

Mr. E. H. Sullivan moved to suspend Rule 42 until the standing Committee on Rules report on questions submitted today. Referred to Committee on Rules. Carried.

Mr. C. B. Eaton was then sworn as official Stenographer. And at 3:07 p.m. moved to adjourn to 9 a.m., July 13th, 1889. Carried.

July 13th, 1889

The Convention called to order by the President at 9 a.m. Prayer by the Chaplain. On a call of the roll all the members were present except Mr. Clothier, Mr. Fay, Mr. Manly and Mr. Stevenson (on indefinite leave). Minutes read and approved.

Mr. Prosser from the Committee on Rules and Order of Business makes the following report.

To the President of the Constitutional Convention.

Your Committee on Rules and Order of Business, to whom were referred certain motions and resolutions affecting Rules 7, 36, and 42 of the Convention respectfully submit the following report, viz:

1. We recommend that the following rule be substituted for Rule 7, to wit: Standing committees shall report on all articles or propositions submitted to the Convention by members, and referred to them, at or before the time of making their final report, but they may do so merely by referring to the title of the same.
2. We recommend the following rule be substituted for Rule 36, to wit: Any member of the Convention may submit to the Convention the draft of a proposed article or section of the Constitution which shall be read and referred to the appropriate committee without debate. The first reading of an article or section reported by a standing committee shall be for information only and shall be an entire reading. The article or section shall then be read the second time by title and be printed and laid upon the desks of members before further action thereon.
3. We recommend that the following be substituted for Rule 42, to wit:

Journal Entries

No article or section proposed by a member shall be spread upon the journal of the Convention until the same shall have been reported by a standing committee for the consideration of the Convention.

And your committee further beg leave to report that in the opinion of your committee greater certainty will be secured in the interpretation of Rules 51 and 53 by the amendment of Rule 53 by adding on to the end of line 4 after the word "present" the words "except as provided in Rule 51" and your committee recommend that said amendment be made.

All of which is respectfully submitted.

Olympia, July 12th, 1889.

C. L. STILES,
Secretary

WILLIAM F. PROSSER,
Chairman

JAMES POWER
ARNOLD J. WEST
S. G. COSGROVE
LOUIS SOHNS
T. M. REED
T. C. GRIFFITTS
C. H. WARNER

Mr. Griffiths moved its adoption. Mr. Moore moved to amend "that the consideration of the report lie over until Monday." Carried. Mr. Buchanan moved that the amended rules as amended be printed and laid on the desks of the members and was ruled out of order.

The following propositions were then submitted in the following order and read a first and second time.

Proposition by Mr. Durie, relating to the grant of certain tidelands to the Seattle and Walla Walla Railway which he requests to be referred to the Committee on Miscellaneous, etc.

Article

Section. No part of the Constitution shall be so construed as to validate a certain act of the Legislature of Washington Territory of the session of 1873, entitled an act to confirm the grant

of certain lands by the City of Seattle to the Seattle and Walla Walla Railway.

Referred to the Committee on State, School and Granted Lands.

Proposition submitted by Mr. Durie, who asks that the same be referred to Committee on Miscellaneous Subjects.

On the Division of Counties and Removal of County Seats

Article

Section. No county shall be divided or have any part stricken therefrom, without submitting the question to a vote of the qualified electors of the county. Nor unless a majority of those voting on the question shall vote for the same.

Section. No county seat shall be removed until a majority of the qualified electors of the county, voting on the question, shall vote for the same.

Referred to the Committee on County, City and Township Organization.

Irrigation

Proposition by A. Mires

Article

Section. That the water of every natural stream not heretofore appropriated within the State of Washington is hereby declared to be the property of the public and the same is dedicated to the use of the people of the state subject to appropriation as hereafter provided.

Section. The right to divert the unappropriated waters of any natural stream to beneficial uses shall never be denied. Priority of appropriation shall give the better right as between those using the water for the same purpose; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall have the preference over those claiming for any other purpose, and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes.

