

The article was then read a third time. The question being shall the article pass, the ayes and noes were demanded and ordered and the following forty-one members voted aye: Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Cosgrove, Dickey, Dunbar, Durie, Dyer, Eshelman, Fay, Glascock, Gowey, Griffiths, Hayton, Henry, Jamieson, Jones, Joy, Kinnear, Lindsley, McCroskey, McElroy, McReavey, J. Z. Moore, R. S. More, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Shoudy, Sohns, Stiles, Tibbetts, Weir, Winsor, Mr. President.

The following seventeen members voted no: Comegys, Crowley, Eldridge, Godman, Hicks, Minor, Sharpstein, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, Turner, Van Name, Warner, Weisenburger, West, Willison. Absent and not voting: Allen, Browne, Berry, Dallam, Fairweather, Gray, Hungate, Kellogg, Lillis, Manly, McDonald, Mires, Neace, Newton, P. C. Sullivan, Travis. So the article passed and was declared to be part of the Constitution of the State of Washington.

For article on revenue and taxation see page 459 (omitted by mistake).

Mr. Turner was granted leave for the balance of the week.

At 5:15 p.m. Mr. Jones moved to adjourn. Agreed to and the Convention adjourned till August 8th, 1889, at 9 a.m.

### August 8th, 1889

The Convention was called to order at 9 a.m. by President Hoyt. In the absence of the Chaplain prayer was dispensed with.

On roll call all answered to their names except Messrs. Allen, Browne, Dallam and Turner on leave and Messrs. Fairweather, Henry, Jeffs, Stiles and Travis. Messrs. Stiles, Henry, Fairweather [and] Turner afterwards took their seats.

The minutes of previous day were read, amended and approved. The President submitted a communication from Allen C. Mason and others in relation to tidelands. Ordered to lie on the table.

Also a communication from C. D. Potter of Adams Center, N. Y., relative to Sunday Law. Referred to Committee on Miscellaneous Subjects, Schedule and Future Amendments.

Mr. Lillis presented a communication from Henry Drum and others of Tacoma relative to tidelands. Ordered to lie on the table.

Mr. P. C. Sullivan presented a similar petition from Otis Sprague and others of Tacoma. Ordered to lie on the table.

Mr. Stiles presented similar petition from Henry M. Ball and others of Tacoma. Ordered to lie on the table.

Mr. Fay presented similar petition from C. U. Masterson and others of Tacoma. Ordered to lie on the table.

Mr. Comegys from Committee on Federal Relations, Boundaries and Immigration submitted a compact with the United States which was read twice and ordered printed as follows.

To the President and Members of the Constitution Convention:

Your Committee on Federal Relations, Boundaries and Immigration recommend that the following article be inserted in the Constitution.

GEO. COMEGYS, *Chairman*  
D. BUCHANAN  
ARNOLD J. WEST  
JOHN MCREAVEY

#### Article

##### Compact with the United States

The following article shall be irrevocable without the consent of the United States and the people of this state.

First. That perpetual toleration of religious sentiment shall be secured and that no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship.

Second. That the people inhabiting this state do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries of this state and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States and that the lands be-

longing to citizens of the United States residing without the limits of this state shall never be taxed at a higher rate than the lands belonging to residents thereof; and that no taxes shall be imposed by the state on lands or property therein belonging to or which may be hereafter purchased by the United States or reserved for its use. Provided, that nothing in this article shall preclude the state from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation, which exemption shall continue so long and to such extent as such act of Congress may prescribe.

Mr. Mires from Committee on Water and Water Rights submitted a report which was read twice and ordered printed as follows.

To the President and Members of the Convention:

Your Committee on Water and Water rights beg leave to report as follows.

Article

**Section 1.** The use of the waters of this state for irrigation, mining and manufacturing purposes shall be deemed a public use.

A. MIRES, *Chairman*  
E. H. SULLIVAN, *Secretary*  
J. P. T. MCCROSKEY  
R. S. MORE  
S. H. MANLY

Mr. Bowen offered the following, "That the President appoint a special committee of three to present to this Convention a suitable device for the Seal of the State of Washington." Adopted.

Mr. Minor offered the following: "Resolved, that all reports of standing committees, except the Committee on Schedule and Revision, Adjustment and Enrollment, shall be presented to the Convention on or before Saturday, August 10th, and if necessary permission is hereby given for such committees to sit during the sessions of this Convention."

Mr. Power moved to amend by excepting Committee on Harbors. Lost. And resolution adopted.

Mr. Travis was granted leave indefinitely.

Mr. Suksdorf moved to recommit the reports of the Committee on State, School and Granted Lands back to the Committee. Lost.

