

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

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

August 9th, 1889

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

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

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

In the Convention

Committee on Apportionment and Representation

Mr. President and Members of the Convention:

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

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

Legislative Apportionment

Article

Section 1. Until otherwise provided by law, the state shall be divided into twenty-four senatorial districts, and said districts shall be constituted and numbered as follows: The counties of Okanogan, Stevens and Spokane shall constitute the First District and be entitled to one Senator; the county of Spokane shall constitute the Second District and be entitled to three Senators; the county of Lincoln shall constitute the Third District and be entitled to one Senator; the counties of Spokane, Lincoln, Adams and Franklin shall constitute the Fourth District and be entitled to one Senator; the county of Whitman shall constitute the Fifth District and be entitled to three Senators; the counties of Garfield and Asotin shall constitute the Sixth District, and be entitled to one Senator; the county of Columbia shall constitute the Seventh District and be entitled to one Senator; the county of Walla Walla shall constitute the Eighth District and be entitled to two Senators; the counties of Yakima and Douglas shall constitute the Ninth District, and be entitled to one Senator; the county of Kittitas shall constitute the Tenth District and be entitled to one Senator; the counties of Klickitat and Skamania shall constitute the Eleventh District and be entitled to one Senator; the county of Clark shall constitute the Twelfth District, and be entitled to one Senator; the county of Cowlitz shall constitute the Thirteenth District and be entitled to one Senator; the county of Lewis shall constitute the Fourteenth District and be entitled to one Senator; the counties of Pacific and Wahkiakum shall constitute the Fifteenth District and be entitled to one Senator; the county of Thurston shall constitute the Sixteenth District and be entitled to one Senator; the county of Chehalis shall constitute the Seventeenth District, and be entitled to one Senator; the county of Pierce shall constitute the Eighteenth District and be entitled to three Senators; the county of King shall constitute the Nineteenth District and be entitled to five Senators; the counties of Mason and Kitsap shall constitute the Twentieth District and be entitled to one Senator; the counties of Jefferson, Clallam and San Juan shall constitute the Twenty-first District and be entitled to one Senator; the county of Snohomish shall constitute the Twenty-second District, and be entitled to one Senator; the counties of Skagit and Island shall constitute the Twenty-third District, and

be entitled to one Senator; the county of Whatcom shall constitute the Twenty-fourth District and be entitled to one Senator.

Section 2. Until otherwise provided by law the Representatives shall be divided among the several counties in the state in the following manner: The county of Adams shall have one Representative; the county of Asotin shall have one Representative; the county of Chehalis shall have two Representatives; the county of Clark shall have three Representatives; the county of Clallum shall have one Representative; the county of Columbia shall have two Representatives; the county of Cowlitz shall have one Representative; the county of Douglas shall have one Representative; the county of Franklin shall have one Representative; the county of Island shall have one Representative; the county of Jefferson shall have two Representatives; the county of King shall have eight representatives; the county of Klickitat shall have two Representatives; the county of Kittitas shall have two Representatives; the county of Kitsap shall have one Representative; the county of Lewis shall have two Representatives; the county of Lincoln shall have two Representatives; the county of Mason shall have one Representative; the county of Okanogan shall have one Representative; the county of Pacific shall have one Representative; the county of Pierce shall have six Representatives; the county of San Juan shall have one Representative; the county of Skamania shall have one Representative; the county of Snohomish shall have two Representatives; the county of Skagit shall have two Representatives; the county of Spokane shall have six Representatives; the county of Stevens shall have one Representative; the county of Thurston shall have two representatives; the county of Walla Walla shall have three Representatives; the county of Wahkiakum shall have one Representative; the county of Whatcom shall have two Representatives; the county of Whitman shall have five Representatives; the county of Yakima shall have one Representative.

Mr. Blalock from the Committee on Public Health submitted the following article which was read first and second time and ordered printed as follows.

In the Convention
Committee on Public Health and Vital Statistics

Mr. President and Members of the Convention:

Your Committee on Public Health and Vital Statistics beg leave to submit the following article, and recommend its adoption.

Article

Section 1. There shall be established by law a State Board of Health and a Bureau of Vital Statistics in connection therewith with such powers as the Legislature may direct.

Section 2. The Legislature shall enact laws to regulate the practice of medicine and surgery, and the sale of drugs and medicines.

H. C. WILLISON, *Chairman*
N. G. BLALOCK, *Secretary*
THOMAS T. MINOR
GEORGE TURNER
S. H. MANLY

Mr. Manly from Committee on Mines and Mining Interests reported the following article which was read first and second time and ordered printed as follows, together with the minority reports of J. T. McDonald and Messrs. Newton and Gray, which were read first and second times and ordered printed as follows.

