
Posted on Washington State Constitution: History website ([http://lib.law.washington.edu/waconst/](http://lib.law.washington.edu/waconst/)) with the permission of

Justice Charles K. Wiggins

Washington State Bar Association

HeinOnline
Austin Mires and the Capital Controversy

A page from Austin Mires' diary describes his return to Ellensburgh after the 1889 fire: "Took train for Ellensburgh early and arrived there at noon, found the fine city of Ellensburgh looking very desolate on account of its almost absolute destruction by fire on the 4th inst — found my darling wife and babes well, except my wife had her shoulder dislocated on night of fire, but it is better now. Everybody busy building today same as work day.

(Monday, July 8, 1889). In Ellensburgh busy... (line illegible). I am worn out and can get very little done. Things look desolate around here.

There was some intimation that a mob would attempt to drive out the Chinamen this evening.

How Clambakes, Fires, Free Land and A Pretentious "h" Failed To Unseat Olympia

Introduction

Austin Mires served as one of the delegates to the 1889 constitutional convention from the City of Ellensburgh. He labored on behalf of his home city to move the state capital there from Olympia, chaired the committee on water rights, and helped craft the compromise on the thorniest issue of the convention, disposition of the tidelands.

Mires maintained a daily diary for over 60 years, through which one glimpses the daily life of a small-town lawyer in the first half-century of Washington's statehood. It reveals a man of strong opinions bluntly stated and vigorously advocated: a staunch Republican; an observer of history and human nature, writing in his diary of George Washington, "God gave him to the world at the appointed time and we owe to his endeavors and his patriotism more than we can tell"; a patriot, recording in his diary his disappointment that the Army had rejected his application for enlistment (at age 66); a devoted family man, recording tender and affectionate moments; a nineteenth-century man recording his reaction to the installation of electricity in his home, a telephone in his home, his first ride in an automobile, his first moving picture, and his incredulity at listening to a radio "in an automobile!"

A New Town and a New Law Practice

Austin Mires was born in Iowa in 1852 and traveled the Oregon Trail with his family in 1863, settling in Douglas County, Oregon. Mires obtained his law degree in 1882 from Michigan State University, where he served as private secretary to Thomas M. Cooley, then dean of the law school, Chief Justice of Michigan, and author of a widely-respected treatise on state constitutional law.

In 1883 Mires moved to the small village of Ellensburgh, founded by John Shoudy — later a delegate to the convention with Mires — and named after his wife Mary Ellen. When Kittitas County was split from Yakima County at the end of 1883, Ellensburgh, population 150, became the county seat. Mires was instrumental in its incorporation in 1886 and served two terms as Ellensburgh's first mayor.

The arrival of the Northern Pacific Railroad fueled Ellensburgh's rapid growth. The railroad built a permanent roundhouse and repair shops for its Cascade division there, bringing employees and payroll into the new city. Mires acted as local attorney for the railroad and assisted in securing the right-of-way through the Kittitas Valley. The railroad also opened up Ellensburgh farms and ranches to markets on Puget Sound and abroad. The area to the north of Ellensburgh, the Okanogan and Big Bend country, became a lucrative gold and silver mining district, and Ellensburgh became the supply center for miners. Coal mines were developed at nearby Roslyn, and iron ore was discovered nearby. In 1898 the population doubled, and by the time of the constitutional convention 4,000 people made their homes in Ellensburgh — more than in Olympia.

Delegate To The Convention

After Congress passed the statehood bill in February 1889, Mires was elected a delegate to the constitutional convention. Briefly mentioned as a prospect for president, or chairman of the convention, Mires was selected as chairman of the committee on water rights and also served on the judiciary committee.

Mires' participation in the convention was abruptly interrupted by the Ellensburgh fire, which destroyed 200 homes and the entire business district of the city on the night of July 4. Mires immediately returned to Ellensburgh, and recorded his impressions on arrival on Sunday, July 7:

"Found the fine city of Ellensburgh looking very desolate on account of its almost absolute destruction by fire on the Fourth instant. Found my darling wife and babes well, except my wife had her shoulder dislocated on the night of the fire but it is better now."
Mires spent two days straightening up his affairs—his office and library had been destroyed—before returning to the convention.

**The Battle For The Capital**

The fire failed to undermine Ellensburgh’s aspirations to see the state capital relocated in their home town. Even as the fire burned, the territorial governor wired the mayor of Ellensburgh to ascertain the needs of the city. The mayor promptly responded, “We want the capital!”

Olympia, the territorial capital, was favored to retain the state capital, having hosted the territorial legislative assembly since 1853. Vancouver, located in more populous Clark County, fought for the capital in succeeding legislative sessions. In the legislative session of 1860-1861, Vancouver won the support of Seattle’s Arthur A. Denny in exchange for supporting establishment of the territorial university at Seattle. The Legislature hurriedly passed a bill relocating the capital to Vancouver, and another placing the university in Seattle, but the following summer the territorial votes overwhelmingly balloted to retain the capital at Olympia.