Mr. McElroy to make report special order for Tuesday morning. On this question the ayes and noes were demanded and ordered and the following forty members voted aye: Bowen, Buchanan, Clothier, Coey, Comegys, Durie, Eldridge, Fairweather, Fay, Gray, Griffiths, Hayton, Hungate, Jones, Joy, Lindsley, McCroskey, McDonald, McElroy, McReavey, Mires, J. Z. Moore, R. S. More, Neace, Newton, Power, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Suksdorf, E. H. Sullivan, P. C. Sullivan, Turner, Van Name, Warner, Willison, Winsor.

The following twenty-seven members voted no: Berry, Blalock, Burk, Cosgrove, Crowley, Dickey, Dunbar, Dyer, Eshelman, Glascock, Henry, Hicks, Jamieson, Kellogg, Kinnear, Lillis, Manly, Minor, Morgans, Prosser, Shoudy, Sturdevant, Tibbetts, Weir, Weisenburger, West, Mr. President. Absent and not voting were Messrs. Allen, Browne, Dallam, Godman, Gowey, Jeffs, Stiles, Travis. So the amendment was agreed to.

Mr. T. M. Reed gave notice of motion to reconsider the vote by which the article on revenue and taxation was passed yesterday. Also to reconsider vote by which certain amendments to Section 4 were adopted.

Mr. Griffiths moved to reconsider the vote by which the article on revenue and taxation was agreed to. Mr. Stiles moved to lay the motion on the table. Lost.

Mr. Dickey was given leave for the rest of the week.

The question being on the reconsideration of the article on revenue and taxation, the ayes and noes were demanded and ordered and the following thirty-one members voted aye: Berry, Bowen, Buchanan, Clothier, Coey, Dickey, Durie, Dyer, Eldridge, Fairweather, Gowey, Hayton, Hicks, Joy, Kellogg, Kinnear, Lindsley, Minor, Mires, J. Z. Moore, Power, Prosser, T. M. Reed, Schooley, Sharpstein, E. H. Sullivan, Turner, Warner, West, Willison, Mr. President.

The following thirty-four members voted no: Burk, Comegys, Cosgrove, Crowley, Dunbar, Eshelman, Fay, Glascock, Godman, Gray, Griffiths, Henry, Hungate, Jones, Lillis, Manly, McCroskey, McElroy, McReavey, R. S. More, Morgans, Neace, Newton, J. M. Reed, Shoudy, Stevenson, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Weir, Weisenburger, Winsor. Absent and not voting: Messrs. Allen, Blalock, Browne, Dallam, Jamieson, Jeffs, McDonald, Sohns, Travis, Van Name. So the motion was not agreed to.

At 10:20 a.m. Mr. Dyer moved to go into a committee of the whole upon the article reported from the Committee on State Institutions and Public Buildings. Carried and Mr. Crowley was appointed chairman of the Committee.

At 11:43 the committee rose and the President resumed the chair. Mr. Crowley reported that they had had under consideration the article on state institutions and public buildings, had made amendments thereto and asked concurrence of the Convention therein. The amendments were concurred in.

Mr. Griffiths moved to suspend the rules, consider the article on state institutions and public buildings engrossed and placed upon its final passage. Carried. The ayes and noes being demanded and ordered, the following sixty-seven members voted aye: Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gowey, Gray, Griffiths, Hayton, Henry, Hicks, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindley, Manly, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, R. S. More, Morgans, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Turner, Van Name, Warner, Weir, Weisenburger, West, Willison, Winsor, Mr. President. Voting no: Mr. J. Z. Moore. Absent and not voting were Messrs. Allen, Browne, Dallam, Fairweather, Hungate, Jeffs, Travis. So the article was passed as follows.

In the Convention

Committee on State Institutions and Public Buildings

Article

**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 question shall be taken by the ayes and noes and entered upon the journal.

Mr. Prosser moved to amend Section 1 of article on seat of government by striking out "the election to be held for the adoption of this Constitution" and insert the words "at the general election to be held on the first Tuesday after the first Monday in November, 1890," and demanded the ayes and noes. The following twenty-four members voted aye: Messrs. Bowen, Buchanan, Burk, Coey, Crowley, Dickey, Dyer, Eldridge, Eshelman, Kinnear, Lillis, Manly, Minor, J. Z. Moore, Morgans, Prosser, Schooley, Stiles, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Turner, Weisenburger.

Those voting no were Messrs. Berry, Blalock, Clothier, Cosgrove, Dunbar, Durie, Fay, Glascock, Godman, Gowey, Gray, Griffiths, Hayton, Henry, Hicks, Hungate, Jamieson, Jones, Joy, Kellogg, Lindsley, McCroskey, McDonald, McElroy, McReavey, Mires, R. S. More, Neace, Newton, Power, J. M. Reed, T. M. Reed, Sharpstein, Shoudy, Sohns, Stevenson, Sturdevant, Van Name, Warner, Weir, West, Willison, Winsor, Mr. President. Those absent and not voting were Messrs. Allen, Browne, Comegys, Dallam, Fairweather, Jeffs, Travis. So the amendment was not agreed to.

