

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

in front of the corporate limits of any city, or within one mile thereof upon either side. Such harbor lines shall be so located and established that the water where such lines shall be located and established shall not be less than twenty-four feet deep at ordinary low tide. The state shall never give, sell or lease to any private person, corporation or association any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor line and the line of ordinary high tide, and within not less than two hundred feet nor more than six hundred feet of such harbor line (as the commission shall determine) be sold or granted by the state, nor its right to control the same relinquished, but such area shall be forever reserved for landings, wharves, streets and other conveniences of navigation and commerce.

Section 2. Municipal corporations shall have the right to extend their streets over intervening tidelands to the area reserved as herein provided.

Section 3. The state shall vest control of said area for general police purposes and for the building and maintaining of wharves, docks and other structures or the leasing of the right to build and maintain such structures, in the municipal corporations fronting thereon, subject however to the right of the state to resume control of the same at any time.

DAVID E. DURIE, *Chairman*
 WM. F. PROSSER
 R. S. MORE
 A. J. WEST
 ALBERT SCHOOLEY
 GEORGE TURNER
 JAS. POWER
 GEORGE STEVENSON

Mr. Weir from Committee on Harbors submitted a minority report which was read twice and ordered printed as follows.

In the Convention

Minority Report from the Committee on Harbors

Mr. President and Members of the Convention:

Article

Section. The Legislature shall provide by law for uniformly

establishing harbor lines along the harbor frontage of every city now incorporated or hereafter to be incorporated within the state, on the shore of navigable tidewater, such harbor lines to extend to a depth of at least twenty-four feet of water at ordinary low tide; and when such harbor lines are so established no privilege or franchise shall ever be granted to any individual or corporation for any structure whatever to extend beyond such limit toward or into such navigable water. Every municipal corporation so situated shall have the right to extend its streets and highways across any intervening shore or tidelands to such limit at such depth of water, and shall have full power to control, for the purposes of wharves, warehouses and kindred improvements, the entire length of its harbor line or frontage so established and limited; and the area between such limit and the line of ordinary low tide shall never be alienated from the state by lease, grant or franchise, but such area shall be for such purposes under control of such municipal corporation, subject however to the superior right of the state to resume control of the same at any time.

ALLEN WEIR

Mr. P. C. Sullivan moved to consider the reprinted article on corporations other than municipal. Carried.

Mr. P. C. Sullivan moved to amend Section 4 by adding: But this section shall not be construed to make any stockholder liable for the unpaid stock of any other stockholder. Adopted.

Mr. Cosgrove moved to strike out of Section 22 the words "are contrary to the best interests of free government and". Adopted.

Mr. Turner offered the following as a substitute for Section 4.

Section 4. Each stockholder in all incorporated companies, except corporations organized for banking or insurance purposes, shall be liable for the debts of the corporation to the amount of his unpaid stock and no more, and one or more stockholders may be joined as parties defendant in suits to recover upon this liability. Adopted.

Mr. Stiles moved to amend Section 20 to read:

Section 20. No railroad or other transportation company shall grant free passes, or sell tickets or passes at a discount, other

than as sold to the public generally, to any member of the Legislature, or to any person holding any public office within this state. The Legislature shall pass laws to carry this provision into effect.

Adopted.

Mr. Mires offered the following as an additional section.

Section. No corporation, domestic or foreign, shall be created for or engage in the business of dealing in real property in this state, nor shall any corporation acquire otherwise than by grant from the United States any real property except such as may be necessary for use in carrying on the business for which it is created or in the ordinary course of justice in the collection of debts. Lost.

Mr. Jamieson moved to amend Section 12 by striking out the words "or in failing circumstances" in line three. Lost.

Mr. T. M. Reed proposed to amend Section 22 by striking out words "declare a" and insert "provided by law for the." Lost.

