

Mr. Gowey asked to be excused for the day. So ordered.

Mr. Cosgrove moved to adjourn. Lost. Mr. Cosgrove moved for a call of the house. Lost.

Mr. Prosser moved the following amendment. "Section 3. Nor to employ in underground mining any person under the age of sixteen," pending which Mr. Turner moved to adjourn. Lost.

The question then was shall the article be considered engrossed, passed to a third reading. Carried.

Mr. Dyer moved to adjourn. Carried, and the Convention stood adjourned until 9 a.m., August 13th, 1889.

August 13th, 1889

Convention called to order by the President at 9 a.m. Prayer by the Rev. Mr. Chaplin [sic].

On a call of the roll all the members were present except Messrs. Coey, Fairweather, Jones, J. Z. Moore, Stevenson, Stiles, and Messrs. Berry, Browne, Kellogg, Neace, Weir, Willison, Hicks, Hungate on leave.

Minutes read and approved. Messrs. Coey, Godman, McReavey, J. Z. Moore, Stevenson, Fairweather, Henry, Gray, Jones, Griffiths, and Stiles reported present.

Mr. Hicks excused for the day. Mr. Manly excused indefinitely. Mr. Weir excused for the morning.

Mr. Bowen submitted a telegram relative to Section 19 of article on corporations other than municipal signed by S. T. Armstrong and others and ordered to lie on the table.

The article on elections and elective rights was then read a third time and the question then was shall the Convention agree to the article as read, and on a call of the roll the following thirty-three members voted aye: Allen, Bowen, Burk, Coey, Cosgrove, Crowley, Dallam, Dunbar, Dyer, Gowey, Hayton, Jamieson, Jones, Kinnear, Lillis, Lindsley, Manly, Minor, Mires, J. Z. Moore, Morgans, Prosser, T. M. Reed, Schooley, Shoudy, Sohns, Stiles, Sturdevant, Tibbetts, Turner, Weisenburger, Winsor, Mr. President.

The following thirty-one [voted] no: Messrs. Blalock, Buchanan, Clothier, Comegys, Durie, Eldridge, Eshelman, Fay, Glascock, Godman, Gray, Griffiths, Henry, Jeffs, McCroskey, McDonald, McElroy, McReavey, R. S. More, Newton, J. M. Reed, Sharpstein, Stevenson, Suksdorf, E. H. Sullivan, P. C. Sullivan, Travis, Van Name, Warner, West. Absent on leave: Berry, Browne, Hicks, Hungate, Kellogg, Neace, Weir, Willison. Not voting: Messrs. Dickey, Fairweather, Power. A majority of all the members of the Convention not having voted in the affirmative, the article was not agreed to.

The article on mines and mining interest was then read a third time and the question then was shall the Convention agree to the article as read and on a call of the roll the following twenty-nine members voted aye: Clothier, Dallam, Durie, Dyer, Eldridge, Gray, Griffiths, Hayton, Kinnear, Lillis, Lindsley, McCroskey, McDonald, McElroy, McReavey, Minor, J. Z. Moore, Newton, Power, Prosser, J. M. Reed, Sharpstein, Shoudy, Stevenson, Suksdorf, Tibbetts, Van Name, Warner, West.

The following thirty-five members voted no: Allen, Blalock, Bowen, Buchanan, Burk, Coey, Comegys, Cosgrove, Crowley, Dickey, Eshelman, Fay, Glascock, Gowey, Hayton, Henry, Jamieson, Jeffs, Jones, Joy, Manly, Mires, R. S. More, Morgans, T. M. Reed, Schooley, Sohns, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Travis, Turner, Weisenburger, Winsor.

Absent on leave: Berry, Browne, Dickey, Fairweather, Hicks, Hungate, Kellogg, Neace, Weir, Willison. Not voting: Mr. Godman, being excused from voting. A majority of all the members of the Convention not voting in the affirmative, the article was not agreed to.

Mr. Bowen moved that the Convention resolve itself into a committee of the whole for the purpose of considering the reports of the Committee on State, School and Granted Lands, and Harbors, Tidewaters and Navigable Streams. At 9:40 the Convention went into committee of the whole to consider the report with Mr. McReavey in the chair.

At 11:55 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, School and Granted Lands, and Harbors, Tidewater and Navigable Streams and had

made progress but come to no resolution thereon, and asked leave to sit again. Leave was granted.

