

thousand dollars, which may be increased by the Legislature, but shall never exceed four thousand dollars per annum.

Section 20. The Auditor shall be auditor of public accounts, and shall have such powers and perform such duties in connection therewith as may be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the Legislature, but shall never exceed three thousand dollars per annum.

Section 21. The Attorney General shall be legal adviser of the state officers, and shall perform such other duties as may be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the Legislature, but shall never exceed thirty-five hundred dollars per annum.

Section 22. The Superintendent of Public Schools, and [sic] shall perform such specific duties as may be prescribed by law. He shall receive an annual salary of twenty-five hundred dollars, which may be increased by law, but shall never exceed four thousand dollars per annum.

Section 23. The Commissioner of Public Lands shall perform such duties and receive such compensation as the Legislature may direct.

Section 24. The Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction, Commissioner of Public Lands and Attorney General shall severally keep the public records, books and papers relating to their respective offices, at the seat of government at which place also the Governor, Secretary of State, Treasurer and Auditor shall reside.

Section 25. No person except a citizen of the United States and a qualified elector of this state shall be eligible to hold any [sic] and the State Treasurer shall be ineligible for the term succeeding that for which he was elected. The compensation of state officers shall not be increased or diminished during the term for which they shall have been elected. The Legislature may in its discretion abolish the offices of the Lieutenant Governor, Auditor and Commissioner of Public Lands.

August 17th, 1839

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

On roll call all the members were present except Messrs. Godman, Gowey, Gray, Mires and Stiles and Messrs. Neace and Hungate on leave.

Minutes read and approved. The following members reported present: Gray, Mires, Gowey and Stiles.

Mr. Cosgrove was granted leave for the afternoon session. Mr. Dunbar asked and was granted leave from this day at noon until Monday noon. Mr. Tibbetts asked and was granted leave from 3 p.m. today.

Mr. Bowen from the Committee on State Seal submitted the following report. Ordered to lie over one day and be printed.

Mr. President and Members of the Convention:

Your special Committee to whom was assigned the duty of presenting to this Convention one or more designs for a seal of the State of Washington respectfully submit the following for consideration.

1st. A seal with the vignette of Gen'l. Geo. Washington as the central figure, encircled with the motto "Our varied industries invite You" and beneath the vignette the figures 1889.

2nd. A seal representing a mountain, forest, a ship, factory, church, school building and a train of cars with the name of our various products marked on the cars upon the mountainside, a rising star and encircling all the motto "Westward the Star of Empire takes its way."

3rd. The present seal of the territory with the motto "Al-Ki" (meaning by and by) changed to "Welcome" and the date 1853 changed to 1889. The accompanying sketches are only intended to illustrate the ideas and are not recommended for their artistic skill or finish.

O. A. BOWEN, *Chairman*
FRANK M. DALLAM
GWIN HICKS

The question was then on concurring in the amendments to the report of the Committee on State, School and Granted Lands as made in committee of the whole.

The amendment in Section 1 was then agreed to.

The question then was on concurring in the substitute for Section 2 and the ayes and noes were demanded and ordered and the following forty-three members voted aye: Berry, Browne, Buchanan, Clothier, Coey, Comegys, Cosgrove, Crowley, Dunbar, Dyer, Eshelman, Glascock, Gray, Griffiths, Henry, Hicks, Jamieson, Kinnear, Manly, McCroskey, McDonald, McElroy, Minor, Mires, J. Z. Moore, R. S. More, Newton, Power, Prosser, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Sturdevant, Suksdorf, E. H. Sullivan, Travis, Turner, Van Name, Warner, Weisenburger, Mr. President.

The following twenty-six members voted no: Allen, Blalock, Bowen, Burk, Dallam, Dickey, Eldridge, Fairweather, Fay, Gowey, Hayton, Jeffs, Jones, Joy, Kellogg, Lillis, Lindsley, McReavey, Morgans, Stevenson, P. C. Sullivan, Tibbetts, Weir, West, Willison, Winsor. Not voting: Stiles, Durie. Absent: Mr. Godman. On leave: Messrs. Hungate and Neace. The amendment was concurred in.

The question then was on concurring in the substitute for Section 3 and the ayes and noes were demanded and ordered and the following forty-five members voted aye: Allen, Blalock, Bowen, Buchanan, Burk, Clothier, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eshelman, Fay, Glascock, Henry, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, McElroy, McReavey, Minor, Morgans, Power, Prosser, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, P. C. Sullivan, Tibbetts, Weir, Weisenburger, West, Winsor, Mr. President.

And the following twenty-three members voted no: Berry, Coey, Dallam, Fairweather, Gray, Griffiths, Hicks, Manly, McCroskey, McDonald, Mires, J. Z. Moore, R. S. More, Newton, J. M. Reed, Sturdevant, Suksdorf, E. H. Sullivan, Travis, Turner, Van Name, Warner, Willison. Not voting: Comegys, Eldridge, Gowey, Hayton. Absent: Mr. Godman. On leave: Neace, Hungate. The amendment was concurred in.

