

Section 14. The making of profit out of county, city, town or other public money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

Section 15. All moneys, assessments and taxes belonging to or collected for the use of any county, city, town or other public or municipal corporation coming into the hands of any officer thereof, shall immediately be deposited with the Treasurer or other legal depository to the credit or such city, town or other corporation respectively, for the benefit of the funds to which they belong.

August 20th, 1889

Convention called to order at 9 a.m. by Mr. Gowey. Prayer by the Chaplain.

On roll call all the members were present except Messrs. Hungate, Jamieson, Kinnear and Mr. President, and Mr. Neace on leave.

Mr. Henry moved that Mr. Gowey act as president pro tem. Carried.

Minutes read and approved. Mr. Jamieson reported present.

Mr. Minor, from the Committee on Revision, Adjustment and Enrollment, reported Articles 3, 6, 7, 8, 9, 10 and 11.

Article 3 was read and the question then was upon agreeing to the article as amended and revised. The roll was called and the following sixty-four members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gowey, Griffiths, Hayton, Henry, Hicks, Jeffs, Jones, Joy, Kellogg, Lillis, Lindsley, McCroskey, McElroy, 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, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Weir, Weisenburger, West, Willison, Winsor.

Not voting: Fairweather, Gray, Hungate, Jamieson, Kinnear, Manly, McDonald, Neace, E. H. Sullivan, Warner, Mr. President.

And a majority of all the members voting in the affirmative it was so agreed to and referred back to the Committee for Enrollment.

Article 6 was then read and the question then was upon agreeing to the article as so amended and revised. The roll was called and the following fifty-seven members voted aye: Allen, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Crowley, Dallam, Dickey, Dunbar, Durie, Dyer, Eshelman, Fay, Glascock, Godman, Gowey, Gray, Griffiths, Hayton, Henry, Hicks, Jeffs, Jones, Kellogg, Lindsley, McDonald, McElroy, McReavey, Mires, J. Z. Moore, R. S. More, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name, Weir, Weisenburger, West, Willison, Winsor.

And the following two members voted no: Eldridge and McCroskey. Not voting: Berry, Cosgrove, Fairweather, Hungate, Jamieson, Joy, Kinnear, Lillis, Manly, Minor, Newton, Sturdevant, E. H. Sullivan, Warner, Mr. President. On leave: Neace. And a majority of all the members having voted in the affirmative the article was so agreed to and it was referred back to the Committee on Enrollment.

Article 7 was then read and the question then was upon agreeing to the article so amended and revised. The roll was called and the following sixty-two members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burke, Clothier, Coey, Comegys, Cosgrove, Crowley, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Gowey, Gray, Griffiths, Hayton, Henry, Hicks, Jeffs, Jones, Joy, Kellogg, Lillis, Lindsley, McCroskey, McDonald, McElroy, McReavey, Minor, Mires, J. Z. Moore, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Weir, Weisenburger, West, Willison, Winsor.

The following one member voted no: Godman. Not voting: Dallam, Fairweather, Hungate, Jamieson, Kinnear, Manly, Stevenson, Suksdorf, Van Name, Warner, Mr. President. On leave: Neace. And a majority of all the members having voted in the affirmative the article was so agreed to and it was referred back to the Committee on Enrollment.

Article 8 was then read and the question then was upon agreeing to the article as so amended and revised. The roll was called and the following fifty-nine members voted aye: Allen, Berry, Bowen, Browne, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Gray, Griffiths, Hayton, Henry, Hicks, Jeffs, Jones, Joy, Kellogg, Lillis, Lindsley, McCroskey, McElroy, 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, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Weir, Weisenburger, West, Willison, Winsor.

And the following two members voted no: Blalock, Sturdevant. Not voting: Buchanan, Fairweather, Godman, Gowey, Hungate, Jamieson, Kinnear, Manly, McDonald, Suksdorf, Van Name, Warner, Mr. President. On leave: Mr. Neace. And a majority of all the members voting in the affirmative the article was so agreed to and referred back to the Committee for Enrollment.