Section. All persons and corporations shall have the right of way across public private and corporate lands for construction of ditches, canals and flumes for the purpose of conveying water for domestic purposes, for the irrigation of agricultural lands and for mining and manufacturing purposes and for drainage upon payment of just compensation.

Referred to the Committee on Water and Water Rights.

Proposition by Mr. Dyer of King County

Section. That no person elected or appointed to any office or employment of trust or profit under the laws of this state or any ordinance of any municipality in this state shall hold such office without personally devoting his time to the performance of the duties to the same belonging.

Referred to the Committee on Miscellaneous Subjects, Schedule and Future Amendments.

By Mr. Dyer of King County

That no child under fourteen years of age shall be employed by any corporation or person in mines, manufactories or any other business endangering health or life.

Referred to the Committee on Mines and Mining.

Proposition in reference to Veto Power

By Mr. Power

Section. The Governor shall have no veto power, but bills of the Legislature shall become a law when passed by both houses and duly attested by the President of the Senate and Speaker of the House.

Referred to the Committee on Executive Department and Pardoning Power.

Proposition Requiring the Legislature to Pass Laws
for the Official Scaling of Logs

Power of Skagit

Section. The Legislature shall pass suitable laws requiring the scaling of logs, with the view of determining the quantity in the purchase and sale thereof.

Referred to the Committee on Miscellaneous Subjects, Schedule and Future Amendments.

The Legislature

Proposition submitted by Albert Schooley, Snohomish

Article

Section. The state shall be divided into fifty senatorial districts of compact and continuous territory as nearly equal in population as may be, and each district shall be entitled to elect one Senator. Each county containing one or more ratios of population shall be entitled to one Senator for each ratio, and to an additional Senator for a surplus of population exceeding three-fifths of a ratio, but no county shall form a separate district unless it shall contain four-fifths of a ratio except when the adjoining counties are each entitled to one or more Senators, when such a county may be assigned a Senator on less than four-fifths and exceeding one-half of a ratio and no county shall be divided unless entitled to two or more Senators.

No city or county shall be entitled to separate representation exceeding one-sixth of the whole number of Senators. No ward or township shall be divided in the formation of a district. The Senatorial ratio shall be ascertained by dividing the whole population of the state by the number fifty.

Section. The members of the House of Representatives shall be appointed among the several counties, on a ratio obtained by dividing the population of the state as ascertained by the most recent United States census by one hundred. Providing that after the year 1920 the ratio shall be ascertained by using the division one hundred and fifty instead of one hundred. Every county containing less than five ratios shall have one Representative for every four ratios, and additional Representative when the surplus exceeds half a ratio, but each county shall have at least one Representative. Every county containing five ratios or more shall have one Representative for every full ratio. Every city containing a population equal to a ratio shall elect separately its proportion of the Representatives allotted to the county in which it is located. Every city entitled to more than four representatives and every county which may have over one hundred thousand inhabitants shall be divided into districts of compact and contiguous territory, each district to elect its proportion of representatives according to its population but no district shall elect more than four representatives.

Referred to the Committee on Legislative Department.

Proposition on Coal Mines

By Kinnear of King

Section. The owner or operator of any coal mine shall have the right to connect with any railroad near the same and to have his coal transported over such railroad at reasonable rates and upon equal terms with the owners of other mines.

Referred to the Committee on Mines and Mining.

Proposition by Jones of Jefferson

Exemption of Property of Municipal Corporations
from Execution.

Section. The real and personal property of municipal corporations shall not be subject to execution or lien.

Referred to Committee on Legislative Department.

Proposition on Executive Department.

By Mr. Weir

Section 1. The executive department shall consist of a Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Superintendent of Public Instruction and Commissioner of Public Lands who shall be chosen by the electors of the state at the time and place of voting for the members of legislative assembly.

Section 2. The Governor, Secretary of State, Treasurer, Auditor and Attorney General shall hold their office for four years; their terms of office shall, except as otherwise provided in this Constitution, commence on the third Monday of January next after their election and continue until their successors are elected and qualified. The Lieutenant Governor, Superintendent of Public Instruction and Commissioner of Public Lands shall hold their office for two years respectively or until their successors are elected and qualified.

