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with Analytical Index

by

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William S. Hein & Co., Inc.
Buffalo, New York
1999
July 25th, 1889

The Convention was called to order by the President at 9 a.m. Prayer by the Rev. Mr. Lee. On roll call all the members were present except Mr. Turner on leave. Minutes read and approved.

The President submitted the following telegram.

July 24, 1889

121 t Seattle, W. T.

To Hon. John P. Hoyt, President

In behalf of Seattle Chamber of Commerce I strongly endorse memorial of Olympia Board of Trade relating to corporations.

BAILEY GATZERT

I fully endorse the foregoing.

GEORGE B. ADAIR,

President,

Seattle Board of Trade

Read and referred to Committee on Corporations Other Than Municipal.

The President presents a petition from Dr. H. T. Turner relative to convict labor. Read and referred to the Committee on County, City and Township Organization.

Mr. Van Name by request of J. B. Ladue presented a petition relative to the suffrage of women. Mr. Sharpstein moved that it lie on the table. Carried.

Mr. Newton presented a petition from a K. of L. Assembly number 115, signed by H. E. Church. Read and the first, second, third and fourth sections referred to the Committee on Elections and Elective Rights.

The fifth section, which read as follows, “Enabling municipal government to own and control such industries and public conveniences as the people may choose to own or control” was referred to the Committee on State, County and Municipal Indebtedness.

† Number in margin of journal.

149
The sixth section, “Taxation of land held use, equally as high as land used”, [was] referred to the Committee on Revenue and Taxation.

The seventh section, “The reservation of our tidelands, school lands and all land ceded to the state by the United States forever. The same to be treated so as to insure the highest possible perpetual income to the state and schools”, [was] referred to the Committee on State, School and Granted Lands.

Section eight, prohibiting the operation of all private detective agencies; no arrest to be made or law enforced by other than constitutionally qualified officers, [and] nine, a clause providing that the right of the people to peaceably assemble to discuss measures for their mutual benefit or to ask for a redress of grievances shall not be infringed or curtailed, [were] referred to the Committee on Preamble and Bill of Rights.

Section ten, providing the annual sessions of the Legislature and no restrictions to be placed on the length of the session, [was] referred to the Committee on Legislative Department.

Section eleven, an expeditious method of amending the organic law so as to make it conform to the changing conditions, [was] referred to Committee on Preamble and Bill of Rights.

Mr. Browne from the Committee on State, County and Municipal Indebtedness submitted the following report.

In the Convention

Committee on State, County and Municipal Indebtedness

Minority Recommendation on Section 7

Mr. President and Members of the Convention:

Your Committee on State, County and Municipal Indebtedness respectfully submit the following report:

The Committee respectfully recommends the adoption by this Convention of each of the sections in the article hereto attached and that the same be incorporated as an article on the Constitution to be submitted to the people to be voted for as the Constitution of the State of Washington.

Section 1. The state may to meet causal deficits in revenues or for expenses not provided for, contract debts, but such debts,
direct and contingent, singly or in the aggregate, shall not at any
time exceed four hundred thousand dollars, and the moneys aris­
ing from the loans creating such debts shall be applied to the
purpose for which they were obtained or to repay the debt so
contracted and to no other purpose whatever.

Section 2. In addition to the above limited power to con­
tract debts the state may contract debts to repel invasion, sup­
press insurrection or to defend the state in war but the money
arising from the contracting of such debts shall be applied to the
purpose for which it was raised and to no other purpose whatever.

Section 3. Except the debts specified in Sections 1 and 2 of
the article no debts shall hereafter be contracted by or on behalf
of this state unless such debt shall be authorized by law for some
single work or object to be distinctly specified therein, which law
shall provide ways and means, exclusive of loans, for the payment
of the interest on such debt as it falls due and also to pay and
discharge the principal of such debt within twenty years from
the time of the contracting thereof.

No such law shall take effect until it shall at a general elec­
tion have been submitted to the people and have received a ma­
jority of all the votes cast for and against it at such election, and
all moneys raised by authority of such law shall be applied only
to the specific object therein stated or to the payment of the debt
thereby created, and such law shall be published in at least one
newspaper in each county, if one be published therein, throughout
the state for three months next preceding the election at which
it is submitted to the people. The Legislature may at any time
after the approval of such law by the people, if no debt shall
have been contracted in pursuance thereof, repeal the same, and
may at any time by law forbid the contracting of any further
debt or liability under such law, but the tax imposed by such act,
in proportion to the debt and liability which may have been con­
tracted in pursuance of such law, shall remain in force and be
irrepealable and be annually collected until the proceeds thereof
shall have made the provision hereinbefore specified to pay and
discharge the interest and principal of the debt and liability therein
created.

Section 4. No moneys shall ever be [made] * paid out of the

* Stricken in journal.
treasury of this state or any of its funds or any of the funds under its management except in pursuance of an appropriation by law nor unless such payment be made within two years next after the passage of such appropriation act, and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum.

Section 5. The credit of the state shall not in any manner be loaned or given to, or in aid of, any individual, association, company or corporation. No county, city, town, school district or other municipal corporation shall become indebted in any manner or for any purpose exceeding one per centum of the taxable property in such county, city, town, school district or other municipal corporation, without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness. Provided, that no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly county, city, town, school district or other municipal purposes. Provided further that any city or town with such assent may be allowed to become indebted to a larger amount but not exceeding five per centum additional for supplying such city or town with water, artificial light and sewers when the works for supplying such water, light and sewers shall be owned and controlled by the municipality.

Section 7. No county shall hereafter give or loan its money, property or credit to or in aid of any individual, company, corporation or association unless two-thirds of the property taxpayers thereof being legal electors therein and voting thereon vote therefor at an election to be held for such purpose, and in no case shall the sum so voted exceed in the aggregate four per centum of its assessed valuation for county and state purposes as shown by its assessment next preceding such election.
The Legislature shall enact the necessary laws to carry out the provisions of this article.

Respectfully submitted,
N. G. BLALOCK,
Secretary
R. F. STURDEVANT
T. M. REED
C. T. FAY
DAVID E. DURIE

We concur in the foregoing report, except as to Section 7 and as to that section, we recommend that the same be stricken out and instead thereof the following be inserted; viz.

Section 7. No county, city, town or other municipal corporations shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association, company or corporation or become directly or indirectly the owner of stock in or bonds of any association, company or corporation.

J. J. BROWNE,
Chairman
JAMES A. HUNGATE
CHAS. P. COEY
H. W. FAIRWEATHER

Read first and second time by title and ordered to lie over one day and be printed.

Mr. Warner from the Committee on Preamble and Bill of Rights submitted the following report.

In the Convention
Committee on Preamble and Declaration of Rights

Mr. President and Members of the Convention:

Your Committee on Preamble and Declaration of Rights reports the following article on the subject and recommends its adoption:

Preamble and Declaration of Rights

Preamble

We, the people of the State of Washington, to preserve our rights, do ordain this Constitution.
Article 1

Section 1. All political power abides with the people and governments derive their just powers from the consent of the governed and are established to protect and maintain individual rights.

Section 2. The Constitution of the United States is the supreme law of the land.

Section 3. No person shall be deprived of life, liberty or property without due process of law.

Section 4. The right of petition and of the people peaceably to assemble for the common good shall never be abridged.

Section 5. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right.

Section 6. The mode of administering an oath or affirmation shall be such as may be most consistent with and binding upon the conscience of the person to whom such oath or affirmation may be administered.

Section 7. No person shall be disturbed in his private affairs, or his home invaded, without authority of law.

Section 8. No law granting irrevocably any privilege, franchise or immunity shall be passed by the Legislature.

Section 9. No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.

Section 10. Justice in all cases shall be administered openly and without unnecessary delay.

Section 11. Absolute freedom of conscience in all matters of religious sentiment, belief and worship shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion, but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment. No religious qualification shall be required for any public office or employment nor shall any person be incompetent as a witness or
juror in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to effect the weight of his testimony.

Section 12. No law shall be passed granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall not equally belong to all citizens or corporations.

Section 13. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety requires it.

Section 14. Excessive bail shall not be required, excessive fines imposed nor cruel punishment inflicted.

Section 15. No conviction shall work corruption of blood nor forfeiture of estate.

Section 16. Private property shall not be taken for private use, except for private ways of necessity. No private property shall be taken or damaged for public or private use without just compensation having been first made or paid into court for the owner, and no right of way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money or ascertained and paid into the court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived as in other civil cases in courts of record, as shall be prescribed by law.

Section 17. There shall be no imprisonment for debt, except in cases of absconding debtor.

Section 18. The military shall be in strict subordination to the civil power.

Section 19. No power of suspending law shall be exercised except by the Legislature.

Section 20. All elections shall be free and equal.

Section 21. All prisoners shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great.

Section 22. The right of trial by jury shall remain inviolate
but the Legislature may provide for a jury of any number less than twelve in the courts not of record, and for a verdict by nine or more jurors in civil cases in any court of record, and for the waiving of the jury in civil cases where the consent of the parties interested is given thereto.

Section 23. In criminal prosecutions the accused shall have the right to appear and defend in person, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process, to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed, and the right to appeal in all cases; and in no instance shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed.

Section 24. No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall ever be passed.

Section 25. The right of the individual citizen to bear arms in defense of self or state shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men.

Section 26. Offenses heretofore required to be prosecuted by indictment may be prosecuted by information or by indictment as shall be prescribed by law.

Section 27. The grand jury shall consist of seven men, any five of whom concurring may find an indictment. No grand jury shall be drawn or summoned in any county except the superior judge thereof shall so order.

Section 28. Treason against the state shall consist only in levying war against, or adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

Section 29. No hereditary emoluments, privileges or powers shall be granted or conferred in this state.
Section 30. The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise.

Section 31. The enumeration in this Constitution of certain rights shall not be construed to deny others retained by the people. All of which is respectfully submitted.