The question then was in concurring to add a new Section 4. And the ayes and noes were demanded and ordered and on a call of the roll the following thirty-two members voted aye: Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Dyer, Glascock, Gowey, Gray, Griffiths, Henry, Hicks, Jeffs, Joy, Lindsley, McCroskey, Mires, J. Z. Moore, R. S. More, Newton, J. M.

Reed, T. M. Reed, Sharpstein, Shoudy, Sturdevant, Suksdorf, E. H. Sullivan, Travis, Turner, Warner.

The following thirty-six members voted no: Allen, Berry, Crowley, Dallam, Dickey, Dunbar, Eldridge, Eshelman, Fairweather, Fay, Hayton, Jamieson, Jones, Kellogg, Kinnear, Lillis, Manly, McDonald, McElroy, McReavey, Minor, Morgans, Power, Prosser, Schooley, Sohns, Stevenson, P. C. Sullivan, Tibbetts, Weir, Weisenburger, West, Willison, Winsor, Mr. President. Not voting: Comegys, Cosgrove, Durie, Van Name. Absent: Godman. On leave: Hungate and Neace. The amendment was not concurred in.

The question was then upon concurring in the amendments to Section 5 and the first amendment was concurred in and the ayes and noes being demanded on the second amendment they were ordered, and on a call of the roll the following forty-eight members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Clothier, Crowley, Dickey, Dunbar, Dyer, Eldridge, Fay, Gowey, Hayton, Henry, Jamieson, Jeffs, Joy, Kellogg, Kinnear, Lillis, Lindsley, McCroskey, McElroy, McReavey, Minor, J. Z. Moore, R. S. More, Morgans, Newton, Power, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Turner, Warner, Weisenburger, West, Mr. President.

The following eighteen members voted no: Burk, Coey, Cosgrove, Dallam, Eshelman, Fairweather, Glascock, Hicks, Jones, Manly, McDonald, Mires, Prosser, Stevenson, Travis, Weir, Willison, Winsor. Not voting: Comegys, Durie, Gray, Griffiths, E. H. Sullivan, Van Name. Absent: Godman. On leave: Hungate and Neace. And the second amendment was concurred in.

And the ayes and noes were demanded and ordered on the third amendment and on a call of the roll the following forty-six members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Cosgrove, Crowley, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fay, Gowey, Griffiths, Hayton, Henry, Jeffs, Joy, Kellogg, Kinnear, Lillis, Lindsley, McReavey, Minor, J. Z. Moore, Morgans, Newton, Power, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Weir, Weisenburger, West, Willison, Winsor, Mr. President. The following twenty voted no: Clothier, Coey, Comegys, Dallam, Fairweather, Glascock, Hicks, Jamieson, Jones, Manly, McCroskey,

McElroy, Mires, R. S. More, Prosser, J. M. Reed, Shoudy, Travis, Turner, Warner. Not voting: Durie, Gray, McDonald, Van Name. Absent: Godman and Tibbetts. On leave: Hungate and Neace, and the third amendment was concurred in.

The amendment to Sections 6 and 7 was then concurred in.

Mr. Joy moved to add a new section as follows:

“The preceding section shall be so construed as to include all of the lands in a section, any portion of which section shall be found to be within one mile of an incorporated city.” Carried.

Mr. Prosser moved to substitute the following for Section 5:

“Section. Sections numbered 16 and 36 in each township of the State of Washington have been received from the government of the United States for the purpose of being applied in the support of common schools in the State of Washington and the lands within the sections aforesaid shall never be sold, but shall remain the property of the state forever. Timber, stone or perishable property thereon, after due appraisement, may be sold under such terms and conditions as may be prescribed by law. School lands of the state shall be appraised and leased in such manner and under such terms and conditions as may be prescribed by the Legislature, which shall also provide by law for the protection of the school lands from trespass or unlawful appropriation, and for their defense against all unauthorized claims or efforts to divert them, or the income therefrom from the school fund of the state.”

Mr. Bowen moved the previous question on Prosser’s substitute. Carried. The question then was on the substitute offered by Mr. Prosser and the ayes and noes were demanded and ordered and on a call of the roll the following twenty-two members voted aye: Blalock, Comegys, Crowley, Durie, Eldridge, Eshelman, Gray, Griffiths, Hicks, Jones, Lindsley, McElroy, Mires, J. Z. Moore, R. S. More, Prosser, J. M. Reed, Sharpstein, Warner, Willison, Winsor, Mr. President.

