

Berry, Buchanan, Clothier, Comegys, Godman, Gray, Griffiths, Hayton, Hungate, Jones, McCroskey, McElroy, J. Z. Moore, R. S. More, J. M. Reed, Schooley, E. H. Sullivan, Weisenburger, West, Winsor. Absent and not voting: Blalock, Bowen, Browne, Cosgrove, Crowley, Dallam, Durie, Dyer, Fairweather, Fay, Henry, Jamieson, Jeffs, Kellogg, Kinnear, Manly, McDonald, McReavey, Neace, Newton, Sharpstein, Stevenson, Suksdorf, P. C. Sullivan, Tibbetts, Weir, Mr. President. The motion was agreed and the Convention stood adjourned to Monday, August 5th, 1889, at 9 a.m.

August 5th, 1889

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

On roll call all the members were present except Mr. Browne, and Messrs. Browne, Turner, Dallam, Griffiths, Allen were excused indefinitely.

Telegram from C. T. Uhlman regarding telegraph companies read and referred to Committee on Corporations Other Than Municipal.

Mr. Willison presented a petition from A. B. Kibber and many others relative to a Board of Health, read and referred to Committee on State Hygiene and Public Health.

Also a petition relative to women's suffrage, read and referred to the Committee on Elections and Elective Rights.

Telegram from D. H. Hill, Secretary Citizens Committee Port Townsend, protesting against selling tidelands. Read and ordered to lie on the table for information.

Telegram from Tom W. Wampler, read and ordered to lie upon the table. By Mr. Prosser of Yakima a proposition relating to forests on granted lands. Read and referred to Committee on State, School and Granted Lands.

Mr. Bowen asked the privilege of the floor for Gen. R. H. Milroy. Mr. Mires asked the same privilege for Hon. R. C. Kerr. Granted.

Chief Clerk John I. Booge asked for ten days leave and stated that if agreeable to the Convention, Capt. P. B. Johnson would act

in his place during his absence. Leave was granted and Mr. Johnson was elected and sworn in.

Mr. Sharpstein from the Committee on Miscellaneous Subjects, Schedule and Future Amendments submitted an article on amendments. See minority report—page 228. Mr. Buchanan submitted a minority report on the same subject.

Mr. Comegys gave notice that he would tomorrow move to reconsider the vote by which the article on cession to the United States of jurisdiction over military and naval reservations was lost.

Mr. Turner from the Committee on Judicial Department submitted an article "In Impeachments."

To the Hon. the President and Members of the
Constitutional Convention:

Your Committee on the Judicial Department to which was referred the proposition introduced by the Hon. H. E. Allen concerning compensation for public officers by salary and of fees, respectfully return the same herewith and recommend that the said proposition be not adopted.

Respectfully submitted,

GEORGE TURNER

Chairman *

T. C. GRIFFITTS

In the Convention
Committee on Judicial Department
Impeachment

Mr. President and Members of the Convention:

Your Committee on the Judicial Department which was directed by resolution of the Convention to frame and report an article on the subject of impeachment, respectfully report the article hereto attached, consisting of three sections, and recommends the adoption of the same.

Respectfully submitted,

GEORGE TURNER, *Chairman**

T. C. GRIFFITTS, *Secretary*

T. L. STILES

D. J. CROWLEY

* Stricken in journal.

Article

Section 1. The House of Representatives shall have the sole power of impeachment. The concurrence of a majority of all the members shall be necessary to an impeachment. All impeachments shall be tried by the Senate and when sitting for that purpose, the Senators shall be upon oath or affirmation to do justice according to law and evidence.

When the Governor or Lieutenant Governor is on trial, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without a concurrence of two-thirds of the Senators elected.

Section 2. The Governor and other state and judicial officers, except Judges and Justices of Courts not of record, shall be liable to impeachment for high crimes or misdemeanors or malfeasance in office and disqualification to hold any office of honor, trust or profit in the state. The party, whether convicted or acquitted, shall nevertheless be liable to prosecution, trial, judgment and punishment according to law.