In the Convention

Majority Report

Committee on Mining and Mining Interests

Mr. President and Members of the Convention:

Your Committee on Mining and Mining Interests respectfully report the following article, designated Mining and Mining Interests, and recommend the adoption thereof by this Convention.

Article

Section 1. There shall be established and maintained the office of Inspectors of Mines, the duties and salaries of which shall be prescribed by law. Inspectors of Mines shall be elected by the qualified electors of the state at large at the general state election, and no person shall be eligible for the office of Mines Inspector unless he shall have had five years practical experience as a miner.

Section 2. The general assembly shall provide by law for the proper ventilation of mines, the construction of escapement shafts, and such other appliances as may be necessary to protect the health and secure the safety of the workmen therein, and shall

prohibit the employment in the mines of children under fourteen years.

Section 3. The general assembly may make such regulations from time to time as may be necessary for the proper and equitable operating of mines.

Section 4. The general assembly may provide that the science of mining and metallurgy be taught in one or more of the institutions under the patronage of the state.

We have duly considered the several resolutions referred to us and think them purely legislative in their nature, and we return the originals with this report.

Respectfully submitted,

S. H. MANLY, *Chairman*
ROBERT JAMIESON, *Secretary*
M. MORGANS
J. J. WEISENBURGER

In the Convention
Committee on Mines and Mining Rights
Minority Report
Article

Mr. President and Members of the Convention:

The undersigned members of the Committee on Mines and Mining Rights are unable to concur in the majority report for the following reasons; The mining interests of Washington contribute an important element in its prosperity today, and will be so important in the future that state supervision of the rising industry will be a public necessity. A disaster like that at Nanaimo a few years ago entails in addition to the loss of life, the necessity of providing for the widow and the fatherless, and this charity comes upon the community in which they live. No money can replace the loss of lives of those who go in the face of peril to their daily toil. Prevention is better than relief either from private charity or from the public poor fund. To secure this end there should be thorough supervision of the mines, of their machinery and of the practical details of mining, and this should be under a man competent for the duty, free from interest in the mine or from the dictation of

the operators of a mine, a man paid by the state and responsible to the people at large who have elected him.

No owner of a mine has a right to endanger the lives of his fellow men by placing in positions of responsibility men who are so unskilled or reckless as to imperil the lives of their fellow men. This principle is recognized in the Legislature like that in Alabama which requires that railroad engineers shall be free from color blindness.

We therefore, for the purpose of protecting society from public calamities resulting from ignorance or avarice, and from the direct losses occasioned by strikes and lockouts and the employment of an armed force to coerce employers, recommend the adoption of the following article instead of the majority report.

Section 1. A Superintendent of Mines and Mining shall be elected by the qualified electors at the election for state officers, whose term of office shall be the same as that of other state officers. In addition to the other qualifications of state officers, he shall be a practical miner of ten years experience, two of which shall have been in this state, and shall have no interest direct or indirect in mines in this state. He shall have the supervision of the mines in this state in regard to security against accidents, the health and the safety of the employees, and such other duties as may be provided by law, and shall receive an annual salary of three thousand dollars per year.

Section 2. This state shall be divided into three mining districts, in each of which an Inspector of Mines shall be elected at the general state election by the qualified voters of such district. Such inspectors shall have the same qualifications as the Superintendent of Mines, and shall perform such duties and receive such salary as is now or heretofore may be provided by law.

Section 3. The Legislature shall pass laws for the examination of all persons employed in underground mines, by a board of practical miners and mining engineers, and the classification by such boards of such employees into two classes, skilled and unskilled employees, and after the passage of such laws it shall be unlawful for any officer of a mining company, superintendent, manager or owner of a mine to employ in any capacity requiring skill any person not examined and enrolled as a skilled miner.

Section 4. It shall not be lawful for any owner or manager, or agent of any person or corporation, operating or working a mine, to employ in underground mining any person under the age of sixteen years, nor to exact more than eight hours a day as a day's labor from any person employed in underground mining.

Section 5. The Legislature shall pass laws requiring mines to be properly ventilated, timbered, and to be equipped with the latest approved appliances for the safety of the employees and to prevent accidents in the mines.

Section 6. It shall be unlawful for any person, company or corporation, engaged in mining or the transportation of mining products or materials, to require of its servants or employees, as a condition of their employment or otherwise, any contract or agreement, whereby such person, company or corporation shall be released or discharged from liability or responsibility on account of personal injuries received by such servants or employees while in the service of such employer by reason of the negligence of such person, company or corporation, or the agents or employees thereof, and such contracts shall be absolutely null and void.

Section 7. Boards of arbitration shall be appointed for the adjustment of scales of prices for labor in underground mines and of other differences between employees and employer, which board shall be composed of the Superintendent of Mines, one person to be selected by the employer or manager of the mines, and one person to be elected by the employee or employees interested, and their decision shall be final, except in cases of injury to employees or damages in case of the death of employees arising from accidents in the mines, or other negligence on the part of the owners in or operators of the mine.