Mr. Turner offered the following as an additional section: A Railroad Commission is hereby established which will consist of three Commissioners. The terms of office of such Commissioners shall be four years and they shall be appointed by the Governor by and with the advise and consent of the Senate. The members of said Commission shall be qualified electors of said Commission, shall have such powers and perform such duties and the members receive such compensation as may be provided by law.

Mr. P. C. Sullivan moved a call of the house. Carried.

On motion Mr. Gowey was excused for the forenoon.

The roll being called all members were present except Messrs. Allen, Browne, Dallam, Dickey, Gowey, Hungate, Minor, Shoudy, Willison on leave and Messrs. McElroy and Van Name.

On motion of P. C. Sullivan the further proceedings under the call were dispensed with.

Mr. Griffiths offered the following amendment to the amendment. Insert after years, who shall be elected by the qualified electors of the state at the general election held in the state for election of Governor and other state officers. The Commissioners elected at the election held for adoption of this Constitution shall hold office for three years.

On motion of Mr. Manly the previous question was ordered. On the amendment of Mr. Griffiths, the ayes and noes were demanded and ordered and the following twenty-six members voted aye: Berry, Burk, Coey, Crowley, Dunbar, Durie, Dyer, Eldridge, Eshelman, Griffiths, Hayton, Jones, Kinnear, McCroskey, Neace, Newton, J. M. Reed, Schooley, Sharpstein, Suksdorf, Tibbetts, Turner, Warner, Weir, Weisenburger, Mr. President.

The following thirty-seven members voted no: Blalock, Bowen, Buchanan, Clothier, Comegys, Cosgrove, Fairweather, Fay, Glascock, Godman, Gray, Henry, Hicks, Jamieson, Jeffs, Joy, Kellogg, Lillis, Lindsley, Manly, McDonald, McReavey, Mires, J. Z. Moore, Morgans, Power, Prosser, T. M. Reed, Sohns, Stevenson, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Travis, West, Winsor. Absent and not voting: Allen, Browne, Dickey, Gowey, Hungate, McElroy, Minor, J. Z. Moore [sic], Shoudy, Van Name, Willison, so the amendment was not agreed to.

Mr. J. Z. Moore announced that he was paired with Mr. Minor, that he would vote yes and Mr. Minor no.

The ayes and noes being ordered on the amendment offered by Mr. Turner, the following twenty-six members voted aye: Buchanan, Coey, Comegys, Dunbar, Durie, Dyer, Fairweather, Griffiths, Hayton, Hicks, Kinnear, Manly, McCroskey, Mires, J. Z. Moore, Neace, Newton, J. M. Reed, Schooley, Sharpstein, Tibbetts, Weir, Weisenburger, Mr. President.

The following thirty-nine members voted no: Berry, Blalock, Bowen, Burk, Clothier, Cosgrove, Crowley, Eldridge, Eshelman, Fay, Glascock, Godman, Gray, Henry, Jamieson, Jeffs, Jones, Joy, Kellogg, Lillis, Lindsley, McDonald, McReavey, R. S. More, Morgans, Power, Prosser, T. M. Reed, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Warner, West, Winsor. Absent and not voting: Allen, Browne, Dallam, Dickey, Gowey, Hungate, McElroy, Minor, Shoudy, Turner, Van Name, Willison. So the amendment was not agreed to.

Mr. Turner announced that he was paired with Mr. Dallam, that Mr. Dallam would vote no and he would vote aye.

On motion of Mr. Kinnear the rules were suspended, the article considered engrossed and passed to third reading.

In the Convention
Corporations other than Municipal
Article

Section 1. Corporations may be formed under general laws but shall not be created by special acts. All laws relating to corporations may be altered, amended or repealed by the Legislature at any time, and all corporations doing business in this state may, as to such business, be regulated, limited or restrained by law.

Section 2. All existing charters, franchises, special or exclusive privileges, under which an actual and bona fide organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

Section 3. The Legislature shall not extend any franchise or charter nor remit the forfeiture of any franchise or charter of any corporation now existing, or which shall hereafter exist under the laws of this state.