Section 3. All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.

Read first and second time and ordered printed.

Also an article on eminent domain for drains, ditches, etc.

In the Convention
Committee on Judicial Department
Substitute for Section 16

Article

Mr. President and Members of the Convention:

Your Committee on the Judicial Department, to which was referred the Preamble and Bill of Rights for the purpose of having drafted and reported a substitute for Section 16 of said article, respectfully report the section hereto attached and recommend its adoption.

Respectfully submitted,
GEORGE TURNER, *Chairman*
T. C. GRIFFITTS, *Secretary*
T. L. STILES
D. J. CROWLEY

I do not concur in the first paragraph of the report herein.

M. M. GODMAN

Section 16. Private property shall not be taken for private use, except for private ways of necessity and for drains, flumes or ditches on or across the lands of others for agricultural, mining, milling, domestic or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, and no right of way shall be appropriated to the use of any corporation other than municipal, until full compensation therefor be first made in money or ascertained and paid into the court for the owner, irrespective of any benefit from any improvement proposed by such corporation which compensation shall be ascertained by a jury, unless a jury be waived as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.

Read first and second time and ordered printed.

Also adverse report on proposition of Hon. H. E. Allen concerning compensation of public officers.

To the Hon. President and Members of the Constitutional Convention:

Your Committee on the Judicial Department to which was referred the proposition introduced by the Hon. H. E. Allen concerning compensation of public officers by salary and of fees, respectfully return the same herewith and recommend that the said proposition be not adopted.

Respectfully submitted,

GEORGE TURNER, *Chairman*

T. C. GRIFFITTS, *Secretary*

Ordered to lie on the table.

Also adverse report on proposition of Hon. J. M. Reed concerning legal holidays.

To the Hon. President and Members of the
Constitutional Convention:

Your Committee on the Judicial Department to which was referred the proposition introduced by the Hon. J. M. Reed concerning legal holidays respectfully return the same herewith and recommend that said proposition be not adopted.

Respectfully submitted,
GEORGE TURNER, *Chairman*
T. C. GRIFFITTS, *Secretary*

Ordered to lie on the table.

Also adverse report on proposition of Hon. H. E. Allen concerning statutes of limitations.

To the Hon. President and Members of the
Constitutional Convention:

Your Committee on the Judicial Department, to which was referred the proposition introduced by the Hon. H. E. Allen concerning the enactment of a statute of limitations against the state, respectfully return the same herewith and recommend that said proposition be not adopted.

Respectfully submitted,
GEORGE TURNER, *Chairman*
T. C. GRIFFITTS, *Secretary*

From page 225.

Mr. Sharpstein from Committee on Miscellaneous Subjects, Schedule and Future Amendments submitted an article on amendments, also a minority report on the subject as follows:

Mr. President and Members of the Convention:

Your Committee on Miscellaneous Subjects, Schedule and Future Amendments submit and respectfully recommend the adoption by this Convention of each of the sections in the article hereto attached, and the same be incorporated as an article in the Constitution, to be submitted to the people to be voted for as the Constitution of the State of Washington.

Article

Amendments

Section 1. Any amendment or amendments to this Consti-

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

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

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

Respectfully submitted,

B. L. SHARPSTEIN, *Chairman*

S. A. DICKEY, *Secretary*

GEO. COMEGYS

MATT. J. MCELROY

JOHN M. REED

W. B. GRAY

ROBT. JAMIESON

I the undersigned member of your Committee on Miscellaneous Subjects, Schedule and Future Amendments submit the following article and recommend that it be adopted.

Amendments

Any amendment or amendments to this Constitution may be proposed in either house of the Legislature, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon and referred to the Legislature to be chosen at the next general election, and shall be published for three months previous to the time of holding such election; and if in the Legislature so next chosen such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people in such manner and at such times as the Legislature shall prescribe, and if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become part of the Constitution.