C. H. WARNER,
Chairman
GWIN HICKS,
Secretary
GEO. COMEGYS
FRANCIS HENRY
LEWIS SOHNS
J. C. KELLOGG
FRANK M. DALLAM

Read first and second time by title and ordered to lie over one day and be printed.

Mr. Griffitts gave notice that he would at the proper time move to reconsider the vote by which Section 2 in line one and two were changed to read three-fifths instead of a majority.

Mr. Minor asked that the Committee on Revision, Adjustment and Enrollment be allowed to employ a clerk. Granted.

Mr. Gowey asked the unanimous consent to present petitions relative to the taxation of church property. Consent granted. Mr. Gowey presented petitions relative to the taxation of church property as follows.

Petition of First M. E. Church, Tacoma, W. T., Geo. C. Wilding, Pastor.
" of Plymouth Congregational Church. Seattle.
" of Trinity Parish of the Episcopal. Seattle.
" of St. Mark’s Episcopal. Seattle.
" of Swedish Methodist Episcopal. Seattle.
" of Methodist Protestant. Seattle.
" of First Presbyterian. Seattle.
" of Gethsemane Lutheran.
" of Seattle First [?] M. E. Church. Seattle.
" of Norwegian Lutheran Church. Seattle.
" of First Methodist Episcopal Church. Seattle.
Read and referred to the Committee on Revenue and Taxation.

Mr. Dickey sent up the following resolution and asked that the rules be suspended and that it be considered at this time.

"Resolved, that the following separate proposition be submitted with the Constitution for the ratification by the people, and be inserted therein should the majority of the electors so decide."

Proposition

It shall not be lawful for any individual, company or corporation within the limits of this state, to manufacture or cause to be manufactured, to sell, offer for sale or in any manner dispose of any alcoholic, malt or spirituous liquors except for medicinal, sacramental or scientific purposes.

The question to suspend the rules was put, and was lost.

The question then before the house was upon the pending motion of Mr. Kinnear to amend Section 3 of the article reported from the committee of the whole on County, City and Township Organization.

Mr. J. M. Reed moved the previous question and demanded the ayes and noes on the question "Shall the previous question be now put". The following forty-two members voted aye: Allen, Berry, Blalock, Bowen, Burk, Comegys, Crowley, Dallam, Dickey, Durie, Dyer, Eldridge, Griffitts, Henry, Hicks, Hungate, Jamieson, Kellogg, Lindsley, Manly, McDonald, McReavey, R. S. More, Neace, Newton, J. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Van Name, Weisenburger, West, Willison, Winsor. The following twenty-three members voted no: Browne, Buchanan, Clother, Coey, Glascock, Godman, Gowey, Hayton, Jones, Kinnear, Lillis, McCroskey, McElroy, Minor, J. Z. Moore, Morgans, Power, Prosser, T. M. Reed, Tibbetts, Warner, Weir, Mr. President. The following not voting: Cosgrove, Fairweather, Fay, Gray, Jeffs, Joy, Mires. Mr. Turner absent on leave. The previous question was ordered.

Mr. Stevenson moved a call of the house. Ruled out of order. The question then was "shall the amendment moved by Mr. Kinnear prevail".
Mr. Durie demanded the ayes and noes; so ordered. The following seventeen members voted aye: Clothier, Durie, Dyer, Gowey, Hayton, Kinnear, McCroskey, McElroy, McReavey, Minor, J. Z. Moore, Morgans, Sohns, Stevenson, Tibbetts, Warner, Mr. President. The following fifty members voting no: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Coey, Comegys, Crowley, Dallam, Dickey, Eldridge, Fay, Glascock, Godman, Griffitts, Henry, Hicks, Hungate, Jamieson, Jeffs, Jones, Kellogg, Lillis, Lindsley, Manly, McDonald, R. S. More, Neace, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Van Name, Weir, Weisnburger, West, Willison, Winsor. The following not voting: Cosgrove, Dunbar, Eshelman, Fairweather, Gray, Joy, Mires; Mr. Turner being absent on leave. The amendment was lost.

Mr. J. Z. Moore moved the following amendment be added to Section 3: “and only such other condition as shall be prescribed by general law, applicable to the whole state,” after “division” in lines four and five. It was carried.

Mr. Godman moved to amend as follows: To strike out the words “for such division” in lines four and five of Section 3 and insert the word “therefor.” Carried.

Mr. Weir moved to amend by striking out the words “twenty-five” in line nine, Section five, and inserting “ten.” Lost.

Mr. Kinnear moved to amend Section 3 by striking out the words “a majority” in fourth line and insert in place thereof “two-thirds.” Mr. Wagner moved an amendment of the amendment to strike out “two-thirds” and insert “three-fifths.” Mr. P. C. Sullivan demanded the ayes [and] noes. They were ordered and the following twenty-five members voted aye: Blalock, Buchanan, Coey, Dickey, Durie, Dyer, Glascock, Godman, Gowey, Jones, McCroskey, McDonald, McElroy, Minor, Morgans, Power, T. M. Reed, Schooley, Sohns, Stevenson, Suksdorf, Tibbetts, Van Name, Warner, Weisnburger. The following forty-four members voted no: Allen, Berry, Bowen, Browne, Burk, Clothier, Comegys, Dallam, Dunbar, Eldridge, Eshelman, Fay, Griffitts, Hayton, Henry, Hicks, Hungate, Jamieson, Jeffs, Joy, Kinnear, Lillis, Lindsley, Manly, McReavey, Mires, J. Z. Moore, R. S. More, Neace, Newton, Prosser, J. M. Reed, Sharpstein, Shoudy, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Travis, Weir, West, Willison, Winsor, Mr. President. The fol-
lowing members not voting: Cosgrove, Crowley, Fairweather, Gray, Kellogg, Mr. Turner absent on leave. The amendment was lost.

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

Mr. Tibbetts moved to strike out all but the words “two thousand” in line three, Section 3. It was lost.

Mr. T. M. Reed moved to strike out “twenty-five” in line nine, Section 10 and insert the word “ten.” Mr. Browne moved an amendment to the amendment to strike out “ten” and insert “five.” On the vote on the amendment to the amendment it was carried. The question was then on the amendment of Mr. Reed as amended. Mr. Sullivan demanded the ayes and noes. It was so ordered. The following forty members voted aye: Allen, Berry, Blalock, Browne, Clothier, Dickey, Eldridge, Eshelman, Gowey, Gray, Griffitts, Henry, Hicks, Hungate, Jones, Joy, Kinnear, McCroskey, McDonald, McReavey, Minor, Mires, R. S. More, Morgans, Neace, Newton, Power, T. M. Reed, Sharpstein, Sohns, Stevenson, Suksdorf, Tibbetts, Travis, Van Name, Warner, Weir, Wiesenburger, West, Willison. The following thirty-one members voted no: Bowen, Buchanan, Burk, Coey, Comegys, Crowley, Dallam, Dunbar, Durie, Fairweather, Fay, Glascock, Godman, Hayton, Jamieson, Jeffs, Kellogg, Lillis, Lindsley, Manly, McElroy, J. Z. Moore, Prosser, J. M. Reed, Schooley, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Winsor, Mr. President. The following members not voting: Cosgrove, Dyer, Shoudy. Mr. Turner being absent on leave. The amendment was carried.
Mr. Jones moved the following amendment, "insert after word 'that' and before word 'public' in line two, Section 8 the words 'sheriffs, recorders.'" Ruled out of order.

Mr. Power offered the following amendment, "add to Section 5 as follows: Provided, however, that the compensation or salary allowed shall not exceed the fees collected." It was lost.

Mr. Warner moved to strike out in Section 10, line eight "any city of five thousand" and insert "any city duly incorporated may be permitted to frame its own charter." It was lost.

Mr. Henry offered the following amendment: To strike out all of Section 10 after the words "general laws" in line eight. Mr. Griffitts raised a point of order that the question had been passed upon. Not sustained.

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

Mr. Durie moved to take a recess until 2 p.m. Motion carried.

At 2 p.m. Convention called to order by the President. On roll call all members were present except Mr. Turner who was absent on leave.

Mr. Power asked the Convention for unanimous consent to grant Dr. G. B. Calhoun the privilege of the house. Granted.

Dr. Minor rose to a question of privilege and made a statement regarding remarks this morning.
Mr. Griffitts moved to amend Section 10 by adding the following. After the word "laws" in Section 10, line eight: "Any city containing a population of twenty thousand inhabitants, more or less, shall be permitted to frame a charter for its own government, consistent with any subject to the Constitution and laws of this state, and for such purpose the legislative authority of such city may cause an election to be had, at which election there shall be chosen by the qualified electors of said city fifteen freeholders thereof who shall have been residents of said city for a period of at least two years preceding their election and qualified electors, whose duty it shall be to convene within ten days after their election, and prepare and propose a charter for such city. Such proposed charter shall be submitted to the qualified electors of said city, and if a majority of such qualified electors voting thereon shall ratify the same it shall become the organic law therefor, and supersede any existing charter, including amendments thereto and all special laws inconsistent with such charter. Said proposed charter shall be published in two daily newspapers published in said city, for at least thirty days prior to the day of submitting the same to the electors for their approval as above provided.

"All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election and shall be given for at least ten days before the day of election in all election districts of said city. Said elections may be general or special elections, and except as herein provided shall be governed by the law regulating and controlling general or special elections in said city.

"Such charter may be amended by proposals therefor submitted by the legislative authority of such city, the electors thereof at any general election after notice of said submission published as above specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such charter or amendment thereto, any alternate article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to the others."

The question was on the adoption of the amendment and it was carried.

* Stricken in journal.
Mr. Browne moved to strike out twenty and insert "five." It was lost.

Mr. Kinnear moved to strike the word [five] "majority" and insert "two-thirds." Lost.

Mr. Power moved the following amendment: To strike out the word "two" in Section 9, line twenty and insert the words "one or more." There being no second the motion was withdrawn.

Mr. Suksdorf moved the following amendment: To strike out all of Section 7. It was lost.

