled to one Senator; the county of Kittitas shall constitute the Tenth District and be entitled to one Senator; the counties of Klickitat and Skamania shall constitute the Eleventh District and be entitled to one Senator; the county of Clark shall constitute the Twelfth District, and be entitled to one Senator; the county of Cowlitz shall constitute the Thirteenth District and be entitled to one Senator; the county of Lewis shall constitute the Fourteenth District and be entitled to one Senator; the counties of Pacific and Wahkiakum shall constitute the Fifteenth District and be entitled to one Senator; the county of Thurston shall constitute the Sixteenth District and be entitled to one Senator; the county of Chehalis shall constitute the Seventeenth District, and be entitled to one Senator; the county of Pierce shall constitute the Eighteenth District and be entitled to three Senators; the county of King shall constitute the Nineteenth District and be entitled to five Senators; the counties of Mason and Kitsap shall constitute the Twentieth District and be entitled to one Senator; the counties of Jefferson, Clallam and San Juan shall constitute the Twenty-first District and be entitled to one Senator; the county of Snohomish shall constitute the Twenty-second District, and be entitled to one Senator; the counties of Skagit and Island shall constitute the Twenty-third District, and
be entitled to one Senator; the county of Whatcom shall constitute
the Twenty-fourth District and be entitled to one Senator.

Section 2. Until otherwise provided by law the Repre­
sentatives shall be divided among the several counties in the state in
the following manner: The county of Adams shall have one Repre­
sentative; the county of Asotin shall have one Representative;
the county of Chehalis shall have two Representatives; the county
of Clark shall have three Representatives; the county of Clallum
shall have one Representative; the county of Columbia shall have
two Representatives; the county of Cowlitz shall have one Repre­
sentative; the county of Douglas shall have one Representative;
the county of Franklin shall have one Representative; the county
of Island shall have one Representative; the county of Jefferson
shall have two Representatives; the county of King shall have
eight representatives; the county of Klickitat shall have two Repre­
sentatives; the county of Kittitas shall have two Representatives;
the county of Kitsap shall have one Representative; the county
of Lewis shall have two Representatives; the county of Lin­
coln shall have two Representatives; the county of Mason shall
have one Representative; the county of Okanogan shall have one
Representative; the county of Pacific shall have one Representative;
the county of Pierce shall have six Representatives; the coun­
ty of San Juan shall have one Representative; the county of Sk­
mania shall have one Representative; the county of Sno­
homish shall have two Representatives; the county of Skagit shall have two Rep­
resentatives; the county of Spokane shall have six Representatives;
the county of Stevens shall have one Representative; the county
of Thurston shall have two representatives; the county of Walla Walla
shall have three Representatives; the county of Wahkiakum shall
have one Representative; the county of Whatcom shall have two Rep­
resentatives; the county of Whitman shall have five Repre­
sentatives; the county of Yakima shall have one Representative.

Mr. Blalock from the Committee on Public Health submitted
the following article which was read first and second time and
ordered printed as follows.

In the Convention
Committee on Public Health and Vital Statistics

Mr. President and Members of the Convention:

Your Committee on Public Health and Vital Statistics beg
leave to submit the following article, and recommend its adoption.
Article

Section 1. There shall be established by law a State Board of Health and a Bureau of Vital Statistics in connection therewith with such powers as the Legislature may direct.

Section 2. The Legislature shall enact laws to regulate the practice of medicine and surgery, and the sale of drugs and medicines.

H. C. Willison, Chairman
N. G. Blalock, Secretary
Thomas T. Minor
George Turner
S. H. Manly

Mr. Manly from Committee on Mines and Mining Interests reported the following article which was read first and second time and ordered printed as follows, together with the minority reports of J. T. McDonald and Messrs. Newton and Gray, which were read first and second times and ordered printed as follows.

In the Convention

Majority Report

Committee on Mining and Mining Interests

Mr. President and Members of the Convention:

Your Committee on Mining and Mining Interests respectfully report the following article, designated Mining and Mining Interests, and recommend the adoption thereof by this Convention.

Article

Section 1. There shall be established and maintained the office of Inspectors of Mines, the duties and salaries of which shall be prescribed by law. Inspectors of Mines shall be elected by the qualified electors of the state at large at the general state election, and no person shall be eligible for the office of Mines Inspector unless he shall have had five years practical experience as a miner.

Section 2. The general assembly shall provide by law for the proper ventilation of mines, the construction of escapement shafts, and such other appliances as may be necessary to protect the health and secure the safety of the workmen therein, and shall
prohibit the employment in the mines of children under fourteen years.

Section 3. The general assembly may make such regulations from time to time as may be necessary for the proper and equitable operating of mines.

Section 4. The general assembly may provide that the science of mining and metallurgy be taught in one or more of the institutions under the patronage of the state.

We have duly considered the several resolutions referred to us and think them purely legislative in their nature, and we return the originals with this report.

Respectfully submitted,

S. H. MANLY, Chairman
ROBERT JAMIESON, Secretary
M. MORGANS
J. J. WEISENBURGER

In the Convention
Committee on Mines and Mining Rights
Minority Report

Article

Mr. President and Members of the Convention:

The undersigned members of the Committee on Mines and Mining Rights are unable to concur in the majority report for the following reasons; The mining interests of Washington contribute an important element in its prosperity today, and will be so important in the future that state supervision of the rising industry will be a public necessity. A disaster like that at Nanaimo a few years ago entails in addition to the loss of life, the necessity of providing for the widow and the fatherless, and this charity comes upon the community in which they live. No money can replace the loss of lives of those who go in the face of peril to their daily toil. Prevention is better than relief either from private charity or from the public poor fund. To secure this end there should be thorough supervision of the mines, of their machinery and of the practical details of mining, and this should be under a man competent for the duty, free from interest in the mine or from the dictation of
the operators of a mine, a man paid by the state and responsible to the people at large who have elected him.

No owner of a mine has a right to endanger the lives of his fellow men by placing in positions of responsibility men who are so unskilled or reckless as to imperil the lives of their fellow men. This principle is recognized in the Legislature like that in Alabama which requires that railroad engineers shall be free from color blindness.

We therefore, for the purpose of protecting society from public calamities resulting from ignorance or avarice, and from the direct losses occasioned by strikes and lockouts and the employment of an armed force to coerce employers, recommend the adoption of the following article instead of the majority report.

Section 1. A Superintendent of Mines and Mining shall be elected by the qualified electors at the election for state officers, whose term of office shall be the same as that of other state officers. In addition to the other qualifications of state officers, he shall be a practical miner of ten years experience, two of which shall have been in this state, and shall have no interest direct or indirect in mines in this state. He shall have the supervision of the mines in this state in regard to security against accidents, the health and the safety of the employees, and such other duties as may be provided by law, and shall receive an annual salary of three thousand dollars per year.

Section 2. This state shall be divided into three mining districts, in each of which an Inspector of Mines shall be elected at the general state election by the qualified voters of such district. Such inspectors shall have the same qualifications as the Superintendent of Mines, and shall perform such duties and receive such salary as is now or heretofore may be provided by law.

Section 3. The Legislature shall pass laws for the examination of all persons employed in underground mines, by a board of practical miners and mining engineers, and the classification by such boards of such employees into two classes, skilled and unskilled employees, and after the passage of such laws it shall be unlawful for any officer of a mining company, superintendent, manager or owner of a mine to employ in any capacity requiring skill any person not examined and enrolled as a skilled miner.
Section 4. It shall not be lawful for any owner or manager, or agent of any person or corporation, operating or working a mine, to employ in underground mining any person under the age of sixteen years, nor to exact more than eight hours a day as a day’s labor from any person employed in underground mining.

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

Section 6. It shall be unlawful for any person, company or corporation, engaged in mining or the transportation of mining products or materials, to require of its servants or employees, as a condition of their employment or otherwise, any contract or agreement, whereby such person, company or corporation shall be released or discharged from liability or responsibility on account of personal injuries received by such servants or employees while in the service of such employer by reason of the negligence of such person, company or corporation, or the agents or employees thereof, and such contracts shall be absolutely null and void.

Section 7. Boards of arbitration shall be appointed for the adjustment of scales of prices for labor in underground mines and of other differences between employees and employer, which board shall be composed of the Superintendent of Mines, one person to be selected by the employer or manager of the mines, and one person to be elected by the employee or employees interested, and their decision shall be final, except in cases of injury to employees or damages in case of the death of employees arising from accidents in the mines, or other negligence on the part of the owners in or operators of the mine.

