

July 25th, 1889

The Convention was called to order by the President at 9 a.m. Prayer by the Rev. Mr. Lee. On roll call all the members were present except Mr. Turner on leave. Minutes read and approved.

The President submitted the following telegram.

July 24, 1889

121 † Seattle, W. T.

To Hon. John P. Hoyt, President

In behalf of Seattle Chamber of Commerce I strongly endorse memorial of Olympia Board of Trade relating to corporations.

BAILEY GATZERT

I fully endorse the foregoing.

GEORGE B. ADAIR,
President,
Seattle Board of Trade

Read and referred to Committee on Corporations Other Than Municipal.

The President presents a petition from Dr. H. T. Turner relative to convict labor. Read and referred to the Committee on County, City and Township Organization.

Mr. Van Name by request of J. B. Ladue presented a petition relative to the suffrage of women. Mr. Sharpstein moved that it lie on the table. Carried.

Mr. Newton presented a petition from a K. of L. Assembly number 115, signed by H. E. Church. Read and the first, second, third and fourth sections referred to the Committee on Elections and Elective Rights.

The fifth section, which read as follows, "Enabling municipal government to own and control such industries and public conveniences as the people may choose to own or control" was referred to the Committee on State, County and Municipal Indebtedness.

† Number in margin of journal.

The sixth section, "Taxation of land held use, equally as high as land used", [was] referred to the Committee on Revenue and Taxation.

The seventh section, "The reservation of our tidelands, school lands and all land ceded to the state by the United States forever. The same to be treated so as to insure the highest possible perpetual income to the state and schools", [was] referred to the Committee on State, School and Granted Lands.

Section eight, prohibiting the operation of all private detective agencies; no arrest to be made or law enforced by other than constitutionally qualified officers, [and] nine, a clause providing that the right of the people to peaceably assemble to discuss measures for their mutual benefit or to ask for a redress of grievances shall not be infringed or curtailed, [were] referred to the Committee on Preamble and Bill of Rights.

Section ten, providing the annual sessions of the Legislature and no restrictions to be placed on the length of the session, [was] referred to the Committee on Legislative Department.

Section eleven, an expeditious method of amending the organic law so as to make it conform to the changing conditions, [was] referred to Committee on Preamble and Bill of Rights.

Mr. Browne from the Committee on State, County and Municipal Indebtedness submitted the following report.

In the Convention

Committee on State, County and Municipal Indebtedness
Minority Recommendation on Section 7

Mr. President and Members of the Convention:

Your Committee on State, County and Municipal Indebtedness respectfully submit the following report:

The Committee respectfully recommends the adoption by this Convention of each of the sections in the article hereto attached and that the same be incorporated as an article on the Constitution to be submitted to the people to be voted for as the Constitution of the State of Washington.

Section 1. The state may to meet causal deficits in revenues or for expenses not provided for, contract debts, but such debts,

direct and contingent, singly or in the aggregate, shall not at any time exceed four hundred thousand dollars, and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained or to repay the debt so contracted and to no other purpose whatever.

Section 2. In addition to the above limited power to contract debts the state may contract debts to repel invasion, suppress insurrection or to defend the state in war but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised and to no other purpose whatever.

Section 3. Except the debts specified in Sections 1 and 2 of the article no debts shall hereafter be contracted by or on behalf of this state unless such debt shall be authorized by law for some single work or object to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest on such debt as it falls due and also to pay and discharge the principal of such debt within twenty years from the time of the contracting thereof.

No such law shall take effect until it shall at a general election have been submitted to the people and have received a majority of all the votes cast for and against it at such election, and all moneys raised by authority of such law shall be applied only to the specific object therein stated or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, if one be published therein, throughout the state for three months next preceding the election at which it is submitted to the people. The Legislature may at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same, and may at any time by law forbid the contracting of any further debt or liability under such law, but the tax imposed by such act, in proportion to the debt and liability which may have been contracted in pursuance of such law, shall remain in force and be irrepealable and be annually collected until the proceeds thereof shall have made the provision hereinbefore specified to pay and discharge the interest and principal of the debt and liability therein created.

Section 4. No moneys shall ever be [made] * paid out of the

* Stricken in journal.

treasury of this state or any of its funds or any of the funds under its management except in pursuance of an appropriation by law nor unless such payment be made within two years next after the passage of such appropriation act, and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum.

Section 5. The credit of the state shall not in any manner be loaned or given to, or in aid of, any individual, association, company or corporation. No county, city, town, school district or other municipal corporation shall become indebted in any manner or for any purpose exceeding one per centum of the taxable property in such county, city, town, school district or other municipal corporation, without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness. Provided, that no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly county, city, town, school district or other municipal purposes. Provided further that any city or town with such assent may be allowed to become indebted to a larger amount but not exceeding five per centum additional for supplying such city or town with water, artificial light and sewers when the works for supplying such water, light and sewers shall be owned and controlled by the municipality.