Mr. Stiles moved the following amendment: That the vote by which the Convention amended the article by striking out "a majority" and inserting "three-fifths" in Section 2, lines two and three, be reconsidered.

Mr. Glascock raised the point of order that the gentleman making the point did not vote in the affirmative. Point overruled. And the question being on the above motion to reconsider, Mr. Griffitts demanded the ayes and noes, which were ordered.


Mr. P. C. Sullivan moved the following amendment: That Section 3 be amended by adding after the words "two thousand," "nor shall any new county be created except upon a three-fifths vote of the electors voting at an election provided for that purpose." It was lost.

Mr. Mires moved that this article as amended be considered.

* Stricken in journal.
engrossed, passed to a third reading and be put upon its final passage. Carried.

On the question to agree to this article the ayes and noes were called. The following fifty-five members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Gowey, Griffitts, Hayton, Henry, Hicks, Hungate, Jamieson, Jeffs, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, Minor, J. Z. Moore, R. S. More, Morgans, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Shoudy, Sohns, Stiles, E. H. Sullivan, Warner, Weir, Winsor, Mr. President. The following eighteen members voted no: Crowley, Dallam, Fairweather, Godman, Gray, Jones, McReavey, Mires, Sharpstein, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Van Name, Weisenburger. The article was agreed to and ordered and sent to the Committee on Revision, Adjustment and Enrollment. See page 408 for article as agreed to on County, City and Township Organization.

Mr. Weir moved that the Convention resolve itself into a committee of the whole for the purpose of considering the report of the Committee on Executive Department and Pardoning Power. Lost.

Mr. Minor was called to the chair.

Report of the Committee on Executive Department and Pardoning Power read for information.

Mr. Stiles moved that the Convention resolve itself into a committee of the whole for the purpose of considering the same. Carried.

The Convention then went into committee of the whole for the purpose of considering the report with Mr. T. M. Reed in the chair.

At 5:15 the committee rose and the President resumed the chair. The committee reported that they had had under consideration the report of the Committee on Executive Department and Pardoning Power and had made progress but came to no resolution thereon and asked leave to sit again. Leave was granted.

Mr. Dyer moved to adjourn. The ayes and noes were called

The motion prevailed and the Convention stood adjourned to July 26th, 1889, at 9 a.m.

**July 26th, 1889**

Constitution called to order by the President at 9 a.m. Prayer by the Rev. Mr. Lee. On a call of the roll all the members were present. Minutes read and approved.

Mr. Cosgrove presented a letter from Robert A. Connell containing suggestions towards a scheme of agricultural education. Read and referred to the Committee on Education and Educational Institutions.

Mr. Berry presented a memorial from the Lewis County Bar relating to probate matters. Read and referred to the Committee on Judicial Department.

Mr. Berry presented numerous petitions in relation to the taxation of church property. Read and referred to the Committee on Revenue and Taxation.

Mr. Joy presented a memorial from the Lewis County Bar relating to probate matters. Read and referred to the Committee on Judicial Department.

Mr. Allen (by request) Invitation to hear Rev. W. F. Crafts on the Sunday rest movement. Read and referred to the Committee on Preamble and Bill of Rights.

Mr. Power presented a petition from the Typographical Union No. 202 relative to the office of Public Printer. Read and referred to the Committee on Printing, Mileage and Contingent Expenses.
Mr. McElroy presented a petition relating to the taxation of church property. Read and referred to the Committee on Revenue and Taxation.

Mr. Turner asked unanimous consent to consider a resolution. Consent was refused. Mr. Turner moved to suspend the rules and consider the following resolution: "Resolved, that the hour of meeting of this Convention be fixed for the future at 9:30 a.m." It was lost.

Mr. Kinnear from the Committee on Corporations Other Than Municipal presented the following report.

In the Convention

Article

Committee on Corporations Other Than Municipal

Mr. President and members of the Convention:

Your Committee on Corporations Other Than Municipal respectfully report the following article designated "Corporations Other Than Municipal," consisting of twenty-four sections, and recommend the adoption thereof by this Convention.

Article

Corporations Other Than Municipal

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

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

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

Section 4. All stockholders in all incorporated companies, except corporations organized for banking or insurance purposes,
shall be liable for the debts of the corporation to the amount of their unpaid stock and no more.

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

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

Section 7. No corporation shall engage in any business other than that authorized in its charter, or the law under which it may have been or may hereafter be organized.

Section 8. No corporation organized outside the limits of this state shall be allowed to transact business within the state on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this state.

Section 9. Every corporation other than religious, educational or benevolent, organized or doing business in this state shall have and maintain an office or place in this state for the transaction of its business, where transfers of stock shall be made, and in which shall be kept for inspection by every person having an interest therein, including creditors and legislative committees books in which shall be recorded the amount of capital stock subscribed and by whom; the names of the owners of its stock and the amounts owned by them respectively, the amount of stock paid in and by whom, the transfers of stock, the amount of its assets and liabilities, and the names and places of residence of its officers.

Section 10. A corporation or association may be sued in the county where the contract is made or is to be performed, or where
the obligation or liability arises, or the breach occurs, or in the county where the principal place of business of such corporation is situated, subject to the power of the court to change the place of trial as in other cases.

Section 11. The Legislature shall not pass any laws permitting the leasing or alienation of any franchise, so as to relieve the franchise or property held thereunder from the liabilities of the lessor or grantor, lessee or grantee, contracted or incurred in the operation, use or enjoyment of such franchise or any of its privileges.

Section 12. The state shall not in any manner loan its credit, nor shall it subscribe to or be interested in the stock of any company, association or corporation.

Section 13. The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the Legislature from taking the property and franchises of incorporated companies and subjecting them to public use the same as the property of individuals.

Section 14. The Legislature shall have no power to pass any act granting any charter for banking or insurance purposes, but corporations or associations may be formed for such purposes under general laws. No corporation, association or individual shall issue or put in circulation as money anything but the lawful money of the United States. Each stockholder of any such corporations, or joint stock associations shall be individually and personally liable for such proportion of all its debts and liabilities contracted or incurred during the time he was a stockholder, as the amount of stock or shares owned by him bears to the whole of the subscribed capital stock or shares of the corporation or association.

Section 15. It shall be a crime, the nature and punishment of which shall be prescribed by law, for any president, director, manager, cashier or other officer of any banking institution, to receive or assent to the reception of deposits after he shall have knowledge of the fact that such banking institution is insolvent or in failing circumstances, and any such officer, agent or manager shall be individually responsible for such deposits so received.

Section 16. All railroad, canal and other transportation companies are declared to be common carriers and subject to legis-
lative control. Any association or corporation organized for the purpose under the laws of this state shall have the right to connect at the state line with railroads of other states. Every railroad company shall have the right with its road whether the same be now constructed or may hereafter be constructed to intersect, cross or connect with any other railroads; and when such railroads are of the same or similar gauge, they shall at all crossings, and at all points where a railroad shall begin or terminate at or near any other railroad, form proper connections so that the cars of any such railroad companies may be speedily transferred from one railroad to another. All railroad companies shall receive and transport each the others’ passengers, tonnage and cars without delay or discrimination.

Section 17. No railroad company or other common carrier shall combine or make any contract with the owners of any vessel that leaves port or makes port in this state or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying.

Section 18. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this state, or coming from or going to any other state. Persons and property transported over any railroad or by any other transportation company or individual shall be delivered at any station, landing or port at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port or landing. Excursion and commutation tickets may be issued at special rates.

Section 19. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a competing line.

Section 20. The rolling stock and other movable property belonging to any railroad company or corporation in this state shall be considered personal property and shall be liable to execution and sale in the same manner as the personal property of individuals and such property shall not be exempted from execution and sale.
Section 21. A Railroad Commission consisting of three members is hereby established. The Railroad Commissioners shall be qualified electors of the state and shall be elected by the state at large at the general state elections, and their term of office shall commence on the Monday following the first day of January next succeeding their election. The Commissioners elected at the election held upon the adoption of this Constitution shall at their first meeting so classify themselves by lots that one shall hold office for the term of three years, one for the term of five years, and one for the term of seven years, and they shall certify the result of such casting of lots to the Secretary of State. After the first election the term of each Commissioner shall be for six years. In the event of a vacancy existing in such Commission, the Governor shall fill the same by appointment, and the person so appointed shall hold office until the next general election and the person elected shall hold for the remainder of the unexpired term. A majority of said Commission shall have power to transact any of its business. It shall be the duty of such Railroad Commissioners to exercise a supervisory control over all railroad, canal and other transportation companies, associations and corporations, and over all other common carriers, and in the absence of legislation upon the subject to regulate fares and freight and prescribe and limit the charges therefor to prevent and correct abuses, discrimination and extortion by such companies, associations or corporations and to perform such other duties as may be prescribed by law. The Legislature shall enact all laws necessary to carry the foregoing provisions into effect and shall more fully define the qualifications, powers, duties, responsibilities and fix the compensation of Railroad Commissioners.

Section 22. The Legislature shall have power to pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight and to correct abuses and prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads and other common carriers in the state, and shall enforce such laws by adequate penalties.

Section 23. Any association or corporation or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph and telephone within this state, and to connect the same with other
lines of the same character, and all such companies are hereby declared to be common carriers. The Legislature shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section.

Section 24. Monopolies and trusts are contrary to the best interests of free governments, and shall never be allowed in this state, and no incorporated company, co-partnership, or association of persons in this state shall directly or indirectly combine or make any contract with any other incorporated company, foreign or domestic, through their stockholders or the trustees or assignees of such stockholders, or with any co-partnership or association of persons, or in any manner whatever for the purpose of fixing the price or regulating the production or transportation of any product or commodity. The Legislature shall pass laws for the enforcement of this section by adequate penalties and in the case of incorporated companies, if necessary, for that purpose may declare a forfeiture of their property and franchises.