On motion of Mr. Griffiths the rules were suspended, the article on seat of government considered engrossed, read third time and placed on its final passage.

The ayes and noes being demanded and ordered, the following sixty-five members voted aye: Messrs. Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gowey, Gray, Griffiths, Hayton, Henry, Hicks, Hungate, Jamieson, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCrosky, McDonald, McElroy, McReavey, Minor, Mires, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy,

Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Turner, Van Name, Warner, Weir, Weisenburger, West, Willison, Winsor, Mr. President. Those voting no were Messrs. J. Z. Moore, R. S. More, Morgans. Absent and not voting [sic].

In the Convention

Seat of Government

**Section 1.** The Legislature shall have no power 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 election to be held for the adoption of this Constitution. 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 that 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 at 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 make no appropriation or expenditures for capital buildings or grounds except to keep the territorial capital buildings and grounds in repair and for making

all necessary additions thereto until the seat of government shall have been permanently located and the public buildings are erected at the permanent capital in pursuance of law.

The President submitted a telegram from J. E. Clarke, President Port Townsend Board of Trade, in relation to tidelands. Laid on the table.

At 11:55 Convention on motion of Mr. E. H. Sullivan took a recess until 2 p.m.

#### Afternoon Session

The Convention was called to order at 2 p.m. by President Hoyt, a quorum being present.

Mr. P. C. Sullivan asked and was granted unanimous consent to make a report from the Committee on Elections and Elective Rights which was read first and second time and ordered printed as follows.

#### In the Convention

##### Committee on Elections and Elective Rights

Mr. President and Members of the Convention:

The Committee on Elections and Elective Rights, respectfully submit the following article and recommend its adoption. We have given careful consideration to all propositions and petitions referred to us, and herewith report them all back to the Convention.

#### Article

All male persons of the age of twenty-one years or over possessing the following qualifications shall be entitled to vote at all elections.

**Section 1.** They shall be citizens of the United States, provided that Indians not taxed shall never be allowed the elective franchise. Provided further that all male persons who at the time of the adoption of this Constitution are qualified electors of the territory shall be electors.

**Section 2.** They shall have lived in the state one year and in the county ninety days, and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote.



**Section 3.** The Legislature may provide that there shall be no denial of the elective franchise at any school election on account of sex.

**Section 4.** All idiots, insane persons and persons convicted of infamous crimes are excluded from the elective franchise.

**Section 5.** For the purpose of voting and eligibility to office, no person shall be deemed to have gained a residence by reason of his presence or lost it by reason of his absence while in the civil or military service of the state or of the United States, nor while a student at any institution of learning, nor while kept at public expense in any poorhouse or other asylum, nor while confined in public prison.

**Section 6.** Voters shall in all cases except treason, felony and breach of the peace be privileged from arrest during their attendance of elections and in going to and returning therefrom. No elector shall be required to do military duty on the day of any election except in time of war or public danger.

**Section 7.** No person except a qualified elector shall be elected or appointed to any office, civil or military.

**Section 8.** All elections shall be by ballot. The Legislature shall provide for such method of voting as will secure to every elector absolute secrecy in preparing and depositing his ballot.

**Section 9.** The Legislature shall enact a registration law, and shall require a compliance with such a law before any elector shall be allowed to vote. Provided, that this provision is not compulsory upon the Legislature except as to cities and towns having a population of over five hundred inhabitants. In all other cases the Legislature may or may not require registration as a prerequisite to the right to vote, and the same system of registration need not be adopted for both classes.

**Section 10.** The first election of county officers not otherwise provided for in this Constitution shall be on the Tuesday next after the first Monday in November, 1890, and thereafter all elections for such officers shall be held biennially on the Tuesday next succeeding the first Monday in November. The first election of all state officers not otherwise provided for in this Constitution, after the election held for the adoption of this Constitution, shall be on the Tuesday next after the first Monday in November, 1892,

and the elections for such state officers shall be held in every fourth year thereafter on the Tuesday succeeding the first Monday in November.

**Section 11.** At the time of the election of county officers on the Tuesday next after the first Monday in November in the year 1890, a proposition to amend this Constitution by striking out the word "male" from the article on elections and elective rights shall be submitted to the electors of the state for adoption or rejection in manner following. Said election shall be by ballot, and the ballots of those voting in favor shall read: "For Woman Suffrage Amendment—Yes." And the ballots of those voting against shall read: "For Woman Suffrage Amendment—No." The provisions of the laws of the state touching general elections shall as far as applicable apply to said election. If at said election the number of ballots cast in favor of the adoption of said proposition shall exceed those cast against its adoption, then the word "male" shall be stricken from said article on election and elective rights, and shall be no part thereof.