Article 9 was then read and the question then was upon agreeing to the article as so amended and revised. The roll was called and the following sixty-five members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gowey, Gray, Griffiths, Hayton, Henry, Hicks, Jeffs, Jones, Joy, Kellogg, Lillis, Lindsley, Manly, McCroskey, McElroy, 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, E. H. Sullivan, P. C. Sullivan, Tibbetts, Travis, Turner, Warner, Weir, Weisenburger, West, Willison, Winsor.

Not voting: Fairweather, Hungate, Jamieson, Kinnear, McDonald, Sturdevant, Suksdorf, Van Name, Mr. President. On leave: Mr. Neace. And a majority of all the members voting in the affirmative the article was so agreed to and referred back to the Committee for Enrollment.

Article 10 was then read and the question then was upon agreeing to the article as amended and revised. The roll was called and the following fifty-six members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Cosgrove,

Crowley, Dallam, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Gowey, Gray, Griffiths, Hayton, Henry, Jones, Joy, Lillis, Lindsley, Manly, McCroskey, McDonald, McReavey, Minor, Mires, J. Z. Moore, Morgans, Newton, Prosser, J. M. Reed, T. M. Reed, Schooley, Shoudy, Sohns, Stevenson, Stiles, E. H. Sullivan, P. C. Sullivan, Tibbetts, Turner, Van Name, Weir, Weisenburger, West, Winsor.

Not voting: Comegys, Durie, Hicks, Hungate, Jamieson, Jeffs, Kellogg, Kinnear, McElroy, R. S. More, Power, Sharpstein, Sturdevant, Suksdorf, Travis, Warner, Willison, Mr. President. On leave: Neace. And a majority of all the members voting in the affirmative the article was so agreed to and referred back to the Committee for Enrollment.

Mr. Dunbar from the Committee on State, School and Granted Lands submitted an article on Tidelands.

Tidelands

Article

Section 1. The State of Washington asserts its ownership to the beds and shores of all navigable waters in the State of Washington up to and including the line of ordinary high tide where the tide ebbs and flows and up to and including the line of ordinary high water within the banks of the navigable rivers and lakes. Provided, 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 2. The State of Washington disclaims all title in and claim to all tide, swamp, and overflowed lands patented by the United States.

Section 3. 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.

All of which is respectfully submitted.

O. A. BOWEN, *Secretary*
J. C. KELLOGG
E. ELDRIDGE
OLIVER H. JOY
J. T. ESHELMAN
S. A. DICKEY
T. L. STILES

We concur in Sections 1 and 2 of the above report but do not concur in Section 3.

R. O. DUNBAR, *Chairman*
S. G. COSGROVE
ALBERT SCHOOLEY
J. A. SHOUDY

Also one on school and granted lands.

Mr. President and Members of the Convention:

Your Committee on School and Granted Lands report the following article on the subject and recommend its adoption.

School and Granted Lands

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; 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. 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.

Section 3. Not more than one-fourth of the land granted to the state for educational purposes shall be sold prior to January 1st, 1895, and not more than one-half prior to January 1st, 1905. 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 4. Not more than one hundred and sixty acres 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 or [sic] 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.

All of which is respectfully submitted.

O. A. BOWEN, *Secretary*
R. O. DUNBAR, *Chairman*
J. C. KELLOGG
E. ELDRIDGE
S. G. COSGROVE
H. F. SUKSDORF
ALBERT SCHOOLEY
JOHN A. SHOUDY

OLIVER H. JOY
J. J. TRAVIS
J. T. ESHELMAN
FRANCIS HENRY
THOMAS T. MINOR
J. J. BROWNE
S. A. DICKEY
C. H. WARNER
T. L. STILES

The article on tidelands was read and considered read a second time by title.

Mr. Eldridge moved that the rules be suspended and the article be considered now, upon which the ayes and noes were demanded and ordered and the following thirty-one members voted aye: Allen, Blalock, Bowen, Clothier, Cosgrove, Crowley, Dickey, Eldridge, Eshelman, Gowey, Hicks, Jones, Joy, Kellogg, Lillis, Lindsley, McDonald, [McElroy]*, Minor, Mires, R. S. More, Morgans, Newton, Power, Prosser, Warner, Weir, Weisenburger, West, Willison, Winsor.