Section 4. Each stockholder in all corporated companies, except corporations organized for banking or insurance purposes, shall be liable for the debts of the corporation to the amount of his unpaid stock and no more, and one or more stockholders may be joined as parties defendant in suits to recover upon this liability.

Section 5. The term corporations, as used in this article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships, and all corporations shall have the right to sue and shall be subject to be sued, in all courts, in like cases as natural persons.

Section 6. Corporations shall not issue stock, except to bona fide subscribers therefor, or their assignees; nor shall any corporation issue any bond or other obligation for the payment of money, except for money or property received or labor done. The stock of corporations shall not be increased except in pursuance of a general law, nor shall any law authorize the increase of stock without the consent of the person holding the larger amount in value of the stock, nor without due notice of the proposed increase

having been previously given in such manner as may be prescribed by law. All fictitious increase of stock or indebtedness shall be void.

Section 7. No corporation organized outside the limits of this state shall be allowed to transact business within the state on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this state.

Section 8. No corporation shall lease or alienate any franchise so as to relieve the franchise or property held thereunder from the liabilities of the lessor or grantor, lessee or grantee, contracted or incurred in the operation, use or enjoyment of such franchise or any of its privileges.

Section 9. The state shall not in any manner loan its credit nor shall it subscribe to or be interested in the stock of any company, association or corporation.

Section 10. The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the Legislature from taking the property and franchises of incorporated companies and subjecting them to public use the same as the property of individuals.

Section 11. No corporation, association or individual shall issue or put in circulation as money anything but the lawful money of the United States. Each stockholder of any banking or insurance corporation or joint stock association shall be individually and personally liable equally and ratably and not one for another, for all contracts, debts and engagements of such corporation or association according, while they remain such stockholders to the extent of the amount of their stock therein at the par value thereof in addition to the amount invested in such shares.

Section 12. Any president, director, manager, cashier or other officer of any banking institution who shall receive or assent to the reception of deposits after he shall have knowledge of the fact that such banking institution is insolvent or in failing circumstances shall be individually responsible for such deposits so received.

Section 13. All railroad, canal and other transportation companies are declared to be common carriers and subject to legislative control. Any association or corporation organized for the purpose, under the laws of this state, shall have the right to con-

nect at the state line with railroads of other states. Every railroad company shall have the right with its road, whether the same be now constructed or may hereafter be constructed, to intersect, cross or connect with any other railroad, and when such railroads are of the same or similar guage they shall at all crossings and at all points where a railroad shall begin or terminate at or near any other railroad, form proper connections so that the cars of any such railroad companies may be speedily transferred from one railroad to another. All railroad companies shall receive and transport each the other's passengers, tonnage and cars without delay or discrimination.

Section 14. No railroad company, or other common carrier shall combine or make any contract with the owners of any vessel that leaves port or makes port in this state, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying.

Section 15. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this state, or coming from or going to any other state. Persons and property transported over any railroad or by any other transportation company or individual shall be delivered at any station, landing or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port or landing. Excursion and commutation tickets may be issued at special rates.

Section 16. No railroad corporation shall consolidate its stock, property or franchise with any other railroad corporation owning a competing line.

Section 17. The rolling stock and other movable property belonging to any railroad company or corporation in this state shall be considered personal property, and shall be liable to taxation and to execution and sale in the same manner as the personal property of individuals, and such property shall not be exempted from execution and sale.

Section 18. The Legislature shall pass laws establishing reasonable maximum rates [and] charges for the transportation of passengers and freight, and to correct abuses and prevent discrim-

ination and extortion in the rates of freight and passenger tariffs on the different railroads and other common carriers in the state, and shall enforce such laws by adequate penalties. A railroad and transportation commission may be established and its powers and duties fully defined by law.