Section 8. The Legislature shall have the power to enforce the provisions of this article by appropriate legislation.

W. L. NEWTON

W. B. GRAY

In the Convention
Committee on Mines and Mining
Minority Report

Mr. President and Members of the Convention:

I concur in the majority report of your Committee on Mines

and Mining [Rights] except as to Section 1 thereof in which I do not concur, but recommend the following in lieu thereof.

Section 1. There shall be established and maintained a Commission of Mines and Mining which shall consist of three Commissioners, to be elected by the people, who shall hold office for the term of four years, the salaries and duties of which shall be prescribed by law. For the purposes of said Commission, the State of Washington shall be divided into three separate districts, each of which shall be entitled to one Commissioner. No person shall be eligible to the office of Mining Commissioner who has not had five years experience in mining and who has not resided in the territory or state two years.

J. T. McDONALD

At 9:30 a.m. the Convention on motion of Mr. Dyer went into committee of the whole on the article on Legislative Department with Mr. Blalock in the chair.

At 12:06 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 Legislative Department, had made progress thereon but come to no resolution thereon and asked leave to sit again. Granted. On motion of Mr. Dyer the Convention took a recess until 2 o'clock p.m.

Afternoon Session

The Convention was called to order at 2 p.m. by the President. A quorum being present. At 2:01 p.m. on motion of Mr. Lindsley the Convention resolved itself into committee of the whole to consider article on Legislative Department with Mr. Blalock in the chair. At 3:26 p.m. the committee rose and the President [resumed] the chair.

The committee reported that they had had under consideration the article on Legislative Department and had made sundry amendments thereto and recommended concurrence therein. Upon concurring in amendments to Section 6 the ayes and noes were demanded and ordered and the following thirty-nine members voted aye: Berry, Blalock, Bowen, Buchanan, Burk, Crowley, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Gowey, Hayton, Hicks, Joy, Kellogg, Kinnear, Lillis, Lindsley, McCroskey, Minor, Mires, J. Z. Moore, Morgans, Power, Prosser, Reed, Schooley,

Sohns, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, Tibbetts, Turner, Weisenburger, Mr. President.

The following seventeen members voted no: Clothier, Coey, Durie, Godman, Gray, Griffiths, Jeffs, Jones, McReavey, R. S. More, Newton, Sharpstein, Stevenson, P. C. Sullivan, Travis, Warner, West. Absent and not voting: Allen, Browne, Comegys, Cosgrove, Dallam, Dickey, Henry, Hungate, Jamieson, Manly, McDonald, McElroy, Neace, J. M. Reed, Shoudy, Van Name, Weir, Willison, Winsor. So the amendments were concurred in.

Amendments to Section 7 concurred in.

Amendments to Section 12 concurred in.

Amendment to Section 16 adding word "and" not concurred in.

Amendment to Section 16 striking out "and after the termination" in last line not concurred in.

The ayes and noes being ordered on striking out Section 25, the following forty-three members voted aye: Berry, Blalock, Bowen, Burk, Clothier, Cosgrove, Crowley, Dunbar, Durie, Eshelman, Fairweather, Fay, Glascock, Godman, Griffiths, Hayton, Henry, Hicks, Jones, Lillis, Manly, McDonald, Minor, Mires, Morgans, Power, Prosser, J. M. Reed, Schooley, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Weir, Weisenburger, West, Winsor, Mr. President.

The following nineteen members voted no: Buchanan, Coey, Comegys, Eldridge, Gowey, Jamieson, Jeffs, Joy, Kinnear, McCroskey, McElroy, McReavey, J. Z. Moore, R. S. More, Newton, T. M. Reed, Sharpstein, Sohns, Stevenson. Absent and not voting: Allen, Browne, Dallam, Dickey, Dyer, Gray, Hungate, Kellogg, Lindsley, Neace, Shoudy, Warner, Willison. So the amendment was concurred in.

The ayes and noes being ordered on striking out Section 28, the following forty-three members voted aye: Blalock, Bowen, Buchanan, Burk, Clothier, Comegys, Cosgrove, Crowley, Dunbar, Durie, Eshelman, Fairweather, Glascock, Godman, Griffiths, Hayton, Henry, Jamieson, Jeffs, Jones, Kellogg, Lillis, McDonald, Minor, Mires, Morgans, Power, Prosser, T. M. Reed, Schooley, Sohns, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Travis, Turner, Van Name, Weir, Weisenburger, West, Winsor, Mr. President.