Mr. Dyer moved to take a recess until 2 p.m., pending which Mr. Cosgrove was granted leave for the afternoon. Mr. Dyer's motion was then agreed to.

At 2 p.m. Convention called to order by the President. Mr. Crowley moved under a suspension of the rules that the subject matter of the article on elections and elective rights be sent back to the committee to report a new article.

Mr. Dyer moved that the Convention resolve itself into a committee of the whole for the further consideration of the report on harbors, tidewaters and navigable streams. Carried.

Mr. Weir, Mr. Willison and Mr. Browne were reported present.

At 2:05 the Convention went into a committee of the whole for the further consideration of the report of the Committee on Harbors, Tidewater and Navigable Streams with Mr. McReavey in the chair.

At 4 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 Harbors, Tidewaters and Navigable Streams and had made sundry amendments thereto and recommended that the Convention concur in the same and that when so concurring that it be agreed to by the Convention.

The question then being on concurring in the amendments, they were concurred in as follows.

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. The state shall never give, sell or lease to any private person, corporation or association on [sic] any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor lines (and the line of ordinary high tide) and within not less than fifty 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 forever be reserved for landings, wharves, streets and other conveniences of navigation and commerce.

Section 2. The Legislature shall provide by general laws for the leasing of the right to build and maintain wharves, docks and other structures upon the areas mentioned in Section 1 of this article, but no lease shall be made for any term longer than thirty years, or the Legislature may provide by general laws for the building and maintaining upon such areas, wharves docks or other structures.

Section 3. Municipal corporations shall have the right to extend their streets over intervening tidelands to the area reserved as herein provided.

Mr. Weir moved to strike out of line nine "and the line of ordinary high tide."

Mr. Turner moved to take a recess until 8 p.m. Out of order. Mr. Fairweather moved to adjourn. Lost. Mr. Kinnear moved that when the Convention adjourn that it be to 8 p.m. Lost. Mr. Durie moved to adjourn. Lost.

Mr. Gowey moved to substitute the following for Mr. Weir's amendment.

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 on either side. 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 fifty 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 within the limits of said harbor lines, and under such regulations as the Legislature may provide, may lease the right to build, or maintain wharves, docks and other structures therein, subject, however, to the right of the state to resume control of the same at any time.

Mr. E. H. Sullivan rose to a point of order. Not sustained.

Mr. Browne demanded the ayes and noes on Mr. Gowey's substitute. And they were ordered and on a call of the roll the following seventeen members voted aye: Berry, Blalock, Dickey, Durie, Fay, Gowey, Henry, Hicks, Jamieson, Kinnear, McElroy, Minor, T. M. Reed, Stiles, P. C. Sullivan, Turner, Weisenburger. The following forty-nine members voted no: Allen, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Crowley, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Glascock, Godman, Gray, Griffiths, Hayton, Jeffs, Jones, Joy, Lillis, Lindsley, Manly, McCroskey, McReavey, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, Schooley, Shoudy, Sohns, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, Tibbetts, Travis, Van Name, Warner, Weir, West, Winsor, Mr. President.

Messrs. Comegys, Dallam, McDonald [and] Sharpstein not voting and Messrs. Cosgrove, Hungate, Neace and Willison absent on leave, and the substitute was lost.

On the question of Mr. Weir's amendment it was lost.

Mr. Turner moved to take a recess until 8 p.m., pending which an amendment was offered by Mr. Tibbetts, moving to make it 8 a.m. tomorrow.

Mr. Allen moved to adjourn and Mr. Turner demanded the ayes and noes. So ordered and on a call of the roll the following thirty-one members voted aye: Allen, Buchanan, Coey, Comegys, Crowley, Dunbar, Durie, Eldridge, Fairweather, Fay, Gray, Henry, Hicks, Jones, Joy, Lillis, McElroy, Minor, Mires, Morgans, Power, Prosser, Schooley, Shoudy, Stiles, Suksdorf, P. C. Sullivan, Weir, Weisenburger, Winsor.

