THE JOURNAL OF THE
WASHINGTON STATE
CONSTITUTIONAL CONVENTION
1889

with Analytical Index

by

Quentin Shipley Smith

Edited by
Beverly Paulik Rosenow

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Buffalo, New York
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MINUTES OF PROCEEDINGS OF
CONSTITUTIONAL CONVENTION
ASSEMBLED JULY 4th, 1889

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

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

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

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

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

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

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

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

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

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

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

ALLEN WEIR
Temporary Secretary

Second Day

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

To the Chairman of the Constitutional }  
Convention of Washington Territory  

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

From the First District the only credentials presented to your committee for the third member from such district is a certificate of the Auditor of Stevens County, being the senior county of such district, by W. W. Waltman showing him to have received the highest number of votes in said district and entitled to membership in this Convention. No other credentials whatever were
presented to the committee by any person claiming such place and no contest exists therefor. Your committee therefore recommends that Mr. W. W. Waltman be admitted as a member of this Convention from the First District.

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

T. M. Reed  
Chairman

THOMAS C. GRIFFITTS  
Secretary

C. H. WARNER  
A. Mires  
S. H. MANLY

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

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

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

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

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

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

Seventh District:  
John M. Reed  
James Hungate  
George Comegys

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

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

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

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

Twelfth District:  
G. H. Stevenson  
Louis Sohns  
A. A. Lindsley
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On motion the report was received. Mr. Geo. Turner moved adoption of all of the report except what refers to W. W. Waltman of the First District; the same to be referred to a special committee hereafter. T. C. Griffitts, member of Committee on Credentials explained the case. Gwin Hicks moved that the Hon. Secretary of Territory be requested to explain the reading of the case. Ruled out of order. T. M. Reed, Chairman of the Committee on Credentials further explained, and after further discussion John McReavey moved to amend the motion so as to adopt the report of the committee as a whole. T. L. Stiles moved to amend by adding a proviso so as to leave the Convention free to act hereafter in case a claimant should appear for Waltman's seat. Carried.
James Power moved to amend the amendment so as to admit H. Clothier and A. Schooley as members who were not present but whose certificates were in the hands of the Secretary of the Territory. Adopted. On motion to adopt the report as amended a division was called, resulting in the adoption of the report by forty-two to twenty-five.

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

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

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

Geo. Turner nominated for President John P. Hoyt of King County. T. C. Griffitts nominated for President C. H. Warner of Whitman County. J. A. Burk nominated for President S. G. Cosgrove of Garfield. D. E. Durie raised point of order that the nominations were closed before the last name was announced. Overruled. R. O. Dunbar and Geo. H. Jones were appointed tellers. The vote resulted as follows: Hoyt, forty; Warner, fifteen; Cosgrove, fifteen; scattering, three. John P. Hoyt was declared elected President of the Constitutional Convention of Washington Territory. C. H. Warner moved, and S. G. Cosgrove seconded it, that
the election of John P. Hoyt be made unanimous. Adopted. The chairman pro tem appointed Messrs. C. H. Warner, S. G. Cosgrove and A. A. Lindsley a committee to escort Judge Hoyt to the chair. Judge Hoyt made a brief speech of thanks.

John McReavey moved to adjourn until 2 p.m.

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

Olympia, July 4th, 1889.

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

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

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

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

Very respectfully,
O. C. White
Secretary

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

Adjourned until 2 p.m.
The following are the telegrams ordered spread on the record.

Olympia, July 4th, 1889

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

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

JAMES Z. MOORE
President Pro Tem

Second Day Afternoon Session


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

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

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

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

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

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

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

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

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

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

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

“Helena, Montana, July 5th, 1889

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

“J. K. Toole, President Pro Tem.”
On motion of J. F. Gowey these telegrams and responses and those acted upon yesterday were ordered spread upon the records of the Convention.