Section 19. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph and telephone within this state, and said companies shall receive and transmit each other's messages without delay or discrimination, and all of such companies are hereby declared to be common carriers. Railroad corporations organized or doing business in this state shall allow telegraph corporations and companies to construct and maintain telegraph lines on and along the rights of way of such railroads and railroad companies, and no railroad corporation organized or doing business in this state shall allow any telegraph corporation or company any facilities, privileges or rates for transportation of men or material or for repairing their lines not allowed to all telegraph companies. The right of eminent domain is hereby extended to all telegraph and telephone companies. The Legislature shall by general law of uniform operation, provide reasonable regulations to give effect to this section.

Section 20. No railroad or other transportation company shall grant free passes, or sell tickets or passes at a discount, other than as sold to the public generally, to any member of the Legislature, or to any person holding any public office within this state. The Legislature shall pass laws to carry this provision into effect.

Section 21. Railroad companies now or hereafter organized or doing business in this state shall allow all express companies organized or doing business in this state transportation over all lines of railroad owned or operated by such railroad companies upon equal terms with any other express company, and no railroad corporation organized or doing business in this state shall allow any express corporation or company any facilities, privileges or rates for transportation of men or materials or property carried by them or for doing the business of such express companies, not allowed to all express companies.

Section 22. Monopolies and trusts shall never be allowed in this state, and no incorporated company, copartnership or as-

sociation of persons in this state shall directly or indirectly combine or make any contract with any other incorporated company, foreign or domestic, through their stockholders, or the trustees or assignees of such stockholders or with any copartnership or association of persons or in any manner whatever for the purpose of fixing the price or limiting the production or regulating the transportation of any product or commodity. The Legislature shall pass laws for the enforcement of this section by adequate penalties, and in case of incorporated companies, if necessary for that purpose, may declare a forfeiture of their property and franchises.

The question being shall the article be agreed to the ayes and noes were demanded and ordered and the following sixty members voted aye: Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, [Dallam]*, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Gray, Hayton, Henry, Hicks, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McDonald, McReavey, J. Z. Moore, R. S. More, Morgans, Neace, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Warner, Weir, Weisenburger, West, Winsor, Mr. President.

The following four members voted no: Griffitts, Mires, Newton, Tibbetts. Absent and not voting: Allen, Browne, Dallam, Dickey, Gowey, Hungate, McElroy, Minor, Shoudy, Van Name, Willison. So the article was agreed to and referred to Committee on Revision, Adjustment and Enrollment.

On motion of Mr. Griffitts the rules were suspended and the article on homesteads and property exemptions was read a third time, considered engrossed and put upon its final passage.

The question being shall the article pass, the ayes and noes were ordered and the following fifty-nine members voted aye: Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gray, Griffitts, Hayton, Henry, Hicks, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McDonald, McReavey, Mires, J. Z. Moore, R. S. More, Morgans, Neace, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Sharpstein, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C.

* Stricken in journal.

Sullivan, Tibbetts, Travis, Turner, Warner, Weir, Weisenburger, West, Winsor, Mr. President.

Absent and not voting: Allen, Browne, Crowley, Dallam, Dickey, Fairweather, Gowey, Hungate, Jamieson, Jeffs, McElroy, Minor, Schooley, Shoudy, Van Name, Willison. So the article was agreed to and referred to the Committee on Revision, Adjustment and Enrollment.

Committee on Homesteads and Property Exemptions

Article

Section 1. The Legislature shall protect by law from forced sale a certain portion of the homestead and other property of all heads of families.

The article on water and water rights was then brought up for consideration, Mr. Griffiths offered the following proviso.

Provided, this shall not be construed to apply to non-navigable streams or watercourses or lakes, the ownership of which is in individuals by reason of ownership of the same over which same flows. Lost.

Mr. P. C. Sullivan moved to amend by striking out the words "and manufacturing" and inserting "and" between "irrigation" and "mining." Lost.

Mr. Prosser offered the following as an additional section to the article.