And the following forty-three voted no: Allen, Berry, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Cosgrove, Dallam, Dickey, Dunbar, Dyer, Fairweather, Fay, Glascock, Hayton, Henry, Jamieson, Joy, Kellogg, Kinnear, Lillis, McCroskey, McReavey, Morgans, Newton, Power, T. M. Reed, Schooley, Shoudy, Sohns, Stevenson, Stiles, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Turner, Van

Name, Weir, Weisenburger, West. Not voting: Gowey, Jeffs, Manly, McDonald, Minor, Sturdevant, E. H. Sullivan. Absent: Godman. On leave: Hungate and Neace. And the substitute was lost.

Mr. Browne moved to amend Section 6 as follows: "To amend Section 4 (original number) by inserting after the word 'of' in line one the words 'each section of.'" And demanded the ayes and noes. So ordered and on a call of the roll the following thirty-five members voted aye: Berry, Blalock, Browne, Coey, Comegys, Crowley, Dyer, Eldridge, Fairweather, Fay, Glascock, Gowey, Gray, Griffiths, Hicks, Kinnear, Lindsley, Mires, J. Z. Moore, R. S. More, Newton, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Tibbetts, Travis, Turner, Warner, Weisenburger, West, Willison, Mr. President.

And the following thirty-one members voted no: Allen, Bowen, Burk, Clothier, Cosgrove, Dallam, Dickey, Dunbar, Durie, Eshelman, Hayton, Henry, Jamieson, Jones, Joy, Kellogg, Lillis, McCroskey, McDonald, McElroy, McReavey, Minor, Morgans, Power, Sohns, Stevenson, Stiles, Suksdorf, P. C. Sullivan, Weir, Winsor. Not voting: Buchanan, Jeffs, Manly, Sturdevant, E. H. Sullivan, Van Name. Absent: Godman. On leave: Hungate and Neace. And the amendment was adopted.

Mr. Weir moved to add to the article the following as an additional section:

Section 9. The Legislature shall provide by general law that all persons holding land abutting upon the shore of any navigable water within the limits of the state and having prior to February 22nd, 1889, valuable improvements occupying shore land below the government meander line in front of such abutting land, such improvements being in actual use and necessity for trade, commerce or business and the shore land so occupied being other than the extension of any street, alley or other public highway, shall have the prior right for a limited time to purchase as much of said shore land as may be necessary for the purpose for which such improvements were made at the valuation fixed by a board of appraisers, which board shall fix such valuation irrespective of the improvements on such land. Provided, that nothing herein shall apply to the area covered by the reservation in front of any incorporated city as specified in the article on harbors, nor to any lands lying in front of any fort or lighthouse owned by the United States."

Mr. Jones moved the previous question and the ayes and noes were demanded and ordered and on a call of the roll the following fifty-one members voted aye: Blalock, Bowen, Browne, Burk, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Gowey, Gray, Hayton, Henry, Jamieson, Jeffs, Jones, Joy, Kellogg, Lillis, Lindsley McCroskey, McReavey, Minor, Mires, Morgans, Newton, Power, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

And the following fifteen voted no: Allen, Buchanan, Clothier, Coey, Comegys, Griffiths, Hicks, McDonald, McElroy, J. Z. Moore, R. S. More, Prosser, Turner, Warner. Not voting: Durie, Kinnear, Manly, Shoudy, E. H. Sullivan, Van Name. Absent: Godman. On leave: Neace and Hungate and the main question was ordered.

Mr. J. Z. Moore moved a call of the house. Lost.

The question then was on the adoption of the section offered by Mr. Weir. The ayes and noes were demanded and ordered and on a call of the roll forty-four members voted aye: Allen, Blalock, Bowen, Browne, Burk, Cosgrove, Dickey, Dyer, Eldridge, Fairweather, Fay, Gowey, Gray, Hayton, Henry, Jamieson, Jeffs, Jones, Kellogg, Kinnear, Lillis, Lindsley, McCroskey, McReavey, Minor, J. Z. Moore, Morgans, Power, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, P. C. Sullivan, Tibbetts, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

The following twenty-five [voted] no: Berry, Buchanan, Clothier, Coey, Comegys, Dallam, Dunbar, Eshelman, Glascock, Griffiths, Hicks, Manly, McDonald, McElroy, Mires, R. S. More, Newton, Prosser, J. M. Reed, Sturdevant, Suksdorf, Travis, Turner, Van Name, Warner. Not voting: Crowley, E. H. Sullivan. Godman, absent. On leave, Hungate and Neace. And the section was adopted.

Mr. Stiles moved to add a proviso to Section 2: "Provided, that this section shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the state," and demanded the ayes and noes and they were ordered. On a call of the roll the following forty-four members voted aye: Allen, Berry, Blalock, Browne, Buchanan, Burk, Cosgrove, Dallam, Dunbar, Dyer, Eldridge, Fairweather, Fay, Gowey, Hayton, Henry, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley,

McCroskey, McReavey, Minor, Morgans, Power, Prosser, T. M. Reed, Schooley, Sharpstein, Sohns, Stevenson, Stiles, P. C. Sullivan, Tibbetts, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

And the following nineteen voted no: Clothier, Coey, Eshelman, Glascock, Griffiths, Hicks, Manly, McElroy, Mires, J. Z. Moore, R. S. More, Newton, J. M. Reed, Shoudy, Sturdevant, Travis, Turner, Van Name, Warner. Not voting: Browne, Comegys, Dallah, Dickey, Durie, Gray, McDonald, Suksdorf, E. H. Sullivan. Absent: Godman. On leave: Hungate and Neace. And the amendment was adopted.

