

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.

Article

Section 1. All the public lands of this state shall be disposed of only at public sale and at a price not less than ten dollars per acre, but said lands may, under such regulations as the Legislature shall prescribe, be leased for periods of not more than five years, except as otherwise provided in this article, and in quantities not exceeding one section to any one person or company.

Section 2. Before any such lands shall be offered for sale, the value thereof shall be appraised by a board of appraisers to be provided by law, and no sale shall be valid unless the sum bid be equal to or greater than the appraised value of said land. In estimating the value of such lands for disposal, the value of the improvements thereon on the 22nd day of February, A.D. 1889, shall be excluded and such improvements shall not be deemed the property of the state.

Section 3. Not more than one-quarter section of any lands belonging to the state shall be offered for sale in one parcel, and all lands within the limits of any incorporated city or town, or near such incorporated city or town, where the valuation of such lands shall be found by appraisalment to exceed one hundred dollars per acre, shall, before the same be sold, be platted into lots and blocks of not more than five acres in a block, and not more than one block shall be offered for sale in one parcel.

Section 4. Not more than one-third of the lands granted to the state for educational purposes shall be sold prior to January 1st, 1895, and not more than two-thirds prior to January 1st, A. D. 1900.

Section 5. The timber on any lands belonging to the state may be sold off of said lands in such manner and on such terms as may be prescribed by law.

Section 6. The state shall always retain the title and control of the landings and wharfage privileges upon the shore or tide-lands fronting upon the 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 regulation by general law as to the manner and terms of such use as the Legislature may prescribe. The Legislature permits the use of such landings and wharfage privileges for a limited time and upon just terms, to persons who

at the time of the adoption of this Constitution, shall have thereon and in actual use in commerce valuable improvements made before the adoption of this Constitution.

Section 7. The proceeds from the sale or lease of any lands belonging to the state not specifically assigned by act of Congress to a particular purpose shall be assigned to the common school fund of the state.

J. J. BROWNE
ALBERT SCHOOLEY
J. J. TRAVIS
H. F. SUKSDORF

I concur in above minority report and recommend further the following proviso to Section 2. Also recommend an additional section to be known as Section 8. Provided, that those who have made costly and valuable improvements thereon for the purpose of residences, trade, manufacture or commerce shall have a pre-emptory right, for a limited time, to be prescribed by law, to purchase so much thereof as may be covered by said improvements.

Section 8. The State of Washington disclaims any right in or claim to any of the marsh or swamped and overflowed lands covered by patents of the United States, provided the same is never impeached for fraud.

ALBERT SCHOOLEY

Which was read first and second time and ordered printed.

Mr. T. M. Reed from Committee on State Institutions and Public Buildings submitted the following report.

In the Convention

Committee on State Institutions and Public Buildings

Mr. President and Members of the Convention:

Your Committee on State Institutions and Public Buildings have the honor to report the following articles and recommend their adoption.

Article

State Institutions and Public Buildings

Section 1. Educational, reformatory and penal institutions; those for the benefit of blind, deaf, dumb or otherwise defective

youth; for the insane or idiotic and such other institutions as the public good may require, shall be fostered and supported by the state subject to such regulations as may be provided by law. The regents, trustees or commissioners of all such institutions existing at the time of the adoption of this Constitution and of such as shall thereafter be established by law, shall be appointed by the Governor by and with the advice and consent of the Senate, and upon all nominations made by the Governor, the questions shall be taken by the ayes and noes and entered upon the journal.

Section 2. All state institutions and public buildings of the state not provided for by law at the time of the adoption of this Constitution shall be located at the permanent seat of government, unless otherwise provided by law.

Article

Seat of Government

Section 1. The Legislature shall have no powers to change or to locate the seat of government of this state, but the question of the permanent location of the seat of government for the state shall be submitted to the qualified electors of the territory at the general election to be held on the first Tuesday in October, eighteen hundred and eighty-nine. A majority of all the votes cast at said election, upon said question, shall be necessary to determine the permanent location of the seat of government for the state, and no place shall ever be the seat of government which shall not receive a majority of the votes cast on the matter. In case there shall be no choice of location at said first election, the Legislature shall, at its first regular session after the adoption of this Constitution, provide for submitting to the qualified electors of the state, at the next succeeding general election thereafter, the question of choice of location between the three places for which the highest number of votes shall have been cast at the said first election. Said Legislature shall provide further that in case there shall be no choice of location of said second election, the question of choice between the two places for which the highest number of votes shall have been cast shall be submitted in like manner to the qualified electors of the state at the next ensuing general election; provided that until the seat of government shall have been permanently located as herein provided, the temporary location thereof shall remain at the city of Olympia.