Section. The right to divert inappropriate waters of every natural stream for 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 where the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall have the preference over those claiming for any other purpose and those using the water for agricultural purposes shall have the preference over those using the same for manufacturing purposes. Lost.

On motion of Mr. Mires the rules were suspended and the article on water [and] water rights was considered engrossed, read a third time and put upon its final passage.

The question being shall the article be agreed to the ayes and noes were ordered and the following forty-one members voted aye: Berry, Blalock, Clothier, Coey, Comegys, Crowley, Dunbar, Durie, Dyer, Eshelman, Fay, Glascock, Hayton, Henry, Jamieson, Jeffs, Joy, Kellogg, Kinnear, Lindsley, Manly, McCroskey, McDonald, McReavey, Mires, R. S. More, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Turner, Warner, West, Winsor, Mr. President.

The following seventeen members voted no: Bowen, Buchanan, Burk, Cosgrove, Eldridge, Godman, Griffiths, Hicks, Jones, Lillis, Neace, Sohns, Stevenson, Suksdorf, Tibbetts, Travis, Weisenburger. Absent and not voting: Allen, Browne, Dallam, Dickey, Fairweather, Gowey, Gray, Hungate, McElroy, Minor, J. Z. Moore, Newton, Shoudy, Van Name, Weir, Willison. So the article was agreed to and ordered sent to the Committee on Revision, Adjustments and Enrollment.

Committee on Water & Water Rights

Article

Section 1. The use of the waters of this state for irrigation, mining and manufacturing purposes shall be deemed a public use.

The following protest was ordered spread on the Journal.

We hereby protest in writing against the passage of the article declaring the use of waters a public use reported by the Committee on Water and Water Rights and ask to have this protest entered of record.

August 10th, 1889

T. C. GRIFFITTS
M. M. GODMAN
S. G. COSGROVE
J. J. TRAVIS
D. BUCHANAN
GEO. W. TIBBETTS
LEWIS NEACE.

Mr. Kinnear was granted leave until Monday afternoon. Mr. Jamieson asked leave for the rest of day. Not granted.

Mr. Griffiths moved to suspend Rule 33. Lost.

Mr. E. H. Sullivan asked leave till Tuesday morning. Granted.

The article on education and educational institutions was considered by the Convention.

Mr. Turner moved to strike out the last sentence of Section 2. Lost. Mr. Cosgrove moved to insert after word "schools" in line two, Section 2, the words "to be continued in session not less than six months in each year." Lost.

Mr. Griffiths moved to strike out the word "common" in last line and insert the word "public." Lost.

Mr. Turner offered the following amendment: make the last sentence of Section 2 read "But the entire revenue derived from the common school fund, and the state school tax for common schools shall be exclusively applied to the support of the common schools." Adopted.

Mr. Godman moved to amend Section 3 by striking from lines nine, ten and eighteen the words "and state."

President Hoyt designated Mr. Prosser of Yakima to take the chair in the afternoon.

Pending the motion of Mr. Godman. At 12 noon the Convention on motion of Mr. Cosgrove took a recess until 2 p.m.

· Afternoon Session

The Convention was called to order by Mr. Prosser and a quorum being present proceeded with the consideration of the article on education and educational institutions.

Mr. Kellogg and Mr. Newton were granted leave for the day.

The motion of Mr. Godman to strike out was lost.

Mr. Griffiths moved a call of the house. Lost.

Mr. Turner moved to strike out the words "educational institutions" from line four, Section 3, and insert the words "common schools." Carried.

Mr. Bowen moved to insert after the words "state lands" in lines nine, ten and eighteen of Section 3 the words "other than those granted for specific purposes." Carried.

Mr. Cosgrove moved to add to Section 3 the proviso: Provided

this section shall not be so construed as to affect any lands or the use of any lands the state owns by virtue of its sovereignty. Lost.