Section 7. No county shall hereafter give or loan its money, property or credit to or in aid of any individual, company, corporation or association unless two-thirds of the property taxpayers thereof being legal electors therein and voting thereon vote therefor at an election to be held for such purpose, and in no case shall the sum so voted exceed in the aggregate four per centum of its assessed valuation for county and state purposes as shown by its assessment next preceding such election.

The Legislature shall enact the necessary laws to carry out the provisions of this article.

Respectfully submitted,

N. G. BLALOCK,
Secretary

R. F. STURDEVANT

T. M. REED

C. T. FAY

DAVID E. DURIE

We concur in the foregoing report, except as to Section 7 and as to that section, we recommend that the same be stricken out and instead thereof the following be inserted; viz.

Section 7. No county, city, town or other municipal corporations shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association, company or corporation or become directly or indirectly the owner of stock in or bonds of any association, company or corporation.

J. J. BROWNE,
Chairman

JAMES A. HUNGATE

CHAS. P. COEY

H. W. FAIRWEATHER

Read first and second time by title and ordered to lie over one day and be printed.

Mr. Warner from the Committee on Preamble and Bill of Rights submitted the following report.

In the Convention

Committee on Preamble and Declaration of Rights

Mr. President and Members of the Convention:

Your Committee on Preamble and Declaration of Rights reports the following article on the subject and recommends its adoption:

Preamble and Declaration of Rights

Preamble

We, the people of the State of Washington, to preserve our rights, do ordain this Constitution.

Article 1

Section 1. All political power abides with 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 most 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 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 qualification shall be required for any public office 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 effect 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. 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, as shall be prescribed by law.

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. No power of suspending law shall be exercised except by the Legislature.

Section 20. All elections shall be free and equal.

Section 21. All prisoners shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great.

Section 22. 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 23. In criminal prosecutions the accused shall have the right to appear and defend in person, 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 24. No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall ever be passed.

Section 25. The right of the individual citizen to bear arms in defense of self or 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 26. Offenses heretofore required to be prosecuted by indictment may be prosecuted by information or by indictment as shall be prescribed by law.

Section 27. The grand jury shall consist of seven men, any five of whom concurring may find an indictment. No grand jury shall be drawn or summoned in any county except the superior judge thereof shall so order.

Section 28. Treason against the state shall consist only in levying war against, or adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

Section 29. No hereditary emoluments, privileges or powers shall be granted or conferred in this state.

Section 30. The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise.

Section 31. The enumeration in this Constitution of certain rights shall not be construed to deny others retained by the people. All of which is respectfully submitted.

C. H. WARNER,
Chairman

GWIN HICKS,
Secretary

GEO. COMEGYS
FRANCIS HENRY
LEWIS SOHNS
J. C. KELLOGG
FRANK M. DALLAM

Read first and second time by title and ordered to lie over one day and be printed.

Mr. Griffiths gave notice that he would at the proper time move to reconsider the vote by which Section 2 in line one and two were changed to read three-fifths instead of a majority.

Mr. Minor asked that the Committee on Revision, Adjustment and Enrollment be allowed to employ a clerk. Granted.

Mr. Gowey asked the unanimous consent to present petitions relative to the taxation of church property. Consent granted. Mr. Gowey presented petitions relative to the taxation of church property as follows.

- Petition of First M. E. Church, Tacoma, W. T., Geo. C. Wilding,
Pastor.
- " of Plymouth Congregational Church. Seattle.
 - " of Trinity Parish of the Episcopal. Seattle.
 - " of St. Mark's Episcopal. Seattle.
 - " of Swedish Methodist Episcopal. Seattle.
 - " of Methodist Protestant. Seattle.
 - " of First Presbyterian. Seattle.
 - " of Gethsemane Lutheran.
 - " of Seattle First [?] M. E. Church. Seattle.
 - " of Norwegian Lutheran Church. Seattle.
 - " of First Methodist Episcopal Church. Seattle.

Read and referred to the Committee on Revenue and Taxation.

Mr. Dickey sent up the following resolution and asked that the rules be suspended and that it be considered at this time.

“Resolved, that the following separate proposition be submitted with the Constitution for the ratification by the people, and be inserted therein should the majority of the electors so decide.”