Mr. Turner moved to substitute the following for Section 3: "The Legislature may provide by law for validating and confirming the title to tide or shore lands of persons holding the same under patents from the United States or by mesne conveyance from patentees of the United States, provided that the state shall not part with the title to land necessary for harbor purposes under the article relating to harbors," and demanded the ayes and noes; so ordered.

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

Mr. T. M. Reed moved to strike out "for the benefit of common schools" and insert "for educational purposes." Carried.

Mr. Jones moved to include after the word "magazines" wherever it occurs in Section 1 "docks and dockyards." Carried.

Mr. Browne moved to amend Section 4 (original number) by

inserting after the words "two-thirds" in line two the following words "of each section." Carried. Also to amend as follows (Section 4 original number), strike out in line four the word "said" and insert instead thereof the words "the state." Carried.

Mr. Prosser moved to add to Section 5: "Provided further that no school lands in the State of Washington shall be sold unless a majority of the votes of the state shall at a general election express their approval thereof" and demanded the ayes and noes and they were ordered and on a call of the roll the following eighteen members voted aye: Blalock, Comegys, Crowley, Eldridge, Fairweather, Glascock, Gray, Griffiths, Hicks, Lindsley, McCroskey, Mires, J. Z. Moore, J. M. Reed, Sharpstein, Sturdevant, Willison. And the following forty-four members voted no: Allen, Berry, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Cosgrove, Dickey, Dunbar, Dyer, Eshelman, Fay, Henry, Hayton, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Manly, McDonald, McReavey, Minor, R. S. More, Morgans, T. M. Reed, Schooley, Sohns, Stevenson, Stiles, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Weir, Weisenburger, West, Winsor, Mr. President. Messrs. Dallam, Durie, Godman, Gowey, McElroy, Newton, Power, Shoudy, Suksdorf, E. H. Sullivan, Warner not voting. Messrs. Hungate and Neace on leave. And the amendment was lost.

Mr. Griffiths moved to strike out in line three the word "one" and insert "two." Carried.

Mr. Stiles moved to strike out "lots and blocks" in line five of Section 7 and also "block" after acres in a." Lost.

Mr. Griffiths moved as a substitute for Section 1, "No land owned by the State of Washington either by grant or otherwise at the time of becoming a state, except lands granted to said state for the establishment and maintenance of a scientific school, normal schools, public buildings and state charitable, educational, penal and reformatory institutions, shall ever be sold or in any manner transferred, but the title thereof shall forever remain in the state," and demanded the ayes and noes. So ordered and the following sixteen members voted aye: Berry, Blalock, Comegys, Crowley, Eldridge, Glascock, Gray, Griffiths, Hicks, Mires, J. Z. Moore, Prosser, J. M. Reed, Sharpstein, E. H. Sullivan, Warner.

And the following fifty-three members voted no: Allen, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Cosgrove, Dallam,

Dickey, Dunbar, Dyer, Eshelman, Fairweather, Fay, Gowey, Hayton, Henry, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, McCroskey, McElroy, McReavey, Minor, R. S. More, Morgans, Newton, Power, T. M. Reed, Schooley, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Turner, Van Name, Weir, Weisenburger, West, Willison, Winsor, Mr. President. Not voting: Durie, Godman, Manly, McDonald. Absent on leave: Hungate, Neace. And the amendment was lost.

Mr. Prosser moved to strike out "1895" and insert "1900" in the second line and strike out of line three "1900" and insert "1920," and demanded the ayes and noes. So ordered and on a call of the roll the following twenty-nine members voted aye: Blalock, Browne, Comegys, Crowley, Dallam, Eldridge, Fairweather, Glascock, Gray, Griffiths, Hicks, Jones, Kellogg, Lindsley, McReavey, Minor, J. Z. Moore, R. S. More, Newton, Power, Prosser, J. M. Reed, Schooley, Sharpstein, Tibbetts, Warner, Weisenburger, Willison.

And the following thirty-eight members voted no: Allen, Berry, Bowen, Buchanan, Burk, Coey, Clothier, Cosgrove, Dickey, Dunbar, Durie, Dyer, Eshelman, Fay, Gowey, Hayton, Henry, Jamieson, Jeffs, Joy, Kinnear, Lillis, McCroskey, McElroy, Morgans, T. M. Reed, Shoudy, Sohns, Stevenson, Sturdevant, Suksdorf, P. C. Sullivan, Travis, Turner, Van Name, Weir, West, Mr. President. Not voting: Godman, Manly, McDonald, Stiles, E. H. Sullivan, Winsor. Absent on leave: Hungate and Neace. And the amendment was not adopted.