Section 3. The returns of every election for the officers named in the foregoing section shall be sealed up and transmitted to the seat of government by the retiring officers, directed to the Secretary of State, who shall deliver the same to the Speaker of the House of Representatives at the first meeting of the House thereafter, when he shall open, publish and declare the result there-

of in the presence of a majority of the members of both houses. The person having the highest number of votes shall be declared duly elected, and a certificate thereof shall be given to such person, signed by the presiding officers of both houses, but if any two or more shall be highest and equal in votes for the same office, one of them shall be chosen by the joint vote of both houses.

Contested elections for Governor shall be determined by the legislative assembly in such manner as shall be determined by law.

In case time of the regular meeting of the legislature shall be changed by law, the terms of office of the Governor, Secretary of State, Treasurer, Auditor, and Attorney General shall thereafter commence on the first Monday after the day fixed for such regular meeting.

Section 4. The supreme executive authority shall be vested in the Governor. He may require information in writing from the officers in the executive department upon any subject relating to the duties of their respective offices and shall see that the laws are faithfully executed.

Section 5. He shall communicate at every session by message to the general assembly the condition of the affairs of the state, and recommend such measures as he shall deem expedient for their action.

Section 6. He may on extraordinary occasions convene the legislature by proclamation, and shall state to both Houses, when assembled, the purposes for which they are convened.

Section 7. In case of disagreement between the two houses in respect to the time of adjournment, he shall have power to adjourn the Legislature to such time as he may think proper, but not the regular meetings thereof.

Section 8. He shall be commander-in-chief of the military in the state, except when they shall be called into the service of the United States.

Section 9. The pardoning power shall be vested in the Governor under such regulations and restrictions as may be prescribed by law.

Section 10. In case of the removal, resignation, death or disability of the Governor, the duties of the office shall devolve upon

the Lieutenant Governor, and in case of a vacancy in both the offices of Governor and Lieutenant Governor, the duties of Governor shall devolve upon Secretary of the State who shall act as Governor until the disability be removed or a Governor be elected.

Section 11. The Governor shall transact all necessary business with the officers of government and may require information in writing from the administrative and military officers upon any subject relating to the duties of their respective offices.

Section 12. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law; and he shall report to the Legislature at its next meeting each case of reprieve, commutation or pardon granted, and the reasons for granting the same; and also the names of all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted, and the reasons of the remission.

Section 13. Every act which shall have passed the legislative assembly shall be before it becomes a law presented to the Governor. If he approves he shall sign it, but if not he shall return it with his objections to that house in which it shall have originated, which house shall enter the objections at large upon the journal and proceed to reconsider. If after such reconsideration two-thirds of the members present shall agree to pass the bill, it shall be sent together with the objections to the other house by which it shall likewise be reconsidered and if approved by two-thirds of the members present it shall become a law; but in all cases the vote of both houses shall be determined by the yeas and nays and the names of the members voting for or against, the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the Governor within five days, Sundays excepted, after it shall be presented to him, it shall be a law without his signature unless the general adjournment shall prevent its return, in which case it shall be a law unless the Governor within ten days next after the adjournment, Sundays excepted, shall file such bill with his objections thereto in the office of the Secretary of State who shall lay the same before the legislative assembly at its next session in like manner as if it had been returned by the Governor.

If any bill presented to the Governor contains several items of appropriation of money he may object to one or more items

while approving other portions of the bill; in such case he shall append to the bill at the time of signing it a statement of the items to which he objects and the reasons therefor and the appropriation so objected to shall not take effect unless passed over the Governor's objection as hereinbefore provided.

Section 14. When, during a recess of the legislative assembly, a vacancy shall happen in any office, the appointment to which is vested in the legislative assembly or when at any time a vacancy shall have occurred in any other state office, for the filling of which vacancy no provision is made elsewhere in this Constitution, the Governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified.

Section 15. He shall issue writs of election to fill such vacancies as may have occurred in the legislative assembly.