Section 8. The Legislature shall have the power to enforce the provisions of this article by appropriate legislation.

W. L. NEWTON
W. B. GRAY

In the Convention Committee on Mines and Mining
Minority Report

Mr. President and Members of the Convention:

I concur in the majority report of your Committee on Mines
and Mining [Rights] except as to Section 1 thereof in which I do not concur, but recommend the following in lieu thereof.

Section 1. There shall be established and maintained a Commission of Mines and Mining which shall consist of three Commissioners, to be elected by the people, who shall hold office for the term of four years, the salaries and duties of which shall be prescribed by law. For the purposes of said Commission, the State of Washington shall be divided into three separate districts, each of which shall be entitled to one Commissioner. No person shall be eligible to the office of Mining Commissioner who has not had five years experience in mining and who has not resided in the territory or state two years.

J. T. McDonald

At 9:30 a.m. the Convention on motion of Mr. Dyer went into committee of the whole on the article on Legislative Department with Mr. Blalock in the chair.

At 12:06 p.m. the committee rose and the President resumed the chair. The committee reported that they had had under consideration the report of the Committee on Legislative Department, had made progress thereon but come to no resolution thereon and asked leave to sit again. Granted. On motion of Mr. Dyer the Convention took a recess until 2 o'clock p.m.

Afternoon Session

The Convention was called to order at 2 p.m. by the President. A quorum being present. At 2:01 p.m. on motion of Mr. Lindsley the Convention resolved itself into committee of the whole to consider article on Legislative Department with Mr. Blalock in the chair. At 3:26 p.m. the committee rose and the President [resumed] the chair.

The committee reported that they had had under consideration the article on Legislative Department and had made sundry amendments thereto and recommended concurrence therein. Upon concurring in amendments to Section 6 the ayes and noes were demanded and ordered and the following thirty-nine members voted aye: Berry, Blalock, Bowen, Buchanan, Burk, Crowley, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Gowey, Hayton, Hicks, Joy, Kellogg, Kinnear, Lillis, Lindsley, McCroskey, Minor, Mires, J. Z. Moore, Morgans, Power, Prosser, Reed, Schooley,
Sohns, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, Tibbetts, Turner, Weisenburger, Mr. President.

The following seventeen members voted no: Clothier, Coey, Durie, Godman, Gray, Griffitts, Jeffs, Jones, McReavey, R. S. More, Newton, Sharpstein, Stevenson, P. C. Sullivan, Travis, Warner, West. Absent and not voting: Allen, Browne, Comegys, Cosgrove, Dallam, Dickey, Henry, Hungate, Jamieson, Manly, McDonald, McElroy, Neace, J. M. Reed, Shoudy, Van Name, Weir, Willison, Winsor. So the amendments were concurred in.

Amendments to Section 7 concurred in.

Amendments to Section 12 concurred in.

Amendment to Section 16 adding word “and” not concurred in.

Amendment to Section 16 striking out “and after the termination” in last line not concurred in.

The ayes and noes being ordered on striking out Section 25, the following forty-three members voted aye: Berry, Blalock, Bowen, Burk, Clothier, Cosgrove, Crowley, Dunbar, Durie, Eshelman, Fairweather, Fay, Glascock, Godman, Griffitts, Hayton, Henry, Hicks, Jones, Lillis, Manly, McDonald, Minor, Mires, Morgans, Power, Prosser, J. M. Reed, Schooley, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Weir, Weisenburger, West, Winsor, Mr. President.


The ayes and noes being ordered on striking out Section 28, the following forty-three members voted aye: Blalock, Bowen, Buchanan, Burk, Clothier, Comegys, Cosgrove, Crowley, Dunbar, Durie, Eshelman, Fairweather, Glascock, Godman, Griffitts, Hayton, Henry, Jamieson, Jeffs, Jones, Kellogg, Lillis, McDonald, Minor, Mires, Morgans, Power, Prosser, T. M. Reed, Schooley, Sohns, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Travis, Turner, Van Name, Weir, Weisenburger, West, Winsor, Mr. President.
The following twenty members voted no: Berry, Coey, Eldridge, Fay, Gowey, Hicks, Joy, Kinnear, Lindsley, McCroskey, McElroy, McReavey, J. Z. Moore, R. S. More, Newton, J. M. Reed, Sharpstein, Stevenson Tibbetts, Warner. Absent and not voting: Allen, Browne, Dallam, Dickey, Dyer, Gray, Hungate, Manly, Neace, Shoudy, Willison. So the amendment was concurred in.

Amendment to substitute 1 of Section 3 was [sic].

Amendments to subdivisions 5, 13, 14, 15, 20, 23 concurred in.

Amendments to Section 23 concurred in.

Amendments to Section 36 concurred in.

Amendments to Section 38 concurred in.

The ayes and noes being ordered on concurring in the amendment striking out Section 39, the following twenty-eight members voted aye: Blalock, Bowen, Buchanan, Comegys, Crowley, Dunbar, Dyer, Eshelman, Glascock, Godman, Hayton, Henry, Jamieson, Jones, Kellogg, Lindsley, McDonald, Minor, Mires, Morgans, J. M. Reed, Stiles, Sturdevant, Sullivan, Van Name, Weisenburger, West, Mr. President.

And the following thirty-six members voted no: Berry, Burk, Clothier, Coey, Cosgrove, Durie, Eldridge, Fairweather, Fay, Gowey, Griffitts, Hicks, Jeffs, Joy, Kinnear, Lillis, McCroskey, McElroy, McReavey, J. Z. Moore, R. S. More, Newton, Power, Prosser, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Suksdorf, Tibbetts, Travis, Turner, Warner, Weir, Winsor. Absent and not voting: Allen, Browne, Dallam, Dickey, Gray, Hungate, Manly, Neace, Shoudy, Willison. So the amendment was not concurred in.

The ayes and noes being ordered on the adoption of additional Section 41, the following twenty-four members voted aye: Blalock, Comegys, Crowley, Eshelman, Fairweather, Fay, Godman, Griffitts, Henry, Hicks, Jamieson, Kellogg, McCroskey, McDonald, McElroy, McReavey, Mires, Newton, Sharpstein, Sohns, Stevenson, Sturdevant, Tibbetts, West.

The following forty members voted no: Bowen, Burk, Clothier, Coey, Cosgrove, Dunbar, Durie, Dyer, Eldridge, Glascock, Gowey, Hayton, Jeffs, Jones, Joy, Kinnear, Lillis, Lindsley, Manly, Minor, J. Z. Moore, R. S. More, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Stiles, Suksdorf, E. H. Sullivan, P. C. Sulli-
van, Travis, Turner, Van Name, Warner, Weir, Weisenburger, Winsor, Mr. President. Absent and not voting: Allen, Browne, Buchanan, Dallam, Dickey, Gray, Hungate, Neace, Shoudy, Willison. So the amendment was not adopted.

Amendments adding Sections 42, 43 and 44 were concurred in.

Mr. Comegys moved to amend substitute 23, Section 30 as follows: Provided this shall not be construed to apply to the creation of new counties. Adopted.

Mr. Turner moved to amend by striking out subdivision 24, Section 30. On this question the ayes and noes were ordered and the following thirty-seven members voted aye: Blalock, Bowen, Burk, Clothier, Comegys, Cosgrove, Crowley, Dunbar, Dyer, Eshelman, Fairweather, Fay, Glascock, Gowey, Hayton, Henry, Jamieson, Jeffs, Joy, Kellogg, Kinnear, Lillis, Manly, McElroy, R. S. More, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sturdevant, P. C. Sullivan, Travis, Turner, Weir, Weisenburger.

The following twenty-one members voted no: Buchanan, Coey, Durie, Eldridge, Godman, Griffitts, Hicks, Jones, McCroskey, McReavey, Minor, Mires, J. Z. Moore, Newton, Sohns, Stevenson, Stiles, Tibbetts, Van Name, Winsor, Mr. President. Absent and not voting: Allen, Berry, Browne, Dallam, Dickey, Gray, Hungate, Lindsley, McDonald, Neace, Sharpstein, Shoudy, Suksdorf, E. H. Sullivan, Warner, West, Willison. So the subdivision was stricken out.

Mr. J. Z. Moore moved to add the following section.

Section. It shall not be lawful for any person holding public office in this state to accept or use a pass or to purchase transportation from any railroad or other corporation other than as the same may be purchased by the general public and the Legislature shall pass laws to enforce this provision.