TRUSTEN P. DYER, *Secretary*  
LEWIS NEACE  
J. A. BURK  
JAMES Z. MOORE

We concur in the foregoing report except as to Section 2 and would recommend that the words "one year" should be stricken from said section and the words "six months" inserted in their stead.

P. C. SULLIVAN, *Chairman*  
TRUSTEN P. DYER  
B. B. GLASCOCK

Mr. Hungate, Mr. Willison, Mr. Shoudy were granted indefinite leave.

President Hoyt presented the following, which was read and ordered spread on the minutes:

Headquarters Stevens Post, No. 1  
and John F. Miller Post, No. 31.  
G. A. R.  
Seattle, W. T., Aug. 6, 1889.

To Hon. John P. Hoyt.  
President Constitutional Convention.  
Olympia, W. T.

Dear Sir:

At a joint meeting of Stevens Post No. 1 and John F. Miller Post, No. 31, G. A. R., the following resolution was unanimously adopted:

“Resolved, that the Commanders of Stevens and Miller Posts be instructed to draft and forward to the Constitutional Convention a resolution of thanks for the adoption of the section incorporating a soldiers’ home.”

In accordance with the above instructions we desire through you to express to the Convention the heartfelt gratitude of the above-named posts for thus providing for the needs of our comrades of the Union Army in their declining years.

*Most respectfully,*

W. E. WILSON,  
*Commander, Stevens Post No. 1.*

WM. M. MORSE,  
*Commander, John F. Miller Post No. 31.*

Mr. J. Z. Moore presented the following reports from Committee on Legislative Department, which were read and referred to the committee of the whole.

In the Convention  
Committee on Legislative Department  
Minority Reports

Mr. President:

I hereby tender this minority report from the Committee on the Legislative Department, to wit: I recommend the adoption of the following additional section, viz:

**Section 41.** It shall not be lawful for any person holding public office in this state to accept or use a pass or to purchase transportation from any railroad or other corporation, other than as the same may be purchased by the general public, and the legislature shall pass laws to enforce this provision.

JAMES Z. MOORE

I concur in the said report with the exception of Sections 36 and 37, which sections I consider of doubtful constitutionality, illiberal, exclusive and not in harmony with the spirit of the age.

D. BUCHANAN

Mr. Dyer moved to go into a committee of the whole to consider the reports from the Committee on Legislative Department. Carried, and Mr. Blalock was appointed chairman of the committee.

At 5:53 p.m. President Hoyt resumed the chair. Mr. Blalock from the committee of the whole reported that the committee had made progress with the article on Legislative Department, and asked leave to sit again. Leave was granted.

President Hoyt submitted the following telegram:

Boise City, Idaho

August 8, 1889

To President of Constitutional Convention.

Olympia, W. T.

The Idaho Constitutional Convention before adjournment ordered its congratulations to be sent the Constitutional Convention of Washington, Montana, and North and South Dakota at the progress the people of the entire Northwest are making toward early statehood. Idaho is now prepared to present itself before Congress simultaneously with its sister territories and ask for admission into the Union of states being fully able to support a state government and possessed of unlimited national resources. We ask for your friendly assistance and cooperation in attaining a speedy release from territorial dependence.

GEO. L. SHOUP, *Governor*,

W. H. CLIGER, *President*

Mr. Stiles moved that the President be requested to reply to the foregoing dispatch and to express the sentiment of this Convention to the effect that the people of the State of Washington sincerely desire to see Idaho's early admission to the Union as the forty-third state, which was unanimously adopted.

On motion of Mr. Mires the Convention at 5:55 p.m. adjourned until 9 a.m., August 9, 1889.

### August 9th, 1889

The Convention was called to order at 9 a.m. by President Hoyt. Prayer by the Rev. Mr. Buck. At a roll call all answered to their names except Messrs. Allen, Browne, Dallam, Dickey, Hungegate, Shoudy, Willison.

President appointed as select Committee on State Seal, Messrs. Bowen, Hicks and Dallam.

Mr. Crowley from Committee on Apportionment and Representation submitted the following article which was read first and second time and ordered printed as follows.

#### In the Convention

#### Committee on Apportionment and Representation

Mr. President and Members of the Convention:

Your Committee on Apportionment and Representation respectfully present the following report and ask that the same be adopted.

D. J. CROWLEY, *Chairman*  
P. C. SULLIVAN, *Secretary*  
R. F. STURDEVANT  
A. J. WEST  
S. G. COSGROVE  
TRUSTEN P. DYER  
J. T. ESHELMAN  
H. C. WILLISON  
GWIN HICKS  
JOHN F. GOWEY  
J. F. VAN NAME  
LOUIS SOHNS  
WM. F. PROSSER