Section 16. All commissions shall issue in the name of the state, shall be signed by the Governor, sealed with the seal of the state, and attested by the Secretary of the State.

Section 17. The Lieutenant Governor shall be presiding officer of the State Senate and shall discharge such other duties as may be prescribed by law. He shall receive no salary except a per diem while engaged in official duty.

Section 18. The Secretary of State shall keep a fair record of the official acts of the legislative assembly and executive department of the state, and shall, when required, lay the same and all matters relative thereto before either branch of the legislative assembly, and shall perform other duties as shall be assigned him by law.

Section 19. There shall be a seal of state kept by the Secretary of State for official purposes, which shall be called "The seal of the State of Washington."

Section 20. The Treasurer shall perform such duties as shall be prescribed by law.

Section 21. The Auditor shall be auditor of public accounts, and shall have such power and perform such duties in connection therewith as may be prescribed by law.

Section 22. The Attorney General shall be the legal adviser

of the Governor, Secretary, Treasurer and Auditor and shall perform such other duties as may be prescribed by law.

Section 23. The Superintendent of Public Instruction shall have supervision over all matters pertaining to public schools and shall perform such specific duties as may be provided by law.

Section 24. The Commissioner of Public Lands shall be the executive head of the Board of Land Commissioners of which the Governor and Secretary of State shall be ex officio members. Said Board of Land Commissioners shall have the control and management of all public lands belonging to the state subject to the provisions of this Constitution and such laws as may be hereafter enacted by the Legislature. The Commissioners of Public Lands shall perform such specific duty as may be required by law.

Section 25. The Governor, Secretary of State, Treasurer, Auditor and Attorney General shall severally keep the public records, books and papers in any manner relating to their respective offices at the seat of government, at which place also the Secretary of State and Auditor shall reside.

Section 26. There shall be elected in each county by the qualified electors thereof at the time of holding general elections a County Clerk, Treasurer, Sheriff, Coroner and Surveyor who shall severally hold office for the term of two years.

Section 27. Such other county, township, precinct and city officers as may be necessary shall be elected or appointed in such manner and for such terms as may be prescribed by law.

Section 28. No person shall be elected or appointed to a county office who shall not be an elector of the county, and all county, township, precinct and city officers shall keep their respective offices at such places therein, and perform such duties as may be prescribed by law.

Section 29. Vacancies in county, township, precinct and city offices shall be filled in such manner as may be prescribed by law.

Read a second time and referred to the Committee on Executive Department and Pardoning Power.

Legislative Department

Section. Any person who shall give, demand, offer directly or indirectly any money, testimonial, privilege or personal advan-

tage or anything of value to any executive or judicial officer or member of the Legislature to influence him in the performance of any of his official or public duties shall be guilty of bribery and shall be punished in such manner as shall be provided by law.

The offense of corrupt solicitation of members of the Legislature or of public officers of the state for any municipal division thereof, and any effort towards solicitation of said members of the Legislature or officers to influence their official action shall be defined by law and shall be punished by fine and imprisonment. Any person may be compelled to testify in investigation or judicial proceedings against any person charged with having committed any offense of bribery or corrupt solicitation and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, but said testimony shall not afterwards be used against him in any judicial proceeding except for bribery in giving such testimony, and any person convicted of either of the offenses aforesaid shall be disqualified from holding any office or position or office of trust or profit in this state.

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

Proposition by Mr. Berry

State Senators shall be chosen for a term of six years, one-third of said body being elected every two years, except at the general election in October, 1889, when one-third of said Senators will be elected for a term of two years, one-third for a term of four years and one-third for a term of six years.

Referred to the Committee on Legislative Department.

Proposition by Mr. Berry

Section. No person convicted of the embezzlement or defalcation of public funds of the United States or of any state, or of any county or municipality therein shall ever be eligible to any office of honor, trust or profit under this state and the Legislature shall provide by law for the punishment of embezzlement or defalcation as a felony.

Referred to Committee on Legislative Department.