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

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

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

"Olympia, July 4th, 1889

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

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

O. C. White,
Secretary."
"Olympia, July 4th, 1889

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

"Sir:

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

O. C. White, Esq.
Secretary,
Washington Territory."

"Sir:

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

“In my opinion Congress did not fully consider the amount which would be necessary for the expenses of the
JULY 5, 1889

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

M. J. DURHAM,
Comptroller.


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

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

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

**ALLEN WEIR**

*Secretary Pro Tem*

**Third Day**

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

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

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

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

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

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

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

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

WM. F. PROSSER,
Chairman

THOMAS C. GRIFFITS,
Secretary

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

Mr. Dyer made the following report. "Mr. President: Your
Committee appointed to consider the subject of a stenographic
report of the proceedings of the Constitutional Convention of
Washington have the honor to submit the following report.
"Messrs. A. C. Bowman and C. B. Eaton have made a proposition to report said proceedings, a copy of which proposition accompanies this report.

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

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

The report was adopted by a rising vote.

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

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

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

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

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


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

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

The President then made some announcements relative to the committees and duties of officers of the Convention and requested the Clerk to read the following telegram.
Ellensburg, W. T., July 5th, 1889. John P. Hoyt, President, Constitutional Convention.

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

W. R. Abrams,
Mayor

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

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

Olympia, July 4th, 1889

Hon. A. J. Edgerton
President, Constitutional Convention at Sioux Falls, Dakota.

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

James Z. Moore
President Pro Tem

Olympia, July 4th, 1889

Hon. J. K. Toole
President, Montana Constitutional Convention:

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

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

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

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

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

The President then named the standing committees as follows:

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

No. 2. Elections and Elective Rights:

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

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

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

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

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

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

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

No. 10. County, City and Township Organization:

No. 11. Apportionment and Representation:
   Crowley, Allen, Dyer, Gowey, Hicks, Eshelman, Sohns, West,
P. C. Sullivan, Prosser, Hungate, Van Name, Willison, Cosgrove, Sturdevant.

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

No. 13. Corporations Other Than Municipal:

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

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

No. 16. Water and Water Rights:

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

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

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

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

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

No. 22. State, School and Granted Lands:

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

Mr. Prosser submitted the following report from the Committee on Rules and Order of Business.
To the Honorable President of the Constitutional Convention:

Your Committee on Rules most respectfully submit the following report.

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

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

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

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

Rules of the Constitutional Convention

Rule 1

Hour of Meeting

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

Rule 2

Rights and Duties of the President

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

Rule 3

President Pro Temp

In case the President should be absent at the hour to which the Convention was adjourned the Convention may choose one of its members as President pro tempore.
Rule 4

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

Rule 5

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

Rule 6

Standing Committees

The President shall appoint the following Standing Committees:

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

Standing Committees

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

Rule 8

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

Rule 9

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

Rule 10

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

Rule 11

Duties of Subordinate Officers

The subordinate officers of this Convention shall perform such duties as usually pertain to their respective positions in legislative bodies under the direction of the President, and such other duties as the Convention may impose upon them.
Rule 12
Rights and Duties of Members

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

Rule 13

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

Rule 14

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

Rule 15

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

Rule 16

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

Rule 17

While the President is putting the question or addressing the Convention, no member shall walk across or out of the hall, nor
when a member is speaking shall any other member pass between him and the chair.

Rule 18

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

Rule 19

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

Rule 20

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

Rule 21

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

Rule 22

Quorum

A majority of all the members elected to the Convention shall be necessary to constitute a quorum to do business, and except as provided a majority of those voting shall be sufficient to decide pending questions.
Rule 23
Order of Business

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

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

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

Rule 24

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

Rule 25
Unfinished Business

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

Rule 26
Motions

Every motion shall be reduced to writing if the President or a member may desire it.
Rule 27
Privileged Questions

When a question is under debate, or before the Convention, no motion shall be received but
1st, to adjourn;
2nd, to lay on the table;
3rd, for the previous question;
4th, to postpone to a day certain;
5th, to commit or amend;
6th, to postpone indefinitely;
which several motions shall have precedence in the order in which they are named, and no motion to postpone to a day certain, to commit or to postpone indefinitely being decided, shall again be allowed on the same day, and at the same stage of the proceedings. The following questions shall be decided without debate, to wit: To adjourn, to take a recess, to lay on the table, to take from the table, and to go into committee of the whole on orders of the day.