Mr. Turner moved to amend the last clause to read "The interest accruing on said fund together with all rentals and other revenues derived therefrom and from lands and other property devoted to the common school fund shall be exclusively applied to the current use of the common schools." Carried.

Mr. Comegys moved to add to Section 4 the words "and no religious exercises or instructions shall be permitted therein."

Mr. Stiles moved as a substitute to amend Section 3 by striking out the word "sectarian" and inserting "religious." Lost.

On the amendment of Mr. Comegys the ayes and noes were ordered and the following twenty members voted aye: Clothier, Coey, Comegys, Crowley, Durie, Eldridge, Fay, Griffiths, Hayton, Hicks, Jeffs, Manly, McElroy, Power, Sturdevant, Suksdorf, P. C. Sullivan, Van Name, Weisenburger, Winsor.

The following thirty-three members voted no: Blalock, Bowen, Buchanan, Burk, Cosgrove, Dunbar, Dyer, Eshelman, Glascock, Godman, Gowey, Henry, Jones, Joy, Lillis, Lindsley, McCroskey, Mires, J. Z. Moore, R. S. More, Morgans, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stiles, Tibbetts, Travis, Turner, Weir, West. Absent and not voting: Allen, Berry, Browne, Dallam, Dickey, Fairweather, Gray, Hungate, Jamieson, Kellogg, Kinnear, McDonald, McReavey, Minor, Newton, Shoudy, Stevenson, Warner, Willison. So the amendment was not adopted.

Mr. J. Z. Moore moved to strike out the words "or influence" in Section 4.

The ayes and noes were ordered and the following eleven members voted aye: Buchanan, Henry, Jeffs, Joy, Lindsley, Mires, J. Z. Moore, R. S. More, J. M. Reed, T. M. Reed, Schooley, Travis.

The following thirty-nine members voted no: Blalock, Bowen, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gowey, Griffiths, Hayton, Hicks, Jones, Lillis, McCroskey, McElroy, Morgans, Power, Prosser, Sharpstein, Sohns, Sturdevant, P. C. Sullivan, Tibbetts, Turner, Van Name, Warner, Weir, Weisenburger, West, Winsor.

Absent and not voting: Allen, Berry, Browne, Dallam, Dickey, Fairweather, Gray, Hungate, Jamieson, Kellogg, Kinnear, Manly, McDonald, McReavey, Minor, Neace, Newton, Shoudy, Stevenson, Stiles, Suksdorf, E. H. Sullivan, Willison. So the amendment was not agreed to.

Mr. Lindsley offered the following as an additional section to the article.

Section 6. The University of Washington shall constitute a public trust and its organization and government shall be subject to legislative control, but it shall forever be independent and free from all partisan and sectarian influence in the appointment of its regents, the administration of its affairs and the instruction of its students. The University shall embrace all the public schools of the state other than the common schools. Provided, that the Legislature may provide for the location of normal schools and schools for blind, deaf, dumb or otherwise defective youth at other places than that where the University shall be located and place them under different management.

Mr. Gowey moved to postpone the proposed section to Monday. Lost.

Amendment of Mr. Lindsley lost.

Mr. Turner moved to strike out the words "have been" in line two, Section 5, and insert the word "be." Adopted.

Mr. Bowen moved to amend Section 5 by striking out "any State or University" in line one and inserting "other state educational." Adopted.

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

The question being shall the article be agreed to, the following fifty-three members voted aye: Blalock, Bowen, Buchanan, Burk, Coey, Cosgrove, Crowley, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gowey, Griffiths, Hayton, Henry, Hicks, Jones, Joy, Lillis, Lindsley, Manly, McCroskey, McElroy, Mires, J. Z. Moore, R. S. More, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Weir, Weisenburger, West, Winsor.