We have duly considered the several propositions of Messrs. Buchanan, Godman, Browne, Dyer and Lillis, and the memorial of the Board of Trade of the City of Olympia referred to us from time to time and in the preparation of this article have incorporated therein such portions thereof as we deemed suitable and proper, and we herewith return the originals with this report.

Respectfully submitted,

JOHN R. KINNEAR,
Chairman
J. J. WEISENBURGER,
Secretary
FRANCIS HENRY
LEWIS NEACE
J. P. T. MCCROSKEY
B. L. SHARPSTEIN

Except Section 9.

CHAS. T. COEY
JOHN A. SHOUDY

I concur in the above except Section 21 and recommend the following in its stead.
Section 21. The Legislature shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight and to correct abuses and prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads and other common carriers in this state and shall enforce such laws by adequate penalties. A Railroad Commission may be established and its powers and duties fully defined by law.

I do not concur in Section 9.

P. C. SULLIVAN

Received, read first time, ordered to lie over one day and be printed.

Mr. Weir moved that the Convention resolve itself into a committee of the whole for the consideration of the report of the Committee on Executive Department and Pardoning Power. Carried.

At 9:40 a.m., Mr. Reed was called to the chair and the Convention went into committee of the whole to further consider the report. At 11:45 a.m., the Convention rose and the President resumed the chair.

The committee reported that they had had under consideration the report of the Committee on Executive Department and Pardoning Power, and had made progress, but came to no resolution thereon and asked leave to sit again. Granted.

Mr. Prosser moved to take a recess until 2 p.m. Agreed to.

Convention called to order at 2 p.m. Agreed to

Mr. President presented the following telegram.

Tacoma, W. T.

To the President of the Constitutional Convention

The Tacoma Chamber of Commerce earnestly urges the adoption of sections embodied in memorial of Olympia Board of Trade, but recommends rejection of clause of Section 4 relating to bonds, and an additional section providing that banks shall not issue notes or other paper as money.

S. A. WHEELWRIGHT, Secretary
Per Order Executive Committee
Read and referred to the Committee on Corporations Other Than Municipal.

Mr. Durie gave notice that he would on tomorrow move to have the following rule adopted: "When a question is under consideration by the Convention or committee of the whole, no member shall speak to such question longer than five minutes without permission of the Convention or of such committee. Granted by the votes of two-thirds of the members voting on the question of such permission."

Mr. Turner gave notice that he would [on tomorrow] move to have the hour of meeting changed from 9 a.m. to 9:30 a.m. and would call the same up tomorrow at the proper time.

At 2:30, on motion of Mr. J. Z. Moore, the Convention resolved itself into a committee of the whole for the consideration of the report of the Committee on Executive Department and Pardoning Power with Mr. Reed in the chair. At 6 p.m. the committee rose and the President resumed the chair.

The committee reported that they had had under consideration the report from the Committee on Executive Department and Pardoning Power, and had made sundry amendments thereto, and recommend the adoption of the amendments, and when the amendments are concurred in that it be adopted.

Mr. Minor asks indefinite leave of absence for Mr. Morgans. Granted.

At 6 p.m. Mr. Warner moved to adjourn. Agreed to and the Convention stood adjourned until July 27th, 1889, at the hour of 9 a.m.

July 27th, 1889

Convention called to order by the President at 9 a.m. Prayer by the Rev. Mr. Lee.

On roll call all the members were present except Messrs. Clothier, Glascock and Morgan on leave. Mr. Prosser asked that Mr. Glascock be excused for the day. Granted.

Mr. Lindsley presented a resolution from Columbia Council, Patrons of Husbandry, Clark County, relating to various subjects.

* Stricken in journal.
Clerk ordered to separate and send to the proper committees, which was done as follows:

First and Fifth Resolution—To the Committee on Elections and Elective Rights.

Second and Third Resolution—To the Committee on Legislative Department.

Fourth Resolution—To the Committee on State, County, and Municipal Indebtedness.

Mr. Prosser submitted the report of the Committee on Military Affairs. Received, read first time and second time, by title, and ordered to lie over one day and be printed.

In the Convention

Article

Committee on Military Affairs

Mr. President and members of the Convention:

Your Committee on Military Affairs begs leave to submit the following article on the subject of the state militia and recommend its adoption:

Article

Militia

Section 1. All able-bodied male citizens of this state between the ages of eighteen and forty-five years, except such as are exempt by laws of the United States or by the laws of this state, shall be liable to military duty.

Section 2. The militia of this state shall be divided into two classes, to wit: One consisting of those who enlist in the active militia, which shall be known as the National Guard of Washington, and the other to consist of those subject to military duty, but not included in the active or enlisted militia.

Section 3. The National Guard of Washington shall consist of not less than twenty companies of infantry and two companies of cavalry, and each company shall consist of not less than twenty-four enlisted men.

Section 4. The militia of Washington Territory as now organized under and by virtue of the laws thereof, shall be and
hereby is continued as a part of the National Guard of Washington, and the officers thereof shall hold their respective offices until their successors are elected or appointed and have qualified.

Section 5. The Legislature shall at all times by suitable appropriations and laws make adequate provision for the organization, maintenance, uniforming, equipping and discipline of the National Guard of Washington, and the laws now in force in the territory of Washington providing for the organization, maintenance and discipline of the militia of the territory of Washington shall remain in force as a part of the laws of this state until such time as the Legislature shall make provision equally effective for the organization, maintenance and discipline of the National Guard of this state.

Section 6. Major Generals shall be elected by the Brigadier Generals and field officers of their respective divisions. Brigadier Generals shall be elected by the field officers of their respective brigades. Field officers shall be elected by the field officers and line officers of their respective regiments. Line officers shall be elected by the enlisted men of their respective companies.

Section 7. The Governor shall appoint the Adjutant General and other members of his staff, and Major Generals, Brigadier Generals and Commanders of regiments and battalions shall respectively appoint their own staffs, and all commissioned officers shall continue in office for such time as may be provided by law; provided no person shall be eligible to any staff appointment unless he hold or has held a position in the line or staff, or served in the volunteer or regular Army of the United States.

Section 8. The National Guard of this state shall be divided into convenient divisions, brigades, battalions and companies and have officers of corresponding titles of rank elected to command them, conforming as nearly as possible to the general regulations of the Army of the United States.

Section 9. The Legislature shall provide by law for the maintenance of a soldiers' home for honorably discharged Union soldiers, sailors, marines and members of the state militia disabled while in the line of duty and who are bona fide citizens of the state.

Section 11. The Legislature shall provide by law for the protection and safekeeping of the public arms.
Section 12. The militia shall in all cases except treason, felony or breach of the peace be privileged from arrest during their attendance at musters and election of officers and in going to and returning from the same.

Section 13. No person or persons having conscientious scruples against bearing arms shall be compelled to do militia duty in time of peace, provided such person or persons shall pay an equivalent for such exemption.

All of which is respectfully submitted.

WM. F. PROSSER,
Chairman
B. B. GLASCOCK,
Secretary
GEO. W. TIBBETTS
S. G. COSGROVE
S. H. BERRY

Mr. Willison submitted a proposition relating to Board of Health. Read and referred to the Committee on State Medical and Public Health.

Mr. Reed presented a memorial from the American Sabbath Union. Read and referred to the Committee on Preamble and Bill of Rights.

Mr. Durie called up his motion of yesterday in regard to additional rule and asked that it now be considered, and moved to adopt.

Mr. Kinnear moved to amend by striking out "five" and inserting "ten." The question was then on Mr. Durie's motion.

Mr. Turner moved that it do lie on the table. Carried.

Mr. Turner moved the following resolution of which he yesterday gave notice: "Resolved, that the hour of meeting of this Convention for the future be fixed at 9:30 a.m."

Mr. Griffitts moved that it do lie on the table. Carried.

The question then was on concurring in the amendments to the report of the Committee on Executive Department and Pardoning Power.
Mr. Griffitts demanded that they be considered separately. So ordered.

Amendment to Section 3 read and the question was upon the concurrence therein.


Not voting [were] Browne, Gowey, Gray [and] Shoudy. Glascock and Morgans on leave and the amendment was concurred in.

Amendment to Section 4 read and concurred in.

Amendment to Section 6 read and concurred in.

Amendment to Section 7 read and concurred in.

On the amendment to concur in striking out Section 8 it was carried.

Section 13 read and the question being on concurrence Mr. Crowley demanded the ayes and noes. So ordered.

The question was separated and the vote was upon striking out that part relating to Senator, as follows. “The Governor” in line twenty-one to and including “Senator” in line twenty-two, and the following forty-eight members voted aye: Allen, Berry, Blalock, Bowen, Buchanan, Burk, Coey, Cosgrove, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Godman, Gray, Hayton, Henry, Jamieson, Joy, Lillis, Lindsley, McCroskey, McDonald. Minor, Mires, J. Z. Moore, Neace, Power, Prosser, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, Travis, Turner, Van Name, Weisenburger, West, Winsor, Mr. President.
The following twenty-one voted no: Clothier, Comegys, Crowley, Fairweather, Griffitts, Hicks, Hungate, Jeffs, Jones, Kinnear, Manly, McElroy, McReavey, R. S. More, Newton, J. M. Reed, P. C. Sullivan, Tibbetts, Warner, Weir, Willison. Not voting: Browne, Gowey, Kellogg. Messrs. Morgans and Glascock on leave, and that part of the amendment was concurred in.

The question was then on concurring in striking out all of line twenty-three, and the following thirty-five members voted aye: Berry, Blalock, Bowen, Buchanan, Burk, Coey, Cosgrove, Dallam, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fay, Gray, Hayton, Jamieson, Joy, Lillis, Lindsley, McCroskey, McDonald, Minor, J. Z. Moore, Neace, Power, Prosser, T. M. Reed, Schooley, Sohns, Stiles, Suksdorf, Travis, Turner, Mr. President.


The question then was on concurring in the amendment by striking out Section 15. The amendment was concurred in. Section 17 read and concurred in. Section 19 read and concurred in.