Section 2. When the seat of government shall have been located as herein provided, the location thereof shall not thereafter be changed, except by a vote of two-thirds of all the qualified electors of the state voting on that question at a general election at which the question of location of the seat of government shall have been submitted by the Legislature.

Section 3. The Legislature shall have power to provide by law such means or make such appropriation from the State Treasury, for repairs and enlargement of the Capitol, or other state buildings at Olympia, as shall be deemed necessary and proper for the use of the Executive, Legislative and Judicial Departments of the state and to subserve the public good until the seat of government is permanently fixed and the public buildings erected thereat in pursuance of law.

T. M. REED, *Chairman*
 A. A. LINDSLEY, *Secretary*
 J. J. TRAVIS
 THOS. HAYTON
 J. P. T. McCROSKEY
 MATT. J. McELROY
 HENRY WINSOR

Which was read first and second time and ordered printed.

Mr. Turner moved to postpone consideration of report of committee of the whole on the article relative to corporations other than municipal. Lost. Convention proceeded to consider the amendments made by the committee of the whole.

The amendment striking out Section 7 was concurred in.

The amendment striking out Section 9 was concurred in.

The amendment striking out Section 10 was concurred in.

The amendment to Section 11 was concurred in.

The amendment striking out Section 13 was not concurred in. The ayes and noes being ordered the following nine members voted aye: Blalock, Comegys, Jamieson, Lillis, Stiles, Sturdevant, P. C. Sullivan, Turner, Van Name.

The following sixty members voted no: Berry, Bowen, Buchanan, Burk, Clothier, Coey, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glas-

cock, Godman, Gray, Griffiths, Hayton, Henry, Hungate, Jones, Joy, Kellogg, Kinnear, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Suksdorf, E. H. Sullivan, Tibbitts, Travis, Warner, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

Absent and not voting: Allen, Browne, Dallam, Gowey, Hicks, Jeffs. So the Convention refused to strike out the section.

The question being on concurring in the amendments to Section 14, the ayes and noes were ordered and the following fifty members voted aye: Blalock, Bowen, Burk, Clothier, Comegys, Cosgrove, Crowley, Dickey, Dyer, Eldridge, Fay, Godman, Hungate, Jamieson, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McElroy, McReavey, Minor, Mires, J. Z. Moore, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Van Name, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

The following eighteen members voted no: Berry, Buchanan, Coey, Dunbar, Durie, Eshelman, Fairweather, Glascock, Griffiths, Hayton, Henry, McCroskey, McDonald, R. S. More, Neace, Suksdorf, Tibbetts, Warner. Absent and not voting: Allen, Browne, Dallam, Gowey, Gray, Hicks, Jeffs. So the Convention concurred in the amendment.

Amendments to Section 15 were concurred in.

Amendment to Section 20 was concurred in.

The question being upon concurring in the amendment to Section 21, the ayes and noes were ordered and the following forty-three members voted aye: Bowen, Buchanan, Burk, Coey, Cosgrove, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Gowey, Griffiths, Hayton, Hungate, Kellogg, Kinnear, Manly, McCroskey, McElroy, Minor, Mires, J. Z. Moore, Morgans, Neace, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Suksdorf, Tibbetts, Turner, Warner, Weisenburger, Willison, Winsor, Mr. President.

The following twenty-seven members voted no: Berry, Blalock, Clothier, Comegys, Crowley, Godman, Henry, Jamieson, Jones, Joy,

Lillis, Lindsley, McDonald, McReavey, R. S. More, Newton, Sohns, Stevenson, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Travis, Van Name, Weir, West. Absent and not voting: Allen, Browne, Dallam, Hicks, Jeffs. So the Convention concurred in the amendment.

The question being on concurring in the amendment to Section 22, the ayes and noes were demanded and the following sixty-four members voted aye: Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Gowey, Gray, Griffiths, Hayton, Hungate, Jamieson, Jones, Joy, Kellogg, Lillis, Lindsley, Manly, McCroskey, McDonald, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Van Name, Warner, Weir, West, Willison, Winsor, Mr. President.

The following five members voted no: Henry, Kinnear, McElroy, Turner, Weisenburger. Absent and not voting: Allen, Browne, Dallam, Hicks, Jeffs, Stiles. So the Convention concurred in the amendments.

President Hoyt submitted a telegram from Mayor Furth of Spokane Falls as follows.

August 6, 1889
Spokane Falls

To Hon. J. P. Hoyt, Pres., Convention:

Accept best thanks of the people of Spokane Falls for yourself and members of Constitutional Convention for resolution of sympathy passed. Our losses are severe and we hope in Constitution framed you will be liberal in allowing us to incur indebtedness for necessary public improvements.