Rule 28
Indefinite Postponement

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

Rule 29
The Previous Question

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

Rule 30
Commitment

Motions, propositions and reports may be committed or recommitted at the pleasure of the Convention, and with or without instruction from the Convention.
Rule 31

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

Rule 32

Color of Amendment

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

Rule 33

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

Rule 34

Reading of Papers

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

Rule 35

Reading of Articles

Every article to be inserted in the Constitution shall have three several readings before it shall be adopted, and the last two readings shall not be on the same day.
Rule 36
First and Second Readings

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

Rule 37
Committee of the Whole

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

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

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

Rule 38

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

Rule 39

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

Rule 40

On going into committee of the whole the President shall designate some member as chairman thereof, but a motion that the committee rise shall always be in order, and shall be decided without debate.
Rule 41
Closing Debate

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

Rule 42
Printing

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

Rule 43
Calendar

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

Rule 44
Final Passage

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

Rule 45
Ayes and Noes

On all questions and motions whatsoever the President shall take the sense of the Convention by ayes and noes, provided three members present shall so desire it.
Rule 46
Call of the House

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

Rule 47
Revision

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

Rule 48

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

Rule 49
Final Vote

The final vote upon agreeing to each proposition shall be taken by ayes and noes, and no such proposition shall be considered as agreed to except a majority of all the delegates elected to the Convention vote therefor.
Rule 50

Resolutions

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

Rule 51

Suspension of Rules

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

Rule 52

Filing Papers

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

Rule 53

Amendment of Rules

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

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

Rule 54

In all matters not herein specially provided for, the proceedings of this Convention shall be governed by the ordinary and usual parliamentary rules applicable to bodies of this nature, as laid down by Cushing’s manual.
Your Committee have found it necessary to have the services of a clerk, and have engaged Miss May Sylvester and ask the allowance of the same to the extent found necessary.

All of which is respectfully submitted.

WM. F. PROSSER
Chairman

THOMAS C. GRIFFITTS
Secretary

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

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

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

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

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

Mr. Crowley nominated Mrs. Belle Lampkin.
Mr. Gowey nominated Mr. Brad Davis.
Mr. McElroy nominated J. D. Hannegan.
Mr. Sullivan moved that the Journal Clerk be elected by ballot.
Mr. Henry called for the ayes and noes and the following gentlemen voted aye: Allen, Berry, Blalock, Browne, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Godman, Gowey, Gray, Griffitts, Hayton, Hicks, Hungate, Jamieson, Jeffs, Jones.


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

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

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

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

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

Mr. Kinnear then offered the following resolution:

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

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

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

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

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

**July 10th, 1889**

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

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

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

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

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

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

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

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

"Gentlemen:

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

"For printing what is ordinarily designated as "Bill Work"—i.e. set in small pica type and leaded with double small pica reglet, the sum of 30 cents per 1000 ems of composition. If leaded with pica reglet, 40 cents per 1000 ems. Presswork 50 cents per token of 250 sheets. In bill work two pages to constitute a signature, unless the nature of the work requires but a single page. For pamphlet composition 50 cents per 1000 ems. For press work 50 cents per token of 250 sheets. Eight pages to constitute a signature, unless the nature of the work requires a less number of pages."
"Paper at cost, ten per cent added, and binding, if any, at cost. The above proposition is about fifty per centum less than the rates allowed by the department at Washington, and as a large proportion of the expense will doubtless have to be paid out of the territorial treasury, judging by legislative precedent, this proposal, it will be seen, will save to the people of the territory a large sum. I furthermore respectfully beg to inform the Convention that I am prepared to immediately enter upon the duties of the position named, should the contract be awarded to me, and will give ample bonds for the faithful and prompt execution thereof.