The question then was upon the concurrence in the amendment to Section 21. The ayes and noes were ordered and the following thirty-seven members voted aye: Berry, Blalock, Burk, Clothier, Comegys, Dallam, Durie, Eldridge, Eshelman, Godman, Gowey, Griffitts, Hayton, Henry, Hicks, Hungate, Jeffs, Joy, Kellogg, Kinnear, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, Neace, J. M. Reed, Sharpstein, Stevenson, Suksdorf, Travis, Van Name, Warner, West, Willison, Winsor.

Not voting: Browne, Newton. Messrs. Morgans and Glascock on leave and the amendment was concurred in.

The question then was upon concurring in the amendment to Section 24, the ayes and noes were called for and ordered, and the following thirty-six members voted aye: Allen, Blalock, Coey, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Godman, Gray, Hayton, Jamieson, Jones, Joy, Lillis, Lindsley, Minor, Mires, J. Z. Moore, Power, Prosser, T. M. Reed, Schooley, Sohns, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Turner, Weir, Weisenburger, Winsor. The following thirty-four members no: Berry, Bowen, Buchanan, Burk, Clothier, Durie, Fairweather, Fay, Gowey, Griffitts, Henry, Hicks, Hungate, Jeffs, Kellogg, Kinnear, Manly, McCroskey, McDonald, McElroy, McReavey, R. S. More, Neace, J. M. Reed, Sharpstein, Shoudy, Stevenson, E. H. Sullivan, Travis, Van Name, Warner, West, Willison, Mr. President. Not voting: Browne, Comegys, Newton. Messrs. Morgans and Glascock on leave, and the amendment was concurred in.

The question then was upon concurring in the amendment to Section 26 and they were concurred in.

The question then was upon concurring in the amendments to Section 27, and they were concurred in.

The question then was, shall the article be ordered engrossed and put upon its third reading, pending which Mr. Dyer offered to amend Section 20 by inserting after “the” in line 2 the word “Great” so that as amended it will read, “The Great Seal of the State of Washington.” It was lost.

Mr. Moore moved the following amendment: “The Governor and State Treasurer shall each be ineligible for the term succeeding that for which he was elected.” By striking out in line five beginning at “No” and ending at “terms” in line six, Section 27, and insert the above. Mr. Weir asks for a division of the question. Ruled out of order. Mr. Dunbar moved to amend the amendment as follows: Strike out the word “Governor.”

Mr. Griffitts moved the previous question.

The question was then shall the main question be now put. Carried. On question of the amendment to the amendment it was carried.
The question then was upon the amendment moved by Mr. Moore as amended, the ayes and noes were demanded and ordered, and the following sixty-two members voted aye: Allen, Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Comegys, Cosgrove, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Godman, Gowey, Gray, Griffitts, Hayton, Hicks, Hungate, Jamieson, Jeffs, Jones, Joy, Kinnear, Lillis, Lindsley, Manly, McCroskey, McElroy, McReavey, Minor, Mires, J. Z. Moore, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, Tibbetts, Travis, Turner, Warner, Weisenburger, West, Willison, Winsor, Mr. President. The following nine members [voted] no: Coey, Crowley, Henry, McDonald, R. S. More, Shoudy, P. C. Sullivan, Van Name, Weir. Not voting: Browne and Kellogg. Messrs. Morgans and Glascock on leave, and the amendment was carried.

Mr. Lillis moved to amend Section 4 by striking out the words “Governor and Lieutenant Governor” in the first line and inserting in lieu thereof, the words, “officers named in the first section,” and further strike out all that part of Section 4 after the second word in line eleven. Carried.

Mr. Durie moved to amend by striking out the words “Lieutenant Governor” in Section 1. The ayes and noes were demanded and ordered. Mr. Griffitts moved the previous question. The main question was ordered, and on the motion of Mr. Durie the ayes and noes were called and the following thirty members voted aye: Berry, Blalock, Comegys, Dunbar, Durie, Eshelman, Godman, Gray, Griffitts, Henry, Jeffs, McCroskey, McDonald, McElroy, McReavey, Mires, Neace, Newton, J. M. Reed, Sharpstein, Shoudy, Stevenson, Sturdevant, E. H. Sullivan, Tibbetts, Travis, Van Name, Warner, West, Willison.

JULY 27, 1889

Mr. Godman moved to amend Section 7 by striking out the words “and shall state in the call thereof” and insert the words, “in which shall be stated.” Carried.

Mr. Dyer moved to amend Section 13 by striking from lines five and seven “two-thirds” and inserting “three-fifths” in place thereof, and demanded the ayes and noes, and they were ordered. Mr. Griffitts moved the previous question. It was so ordered. And on a vote on Mr. Dyer’s motion the following thirty-one members voted aye: Allen, Blalock, Cosgrove, Crowley, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fay, Gowey, Gray, Hayton, Henry, Jeffs, Jones, Joy, Kellogg, Lillis, Lindsley, Newton, Power, J. M. Reed, Shoudy, Stiles, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Warner, Winsor, and the following forty-one members voted no: Berry, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Dallam, Durie, Fairweather, Godman, Griffitts, Hicks, Hungate, Jamieson, Kinnear, Manly, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Neace, Prosser, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Sturdevant, Travis, Turner, Van Name, Weir, Weisenburger, West, Willison, Mr. President. Not voting: Mr. Browne; Messrs. Morgans and Glascock on leave. The amendment was lost.

Mr. Clothier moved to amend Section 18 by inserting after the word “law” in the second line, “he shall vote only when the Senate is equally divided.” Lost.

Mr. McReavey moved the following: To amend Section 18 by striking out all after the word “law” in line two, and inserting “he shall receive a per diem while presiding over the state Senate, which may be changed by the Legislature to a salary, but shall never exceed two thousand dollars per annum,” and demanded the ayes and noes.

Mr. Gowey moved the following substitute to the amendment: Amend Section 18 in line three by striking out the words “fifteen hundred” and inserting the words “one thousand.” Withdrawn. Mr. Griffitts raised the point of order that Mr. Gowey’s substitute was an amendment and one amendment cannot be offered for another. Not sustained.

The question then was upon Mr. McReavey’s amendment. Ayes and noes ordered and the following twenty-seven members voted

Mr. Gowey now offered his substitute as an amendment. Mr. Sharpstein demanded the ayes and noes; so ordered. The following thirty-nine members voted aye: Berry, Blalock, Bowen, Clothier, Comegys, Cosgrove, Durie, Eldridge, Eshelman, Fay, Godman, Gowey, Griffitts, Henry, Hungate, Jeffs, Kellogg, Lindsley, McCroskey, McElroy, McReavey, Mires, Neace, Newton, Power, J. M. Reed, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Tibbetts, Travis, Van Name, Warner, West, Willison, Winsor, Mr. President. The following thirty-one members voted no: Allen, Buchanan, Burk, Coey, Crowley, Dallam, Dickey, Dunbar, Dyer, Fairweather, Hayton, Hicks, Jamieson, Jones, Joy, Kinnears, Lillis, Manly, Minor, J. Z. Moore, R. S. More, Prosser, T. M. Reed, Schooley, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Turner, Weir, Weisenburger. The following members not voting: Browne, Gray, McDonald; the following absent on leave: Glascock and Morgans. The amendment was carried.

Mr. Stiles called for the reading of Section 27 as amended, and moved to amend line one by inserting “citizen of the United States and.” Carried.

Mr. Godman moved to amend by adding to Section 27, “The Legislature may in its discretion abolish the offices of Lieutenant Governor, Auditor and Commissioner of Public Lands.” The ayes and noes were demanded. So ordered. The following thirty-seven members voted aye: Berry, Blalock, Burk, Comegys, Crowley, Dunbar, Durie, Eldridge, Eshelman, Godman, Griffitts, Henry, Jamieson, Jeffs, Kellogg, McCroskey, McElroy, Mires, Neace, New-
JULY 27, 1889


Mr. T. M. Reed moved an amendment to Section 22 by striking out the word “two” in Section 22, line three and inserting the word “three”; also striking out the word “three” in line four and inserting the word “four” in said section. The ayes and noes were demanded and ordered.

Mr. Gowey offered the following amendment to the amendment. Strike out the words “three thousand” and insert the words “twenty-five hundred.” It was lost.

The question then was on the amendment of T. M. Reed. The following seven members voted aye: Dickey, Jamieson, Lindsley, Minor, Power, T. M. Reed, Weisenburger. The following sixty members voted no: Allen, Berry, Blalock, Bowen, Buchanan, Burk, Coey, Clothier, Comegys, Cosgrove, Crowley, Dallam, Durie, Dyer, Eldridge, Fairweather, Fay, Godman, Gray, Griffitts, Hayton, Henry, Hicks, Hungate, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Manly, McCroskey, McDonald, McElroy, McReavey, Mires, J. Z. Moore, R. S. More, Neace, Newton, Prosser, J. M. Reed, Schooley, Sharpstein, Shoudy, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, West, Willison, Winsor, Mr. President. Browne, Dunbar, Eshelman, Gowey, Sohns, Wier not voting. Messrs. Glascock and Morgans [were] absent on leave. The amendment was lost.

Mr. Turner moved the following amendment: Amend Section 16 by striking out all after the words “increased by law.” Amend Sections 19, 21, 22, 23 and 24 in the same way.

Mr. Durie demanded the ayes and noes. So ordered and the following twenty-one members voted aye: Allen, Dickey, Dyer, Eshelman, Fay, Gowey, Jamieson, Jones, Joy, Minor, Power, Prosser, T. M. Reed, Shoudy, Stiles, P. C. Sullivan, Tibbetts, Turner,

Mr. Stiles moved the following amendment to Section 19. After “legislative assembly” in line three insert “He shall be ex-officio Commissioner of Public Printing and shall procure all such printing by contract, under general laws.”

Mr. Cosgrove asked and was granted leave of absence for the afternoon. Pending Mr. Stiles’ motion, Mr. Sullivan moved to take a recess until 2 p.m. Carried.