Provided that if more than one amendment be submitted, they shall be submitted in such manner that the people can vote for or against such amendments separately.

Section 2. If at any time a majority of the Legislature, by a yea and nay vote in each house, shall deem it necessary to call a convention to revise or change this Constitution, they shall recommend to the electors to vote for or against a convention at the next election for members of the Legislature, and if it shall appear that a majority of the electors voting thereon have voted for a convention, the Legislature shall at its next session provide for calling such convention.

D. BUCHANAN.

On motion of Mr. Griffitts, the article on prohibition reported by the Committee on Miscellaneous Subjects, Schedule and Future Amendments was laid over for the day.

On motion of Mr. Dyer the Convention went into committee of the whole to consider the article on water and water rights with Mr. Dyer in the chair.

After being in session a few minutes, the committee rose and reported the article back with recommendation that it be recom-

mitted to the standing Committee on Water and Water Rights. So ordered.

The report of Committee on State, School and Granted Lands was passed for the day.

Mr. Griffiths moved to suspend the rules and take up for consideration the report of the Committee on Judicial Department on eminent domain. Carried.

Convention went into committee of the whole with Mr. Comegys in the chair to consider article on eminent domain.

Committee of the whole rose, reported that the article had been adopted and asked that the same be printed. So ordered.

On motion of Mr. Griffiths, the Convention suspended the rules and reconsidered the article on cession to United States of jurisdiction over military and naval reservations.

The question being shall the article be adopted, the following fifty-six members voted aye: Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dickey, Durie, Dyer, Eldridge, Eshelman, Faye, Godman, Gowey, Gray, Griffiths, Hayton, Hicks, Hungate, Jamieson, Jones, Joy, Kellogg, Lindsley, McCroskey, McDonald, McElroy, Minor, Mires, R. S. More, Morgans, Neace, Newton, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Warner, Weir, West, Willison, Winsor, Mr. President.

The following six members [voted] no: Dunbar, Glascock, J. Z. Moore, Prosser, Van Name, Weisenburger. And the following members absent and not voting: Allen, Browne, Dallam, Fairweather, Henry, Jeffs, Kinnear, Lillis, Manly, McReavy, Power, Suksdorf, Turner. So the article was adopted.

On motion of Mr. Dyer, the report of the Committee on Miscellaneous Subjects, Schedule and Future Amendments, recommending the submission of a separate article on prohibition, was taken up.

Mr. Shoudy moved to indefinitely postpone the article. The question being shall the article be indefinitely postponed, the following ten members voted aye: Clothier, Coey, Gray, Griffiths, Hayton, McDonald, R. S. More, Morgans, Shoudy, Travis.

The following fifty-two members voted no: Berry, Blalock, Bowen, Buchanan, Burk, Comegys, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gowey, Hicks, Hungate, Jamieson, Jones, Joy, Kellogg, Lindsley, McCroskey, McElroy, Minor, Mires, J. Z. Moore, Neace, Newton, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Tibbetts, Van Name, Warner, Weir, Weisenburger, West, Willison, Winsor, Mr. President. Absent and not voting: Allen, Browne, Dallam, Fairweather, Henry, Jeffs, Kinnear, Lillis, Manly, McReavey, Power, Suksdorf, Turner. So the Convention refused to indefinitely postpone the article.

Mr. Minor moved that the article be adopted for the purpose of being submitted as a separate article to the decision of the people.