Proposition by T. M. Reed

Article

Section. The Governor shall receive an annual salary of five thousand dollars, the Secretary of State, Auditor, and Treasurer

and Attorney General shall each receive an annual salary of thirty-six hundred dollars. The Chief Justice of the Supreme Court shall receive an annual salary of five thousand dollars and each of the other Justices of the Supreme Court shall receive an annual salary of four thousand dollars. The Judges of the Superior Court shall each receive an annual salary to be fixed by the Legislature according to the services to be performed by each respectively and not in any case to exceed four thousand dollars. The compensation of other officers not otherwise fixed by this Constitution shall be regulated and established by law. All salaries shall be paid quarterly unless otherwise specially regulated by law.

Referred to the Committee on Legislative Department.

Minority Representation

By Mr. Hicks

Section 1. The House of Representatives shall consist of three times the number of the members of the Senate and the term of office shall be two years. Three Representatives shall be elected in each Senatorial district at the first general election held under this Constitution and every two years thereafter.

Section 2. In all elections of Representatives aforesaid each qualified voter may cast as many votes for one candidate as there are Representatives to be elected or may distribute the same or equal parts thereof among the candidates as he shall see fit, and the candidates highest in votes shall be declared elected.

Referred to the Committee on Legislative Department.

By Mr. Hicks

The fee in all tide and overflow lands by the state exists in the state by right of sovereignty and the Legislature is expressly prohibited from ever selling or disposing of the same to individuals or corporations other than municipal, but may lease them for a period not to exceed fifty years and in a quantity not to exceed one hundred forty acres, to one and the same individual or corporation other than municipal.

Referred to Committee on State, School and Granted Lands.

By Mr. Hicks

The military arm of the state shall be employed only in the presence of actual invasion or rebellion and at no time shall it be employed to do police duty.

The military shall at all times be subordinate to the civil powers and the writ of habeas corpus shall not be suspended except in cases of actual rebellion or invasion when the public safety requires it.

Referred to Committee on Military Affairs.

Proposition Relative to the School Fund

By Mr. Turner

Section 1. The fund for the support of public schools derived from the sale of school lands and from other sources shall be invested under rules to be prescribed by law, and the interest only shall be used in paying the cost of maintaining the public schools. Any deficit shall be supplied by taxation.

Section 2. The fund derived from the sale of school lands shall be augmented by all fines, forfeitures and by all unclaimed witness and jury fees and by all gifts and grants of property to the state, the use of which is not otherwise directed by the donor.

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

Proposition

By Mr. Dyer (by request)

Section. There shall be chosen by the qualified electors of the state, at the times and places of choosing members of the Legislature, a Commissioner of Public Printing who shall hold his office for the term of two years.

Section. The powers and duties of the Public Printer shall be prescribed by law.

Read a second time and referred to the Committee on Printing, Mileage and Contingent Expenses.

Proposition

By Louis Sohns

Resolved, that the proceeds arising from the sale of school lands shall be loaned to the State of Washington and all municipal corporations created by the state, if so desired, for the purpose of funding the indebtedness of the same and for the erection of buildings and for such other improvements and purposes authorized by law on bonds running not less than fifteen nor more than twenty-

five years bearing interest not less than four per cent, the interest to be paid annually.

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

Mr. J. Z. Moore offered the following resolution and moved its adoption.

School Lands

Resolved that the Committee on State, School and Granted Lands shall, for the information of this Convention, inquire and report not later than the filing of their final report, the history of school lands and how they have been disposed of in other states.

Mr. Dunbar moved its indefinite postponement. Carried.

Mr. T. M. Reed offered the following resolution and moved its adoption.

Resolved that the Sergeant-at-Arms be instructed to have printed five hundred copies of blank notices of the times and places of the meetings of standing committees and placed in the hands of the respective chairmen of said committees in relative proportion; and also that he provide a bulletin board to be placed in the lobby or entrance hall on which said notices may be posted. Carried.

Mr. J. Z. Moore offered the following resolution and moved its adoption.