The following two members voted no: Comegys, Jeffs. Absent and not voting: Allen, Berry, Browne, Dallam, Dickey, Fairweather, Gray, Hungate, Jamieson, Kellogg, Kinnear, McReavey, Minor, Neace, Newton, Shoudy, E. H. Sullivan, Willison. So the article was passed and sent to the Committee on Revision, Adjustment and Enrollment.

Mr. Glascock gave notice of his intention to move to reconsider the vote by which the article on water and water rights was agreed to and the vote by which the rules were suspended and the article placed upon its passage.

Article as agreed to

Educational and Educational Institutions

Article

Section 1. It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste or sex.

Section 2. The Legislature shall provide for a general and uniform system of public schools. The public school system shall include common schools and such high schools, normal schools and technical schools as may hereafter be established. But the entire revenue derived from the common school fund, and the state tax for common schools shall be exclusively applied to the support of the common schools.

Section 3. The principal of the common school fund shall remain permanent and irreducible; the said fund shall be derived from the following named sources, to wit: Appropriations and donations by the state to this fund, donations and bequests by individuals to the state or public for common schools, the proceeds of lands and other property which revert to the state by escheat and forfeiture, the proceeds of all property granted to the state when the purpose of the grant is not specified or is uncertain, funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law, the proceeds of the sale of timber, stone, mineral or other property from school and state lands other than those granted for specific purposes, all moneys recovered from persons appropriating timber, stone, minerals or other property from school and state lands other

than those granted for specific purposes and all moneys other than rental recovered from persons trespassing on said lands, five per centum of the proceeds of the sale of public lands lying within the state, which shall be sold by the United States subsequent to the admission of the state into the Union. The principal of all funds arising from the sale of lands and other property which have been and hereafter may be granted to the state for the support of the common schools. The Legislature may make further provision for enlarging said fund. The interest accruing on said fund together with all rentals and other revenue derived therefrom and from lands and other property devoted to the common school fund shall be exclusively applied to the current use of the common schools.

Section 4. All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence.

Section 5. All losses to the permanent common school or any other state educational fund which shall be occasioned by defalcation, mismanagement or fraud of the agents or officers controlling or managing the same shall be audited by the proper authorities of the state. The amount so audited shall be a permanent funded debt against the state in favor of the particular fund sustaining such loss, upon which not less than six per cent annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized and limited elsewhere in the Constitution.

Mr. Cosgrove was granted leave for the day.

The Convention proceeded to the consideration of the "Compact with the United States."

Mr. Gowey offered the following amendment addition to the article.

Third. The debts and liabilities of the Territory of Washington and payment of the same are hereby assumed by the state. Agreed to.

Fourth. That provision shall be made for the establishment and maintenance of systems of public schools which shall be open to all the children of said state and free from sectarian control. Adopted.

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

The question being shall the article be agreed to, the ayes and noes were ordered and the following fifty-one members voted aye: Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Crowley, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gowey, Griffiths, Henry, Hicks, Jeffs, Jones, Joy, Lillis, Manly, McCroskey, McElroy, Mires, J. Z. Moore, R. S. More, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Turner, Warner, Weir, Weisenburger, West, Winsor.

Absent and not voting: Allen, Berry, Browne, Cosgrove, Dallam, Dickey, Fairweather, Gray, Hayton, Hungate, Jamieson, Kellogg, Kinnear, Lindsley, McDonald, McReavey, Minor, Neace, Newton, Shoudy, E. H. Sullivan, Van Name, Willison. So the article was agreed to and referred to Committee on Revision, Adjustment and Enrollment.

Compact with the United States

Article

The following article shall be irrevocable without the consent of the United States and the people of this state.

First. That perfect toleration of religious sentiment shall be secured and that no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship.

