

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not repugnant to this Constitution shall remain in force until they expire by their own limitation, or are altered or repealed by the Legislature.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

in the name of the state; and all bonds executed to the Territory of Washington, or to any county or municipal corporation, or to any officer or court in his or its official capacity, shall pass to the state authorities and their successors in office, for the uses therein expressed, and may be sued for and recovered accordingly, and all the estate, real, personal and mixed, and all judgments, decrees, bonds, specialties, choses in action, and claims or debts, of whatever description, belonging to the Territory of Washington, shall enure to and vest in the State of Washington, and may be sued for and recovered in the same manner, and to the same extent, by the State of Washington, as the same could have been by the Territory of Washington.

Section 5. All criminal prosecutions and penal actions which may have arisen or which may arise before the change from a territory to a state government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the state. All offenses committed against the laws of the Territory of Washington, before the change from a territorial to a state government and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the State of Washington with like effect as though such change had not taken place; and all penalties incurred shall remain the same as if this Constitution had not been adopted. All actions at law and suits in equity, which may be pending in any of the courts of the Territory of Washington, at the time of the change from a territorial to a state government, shall be continued and transferred to the court of the state having jurisdiction of the subject matter thereof.

Section 6. All officers now holding their office under the authority of the United States, or of the Territory of Washington, shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the state; and shall be entitled to receive for services rendered the state a compensation not greater than that theretofore received on the taking effect of this Constitution.

Section 7. All officers provided for in this Constitution, when no other time is fixed for their election, shall be elected at the election to be held for the adoption of this Constitution on the first Tuesday in October, 1889.

Section 8. Whenever the judge of the Superior Court of any

county, elected or appointed under the provisions of this Constitution, shall have qualified, the several causes then pending in the district court of the territory, within any county and the accords, papers and proceedings of said district court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the Superior Court for such county and until the district courts of the territory shall be superseded in manner aforesaid, the said district courts and the judges thereof shall continue with the same jurisdiction and powers, to be exercised in the same judicial districts respectively as heretofore constituted under the laws of the territory. Whenever a quorum of the judges of the Supreme Court of the state shall have been elected and qualified the causes then pending in the Supreme Court of the territory, and the papers, records and proceedings of said Court and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the Supreme Court of the state and until so superseded, the Supreme Court of the territory and the judges thereof shall continue with like powers and jurisdiction as if this Constitution had not been adopted.

Section 9. Until otherwise provided by law the seals now in use in the Supreme and District Courts of the territory are hereby declared to be the seals of the Supreme and Superior Courts respectively of the state. The seal of municipalities, and all county officers of the territory shall be the seals of such municipalities and county officers respectively under the state, until otherwise provided by law.

Section 10. When the state is admitted into the Union and the Superior Courts in the respective counties organized, the books, records, papers and proceedings of the probate court in each county and all causes and matters of administration pending therein shall pass in the jurisdiction and possession of the Superior Court of the same county created by this Constitution and the said Court shall proceed to final judgment or decree, order or other determination in the several matters and causes, as the territorial probate court might have done if this Constitution had not been adopted. And until the election and qualification of the Superior judges as provided for in this Constitution, the territorial probate judges shall act as judges of the probate courts with the respective counties.

Section 11. The Legislature at its first session shall provide

for the election of all officers whose election is not provided for elsewhere in this Constitution and fix the time for the commencement and duration of their term.

Section 12. In case of a contest of election between candidates at the first general election under this Constitution for judges of the Superior Courts the evidence shall be taken in the manner prescribed by the territorial laws, and the testimony so taken shall be certified to the Secretary of State; and said officer together with the Governor and Treasurer of state shall review the evidence and determine who is entitled to the certificate of election.

Section 13. One representative in the Congress of the United States shall be elected from the state at large, at the first election provided for in this Constitution, and thereafter at such times and places and in such manner, as may be prescribed by law. When a new apportionment shall be made by Congress, the Legislature shall divide the state into congressional districts, in accordance with such apportionment. The vote cast for representative in Congress at the first election shall be canvassed, and the result determined in the manner provided for by the laws of the territory for the canvass of the vote for delegate in Congress.