At 2 p.m. Convention called to order by the President.

The pending question was on the amendment offered by Mr. Stiles that the Secretary of State shall be Commissioner of Public Printing pending which Mr. Griffitts asked that leave on absence granted him be vacated. Granted. Mr. Suksdorf asked for leave of absence for Mr. Browne for the day. Granted. Mr. Dunbar asked leave of absence be granted Mr. Newton for the day. Granted. Mr. Stiles’ amendment to Section 19 was lost.

Mr. Sharpstein moved the following amendment to Section 16. “Strike out ‘four’ in the first line of Section 16 and insert ‘three’.” The ayes and noes were demanded. So ordered and the following twenty-one members voted aye: Berry, Blalock, Burk, Clothier, Durie, Eldridge, Godman, Griffitts, Jeffs, McCroskey, McElroy, Neace, T. M. Reed, Sharpstein, Stevenson, Suksdorf, Van Name, Warner, West, Willison.

Sullivan, Tibbetts, Turner, Weir, Weisenburger, Winsor, Mr. President. Messrs. McReavey and Travis not voting. Messrs. Browne, Cosgrove, Glascock, Morgans, Newton absent on leave. And the amendment was lost.

Mr. Godman moved to strike out the word “present” in lines five and seven in Section 13.

Mr. Griffitts moved the previous question. It was so ordered. On the question being put the following twenty members voted aye: Berry, Blalock, Clothier, Durie, Godman, Griffitts, Jeffs, Kinnear, Manly, McCroskey, McElroy, Mires, J. Z. Moore, R. S. More, Neace, Prosser, Schooley, Tibbetts, Turner, Van Name.


Mr. Weisenburger moved to amend Section 13 as follows: “Amend line sixteen in Section 13 by inserting the word ‘appropriation’ after the word ‘any’.” Lost.

Mr. Griffitts moved to strike “Governor and Lieutenant Governor” and insert “such officers” in Section four. Carried.

Mr. Schooley asked leave of absence for the day for Mr. Travis. Leave granted.

Mr. Turner moved to amend Section 13 as follows: Insert after the words “he may” on line seventeen, the words “while the Legislature is still in session.” Strike out “append to” in line eighteen and insert in lieu thereof the word “return.” Insert after signing “it” on line nineteen, the word “with.” Insert after the words “a statement of” on line nineteen, the words “his objection to.” Strike out the words “to which he objects” in line nineteen. Amendment lost.
Mr. Suksdorf moved the following amendment: Amend Section 27 by inserting "and no other state officer shall be eligible to hold his office for more than two terms in succession." Lost.

Mr. Griffitts moved to rerefer Section 4 to the committee with instructions to construct the section so that the time when officers will take their seats be definitely stated. Lost.

Mr. Dyer moved to amend Section 4 by adding "and shall hold their office from the first Tuesday after the first Tuesday in January next after their election and until their successors are elected and qualified. Provided, however, that the first election of said officers after the adoption of the Constitution shall be held on Tuesday succeeding the first Monday in November, [and] * 1892 and every four years thereafter."

Mr. Weir moved the following substitute: "Amend Section 4 by adding after the words 'by law' in line eleven, these words 'the term of all the officers named in Section 1 of the article shall commence on the second Monday in January after their election until otherwise provided by law.'" Carried.

Mr. Lillis asked and was granted leave of absence for the day.

Mr. Suksdorf moved the following amendment: To strike out all after the word "thereafter" in line four, Section 4 to and including the word "houses" in line five and instead thereof insert the following: "When such returns shall be opened by him in the presence of both houses and the result thereof shall be published and declared by a majority of the members of both houses." Lost.

Mr. Turner moved to amend Section 4 by adding "The terms of office of those first elected under this Constitution shall commence as soon as the state shall have been admitted into the Union and shall continue until their successors shall have been elected and qualified." Lost.

Mr. Griffitts moved that Section 4 be referred to the committee. Lost.

Mr. Weir moved that the article be engrossed and passed to third reading and be printed. Carried.

Mr. Griffitts moved to adjourn and the ayes and noes were demanded and ordered and the following thirty-one members voted

* Stricken in journal.

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

Mr. P. C. Sullivan moved to go into committee of the whole for the purpose of considering the report of the Committee on Preamble and Bill of Rights, pending which Mr. Schooley moved to adjourn (at 3:15 p.m.). Agreed to and the Convention stood adjourned until Monday, July 29th, 1889, at 9 a.m.

July 29th, 1889

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

Prayer by the Rev. Mr. Lee.

On roll call all the members were present except Messrs. Berry,
Browne, Cosgrove, Dallam, Dyer, Lillis, McElroy, McReavey, Sturdevant, Weir, and Willison and Morgans on leave. Mr. Fairweather asked that Mr. Dallam be excused for the day. Granted. Mr. Jones asked indefinite leave for Mr. Willison. Granted. Mr. Travis asked indefinite leave for Mr. Berry. Granted. Mr. Lindsley asked leave of absence for the day for Mr. Lillis. Granted. Mr. Stevenson asked leave of absence for the day for Mr. McReavey. Granted. Mr. President asked indefinite leave of absence for Mr. Weir. Granted.

Minutes read and approved.

Mr. Dyer appeared and asked to be reported present. Granted.

Mr. Winsor presented a petition of C. F. Woodcock and one hundred twenty others as to women's suffrage. Referred to the Committee on Elections and Elective Rights.

Mr. Warner reported back from Committee on Preamble and Bill of Rights propositions on Sunday observance and asked that it be referred to the [Committee on] Legislative Department. So ordered.

Mr. Henry submitted a minority report from the Committee on Corporations Other Than Municipal. Read.

To the President and members of the Constitutional Convention of Washington:

The undersigned of the Committee on Corporations Other Than Municipal, having signed the majority report recommending the passage of the article on corporations reported by said Committee, makes this qualification to his approval thereof. I dissent from the recommendation of the [report] majority of said Committee in regard to Section 21, and recommend that it do not pass for the following reasons:

First: Because I believe that the creation of the Commission contemplated thereby with the extraordinary powers conferred upon it, to supervise and regulate the affairs of individuals or associations of individuals engaged in certain specified lines lawful business to the exclusion of others, is discriminating, arbitrary and unjust in the extreme, and in violation of the fundamental principles of free government.

Second: That the powers conferred upon said Commission,

* Stricken in journal.
to wit: "To exercise supervisory control over all railroads, canals and other transportation companies, associations and corporations and over all other common carriers and in the absence of legislation upon the subject to regulate fares and freight and prescribe and limit the charges therefor, to prevent abuses, discrimination and extortion by such companies, associations or corporations" is a delegation to one and the same person of all the power which the people in the formation of governments for themselves have jealously separated into three independent departments, as said section in its terms creates a board of three persons, a majority of whom can exercise legislative, judicial and executive powers, or who in other words can enact such rules or laws as they may deem necessary to regulate fares and freight, the charges therefor and to prevent abuses, discrimination and extortion therefor, sit as judges of the facts and of the laws thus enacted by themselves, and exercise the executive arm of the government in enforcing their decrees.

Third: That the effect of the same, whether it is enforced or not, will be to prevent the investment of capital in the development of the resources of the state, to paralyze the great enterprises of improvement which have already been commenced, and to prevent the inauguration of others now in contemplation, thus cutting off the hopes of competition against those who now have control of the carrying business, which I regard as the only practicable and sure remedy against every species of monopoly.

Respectfully submitted,
FRANCIS HENRY

And on the question shall the report lie on the table and be printed it was so ordered.

Mr. Tibbetts moved to authorize the Chief Clerk to employ an assistant to the Journal Clerk. Carried.

The question then was shall the article on Executive Department and Pardoning Power as now printed be adopted and upon its being read a third time and a clerical error corrected, a call of the roll was ordered. The following fifty-eight members voted aye: Allen, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eshelman, Fairweather, Fay, Glascock, Godman, Gowey, Gray, Griffitts, Hayton, Henry, Hicks, Hungate, Jamieson, Jeffs, Jones, Joy, Kellogg, Kin-
near, Lindsley, Manly, McCroskey, McDonald, Minor, Mires, J. Z. Moore, R. S. More, Newton, Power, Prosser, T. M. Reed, Schooley, Shoudy, Sohns, Sturdevant, Stiles, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Van Name, Winsor, Mr. President. The following eight members voted no: Eldridge, J. M. Reed, Sharpstein, Turner, Warner, Weisenburger, West. Mr. McElroy not voting and Messrs. Berry, Browne, Dallam, Lillis, McReavey, Morgans, Weir and Willison on leave of absence. The article was agreed to and referred to the Committee on Revision, Adjustment and Enrollment. (For article as agreed to on Executive Department and Pardoning Power see page 372.)

Messrs. Cosgrove, Dallam, Gowey and McElroy appeared and asked to be reported present. Granted.

The report of the Committee on Preamble and Bill of Rights was then taken up and Mr. Bowen moved that the Convention resolve itself into a committee of the whole for the purpose of considering the report of the Committee on Preamble and Bill of Rights. Carried.

At 9:50 the Convention went into committee of the whole for the consideration of the report with Mr. Stiles in the chair.

At 12 noon the committee of the whole having risen, the President resumed the chair and the committee reported that they had had under consideration the report of the Committee on Preamble and Bill of Rights, made progress but came to no resolution thereon and asked leave to sit again. Leave was granted.

Mr. Dunbar moved to adjourn. Lost. Mr. Griffitts moved to take a recess until 2 p.m. Agreed to.

At 2 p.m. Convention called to order by the President. Mr. President presented a communication from Ex Chief Justice Roger S. Greene in relation to tidelands. Read and referred to the Committee on State, School and Granted Lands.

Mr. Warner then moved that the Convention resolve itself into a committee of the whole for the purpose of further considering the report of the Committee on Preamble and Bill of Rights. Carried. At 2:10 p.m. the Convention went into committee of the whole for the purpose of considering the report with Mr. Stiles in the chair.