The following thirty-two members voted no: Blalock, Bowen, Browne, Clothier, Dickey, Dyer, Eshelman, Glascock, Godman, Gowey, Griffiths, Jamieson, Jeffs, Kinnear, Lindsley, McCroskey,

McReavey, J. Z. Moore, R. S. More, J. M. Reed, T. M. Reed, Sohns, Stevenson, Sturdevant, E. H. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, West and Mr. President. Messrs. Berry, Burk, Dallam, Hayton, Manly, McDonald, Sharpstein not voting. Messrs. Cosgrove, Hungate, Kellogg, Neace and Willison absent on leave. And the motion was lost.

The question was then on the amendment of Mr. Tibbetts to Mr. Turner's motion. The ayes and noes were demanded and ordered and on a call of the roll the following thirty-eight members voted aye: Blalock, Buchanan, Burk, Comegys, Crowley, Dickey, Dunbar, Durie, Dyer, Fairweather, Fay, Henry, Hicks, Jeffs, Jones, Joy, Lillis, Lindsley, Manly, McCroskey, McReavey, Minor, [Mires]*, J. Z. Moore, Morgans, Power, Prosser, J. M. Reed, Schooley, Shoudy, Sohns, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Warner, Weir, West.

The following twenty-eight members voted no: Messrs. Allen, Bowen, Browne, Clothier, Coey, Eldridge, Eshelman, Glascock, Godman, Gowey, Gray, Griffiths, Hayton, Jamieson, Kinnear, McElroy, Mires, R. S. More, Newton, T. M. Reed, Stevenson, Stiles, Travis, Turner, Van Name, Weisenburger, Winsor, Mr. President. And Messrs. Berry, Dallam, McDonald, Sharpstein not voting, and Messrs. Cosgrove, Hungate, Kellogg, Neace and Willison absent on leave. And the amendment was carried.

The question then was shall the motion as amended be ordered, pending which Mr. Crowley moved to adjourn and the ayes and noes were demanded and ordered and the following thirty-two members voted aye: Allen, Bowen, Buchanan, Burk, Coey, Comegys, Crowley, Dickey, Durie, Eldridge, Glascock, Gowey, Gray, Griffiths, Hayton, Henry, Hicks, Jones, Joy, McCroskey, McElroy, Minor, Mires, Newton, Power, T. M. Reed, Schooley, Stiles, Suksdorf, P. C. Sullivan, Weir, Weisenburger.

The following thirty members voted no: Blalock, Browne, Clothier, Dunbar, Dyer, Eshelman, Godman, Jamieson, Jeffs, Kinnear, Lillis, Lindsley, McReavey, J. Z. Moore, R. S. More, Prosser, J. M. Reed, Shoudy, Sohns, Stevenson, Sturdevant, E. H. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, West, Winsor, Mr. President. Messrs. Berry, Dallam, Fairweather, Fay, Manly, McDonald, Sharpstein not voting. Messrs. Cosgrove, Hun-

* Stricken in journal.

gate, Kellogg, Neace, Willison absent on leave, and the motion prevailed and the Convention stood adjourned until 9 a.m., August 14th, 1889.

August 14th, 1889

Convention called to order by the President at 9 a.m. Prayer by Rev. Mr. Chaplain [sic].

On a call of the roll all the members were present except Messrs. Crowley, Gowey, Stiles, P. C. Sullivan [and] Fairweather on leave. Dallam, Henry, Hungate, Neace.

Minutes read and approved. Messrs. Dallam, Henry, Gowey, Stiles, P. C. Sullivan [and] Fairweather reported present.

Mr. Sharpstein from the Committee on Miscellaneous Subjects, Schedule and Future Amendments submitted the following report.

In the Convention

Schedule

In order that no inconvenience may arise by reason of a change from a territorial to a state government, it is hereby declared and ordained as follows.

Section 1. No existing rights, actions, suits, proceedings, contracts or claims shall be affected by a change in the form of government, but all shall continue as if no such change had taken place, and all process which may have been issued under the authority of the Territory of Washington previous to its admission into the union shall be as valid as if issued in the name of the state.

Section 2. All laws now in force in the Territory of Washington which are not repugnant to this Constitution shall remain in force until they expire by their own limitation, or are altered or repealed by the Legislature.

Section 3. All debts, fines, penalties and forfeitures which have accrued, or may hereafter accrue to the Territory of Washington, shall enure to the State of Washington.

Section 4. All recognizances heretofore taken, or which may be taken before the change from a territorial to a state government, shall remain valid and shall pass to and may be prosecuted