The question being shall the article be adopted, the following fifty-one members voted aye: Berry, Blalock, Bowen, Buchanan, Burk, Coey, Comegys, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gowey, Griffiths, Hungate, Jamieson, Jones, Joy, Kellogg, Lindsley, McCroskey, McElroy, Mires, J. Z. Moore, Morgans, Neace, Newton, Prosser, J. M. Reed, T. M. Reed, Schooley, Sohns, Sturdevant, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Warner, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

The following eleven members voted no: Clothier, Gray, Hayton, Hicks, McDonald, R. S. More, Sharpstein, Shoudy, Stevenson, Stiles, Van Name. Absent and not voting: Allen, Browne, Dallam, Fairweather, Henry, Jeffs, Kinnear, Lillis, Manly, McReavey, Power, Suksdorf, Turner. So the article was adopted.

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

President Hoyt submitted a telegram from S. C. Herron and others of Winlock in relation to railroad privileges which was laid on the table.

† This paragraph is in the margin of the Journal.

On motion of Mr. Minor the Convention at 10:45 a.m. took a recess until 2 p.m.

Convention reassembled at 2 p.m. President Hoyt in the chair. The rules were suspended by unanimous consent and Mr. Warner from the Committee on State, School and Granted Lands submitted a minority report which was read and ordered printed as follows:

In the Convention

Committee on State, School and Granted Lands

Report of Mr. Warner

Article

Mr. President and members of the Convention:

I concur on majority report of Section 1, Section 2 and Section 5. Substitute for Sections 3 and 4 of the majority report of the Committee on State, School and Granted Lands.

Section 3. The lands of the state, whether acquired by grant or by virtue of its sovereignty, shall before sale, be by a board of appraisers, appraised without improvements, and if any substantial and permanent improvements have been made thereon prior to the 22nd day of February, 1889, such improvements shall be separately appraised when said lands may be sold at public auction to the highest bidder, but should the purchaser of said lands be the bona fide owner of such substantial and permanent improvements, then said purchaser shall be allowed to deduct the value of the improvements from the purchase price. Provided that said deduction shall not decrease the amount to be paid for any of said land below the appraised value thereof exclusive of the improvements or the minimum fixed by the Granting Act.

I concur in this much of Cosgrove's report.

C. H. WARNER.

Substitute for Section 4, majority report.

The Legislature, at its first session, or as soon thereafter as may be practicable, shall empower the Commissioners of each county to lease or sell any of the school lands of the state situated in their respective counties, on such terms as may be prescribed by law, provided that the Commissioners in the sale of said lands

shall require one-fifth of the purchase price thereof to be paid in advance and the purchaser to give a mortgage on the said lands so sold for the remainder of the purchase price, which mortgage shall become due and payable thirty years after the date of said sale, and shall draw annually such interest as may by law be provided.

Lands principally valuable for timber only shall not be sold, but the County Commissioners may sell from time to time, and in such quantities, at public action to the highest bidder the timber thereon, by stumpage under such rules and regulations as may be prescribed by law. Lands valuable for coal shall only be based at a royalty fixed by law, and all money received from the sale of school lands or stumpage of said land shall be held as an irreducible school fund. To fully carry out this provision said money shall be invested in United States, county and municipal bonds and not otherwise, but the income arising therefrom, together with any money received for leases, shall be distributed for the benefit of the common schools as may be provided by law.

C. H. WARNER

Mr. Gowey from the Committee on Revenue and Taxation submitted reports which were read and ordered printed as follows.

In the Convention

Committee on Revenue and Taxation

Article

Mr. President and Members of the Convention:

Your Committee on Revenue and Taxation respectfully report the following article, designated Revenue and Taxation, consisting of thirteen sections, and recommend the adoption thereof by this Convention.

Section 1. The Legislature shall provide by law for an annual tax sufficient, with other sources of revenue, to defray the estimated ordinary expenses of the state for each fiscal year, not to exceed in any one year three mills on the dollar of the assessed valuation of all taxable property in the state, to be ascertained by the last assessment made for state and county purposes. And for the purpose of paying the state debt, if there be any, the Legislature shall provide for levying a tax annually, sufficient to pay the

annual interest, and principal of such debt within twenty years from the final passage of the law creating the debt.