This threw matters into disarray. No one knew whether the Legislature should assemble at Olympia or Vancouver. The Legislature was unable to achieve a quorum at either city. The Territorial Supreme Court, sitting at Olympia, (although this, too, was in doubt, since the court was required to sit at “the seat of government”), concluded that the Legislature had exceeded its powers by awarding the seat of government to Vancouver, and that the act was void because it had no enacting clause.

Vindicated, Olympia successfully defeated efforts to relocate the capital throughout the next three decades. North Yakima mounted a serious challenge to Olympia in the Legislature of 1887-1888. (North Yakima had been created by the Northern Pacific Railway in 1884, bypassing the previously established Yakima City. The railroad claimed that the old town site was unacceptable for several reasons, but the pioneers of Yakima City charged the railroad with speculation, greed and thirst for power. The people of Yakima City persuaded Judge George Turner to order the railroad to reestablish passenger and freight service to the old town site. Eventually, however, most of the inhabitants of the old town site moved to North Yakima, and in 1917 North Yakima became Yakima and Yakima City was renamed Union Gap.)

The people of North Yakima argued that their city was more centrally located, and was readily accessible by railroad. Yakima's blandishments included an escrowed deed to 50 acres of land for a capital campus on a hill overlooking the city, $10,000 in cash for a capitol building, and another $2,000 for the expense of moving. Ellensburgh, ever vigilant, sent a delegation to Olympia to lobby against North Yakima. Mires was included in that delegation. His diary records that he attended numerous committee meetings and hearings, that this was his first trip to Puget Sound, and that he was “extremely homesick to see my dear wife and babes.” The territorial house rejected North Yakima’s proposal by a vote of 11 to 12.

With the passage of the omnibus bill admitting Washington into the union, the battle for the capital shifted to the constitutional convention. North Yakima and Ellensburgh mounted the most serious challenges to Olympia, with Pasco, Centralia, Waterville and Waitsburg also making bids.

Ellensburgh real estate promoters platted an addition to the city called Washington State Capital Park. Not to be outdone by North Yakima’s land grant, the Ellensburgh promoters set aside a capital campus as a “free gift to the citizens of the City of Ellensburgh and State of Washington...” and gave platted lots in Washington State Capital Park to newspapers which published editorials favoring Ellensburgh as a capital site.

Both cities pressed hard. Ellensburgh rented two rooms in Olympia to serve as its convention headquarters; North Yakima had its own lobbying headquarters, where the delegates freely sampled the finest products of Yakima Valley’s vineyards. Strangely, Mires never mentions the Ellensburgh hospitality suite in his diary. He may have used the suite for his regular poker games with other convention delegates. These games were apparently substantial, occasionally lasting all night, in which Mires’ winnings and losses ranged from a low of one dollar on one night to a high of $331 on another. His overall winnings during the convention totaled $1,494, and his losses $898, a net gain of $596. One of his most colorful diary entries records a poker game on July 25: “The lamp was knocked over by Manley and we had a time to put out the fire with bucket. Scattered our money and checks everywhere.”

The citizens of Olympia appear to have exerted the most effective influence on the convention delegates. The Board of Trade spent $4,000 redecorating the territorial capital. A Tacoma newspaper reporter quoted Territorial Treasurer Frank I. Blogett’s comment that Ellensburgh would fight vigorously to get the capital:

> Representative men of that thieving city will be here during the session in the interest of a clause in the constitution making Ellensburgh the capital city.

(Several days later the paper published a correction, explaining that the reporter had written “thriving city” and that a typographical error had slipped through the proofreading process.)

The Olympia Board of Trade engineered a second public relations coup when it hosted an enormous clambake for the delegates on July 23, the day a proposition was introduced to locate the seat of state government at Olympia. The convention adjourned at 10:30 a.m. to attend the clambake. Mires wrote: “Butler’s Cove is a beautiful place. We had all the clams we could eat, returned home in evening.” The City of Olympia virtually closed down, and 2,000 people were ferried up Budd’s Inlet to Butler's Cove to feast on clams. By all reports, the occasion was a great success. The Olympia Washington Standard bristled at the suggestion of another newspaper that the clambake had been a “clever and shrewd move” designed to influence the delegates.
in Olympia's favor:

It is nothing new for Olympia to entertain her guests in royal style. She has always treated visiting delegations from abroad in a manner that enlisted the most hearty encomiums. There has never been a session of the legislature which was not made to feel at home by some such attention as was bestowed Tuesday on the constitution makers. These courtesies generally take the form of indoor receptions, as the season when the legislative solons assembled would not permit of picnics or clambakes.

Had there been no thought of a capital location, it is safe to say that the clambake would have taken place just the same.