Mr. Browne moved the following as an additional section: "The Legislature shall provide by general law for the subdivision into small parcels of all tide or shore lands not otherwise provided for by this Constitution and the same shall be sold or leased only at public sale under such regulations as may be provided by general laws." Lost.

Mr. Power moved that the article be engrossed and passed to third reading and the ayes and noes being demanded and ordered the following forty-six members voted aye: Allen, Blalock, Bowen, Burk, Cosgrove, Crowley, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Gowey, Hayton, Henry, Jamieson, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McCroskey, McReavey, Minor, Morgans, Power, J. M. Reed, T. M. Reed, Schooley, Sharp-

stein, Shoudy, Sohns, Stevenson, Sturdevant, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Turner, Warner, Weir, Weisenburger, West, Mr. President.

And the following twenty-two members voted no: Browne, Buchanan, Clothier, Coey, Comegys, Dallam, Durie, Fay, Glascock, Gray, Griffiths, Hicks, Jeffs, McDonald, McElroy, Mires, J. Z. Moore, R. S. Moore, Newton, Prosser, Travis, Van Name. Not voting: Berry, Godman, Stiles, Willison, Winsor. Absent on leave: Hungate and Neace. And the motion was carried.

Article.

Section 1. All the public lands of the state are held in trust for all the people and none of such lands, nor any estate or interest therein, shall ever be disposed of unless the full market value of the estate or interests disposed of, to be ascertained in such manner as may be provided by law, be paid or safely secured to the state; provided, that the Legislature may donate to the United States such tracts of shore or other lands as may be needed by the government of the United States for establishing and maintaining defensive works, forts, arsenals, magazines, lighthouses, docks and dockyards. Provided further, that wherever such works, forts, arsenals, magazines, lighthouses docks and dockyards are abandoned, the lands so granted shall revert to the state. Nor shall any lands which the state holds by grant from the United States (in any case in which the manner of disposal and minimum price are so prescribed) be disposed of, except in the manner and for at least the price prescribed in the grant thereof, without the consent of the United States.

Section 2. The State of Washington, by virtue of its inherent sovereignty, is the owner of the beds and shores of all navigable waters in the state, up to and including the line of ordinary high tide in water where the tide ebbs and flows, and up to and including the line of ordinary high water in all rivers and lakes, and no act of the Territory of Washington, or any of its officers or agents, and no act of any individual or corporation in pursuance of a claim of private right, shall be permitted to prejudice the state in the assertion and maintenance of such ownership. Provided that this section shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the state.

Section 3. The State of Washington disclaims any right in or claim to any homestead, pre-emption or donation land claims covered by patents of the United States lying below high water mark in the navigable waters of the state.

Section 4. None of the lands granted to the state for educational purposes shall be sold otherwise than at public auction to the highest bidder after the value thereof, less the improvements, shall be appraised by a board of appraisers to be provided by law, the terms of payment also to be prescribed by law, and no sale shall be valid unless the sum bid be equal to the appraised value of said land. In estimating the value of such lands for disposal the value of the improvements thereon on the 22nd day of February, 1889, shall be excluded and such improvements shall not be deemed the property of the state, provided that the sale of all school and university lands heretofore made by the commissioners of any county or the university commissioners, when the purchase price has been paid in good faith, may be confirmed by the Legislature.

Section 5. Not more than one-third of each section of the land granted to the state for educational purposes shall be sold prior to January 1st, 1895, and not more than two-thirds of each section prior to January 1st, 1900, provided that nothing herein shall be so construed to prevent the state from selling the timber or stone off of any of the state lands in such manner and on such terms as may be prescribed by law, and provided further that no sale of timber lands shall be valid unless the full value of such lands is paid or secured to the state.

Section 6. Not more than one quarter of a section of any lands of the state shall be offered for sale in one parcel, and all lands within the limits of any incorporated city or within two miles of the boundary of any incorporated city where the valuation of such land shall be found by appraisement to exceed two hundred dollars per acre shall before the same be sold be platted into lots and blocks of not more than five acres in a block, and not more than one block shall be offered for sale in one parcel.

Section 7. The preceding section shall be so construed as to include all of the lands in a section, any portion of which section shall be found to be within one mile of any incorporated city.

Section 8. The Legislature shall provide by general law that all persons owning land abutting upon the shore of any navigable

water within the limits of the state and having, prior to February 22nd, 1889, valuable improvements occupying shore lands below the government meander line, in front of such abutting land, such improvements being in actual use and necessity for trade, commerce or business, and the shore land so occupied being other than the extension of any street, alley or other public highway, shall have the prior right for a limited time to purchase as much of said shore land as may be necessary for the purpose for which such improvements were made, at the valuation fixed by a board of appraisers, which board shall fix such valuation irrespective of the improvements on such land. Provided, that nothing herein shall apply to the area covered by the reservation in front of any incorporated city as specified in the article on harbors, nor to any lands lying in front of any fort or lighthouse owned by the United States.