Section 2. The Legislature shall provide by law a uniform and equal rate of assessment and taxation on all property in the state according to the value in money, and shall prescribe such regulations by general law as shall secure a just valuation for taxation of all property so that every person and corporation shall pay a tax in proportion to the value of his, her or its property provided that a deduction of debts from credits may be authorized. And the Legislature shall provide by general law for the assessing and levying of taxes on all corporation property as near as may be by the same methods as are provided for the assessing and levying of taxes on individual property.

Section 3. Land and the improvements thereon shall be separately assessed.

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

Section 5. All laws exempting property from taxation, other than the property above enumerated, shall be void.

Section 6. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the state shall be a party.

Section 7. No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of the same, to which only it shall be applied.

Section 8. All laws authorizing the borrowing of money, by and on behalf of the state, shall specify the purpose for which the money is to be used and the money so borrowed shall be used for the purpose specified and no other.

Section 9. All taxes levied and collected for state purposes shall be paid into the State Treasury.

Section 10. An accurate statement of the receipts and expenditures of the public moneys shall be published annually in such manner as the Legislature may provide.

Section 11. Whenever the expenses of any fiscal year shall exceed the income, the Legislature shall provide for levying a tax for the ensuing fiscal year sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of the ensuing fiscal year.

Section 12. The Legislature may vest the corporate authorities of cities, towns, and villages with power to make local improvements by special assessment, or by special taxation of property benefited. For all corporate purposes all municipal corporations may be vested with authority to assess and collect taxes, and such taxes shall be uniform in respect to persons and property within the jurisdiction of the body levying the same.

Section 13. All stationery and other articles required for the use of the state shall be furnished under such regulations as may be prescribed by law, but no state officer or member of the Legislature shall be interested in any contract, or bid for furnishing such stationery or articles.

We have duly considered the several propositions referred to us and have incorporated in this article such portions of the same as we deem proper, and we return the originals with this report.

Respectfully submitted,

JOHN F. GOWEY, *Chairman*

S. H. BERRY, *Secretary*

TRUSTEN P. DYER

O. A. BOWEN

LOUIS SOHNS

H. W. FAIRWEATHER

In the Convention
Committee on Revenue and Taxation
Minority Report
Article

Mr. President and Members of the Convention:

I do not concur in Section 1 of foregoing report and recommend the following in its stead:

Section 1. All property in the state not exempt under the laws of the United States shall be taxed in proportion to its value to be ascertained as provided by law. The word "property" as used in this article and section is hereby declared to include moneys, credits, bonds, stock, franchises and all other matters and things real, personal and mixed capable of private ownership.

I do not concur in Section 2 of report and recommend the following in its stead:

Section 2. Land and improvements thereon shall be separately assessed; cultivated and uncultivated land of the same quality and similarly situated shall be assessed at the same value.

I do not concur in Section 4 of report and recommend the following in its stead:

Section 4. The property of the United States and the property of the state and counties; property of municipalities, public school property, cemeteries not owned or used for private or corporate [benefit]* profit and public libraries shall be exempt from taxation. Growing crops, and personal property to any amount not exceeding in value two hundred and fifty dollars to the head of each family may be exempted from taxation by the Legislature. The Legislature may provide for a deduction of debts from credits.

M. H. GODMAN
H. F. SUKSDORF

In the Convention
Committee on Revenue and Taxation
Minority Report
Article

Mr. President and Members of the Convention:

I concur in the foregoing and recommend that the following

* Stricken in journal.

be added to Section 3. "Cultivated and uncultivated land of the same quality and similarly situated shall be assessed at the same value."

I also recommend the adoption of the following to be numbered Section 14.

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

S. H. BERRY

Mr. Lillis reported present.

Mr. J. Z. Moore from the Committee on Legislative Department submitted a report which was read and ordered printed as follows:

In the Convention
Committee on Legislative Department

Article.