FRED FURTH, *Mayor*.

Amendments to Section 23 were concurred in.

Amendments to Section 24 were concurred in

Mr. Lindsley moved to strike out Section 21. Mr. Tibbetts moved the previous question. Lost.

Mr. Turner moved to amend by striking out all of Section 21 and inserting the following.

Section 21. A Railroad Commission consisting of three members is hereby established. Said Commissioners shall be elected by the Legislature in joint session every four years and said election shall be made within fifteen days after the commencement of the session first ensuing after the election of the members. The terms of office of the Commissioners shall be four years and they shall hold office until their successors are elected and qualified. The Commissioners shall have such powers and perform such duties as may be prescribed by law.

Mr. Dyer moved to recommit the article to the Committee on Corporations Other Than Municipal with orders to remodel. Lost. Mr. J. M. Reed called for the previous question.

Mr. Griffiths demanded the ayes and noes, and the following thirty-five members voted aye: Berry, Blalock, Bowen, Burk, Clothier, Coey, Cosgrove, Crowley, Dickey, Eshelman, Glascock, Godman, Gray, Henry, Hungate, Jones, Joy, Kellogg, Lindsley, Manly, McDonald, McReavey, Newton, J. M. Reed, Schooley, Shoudy, Sohns, Stevenson, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Van Name, Weir, West. And the following thirty-four members voted no: Buchanan, Comegys, Dunbar, Durie, Dyer, Eldridge, Fairweather, Fay, Gowey, Griffiths, Hayton, Jamieson, Kinnear, Lillis, McCroskey, McElroy, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Neace, Power, Prosser, Sharpstein, Stiles, Sturdevant, Turner, Warner, Weisenburger, Willison, Winsor, Mr. President. Absent and not voting: Allen, Browne, Dallam, Hicks, Jeffs, T. M. Reed. So the Convention ordered the previous question.

The question being on the adoption of the amendment offered by Mr. Turner, the ayes and noes were ordered and the following twenty-eight members voted aye: Buchanan, Coey, Cosgrove, Dickey, Dunbar, Durie, Dyer, Fairweather, Griffiths, Hayton, Hungate, Kinnear, McCroskey, McElroy, Minor, Mires, J. Z. Moore, R. S. More, Neace, Newton, J. M. Reed, T. M. Reed, Schooley, Tibbetts, Turner, Weisenburger, Willison, Mr. President.

The following forty-two members voted no: Blalock, Berry, Bowen, Burk, Clothier, Comegys, Crowley, Eldridge, Eshelman, Fay, Glascock, Godman, Gowey, Gray, Henry, Jamieson, Jones, Joy, Kellogg, Lillis, Lindsley, Manly, McDonald, McReavey, Mor-

gans, Power, Prosser, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Van Name, Warner, Weir, West, Winsor. Absent and not voting: Allen, Browne, Dallam, Hicks, Jeffs. So the Convention refused to adopt the amendment.

The question being on the motion to strike out Section 21, the ayes and noes were ordered and the following forty-seven members voted aye: Berry, Blalock, Bowen, Burk, Clothier, Comegys, Cosgrove, Crowley, Dickey, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Gowey, Gray, Henry, Jamieson, Jones, Joy, Lillis, Lindsley, Manly, McDonald, McReavey, Minor, Mires, R. S. More, Morgans, Power, Prosser, T. M. Reed, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Van Name, Weir, West, Winsor.

And the following twenty-three members voted no: Buchanan, Coey, Dunbar, Durie, Dyer, Griffiths, Hayton, Hungate, Kellogg, Kinnear, McCroskey, McElroy, J. Z. Moore, Neace, Newton, J. M. Reed, Schooley, Sharpstein, Turner, Warner, Weisenburger, Willison, Mr. President. Absent and not voting: Allen, Browne, Dallam, Hicks, Jeffs. So the Convention struck out Section 21.

Mr. Dyer offered the following amendment to Section 8 by striking out in first line "No corporation organized outside the limits of this state" and insert the following, "No foreign corporation shall do any business in this state without having one or more known places of business and an authorized agent or agents in the same upon whom process may be served, nor shall?,"†

The ayes and noes being ordered twenty-eight members voted aye as follows: Berry, Buchanan, Clothier, Coey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Glascock, Joy, Kinnear, Minor, Mires, J. Z. Moore, Neace, Prosser, Schooley, Sharpstein, Shoudy, E. H. Sullivan, Tibbetts, Travis, Warner, Weir, Weisenburger, Winsor, Mr. President.