Mr. Godman moved a call of the house. So ordered. Upon roll call all members answered to their names except Messrs. Allen, Browne, Gray, Hungate, McDonald, Neace, Shoudy, Willison. On motion of Mr. T. M. Reed further proceedings were dispensed with.

Mr. Cosgrove offered a substitute for the section.

Mr. Griffitts moved the previous question and it was so ordered.

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The ayes and noes being ordered on Mr. Cosgrove's substitute the following ten members voted aye: Comegys, Cosgrove, Gowey, Jamieson, Jones, Manly, Mires, Morgans, Newton, Van Name. The following fifty-three members voted no: Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Crowley, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Griffitts, Hayton, Henry, Jeffs, Joy, Kellogg, Kinnear, Lillis, Lindsley, McCroskey, McElroy, McReavey, Minor, J. Z. Moore, R. S. More, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Warner, Weir, Weisenburger, West, Winsor, Mr. President. Absent and not voting: Allen, Browne, Dallam, Dickey, Gray, Hicks, Hungate, McDonald, Neace, Shoudy, Stiles, Willison. So the substitute was not agreed to.

The ayes and noes being ordered on the amendment of J. Z. Moore to add an additional section, the following thirty-seven members voted aye: Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Dunbar, Durie, Dyer, Eldridge, Fairweather, Griffitts, Hayton, Hicks, Joy, Kellogg, Kinnear, Lillis, McCroskey, McElroy, McReavey, J. Z. Moore, R. S. More, Newton, Power, Prosser, J. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Tibbetts, Warner, Weir, Weisenburger, Mr. President. The following twenty-seven members voted no: Comegys, Cosgrove, Crowley, Eshelman, Fay, Glascock, Godman, Gowey, Henry, Jamieson, Jeffs, Jones, Lindsley, Manly, Minor, Mires, Morgans, T. M. Reed, Sturdevant, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Van Name, West, Winsor. Absent and not voting: Allen, Browne, Dallam, Gray, Neace, Shoudy, Stiles, Willison. So the amendment was agreed to.

Mr. Stiles offered the following amendment to Section 36.

Section 36. Strike out down to "provided" and insert "No alien shall hold more than six hundred and forty acres of land in this state, except where such land may be acquired by inheritance or under mortgage or in good faith in the ordinary course of justice in the collection of debts."

On the amendment the ayes and noes being ordered the following twenty-eight members voted aye: Blalock, Bowen, Buchanan, Comegys, Crowley, Durie, Eldridge, Eshelman, Fairweather, Fay, Glascock, Gowey, Jones, Joy, Kinnear, McElroy, Minor, R. S. More,
Morgans, T. M. Reed, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Van Name, West, Mr. President.


Mr. Godman offered the following which was adopted as an amendment to Section 36. Insert after the word “aliens” in line one, Section 36 the following: “other than those who in good faith have declared their intentions to become citizens of the United States.”

Mr. Kellogg and Mr. Buchanan were excused for the day.

Mr. Lindsley offered the following amendment to Section 36: Provided further that the provisions of this section shall not be construed to disturb existing titles or contracts therefor. Lost.

Mr. Turner moved to strike out from Section 24 the words after the word “house” in line three.

The ayes and noes being demanded and ordered the following twenty-four members voted aye: Berry, Blalock, Clothier, Comegys, Cosgrove, Durie, Dyer, Eshelman, Fairweather, Joy, Kinnear, Minor, Mires, R. S. More, Morgans, Power, T. M. Reed, Sharpstein, Stiles, Sturdevant, Travis, Turner, Weisenburger, Winsor.

The following thirty-five members voted no: Bowen, Burk, Coey, Crowly, Dunbar, Eldridge, Fay, Glascock, Godman, Gowey, Griffitts, Hayton, Henry, Hicks, Jones, Lindsley, McCroskey, McElroy, McReavey, J. Z. Moore, Newton, Prosser, J. M. Reed, Schooley, Sohns, Stevenson, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Van Name, Warner, Weir, West, Mr. President. Absent and not voting: Allen, Browne, Buchanan, Dallam, Dickey, Gray, Hungate, Jamieson, Jeffs, Kellogg, Lillis, Manly, McDonald, Neace, Newton, Power, Shoudy, Willison. So the amendment was not agreed to.

Mr. Godman moved to strike out Section 31.
The ayes and noes were demanded and ordered. The following thirty-two members voted aye: Blalock, Bowen, Burk, Cosgrove, Crowley, Durie, Eldridge, Fairweather, Godman, Gowey, Griffitts, Henry, Jones, Kinnear, McCroskey, McElroy, J. M. Reed, Schooley, Sharpstein, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Van Name, Warner, Weir, Weisenburger, West, Winsor.

The following twenty-two members voted no: Berry, Clothier, Dyer, Eshelman, Glascock, Hayton, Hicks, Joy, Lindsley, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Prosser, T. M. Reed, Sohns, Stevenson, Tibbetts, Mr. President. Absent and not voting: Allen, Browne, Buchanan, Coey, Comegys, Dallam, Dickey, Dunbar, Fay, Gray, Hungate, Jamieson, Jeffs, Kellogg, Lillis, Manly, McDonald, Neace, Power, Shoudy, Willison. So the section was stricken out.

Mr. Weisenburger offered the following additional section.

Section. In all sections subsequent to the adoption of this Constitution counties that elect more than one member of the House of Representatives shall be so districted that one member shall be elected in each district. Lost.

Mr. Suksdorf moved to strike out "five" in Section 23 and insert "eight."

Mr. Sharpstein moved to amend by inserting four. Lost.

The ayes and noes being ordered on the amendment of Mr. Suksdorf the following four members voted aye: Dyer, Glascock, Suksdorf, Turner. The following fifty members voted no: Berry, Blalock, Bowen, Burk, Clothier, Coey, Cosgrove, Crowley, Durie, Eldridge, Eshelman, Fairweather, Fay, Godman, Gowey, Griffitts, Hayton, Henry, Hicks, Jones, Joy, Kinnear, Lillis, Lindsley, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stiles, Sturdevant, P. C. Sullivan, Tibbetts, Travis, Van Name, Warner, Weir, Weisenburger, West, Winsor, Mr. President. Absent and not voting: Allen, Browne, Buchanan, Comegys, Dallam, Dickey, Dunbar, Gray, Hungate, Jamieson, Jeffs, Kellogg, McCroskey, McDonald, Neace, Power, Shoudy, Stevenson, E. H. Sullivan, Willison. So the amendment was not agreed to.

Mr. Warner moved to strike out subdivision 23 in Section 30.
The ayes and noes being demanded and ordered the following
ten members voted aye: Crowley, Fairweather, Lillis, Lindsley,
Sharpstein, Suksdorf, P. C. Sullivan, Turner, Van Name, Warner.

The following forty-three members voted no: Berry, Blalock,
Burk, Clothier, Coey, Durie, Dyer, Eldridge, Fairweather, Fay,
Glascock, Godman, Gowey, Griffitts, Hicks, Jones, Joy, Kinnear,
McCroskey, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S.
More, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed,
Schooley, Sohns, Stevenson, Stiles, Sturdevant, Tibbetts, Travis,
Weir, Weisenburger, West, Winsor, Mr. President. Absent and not
voting: Allen, Browne, Buchanan, Comegys, Cosgrove, Dallam,
Dickey, Dunbar, Gray, Hayton, Henry, Hungate, Jamieson, Jeffs,
Kellogg, Manly, McDonald, Neace, Shoudy, E. H. Sullivan, Willison.
So the motion was not agreed to.

On motion of Mr. Crowley the rules were suspended, the article
considered engrossed, read third time and put upon its passage.

The question being shall the article pass, the following forty-
four members voted aye: Berry, Blalock, Bowen, Burk, Clothier,
Coey, Crowley, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glas-
cock, Hayton, Hicks, Jeffs, Jones, Joy, Kinnear, Lillis, Lindsley,
McCroskey, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S.
More, Morgans, Prosser, J. M. Reed, T. M. Reed, Schooley, Sohns,
Stevenson, Stiles, Sturdevant, Tibbetts, Travis, Van Name, Weir,
Weisenburger, Winsor, Mr. President.