Mr. Weisenburger moved that the rules be suspended and the article put upon its final passage and demanded the ayes and noes and the following thirty-five members voted aye: Allen, Berry, Bowen, Burk, Comegys, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Gowey, Gray, Henry, Jeffs, Joy, Kellogg, Kinnear, Lindsley, McDonald, Minor, Mires, Morgans, Newton, Power, J. M. Reed, T. M. Reed, Shoudy, Sohns, E. H. Sullivan, Tibbetts, Turner, Weir, Weisenburger, West.

And the following thirty-five members voted no: Blalock, Browne, Buchanan, Clothier, Coey, Comegys, Crowley, Dallam, Durie, Fay, Glascock, Griffiths, Hicks, Jamieson, Jones, Lillis, Manly, McCroskey, McElroy, McReavey, J. Z. Moore, R. S. More, Prosser, Schooley, Stevenson, Stiles, Sturdevant, Sucksdorf, P. C. Sullivan, Travis, Warner, Van Name, Willison, Winsor, Mr. President. On leave: Hungate and Neace. Absent: Godman. Not voting: Sharpstein, Hayton. And the motion was lost.

The article was ordered reprinted.

Mr. Jamieson gave notice that he would move to reconsider the vote by which the harbor, etc. bill was passed.

Mr. Lillis asked leave of absence. Not granted.

Mr. Gowey moved to take a recess until 2 p.m.

Mr. Sullivan moved to adjourn. Lost. And the Convention took a recess until 2 p.m.

At 2 p.m. Convention called to order by Mr. Turner. The question then was on the schedule as reported by the Committee on Miscellaneous Subjects, Schedule and Future Amendments.

Mr. Dickey moved to informally go into the committee of the whole for the purpose of considering the report.

Mr. Power moved that the Convention proceed to consider the report. Carried.

Mr. Stiles moved to insert in Section 5 the words "superseded by." Lost.

Mr. Henry moved to amend Section 8 as follows.

"Section 8. Insert after the word county in the fifth line the following: And where the same judge is elected for two or more counties, it shall be the duty of the Clerk of the district court, having custody of such papers and records, to transmit to the Clerk of such county or counties, other than that in which such records are kept, the original papers in all cases pending in such district court, and belonging to the jurisdiction of such county or counties together with transcripts of so much of the records of said district court as relate to the same." Carried.

Mr. Govey moved to strike out the word "any" in third line and insert "such."

P. C. Sullivan moved to amend Section 10 as follows: By inserting immediately after line three, "upon the expiration of the term of office of the probate judges," and strike out all that portion contained in the last sentence of said section and insert in its place, "and until the expiration of the term of office of the probate judges, such probate judges shall perform the duties now imposed upon them by the laws of the territory."

Mr. Jones demanded the ayes and noes and they were ordered, and on a call of the roll the following forty-two members voted aye: Allen, Bowen, Burk, Clothier, Crowley, Dallam, Dickey, Dyer, Eldridge, Fairweather, Fay, Glascock, Govey, Hayton, Jamieson, Jeffs, Jones, Joy, Kellogg, Lindsley, Manly, McReavey, Minor, J. Z. Moore, Morgans, Power, Prosser, T. M. Reed, Schooley, Shoudy, Sohns, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Turner, Weir, Weisenburger, West, Winsor.

The following nineteen voted no: Berry, Blalock, Bowen, Buchanan, Coey, Comegys, Gray, Henry, Hicks, McCroskey, McDonald, R. S. More, Newton, J. M. Reed, Sharpstein, Stevenson, Travis, Van Name, Willison. Not voting: Cosgrove, Dunbar, Durie, Eshelman, Griffiths, Kinnear, Lillis, McElroy, E. H. Sullivan, Warner, Mr. President. On leave: Hungate and Neace. Absent: Godman. And the amendment was adopted.

Mr. Browne asked to have leave of absence. Granted. Mr. Griffiths and Mr. Eshelman. Granted.

Mr. P. C. Sullivan moved to amend Section 10 as follows: The Superior Courts shall have appellate revisory jurisdiction over the decisions of the probate court as now provided by law until such latter court expire by limitation. Carried.

Mr. P. C. Sullivan moved to amend as follows: Insert the words "on the second Monday in January, 1891" after the words "probate judges" in the amendment following line three in Section 10. Carried.

Mr. Shoudy moved to amend Section 11 as follows: "Add to Section 11 "and shall further provide that after the year 1895 no person shall be allowed to vote at any election or hold any office who cannot read and write in the English language."