The following thirty-six members voted no: Blalock, Bowen, Burk, Comegys, Cosgrove, Crowley, Fairweather, Fay, Godman, Gowey, Gray, Griffiths, Henry, Hungate, Jones, Kellogg, Lillis, Lindsley, Manly, McDonald, McElroy, McReavey, R. S. More, Morgans, Newton, Power, J. M. Reed, T. M. Reed, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Van Name, West.

† Question mark appears in Journal.

Absent and not voting: Allen, Browne, Dallam, Dickey, Hayton, Hicks, Jamieson, Jeffs, McCroskey, Turner, Willison. So the Convention refused to adopt the amendment.

Mr. J. Z. Moore offered the following additional section to the article.

Section. No railroad or other transportation company shall grant free passes or sell tickets or passes at a discount, other than as sold to the public generally, to any member of the Legislature or to any person holding public office under this state or any subdivision thereof. The Legislature shall pass laws to carry this provision into effect.

Mr. J. Z. Moore moved a call of the house. Lost.

Mr. Manly offered the following amendment "All transportation companies and common carriers shall issue free transportation to members of the Legislature when on official business." Lost.

The question being on the adoption of the additional section, the ayes and noes were ordered and the following forty-three members voted aye: Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Crowley, Durie, Dyer, Eldridge, Fairweather, Gowey, Griffiths, Hayton, Hungate, Jamieson, Joy, Kellogg, Kinnear, Lillis, Manly, McElroy, McReavey, Minor, J. Z. Moore, R. S. More, Morgans, Neace, Power, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Stevenson, Sturdevant, Tibbetts, Travis, Warner, Weir, Weisenburger, West, Winsor, Mr. President.

The following eighteen members voted no: Berry, Blalock, Cosgrove, Dickey, Eshelman, Fay, Glascock, Gray, Henry, Jones, Lindsley, Prosser, Shoudy, Sohns, Suksdorf, P. C. Sullivan, Turner, Van Name. Absent and not voting: Allen, Browne, Dallam, Dunbar, Godman, Hicks, Jeffs, McCroskey, McDonald, Mires, Newton, [Prosser]*, Stiles, E. H. Sullivan, Willison. So the Convention adopted the section.

Mr. J. Z. Moore offered the following as an additional section to the article.

Section. It shall be unlawful for any person, company or corporation to require of its servants or employees as a condition of their employment or otherwise any contract or agreement whereby such person, company or corporation shall be released or

* Stricken in journal.

discharged from liability or responsibility on account of personal injuries received by such servants or employees while in the service of such person, company or corporation by reason of the negligence of such person, company or corporation or the agents or employees thereof, and such contracts shall be absolutely null and void. Lost.

Mr. Sharpstein offered the following amendment to Section 4. Insert in line two, between the words "shall be" and "liable" the words "jointly and severally." Carried.

Mr. Griffiths offered the following amendment to Section 23. Strike out words "upon payment of just compensation to be ascertained in the manner provided by law for condemnation of private property for public use" and add after words "companies" in third line from bottom following words "the right of eminent domain is hereby extended to all telegraph and telephone companies." Carried.

Mr. Gowey moved to amend Section 18 in line eight by inserting after the word "landing" the words "under substantially similar circumstances and conditions." Lost.

Mr. Griffiths offered the following as an additional section.

Section. Railroad companies now or hereafter organized or doing business in this state shall allow all express companies organized or doing business in this state transportation over all lines of railroad owned or operated by such railroad companies upon equal terms with any other express company, and no railroad corporation organized or doing business in this state shall allow any express corporation or company any facilities, privileges or rates for transportation of men or materials or property carried by them or for doing business of such express company not allowed to all express companies. Adopted.

Mr. McReavey moved to strike out Section 17. The yeas and noes were ordered and the following twenty-one members voted aye: Blalock, Bowen, Burk, Comegys, Crowley, Dickey, Fairweather, Gowey, Gray, Jamieson, Jones, McReavey, Minor, Morgans, Sohns, Stevenson, Stiles, Tibbetts, Weir, West, Winsor.

The following forty-three members voted no: Berry, Buchanan, Clothier, Coey, Cosgrove, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Griffiths, Hayton, Henry, Hungate, Joy,

Kellogg, Kinnear, Lillis, Lindsley, Manly, McElroy, Mires, J. Z. Moore, R. S. More, Neace, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Shoudy, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Warner, Weisenburger, Mr. President. Absent and not voting: Allen, Browne, Dallam, Hicks, Jeffs, McCroskey, McDonald, Newton, Sharpstein, Sturdevant, Van Name, Willison. So the Convention refused to strike out the section. Mr. T. M. Reed moved that the article be reprinted as follows:

In the Convention

The Article as Agreed to by the Convention

Corporations Other Than Municipal

Section 1. Corporations may be formed under general laws, but shall not be by special acts. All laws relating to corporations may be altered, amended or repealed by the Legislature at any time, and all corporations doing business in this state may, as to such business, be regulated, limited or restrained by law.