Proposition

It shall not be lawful for any individual, company or corporation within the limits of this state, to manufacture or cause to be manufactured, to sell, offer for sale or in any manner dispose of any alcoholic, malt or spirituous liquors except for medicinal, sacramental or scientific purposes.

The question to suspend the rules was put, and was lost.

The question then before the house was upon the pending motion of Mr. Kinnear to amend Section 3 of the article reported from the committee of the whole on County, City and Township Organization.

Mr. J. M. Reed moved the previous question and demanded the ayes and noes on the question “Shall the previous question be now put”. The following forty-two members voted aye: Allen, Berry, Blalock, Bowen, Burk, Comegys, Crowley, Dallam, Dickey, Durie, Dyer, Eldridge, Griffiths, Henry, Hicks, Hungate, Jamieson, Kellogg, Lindsley, Manly, McDonald, McReavey, R. S. More, Neace, Newton, J. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Van Name, Weisenburger, West, Willison, Winsor. The following twenty-three members voted no: Browne, Buchanan, Clothier, Coey, Glascock, Godman, Gowey, Hayton, Jones, Kinnear, Lillis, McCroskey, McElroy, Minor, J. Z. Moore, Morgans, Power, Prosser, T. M. Reed, Tibbetts, Warner, Weir, Mr. President. The following not voting: Cosgrove, Fairweather, Fay, Gray, Jeffs, Joy, Mires. Mr. Turner absent on leave. The previous question was ordered.

Mr. Stevenson moved a call of the house. Ruled out of order. The question then was “shall the amendment moved by Mr. Kinnear prevail”.

Mr. Durie demanded the ayes and noes; so ordered. The following seventeen members voted aye: Clothier, Durie, Dyer, Gowey, Hayton, Kinnear, McCroskey, McElroy, McReavey, Minor, J. Z. Moore, Morgans, Sohns, Stevenson, Tibbetts, Warner, Mr. President. The following fifty members voting no: Allen, Berry, Blacklock, Bowen, Browne, Buchanan, Burk, Coey, Comegys, Crowley, Dallam, Dickey, Eldridge, Fay, Glascock, Godman, Griffiths, Henry, Hicks, Hungate, Jamieson, Jeffs, Jones, Kellogg, Lillis, Lindsley, Manly, McDonald, R. S. More, Neace, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Van Name, Weir, Weisenburger, West, Willison, Winsor. The following not voting: Cosgrove, Dunbar, Eshelman, Fairweather, Gray, Joy, Mires; Mr. Turner being absent on leave. The amendment was lost.

Mr. J. Z. Moore moved the following amendment be added to Section 3: "and only such other condition as shall be prescribed by general law, applicable to the whole state," after "division" in lines four and five. It was carried.

Mr. Godman moved to amend as follows: To strike out the words "for such division" in lines four and five of Section 3 and insert the word "therefor." Carried.

Mr. Weir moved to amend by striking out the words "twenty-five" in line nine, Section five, and inserting "ten." Lost.

Mr. Kinnear moved to amend Section 3 by striking out the words "a majority" in fourth line and insert in place thereof "two-thirds." Mr. Wagner moved an amendment of the amendment to strike out "two-thirds" and insert "three-fifths." Mr. P. C. Sullivan demanded the ayes [and] noes. They were ordered and the following twenty-five members voted aye: Blacklock, Buchanan, Coey, Dickey, Durie, Dyer, Glascock, Godman, Gowey, Jones, McCroskey, McDonald, McElroy, Minor, Morgans, Power, T. M. Reed, Schooley, Sohns, Stevenson, Suksdorf, Tibbetts, Van Name, Warner, Weisenburger. The following forty-four members voted no: Allen, Berry, Bowen, Browne, Burk, Clothier, Comegys, Dallam, Dunbar, Eldridge, Eshelman, Fay, Griffiths, Hayton, Henry, Hicks, Hungate, Jamieson, Jeffs, Joy, Kinnear, Lillis, Lindsley, Manly, McReavey, Mires, J. Z. Moore, R. S. More, Neace, Newton, Prosser, J. M. Reed, Sharpstein, Shoudy, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Travis, Weir, West, Willison, Winsor, Mr. President. The fol-

lowing members not voting: Cosgrove, Crowley, Fairweather, Gray, Kellogg, Mr. Turner absent on leave. The amendment was lost.