Mr. President and Members of the Convention:

Your Committee on the Legislative Department submit and respectfully recommend the adoption of the following report to wit:

Article

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

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

The number of Senators shall not be more than one-half nor less than one-third of the number of members of the House of Representatives.

The first Legislature shall be composed of seventy members of the House of Representatives and thirty-five Senators.

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

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

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

Section 6. The Senators shall be elected by single districts of convenient and contiguous territory at the same time and in the same manner as members of the House of Representatives are required to be elected; and no representative district shall be

divided in the formation of a senatorial district. They shall be elected for the term of four years, one-half of their number retiring every two years. The senatorial districts shall be numbered consecutively, and the Senators chosen at the first election had by virtue of this Constitution in the odd-numbered districts shall go out of office at the end of the first year, and the Senators elected in the even-numbered districts shall go out of office at the end of the third year, and thereafter the Senators shall be elected for the term of four years.

Section 7. No person shall be eligible to the Legislature who shall not be a citizen of the United States and have resided two years within the state and be a qualified voter in the district where he is chosen, provided that at the first election every citizen of the United States who is a qualified voter when elected shall be eligible.

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

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

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

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

Section 12. The first Legislature shall meet on the first

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

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

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

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

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

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

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

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

Section 20. Any bill may originate in either house of the Legislature and a bill passed by one house may be amended in the other.

Section 21. The yeas and nays of the members of either house shall be entered on the journal on the demand of one-sixth of the members present.

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

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

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

Section 25. The Legislature shall provide by law that all stationery required for the use of the state, and all printing authorized and required by it, to be done for its use or for the state, shall be let by contract to the lowest bidder, but the Legislature may establish a maximum price, provided in case of emergency the Legislature may otherwise provide. No member of the Legislature or other state officer shall be interested in any such contract, either directly or indirectly.

Section 26. The Legislature shall never grant any extra compensation to any public officer, agent, servant or contractor, after the service shall have been rendered, or the contract entered into; nor shall the compensation of any public officer be increased or diminished during his term of office.

Section 27. The Legislature shall direct by law, in what manner, and in what courts, suits may be brought against the state.

Section 28. Members of the Legislature and the officers thereof, before they enter upon their official duties, shall take and subscribe the following oath or affirmation. "I do solemnly swear (or

affirm) that I will support the Constitution of the United States and the Constitution of the State of Washington, and will faithfully discharge the duties of (Senator, Representative or officer) according to the best of my abilities, and that I have not knowingly or intentionally paid or contributed any or made any promise in the nature of a bribe, directly or indirectly, to influence any vote at the election at which I was chosen to fill said office, and have not accepted, nor will I accept, directly or indirectly, any money, pass or other valuable thing from any corporation, company, or person for any vote or influence I may give or withhold on any bill or resolution or appropriation or for any other official act." This oath shall be administered by a judge of the Supreme or Superior Court, or the presiding officer of either house, in the hall of the house to which the member is elected, and the Secretary of State shall record and file the oath subscribed by each member and officer. Any member or officer who shall refuse to take the oath herein prescribed shall forfeit his office.

Any member or officer of the Legislature who shall be convicted of having sworn falsely to, or violated his said oath, shall forfeit his office, be disqualified thereafter from holding the office of Senator or member of the House of Representatives, or any office within the gift of the Legislature, and such additional punishment as may be provided by law.

Section 29. In all elections by the Legislature the members shall vote viva voce, and their votes shall be entered on the journal.

Section 30. Special legislation. The Legislature is prohibited from enacting any private or special law in the following cases:

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

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

3rd. For authorizing persons to keep ferries wholly within this state.

4th. For authorizing the sale or mortgage of real or personal property of minors, or others under disability.

5th. For locating or changing any county seat.

6th. For assessments or collection of taxes, or for extending the time for collection thereof.

7th. For granting corporate powers or privileges.

8th. For authorizing the apportionment of any part of the school fund.

9th. For incorporating any town or village or to amend the charter thereof.