Section 2. All existing charters, franchises, special or exclusive privileges, under which an actual and bona fide organization shall not have taken place and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

Section 3. The Legislature shall not extend any franchise or charter nor remit the forfeiture of any franchise or charter of any corporation now existing, or which shall hereafter exist under the laws of this state.

Section 4. All stockholders in all incorporated companies, except corporations organized for banking or insurance purposes, shall be jointly and severally liable for the debts of the corporation to the amount of their unpaid stock and no more.

Section 5. The term corporations, as used in this article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships, and all corporations shall have the right to sue and shall be subject to be sued, in all events, in like cases as natural persons.

Section 6. Corporations shall not issue stock, except to bona fide subscribers therefor, or their assignees, nor shall any corpo-

ration issue any bond or other obligation for the payment of money, except for money or property received or labor done. The stock of corporations shall not be increased except in pursuance of a general law, nor shall any law authorize the increase of stock without the consent of the persons holding the larger amount in value of the stock, nor without due notice of the proposed increase having been previously given in such manner as may be prescribed by law. All fictitious increase of stock or indebtedness shall be void.

Section 7. No corporation organized outside the limits of this state shall be allowed to transact business within the state on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this state.

Section 8. No corporation shall lease or alienate any franchise, so as to relieve the franchise or property held thereunder from the liabilities of the lessor, or grantor, lessee, or grantee, contracted or incurred in the operation, use or enjoyment of such franchise or any of its privileges.

Section 9. The state shall not in any manner loan its credit, nor shall it subscribe to, or be interested in the stock of any company, association or corporation.

Section 10. The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the Legislature from taking the property and franchise of incorporated companies, and subjecting them to public use the same as the property of individuals.

Section 11. No corporation, association or individual shall issue or put in circulation as money anything but the lawful money of the United States. Each stockholder of any banking or insurance corporation or joint stock association, shall be individually and personally liable equally and ratably and not one for another, for all contracts, debts and engagements of such corporation or association according, while they remain such stockholders, to the extent of the amount of their stock therein at the par value thereof in addition to the amount invested in such shares.

Section 12. Any president, director, manager, cashier or other officer of any banking institution who shall receive or assent to the reception of deposits after he shall have knowledge of the fact

that such banking institution is insolvent or in failing circumstances shall be individually responsible for such deposits so received.

Section 13. All railroad, canal and other transportation companies are declared to be common carriers and subject to legislative control. Any association or corporation organized for the purpose under the laws of this state shall have the right to connect at the state line with railroads of other states. Every railroad company shall have the right with its road, whether the same be now constructed or may hereafter be constructed, to intersect, cross or connect with any other railroad, and when such railroads are of the same or similar gauge they shall at all crossings and at all points, where a railroad shall begin or terminate at or near any other railroad, form proper connections so that the cars of any such railroad companies may be speedily transferred from one railroad to another. All railroad companies shall receive and transport each the other's passengers, tonnage and cars without delay or discrimination.

Section 14. No railroad company, or other common carrier, shall combine or make any contract with the owners of any vessel that leaves port or makes port in this state, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying.

Section 15. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons or in the facilities for the transportation of the same classes of freight or passengers within this state, or coming from or going to any other state. Persons and property transported over any railroad or by any other transportation company or individual shall be delivered at any station, landing or port at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port or landing. Excursion and commutation tickets may be issued at special rates.

Section 16. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a competing line.

Section 17. The rolling stock and other movable property belonging to any railroad company or corporation in this state shall

be considered personal property, and shall be liable to taxation and to execution and sale in the same manner as the personal property of individuals, and such property shall not be exempted from execution and sale.

Section 18. The Legislature shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight, and to correct abuses and prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads and other common carriers in the state, and shall enforce such laws by adequate penalties. A railroad and transportation commission may be established and its powers and duties fully defined by law.

Section 19. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph and telephone within this state, and said companies shall receive and transmit each other's messages without delay or discrimination, and all of such companies are hereby declared to be common carriers. Railroad corporations organized or doing business in this state shall allow telegraph corporations and companies to construct and maintain telegraph lines on and along the rights of way of such railroads and railroad companies, and no railroad corporation organized or doing business in this state shall allow any telegraph corporation or company any facilities, privileges or rates for transportation of men or material or for repairing their lines, not allowed to all telegraph companies.