The following twelve members voted no: Cosgrove, Durie,
Godman, Gowey, Griffitts, Henry, Sharpstein, Suksdorf, P. C.
Sullivan, Turner, Warner, West. Absent and not voting: Allen,
Browne, Buchanan, Comegys, Dallam, Dickey, Dunbar, Gray, Hun-
gate, Jamieson, Kellogg, Manly, McDonald, Neace, Newton, Power,
Shoudy, E. H. Sullivan, Willison. So the article was agreed to and
sent to the Committee on Revision, Adjustment and Enrollment.

[Material stricken in journal.]*

* The stricken material has not been included here because it appears ver-
batim beginning on page 315.
Article on Legislative Department
as Agreed to by the Convention

Article

Legislative Department

Section 1. The Legislative powers shall be vested in a Senate and House of Representatives, which shall be called the Legislature of the State of Washington.

Section 2. The House of Representatives shall be composed of not less than sixty-three nor more than ninety-nine members.

The number of Senators shall not be more than one-half nor less than one-third of the number of members of the House of Representatives. The first Legislature shall be composed of seventy members of the House of Representatives and thirty-five Senators.

Section 3. The Legislature shall provide by law for an enumeration of the inhabitants of the state in the year one thousand eight hundred and ninety-five and every ten years thereafter, and at their first session after such enumeration, and also after each enumeration made by the authority of the United States, the Legislature shall apportion and district anew the members of the Senate and House of Representatives according to the number of inhabitants, excluding Indians not taxed, soldiers, sailors and officers of the United States Army and Navy in active service.

Section 4. Members of the House of Representatives shall be elected in the year eighteen hundred and eighty-nine at the time and manner provided by the Constitution and shall hold their offices for the term of one year and until their successors shall be elected.

Section 5. The next election of the members of the House of Representatives after the adoption of this Constitution shall be on the first Tuesday after the first Monday in November, eighteen hundred and ninety and thereafter, members of the House of Representatives shall be elected biennially and their term of office shall be two years and each election shall be on the first Tuesday after the first Monday in November, unless otherwise changed by law.

Section 6. After the first election the Senators shall be elected by single districts of convenient and contiguous territory, and at the same time and in the same manner as members of the
House of Representatives are required to be elected, and no repre­sentative district shall be divided in the formation of a senatorial district. They shall be elected for the term of four years, one-half of their number retiring every two years. The senatorial districts shall be numbered consecutively, and the Senators chosen at the first election had by virtue of this Constitution, in the odd-numbered, districts shall go out of office at the end of the first year; and the Senators elected in the even-numbered districts shall go out of office at the end of the third year.

Section 7. No person shall be eligible to the Legislature who shall not be a citizen of the United States and a qualified voter in the district where he is chosen.

Section 8. Each house shall be the judge of the election re­turns and qualifications of its own members, and a majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day and may compel the attend­ance of absent members in such manner and under such penalties as each house may provide.

Section 9. Each house may determine the rules of its own proceedings, punish for contempt and disorderly behavior and, with the concurrence of two-thirds of all the members elected, expel a member, but no member shall be expelled a second time for the same offense.

Section 10. Each house shall select its own officers and the Senate shall choose a temporary president when the Lieutenant Governor shall not attend as president or shall act as Governor. When presiding, the Lieutenant Governor shall have the deciding vote in case of an equal division of the Senate.

Section 11. Each house shall keep a journal of its proceed­ings and publish the same, except such parts as require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall adjourn for more than three days, nor to any place other than that in which they may be sitting, without the consent of the other.

Section 12. The first Legislature shall meet on the first Wednesday after the first Monday in November, A. D. 1889. The second Legislature shall meet on the first Wednesday after the first Monday in January, A. D. 1891, and sessions of the Legisla-
ture shall be held biennially thereafter, unless specially convened by the Governor, but the times of meeting of subsequent sessions may be changed by the Legislature. After the first Legislature the sessions shall not be for more than sixty days.

Section 13. No member of the Legislature, during the term for which he is elected, shall be appointed or elected to any civil office in the state which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

Section 14. No person being a member of Congress or holding any civil or military office under the United States or any other power, shall be eligible to be a member of the Legislature, and if any person after his election as a member of the Legislature shall be elected to Congress or be appointed to any other office, civil or military, under the government of the United States or any other power, his acceptance thereof shall vacate his seat; provided, that officers in the militia of the state who receive no annual salary, local officers and postmasters whose compensation does not exceed three hundred dollars per annum, shall not be eligible.

Section 15. The Governor shall issue writs of election to fill such vacancies as may occur in either house of the Legislature.

Section 16. Members of the Legislature shall be privileged from arrest in all cases except treason, felony and breach of the peace; they shall not be subject to any civil process during the session of the Legislature nor for fifteen days next before the commencement of each session.

Section 17. No member of the Legislature shall be liable in any civil action or criminal prosecution whatever for words spoken in debate.

Section 18. The style of the laws of the state shall be “Be it enacted by the Legislature of the State of Washington”, and no law shall be enacted except by bill.

Section 19. No bill shall embrace more than one subject and that shall be expressed in the title.

Section 20. Any bill may originate in either house of the Legislature and a bill passed by one house may be amended in the other.
Section 21. The yeas and nays of the members of either house shall be entered on the journal on the demand of one-sixth of the members present.

Section 22. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house and a majority of the members elected to each house be recorded thereon as voting in its favor.

Section 23. Each member of the Legislature shall receive for his services five dollars for each day's attendance during the session and ten cents for every mile he shall travel in going to and returning from the place of meeting of the Legislature on the most usual route.

Section 24. The Legislature shall never authorize any lottery or grant any divorce.

Section 25. The Legislature shall never grant any extra compensation to any public officer, agent, servant or contractor after the services shall have been rendered or the contract entered into, nor shall the compensation of any public officer be increased or diminished during his term of office.

Section 26. The Legislature shall direct by law in what manner and in what courts suits may be brought against the state.

Section 27. In all elections by the Legislature the members shall vote viva voce and their votes shall be entered on the journal.

Section 28. Special Legislation.

The Legislature is prohibited from enacting any private or special law in the following cases.

1. For changing the names of persons, or constituting one person the heir at law of another.

2. For laying out, opening or altering highways, except in cases of state roads extending into more than one county and military roads to aid in the construction of which lands shall have been or may be granted by Congress.

3. For authorizing persons to keep ferries wholly within this state.
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4. For authorizing the sale or mortgage of real or personal property of minors or others under disability.

5. For assessments or collection of taxes or for extending the time for collection thereof.

6. For granting corporate powers or privileges.

7. For authorizing the apportionment of any part of the school fund.

8. For incorporating any town or village or to amend the charter thereof.

9. For giving effect to invalid deeds, wills or other instruments.

10. Releasing or extinguishing in whole or in part, the indebtedness, liability or other obligation of any person or corporation to this state or to any municipal corporation therein.

11. Declaring any person of age or authorizing any minor to sell, lease or encumber his or her property.

12. Legalizing except as against the state, the unauthorized or invalid act of any officers.

13. Regulating the rates of interest on money.

14. Remitting fines, penalties or forfeitures.

15. Providing for the management of common schools.

16. Authorizing the adoption of children.

17. For limitation of civil or criminal actions.

18. Changing county lines or locating or changing county seats, provided this shall not be construed to apply to the creation of new counties.

Section 32. [sic] After the first day of January, eighteen hundred and ninety, the labor of convicts of this state shall not be let out by contract to any person, co-partnership, company or corporation, and the Legislature shall by law provide for the working of convicts for the benefit of the state.

Section 29. The offense of corrupt solicitation of members of the Legislature or of public officers of the state or any municipal division thereof, and any occupation or practice of solicitation
of such members or officers to influence their official action, shall be defined by law and shall be punished by fine and imprisonment. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation or practices of solicitation and shall not be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy, but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony, and any person convicted of either of the offenses aforesaid shall, as part of the punishment therefor, be disqualified from ever holding any position of honor, trust or profit in this state. A member who has a private interest in any bill or measure prepared or pending before the Legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon.

Section 30. No law, except appropriation bills, shall take effect until ninety days after the adjournment of the session at which it was enacted, unless in case of emergency (which emergency must be expressed in the preamble or in the body of the act) the Legislature shall otherwise direct by a vote of two-thirds of all the members elected to each house; said vote to be taken by yeas and nays and entered on the journals.

Section 31. No bill shall become a law until the same shall have been signed by the presiding officer of each of the two houses in open session and under such rules as the Legislature shall prescribe.

