

sideration the article on Judicial Department and had made progress but come to no resolution thereon and asked leave to sit again. Leave was granted.

Mr. Dunbar moves that when this Convention adjourns it shall stand adjourned to 1:30 p.m., July 22nd. Carried.

A communication was read from the Olympia Board of Trade extending an invitation to the members and officers of this Convention and their families to attend a clam bake at Butler's Cove on next Tuesday. Mr. Kinnear moved to accept the invitation. Adopted.

Mr. Suksdorf moved to take a recess until 2:30 p.m. Lost.

Mr. Sohns asked leave to be absent Monday. Granted.

Mr. Gowey at 12:15 p.m. moved to adjourn. Agreed to and the Convention stood adjourned to 1:30 p.m., July 22nd.

### July 22nd, 1889

Convention called to order at 1:30 p.m. by the President. Prayer by the Rev. Mr. Chaplain [sic]. On roll call all the members were present except Messrs. Berry, Buchanan, Comegys, Dunbar, Eshelman, Kellogg, Kinnear, McElroy, McReavey, Newton, Tibbetts, Weir, Willison and Winsor, and Mr. Sohns on leave.

Mr. Sturdevant asked to have Mr. Comegys excused for the day. Granted. Mr. Turner asked to have Mr. Dunbar excused for the day. Granted. Mr. Dyer asked that Messrs. Kinnear, Eshelman, Buchanan, Tibbetts, Kellogg and McElroy be excused for the day. Granted. Mr. Eldridge asked that Mr. Winsor be excused indefinitely. Granted. Mr. West asked that Mr. McReavey be excused for the day. Granted. Mr. President asked that leave be granted Mr. Weir. So ordered.

Minutes read and approved. Mr. Minor sent the following resolution and asked unanimous consent to consider the same at this time. Consent given. "Resolved, that the Committee on the Judicial Department prepare a separate general article on impeachment and removal from office." Consent given and adopted.

Mr. Prosser asked unanimous consent to present and have considered the following:

“Whereas under instructions from the Treasury Department to the Honorable Secretary of the Territory designated as the disbursing officer of this Convention no part of the Congressional appropriation of twenty thousand dollars is available for the payment of the additional clerical force and certain other necessary employees of this Convention, and whereas this Convention has no funds at its disposal nor power of appropriation,

“Now therefore, be it resolved that we recommend for payment by the next Legislature such additional employees as may be duly certified to by the Chief Clerk and President of this Convention and that their pay be fixed as follows for each day employed as follows to wit:

“Reading Clerk	\$ 6.00 per day
“Journal and Committee Clerks	\$ 5.00 ” ”
“Pages	\$ 4.00 ” ”

and such other employees as may hereafter be necessarily employed.” Adopted.

Mr. Browne presented a resolution from the teachers of the Fourth Judicial District in relation to the department of industrial training in connection with the public school system, signed by E. N. Livermore. Read and referred to the Committee on Education and Educational Institutions.

The President read a telegram from Hon. George H. Williams asking the members of the Convention if they desired to hear Senator Stewart on the subject of mines and irrigation. Mr. Dyer moved that he be invited to speak in the Capitol Building and the chair be instructed to so telegraph him. Adopted.

Mr. Gowey presented a petition in relation to the taxation of church property. Read and referred to the Committee on Revenue and Taxation.

Mr. Stiles, chairman of Committee on County, City and Township Organization, reported the following article.

Constitutional Convention  
Session, July, 1889. No. 1

T. H. Cavanaugh  
Public Printer

In the Convention

Committee on County, City and Township Organization  
Organization of Counties, Cities and Township

Article

Mr. President and Members of the Convention.

Your Committee on County, City and Township Organization begs to submit the following article on the subject and recommends its adoption.

**Section 1.** The several counties of the Territory of Washington existing at the time of the adoption of this Constitution are hereby recognized as legal subdivisions of this state.

**Section 2.** No county seat shall be removed unless a majority of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal, and a majority of all votes cast on the proposition shall be required to relocate a county seat. A proposition of removal shall not be submitted in the same county more than once in four years.

**Section 3.** No new county shall be established which shall reduce any county to a population less than four thousand, nor shall a new county be formed containing a less population than two thousand. There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition for such division. Every county which shall be enlarged or created from territory taken from any other county or counties shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken; provided that in such accounting neither county shall be charged with any debt or liability then existing incurred in the purchase of any county property, or in the purchase or construction of any county buildings then in use or under construction which shall fall within and be retained by the other county; provided further that this shall not be construed to effect the right of creditors.

**Section 4.** The Legislature shall establish a system of county government which shall be uniform throughout the state, and by

general laws shall provide for township organizations under which any county may organize whenever a majority of the qualified electors of such county voting at a general election shall so determine, and whenever a county shall adopt township organization the assessment and collection of the revenue shall be made and the business of such county and the local affairs of the several townships therein shall be managed and transacted in the manner prescribed by such general laws.