Section 14. All district, county and precinct officers under territorial laws except probate judges and prosecuting attorneys who may be in office at the time of the adoption of this Constitution shall hold their respective offices until the day of January, A.D. 1891, and until their successors are elected and qualified, and the official bonds of all such officers shall continue in full force and effect until the termination of their respective terms of office, the same as if this Constitution had not been adopted.

Section 15. The first election held at the time of the adoption of this Constitution shall be held and conducted in all respects according to the laws of the territory and the votes cast at said election for all officers (where no other provisions are made in this Constitution) shall be canvassed and returned in the manner provided by territorial law.

Section 16. The provisions of this Constitution shall be in force from the day on which the President of the United States

shall issue this proclamation declaring the State of Washington admitted into the Union.

Respectfully submitted,

B. L. SHARPSTEIN, *Chairman*
D. BUCHANAN
GEO. COMEGYS
JOHN M. REED
MATT J. MCELROY
W. B. GRAY

We concur in the foregoing report except Section 14 and in its stead recommend the following.

Section. All district, county and precinct officers who may be in office at the time of the adoption of this Constitution shall hold their respective offices until the second Monday of January, A. D. 1891, and until such time as their successors may be elected and qualified in accordance with the provisions of this Constitution, and the official bonds of all such officers shall continue in full force and effect as though this Constitution had not been adopted.

S. A. DICKEY, *Secretary*
M. W. LILLIS
ROBERT JAMIESON

Ordered to lie over one day and be printed.

Mr. Comegys from the Committee on Federal Relations, Boundaries and Immigration submitted the following report.

In the Convention
Committee on Federal Relations,
Boundaries and Immigration

Mr. President and members of the Convention:

Your Committee on Federal Relations, Boundaries and Immigration having had under consideration the question of boundaries of the State of Washington recommend the following.

GEO. COMEGYS, *Chairman*
D. BUCHANAN
JIM MCREAVEY
ARNOLD J. WEST
MATT J. MCELROY

The boundaries of the State of Washington shall be as follows: Beginning at a point in the Pacific Ocean one marine league due west of and opposite the middle of the north ship channel of the mouth of the Columbia River, thence running easterly to and up the middle channel of said river and where it is divided by islands up the middle of the widest channel thereof to where the forty-sixth parallel of north latitude crosses said river, near the mouth of the Walla Walla River, thence east on said forty-sixth parallel of latitude to the middle of the main channel of the Shoshone or Snake River, thence follow down the middle of the main channel of Snake River to a point opposite the mouth of the Kooskooskie or Clearwater River, thence due north to the forty-ninth parallel of north latitude, thence west along said forty-ninth parallel of north latitude to the middle of the channel which separates Vancouver's Island from the continent, that is to say to a point in longitude 123 degrees 19 minutes and 15 seconds west; thence following the boundary line between the United States and British possessions through the channel which separates Vancouver's Island from the continent to the termination of the boundary line between the United States and British possessions at a point in the Pacific Ocean equidistant between Bonilla Point on Vancouver's Island and Tatoosh Island Lighthouse; thence running in a southerly course and parallel with the coast line, keeping one marine league offshore to place of beginning.

Ordered received and filed.

Mr. Eldridge was called to the chair and the question then was on the adoption of the article on harbors, tidewaters and navigable streams.

Mr. Durie moved to add an additional section as follows.

Section 4. 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 to such general laws as the Legislature may provide.

Mr. Turner rose to a point of order that the whole discussion was not germane to the question before the house.

Mr. Cosgrove rose to a point of order that the state lands were not under consideration. Not sustained.

Mr. Dunbar rose to a point of order that the discussion of harbors and tidelands and navigable rivers was the only subject under consideration. Not sustained.

Mr. Dunbar appealed from the discipline of the chair and was sustained and it was ordered that the discussion should only be single subject of harbors, tidewaters and navigable streams.

Mr. Bowen moved the previous question. Carried.

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

Mr. Prosser moved to amend by inserting the word "permanent" after the word "establish" in line two of the substitute and withdrew the motion.