Section 32. The ownership of lands by aliens other than those who in good faith have declared their intentions to become citizens of the United States, except where acquired by inheritance or under mortgage or in good faith in the ordinary course of justice in the collection of debts, and all conveyances of lands hereafter made to any alien directly or in trust for such alien, shall be void; provided, that the provisions of this section shall not apply to lands containing valuable deposits of minerals, metals, iron, coal or fire clay and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom.

Section 33. Every corporation, the majority of the capital stock of which is owned by aliens, shall be considered an alien corporation for the purpose of this prohibition.
Section 34. There shall be established in the office of Secretary of State a Bureau of Statistics, Agriculture and Immigration under such regulations as the Legislature may provide.

Section 35. The Legislature shall pass necessary laws for the protection of persons working in mines, factories and other employments dangerous to life or deleterious to health, and fix pains and penalties for the enforcement of same.

Section 36. No bill shall be considered in either house unless the time of its introduction shall have been at least ten days before the final adjournment of the Legislature, unless the Legislature shall otherwise direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yea's and nay's and entered upon the journal, or unless the same be at a special session.

Section 37. No act shall ever be revised or amended by mere reference to its title but the act revised or section amended shall be set forth at full length.

Section 38. No amendment to any bill shall be allowed which shall change the original scope and object of the bill.

Section 39. It shall not be lawful for any person holding public office in this state to accept or use a pass or to purchase transportation from any railroad or other corporation other than as the same may be purchased by the general public, and the Legislature shall pass laws to enforce this provision.

Mr. Minor was granted leave till Monday. President Hoyt was granted leave conditionally till Monday.

Mr. Gowey moved that when the Convention adjourn it adjourn till 10 a.m. Mr. Tibbetts moved to amend to 8 a.m.

The ayes and noes were demanded and ordered and the following thirty-one members voted aye: Berry, Blalock, Burk, Coey, Crowley, Dyer, Eschelman, Fay, Godman, Griffitts, Hayton, Hicks, Joy, Kinnear, Lillis, Lindsley, McCroskey, McReavey, J. Z. Moore, J. M. Reed, Schooley, Sharpestein, Sohns, Stevenson, Sturdevant, P. C. Sullivan, Tibbetts, Travis, Warner, Weir, West.

The following twenty-five members voted no: Bowen, Clothier, Cosgrove, Durie, Eldridge, Fairweather, Glascock, Gowey, Henry, Jeffs, Jones, McElroy, Minor, Mires, R. S. More, Morgans, Prosser, T. M. Reed, Stiles, Suksdorf, Turner, Van Name, Weisenburger,
Winsor, Mr. President. Absent and not voting: Allen, Browne, Buchanan, Comegys, Dallam, Dickey, Dunbar, Gray, Hungate, Jamieson, Kellogg, Manly, McDonald, Neace, Newton, Power, Shoudy, E. H. Sullivan, Willison. So the amendment was adopted.

Question being on adopting the question as amended. Lost.

Convention at 5:26 p.m. adjourned till August 10th, 1889, at 9 a.m.

August 10th, 1889

Convention called to order at 9 a.m. President Hoyt in the chair.

In the absence of the Chaplain prayer was dispensed with.

At roll call all members answered to their names except Messrs. Allen, Browne, Dallam, Shoudy, Dickey, Hungate, Minor, Willison on leave, and Messrs. Gowey and Hicks.

President Hoyt submitted a communication in relation to state seal which was referred to the Special Committee on Seal.

Mr. E. H. Sullivan from the Committee on Agriculture reported adversely on proposition of Mr. Kinnear on warehouses which was ordered to lie on the table.

Mr. Durie from Committee on Harbor, Tidewaters and Navigable Streams submitted a report which was read twice and ordered printed as follows.

In the Convention

Harbors, Tidewaters and Navigable Streams

Mr. President and Members of the Convention:

Your Committee on Harbors, Tidewaters and Navigable Streams report the article hereto attached relating to harbors, consisting of three sections, and respectfully recommend the adoption of the same.

Respectfully submitted.

Article

Section 1. The Legislature shall provide for the appointment of a commission whose duty it shall be to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays and inlets of this state, wherever such navigable waters lie within or
in front of the corporate limits of any city, or within one mile thereof upon either side. Such harbor lines shall be so located and established that the water where such lines shall be located and established shall not be less than twenty-four feet deep at ordinary low tide. The state shall never give, sell or lease to any private person, corporation or association any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor line and the line of ordinary high tide, and within not less than two hundred feet nor more than six hundred feet of such harbor line (as the commission shall determine) be sold or granted by the state, nor its right to control the same relinquished, but such area shall be forever reserved for landings, wharves, streets and other conveniences of navigation and commerce.

Section 2. Municipal corporations shall have the right to extend their streets over intervening tidelands to the area reserved as herein provided.

Section 3. The state shall vest control of said area for general police purposes and for the building and maintaining of wharves, docks and other structures or the leasing of the right to build and maintain such structures, in the municipal corporations fronting thereon, subject however to the right of the state to resume control of the same at any time.

DAVID E. DURIE, Chairman
WM. F. PROSSER
R. S. MORE
A. J. WEST
ALBERT SCHOOLEY
GEORGE TURNER
JAS. POWER
GEORGE STEVENSON

Mr. Weir from Committee on Harbors submitted a minority report which was read twice and ordered printed as follows.

In the Convention

Minority Report from the Committee on Harbors

Mr. President and Members of the Convention:

Article

Section. The Legislature shall provide by law for uniformly
establishing harbor lines along the harbor frontage of every city now incorporated or hereafter to be incorporated within the state, on the shore of navigable tidewater, such harbor lines to extend to a depth of at least twenty-four feet of water at ordinary low tide; and when such harbor lines are so established no privilege or franchise shall ever be granted to any individual or corporation for any structure whatever to extend beyond such limit toward or into such navigable water. Every municipal corporation so situated shall have the right to extend its streets and highways across any intervening shore or tidelands to such limit at such depth of water, and shall have full power to control, for the purposes of wharves, warehouses and kindred improvements, the entire length of its harbor line or frontage so established and limited; and the area between such limit and the line of ordinary low tide shall never be alienated from the state by lease, grant or franchise, but such area shall be for such purposes under control of such municipal corporation, subject however to the superior right of the state to resume control of the same at any time.

**ALLEN WEIR**

Mr. P. C. Sullivan moved to consider the reprinted article on corporations other than municipal. Carried.

Mr. P. C. Sullivan moved to amend Section 4 by adding: But this section shall not be construed to make any stockholder liable for the unpaid stock of any other stockholder. Adopted.

Mr. Cosgrove moved to strike out of Section 22 the words “are contrary to the best interests of free government and”. Adopted.

Mr. Turner offered the following as a substitute for Section 4.

**Section 4.** Each stockholder in all incorporated companies, except corporations organized for banking or insurance purposes, shall be liable for the debts of the corporation to the amount of his unpaid stock and no more, and one or more stockholders may be joined as parties defendant in suits to recover upon this liability. Adopted.

Mr. Stiles moved to amend Section 20 to read:

**Section 20.** No railroad or other transportation company shall grant free passes, or sell tickets or passes at a discount, other
than as sold to the public generally, to any member of the Legislature, or to any person holding any public office within this state. The Legislature shall pass laws to carry this provision into effect.

Adopted.

Mr. Mires offered the following as an additional section.

Section. No corporation, domestic or foreign, shall be created for or engage in the business of dealing in real property in this state, nor shall any corporation acquire otherwise than by grant from the United States any real property except such as may be necessary for use in carrying on the business for which it is created or in the ordinary course of justice in the collection of debts. Lost.

Mr. Jamieson moved to amend Section 12 by striking out the words "or in failing circumstances" in line three. Lost.

Mr. T. M. Reed proposed to amend Section 22 by striking out words "declare a" and insert "provided by law for the." Lost.

Mr. Turner offered the following as an additional section: A Railroad Commission is hereby established which will consist of three Commissioners. The terms of office of such Commissioners shall be four years and they shall be appointed by the Governor by and with the advise and consent of the Senate. The members of said Commission shall be qualified electors of said Commission, shall have such powers and perform such duties and the members receive such compensation as may be provided by law.

Mr. P. C. Sullivan moved a call of the house. Carried.

On motion Mr. Gowey was excused for the forenoon.

The roll being called all members were present except Messrs. Allen, Browne, Dallam, Dickey, Gowey, Hungate, Minor, Shoudy, Willison on leave and Messrs. McElroy and Van Name.