Afterward, the capital committee, chaired by an Olympia delegate and with five of seven members from western Washington, recommended locating the capital permanently at Olympia. When the Tacoma Ledger disclosed the plan, the ensuing storm of protest forced the committee to reconsider; eventually they recommended to the full convention that the capital location question be submitted to the electorate. The delegates adopted the committee proposal, providing for a runoff the next year if one city failed to receive a clear majority. Several years would be required to build a new capital, thus assuring that Olympia would retain the capital for at least five years.

The Ellensburg newspapers had favored submission of the capital question to the popular vote, and were pleased with the action of the convention. Mires mentioned the action of the convention in his diary, and observed, "Today Godman went back on our agreement with me." What did Mires mean? Melvin M. Godman was a lawyer from Dayton in Columbia County, east of Walla Walla. Godman proposed a section which authorized the Legislature to appropriate funds for "repairs and enlargement of the capital or state buildings at Olympia as shall be deemed necessary and proper... until the seat of government is permanently fixed..." No such provision had appeared in Mires' draft of capital placement legislation. Perhaps he feared that the Legislature would seize the opportunity to improve the state facilities at Olympia to the extent that the voters would be reluctant to relocate the capital.

The battleground now shifted to the newspapers, as the competing cities presented their claims to the public at large. Negative publicity campaigns are apparently an enduring feature of the American political scene. Rival newspapers not only touted the virtues of their own cities, they denigrated claims of other cities. The Olympia Washington Standard pointed to Olympia's convenient location ("so grandly situated at the headwater of the grand Mediterranean of America"), pleasant climate, and history ("a city honored by being the residence of General Isaac I. Stephens, who in gallantly defending the American Union, laid his noble life on the altar of his country and whose faith in and
devotion to this great commonwealth and this city as its capital was most emphatic and enthusiastic.”

Both North Yakima and Ellensburgh pointed to their central locations as the dispositive issue. All that remained for each of these two “centrally located” cities was to criticize the unsuitability of its rival. The North Yakima Washington Farmer argued that Ellensburgh was “cold and frosty... without hotel or running water...” and that “there are five times as many saloons as North Yakima.” The Ellensburgh Capital indignantly struck back at North Yakima as “the property of the Northern Pacific Railway,” claiming that Ellensburgh owed “no allegiance to corporation influence.”

The Walla Walla Journal predicted that “So long as Ellensburgh will insist on spelling the name with an 'h' at the end, we fear that the superfluous letter will be the straw that will break the camel's back.” Whether or not the “h” affected Ellensburgh’s prospects, the city finished third in the 1889 capital campaign with 12,833 votes, behind North Yakima’s 14,711, and Olympia’s 25,490. No city receiving a majority, a runoff was held among the top three contenders in 1890. This time Olympia decisively won the election with 37,413 votes, against North Yakima’s 6,276 and Ellensburgh’s 7,722.

Mires’ Later Life

Mires continued actively to practice law and to participate in the political process. He was president of the Washington State Bar Association in 1901, Ellensburgh city attorney for three years, Kittitas County prosecuting attorney for two years, state legislator for one term, Kittitas County superior court judge for a brief time, and actively participated in Republican politics for decades. Mires remained vigorous to the end. He was almost 80 years old when his good friend and fellow delegate George Turner died in January 1932. Mires left Ellensburgh on the train at 4:10 a.m., attended Turner’s funeral in Spokane, went to the cemetery in the sub-zero winter weather, and returned home at 2:10 a.m. He arose that day at 9 a.m., went to the office through the snow, and worked all day. In January 1936, Mires attended an Old Pioneers dance and recorded that “I danced many square dances.”

Two weeks before his death Austin Mires was again recognized for his part in the history of Ellensburgh:

In evening [daughter] Eve and I attended celebration of the 50th anniversary of Ellensburgh, the coming of the NPRR et al. Immense crowd. Gov. Martin made a good American speech. They presented me an immense cake as first mayor of Ellensburgh. When they called on me to speak the whole audience arose and cheered.

Austin Mires’ final diary entry was February 27, 1936. He died a week later at 84, leaving James Hungate as the last surviving delegate to the Washington Constitutional Convention.

The “h” was dropped from “Ellensburgh” at the request of the Post Office. This article uses the 1889 spelling.

Note on sources:
The papers of Austin Mires, including his diaries, were purchased by the Washington State University Library, which has published a very helpful index to his papers. I greatly appreciate the assistance of Lawrence Stark, assistant archivist at the WSU Libraries. Dr. Arthur S. Beardsley wrote two thorough articles on efforts to relocate the capital, published in Vol. 32, Pacific Northwest Quarterly, pp. 239-87 and 401-24 (1941). The Quarterly also carried an excellent article on early day Ellensburgh by Samuel Mohler, “Boom Days in Ellensburgh, 1888-1891,” 36 P.N.Q. 289 (1945).