The following twenty members voted no: Berry, Coey, Eldridge, Fay, Gowey, Hicks, Joy, Kinnear, Lindsley, McCroskey, McElroy, McReavey, J. Z. Moore, R. S. More, Newton, J. M. Reed, Sharpstein, Stevenson Tibbetts, Warner. Absent and not voting: Allen, Browne, Dallam, Dickey, Dyer, Gray, Hungate, Manly, Neace, Shoudy, Willison. So the amendment was concurred in.

Amendment to substitute 1 of Section 3 was [sic].

Amendments to subdivisions 5, 13, 14, 15, 20, 23 concurred in.

Amendments to Section 23 concurred in.

Amendments to Section 36 concurred in.

Amendments to Section 38 concurred in.

The ayes and noes being ordered on concurring in the amendment striking out Section 39, the following twenty-eight members voted aye: Blalock, Bowen, Buchanan, Comegys, Crowley, Dunbar, Dyer, Eshelman, Glascock, Godman, Hayton, Henry, Jamieson, Jones, Kellogg, Lindsley, McDonald, Minor, Mires, Morgans, J. M. Reed, Stiles, Sturdevant, Sullivan, Van Name, Weisenburger, West, Mr. President.

And the following thirty-six members voted no: Berry, Burk, Clothier, Coey, Cosgrove, Durie, Eldridge, Fairweather, Fay, Gowey, Griffiths, Hicks, Jeffs, Joy, Kinnear, Lillis, McCroskey, McElroy, McReavey, J. Z. Moore, R. S. More, Newton, Power, Prosser, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Suksdorf, Tibbetts, Travis, Turner, Warner, Weir, Winsor. Absent and not voting: Allen, Browne, Dallam, Dickey, Gray, Hungate, Manly, Neace, Shoudy, Willison. So the amendment was not concurred in.

The ayes and noes being ordered on the adoption of additional Section 41, the following twenty-four members voted aye: Blalock, Comegys, Crowley, Eshelman, Fairweather, Fay, Godman, Griffiths, Henry, Hicks, Jamieson, Kellogg, McCroskey, McDonald, McElroy, McReavey, Mires, Newton, Sharpstein, Sohns, Stevenson, Sturdevant, Tibbetts, West.

The following forty members voted no: Bowen, Burk, Clothier, Coey, Cosgrove, Dunbar, Durie, Dyer, Eldridge, Glascock, Gowey, Hayton, Jeffs, Jones, Joy, Kinnear, Lillis, Lindsley, Manly, Minor, J. Z. Moore, R. S. More, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Stiles, Suksdorf, E. H. Sullivan, P. C. Sulli-

van, Travis, Turner, Van Name, Warner, Weir, Weisenburger, Winsor, Mr. President. Absent and not voting: Allen, Browne, Buchanan, Dallam, Dickey, Gray, Hungate, Neace, Shoudy, Willison. So the amendment was not adopted.

Amendments adding Sections 42, 43 and 44 were concurred in.

Mr. Comegys moved to amend substitute 23, Section 30 as follows: Provided this shall not be construed to apply to the creation of new counties. Adopted.

Mr. Turner moved to amend by striking out subdivision 24, Section 30. On this question the ayes and noes were ordered and the following thirty-seven members voted aye: Blalock, Bowen, Burk, Clothier, Comegys, Cosgrove, Crowley, Dunbar, Dyer, Eshelman, Fairweather, Fay, Glascock, Gowey, Hayton, Henry, Jamieson, Jeffs, Joy, Kellogg, Kinnear, Lillis, Manly, McElroy, R. S. More, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sturdevant, P. C. Sullivan, Travis, Turner, Weir, Weisenburger.

The following twenty-one members voted no: Buchanan, Coey, Durie, Eldridge, Godman, Griffiths, Hicks, Jones, McCroskey, McReavey, Minor, Mires, J. Z. Moore, Newton, Sohns, Stevenson, Stiles, Tibbetts, Van Name, Winsor, Mr. President. Absent and not voting: Allen, Berry, Browne, Dallam, Dickey, Gray, Hungate, Lindsley, McDonald, Neace, Sharpstein, Shoudy, Suksdorf, E. H. Sullivan, Warner, West, Willison. So the subdivision was stricken out.

Mr. J. Z. Moore moved to add the following section.

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

Mr. Godman moved a call of the house. So ordered. Upon roll call all members answered to their names except Messrs. Allen, Browne, Gray, Hungate, McDonald, Neace, Shoudy, Willison. On motion of Mr. T. M. Reed further proceedings were dispensed with.

Mr. Cosgrove offered a substitute for the section.

Mr. Griffiths moved the previous question and it was so ordered.