On motion of P. C. Sullivan the further proceedings under the call were dispensed with.

Mr. Griffitts offered the following amendment to the amendment. Insert after years, who shall be elected by the qualified electors of the state at the general election held in the state for election of Governor and other state officers. The Commissioners elected at the election held for adoption of this Constitution shall hold office for three years.
On motion of Mr. Manly the previous question was ordered. On the amendment of Mr. Griffitts, the ayes and noes were demanded and ordered and the following twenty-six members voted aye: Berry, Burk, Coey, Crowley, Dunbar, Durie, Dyer, Eldridge, Eshelman, Griffitts, Hayton, Jones, Kinnear, McCroskey, Neace, Newton, J. M. Reed, Schooley, Sharpstein, Suksdorf, Tibbetts, Turner, Warner, Weir, Weisenburger, Mr. President.

The following thirty-seven members voted no: Blalock, Bowen, Buchanan, Clothier, Comegys, Cosgrove, Fairweather, Fay, Glascock, Godman, Gray, Henry, Hicks, Jamieson, Jeffs, Joy, Kellogg, Lillis, Lindsay, Manly, McDonald, McReavey, Mires, J. Z. Moore, Morgans, Power, Prosser, T. M. Reed, Sohns, Stevenson, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Travis, West, Winsor. Absent and not voting: Allen, Browne, Dickey, Gowey, Hungate, McElroy, Minor, J. Z. Moore [sic], Shoudy, Van Name, Willison, so the amendment was not agreed to.

Mr. J. Z. Moore announced that he was paired with Mr. Minor, that he would vote yes and Mr. Minor no.

The ayes and noes being ordered on the amendment offered by Mr. Turner, the following twenty-six members voted aye: Buchanan, Coey, Comegys, Dunbar, Durie, Dyer, Fairweather, Griffitts, Hayton, Hicks, Kinnear, Manly, McCroskey, Mires, J. Z. Moore, Neace, Newton, J. M. Reed, Schooley, Sharpstein, Tibbetts, Weir, Weisenburger, Mr. President.

The following thirty-nine members voted no: Berry, Blalock, Bowen, Burk, Clothier, Cosgrove, Crowley, Eldridge, Eshelman, Fay, Glascock, Godman, Gray, Henry, Jamieson, Jeffs, Jones, Joy, Kellogg, Lillis, Lindsay, McDonald, McReavey, R. S. More, Morgans, Power, Prosser, T. M. Reed, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Warner, West, Winsor. Absent and not voting: Allen, Browne, Dallam, Dickey, Gowey, Hungate, McElroy, Minor, Shoudy, Turner, Van Name, Willison. So the amendment was not agreed to.

Mr. Turner announced that he was paired with Mr. Dallam, that Mr. Dallam would vote no and he would vote aye.

On motion of Mr. Kinnear the rules were suspended, the article considered engrossed and passed to third reading.
In the Convention
Corporations other than Municipal

Article

Section 1. Corporations may be formed under general laws but shall not be created by special acts. All laws relating to corporations may be altered, amended or repealed by the Legislature at any time, and all corporations doing business in this state may, as to such business, be regulated, limited or restrained by law.

Section 2. All existing charters, franchises, special or exclusive privileges, under which an actual and bona fide organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

Section 3. The Legislature shall not extend any franchise or charter nor remit the forfeiture of any franchise or charter of any corporation now existing, or which shall hereafter exist under the laws of this state.

Section 4. Each stockholder in all corporated companies, except corporations organized for banking or insurance purposes, shall be liable for the debts of the corporation to the amount of his unpaid stock and no more, and one or more stockholders may be joined as parties defendant in suits to recover upon this liability.

Section 5. The term corporations, as used in this article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships, and all corporations shall have the right to sue and shall be subject to be sued, in all courts, in like cases as natural persons.

Section 6. Corporations shall not issue stock, except to bona fide subscribers therefor, or their assignees; nor shall any corporation issue any bond or other obligation for the payment of money, except for money or property received or labor done. The stock of corporations shall not be increased except in pursuance of a general law, nor shall any law authorize the increase of stock without the consent of the person holding the larger amount in value of the stock, nor without due notice of the proposed increase
having been previously given in such manner as may be prescribed by law. All fictitious increase of stock or indebtedness shall be void.

Section 7. No corporation organized outside the limits of this state shall be allowed to transact business within the state on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this state.

Section 8. No corporation shall lease or alienate any franchise so as to relieve the franchise or property held thereunder from the liabilities of the lessor or grantor, lessee or grantee, contracted or incurred in the operation, use or enjoyment of such franchise or any of its privileges.

Section 9. The state shall not in any manner loan its credit nor shall it subscribe to or be interested in the stock of any company, association or corporation.

Section 10. The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the Legislature from taking the property and franchises of incorporated companies and subjecting them to public use the same as the property of individuals.

Section 11. No corporation, association or individual shall issue or put in circulation as money anything but the lawful money of the United States. Each stockholder of any banking or insurance corporation or joint stock association shall be individually and personally liable equally and ratably and not one for another, for all contracts, debts and engagements of such corporation or association according, while they remain such stockholders to the extent of the amount of their stock therein at the par value thereof in addition to the amount invested in such shares.

Section 12. Any president, director, manager, cashier or other officer of any banking institution who shall receive or assent to the reception of deposits after he shall have knowledge of the fact that such banking institution is insolvent or in failing circumstances shall be individually responsible for such deposits so received.

Section 13. All railroad, canal and other transportation companies are declared to be common carriers and subject to legislative control. Any association or corporation organized for the purpose, under the laws of this state, shall have the right to con-
nect at the state line with railroads of other states. Every rail-
road company shall have the right with its road, whether the
same be now constructed or may hereafter be constructed, to in-
tersect, cross or connect with any other railroad, and when such
railroads are of the same or similar gauge they shall at all cross-
ings and at all points where a railroad shall begin or terminate at
or near any other railroad, form proper connections so that the
cars of any such railroad companies may be speedily transferred
from one railroad to another. All railroad companies shall receive
and transport each the other's passengers, tonnage and cars
without delay or discrimination.

Section 14. No railroad company, or other common carrier
shall combine or make any contract with the owners of any vessel
that leaves port or makes port in this state, or with any common
carrier, by which combination or contract the earnings of one doing
the carrying are to be shared by the other not doing the carrying.

Section 15. No discrimination in charges or facilities for
transportation shall be made by any railroad or other transporta-
tion company between places or persons, or in the facilities for the
transportation of the same classes of freight or passengers
within this state, or coming from or going to any other state.
Persons and property transported over any railroad or by any
other transportation company or individual shall be delivered at
any station, landing or port, at charges not exceeding the charges
for the transportation of persons and property of the same class,
in the same direction, to any more distant station, port or landing.
Excursion and commutation tickets may be issued at special rates.

Section 16. No railroad corporation shall consolidate its stock,
property or franchise with any other railroad corporation owning
a competing line.

Section 17. The rolling stock and other movable property be-
longing 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 ex-
ecution and sale.

Section 18. The Legislature shall pass laws establishing reason-
able maximum rates [and] charges for the transportation of
passengers and freight, and to correct abuses and prevent discrim-
ination and extortion in the rates of freight and passenger tariffs on the different railroads and other common carriers in the state, and shall enforce such laws by adequate penalties. A railroad and transportation commission may be established and its powers and duties fully defined by law.

Section 19. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph and telephone within this state, and said companies shall receive and transmit each other's messages without delay or discrimination, and all of such companies are hereby declared to be common carriers. Railroad corporations organized or doing business in this state shall allow telegraph corporations and companies to construct and maintain telegraph lines on and along the rights of way of such railroads and railroad companies, and no railroad corporation organized or doing business in this state shall allow any telegraph corporation or company any facilities, privileges or rates for transportation of men or material or for repairing their lines not allowed to all telegraph companies. The right of eminent domain is hereby extended to all telegraph and telephone companies. The Legislature shall by general law of uniform operation, provide reasonable regulations to give effect to this section.

Section 20. No railroad or other transportation company shall grant free passes, or sell tickets or passes at a discount, other than as sold to the public generally, to any member of the Legislature, or to any person holding any public office within this state. The Legislature shall pass laws to carry this provision into effect.