10th. From giving effect to invalid deeds, wills or other instruments.

11th. Releasing or extinguishing in whole or in part the indebtedness, liability or other obligation of any person or corporation to this state, or to any municipal corporation therein.

12th. Declaring any person of age or authorizing any minor to sell, lease, or encumber his or her property.

13th. Legalizing, except as against the state, the unauthorized or invalid act of any officer.

14th. Granting to any corporation, association or individual any special or exclusive right, privileges or immunity.

15th. Exempting property from taxation.

16th. Restoring to citizenship persons who have been convicted of bribery or other infamous crimes.

17th. Regulating the rates of interest on money.

18th. Remitting fines, penalties or forfeitures.

19th. Providing for the management of common schools.

20th. Creating offices, or prescribing the powers and duties of officers in counties, cities and townships, elections or school districts.

21st. Authorizing the adoption of children.

22nd. For limitation of civil or criminal actions.

23rd. In other cases where a general law can be made applicable.

24th. Changing county lines or locating county seats.

Section 31. The Legislature shall provide by general laws for the transaction of any business that may be prohibited by Section 30 of this article, and all such laws shall be uniform in their operation throughout the state.

Section 32. After the first day of January, eighteen hundred

and ninety, the labor convicts of this state shall not be let out by contract to any person, co-partnership, company or corporation, and the Legislature shall by law provide for the working of convicts for the benefit of the state.

Section 33. Any person who directly or indirectly shall offer, give or promise any money or thing of value, testimonial, privilege or personal advantage to any executive or judicial officer, or member of the Legislature, to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and shall be punished in such manner as provided by law.

The offense of corrupt solicitation of members of the general assembly, or of public officers of the state or any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action shall be defined by law and shall be punished by fine and imprisonment.

Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding except for perjury in giving such testimony, and any person convicted of either of the offenses aforesaid shall, as part of the punishment therefor, be disqualified from ever holding any position of honor, trust or profit in this state.

A member who has a private interest in any bill or measure prepared or pending before the Legislature shall disclose the fact to the house of which he is a member and shall not vote thereon.

Section 34. No law except appropriation bills shall take effect until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency (which emergency must be expressed in the preamble or in the body of the act) the Legislature shall otherwise direct by a vote of two-thirds of all the members elected to each house; said vote to be taken by yeas and nays and entered on the journals.

Section 35. No bill shall become a law until the same shall have been signed by the presiding officer of each of the two houses

in open session and under such rules as the Legislature shall prescribe.

Section 36. The ownership of lands by aliens is detrimental to the best interests of the state, and is therefore prohibited in this state except where acquired by inheritance or in good faith in the ordinary course of justice in the collection of debts heretofore created, and all conveyances of lands hereafter made to any alien directly or in trust for such alien shall be void. Provided that the provisions of this section shall not apply to lands containing valuable deposits of precious metals, copper or lead, and the necessary land for mills and other machinery to mine and reduce the ores thereof.

Section 37. Every corporation, the majority of the capital stock of which is owned by aliens, shall be considered an alien corporation for the purposes of this prohibition.

Section 38. Mechanics, laborers and material men shall have liens upon the property of their employers for labor performed or material furnished, and the Legislature shall provide for the summary enforcement of the same.

Section 39. There shall be established in the office of Secretary of State a Bureau of Statistics, Agriculture and Immigration under such regulations as the Legislature may provide.

Section 40. The Legislature shall pass necessary laws for the protection of persons working in mines, factories and other employments dangerous to life or deleterious to health, and fix pains and penalties for the enforcement of same.

Your Committee has duly considered the several propositions of Berry, Dyer, Fairweather, Gowey, Griffiths, Hicks, Jones, Joy, Newton, T. M. Reed, Schooley, Shutt, Turner and Weisenburger, the Tacoma Typographical Union and the Columbia Council Patrons of Husbandry referred to it from time to time.