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

The President announced the following committees:

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

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

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

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

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

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

Mr. Turner from Judiciary presents the following request from the Judiciary Committee and moved that the same be granted, which was done.
To the Honorable President of the Convention:

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


GEORGE TURNER
Chairman

THOMAS C. GRIFFITTS
Secretary

Permission granted.

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

Majority Report

Mr. President:

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

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

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

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

That the resolution in relation to trusts should be adopted as the sense of this Convention upon the subject, but that the clause instructing the committee to report any clause to be em-
bodied in the Constitution in substance the same as that of the resolution be not adopted. We deem the instruction a violation of the spirit of the rules of the Convention, and its adoption will have a tendency to cause all members to make propositions in the form of resolutions and instructions instead of submitting simple propositions for consideration by the committees.

JOHN A. SHOUDY
P. C. SULLIVAN

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

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

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

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

D. J. CROWLEY,
Chairman

P. C. SULLIVAN,
Secretary

July 10th, 1889.
Carried. Permission Granted.

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

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

The sixth paragraph to the Committee on Revenue and Taxation.

The seventh paragraph to the Committee on State, School and Granted Lands.
Paragraphs eight, nine, ten and eleven to the Committee on Miscellaneous Subjects, Schedule and Future Amendments.

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

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

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

3rd Majority representation.

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

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

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

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

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

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

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

11th An expeditious method of amending the organic law so as to make it conform to changing conditions.
The petitioners further prayed that the members would continually bear in mind that a republic can only be based on the equality of its citizens and that the great producing classes have a right to be protected against the nonproducers and drones of society.

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

The following propositions were then submitted in the order following.

Proposition No. 1
By Thomas C. Griffitts  
Third District

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

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

Proposition No. 2
By Thomas C. Griffitts  
Third District

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

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

Proposition No. 3
By Thomas C. Griffitts  
Third District

No county, city or other municipal corporation shall give any subsidy or loan its credit in any way whatever for any purpose to any corporation, company, association or person.
Was read first and second time and referred to the Committee on State, County and Municipal Corporations.

Proposition No. 4
By Thomas C. Griffitts
Third District

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

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

Proposition No. 5
By Mr. Prosser

Article—On Water Rights

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

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

Proposition No. 6
Tidelands
By Mr. Prosser

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

Proposition No. 7
Corporations
By Mr. Sharpstein

Article—
I

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

II

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

III

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

IV

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

V

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

Read first and second time and referred to the Committee on Corporations Other Than Municipal.
Proposition No. 8
Confirming Title to Tidelands
By Mr. Power

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

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

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

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

Chicago, July 3rd, 1889

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

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

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

No county, city, township, school district or other municipal corporation shall be allowed to become indebted in any manner or for any purpose, to any amount including existing indebtedness in the aggregate
exceeding five per centum of the valuation of the taxable property thereof, to be ascertained by the last assessment for state and county taxes, previous to the incurring of such indebtedness, and all bonds or obligations in excess of such amount given by such corporation shall be void.

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

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

No other subject is of more importance to its prosperity. We trust you will give this matter your consider-
ation and support and in due course refer this letter to the proper committee.

All of which is respectfully submitted.

Your very truly,

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

Proposition No. 9
Corporations

By Mr. Godman

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

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

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

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

Section—Corporations shall not be formed under special laws,
nor their charters extended or altered nor any rights or power whatever conferred upon them by special laws.

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

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

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

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

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

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

July 11th, 1889

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

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

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

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

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

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

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

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

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

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

The Committee on Elections and Elective Rights hereby re-
spectfully request that they be allowed to employ a Clerk, and name Miss Lillie Brown as a proper person to be employed.

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

Leave granted.

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

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

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

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

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

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

Mr. Henry withdrew his motion.

The report was then read a second time.

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

Mr. Griffitts asked that it lie over one day under the rules.
Mr. Dunbar moved that it be taken from the rules, under Rule 42.

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

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

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

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

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

Olympia, July 11th, 1889

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

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

JOHN A. SHOUDY
Chairman
S. H. BERRY
Secretary

Leave was granted.

The following propositions were then submitted in the order following.