Section 21. Railroad companies now or hereafter organized or doing business in this state shall allow all express companies organized or doing business in this state transportation over all lines of railroad owned or operated by such railroad companies upon equal terms with any other express company, and no railroad corporation organized or doing business in this state shall allow any express corporation or company any facilities, privileges or rates for transportation of men or materials or property carried by them or for doing the business of such express companies, not allowed to all express companies.

Section 22. Monopolies and trusts shall never be allowed in this state, and no incorporated company, copartnership or as-
sociation of persons in this state shall directly or indirectly combine or make any contract with any other incorporated company, foreign or domestic, through their stockholders, or the trustees or assignees of such stockholders or with any copartnership or association of persons or in any manner whatever for the purpose of fixing the price or limiting the production or regulating the transportation of any product or commodity. The Legislature shall pass laws for the enforcement of this section by adequate penalties, and in case of incorporated companies, if necessary for that purpose, may declare a forfeiture of their property and franchises.

The question being shall the article be agreed to the ayes and noes were demanded and ordered and the following sixty members voted aye: Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, [Dallam]*, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Gray, Hayton, Henry, Hicks, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McDonald, McReavey, J. Z. Moore, R. S. More, Morgans, Neace, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Warner, Weir, Weisenburger, West, Winsor, Mr. President.

The following four members voted no: Griffitts, Mires, Newton, Tibbetts. Absent and not voting: Allen, Browne, Dallam, Dickey, Gowey, Hungate, McElroy, Minor, Shoudy, Van Name, Willison. So the article was agreed to and referred to Committee on Revision, Adjustment and Enrollment.

On motion of Mr. Griffitts the rules were suspended and the article on homesteads and property exemptions was read a third time, considered engrossed and put upon its final passage.

The question being shall the article pass, the ayes and noes were ordered and the following fifty-nine members voted aye: Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gray, Griffitts, Hayton, Henry, Hicks, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McDonald, McReavey, Mires, J. Z. Moore, R. S. More, Morgans, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Sharpstein, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C.

* Stricken in journal.
Absent and not voting: Allen, Browne, Crowley, Dallam, Dickey, Fairweather, Gowey, Hungate, Jamieson, Jeffs, McElroy, Minor, Schooley, Shoudy, Van Name, Willison. So the article was agreed to and referred to the Committee on Revision, Adjustment and Enrollment.

Committee on Homesteads and Property Exemptions

Article

Section 1. The Legislature shall protect by law from forced sale a certain portion of the homestead and other property of all heads of families.

The article on water and water rights was then brought up for consideration, Mr. Griffitts offered the following proviso.

Provided, this shall not be construed to apply to non-navigable streams or watercourses or lakes, the ownership of which is in individuals by reason of ownership of the same over which same flows. Lost.

Mr. P. C. Sullivan moved to amend by striking out the words “and manufacturing” and inserting “and” between “irrigation” and “mining.” Lost.

Mr. Prosser offered the following as an additional section to the article.

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

On motion of Mr. Mires the rules were suspended and the article on water [and] water rights was considered engrossed, read a third time and put upon its final passage.
The question being shall the article be agreed to the ayes and noes were ordered and the following forty-one members voted aye: Berry, Blalock, Clothier, Coey, Comegys, Crowley, Dunbar, Durie, Dyer, Eshelman, Fay, Glascock, Hayton, Henry, Jamieson, Jeffs, Joy, Kellogg, Kinnear, Lindsley, Manly, McCroskey, McDonald, McReavey, Mires, R. S. More, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Turner, Warner, West, Winsor, Mr. President.

The following seventeen members voted no: Bowen, Buchanan, Burk, Cosgrove, Eldridge, Godman, Griffitts, Hicks, Jones, Lillis, Neace, Sohns, Stevenson, Suksdorf, Tibbetts, Travis, Weisenburger. Absent and not voting: Allen, Browne, Dallam, Dickey, Fairweather, Gowey, Gray, Hungate, McElroy, Minor, J. Z. Moore, Newton, Shoudy, Van Name, Weir, Willison. So the article was agreed to and ordered sent to the Committee on Revision, Adjustments and Enrollment.

Committee on Water & Water Rights

Article

Section 1. The use of the waters of this state for irrigation, mining and manufacturing purposes shall be deemed a public use.

The following protest was ordered spread on the Journal.

We hereby protest in writing against the passage of the article declaring the use of waters a public use reported by the Committee on Water and Water Rights and ask to have this protest entered of record.
August 10th, 1889

T. C. Griffitts
M. M. Godman
S. G. Cosgrove
J. J. Travis
D. Buchanan
Geo. W. Tibbetts
Lewis Neace.

Mr. Kinnear was granted leave until Monday afternoon. Mr. Jamieson asked leave for the rest of day. Not granted.

Mr. Griffitts moved to suspend Rule 33. Lost.
Mr. E. H. Sullivan asked leave till Tuesday morning. Granted.

The article on education and educational institutions was considered by the Convention.

Mr. Turner moved to strike out the last sentence of Section 2. Lost. Mr. Cosgrove moved to insert after word "schools" in line two, Section 2, the words "to be continued in session not less than six months in each year." Lost.

Mr. Griffitts moved to strike out the word "common" in last line and insert the word "public." Lost.

Mr. Turner offered the following amendment: make the last sentence of Section 2 read "But the entire revenue derived from the common school fund, and the state school tax for common schools shall be exclusively applied to the support of the common schools." Adopted.

Mr. Godman moved to amend Section 3 by striking from lines nine, ten and eighteen the words "and state."

President Hoyt designated Mr. Prosser of Yakima to take the chair in the afternoon.

Pending the motion of Mr. Godman. At 12 noon the Convention on motion of Mr. Cosgrove took a recess until 2 p.m.

Afternoon Session

The Convention was called to order by Mr. Prosser and a quorum being present proceeded with the consideration of the article on education and educational institutions.

Mr. Kellogg and Mr. Newton were granted leave for the day.

The motion of Mr. Godman to strike out was lost.

Mr. Griffitts moved a call of the house. Lost.

Mr. Turner moved to strike out the words "educational institutions" from line four, Section 3, and insert the words "common schools." Carried.

Mr. Bowen moved to insert after the words "state lands" in lines nine, ten and eighteen of Section 3 the words "other than those granted for specific purposes." Carried.

Mr. Cosgrove moved to add to Section 3 the proviso: Provided
this section shall not be so construed as to affect any lands or the use of any lands the state owns by virtue of its sovereignty. Lost.

Mr. Turner moved to amend the last clause to read "The interest accruing on said fund together with all rentals and other revenues derived therefrom and from lands and other property devoted to the common school fund shall be exclusively applied to the current use of the common schools." Carried.

Mr. Comegys moved to add to Section 4 the words "and no religious exercises or instructions shall be permitted therein."

Mr. Stiles moved as a substitute to amend Section 3 by striking out the word "sectarian" and inserting "religious." Lost.

On the amendment of Mr. Comegys the ayes and noes were ordered and the following twenty members voted aye: Clothier, Coey, Comegys, Crowley, Durie, Eldridge, Fay, Griffitts, Hayton, Hicks, Jeffs, Manly, McElroy, Power, Sturdevant, Suksdorf, P. C. Sullivan, Van Name, Weisenburger, Winsor.


Mr. J. Z. Moore moved to strike out the words "or influence" in Section 4.

The ayes and noes were ordered and the following eleven members voted aye: Buchanan, Henry, Jeffs, Joy, Lindsley, Mires, J. Z. Moore, R. S. More, J. M. Reed, T. M. Reed, Schooley, Travis.

Absent and not voting: Allen, Berry, Browne, Dallam, Dickey, Fairweather, Gray, Hungate, Jamieson, Kellogg, Kinnear, Manly, McDonald, McReavey, Minor, Neace, Newton, Shoudy, Stevenson, Stiles, Suksdorf, E. H. Sullivan, Willison. So the amendment was not agreed to.

Mr. Lindsley offered the following as an additional section to the article.

Section 6. The University of Washington shall constitute a public trust and its organization and government shall be subject to legislative control, but it shall forever be independent and free from all partisan and sectarian influence in the appointment of its regents, the administration of its affairs and the instruction of its students. The University shall embrace all the public schools of the state other than the common schools. Provided, that the Legislature may provide for the location of normal schools and schools for blind, deaf, dumb or otherwise defective youth at other places than that where the University shall be located and place them under different management.

Mr. Gowey moved to postpone the proposed section to Monday. Lost.

Amendment of Mr. Lindsley lost.

Mr. Turner moved to strike out the words "have been" in line two, Section 5, and insert the word "be." Adopted.