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

The ayes and noes being ordered on the amendment of J. Z. Moore to add an additional section, the following thirty-seven members voted aye: Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Dunbar, Durie, Dyer, Eldridge, Fairweather, Griffiths, Hayton, Hicks, Joy, Kellogg, Kinnear, Lillis, McCroskey, McElroy, McReavey, J. Z. Moore, R. S. More, Newton, Power, Prosser, J. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Tibbetts, Warner, Weir, Weisenburger, Mr. President. The following twenty-seven members voted no: Comegys, Cosgrove, Crowley, Eshelman, Fay, Glascock, Godman, Gowey, Henry, Jamieson, Jeffs, Jones, Lindsley, Manly, Minor, Mires, Morgans, T. M. Reed, Sturdevant, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Van Name, West, Winsor. Absent and not voting: Allen, Browne, Dallam, Gray, Neace, Shoudy, Stiles, Willison. So the amendment was agreed to.

Mr. Stiles offered the following amendment to Section 36.

Section 36. Strike out down to "provided" and insert "No alien shall hold more than six hundred and forty acres of land in this state, except where such land may be acquired by inheritance or under mortgage or in good faith in the ordinary course of justice in the collection of debts."

On the amendment the ayes and noes being ordered the following twenty-eight members voted aye: Blalock, Bowen, Buchanan, Comegys, Crowley, Durie, Eldridge, Eshelman, Fairweather, Fay, Glascock, Gowey, Jones, Joy, Kinnear, McElroy, Minor, R. S. More,

Morgans, T. M. Reed, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Van Name, West, Mr. President.

The following thirty members voted no: Berry, Burk, Clothier, Coey, Dyer, Griffiths, Hayton, Henry, Hicks, Lindsley, McCroskey, McReavey, Mires, J. Z. Moore, Newton, Power, Prosser, J. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Tibbetts, Travis, Turner, Warner, Weir, Weisenburger, Winsor. Absent and not voting: Allen, Browne, Dallam, Dickey, Dunbar, Godman, Gray, Hungate, Jamieson, Jeffs, Kellogg, Lillis, Manly, McDonald, Neace, Shoudy, Willison. So the amendment was not agreed to.

Mr. Godman offered the following which was adopted as an amendment to Section 36. Insert after the word "aliens" in line one, Section 36 the following: "other than those who in good faith have declared their intentions to become citizens of the United States."

Mr. Kellogg and Mr. Buchanan were excused for the day.

Mr. Lindsley offered the following amendment to Section 36: Provided further that the provisions of this section shall not be construed to disturb existing titles or contracts therefor. Lost.

Mr. Turner moved to strike out from Section 24 the words after the word "house" in line three.

The ayes and noes being demanded and ordered the following twenty-four members voted aye: Berry, Blalock, Clothier, Comegys, Cosgrove, Durie, Dyer, Eshelman, Fairweather, Joy, Kinnear, Minor, Mires, R. S. More, Morgans, Power, T. M. Reed, Sharpstein, Stiles, Sturdevant, Travis, Turner, Weisenburger, Winsor.

The following thirty-five members voted no: Bowen, Burk, Coey, Crowley, Dunbar, Eldridge, Fay, Glascock, Godman, Gowey, Griffiths, Hayton, Henry, Hicks, Jones, Lindsley, McCroskey, McElroy, McReavey, J. Z. Moore, Newton, Prosser, J. M. Reed, Schooley, Sohns, Stevenson, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Van Name, Warner, Weir, West, Mr. President. Absent and not voting: Allen, Browne, Buchanan, Dallam, Dickey, Gray, Hungate, Jamieson, Jeffs, Kellogg, Lillis, Manly, McDonald, Neace, Newton, Power, Shoudy, Willison. So the amendment was not agreed to.

Mr. Godman moved to strike out Section 31.

The ayes and noes were demanded and ordered. The following thirty-two members voted aye: Blalock, Bowen, Burk, Cosgrove, Crowley, Durie, Eldridge, Fairweather, Godman, Gowey, Griffiths, Henry, Jones, Kinnear, McCroskey, McElroy, J. M. Reed, Schooley, Sharpstein, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Van Name, Warner, Weir, Weisenburger, West, Winsor.

The following twenty-two members voted no: Berry, Clothier, Dyer, Eshelman, Glascock, Hayton, Hicks, Joy, Lindsley, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Prosser, T. M. Reed, Sohns, Stevenson, Tibbetts, Mr. President. Absent and not voting: Allen, Browne, Buchanan, Coey, Comegys, Dallam, Dickey, Dunbar, Fay, Gray, Hungate, Jamieson, Jeffs, Kellogg, Lillis, Manly, McDonald, Neace, Power, Shoudy, Willison. So the section was stricken out.

Mr. Weisenburger offered the following additional section.

Section. In all sections subsequent to the adoption of this Constitution counties that elect more than one member of the House of Representatives shall be so districted that one member shall be elected in each district. Lost.