At 3:55 the committee rose and the President resumed the chair. The committee reported that they had had under consider-
ation the report of the Committee on Preamble and Bill of Rights, had made progress and recommended that the Preamble be referred back to the Committee on Preamble and Bill of Rights and asked leave to sit again. The report of the committee was adopted and the preamble ordered sent back to the committee and the committee granted leave to sit again.

The question then being upon the report of the Committee on State, County and Municipal Indebtedness it was ordered to informally pass that order.

Mr. E. H. Sullivan moved to proceed to the consideration of the report on military affairs. Carried. Mr. Bowen moved that the Convention resolve itself into a committee of the whole for the purpose of considering the report of the Committee on Military Affairs. Carried.

At 4 p.m. the Convention went into a committee of the whole for the purpose of considering the report with Mr. Henry in the chair. At 5:45 p.m. the committee rose and the President resumed the chair. The committee reported that they had had under consideration the report of the Committee on Military Affairs and had made progress but had come to no resolution thereon and asked leave to sit again. Leave was granted.

At 5:30 Mr. E. H. Sullivan moved to adjourn. Agreed to and the Convention stood adjourned to 9 a.m., July 30th, 1889.

**July 30th, 1889**

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

On roll call all the members present except Messrs. Morgans and Willison on leave. Minutes read and approved.

Mr. Blalock presented a petition from J. E. Bingham and others relative to the practice of medicine. Read and referred to the Committee on State Medicine and Public Health.

Mr. Kinnear submitted a proposition relative to warehouses. Read and referred to the Committee on Agriculture, Manufactures, Fishing and Commerce.

Mr. Prosser moved that the Convention resolve itself into a committee of the whole for the purpose of further considering the report of the Committee on Military Affairs. Carried. At 9:15 the
Convention went into a committee on the whole for the purpose of considering the report with Mr. Henry in the chair. At 12:10 the committee rose and the President resumed the chair. The committee reported that they had had under consideration the report of the Committee on Military Affairs and had made progress, but came to no resolution thereon and asked leave to sit again. Leave was granted.

Mr. J. Z. Moore moved to take a recess till 1:30, but withdrew the same to allow Mr. Turner to make a motion. Mr. Turner moved to grant the privilege of the floor to Gen. A. P. Curry. Mr. Moore moved to amend by inserting Col. J. C. Haines. Amendment and motion as amended. Carried.

Mr. Gowey moved to grant the same privilege to Gen. R. G. O’Brien. Carried. On motion of Mr. Dyer the Convention took a recess until 2 p.m. this day.

At 2 p.m. Convention called to order by the President. President submitted telegram from Fred R. Reed, Mayor of Yakima. Also from the Board of Trade of Yakima signed by F. R. Reed, Secretary, protesting against certain sections of the report of the Committee on Corporations Other Than Municipal.

Mr. Sharpstein submitted a telegram from Harry Krutz, Walla Walla, W. T., on the same subject; it was read and referred to the Committee on Corporations Other Than Municipal.

Mr. West submitted telegram from H. A. Carney and others and a communication from M. Z. Goodell and others relative to sections in the report of the Committee on Corporations. Read and referred to the Committee on Corporations Other Than Municipal.

Mr. Prosser moved that the Convention resolve itself into a committee of the whole for the further consideration of the report of the Committee on Military Affairs. Carried. At 2:10 p.m. the Convention went into a committee of the whole with Mr. Henry in the chair.

At 4:20 p.m. the committee rose and the President resumed the chair. The committee reported that they had had under consideration the report of the Committee on Military Affairs, had made sundry amendments and that they submitted it with the recommendation that the several amendments be concurred in and when so concurred in that it be adopted.
Mr. Prosser moved to print and lie over. Ruled out of order.

The question then was on concurring in the amendments and Mr. Bowen demanded that they be separated for vote and called for the ayes and noes. So ordered. Pending which Mr. Mires moved a call of the house and the following members were found to be absent: Dickey, Gray, Jeffs, and Morgans and Willison on leave. Mr. Gowey moved that further proceedings be dispensed with. Carried.

The question was then on concurring in the amendment to strike out Section 2 as recommended by the committee of the whole. On a call of the roll the following forty-one members voted aye: Allen, Berry, Blalock, Browne, Clothier, Coey, Comegys, Durie, Eldridge, Eshelman, Godman, Gray, Griffitts, Henry, Hicks, Hungate, Jamieson, Jeffs, Lillis, Lindsley, Manly, McCroskey, McDonald, McReavey, Mires, J. Z. Moore, R. S. More, Newton, Power, J. M. Reed, Schooley, Sharpstein, Stevenson, Stiles, Suksdorf, Travis, Turner, Van Name, Warner, West, Winsor.


The question then was on concurring in the amendment to strike out Section 3, as recommended by the committee of the whole, and on a call of the roll the following forty-two members voted aye: Allen, Blalock, Browne, Clothier, Coey, Comegys, Durie, Eldridge, Eshelman, Godman, Gowey, Gray, Griffitts, Henry, Hicks, Hungate, Jamieson, Jeffs, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Mires, J. Z. Moore, R. S. More, Newton, T. M. Reed, Schooley, Sharpstein, Stevenson, Stiles, Suksdorf, Travis, Turner, Van Name, Warner, West, Winsor.

The following thirty members no: Berry, Bowen, Buchanan, Burk, Cosgrove, Crowley, Dallam, Dunbar, Dyer, Fairweather, Fay, Glascock, Hayton, Jones, Joy, Kellogg, Kinnear, Minor, Neace, Power, Prosser, Shoudy, Sohns, Sturdevant, E. H. Sullivan, P. C. Sullivan, Tibbetts, Weir, Weisenburger, Mr. President. Mr. Dickey
not voting. Messrs. Morgans and Willison on leave, and the amendment was concurred in.

The question then was on concurring in the amendment to strike out Section 4, as recommended by the committee of the whole, and on a call of the roll the following forty-one members voted aye: Blalock, Browne, Clothier, Coey, Comegys, Durie, Eldridge, Eshelman, Godman, Gowey, Gray, Griffitts, Henry, Hicks, Hungate, Jamieson, Jeffs, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Mires, J. Z. Moore, R. S. More, Newton, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Stevenson, Stiles, Suksdorf, Travis, Turner, Van Name, Warner, West, Winsor. The following twenty-eight members [voted] no: Allen, Berry, Bowen, Buchanan, Burk, Cosgrove, Dallam, Dunbar, Dyer, Fairweather, Fay, Glascock, Hayton, Jones, Joy, Kellogg, Kinnear, Minor, Neace, Power, Prosser, Shoudy, Sohns, P. C. Sullivan, Tibbetts, Weir, Weisenburger, Mr. President. Messrs. Crowley, Dickey, Sturdevant [and] E. H. Sullivan not voting. Messrs. Morgans and Willison on leave, and the amendment was concurred in.

The question was then on concurring in the amendment to strike out Section 5, as recommended by the committee of the whole, and on a call of the roll the following forty members voted aye: Allen, Berry, Blalock, Browne, Clothier, Coey, Comegys, Durie, Eldridge, Eshelman, Godman, Gray, Griffitts, Hayton, Henry, Hicks, Hungate, Jamieson, Jeffs, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Mires, J. Z. Moore, R. S. More, Newton, J. M. Reed, Schooley, Sharpstein, Stevenson, Stiles, Suksdorf, Travis, Turner, Van Name, Warner. The following twenty-seven members [voted] no: Bowen, Buchanan, Burk, Cosgrove, Dallam, Dunbar, Dyer, Fairweather, Fay, Glascock, Gowey, Jones, Joy, Kellogg, Kinnear, Minor, Neace, Power, Prosser, T. M. Reed, Shoudy, Sohns, P. C. Sullivan, Tibbetts, Weir, Weisenburger, Mr. President. Messrs. Crowley, Dickey, Sturdevant, E. H. Sullivan, West [and] Winsor not voting; Messrs. Morgans and Willison on leave. The amendment was concurred in.

The question then was on concurring in the amendment to strike out Section 6, as recommended by the committee of the whole, and on a call of the roll the following thirty-nine members voted aye: Allen, Blalock, Browne, Clothier, Coey, Comegys, Durie, Eldridge, Eshelman, Godman, Gowey, Gray, Griffitts, Henry, Hicks, Hungate, Jamieson, Jeffs, Lillis, Lindsley, Manly, McCroskey, Mc-
Donald, McElroy, McReavey, Mires, J. Z. Moore, R. S. More, Newton, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Stevenson, Suksdorf, Travis, Turner, Van Name, Mr. President.


The question then was on concurring in the amendment to strike out Section 7, as recommended by the committee of the whole, and on a call of the roll the following forty-three members voted aye: Allen, Blalock, Browne, Clothier, Coey, Comegys, Durie, Eldridge, Eshelman, Godman, Gowey, Gray, Griffitts, Henry, Hicks, Hungate, Jamieson, Jeffs, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Mires, J. Z. Moore, R. S. More, Newton, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Stevenson, Stiles, Suksdorf, Travis, Turner, Van Name, Warner, Mr. President.