The right of eminent domain is hereby extended to all telegraph and telephone companies. The Legislature shall by general law of uniform operation provide reasonable regulations to give effect to this section.

Section 20. No railroad or other transportation company shall grant free passes or sell tickets or passes at a discount, other than as sold to the public generally, to any member of the Legislature or to any person holding public office under this state or subdivision thereof. The Legislature shall pass laws to carry this provision into effect.

Section 21. Railroad companies, now or hereafter organized or doing business in this state, shall allow all express companies organized or doing business in this state transportation over all

lines of railroad owned or operated by such railroad companies upon equal terms with any other express company, and no railroad corporation organized or doing business in this state shall allow any express corporation or company any facilities, privileges or rates for transportation of men or materials or property carried by them, or for doing the business of such express companies not allowed to all express companies.

Section 22. Monopolies and trusts are contrary to the best interest of free governments, and shall never be allowed in this state, and no incorporated company, copartnership or association of persons in this state 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 with any copartnership or association of persons, or in any manner whatever for the purpose of fixing the price or limiting the production or regulating the transportation of any product or commodity. The Legislature shall pass laws for the enforcement of this section by adequate penalties, and in case of incorporated companies, if necessary for that purpose, may declare a forfeiture of their property and franchise.

At 12 noon the Convention, on motion of Mr. T. M. Reed, took a recess to 2 p.m.

Convention was called to order at 2 p.m. by President Hoyt, a quorum being present. Mr. Schooley moved to postpone consideration of the reports on state, school and granted lands to Tuesday of next week, to be made special order for that day. Mr. Minor moved to make it special order for Thursday next. Amendment adopted. Ayes, twenty-seven, naves twenty-five.

Convention proceeded to consider the report of the Committee on Judicial Department submitting an article on impeachment.

On motion of Mr. Eldridge the rules were suspended and the article upon impeachment was put upon its final passage. There were sixty-five ayes and fifteen absent and not voting.

Those voting aye were Messrs. Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dickey, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Gray, Griffiths, Hayton, Hungate, Jamieson, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, Mc-

Donald, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Weir, Weisenburger, West, Winsor, Mr. President. Absent and not voting: Allen, Dallam, Gowey, Jeffs, Stiles. So the article passed as follows.

[Mr. Sharpstein moved the previous question and it was ordered.

The question being on the adoption of the substitute the ayes and noes were ordered and the following forty-four members voted aye: Berry, Blalock, Bowen, Coey, Cosgrove, Crowley, Dickey, Dunbar, Dyer, Eshelman, Fairweather, Fay, Gowey, Hayton, Jones, Joy, Kellogg, Kinnear, Lillis, Manley, McCroskey, McDonald, McElroy, Minor, Mires, R. S. More, Morgans, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Stiles, Suksdorf, P. C. Sullivan, Tibbetts, Turner, West, Winsor, Mr. President. The following eighteen members voted no: Buchanan, Burk, Clothier, Eldridge, Glascock, Godman, Gray, Griffiths, Hungate, Jamieson, Lindsley, McReavey, J. Z. Moore, Stevenson, Sturdevant, E. H. Sullivan, Travis, Weisenburger, Willison. Absent and not voting: Allen, Browne, Comegys, Dallam, Henry, Jeffs, Hicks, Sohns, Van Name, Warner, Weir. So the substitute was adopted as follows.

[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 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 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.]*

Impeachment

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, but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit to 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.

The Convention proceeded to the consideration of the substitute for Section 16 of the Preamble and Bill of Rights reported from the Committee on Judicial Department.

Mr. Godman moved to strike out parts of lines two and three beginning with words "and for drains" and ending with the words "sanitary purposes." Lost. Mr. J. Z. Moore moved to insert the word "necessary" between the words "for" and "drains" in line two. Lost.

Mr. Weir was excused for the day.

Mr. Durie offered the following: Make the latter part of the substitute read, "Whenever an attempt is made to take private

* Stricken in Journal with the note: "Error on account of Chief Clerk. Journal Clerk. P.B.J."

property for private use or for a use alleged to be public, the question whether the contemplated use be really public or a necessity in the meaning of this section shall be a judicial question." Lost.

Mr. Lillis moved to strike out the words "mining and milling" in line three. Carried.