Mr. Dyer raised the point of order that it was not germane. Overruled.

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

Mr. Power moved to strike out of Section 14 in first and second lines "except probate judges and prosecuting attorneys."

Mr. Sharpstein moved to amend the amendment. "Insert thereof members of the Legislature."

Mr. T. M. Reed moved to strike out Section 14 and to insert in lieu thereof the minority report of the Committee and Mr. Dyer demanded the ayes and noes. They were ordered and the following forty-five members voted aye: Allen, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Crowley, Dallam, Dickey, Dyer, Eldridge, Fairweather, Fay, Glascock, Gowey, Hayton, Henry, Jamieson, Jeffs, Jones, Joy, Kellogg, Lindsley, Manly, McCroskey, Minor, J. Z. Moore, Morgans, Power, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Travis, Turner, Warner, Weir, Weisenburger, West.

The following twelve members voted no: Berry, Browne, Comegys, Hicks, McReavey, Mires, R. S. More, Prosser, Stevenson, Van Name, Willison, Winsor. Not voting: Cosgrove, Dunbar, Durie, Eshelman, Gray, Griffiths, Kinnear, Lillis, McDonald, McElroy, Newton, J. M. Reed, E. H. Sullivan, Tibbetts, Mr. President. On leave, Hungate and Neace. Absent: Godman, and the amendment was adopted.

Mr. Dickey moved to strike out Section 15 and insert the following:

Section 15. This Constitution shall be submitted to the people of the Territory of Washington for adoption or rejection at an election to be held on the first Tuesday of October A.D., 1889, and there shall be separately submitted at the same time for adoption or rejection the independent article relating to the enfranchisement of woman.

Section 18. [sic] At said election the qualified electors shall vote at the usual places of voting and said election shall be conducted and the returns thereof made according to the laws now in force regulating general elections in the Territory of Washington.

Section 17. At said election the ballots shall be of the following form.

For the Constitution: Yes.

For the Constitution: No.

For Prohibition Amendment: Yes.

For Prohibition Amendment: No.

For Women's Suffrage Amendment: Yes.

For Women's Suffrage Amendment: No.

And no ballot shall be counted on either side of any question submitted unless said ballot shall have the form herein prescribed.

Mr. Crowley moved to insert after "returned" in fourth line "of election be issued." Carried.

Mr. P. C. Sullivan moved that Committee on Revision, Adjustment and Enrollment be instructed to place the prohibition, women's suffrage and capitol articles in their proper places.

Mr. Crowley moved to add to Section 16 the following: "and the term of all officers elected under the provisions of this Constitution shall commence on the Monday next succeeding the issue of said proclamation unless otherwise provided herein." Carried.

Mr. Stiles moved to add the following.

Section 17. The Legislature is hereby authorized to appropriate from the State Treasury sufficient money to pay any of the expenses of this Constitution not provided for by the Enabling Act of Congress.

Mr. Power moved a substitute for Mr. Stiles' amendment as follows:

Section. The first Legislature of the state is hereby authorized and required to make provision for the payment of all deficiency in the congressional appropriation of \$20,000 for defraying the expenses of the Constitutional Convention as certified to by the President and Chief Clerk of said Convention.

Mr. McCroskey moved to amend the amendment: That the members of this Convention be exempted from the operation of the amendment.

Mr. Browne moved that the whole matter be indefinitely postponed. Lost. Mr. McCroskey withdrew his amendment. The question then was on the adoption of Mr. Power's amendment.

The ayes and noes were demanded and ordered and the following twenty-six members voted aye: Blalock, Buchanan, Clothier,

Dickey, Dyer, Glascock, Gowey, Hayton, Jeffs, Kellogg, McCroskey, Minor, Mires, J. Z. Moore, Morgans, Newton, Power, Prosser, Schooley, Sharpstein, Shoudy, Suksdorf, Travis, Turner, Weisenburger, Willison.

The following thirty-two members voted no: Berry, Bowen, Browne, Burk, Coey, Crowley, Dallam, Eldridge, Fairweather, Fay, Griffiths, Henry, Hicks, Jamieson, Jones, Joy, Lindsley, McDonald, McReavey, R. S. More, J. M. Reed, T. M. Reed, Sohns, Stevenson, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Van Name, Weir, West, Winsor. Not voting: Allen, Comegys, Cosgrove, Dunbar, Durie, Eshelman, Gray, Kinnear, Lillis, Manly, McElroy, Tibbetts, Warner, Mr. President. Absent: Godman. On leave: Neace and Hungate. And the amendment was adopted [sic].

The question then being on the amendment offered by Mr. Stiles, the ayes and noes were demanded and ordered and the following forty-two members voted aye: Blalock, Bowen, Buchanan, Coey, Clothier, Crowley, Dallam, Dickey, Dyer, Fairweather, Fay, Glascock, Gowey, Griffiths, Hayton, Henry, Jamieson, Jones, Lindsley, Manly, McCroskey, McDonald, McReavey, Minor, Mires, J. Z. Moore, Power, Prosser, T. M. Reed, Schooley, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Travis, Turner, Van Name, Weir, Weisenburger, Willison, Winsor.