Mr. Bowen moved to amend Section 5 by striking out "any State or University" in line one and inserting "other state educational." Adopted.

On motion of Mr. Dyer the rules were suspended, the article considered engrossed, read third time and put upon its passage.

The question being shall the article be agreed to, the following fifty-three members voted aye: Blalock, Bowen, Buchanan, Burk, Coey, Cosgrove, Crowley, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gowey, Griffitts, Hayton, Henry, Hicks, Jones, Joy, Lillis, Lindsley, Manly, McCroskey, McElroy, Mires, J. Z. Moore, R. S. More, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Weir, Weisenburger, West, Winsor.
The following two members voted no: Comegys, Jeffs. Absent and not voting: Allen, Berry, Browne, Dallam, Dickey, Fairweather, Gray, Hungate, Jamieson, Kellogg, Kinnear, McReavey, Minor, Neace, Newton, Shoudy, E. H. Sullivan, Willison. So the article was passed and sent to the Committee on Revision, Adjustment and Enrollment.

Mr. Glascock gave notice of his intention to move to reconsider the vote by which the article on water and water rights was agreed to and the vote by which the rules were suspended and the article placed upon its passage.

Article as agreed to

Educational and Educational Institutions

Article

Section 1. It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste or sex.

Section 2. The Legislature shall provide for a general and uniform system of public schools. The public school system shall include common schools and such high schools, normal schools and technical schools as may hereafter be established. But the entire revenue derived from the common school fund, and the state tax for common schools shall be exclusively applied to the support of the common schools.

Section 3. The principal of the common school fund shall remain permanent and irreducible; the said fund shall be derived from the following named sources, to wit: Appropriations and donations by the state to this fund, donations and bequests by individuals to the state or public for common schools, the proceeds of lands and other property which revert to the state by escheat and forfeiture, the proceeds of all property granted to the state when the purpose of the grant is not specified or is uncertain, funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law, the proceeds of the sale of timber, stone, mineral or other property from school and state lands other than those granted for specific purposes, all moneys recovered from persons appropriating timber, stone, minerals or other property from school and state lands other
than those granted for specific purposes and all moneys other than rental recovered from persons trespassing on said lands, five per centum of the proceeds of the sale of public lands lying within the state, which shall be sold by the United States subsequent to the admission of the state into the Union. The principal of all funds arising from the sale of lands and other property which have been and hereafter may be granted to the state for the support of the common schools. The Legislature may make further provision for enlarging said fund. The interest accruing on said fund together with all rentals and other revenue derived therefrom and from lands and other property devoted to the common school fund shall be exclusively applied to the current use of the common schools.

Section 4. All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence.

Section 5. All losses to the permanent common school or any other state educational fund which shall be occasioned by defalcation, mismanagement or fraud of the agents or officers controlling or managing the same shall be audited by the proper authorities of the state. The amount so audited shall be a permanent funded debt against the state in favor of the particular fund sustaining such loss, upon which not less than six per cent annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized and limited elsewhere in the Constitution.

Mr. Cosgrove was granted leave for the day.

The Convention proceeded to the consideration of the “Compact with the United States.”

Mr. Gowey offered the following amendment addition to the article.

Third. The debts and liabilities of the Territory of Washington and payment of the same are hereby assumed by the state. Agreed to.

Fourth. That provision shall be made for the establishment and maintenance of systems of public schools which shall be open to all the children of said state and free from sectarian control. Adopted.
On motion of Mr. Turner the rules were suspended, the article considered engrossed, read third time and put upon its final passage.

The question being shall the article be agreed to, the ayes and noes were ordered and the following fifty-one members voted aye: Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Crowley, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gowey, Griffitts, Henry, Hicks, Jeffs, Jones, Joy, Lillis, Manly, McCroskey, McElroy, Mires, J. Z. Moore, R. S. More, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Turner, Warner, Weir, Weisenburger, West, Winsor.

Absent and not voting: Allen, Berry, Browne, Cosgrove, Dallam, Dickey, Fairweather, Gray, Hayton, Hungate, Jamieson, Kellogg, Kinnear, Lindsley, McDonald, McReavey, Minor, Neace, Newton, Shoudy, E. H. Sullivan, Van Name, Willison. So the article was agreed to and referred to Committee on Revision, Adjustment and Enrollment.

Compact with the United States

Article

The following article shall be irrevocable without the consent of the United States and the people of this state.

First. That perfect toleration of religious sentiment shall be secured and that no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship.

Second. That the people inhabiting this state do agree and declare that they forever disclaim all rights and title to the unappropriated public lands lying within the boundaries of this state and to all lands lying within said limits owned or held by any Indian or Indian tribes and that until the title thereto shall have [been] extinguished by the United States, the same shall be and remain subject to the disposition of the United States and said Indian lands shall remain under the absolute jurisdiction and control of state shall never be taxed at a higher rate than the lands belonging to citizens of the United States residing without the limits of this state shall never be taxed at a higher rate than the lands belonging
to residents thereof, and that no taxes shall be imposed by the state on lands or property therein belonging to or which may be hereafter purchased by the United States or reserved for its use.

Provided that nothing in this article shall preclude the state from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation, which exemption shall continue so long and to such extent as such act of Congress may prescribe.

Third. The debts and liabilities of the Territory of Washington and payment of the same are hereby assumed by this state.

Fourth. That provision shall be made for the establishment and maintenance of systems of public schools which shall be open to all the children of said states and free from sectarian control.

The Convention proceeded to consider the article on boundaries.

Mr. Comegys moved to amend by inserting the words “mouth of the” before “Columbia River” in line three. Adopted.

Mr. Durie moved to add after the word “point” the words “in the Pacific Ocean.” Adopted.

Mr. Eldridge moved to substitute the description in the Walla Walla Constitution. Lost.

Mr. Suksdorf moved to recommit the article to the Committee on Federal Relations, Boundaries and Immigration. Mr. J. Z. Moore moved the previous question. Carried. The motion to recommit was adopted.

At 10 minutes to 4 p.m. Mr. Suksdorf moved to adjourn.

The ayes and noes were ordered and the following fourteen members voted aye: Buchanan, Comegys, Crowley, Eldridge, Eshelman, Gowey, Hicks, Joy, Mires, R. S. More, Suksdorf, Travis, Warner, Winsor. The following thirty-six members voted no: Blalock, Bowen, Burk, Clothier, Coey, Dunbar, Durie, Dyer, Fay,
August 12, 1889


Absent and not voting: Allen, Browne, Cosgrove, Dallam, Dickey, Fairweather, Glascock, Gray, Henry, Hungate, Jamieson, Kellogg, Kinnear, McDonald, McReavey, Minor, Neace, Newton, Shoudy, Stevenson, E. H. Sullivan, Van Name, Willison, Mr. President. So the Convention refused to adjourn.

Mr. Dyer moved to go into the committee of the whole to consider the article on election and elective rights. Mr. Griffitts moved to make the report of the Committee on Elections and Elective Rights special order for Monday morning. The ayes and noes were ordered.

Mr. Gowey moved to adjourn.

The ayes and noes were ordered and the following twenty-eight members voted aye: Burke, Comegys, Crowley, Dunbar, Eldridge, Eshelman, Fay, Glascock, Gowey, Hayton, Henry, Jeffs, Joy, Lillis, McElroy, Mires, Morgans, Power, T. M. Reed, Sohns, Stiles, Suksdorf, Turner, Van Name, Warner, Weir, Weisenburger, Winsor. The following twenty-four members voted no: Blalock, Bowen, Buchanan, Coey, Durie, Dyer, Godman, Griffitts, Hicks, Jones, Lindsley, Manly, McCroskey, J. Z. Moore, R. S. More, Prosser, J. M. Reed, Schooley, Sharpstein, Sturdevant, P. C. Sullivan, Tibbetts, Travis, West.

Absent and not voting: Allen, Berry, Browne, Clothier, Cosgrove, Dallam, Dickey, Fairweather, Gray, Henry, Hungate, Jamieson, Kellogg, Kinnear, McDonald, McReavey, Minor, Neace, Newton, Shoudy, Stevenson, E. H. Sullivan, Willison, Mr. President.

Mr. Weir was granted leave on Monday.

At 4:02 p.m. the Convention adjourned till August 12th, 1889, at 9 a.m.

August 12th, 1889

Convention called to order by the President at 9 a.m. Prayer by the Chaplain.

On roll call all the members were present except Messrs.