Second. That the people inhabiting this state do agree and declare that they forever disclaim all rights and title to the unappropriated public lands lying within the boundaries of this state and to all lands lying within said limits owned or held by any Indian or Indian tribes and that until the title thereto shall have [been] extinguished by the United States, the same shall be and remain subject to the disposition of the United States and said Indian lands shall remain under the absolute jurisdiction and control of state shall never be taxed at a higher rate than the lands belonging to citizens of the United States residing without the limits of this state shall never be taxed at a higher rate than the lands belonging

to residents thereof, and that no taxes shall be imposed by the state on lands or property therein belonging to or which may be hereafter purchased by the United States or reserved for its use.

Provided that nothing in this article shall preclude the state from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation, which exemption shall continue so long and to such extent as such act of Congress may prescribe.

Third. The debts and liabilities of the Territory of Washington and payment of the same are hereby assumed by this state.

Fourth. That provision shall be made for the establishment and maintenance of systems of public schools which shall be open to all the children of said states and free from sectarian control.

The Convention proceeded to consider the article on boundaries.

Mr. Comegys moved to amend by inserting the words "mouth of the" before "Columbia River" in line three. Adopted.

Mr. Durie moved to add after the word "point" the words "in the Pacific Ocean." Adopted.

Mr. Eldridge moved to substitute the description in the Walla Walla Constitution. Lost.

Mr. Suksdorf moved to recommit the article to the Committee on Federal Relations, Boundaries and Immigration. Mr. J. Z. Moore moved the previous question. Carried. The motion to recommit was adopted.

At 10 minutes to 4 p.m. Mr. Suksdorf moved to adjourn.

The ayes and noes were ordered and the following fourteen members voted aye: Buchanan, Comegys, Crowley, Eldridge, Eshelman, Gowey, Hicks, Joy, Mires, R. S. More, Suksdorf, Travis, Warner, Winsor. The following thirty-six members voted no: Blalock, Bowen, Burk, Clothier, Coey, Dunbar, Durie, Dyer, Fay,

Godman, Griffiths, Hayton, Jeffs, Jones, Lillis, Lindsley, Manly, McCroskey, McElroy, J. Z. Moore, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stiles, Sturdevant, P. C. Sullivan, Tibbetts, Turner, Weir, Weisenburger, West.

Absent and not voting: Allen, Browne, Cosgrove, Dallam, Dickey, Fairweather, Glascock, Gray, Henry, Hungate, Jamieson, Kellogg, Kinnear, McDonald, McReavey, Minor, Neace, Newton, Shoudy, Stevenson, E. H. Sullivan, Van Name, Willison, Mr. President. So the Convention refused to adjourn.

Mr. Dyer moved to go into the committee of the whole to consider the article on election and elective rights. Mr. Griffiths moved to make the report of the Committee on Elections and Elective Rights special order for Monday morning. The ayes and noes were ordered.

Mr. Gowey moved to adjourn.

The ayes and noes were ordered and the following twenty-eight members voted aye: Burke, Comegys, Crowley, Dunbar, Eldridge, Eshelman, Fay, Glascock, Gowey, Hayton, Henry, Jeffs, Joy, Lillis, McElroy, Mires, Morgans, Power, T. M. Reed, Sohns, Stiles, Suksdorf, Turner, Van Name, Warner, Weir, Weisenburger, Winsor. The following twenty-four members voted no: Blalock, Bowen, Buchanan, Coey, Durie, Dyer, Godman, Griffiths, Hicks, Jones, Lindsley, Manly, McCroskey, J. Z. Moore, R. S. More, Prosser, J. M. Reed, Schooley, Sharpstein, Sturdevant, P. C. Sullivan, Tibbetts, Travis, West.

Absent and not voting: Allen, Berry, Browne, Clothier, Cosgrove, Dallam, Dickey, Fairweather, Gray, Henry, Hungate, Jamieson, Kellogg, Kinnear, McDonald, McReavey, Minor, Neace, Newton, Shoudy, Stevenson, E. H. Sullivan, Willison, Mr. President.

Mr. Weir was granted leave on Monday.

At 4:02 p.m. the Convention adjourned till August 12th, 1889, at 9 a.m.

August 12th, 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.