The question was then on the amendment of Mr. Kinnear. Mr. P. C. Sullivan demanded the ayes and noes; so ordered. The following twenty-three members voted aye: Blalock, Buchanan, Clothier, Coey, Durie, Dyer, Gray, Hayton, Kinnear, McCroskey, McDonald, McElroy, Minor, Morgans, Newton, Power, T. M. Reed, Sohns, Stevenson, Tibbetts, Warner, Wiesenburger, Mr. President. The following forty-nine members voted no: Allen, Berry, Bowen, Browne, Burk, Comegys, Crowley, Dallam, Dickey, Dunbar, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Gowey, Griffiths, Henry, Hicks, Hungate, Jamieson, Jeffs, Jones, Joy, Lillis, Lindsley, Manly, McReavey, Mires, J. Z. Moore, R. S. More, Neace, Prosser, J. M. Reed, Schooley, Sharpstein, Shoudy, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Van Name, Weir, West, Willison, Winsor. The following members not voting: Cosgrove, Kellogg. Mr. Turner absent on leave. Lost.

Mr. Tibbetts moved to strike out all but the words "two thousand" in line three, Section 3. It was lost.

Mr. T. M. Reed moved to strike out "twenty-five" in line nine, Section 10 and insert the word "ten." Mr. Browne moved an amendment to the amendment to strike out "ten" and insert "five." On the vote on the amendment to the amendment it was carried. The question was then on the amendment of Mr. Reed as amended. Mr. Sullivan demanded the ayes and noes. It was so ordered. The following forty members voted aye: Allen, Berry, Blalock, Browne, Clothier, Dickey, Eldridge, Eshelman, Gowey, Gray, Griffiths, Henry, Hicks, Hungate, Jones, Joy, Kinnear, McCroskey, McDonald, McReavey, Minor, Mires, R. S. More, Morgans, Neace, Newton, Power, T. M. Reed, Sharpstein, Sohns, Stevenson, Suksdorf, Tibbetts, Travis, Van Name, Warner, Weir, Weisenburger, West, Willison. The following thirty-one members voted no: Bowen, Buchanan, Burk, Coey, Comegys, Crowley, Dallam, Dunbar, Durie, Fairweather, Fay, Glascock, Godman, Hayton, Jamieson, Jeffs, Kellogg, Lillis, Lindsley, Manly, McElroy, J. Z. Moore, Prosser, J. M. Reed, Schooley, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Winsor, Mr. President. The following members not voting: Cosgrove, Dyer, Shoudy. Mr. Turner being absent on leave. The amendment was carried.

Mr. Jones moved the following amendment, "insert after word 'that' and before word 'public' in line two, Section 8 the words 'sheriffs, recorders'." Ruled out of order.

Mr. Power offered the following amendment, "add to Section 5 as follows: Provided, however, that the compensation or salary allowed shall not exceed the fees collected." It was lost.

Mr. Warner moved to strike out in Section 10, line eight "any city of five thousand" and insert "any city duly incorporated may be permitted to frame its own charter." It was lost.

Mr. Henry offered the following amendment: To strike out all of Section 10 after the words "general laws" in line eight. Mr. Griffiths raised a point of order that the question had been passed upon. Not sustained.

Mr. Godman called for the ayes and noes. It was so ordered. The following forty-two members voted aye: Allen, Blalock, Browne, Buchanan, Burk, Coey, Comegys, Crowley, Dunbar, Durie, Eldridge, Fairweather, Fay, Glascock, Godman, Govey, Gray, Henry, Hungate, Jeffs, Joy, Kellogg, Manly, McDonald, McReavey, Minor, J. Z. Moore, R. S. More, Morgans, Neace, Newton, Power, Prosser, J. M. Reed, Stevenson, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Warner, Winsor. The following twenty-nine members voted no: Berry, Bowen, Clothier, Dallam, Dickey, Durie, Eshelman, Griffiths, Hayton, Hicks, Jones, Kinneary, Lillis, Lindsley, McCroskey, McElroy, Mires, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Tibbetts, Van Name, Weir, Weisenburger, West, Willison, Mr. President; the following members not voting: Cosgrove, Jamieson, Stiles. Mr. Turner on leave. The amendment was carried and it was stricken out.

Mr. Durie moved to take a recess until 2 p.m. Motion carried.

At 2 p.m. Convention called to order by the President. On roll call all members were present except Mr. Turner who was absent on leave.

Mr. Power asked the Convention for unanimous consent to grant Dr. G. B. Calhoun the privilege of the house. Granted.

Dr. Minor rose to a question of privilege and made a statement regarding remarks this morning.

Mr. Griffiths moved to amend Section 10 by adding the following. After the word "laws" in Section 10, line eight: "Any city containing a population of twenty thousand inhabitants, more or less, shall be permitted to frame a charter for its own government, consistent with any subject to the Constitution and laws of this state, and for such purpose the legislative authority of such 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 [shall] * ratify the same it shall become the organic law therefor, 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 [said] * 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 the 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, the electors thereof at any general election after notice of said submission published as above specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such 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 the others."