State of Washington
Constitution
By Mr. Weir

We the people of the State of Washington, to the end that
justice be established, order maintained and liberty perpetuated
do ordain this Constitution.

Article I

Bill of Rights

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

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

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

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

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

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

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

Section 8½. A jury shall consist of twelve jurors unless the
parties agree to a less number, except that in courts held by jus­
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Practices of the peace a jury shall consist of six jurors unless the parties agree to a less number. In civil actions a verdict concurred in by three-fourths of the jury shall be the verdict of the jury. A trial by jury may be waived in any case but in criminal cases; when the crime charged is a felony it cannot be waived without the consent of the presiding judge. Reasonable rules shall be provided by law for the time and manner of demanding or waiving a trial by jury.

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

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

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

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

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

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

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

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

Section 17. Slavery shall never be tolerated in this state nor
shall there be any involuntary servitude unless for punishment for crime.

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

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

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

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

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

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

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

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

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

Read second time and referred to Committee on Preamble and Bill of Rights.
Article I
Bill of Rights
By Mr. Suksdorf

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

Proposition relative to State Lands

Article II

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

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

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

Proposition relative to election of Statistician

Article III
Executive Department

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

Section 2. It shall be the duty of the state statistician to collect, tabulate and publish, at stated times, the statistics of agriculture, manufacture, fisheries, commerce, meteorology, and education of the state.
Section 3. The legislative assembly shall provide by law the necessary means to carry out the provisions of this article.

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

Article I, Preamble and Bill of Rights;
Article II, State, School and Granted Lands;
Article III, Executive Department and Pardoning Power.

Mr. Henry introduced the following resolution and notice.

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

I hereby give notice that I will call up the above additional rule and move its passage tomorrow.

July 11th, 1889.

FRANCIS HENRY

The following proposition was then introduced.

Streets and Alleys, in Towns and Cities, and Tidelands

By Mr. Kinnear

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

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

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

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

The resolution was not seconded.
Propositions were then introduced in the following order.

Railroad Commissioners
By Mr. Buchanan

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

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

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

The salary of said Commissioners shall be not less than two thousand five hundred dollars per annum and necessary traveling
expenses while in discharge of their duty. In order to enable the said Commissioners to hear and determine complaints against railroad and other transportation companies they are hereby clothed with all the power of a court of record and they shall enforce their own decisions through the medium of the courts.

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

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

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

Very respectfully,
D. BUCHANAN,
Delegate

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

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

Article

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

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

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

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

[No. 30.]†
Relating to Taxation
By Mr. Turner

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

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

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

Relating to Sectarian Schools and Institutions
By Mr. Turner

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

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

[No. 32.]†
Relating to Laborers and Mechanics
By Mr. Turner

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

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

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

[No. 33.]†
Provision for the Sale of Granted Lands
By S. A. Dickey

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

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

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

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

[No. 34.]†
Eminent Domain
By Mr. Eshelman

Section 1. The right of eminent domain is hereby declared

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

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

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

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

[No. 35.] †

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

By Mr. Stevenson

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

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

[No. 36.] †

On Taxation

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

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

† Margin note.
JULY 11, 1889

[No. 37.]†
Proposition on Right of Suffrage
By Mr. Weisenburger

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

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

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

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

Tidelands
By Mr. Cosgrove

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

Section 2. No individual partnership or corporation claiming or possessing the shore or tidelands of any harbor, bay, sound, inlet, estuary or other navigable water in this state shall be per-† Margin note.
mitted to exclude the right of way to water whenever it is required for any public purpose.

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

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

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

Proposition in Relation to Banking and Banking Institutions

By Mr. Godman

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

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

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

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

Mr. P. C. Sullivan introduced the following resolution and gave notice that he would call it up tomorrow. That Rule 7 be
amended so as to read as follows: When a proposition has been referred to a standing committee a report shall be made thereon as soon as convenient. In case of unnecessary delay on the part of the committee the Convention may require a report to be made within any stated time.

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

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

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

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

July 12th, 1889

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

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

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

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

* Stricken in journal.