

July, 9th, 1889

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:

P. C. Sullivan, J. Z. Moore, Dyer, Glascock, Waltman, Burk, Neace.

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, Griffiths, 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:

Stiles, Lindsley, Dallam, Bowen, Glascock, E. H. Sullivan, Jeffs, Griffiths, Willison.

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:

Kinnear, Weisenburger, McCroskey, P. C. Sullivan, Neace, Sharpstein, Shoudy, Henry, Coey.

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:

Mires, Manly, R. S. More, McCroskey, E. H. Sullivan.

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:

Dunbar, Browne, Warner, Dickey, Minor, Henry, Shoudy, Schooley, Eldridge, Suksdorf, Waltman, Cosgrove, Eshelman, Joy, Kellogg.

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 Tem

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:

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

19. Mining and Mining Interests	Seven Members
20. Printing, Mileage and Contingent Expenses	Seven Members
21. Harbors, Tidewater and Navigable Streams	Nine Members
22. Homestead and Property Exemptions	Five Members
23. State, School, and Granted Lands	Fifteen Members
24. Federal Relations, Boundaries and Immigration	Five Members
25. State Medicine and Public Hygiene	Five Members
26. Rules of Order	Thirteen Members

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 recommended 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. Griffiths 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, Griffiths, Hayton, Hicks, Hungate, Jamieson, Jeffs, Jones.

Joy, Lillis, McCroskey, McDonald, McElroy, McReavey, Neace, Newton, Power, J. M. Reed, Schooley, Sohns, Stevenson, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Waltman, Warner, West, Winsor.

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. Griffiths 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, Griffiths, 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.