Mr. Weisenburger moved to strike out the words "other than municipal" in line six. The ayes and noes were ordered and the following nineteen members voted aye: Buchanan, Burk, Clothier, Dickey, Dunbar, Eldridge, Godman, Griffiths, Hayton, Lindsley, McReavey, J. Z. Moore, J. M. Reed, Schooley, Stevenson, Stiles, Travis, Weisenburger, West. The following forty-five members voted no: [Berry]*, Blalock, Bowen, Coey, Crowley, Durie, Dyer, Eshelman, Fairweather, Fay, Glascock, Gowey, Gray, Hungate, Jamieson, Jones, Joy, Kellogg, Kinnear, Lillis, Manly, McCroskey, McDonald, McElroy, Minor, Mires, R. S. More, Morgans, Neace, Newton, Power, Prosser, T. M. Reed, Sharpstein, Shoudy, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Turner, Van Name, Warner, [Weisenburger]*, Willison, Winsor, Mr. President. Absent and not voting: Allen, Berry, Browne, Comegys, Dallam, Henry, Hicks, Jeffs, Sohns, Weir, so the words were not stricken out.

Mr. Godman moved to strike out all of the section down to and including the word "law" in tenth line.

On this question the ayes and noes were demanded, and the following nineteen members voted aye: Buchanan, Burk, Clóthier, Eldridge, Glascock, Godman, Gray, Griffiths, Hungate, Jamieson, McReavey, J. Z. Moore, Newton, Stevenson, Sturdevant, E. H. Sullivan, Travis, Weisenburger, Willison.

The following forty-two members voted no: Blalock, Bowen, Coey, Cosgrove, Crowley, Dickey, Dunbar, Dyer, Eshelman, Fairweather, Fay, Gowey, Hayton, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, Minor, Mires, R. S. More, Morgans, Neace, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Suksdorf, P. C. Sullivan, Tibbetts, Turner, West, Winsor, Mr. President. Absent and not voting: Allen, Berry, Browne, Comegys, Dallam, Durie, Henry, Hicks, Jeffs, Sohns, Stiles, Van Name, Warner, Weir. So the motion to strike out was not adopted.

* Stricken in journal.

Mr. Sharpstein moved the previous question and it was ordered. The question being on the adoption of the substitute the ayes and noes were ordered and the following forty-four members voted aye: Berry, Blalock, Bowen, Coey, Cosgrove, Crowley, Dickey, Dunbar, Dyer, Eshelman, Fairweather, Fay, Gowey, Hayton, Jones, Joy, Kellogg, Kinnear, Lillis, Manly, McCroskey, McDonald, McElroy, Minor, Mires, R. S. More, Morgans, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Stiles, Suksdorf, P. C. Sullivan, Tibbetts, Turner, West, Winsor, Mr. President.

The following eighteen members voted no: Buchanan, Burk, Clothier, Eldridge, Glascock, Godman, Gray, Griffiths, Hungate, Jamieson, Lindsley, McReavey, J. Z. Moore, Stevenson, Sturdevant, E. H. Sullivan, Travis, Weisenburger, Willison. Absent and not voting: Allen, Browne, Comegys, Dallam, Henry, Hicks, Jeffs, Sohns, Van Name, Warner, Weir, so the substitute was adopted as follows.

Substitute for Section 16

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, 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 paid 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.

Buchanan moved to strike out part of the substitute. The President declared the motion out of order as the subject matter had already been disposed of.

The article on Preamble and Bill of Rights was ordered printed as amended and ordered to third reading.

Mr. Griffiths moved to suspend Rule 33. Carried.

Mr. Crowley moved to reconsider the vote passing the Preamble and Bill of Rights into print. Motion adopted.

On motion of Mr. Griffiths the rules were suspended, the article on Preamble and Bill of Rights was considered engrossed, read the third time and put upon its final passage.

The question being shall the article pass, the ayes and noes were ordered and the following fifty-one members voted aye: Berry, Blalock, Bowen, Burk, Clothier, Coey, Comegys, Crowley, Dickey, Dunbar, Durie, Dyer, Eshelman, Fairweather, Fay, Glascock, Gowey, Hayton, Henry, Hungate, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, Minor, Mires, Morgans, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Winsor, Mr. President.

The following fourteen members voted no: Buchanan, Eldridge, Godman, Griffiths, Jamieson, Jones, Joy, McReavey, J. Z. Moore, R. S. More, Stevenson, E. H. Sullivan, Weisenburger, West. Absent and not voting: Allen, Browne, Cosgrove, Dallam, Gray, Hicks, Jeffs, Weir, Willison. So the article was adopted as follows.

Preamble and Declaration of Rights

Preamble

We the people of the State of Washington, grateful to the Supreme Being of the Universe for our liberties, do ordain this Constitution.