Mr. Suksdorf moved to strike out "five" in Section 23 and insert "eight."

Mr. Sharpstein moved to amend by inserting four. Lost.

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

Mr. Warner moved to strike out subdivision 23 in Section 30.

The ayes and noes being demanded and ordered the following ten members voted aye: Crowley, Fairweather, Lillis, Lindsley, Sharpstein, Suksdorf, P. C. Sullivan, Turner, Van Name, Warner.

The following forty-three members voted no: Berry, Blalock, Burk, Clothier, Coey, Durie, Dyer, Eldridge, Fairweather, Fay, Glascock, Godman, Gowey, Griffiths, Hicks, Jones, Joy, Kinnear, McCroskey, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sohns, Stevenson, Stiles, Sturdevant, Tibbetts, Travis, Weir, Weisenburger, West, Winsor, Mr. President. Absent and not voting: Allen, Browne, Buchanan, Comegys, Cosgrove, Dallam, Dickey, Dunbar, Gray, Hayton, Henry, Hungate, Jamieson, Jeffs, Kellogg, Manly, McDonald, Neace, Shoudy, E. H. Sullivan, Willison. So the motion was not agreed to.

On motion of Mr. Crowley the rules were suspended, the article considered engrossed, read third time and put upon its passage.

The question being shall the article pass, the following forty-four members voted aye: Berry, Blalock, Bowen, Burk, Clothier, Coey, Crowley, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Hayton, Hicks, Jeffs, Jones, Joy, Kinnear, Lillis, Lindsley, McCroskey, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Prosser, J. M. Reed, T. M. Reed, Schooley, Sohns, Stevenson, Stiles, Sturdevant, Tibbetts, Travis, Van Name, Weir, Weisenburger, Winsor, Mr. President.

The following twelve members voted no: Cosgrove, Durie, Godman, Gowey, Griffiths, Henry, Sharpstein, Suksdorf, P. C. Sullivan, Turner, Warner, West. Absent and not voting: Allen, Browne, Buchanan, Comegys, Dallam, Dickey, Dunbar, Gray, Hungate, Jamieson, Kellogg, Manly, McDonald, Neace, Newton, Power, Shoudy, E. H. Sullivan, Willison. So the article was agreed to and sent to the Committee on Revision, Adjustment and Enrollment.

[Material stricken in journal.]*

* The stricken material has not been included here because it appears verbatim beginning on page 315.

Article on Legislative Department
as Agreed to by the Convention

Article

Legislative Department

Section 1. The Legislative powers shall be vested in a Senate and House of Representatives, which shall be called the Legislature of the State of Washington.

Section 2. The House of Representatives shall be composed of not less than sixty-three nor more than ninety-nine members.

The number of Senators shall not be more than one-half nor less than one-third of the number of members of the House of Representatives. The first Legislature shall be composed of seventy members of the House of Representatives and thirty-five Senators.

Section 3. The Legislature shall provide by law for an enumeration of the inhabitants of the state in the year one thousand eight hundred and ninety-five and every ten years thereafter, and at their first session after such enumeration, and also after each enumeration made by the authority of the United States, the Legislature shall apportion and district anew the members of the Senate and House of Representatives according to the number of inhabitants, excluding Indians not taxed, soldiers, sailors and officers of the United States Army and Navy in active service.

Section 4. Members of the House of Representatives shall be elected in the year eighteen hundred and eighty-nine at the time and manner provided by the Constitution and shall hold their offices for the term of one year and until their successors shall be elected.

Section 5. The next election of the members of the House of Representatives after the adoption of this Constitution shall be on the first Tuesday after the first Monday in November, eighteen hundred and ninety and thereafter, members of the House of Representatives shall be elected biennially and their term of office shall be two years and each election shall be on the first Tuesday after the first Monday in November, unless otherwise changed by law.

Section 6. After the first election the Senators shall be elected by single districts of convenient and contiguous territory, and at the same time and in the same manner as members of the

House of Representatives are required to be elected, and no representative district shall be divided in the formation of a senatorial district. They shall be elected for the term of four years, one-half of their number retiring every two years. The senatorial districts shall be numbered consecutively, and the Senators chosen at the first election had by virtue of this Constitution, in the odd-numbered, districts shall go out of office at the end of the first year; and the Senators elected in the even-numbered districts shall go out of office at the end of the third year.

Section 7. No person shall be eligible to the Legislature who shall not be a citizen of the United States and a qualified voter in the district where he is chosen.

Section 8. Each house shall be the judge of the election returns and qualifications of its own members, and a majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

Section 9. Each house may determine the rules of its own proceedings, punish for contempt and disorderly behavior and, with the concurrence of two-thirds of all the members elected, expel a member, but no member shall be expelled a second time for the same offense.