The propositions of "The Columbia Council Patrons of Husbandry" were acted on by the Committee on the Judicial and Executive Departments before they were referred to this Committee and some other of the propositions have also been acted on by other committees.

Such of the remaining propositions as your Committee thought

advisable, it has incorporated in this article and the originals are herewith returned to this Convention.

All of which is respectfully submitted.

JAMES Z. MOORE, *Chairman*
CHAS. P. COEY, *Secretary*
D. BUCHANAN
G. H. STEVENSON
LOUIS NEACE
MORGAN MORGANS
GEORGE W. TIBBETTS
W. B. GRAY
JOHN MCREAVEY

We do not concur in Section 32.

G. H. STEVENSON
W. B. GRAY

At 2:35 p.m. Mr. Griffiths moved to go into committee of the whole to consider the report of the Committee on Corporations Other Than Municipal. Carried and the Convention went into committee of the whole with Mr. Bowen in the chair.

At 6:20 p.m. President Hoyt resumed the chair, and Mr. Bowen from committee of the whole reported that the committee had made amendments to the article on Corporations Other Than Municipal and recommended the adoption of the article as amended.

Mr. Griffiths moved recess to 8 p.m.

Mr. Sohns moved to adjourn. The ayes and noes were demanded and the following twenty-seven members voted aye: Buchanan, Comegys, Cosgrove, Crowley, Dickey, Durie, Dyer, Eldridge, Fairweather, Hayton, Jamieson, Jones, McCroskey, McReavey, Mires, Power, Prosser, T. M. Reed, Shoudy, Sohns, Stevenson, Stiles, E. H. Sullivan, P. C. Sullivan, Tibbetts, Weir, Winsor. The following thirty-three members voted no: Berry, Blalock, Burk, Clothier, Coey, Dunbar, Eshelman, Fay, Glascock, Godman, Griffiths, Hungate, Joy, Kinnear, Lillis, Manly, McElroy, Minor, R. S. More, J. Z. Moore, Morgans, Neace, J. M. Reed, Schooley, Sharpstein, Sturdevant, Turner, Van Name, Warner, Weisenburger, West, Mr. President.

The following members absent and not voting: Allen, Bowen, Browne, Dallam, Gowey, Gray, Henry, Hicks, Jeffs, Kellogg, Lindley, McDonald, Newton, Suksdorf, Travis, Willison. So the Convention refused to adjourn.

The question being on the motion to take a recess till 8 p.m. Mr. Shoudy moved to amend by inserting 8 a.m. tomorrow. Carried. At 6:27 p.m. the Convention took a recess till 8 a.m. August 6, 1889.

August 6th, 1889

The Convention was called to order at 8 a.m. by President Hoyt. Prayer by the Chaplain.

On roll call all answered to their names except Messrs. Cosgrove, Crowley, Fairweather, Gowey, Griffiths, Henry, Hicks, Jeffs, Manly, Mires, Powers, Stiles, P. C. Sullivan, and Messrs. Allen, Browne and Dallam on leave.

Leave of absence was granted Mr. Hicks. Messrs. Crowley, Griffiths, Stiles, Fairweather, P. C. Sullivan, Power, Mires, Manly, Cosgrove, Henry reported present.

President Hoyt submitted petition from James J. Walsh, Los Angeles, California, asking recognition for his services in Indian War of 1855-6. Referred to Committee on Federal Relations, Boundaries and Immigration.

Mr. Griffiths submitted communication from W. H. Galvani relative to State Printer and Commissioner of Labor. Referred to Committee on Printing, Mileage and Contingent Expenses.

Mr. Suksdorf submitted minority report from Committee on State, School and Granted Lands as follows:

In the Convention
Committee on State School and Granted Lands
Minority Report

Mr. President and Members of the Convention:

The undersigned members of the Committee on State, School and Granted Lands beg leave to submit this minority report and recommend that it be substituted for the majority report.