Article I

Section 1. All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.

Section 2. The Constitution of the United States is the supreme law of the land.

Section 3. No person shall be deprived of life, liberty or property without due process of law.

Section 4. The right of petition and of the people peaceably to assemble for the common good shall never be abridged.

Section 5. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right.

Section 6. The mode of administering an oath or affirmation shall be such as may be more consistent with and binding upon the conscience of the person to whom such oath or affirmation may be administered.

Section 7. No person shall be disturbed in his private affairs, or his home invaded without authority of law.

Section 8. No law granting irrevocably any privilege, franchise or immunity shall be passed by the Legislature.

Section 9. No person shall be compelled in any criminal case to give evidence against himself or be twice put in jeopardy for the same offense.

Section 10. Justice in all cases shall be administered openly and without unnecessary delay.

Section 11. Absolute freedom of conscience in all matters of religious sentiment, belief and worship shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion, but the liberty of conscience hereby secured shall not be so construed so as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction or the support of any religious establishment. No religious qualifications shall be required for any public officer or employment nor shall any person be incompetent as a witness or juror in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony.

Section 12. No law shall be passed granting to any citizen, class of citizens or corporation other than municipal privileges or immunities which upon the same terms shall not equally belong to all citizens or corporations.

Section 13. The privilege of the writ of habeas corpus shall not be suspended unless, in case of rebellion or invasion, the public safety requires it.

Section 14. Excessive bail shall not be required, excessive fines imposed nor cruel punishment inflicted.

Section 15. No conviction shall work corruption of blood nor forfeiture of estate.

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, 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.

Section 17. There shall be no imprisonment for debt except in cases of absconding debtor.

Section 18. The military shall be in strict subordination to the civil power.

Section 19. All elections shall be free and equal and no power, civil or military, shall at any time interfere to prevent the free exercise to the right of suffrage.

Section 20. All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great.

Section 21. The right of trial by jury shall remain inviolate, but the Legislature may provide for a jury of any number less than twelve in the courts not of record, and for a verdict by nine

or more jurors in civil cases in any court of record, and for the waiving of the jury in civil cases where the consent of the parties interested is given thereto.

Section 22. In criminal prosecutions the accused shall have the right to appear and defend in person and by counsel, and to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process, to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed, and the right to appeal in all cases; and in no instance shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed.

Section 23. No bill of attainder, ex post facto law or law impairing the obligation of contracts shall ever be passed.

Section 24. The right of the individual citizen to bear arms in defense of himself or the state shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men.

Section 25. Offenses heretofore required to be prosecuted by indictment may be prosecuted by information or by indictment, as shall be prescribed by law.

Section 26. No grand jury shall be drawn or summoned in any county, except the superior judge thereof shall so order.

Section 27. Treason against the state shall consist only in levying war against the state or adhering to its enemies or in giving them aid or 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 28. No hereditary emolument, privileges or powers shall be granted or conferred in this state.

Section 29. The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise.

Section 30. The enumeration in this Constitution of certain rights shall not be construed to deny others retained by the people.

Section 31. A frequent recurrence to fundamental principles is essential to the security of individual right and the perpetuity of free government.

Section 32. No standing army shall be kept up by the state in time of peace, and no soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war, except in the manner prescribed by law.

At 4:20 p.m. the Convention adjourned till August 7th, 1889, at 9 a.m.

August 7th, 1889

The Convention was called to order at 9 o'clock by President Hoyt. Prayer by the Rev. Mr. Buck.

At roll call all answered except Messrs. Allen, Browne and Dallam on leave and Messrs. Fairweather, Gowey, Henry, Jeffs, Mires, Power, Stiles and Turner. Messrs. Fairweather, Gowey, Mires, Henry, Turner, Stiles, Power afterward took their seats.

The Convention proceeded to consider the reports of the Committee on Miscellaneous Subjects, Schedule and Future Amendments.

Mr. Jones moved to insert after the word "published" in line eleven the words "for at least six months next preceding the election." Mr. J. Z. Moore moved to strike out "six" and insert "three." Carried and the motion as amended was adopted.

Mr. Berry moved to strike out "some weekly" in line eleven and insert the words "the official." Lost.

Mr. Schooley offered the following. But no amendment or amendments shall be submitted oftener than once in five years. Lost.

Mr. J. Z. Moore moved to strike out "weekly" in line eleven of Section 1. Lost.

Mr. Buchanan moved to adopt the minority report. Lost.

Mr. Jones offered the following substitute for Section 2 of the majority report.

At the general election to be held in the year one thousand eight hundred and, and in each twentieth year there-