Section 10. Each house shall select its own officers and the Senate shall choose a temporary president when the Lieutenant Governor shall not attend as president or shall act as Governor. When presiding, the Lieutenant Governor shall have the deciding vote in case of an equal division of the Senate.

Section 11. Each house shall keep a journal of its proceedings and publish the same, except such parts as require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall adjourn for more than three days, nor to any place other than that in which they may be sitting, without the consent of the other.

Section 12. The first Legislature shall meet on the first Wednesday after the first Monday in November, A. D. 1889. The second Legislature shall meet on the first Wednesday after the first Monday in January, A. D. 1891, and sessions of the Legisla-

ture shall be held biennially thereafter, unless specially convened by the Governor, but the times of meeting of subsequent sessions may be changed by the Legislature. After the first Legislature the sessions shall not be for more than sixty days.

Section 13. No member of the Legislature, during the term for which he is elected, shall be appointed or elected to any civil office in the state which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

Section 14. No person being a member of Congress or holding any civil or military office under the United States or any other power, shall be eligible to be a member of the Legislature, and if any person after his election as a member of the Legislature shall be elected to Congress or be appointed to any other office, civil or military, under the government of the United States or any other power, his acceptance thereof shall vacate his seat; provided, that officers in the militia of the state who receive no annual salary, local officers and postmasters whose compensation does not exceed three hundred dollars per annum, shall not be eligible.

Section 15. The Governor shall issue writs of election to fill such vacancies as may occur in either house of the Legislature.

Section 16. Members of the Legislature shall be privileged from arrest in all cases except treason, felony and breach of the peace; they shall not be subject to any civil process during the session of the Legislature nor for fifteen days next before the commencement of each session.

Section 17. No member of the Legislature shall be liable in any civil action or criminal prosecution whatever for words spoken in debate.

Section 18. The style of the laws of the state shall be "Be it enacted by the Legislature of the State of Washington" and no law shall be enacted except by bill.

Section 19. No bill shall embrace more than one subject and that shall be expressed in the title.

Section 20. Any bill may originate in either house of the Legislature and a bill passed by one house may be amended in the other.

Section 21. The yeas and nays of the members of either house shall be entered on the journal on the demand of one-sixth of the members present.

Section 22. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house and a majority of the members elected to each house be recorded thereon as voting in its favor.

Section 23. Each member of the Legislature shall receive for his services five dollars for each day's attendance during the session and ten cents for every mile he shall travel in going to and returning from the place of meeting of the Legislature on the most usual route.

Section 24. The Legislature shall never authorize any lottery or grant any divorce.

Section 25. The Legislature shall never grant any extra compensation to any public officer, agent, servant or contractor after the services shall have been rendered or the contract entered into, nor shall the compensation of any public officer be increased or diminished during his term of office.

Section 26. The Legislature shall direct by law in what manner and in what courts suits may be brought against the state.

Section 27. In all elections by the Legislature the members shall vote viva voce and their votes shall be entered on the journal.

Section 28. Special Legislation.

The Legislature is prohibited from enacting any private or special law in the following cases.

1. For changing the names of persons, or constituting one person the heir at law of another.

2. For laying out, opening or altering highways, except in cases of state roads extending into more than one county and military roads to aid in the construction of which lands shall have been or may be granted by Congress.

3. For authorizing persons to keep ferries wholly within this state.

4. For authorizing the sale or mortgage of real or personal property of minors or others under disability.

5. For assessments or collection of taxes or for extending the time for collection thereof.

6. For granting corporate powers or privileges.

7. For authorizing the apportionment of any part of the school fund.

8. For incorporating any town or village or to amend the charter thereof.

9. For giving effect to invalid deeds, wills or other instruments.

10. Releasing or extinguishing in whole or in part, the indebtedness, liability or other obligation of any person or corporation to this state or to any municipal corporation therein.

11. Declaring any person of age or authorizing any minor to sell, lease or encumber his or her property.

12. Legalizing except as against the state, the unauthorized or invalid act of any officers.

13. Regulating the rates of interest on money.

14. Remitting fines, penalties or forfeitures.

15. Providing for the management of common schools.

16. Authorizing the adoption of children.

17. For limitation of civil or criminal actions.

18. Changing county lines or locating or changing county seats, provided this shall not be construed to apply to the creation of new counties.

Section 32. [sic] After the first day of January, eighteen hundred and ninety, the labor of convicts of this state shall not be let out by contract to any person, co-partnership, company or corporation, and the Legislature shall by law provide for the working of convicts for the benefit of the state.