The question was on the adoption of the amendment and it was carried.

* Stricken in journal.

Mr. Browne moved to strike out twenty and insert "five." It was lost.

Mr. Kinnear moved to strike the word [five]* "majority" and insert "two-thirds." Lost.

Mr. Power moved the following amendment: To strike out the word "two" in Section 9, line twenty and insert the words "one or more." There being no second the motion was withdrawn.

Mr. Suksdorf moved the following amendment: To strike out all of Section 7. It was lost.

Mr. Stiles moved the following amendment: That the vote by which the Convention amended the article by striking out "a majority" and inserting "three-fifths" in Section 2, lines two and three, be reconsidered.

Mr. Glascock raised the point of order that the gentleman making the point did not vote in the affirmative. Point overruled. And the question being on the above motion to reconsider, Mr. Griffiths demanded the ayes and noes, which were ordered.

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

Mr. P. C. Sullivan moved the following amendment: That Section 3 be amended by adding after the words "two thousand," "nor shall any new county be created except upon a three-fifth vote of the electors voting at an election provided for that purpose." It was lost.

Mr. Mires moved that this article as amended be considered

* Stricken in journal.

engrossed, passed to a third reading and be put upon its final passage. Carried.

On the question to agree to this article the ayes and noes were called. The following fifty-five members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Gowey, Griffiths, Hayton, Henry, Hicks, Hungate, Jamieson, Jeffs, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McDonald, McElroy, Minor, J. Z. Moore, R. S. More, Morgans, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Shoudy, Sohns, Stiles, E. H. Sullivan, Warner, Weir, Winsor, Mr. President. The following eighteen members voted no: Crowley, Dallam, Fairweather, Godman, Gray, Jones, McReavey, Mires, Sharpstein, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Van Name, Weisenburger. The article was agreed to and ordered and sent to the Committee on Revision, Adjustment and Enrollment. See page 408 for article as agreed to on County, City and Township Organization.

Mr. Weir moved that the Convention resolve itself into a committee of the whole for the purpose of considering the report of the Committee on Executive Department and Pardoning Power. Lost.

Mr. Minor was called to the chair.

Report of the Committee on Executive Department and Pardoning Power read for information.

Mr. Stiles moved that the Convention resolve itself into a committee of the whole for the purpose of considering the same. Carried.

The Convention then went into committee of the whole for the purpose of considering the report with Mr. T. M. Reed in the chair.

At 5:15 the committee rose and the President resumed the chair. The committee reported that they had had under consideration the report of the Committee on Executive Department and Pardoning Power and had made progress but came to no resolution thereon and asked leave to sit again. Leave was granted.

Mr. Dyer moved to adjourn. The ayes and noes were called

for and ordered. The following forty-three members voted aye: Allen, Berry, Bowen, Browne, Burk, Coey, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Gowey, Hayton, Henry, Hicks, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, McCroskey, McDonald, McReavey, Mires, Power, Prosser, T. M. Reed, Schooley, Sohns, Stevenson, Stiles, Suksdorf, P. C. Sullivan, Travis, Van Name, Weir. No: Blalock, Buchanan, Clothier, Comegys, Dallam, Fay, Glascock, Godman, Griffiths, Hungate, Jamieson, Jeffs, Manly, McElroy, Minor, J. Z. Moore, R. S. More, Morgans, Neace, Newton, J. M. Reed, Sharpstein, Shoudy, Sturdevant, E. H. Sullivan, Tibbetts, Turner, Warner, Mr. President.

The motion prevailed and the Convention stood adjourned to July 26th, 1889, at 9 a.m.

July 26th, 1889

Convention called to order by the President at 9 a.m. Prayer by the Rev. Mr. Lee. On a call of the roll all the members were present. Minutes read and approved.

Mr. Cosgrove presented a letter from Robert A. Connell containing suggestions towards a scheme of agricultural education. Read and referred to the Committee on Education and Educational Institutions.

Mr. Berry presented a memorial from the Lewis County Bar relating to probate matters. Read and referred to the Committee on Judicial Department.

Mr. Berry presented numerous petitions in relation to the taxation of church property. Read and referred to the Committee on Revenue and Taxation.

Mr. Joy presented a memorial from the Lewis County Bar relating to probate matters. Read and referred to the Committee on Judicial Department.

Mr. Allen (by request) Invitation to hear Rev. W. F. Crafts on the Sunday rest movement. Read and referred to the Committee on Preamble and Bill of Rights.

Mr. Power presented a petition from the Typographical Union No. 202 relative to the office of Public Printer. Read and referred to the Committee on Printing, Mileage and Contingent Expenses.