**Section 5.** The Legislature by general and uniform laws shall provide for the election in the several counties of Boards of County Commissioners, Sheriffs, County Clerks, Treasurers, Prosecuting Attorneys, and such other county, township or precinct and district officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to their duties and for the purpose may [qualify]\* classify the counties by population. And it shall provide for the strict accountability of such officers for all fees which may be collected by them and for all public moneys which may be paid to them, or officially come into their possession.

**Section 6.** The Board of County Commissioners in each county shall fill all vacancies occurring in any county, township, precinct or road district office of such county by appointment, and officers thus appointed shall hold office till the next general election and until their successors are elected and qualified.

**Section 7.** No county officer shall be eligible to hold his office for more than two terms in succession.

**Section 8.** The Legislature shall fix the compensation by salaries of all county officers and of constables in cities having a population of five thousand and upwards, except that public administrators, surveyors and coroners may or may not be salaried officers. The salary of any county, city, town or municipal officer shall not be increased or diminished after his election or during his term of office, nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

**Section 9.** No county nor the inhabitants thereof nor the

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\* Stricken in journal.

property therein shall be released or discharged from its or their proportionate share of taxes to be levied for state purposes nor shall commutation from such taxes be authorized in any form whatever.

**Section 10.** Corporations for municipal purposes shall not be created by special laws but the Legislature, by general laws, shall provide for the incorporation, organization and classification in proportion to population of cities and towns, which laws may be altered, amended or repealed. Cities and towns heretofore organized or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith; and cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution shall be subject to and controlled by general laws. Any city containing a population of twenty-five thousand inhabitants, or more, shall be permitted to frame a charter for its own government, consistent with and subject to the Constitution and laws of this state, and for such purpose the Legislative authority of said city may cause an election to be had at which election there shall be chosen by the qualified electors of said city fifteen freeholders thereof, who shall have been residents of said city for a period of at least two years preceding their election and qualified electors whose duty it shall be to convene within ten days after their election and prepare and propose a charter for such city. Such proposed charter shall be submitted to the qualified electors of said city and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said city and shall become the organic law thereof and supersede any existing charter including amendments thereto, and all special laws inconsistent with such charter; said proposed charter shall be published in two daily newspapers published in said city for at least thirty days prior to the day of submitting the same to the electors for their approval, as above provided. All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election and shall be given for at least ten days before the day of election in all election districts of said city. Said elections may be general or special elections, and except as herein provided shall be governed by law regulating and controlling general or special elections in said city. Such charter

may be amended by proposals therefor submitted by the legislative authority of such city to the electors thereof at any general election after notice of said submission published as above specified, and ratified by two-thirds of the qualified electors voting thereon. In submitting any charter or amendment thereto any alternate article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

**Section 11.** Any county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws.

**Section 12.** Legislature shall have no power to impose taxes upon counties, cities, towns or other public or municipal corporations or upon the inhabitants or property thereof for county, city, town or other municipal purposes, but may by general laws vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

**Section 13.** Private property shall not be taken or sold for the payment of the corporate debt of any public or municipal corporation except in the mode provided by law for the levy and collection of taxes.

**Section 14.** The making of profit out of county, city, town or other public money or using the same for any purpose not authorized by law by any officer having the possession or control thereof shall be a felony and shall be prosecuted and punished as prescribed by law.

**Section 15.** All moneys, assessments and taxes belonging to or collected for the use of any county, city, town or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the treasurer or other legal depository to the credit of such city, town or other corporation respectfully for the benefit of the funds to which they belong.

Inasmuch as the office of County Clerk is a new one, we

recommend that the Committee on Schedule provide for his election at the election to be held for the adoption of this Constitution.

Respectfully submitted,

T. L. STILES,  
*Chairman*

A. A. LINDSLEY,  
*Secretary*

FRANK M. DALLAM

O. A. BOWEN

H. WILLISON

B. B. GLASCOCK

E. H. SULLIVAN

RICHARD JEFFS

THOMAS C. GRIFFITTS

Received, read a second time and ordered to lie over one day and be printed.

Mr. Dyer (by request) presented a proposition relative to state officers accepting passes over any railroad or steamboat line. Read and referred to the Committee on Corporations Other Than Municipal.

Mr. Turner moved that the Convention resolve itself into a committee of the whole for the purpose of further considering the article on Judicial Department. Carried. At 2 p.m. the Convention went into a committee of the whole with Mr. Cosgrove in the chair.

At 2:35 p.m. the committee rose and the President resumed the chair. The committee of the whole having risen reported that they had had under consideration the article on Judicial Department and had made certain amendments thereto and recommended concurring therein and that when so amended that the article be adopted.

The question being upon the concurring in said amendment Mr. Turner demanded a separate vote on the amendment to strike out the word "six" in the last line on page 2 of Section 5 and insert thereof the word "four." The question being put on concurring in all other amendments it was carried and said amendments concurred in.