Mr. T. M. Reed moved to amend. Strike out of Section 1, line nine, the words "the line of ordinary high tide" and insert "government meander line."

Mr. West moved to amend the amendment by inserting "the line of vegetation" and withdrew the motion.

Question was then on Mr. Reed's amendment and it was lost.

Mr. Griffiths moved to amend. Strike out "provide for the appointment of" and insert "by general laws provide for" [in] line one. Lost.

Mr. Stiles moved to amend by inserting after words "harbors" in second line the word "rivers." Carried.

Mr. Stiles moved to strike out of the second section the word "leasing" and insert "licensing." Lost.

Mr. Power moved to amend by adding to Section 2, "Provided that no lease or license shall be granted within such harbor limits except for wharfage and storage purposes and the charges to be collected thereon shall be subject to such limitations as the Legislature shall from time to time prescribe by general laws." Lost.

Mr. Turner moved to amend by inserting after "intervening to" "and across" in Section 3.

Mr. Griffitts moved to strike out of Section [sic] a portion of same and insert, "and the Legislature shall never vest control thereof in any municipality or other political subdivision of the state, and every law of the Territory of Washington granting any such area or any part thereof in any manner to any municipal or other corporation, person, firm, association whatsoever or approving any transfer thereof, is hereby declared to be void."

Mr. P. C. Sullivan moved to take a recess until 2 p.m. Lost.

Mr. Griffitts' motion was lost.

Mr. Moore moved the previous question. Carried.

Mr. Sullivan moved to adjourn until 2 p.m. Ruled out of order.

The question then was shall the article be considered engrossed and passed to a third reading. The ayes and noes were demanded and ordered and the following forty-six members voted aye: Allen, Berry, Blalock, Bowen, Browne, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Glascock, Griffitts, Hayton, Henry, Hicks, Jeffs, Kellogg, Kinnear, Lindsley, McCroskey, McElroy, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, Schooley, Sturdevant, Suksdorf, E. H. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, West, Mr. President.

The following twenty-six members voted no: Berry, Buchanan, Eldridge, Fairweather, Fay, Godman, Gowey, Gray, Jamieson, Jones, Joy, Lillis, Manly, McDonald, McReavey, Minor, T. M. Reed, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, P. C. Sullivan, Weir, Weisenburger, Winsor. Not voting, Mr. Willison. On leave, Hungate [and] Neace, and it was so ordered.

Mr. Tibbetts moved to take a recess until 2 p.m., pending which Mr. Lillis was granted leave of absence. Mr. Tibbetts' motion was agreed to and the Convention took a recess until 2 p.m.

At 2 p.m. Convention called to order by the President. Mr. Minor from the Committee on Revision reported the article on preamble and declaration of rights as revised and asked that it be considered. So ordered.

The article was read and the question then being on finally agreeing to the article as a part of the Constitution, a call of the roll was ordered and had and the following fifty-five members voted aye: Allen, Blalock, Berry, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Govey, Hayton, Hicks, Jamieson, Jones, Joy, Kellogg, Kinnear, McCroskey, McDonald, McElroy, Minor, Mires, J. Z. Moore, Morgans, Power, J. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Weir, Weisenburger, West, Willison, Mr. President.

And the following four voted no: Godman, Griffiths, Jeffs, E. H. Sullivan. Not voting: Dickey, Gray, Henry, Lindsley, Manly, Lillis, McReavey, R. S. More, Newton, Prosser, T. M. Reed, Stiles, Winsor. Absent on leave, Hungate, Neace, and a majority of all the members of the Convention voting in the affirmative the article was adopted as a part of the Constitution and returned to the Committee on Revision, Enrollment and Adjustment for final engrossment.

Mr. Minor from same committee asked that the word "present" relative to veto power be stricken from legislative department and executive department articles so as to make them consistent throughout.