The following sixteen member voted no: Allen, Berry, Browne, Burk, Comegys, Eldridge, Hicks, Joy, R. S. More, J. M. Reed, Sharpstein, Shoudy, Stevenson, E. H. Sullivan, Warner, West. Not voting: Cosgrove, Dunbar, Gowey, Eshelman, Gray, Jeffs, Kellogg, Kinnear, Lillis, McElroy, Newton, Sohns, Tibbetts, Mr. President. Absent, Godman. On leave, Neace and Hungate, and the amendment was adopted.

Mr. Stiles moved to amend as follows: Insert after "territory" in line three, Section 8 "except such causes as would have been within the exclusive jurisdiction of the United States District Court had [soon]* such court existed at the time of the commencement of such causes." Carried.

[Mr. Crowley offered the following as an additional]*

Mr. Stiles moved the following amendment: Insert after "territory" in line 11, Section 8 "except such causes as would have been

* Stricken in journal.

within the exclusive jurisdiction of the United States Circuit Court had such court existed at the time the commencement of such causes." Carried.

Mr. Crowley offered the following as an additional section:

Section. Either the counties of Columbia, Klickitat, Kittitas, Walla Walla or Yakima may prior to January 1st, 1895, give aid by the issue of its bonds or otherwise to any person, corporation or association, provided two-thirds of the property taxpayers in such county, being legal voters therein and voting thereon, vote therefor at a special election to be held for the purpose of deciding the question of granting such aid. The special election shall be called by the commissioners of the county upon petition of not less than one hundred taxpayers and legal voters therein, and shall be held not less than sixty nor more than ninety days after the date of the order for holding said election which shall be conducted, the returns made and results declared in accordance with the general election law, and provided further that the aggregated total of said granted aid under this section by either of said counties shall not exceed four per centum of its assessed valuation for county and state purposes as shown by its assessment made next preceding such election.

The ayes and noes were demanded. Mr. Griffiths raised a point of order that it was not germane and that the same subject had been passed upon. Overruled.

Ayes and noes ordered and Mr. Crowley's section offered and the following seventeen members voted aye: Blalock, Clothier, Crowley, Fay, Gowey, Henry, Prosser, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stiles, Sturdevant, P. C. Sullivan, West, Winsor.

The following thirty-six members voted no: Berry, Bowen, Browne, Buchanan, Burk, Coey, Comegys, Dallam, Dickey, Dyer, Eldridge, Glascock, Griffiths, Hayton, Jamieson, Jeffs, Kellogg, Lindsley, Manly, McDonald, McReavey, Minor, Mires, R. S. More, J. Z. Moore, Morgans, Newton, J. M. Reed, Stevenson, Suksdorf, E. H. Sullivan, Travis, Warner, Weir, Weisenburger, Willison. Turner paired with Dunbar and Mr. Dunbar would have voted aye and Turner no. Jones paired with Cosgrove. Jones would have voted no and Cosgrove aye. Fairweather paired with Hoyt. Hoyt would have voted aye and Fairweather no. Not voting: Allen,

Durie, Eshelman, Gray, Hicks, Joy, Kinnear, Lillis, McCroskey, McElroy, Power, Tibbetts, Van Name. Absent: Godman. On leave: Neace and Hungate, and it was lost.

Mr. Gowey moved to add an additional section:

Section. At the election for the adoption or rejection of this Constitution the ballots shall be in the following form:

For the Constitution. Yes. No.

For Prohibition. Yes. No.

For Women's Suffrage. Yes. No.

Mr. Shoudy moved to amend by striking out "No" and "Yes." Lost. Mr. Gowey's amendment carried.

Mr. Griffiths moved to add "For State Capitol (name of place voted for)."

Mr. T. M. Reed moved to recommit the article to the Committee on Schedule which motion carried twenty-four to seventeen. Mr. Power moved to adjourn. Lost.

Mr. Gowey moved to adjourn to 9 a.m. August 19th, 1889. Carried and the Convention stood adjourned to August 19, 1889, at 9 a.m.

August 19th, 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. Allen, Blalock, Cosgrove, Dallam, Dyer, Godman, Hicks, Hungate, Mires, Mires, Schooley and P. C. Sullivan and Mr. Neace on leave.

Minutes read and approved. The following members reported present: P. C. Sullivan, Mires, Cosgrove, Turner, Schooley, Allen, Dallam, Cosgrove.

Mr. Godman was excused for the day. Mr. Minor from the Revision Committee reported Articles 2, 4 and 5 and asked that Article 4 be amended.

Mr. Dyer moved that the rules be suspended that an amendment might be made to Article 4.