

nor their charters extended or altered nor any rights or power whatever conferred upon them by special laws.

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

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

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

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

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

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

July 11th, 1889

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

Mr. Dunbar of the Committee on State, School and Granted Lands asked leave to employ a clerk. Granted.

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

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

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

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

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

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

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

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

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

The Committee on Elections and Elective Rights hereby re-

spectfully request that they be allowed to employ a Clerk, and name Miss Lillie Brown as a proper person to be employed.

P. C. SULLIVAN

Chairman

T. P. DYER

Secretary

Leave granted.

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

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

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

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

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

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

Mr. Henry withdrew his motion.

The report was then read a second time.

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

Mr. Griffiths asked that it lie over one day under the rules.

Mr. Dunbar moved that it be taken from the rules, under Rule 42.

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

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

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

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

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

Olympia, July 11th, 1889

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

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

JOHN A. SHOUDY

Chairman

S. H. BERRY

Secretary

Leave was granted.

The following propositions were then submitted in the order following.

State of Washington

Constitution

By Mr. Weir

We the people of the State of Washington, to the end that

justice be established, order maintained and liberty perpetuated do ordain this Constitution.

Article I

Bill of Rights

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

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

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

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

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

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

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

Section 8½. A jury shall consist of twelve jurors unless the parties agree to a less number, except that in courts held by jus-

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

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

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

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

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

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

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

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

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

Section 17. Slavery shall never be tolerated in this state nor

shall there be any involuntary servitude unless for punishment for crime.

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

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

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

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

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

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

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

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

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

Read second time and referred to Committee on Preamble and Bill of Rights.

Article I

Bill of Rights

By Mr. Suksdorf

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

Proposition relative to State Lands

Article II

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

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

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

Proposition relative to election of Statistician

Article III

Executive Department

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

Section 2. It shall be the duty of the state statistician to collect, tabulate and publish, at stated times, the statistics of agriculture, manufacture, fisheries, commerce, meteorology, and education of the state.

Section 3. The legislative assembly shall provide by law the necessary means to carry out the provisions of this article.

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

Article I, Preamble and Bill of Rights;

Article II, State, School and Granted Lands;

Article III, Executive Department and Pardoning Power.

Mr. Henry introduced the following resolution and notice.

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

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

July 11th, 1889.

FRANCIS HENRY

The following proposition was then introduced.

Streets and Alleys, in Towns and Cities, and Tidelands

By Mr. Kinnear

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

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

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

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

The resolution was not seconded.

Propositions were then introduced in the following order.

Railroad Commissioners

By Mr. Buchanan

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

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

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

The salary of said Commissioners shall be not less than two thousand five hundred dollars per annum and necessary traveling

expenses while in discharge of their duty. In order to enable the said Commissioners to hear and determine complaints against railroad and other transportation companies they are hereby clothed with all the power of a court of record and they shall enforce their own decisions through the medium of the courts.

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

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

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

Very respectfully,
D. BUCHANAN,
Delegate

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

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

Article

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

† Margin note.

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

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

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

[No. 30.] †

Relating to Taxation

By Mr. Turner

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

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

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

Relating to Sectarian Schools and Institutions

By Mr. Turner

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

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

[No. 32.] †

Relating to Laborers and Mechanics

By Mr. Turner

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

† Margin note.

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

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

[No. 33.] †

Provision for the Sale of Granted Lands

By S. A. Dickey

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

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

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

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

[No. 34.] †

Eminent Domain

By Mr. Eshelman

Section 1. The right of eminent domain is hereby declared

† Margin note.

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

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

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

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

[No. 35.] †

A Proposition to Prohibit Counties, Cities, Towns and other Municipalities From Loaning Their Credit
By Mr. Stevenson

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

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

[No. 36.] †

On Taxation

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

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

† Margin note.

[No. 37.] †

Proposition on Right of Suffrage

By Mr. Weisenburger

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

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

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

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

Tidelands

By Mr. Cosgrove

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

Section 2. No individual partnership or corporation claiming or possessing the shore or tidelands of any harbor, bay, sound, inlet, estuary or other navigable water in this state shall be per-

† Margin note.

mitted to exclude the right of way to water whenever it is required for any public purpose.

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

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

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

Proposition in Relation to Banking and Banking Institutions
By Mr. Godman

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

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

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

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

Mr. P. C. Sullivan introduced the following resolution and gave notice that he would call it up tomorrow. That Rule 7 be

amended so as to read as follows: When a proposition has been referred to a standing committee a report shall be made thereon as soon as convenient. In case of unnecessary delay on the part of the committee the Convention may require a report to be made within any stated time.

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

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

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

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

July 12th, 1889

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

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

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

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

* Stricken in journal.