Mr. Tibbetts moved that the committee be instructed to strike out the word "present" as recommended and the ayes and noes were demanded and ordered and on a call of the roll the following thirty-three members voted aye: Bowen, Buchanan, Burk, Clothier, Coey, Comegys, Dallam, Durie, Dyer, Eldridge, Fairweather, Fay, Glascock, Godman, Hayton, Joy, Kellogg, Kinnear, Minor, Mires, J. Z. Moore, Prosser, Schooley, Sharpstein, Sohns, Tibbetts, Travis, Turner, Weir, Weisenburger, West, Winsor, Mr. President.

The following thirty-four members voted no: Allen, Berry, Blalock, Bowen, Cosgrove, Crowley, Dickey, Dunbar, Eshelman, Gowey, Griffiths, Henry, Hicks, Jamieson, Jeffs, Jones, Lindsley, Manly, McCroskey, McDonald, McElroy, R. S. More, Morgans, Power, J. M. Reed, Shoudy, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Van Name, Warner, Willison. Not voting, Gray, Lillis, McReavey, Newton, T. M. Reed, Stevenson. Absent on leave, Hungate, Neace and the motion was lost.

Mr. Minor from same committee then recommended that Section 22 of the Legislative Department be amended so as to be consistent with the other article. Lost.

Mr. Minor from the same committee reported Sections 34 [sic] of the [article on] legislative department back to the Convention for their action.

Mr. Stiles moved to attach it to the preceding section. Ruled out of order.

They also recommend Section 34 united to Section 33 and "corporation" to be stricken out.

The Committee also made the following report: "The Committee on Revision recommend that the following order be observed as to the first four articles:

Article 1. The Legislative Department

Article 2. The Executive Department

Article 3. The Judicial Department

Article 4. Impeachment and removal from office

T. T. MINOR, *Chairman*"

The report was read and it was so ordered.

The Committee was given leave to sit during Convention hours.

Mr. Godman was granted leave for the balance of the day.

Mr. Dunbar moved that the Convention proceed informally as in committee of the whole to consider the report of the Committee on State, School and Granted Lands, with the President in the chair. Carried.

At 2:40 the Convention proceeded informally as in committee of the whole to consider the report. During this session Mr. Bowen was called to the chair.

At 5:30 the Convention resumed its session with the President in the chair. The Committee reported that they had had under consideration the report of the Committee on State, School and Granted Lands but had come to no resolution thereon.

Mr. P. C. Sullivan gave notice that he would on tomorrow or some subsequent time move to reconsider the vote by which the article on elections and elective rights was defeated.

Mr. Cosgrove moved to adjourn. And the ayes and noes were demanded and on a call of the roll the following forty-two members voted aye: Allen, Browne, Buchanan, Burk, Coey, Comegys, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Gowey, Gray, Hayton, Henry, Hicks, Jamieson, Jones, Joy, Kellogg, McCroskey, McDonald, McElroy, Minor, Mires, Morgans, Power, Prosser, T. M. Reed, Shoudy, Sohns, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Weir, Weisenburger, Willison, Winsor.

The following twenty-seven members voted no: Berry, Blacklock, Bowen, Clothier, Dallam, Eshelman, Fairweather, Fay, Glascock, Griffithts, Jeffs, Kinnear, Manly, J. Z. Moore, R. S. More, J. M. Reed, Schooley, Sharpstein, Stevenson, Tibbetts, Travis, Turner, Van Name, Warner, West, Mr. President. Not voting: Stiles, Newton, Lindsley, Lillis, Godman. On leave, Hungate and Neace. And the motion prevailed and the Convention stood adjourned to August 15th, 1889, at 9 a.m.

August 15th, 1889

Convention called to order by the President at 9 a.m.

On a call of the roll all the members were present except Messrs. Eldridge, Fairweather, Gowey, Jones, McElroy, McReavey, Stiles and Turner, and Messrs. Hungate and Neace on leave.

Minutes read and approved.

The following members reported present: Messrs. Turner, Jones, Stiles, McElroy, Gowey, McReavey, Fairweather.

Mr. Prosser presented a memorial from Zeralda McCoy, a taxpaying woman, relative to equal suffrage. Read and referred to Committee on Elections and Elective Rights.

Mr. Joy (by request) presented a memorial from ninety-three voters of Buckley relative to same subject. Read and referred to Committee on Elections and Elective Rights.