Tidelands

Resolved that the committee having this subject in charge shall inquire and report for the information of the Convention what are "tidelands," what "mud flats" and what "marsh lands," and under what grants from the United States or other claim or claims they are held by individuals or corporations, the extent to which they are held or claimed and by whom, giving names and areas as far as possible; the character of the claims under which they are held and where any of said lands are claimed by occupancy merely, state the length of time of such occupancy, and all other information they may have or acquire on the subject. And for this purpose the said committee shall have power to send for persons and papers.

2. The said committee shall also ascertain and report how

such lands have been held and disposed of by other states, and if the State of Washington shall hold these lands by a tenure different from that under which other states hold or have held such lands, that shall report how and in what respects.

3. The object of this resolution is to obtain for the information of the Convention as full and accurate information upon all phases of this subject as the nature of it admits.

4. The committee shall report under this resolution at as early a day as possible, not later than the making of its final report.

Mr. Cosgrove moved to refer it to a special committee to consist of Mr. Moore—Ruled out of order.

Mr. Godman moved to refer the same to the Committee on Judicial Department.

Mr. Griffiths moved to amend by striking out "State, School and Granted Lands" and insert "Judicial Department." Ruled out of order.

Mr. Godman withdrew his motion. Mr. Griffiths renewed his motion. Mr. Reed moved amendment to refer to a special committee to report next Monday. The President ruled that the house was to refer, and could not be entertained as an amendment, and pending the motion to refer it was moved by Mr. E. H. Sullivan that the resolution lie on the table. Carried.

Mr. Dyer offered the following resolution and moved its adoption. Resolved, that when the Convention adjourns, it be until Monday, July 15th at 1:30 p.m. Lost.

Mr. Moore gave notice that he wished to discuss the matter and have it lie over under the rules. Ruled out of order.

Mr. Buchanan offered the following resolution and moved its adoption and that one hundred copies be printed. Resolved that the report of the Committee on Rules be printed and laid on the tables of members at our next session. Mr. Reed moved to amend by making it three hundred and the resolution as amended carried.

Mr. Power from the Committee on Mileage, etc., made a report on the mileage of members which, after discussion, was referred back to the Committee to be reported on Monday.

Mr. Turner moved that when this Convention adjourn, it adjourn to Monday at 1 p.m. Carried. On motion of Mr. Henry the Convention adjourned at 10:55 a.m. to July 15th at 1 p.m.

July 15th, 1889

The Convention was called to order by the President at 1 p.m. Prayer by the Rev. J. R. Chaplain [sic]. On roll call all the members of the Convention were present except Mr. McReavey, Mr. Jamieson, Mr. Dyer, Mr. Willison and Messrs. Fay and Stevenson on leave.

Mr. E. H. Sullivan asked indefinite leave for Mr. Jamieson. Granted. Mr. Jones asked that Mr. Willison be excused indefinitely. Granted. The President read a telegram from Mr. Dyer asking to be excused for the day. Granted.

The minutes were then read and approved.

A letter was then read from Francis Miner, of St. Louis, Mo., stating that he had mailed a pamphlet relating to the question of women's suffrage. The letter (and the pamphlet, when received) referred to the Committee on Elections and Elective Rights.

Mr. Turner, from the Committee on Judicial Department presented the following report: To the Honorable President and members of the Constitutional Convention. Your Committee on Judicial Department, to whom were referred the reports of the majority and minority of the Committee on Printing, etc., relative to the proposition of Mr. W. D. Knight to do the printing of the Convention, respectfully report that, in the opinion of the members of the committee, this Convention is without power to accept the proposition of Mr. Knight. It is provided by Section 20 of the Enabling Act, that the money appropriated by Congress for defraying the expenses of the Convention, which includes the expense of printing, shall be expended under the same rules and regulations as are now provided by law for the payment of the territorial Legislature. It is provided by Section 1940 of the Revised Statutes of the United States that the Governors and Secretaries of the several territories shall, in the disbursement of all moneys entrusted to them for defraying the expenses of the legislative assemblies, be governed solely by the instructions of the Secretary of the Treasury.

Acting under these laws and the directions laid down for his government by the Treasury Department, the Territorial Secre-