The question then was on the amendment to strike out Section 8, as recommended by the committee of the whole, and on the call of the roll the following forty-two members voted aye: Allen, Blalock, Browne, Clothier, Coey, Comegys, Durie, Eldridge, Eshelman, Godman, Gowey, Gray, Griffitts, Henry, Hicks, Hungate, Jamieson, Jeffs, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Mires, J. Z. Moore, R. S. More, Newton, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Stevenson, Stiles, Suksdorf, Travis, Turner, Van Name, Warner, Winsor, Mr. President. The following twenty-three members [voted] no: Bowen, Buchanan, Burk, Cosgrove, Dyer, Fairweather, Fay, Glascocck, Hayton, Jones, Joy, Kellogg, Kinnear, Minor, Neace, Power, Prosser,
The question then was on concurring in the amendment to strike out Section 9, as recommended by the committee of the whole, and on a call of the roll the following thirty-nine members voted aye: Allen, Blalock, Browne, Clothier, Coey, Durie, Eldridge, Godman, Gowey, Gray, Griffitts, Henry, Hicks, Hungate, Jamieson, Jeffs, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Mires, J. Z. Moore, R. S. More, Newton, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Stevenson, Stiles, Suksdorf, Tibbetts, Turner, Van Name, Warner, Winsor. The following twenty-six members [voted] no: Bowen, Buchanan, Burk, Cosgrove, Dunbar, Dyer, Eshelman, Fay, Glascock, Hayton, Jones, Joy, Kellogg, Kinnear, Minor, Neace, Bowen, Prosser, Shoudy, Sohns, Sturdevant, P. C. Sullivan, Travis, Weir, Weisenburger, Mr. President. Messrs. Comegys, Crowley, Dallam, Dickey, Fairweather, Sullivan, West, not voting; Messrs. Morgans and Willison on leave, and the amendment was concurred in.

Mr. Griffitts moved that the article be considered engrossed and ordered printed and pass to a third reading. Carried.

Mr. Turner moved to take a recess until 8 p.m., pending which Mr. Shoudy moved to adjourn, and at 5 p.m. the Convention stood adjourned to 9 a.m., July 31st, 1889.

**July 31st, 1889**

Convention called to order by the President at 9 a.m. Prayer by the Chaplain. On roll call all the members were present. Minutes read and approved.

A communication was read relative to the employment of labor on public works. Referred to the Committee on Legislative Department.

A communication from Superintendent of Seattle Public Schools [was] read and referred to the Committee on Education and Educational Interest.

A petition from Tacoma Chamber of Commerce relating to
the sale of tide flat and shore lands [was] read and referred to the Committee on State, School and Granted Lands.

A communication from P. C. Wyhe, District Secretary of the National Reform Association relating to forms for Preamble and Bill of Rights [was] read and referred to the Committee on Preamble and Bill of Rights.

Mr. Willison presented a petition from Pierce County Medical Society relating to the establishing of a State Board of Health and in connection therewith a Bureau of Vital Statistics. Read and referred to the Committee on State Medicine and Public Health.

Mr. Comegys presented the following telegram.

Colfax, W. T. July 30, 1889
To Hon. Geo. Comegys
Sir: Will you not use influence against Section 9 of corporations article. It is unwise restriction on foreign corporations. Will drive money out and assist resident money and other corporate monopolies. Competition should not be discouraged.

O. E. WILLIAMS

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

Mr. Gowey presented a petition relative to the Sunday rest article. Read and referred to the Committee on Preamble and Bill of Rights.

Mr. Crowley asked unanimous consent to grant privilege of the floor to Hon. Thomas H. Brents. Granted and so ordered.

Mr. Griffitts moved that the article on militia be now taken up and read a third time and put upon its final passage. It was so ordered. And the question was then on agreeing to the article on militia and on a call of the roll the following sixty-one members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Crowley, Dunbar, Durie, Eshelman, Fay, Glascock, Godman, Gowey, Gray, Griffitts, Henry, Hicks, Hangate, Jamieson, Jeffs, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Suks-
The following thirteen members voted no: Cosgrove, Dallam, Dickey, Dyer, Fairweather, Hayton, Jones, Neace, Prosser, Sturdevant, Weir, Weisenburger, Willison. Mr. Eldridge not voting, and the article was agreed to and referred to the Committee on Revision, Adjustment and Enrollment. See page 407 for article as agreed to on militia.

Mr. Dunbar moved that the Convention resolve itself into a committee of the whole for the purpose of considering reports of the Committee on Preamble and Bill of Rights.

Mr. Griffitts raised a point of order that the article on Preamble and Bill of Rights is not in order. The point not sustained.

Mr. Warner from the Committee on Preamble and Bill of Rights submitted the following majority and minority report. Received and ordered referred to the committee of the whole, having the article under consideration:

In the Convention
Committee on Preamble and Bill of Rights

Minority Report

We the people of Washington, grateful to the Supreme Ruler of the universe for our liberties, do ordain this Constitution.

LOUIS SOHNS
J. C. KELLOGG

In the Convention
Committee on Preamble and Bill of Rights

Mr. President and Members of the Convention:

Your Committee on Preamble and Bill of Rights, to whom was recommended the Preamble originally reported by them, have had the same under consideration and respectfully report the following substitute therefor. "We the people of the state of Wash-
ington to secure the blessings of liberty, insure domestic tranquility and preserve our rights, do ordain this Constitution.”

C. H. WARNER
Chairman
GWIN HICKS
Secretary
FRANCIS HENRY
GEO. COMEGYS
FRANK M. DALLAM

On a submission shall the Convention go into a committee of the whole. Twas so ordered. Mr. Griffitts raised a point of order if the Convention was under the rules it would take two-thirds.

Chair ruled the question had been taken from the rules. At 9:40 the Convention went into a committee of the whole for the purpose of considering the article on Preamble and Bill of Rights, with Mr. Henry on the chair.

At 9:50 the committee rose and the President resumed the chair. The committee reported that they had had under consideration the article on Preamble and Bill of Rights and had made sundry amendments therein and recommended that they be concurred on and when so concurred in that it be adopted by the Convention. The question then was on concurring on the amendments recommended by the committee of the whole.


The following nineteen members [voted] no: Comegys, Crowley, Dallam, Durie, Godman, Gray, Griffitts, Henry, Jeffs, Kellogg, McDonald, Newton, Stevenson, Sturdevant, Suksdorf, P. C. Sullivan, Van Name, Warner, West. Mr. Gowey not voting and the amendment was concurred in.
Mr. Prosser moved to amend the Preamble by inserting "State of" before the word "Washington." Carried.

Mr. Godman moved the following as an additional section. "No standing army shall be kept up by this state in time of peace and no soldier in time of peace be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law." Carried.

Mr. Godman moved to strike out Section 27 as amended and insert the following: "A grand jury shall be drawn and summoned at least once a year in each county." It was lost.

Mr. Griffitts moved to strike out all of Section 22 after the word "record" in line two, and demanded the ayes and noes. So ordered and on a call of the roll the following seventeen members voted aye: Allen, Blalock, Clothier, Fairweather, Griffitts, Jeffs, McDonald, McReavey, Mires, J. Z. Moore, R. S. More, J. M. Reed, Stevenson, Travis, Van Name, Weir, Willison.


Mr. Griffitts desired to protest in writing to the article and have it spread upon the minutes (and submitted the following). Ordered, received and spread upon the records.

"I hereby object in writing to the action of the Convention in refusing to strike out Section 22 of article on Preamble and Bill of Rights, all of said section after the word 'record' in second line and desire this protest entered of record." So ordered.

Mr. Mires moved to amend as follows: Amend Section 16 by striking out the words "except for private ways of necessity" in lines one and two.
Mr. Gowey moved to amend the amendment to Section 16 by striking out line one and the words “of necessity” in line two. Lost.

The question was then on the amendment of Mr. Mires, and the ayes and noes were demanded and ordered, and on a call of the roll the following thirteen members voted aye: Allen, Gowey, Griffitts, Hungate, Jeffs, McReavey, Minor, Mires, Sturdevant, Tibbetts, Turner, Van Name, Willison.


Mr. Dunbar moved to amend by adding after the word “necessity” in line two the words “and for the rights of way for irrigating canals or ditches.”

Mr. Tibbetts moved that the article be recommended to the Committee on Preamble and Bill of Rights. Mr. Warner moved to amend by striking out “Committee on Preamble and Bill of Rights” and substitute “Committee on Judicial Department.”

Mr. J. Z. Moore moved the previous question. Lost. Mr. Eldridge moved to amend as follows, “which necessity shall be determined by jury.” Ruled out of order. On the question to refer to the Committee on Judicial Department it was so ordered.

Mr. Bowen moved that the Convention resolve itself into a committee of the whole for the purpose of considering the report of the Committee on State, County and Municipal Indebtedness. Carried. At 10:30 the Convention went into a committee of the whole for the purpose of considering the report with Mr. Dyer in the chair.

At 12 noon the committee rose and the President resumed the chair. The committee reported that they had had under consideration the report of the Committee on State, County and Mu-
nicipal Indebtedness and had made progress and asked leave to sit again. Leave granted. Mr. Mires moved that the Convention take a recess until 2 p.m., pending which the chair stated he would be unable to attend this afternoon and called Mr. P. C. Sullivan to occupy the chair for the afternoon, the motion was then agreed to.

At 2 p.m. the Convention was called to order by Mr. P. C. Sullivan. Mr. Prosser moved to go into a committee of the whole, pending which Mr. Buchanan asked consent to offer a substitute for Section 21 of the article of the Committee on Corporations Other Than Municipal. Consent given and substitute read and Mr. Buchanan moved that it be printed and referred to the committee of the whole. The Convention refused leave to print.

Mr. Prosser moved that the Convention resolve itself into a committee of the whole for the purpose of further considering of the report of the Committee on State, County and Municipal Indebtedness, pending which Mr. Cosgrove asked to be excused until 4 p.m., which was granted. The motion to go into committee of the whole was then agreed to and at 2:10 p.m. the Convention went into a committee of the whole to further consider the report with Mr. Dyer in the chair. At 5:50 the Convention rose and Mr. Sullivan resumed the chair.

The committee reported that they had had under consideration the report of the Committee on State, County and Municipal Indebtedness, and had made progress and asked leave to sit again. Leave granted.

On motion Hon. Watson C. Squire was granted privilege of the house. Mr. Gowey was excused for tomorrow. On motion of T. M. Reed the Convention at 5:55 p.m. adjourned until 9 a.m., August 1st, 1889.

August 1st, 1889

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

Prayer by the Chaplain. On a call of the roll all the members were present except Mr. Gowey absent on leave. Minutes read and approved.

The President submitted a letter from Geo. A. Tewksbury relative to dedicating monument to the Pilgrims at Plymouth,