Pending the question upon which separate vote had been demanded, Mr. Mires moved a call of the house. Carried. A call was had showing the following members present: Allen, Blalock, Bowen, Browne, Burk, Clothier, Coey, Cosgrove, Crowley, Dallam, Dickey, Durie, Dyer, Eldridge, Fairweather, Fay, Glascock, Godman, Gowey, Gray, Griffiths, Hayton, Henry, Hicks, Hungate, Jamieson, Jeffs, Jones, Joy, Lindsley, Manly, McCroskey, McDonald, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Neace, Power, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Van Name, Warner, Weisenburger, West, Mr. President. All the other members being on leave, Mr. Reed moved that further proceedings under the call be dispensed with. Carried.

And vote being had on the pending amendment, the ayes and noes were ordered and following members voted aye: Allen, Blalock, Bowen, Browne, Burk, Clothier, Cosgrove, Crowley, Dallam, Dickey, Durie, Dyer, Eldridge, Fairweather, Fay, Glascock, Godman, Gray, Griffiths, Hayton, Henry, Hicks, Hungate, Jamieson, Jeffs, Joy, McCroskey, McDonald, Mires, R. S. More, Power, J. M. Reed, Schooley, Sharpstein, Shoudy, Stevenson, Stiles, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Van Name, Warner, West, Mr. President. And the following members voted no: Coey, Gowey, Jones, Lindsley, Manly, Minor, J. Z. Moore, Morgans, Neace, Prosser, T. M. Reed, Sturdevant, Turner, Weisenburger. So the amendment was concurred in.

Mr. Mires moved to amend to make it read one judge for the counties of Klickitat and Yakima and one for the county of Klickitat [sic]. Lost.

Mr. Warner moved to suspend the rules and let the report come upon its third reading and be put on its final passage but yielded for the purpose of allowing Mr. Cosgrove to move the following amendment to Section 4: To strike out two hundred and insert one hundred. Mr. Cosgrove withdrew his amendment.

Mr. Allen moved the following. To strike out of Section 4, commencing at "excepting" in second line and ending with the word "statute" in sixth line. Lost.

Mr. Warner renewed his motion and a vote being had it was lost.



Mr. Gowey moved to amend Section 4 as follows. Strike out all after the word "proceedings" in second line Section 4 down to and including the word "statute" and add "as may be prescribed by law." Lost. By unanimous consent the article was considered as engrossed and ordered to be reprinted and lie over one day.

Mr. Dickey moved to adopt the minority report of the Committee on Miscellaneous Subjects, Schedule and Future Amendments.

Mr. Reed moved to postpone until Wednesday at 10 a.m. Carried.

Mr. Jones asked that the report from the Committee on Federal Relations, Boundaries and Immigration be passed without losing its place on the calendar. Granted.

Mr. Power moved to adopt the report of the Committee on Printing, Mileage and Contingent Expenses. Pending same Mr. Gowey moved the following substitute.

#### Article

**Section 1.** The Legislature shall provide by law for the public printing in such manner as may be deemed for the best interests of the state.

Mr. Minor moved that the further consideration of same be indefinitely postponed. Lost.

Mr. Turner moved to adjourn. Lost.

Mr. P. C. Sullivan moved that the substitute be laid on the table. Lost.

Mr. Dyer moved the following: That the pending article be referred back to the Committee on Printing with instructions to prepare a provision for the election of a Public Printer. Lost.

A vote being had on the substitute of Mr. Gowey it was lost.

Mr. Griffitts moved to strike out all after "contract" in line two.

Mr. Schooley moved to indefinitely postpone. Ruled out.

Mr. Eldridge moved to lay on table. Carried.

Mr. Gowey moved to adjourn to 24th at 9 a.m.

Mr. Godman moved to adjourn. Agreed to and Convention stood adjourned until July 23rd, 1889, at 9 a.m.

### July 23rd, 1889

Convention called to order by the President at 9 a.m. Prayer by the Rev. Mr. Chaplain [sic]. On a call of the roll all members present except the following: Messrs. Berry, Clothier, Fairweather, Hicks, Jamieson, Manly, McElroy, McReavey and Willison. Messrs. Sohns and Winsor on leave.

Minutes read and approved.

Mr. Allen asked that leave be granted Mr. Hicks for the day. It was so ordered.

Mr. Sturdevant submitted a proposition (by request) relative to State Institutions & Public Buildings. Read and referred to the Committee on State Institutions and Public Buildings.

Mr. Turner moved that consideration of the judicial article be postponed until tomorrow morning. Carried.

Mr. Weir asked consent for the Committee on Federal Relations to report the order having been passed. Granted.

Mr. Weir submitted report of the Committee on Executive Department and Pardoning Power. Read second time by title. Ordered to lie over one day and be printed.

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

We your Committee on Executive Department and Pardoning Power have formulated the following article on Executive Department and respectfully recommend its adoption.

ALLEN WEIR,  
*Chairman*  
GWIN HICKS,  
*Secretary*  
HARRISON CLOTHIER  
H. W. FAIRWEATHER

#### Article

**Section 1.** The executive department shall consist of a Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor,