

nicipal Indebtedness and had made progress and asked leave to sit again. Leave granted. Mr. Mires moved that the Convention take a recess until 2 p.m., pending which the chair stated he would be unable to attend this afternoon and called Mr. P. C. Sullivan to occupy the chair for the afternoon, the motion was then agreed to.

At 2 p.m. the Convention was called to order by Mr. P. C. Sullivan. Mr. Prosser moved to go into a committee of the whole, pending which Mr. Buchanan asked consent to offer a substitute for Section 21 of the article of the Committee on Corporations Other Than Municipal. Consent given and substitute read and Mr. Buchanan moved that it be printed and referred to the committee of the whole. The Convention refused leave to print.

Mr. Prosser moved that the Convention resolve itself into a committee of the whole for the purpose of further considering of the report of the Committee on State, County and Municipal Indebtedness, pending which Mr. Cosgrove asked to be excused until 4 p.m., which was granted. The motion to go into committee of the whole was then agreed to and at 2:10 p.m. the Convention went into a committee of the whole to further consider the report with Mr. Dyer in the chair. At 5:50 the Convention rose and Mr. Sullivan resumed the chair.

The committee reported that they had had under consideration the report of the Committee on State, County and Municipal Indebtedness, and had made progress and asked leave to sit again. Leave granted.

On motion Hon. Watson C. Squire was granted privilege of the house. Mr. Gowey was excused for tomorrow. On motion of T. M. Reed the Convention at 5:55 p.m. adjourned until 9 a.m., August 1st, 1889.

August 1st, 1889

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. Gowey absent on leave. Minutes read and approved.

The President submitted a letter from Geo. A. Tewksbury relative to dedicating monument to the Pilgrims at Plymouth,

Massachusetts, which was read and the President was instructed to send congratulatory telegram in response.

Mr. Mires from the Committee on Water and Water Rights submitted the following report.

In the Convention

Committee on Water and Water Rights

Article

Mr. President and Members of the Convention:

Your Committee on Water and Water Rights beg to submit the following article on the subject of irrigation and recommend its adoption.

Section 1. 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 hereinafter provided.

Section 2. 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 same for manufacturing purposes.

Section 3. All persons and corporations shall have the right of way across public, private and corporate lands for the construction of ditches, canals and flumes for the purpose of conveying water for domestic purposes, for irrigation of agricultural lands, for mining and manufacturing purposes and for drainage upon payment of just compensation.

A. MIRES,

Chairman

S. H. MANLY

J. P. T. McCROSKEY

R. S. MORE

I concur in the above report except Section 3.

E. H. SULLIVAN

Received, read first time and second time by title, ordered to be over one day and be printed.

Mr. Dunbar from the Committee on State, School and Granted Lands submitted the following report.

In the Convention

Committee on State, School and Granted Lands

Mr. President and Members of the Convention:

Your Committee on State, School and Granted Lands report the following article on the subject and recommend its adoption.

Article

Section 1. All the public lands of the state are held in trust for all the people and none of such lands, nor any estate or interest therein, shall ever be disposed of unless the full market value of the estate or interests disposed of, to be ascertained in such manner as may be provided by law, be paid or safely secured to the state; nor shall any lands which the state holds by grant from the United States (in any case in which the manner of disposal and minimum price are so prescribed) be disposed of, except in the manner and for at least the price prescribed in the grant thereof without the consent of the United States.

Section 2. No individual, partnership or corporation claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary or other navigable water in this state shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such waters, and the Legislature shall enact such laws as will give the most liberal construction to this provision so that access to the navigable waters of this state shall always be attainable for the people thereof.

Section 3. None of the lands granted to the state shall be sold otherwise than at public auction to the highest bidder after the value thereof, less the improvements shall be appraised by a board of appraisers to be provided by law, the terms of payment

also to be prescribed by law, and no sale shall be valid unless the sum bid be equal to the appraised value of said land.

Section 4. Not more than one-third of the lands granted to the state for educational purposes shall be sold prior to January 1st, 1895, and not more than two-thirds prior to January 1st, 1900, provided that nothing herein shall be so construed to prevent the state from selling the timber off of any of said lands in such manner and on such terms as may be prescribed by law, and provided further that no sale of timber lands shall be valid unless the full value of such lands is paid or secured to the state.

Section 5. Not more than one-quarter of a section of any lands of the state shall be offered for sale in one parcel, and all lands within the limits of any incorporated city or within one mile of the boundary of any incorporated city where the valuation of such lands shall be found by appraisement to exceed two hundred dollars per acre shall before the same be sold be platted into lots and blocks of not more than four acres in a block and not more than one block shall be offered for sale in one parcel.

Section 6. The State of Washington disclaims any right or claim to any lands covered by patent of the United States lying beneath the navigable waters of the state, provided the same is never impeached for fraud.

Your Committee have also considered the numerous propositions submitted to them, have taken them into consideration and hereby return the same. All of which is respectfully submitted.

R. O. DUNBAR,
Chairman

O. A. BOWEN,
Secretary

J. C. KELLOGG

S. A. DICKEY

JOHN A. SHOUDY

J. T. ESHELMAN

T. L. STILES

FRANCIS HENRY

OLIVER H. JOY

EDWARD ELDRIDGE

THOMAS T. MINOR

While we concur in the majority report we recommend the following additional Section 7.

Section 7. All persons occupying shore lands and having thereon valuable improvements in actual use and necessity for commerce, trade or business (such lands being other than the extension of any street, alley or public highway) shall have the prior right to purchase as much of said shore lands as may be necessary for the purposes for which such improvements were made, at the valuation fixed, by a board of appraisers, which board shall fix such valuation irrespective of the improvements thereon.

S. A. DICKEY
O. A. BOWEN
EDWARD ELDRIDGE
J. C. KELLOGG
OLIVER H. JOY
JOHN A. SHOUDY

Received, read first time and second time by title, ordered to lie over one day and be printed.

Mr. Cosgrove and Mr. Browne asked leave to file a report from same Committee at some future time. Granted.

Mr. Dyer gave the following notice that on tomorrow he would move to strike out Rule 16 and adopt the following: No member shall speak more than once to the same question and not longer than ten minutes unless by leave of Convention, except the mover of a motion or proposition shall have the right to close the debate on any question, but in so doing shall not speak longer than five minutes. Received and ordered to lie over for one day.

Mr. Jones moved that the Convention resolve itself into a committee of the whole for the purpose of further consideration of the report of the Committee on State, County and Municipal Indebtedness. Carried. At 9:30 the Convention went into a committee of the whole for the purpose of further considering the report with Mr. Dyer in the chair. At 12 noon the Convention rose and the President resumed the chair.

The committee reported that they had had under consideration the report of the Committee on State, County and Municipal Indebtedness and had made progress, but come to no resolution

thereon and asked leave to sit again. Leave granted. Mr. Bowen moved to take a recess until 2 p.m. Agreed to.

At 2 p.m. the Convention was called to order by the President. Mr. Dyer moved that the Convention resolve itself into a committee of the whole for the further consideration of the report of the Committee on State, County and Municipal Indebtedness. Carried.

At 2:05 p.m. the Convention went into a committee of the whole for the purpose of further considering the report with Mr. Dyer in the chair. At 4:30 p.m. the committee rose and the President resumed the chair. The committee reported that they had had under consideration the report of the Committee on State, County and Municipal Indebtedness and had made sundry amendments thereto and recommended that they be concurred in by the Convention and when so concurring that the article be adopted by the Convention.

The question then was upon concurring in the amendments to the article. Separate votes demanded on amending Section 6 and the ayes and noes were ordered. The question then was on concurring in the amendment to Section 6 striking out "one" and inserting "one and one-half."

On a call of the roll the following fifty-one members voted aye: Allen, Berry, Bowen, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Durie, Dyer, Eshelman, Fairweather, Fay, Glascock, Gray, Hayton, Jamieson, Jones, Joy, Kellogg, Kinnear, Lillis, Manly, McCroskey, McDonald, McElroy, Minor, Mires, R. S. More, Morgans, Neace, Power, Prosser, T. M. Reed, Schooley, Shoudy, Sohns, Sturdevant, Stiles, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Weir, Warner, Weisenburger, Winsor, Mr. President.

The following twenty-two members voted no: Blalock, Browne, Buchanan, Burk, Clothier, Coey, Eldridge, Godman, Griffiths, Henry, Hicks, Hungate, Jeffs, Lindsley, McReavey, J. Z. Moore, Newton, J. M. Reed, Sharpstein, Stevenson, West, Willison. Mr. Comegys not voting, Mr. Gowey on leave, and the amendment was concurred in.

The question then was on concurring in striking out Section 7 reported by the majority of the committee and inserting thereof

the minority report. Ayes and noes ordered and on a call of the roll the following forty-nine members voted aye: Allen, Berry, Browne, Buchanan, Clothier, Coey, Comegys, Cosgrove, Dallam, Dickey, Dyer, Eldridge, Fairweather, Glascock, Godman, Gray, Griffiths, Hicks, Hungate, Jeffs, Jones, Kellogg, Kinnear, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, J. M. Reed, Schooley, Stevenson, Suksdorf, E. H. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Weir, Weisenburger, Willison, Winsor.

The following twenty-five members voted no: Blalock, Bowen, Burk, Crowley, Dunbar, Durie, Eshelman, Fay, Hayton, Henry, Jamieson, Joy, Lillis, Neace, Power, Prosser, T. M. Reed, Sharpstein, Shoudy, Sohns, Sturdevant, Stiles, P. C. Sullivan, West, Mr. President. Mr. Gowey excused and the amendment was concurred in.

Mr. Sohns moved to amend as follows: "Add to Section 7 the following: but this section shall not be so construed as to prevent incorporated cities from granting necessary terminal and shipping facilities on public levees and rights of way through streets to railroads and transportation companies."

Ayes and noes were demanded and ordered, and the following thirty-one members voted aye: Bowen, Burk, Cosgrove, Crowley, Dallam, Dickey, Eldridge, Glascock, Jeffs, Jones, Kellogg, Kinnear, Lindsley, McCroskey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Power, T. M. Reed, Sharpstein, Shoudy, Sohns, Stiles, Suksdorf, P. C. Sullivan, Tibbetts, Weir, Weisenburger, Mr. President.

The following forty-three members voted no: Allen, Berry, Blalock, Browne, Buchanan, Clothier, Coey, Comegys, Dallam, Dunbar, Durie, Dyer, Eshelman, Fairweather, Fay, Godman, Gray, Griffiths, Hayton, Henry, Hicks, Hungate, Jamieson, Joy, Lillis, Manly, McDonald, McElroy, Neace, Newton, Prosser, J. M. Reed, Schooley, Stevenson, Sturdevant, E. H. Sullivan, Travis, Turner, Van Name, Warner, West, Willison, Winsor. Mr. Gowey on leave and the amendment was lost.

Mr. Turner moved that "three-fifths" in line four, Section 6, be stricken out and the words "a majority" inserted.

The ayes and noes were demanded and ordered and the following thirty-three members voted aye: Cosgrove, Crowley, Dallam, Dickey, Dunbar, Griffiths, Hicks, Jamieson, Jeffs, Jones, Joy,

Kellogg, McCroskey, McElroy, Mires, R. S. More, Morgans, Power, J. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Stiles, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Warner, Weisenburger, West, Mr. President. The following forty-one members voted no: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Gray, Hayton, Henry, Hungate, Kinnear, Lillis, Lindsley, Manly, McDonald, McReavey, Minor, J. Z. Moore, Neace, Newton, Prosser, T. M. Reed, Shoudy, Sturdevant, Suksdorf, Van Name, Weir, Willison, Winsor. Mr. Gowey on leave, and the amendment was lost.

Mr. Stiles moved to amend by adding after "corporation" in line three, "except for the necessary support of the poor and infirm." Carried.

Mr. Weir moved the following amendment: Strike out in line three, Section 1, the words "four hundred thousand dollars" and insert in lieu thereof the words "one-half of one per centum of its taxable wealth" and called for the ayes and noes, pending which Mr. P. C. Sullivan moved to amend by striking out "one" and inserting "one-half of one." Accepted by the mover.

On a call of the roll the following twenty-three members voted aye: Blalock, Bowen, Comegys, Crowley, Dickey, Dunbar, Eldridge, Eshelman, Glascock, Jamieson, Jones, Joy, Kellogg, Mires, Prosser, Sohns, Stiles, Suksdorf, P. C. Sullivan, Tibbetts, Van Name, Weir, Winsor. The following fifty-one members voted no: Allen, Berry, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Dallah, Durie, Dyer, Fairweather, Fay, Godman, Gray, Griffiths, Hayton, Henry, Hicks, Hungate, Jeffs, Kinnear, Lillis, Manly, McCroskey, McDonald, McElroy, McReavey, Minor, J. Z. Moore, R. S. More, Morgans, Neace, Newton, Power, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Stevenson, Sturdevant, E. H. Sullivan, Travis, Turner, Warner, Weisenburger, West, Willison, Mr. President. Mr. Gowey on leave, and the amendment was lost.

Mr. Shoudy moved to amend Section 7, line four, add after the words "corporation" the words "except for the building and operating of canals and ditches for irrigating purposes only." Lost.

Mr. Griffiths moved to suspend the rules and that the article be considered engrossed and put upon its third reading. Carried.

Mr. President gave notice that he would file his protest in writing against Section 1 of the article at the proper time.

The question then was upon agreeing to the article as amended and on a call of the roll the following forty-eight members voted aye: Allen, Berry, Browne, Buchanan, Clothier, Coey, Comegys, Dallam, Dickey, Dyer, Fairweather, Glascock, Gray, Griffiths, Henry, Hicks, Hungate, Jeffs, Jones, Kellogg, Kinnear, Lindsley, Manly, McCroskey, McDonald, McElroy, McReavey, Minor, J. Z. Moore, R. S. More, Morgans, Neace, Newton, Power, J. M. Reed, Schooley, Sharpstein, Stevenson, Suksdorf, E. H. Sullivan, Travis, Turner, Van Name, Warner, Weir, Weisenburger, Willison, Winsor. The following twenty-four members voted no: Blalock, Bowen, Burk, Crowley, Dunbar, Durie, Eldridge, Eshelman, Fay, Godman, Hayton, Jamieson, Joy, Lillis, Mires, Prosser, T. M. Reed, Sohns, Sturdevant, Stiles, P. C. Sullivan, Tibbetts, West, Mr. President. Messrs. Cosgrove, and Shoudy not voting. Mr. Gowey on leave and the article was agreed to by the Convention and referred to the Committee on Revision, Enrollment and Adjustment.

Agreed to in the Convention on
Committee on State, County and Municipal Indebtedness
Article

Section 1. The state may to meet causal deficits or failures 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 this 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.

Section 4. No moneys shall ever be paid out of the 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 from the first day of May 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 given or loaned to, or in aid of, any individual, association, company or corporation.

Section 6. No county, city, town, school district or other municipal corporation shall become indebted in any manner or for any purpose exceeding one and one-half 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, except that in incorporated cities the assessment shall be taken from the last assessment for city purposes, 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 percentum 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, 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 except for the necessary support of the poor and infirm or become directly or indirectly the owner of stock in or bonds of any association, company or corporation.

Mr. Dyer moved that the Convention resolve itself into a committee of the whole for the purpose of considering the report of the Committee on Corporations Other Than Municipal. Pending which Mr. Durie asks leave for tomorrow. Granted.

Mr. Comegys asked to take up the report of the Committee on Federal Relations, Boundaries and Immigration and moved to suspend the rules. Carried.

Mr. Stiles raised a point of order that no quorum voted. Sustained by the chair and the order did not prevail.

On the question "shall the Convention resolve itself into a committee of the whole," it was so ordered. At 4:35 the Convention went into committee of the whole for the consideration of the report of the Committee on Corporations Other Than Municipal, with Mr. Bowen in the chair.

At 5:30 the committee rose and the President resumed the chair. The committee reported that they had had under consideration the report of the Committee on Corporations Other Than Municipal [and] had made progress, but came to no resolution thereon and asked leave to sit again. Leave granted.

Mr. Turner moved to take a recess until 8 p.m. this evening.

Mr. P. C. Sullivan moved to adjourn, the ayes and noes were demanded and ordered and the following [thirty-five] members voted aye: Berry, Buchanan, Clothier, Coey, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Hayton, Henry, Hicks, Jeffs, Jones, Kellogg, Manly, McCroskey, McElroy, McReavey, Minor, Mires, Morgans, Sharpstein, Sohns, Stiles, E. H. Sullivan, P. C. Sullivan, Tibbetts, Warner, Weir, Weisenburger, West, Win-

sor. The following twenty-three members voted no: Blalock, Bowen, Burk,, Cosgrove, Fay, Glascock, Griffiths, Hungate, Jamieson, Joy, Kinnear, Lillis, J. Z. Moore, R. S. More, Neace, Power, J. M. Reed, Schooley, Shoudy, Sturdevant, Turner, Van Name, Mr. President. Messrs. Browne, Comegys, Fairweather, Godman, Gray, McDonald, Newton, Prosser, T. M. Reed, Stevenson, Suksdorf, Travis, Willison, Lindsley, Allen, Dallam. Mr. Gowey on leave, and the motion was carried.

August 2nd, 1889

Convention called to order by the President at 9 a.m. Prayer by the Chaplain. On roll call all the members were present except Messrs. Dallam, Durie, Fairweather, Kellogg, and Warner.

Mr. Tibbetts asked indefinite leave for Mr. Kellogg. Granted. Mr. E. H. Sullivan asked leave for Mr. Warner for today. Granted. Mr. Cosgrove asked to be excused for tomorrow. So ordered. Mr. Tibbetts asked leave for tomorrow. Granted. Mr. Gowey asked leave for the forenoon of today. Granted. Minutes read and approved.

The President submitted the following telegrams: From the Board of Trade of the City of Ellensburg, signed by W. R. Abrahams, Vice President, relative to corporations. Read and referred to the Committee on Corporations Other Than Municipal.

From the Board of Trade of Spokane Falls, signed by W. H. Taylor, President, and W. S. Norman, Secretary, relating to certain sections in the report of the Committee on Corporations Other Than Municipal and other matter. Read and referred to the Committee on Corporations Other Than Municipal.

Telegram from the City Council of Spokane Falls, signed by Fred Fruth, Mayor. Read and referred to the Committee on Corporations Other Than Municipal.

Communication from the Tacoma Typographical Union No. 170, relative to State Printer. Read and referred to the Committee on Legislative Department.

Communication from Edgar F. Eesinger, Forest Commissioner of Colorado, regarding forest protection. Read and referred to the Committee on Miscellaneous Subjects, Schedule and Future Amendments.