Section 29. The offense of corrupt solicitation of members of the Legislature or of public officers of the state or any municipal division thereof, and any occupation or practice of solicitation

of such members 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 any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation or practices of solicitation and shall not be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy, but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony, and any person convicted of either of the offenses aforesaid shall, as part of the punishment therefor, be disqualified from ever holding any position of honor, trust or profit in this state. A member who has a private interest in any bill or measure prepared or pending before the Legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon.

Section 30. No law, except appropriation bills, shall take effect until ninety days after the adjournment of the session at which it was enacted, unless in case of emergency (which emergency must be expressed in the preamble or in the body of the act) the Legislature shall otherwise direct by a vote of two-thirds of all the members elected to each house; said vote to be taken by yeas and nays and entered on the journals.

Section 31. No bill shall become a law until the same shall have been signed by the presiding officer of each of the two houses in open session and under such rules as the Legislature shall prescribe.

Section 32. The ownership of lands by aliens other than those who in good faith have declared their intentions to become citizens of the United States, except where acquired by inheritance or under mortgage or in good faith in the ordinary course of justice in the collection of debts, and all conveyances of lands hereafter made to any alien directly or in trust for such alien, shall be void; provided, that the provisions of this section shall not apply to lands containing valuable deposits of minerals, metals, iron, coal or fire clay and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom.

Section 33. Every corporation, the majority of the capital stock of which is owned by aliens, shall be considered an alien corporation for the purpose of this prohibition.

Section 34. There shall be established in the office of Secretary of State a Bureau of Statistics, Agriculture and Immigration under such regulations as the Legislature may provide.

Section 35. The Legislature shall pass necessary laws for the protection of persons working in mines, factories and other employments dangerous to life or deleterious to health, and fix pains and penalties for the enforcement of same.

Section 36. No bill shall be considered in either house unless the time of its introduction shall have been at least ten days before the final adjournment of the Legislature, unless the Legislature shall otherwise direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session.

Section 37. No act shall ever be revised or amended by mere reference to its title but the act revised or section amended shall be set forth at full length.

Section 38. No amendment to any bill shall be allowed which shall change the original scope and object of the bill.

Section 39. It shall not be lawful for any person holding public office in this state to accept or use a pass or to purchase transportation from any railroad or other corporation other than as the same may be purchased by the general public, and the Legislature shall pass laws to enforce this provision.

Mr. Minor was granted leave till Monday. President Hoyt was granted leave conditionally till Monday.

Mr. Gowey moved that when the Convention adjourn it adjourn till 10 a.m. Mr. Tibbetts moved to amend to 8 a.m.

The ayes and noes were demanded and ordered and the following thirty-one members voted aye: Berry, Blalock, Burk, Coey, Crowley, Dyer, Eshelman, Fay, Godman, Griffiths, Hayton, Hicks, Joy, Kinnear, Lillis, Lindsley, McCroskey, McReavey, J. Z. Moore, J. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Sturdevant, P. C. Sullivan, Tibbetts, Travis, Warner, Weir, West.

The following twenty-five members voted no: Bowen, Clothier, Cosgrove, Durie, Eldridge, Fairweather, Glascock, Gowey, Henry, Jeffs, Jones, McElroy, Minor, Mires, R. S. More, Morgans, Prosser, T. M. Reed, Stiles, Suksdorf, Turner, Van Name, Weisenburger,

Winsor, Mr. President. Absent and not voting: Allen, Browne, Buchanan, Comegys, Dallam, Dickey, Dunbar, Gray, Hungate, Jamieson, Kellogg, Manly, McDonald, Neace, Newton, Power, Shoudy, E. H. Sullivan, Willison. So the amendment was adopted.

Question being on adopting the question as amended. Lost.

Convention at 5:26 p.m. adjourned till August 10th, 1889, at 9 a.m.

August 10th, 1889

Convention called to order at 9 a.m. President Hoyt in the chair.

In the absence of the Chaplain prayer was dispensed with.

At roll call all members answered to their names except Messrs. Allen, Browne, Dallam, Shoudy, Dickey, Hungate, Minor, Willison on leave, and Messrs. Gowey and Hicks.

President Hoyt submitted a communication in relation to state seal which was referred to the Special Committee on Seal.

Mr. E. H. Sullivan from the Committee on Agriculture reported adversely on proposition of Mr. Kinnear on warehouses which was ordered to lie on the table.

Mr. Durie from Committee on Harbor, Tidewaters and Navigable Streams submitted a report which was read twice and ordered printed as follows.

In the Convention

Harbors, Tidewaters and Navigable Streams

Mr. President and Members of the Convention:

Your Committee on Harbors, Tidewaters and Navigable Streams report the article hereto attached relating to harbors, consisting of three sections, and respectfully recommend the adoption of the same.

Respectfully submitted.

Article

Section 1. The Legislature shall provide for the appointment of a commission whose duty it shall be to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays and inlets of this state, wherever such navigable waters lie within or