And the following thirty-seven members voted no: Berry, Browne, Buchanan, Coey, Comegys, Dallam, Dunbar, Durie, Dyer, Fairweather, Fay, Glascock, Godman, Gray, Griffiths, Hayton, Henry, Jeffs, Manly, McCroskey, McElroy, McReavey, J. Z. Moore, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Stevenson, Stiles, Suksdorf, P. C. Sullivan, Tibbetts, Travis, Turner, Van Name. Not voting: Hungate, Jamieson, Kinnear, Sturdevant, E. H. Sullivan, Mr. President. Mr. Neace on leave. And the rules were not suspended and the report was ordered to lie over one day and be printed.

The article on school lands was then read and considered read a second time by title.

Mr. Dunbar moved that the rules be suspended and the article considered at this time and the ayes and noes were demanded and ordered and on a call of the roll the following forty-four members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Clothier, Comegys, Cosgrove, Dallam, Dickey, Dunbar, Durie, Dyer, Eshelman, Glascock, Godman, Gowey, Griffiths, Hayton, Henry, Kellogg, Lindsley, McCroskey, McDonald, McElroy, Minor, Mires, R. S. More, Morgans, Power, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Sohns, Stiles, Suksdorf, E. H. Sullivan, Tibbetts, Travis, Turner, Van Name, Weisenburger.

And the following twenty-four members voted no: Burk, Coey, Eldridge, Fairweather, Fay, Gray, Hicks, Jeffs, Jones, Joy, Lillis, Manly, McReavey, J. Z. Moore, Newton, Prosser, Shoudy, Stevenson, P. C. Sullivan, Warner, Weir, West, Willison, Winsor. Not voting: Crowley, Hungate, Jamieson, Kinnear, Sturdevant, Mr. President. On leave: Neace. And the rules were not suspended and the article was ordered to lie over one day and be printed.

* Stricken in journal.

Mr. Turner moved to suspend the rules and consider the article on tidelands.

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

Mr. E. H. Sullivan asked leave until Thursday. Not granted.

Mr. Sullivan moved to adjourn sine die. Ruled out of order.

Mr. Sullivan appealed from the chair and chair sustained.

Mr. Turner raised a point of order that a motion to take a recess is not a privileged question. Sustained.

Mr. J. Z. Moore moved to adjourn. Ayes and noes demanded and ordered. The roll was called and the following thirteen members voted aye: Comegys, Griffiths, Kellogg, McDonald, McReavey, Mires, J. Z. Moore, Sharpstein, Shoudy, E. H. Sullivan, P. C. Sullivan, Travis, Warner.

And the following fifty-two members voted no: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Godman, Gowey, Gray, Hayton, Henry, Hicks, Jeffs, Jones, Joy, Lillis, Lindsley, Manly, McCroskey, McElroy, Minor, R. S. More, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Stevenson, Stiles, Suksdorf, Tibbetts, Turner, Van Name, Weir, Weisenburger, West, Willison. Not voting: Cosgrove, Crowley, Hungate, Jamieson, Kinnear, Sohns, Sturdevant, Winsor, Mr. President. On leave: Neace. And the motion was lost.

The question then was upon suspending the rules and considering the article on tidelands. The ayes and noes were demanded and on a call of the roll the following thirty-five members voted aye: Berry, Blalock, Clothier, Comegys, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Glascock, Godman, Gowey, Gray, Jones, Joy, Kellogg, Lillis, Lindsley, McDonald, Minor, R. S. More, Morgans, Power, Prosser, J. M. Reed, Schooley, Stiles, Suksdorf, E. H. Sullivan, Tibbetts, Turner, Warner, Weir, Weisenburger, West. Not voting: Cosgrove, Crowley, Dallam, Hicks, Hungate, Jamieson, Kinnear, Sohns, Sturdevant, Van Name, Mr. President.

And the following twenty-seven [voted] no: Allen, Bowen, Browne, Buchanan, Burk, Coey, Durie, Fairweather, Fay, Griffiths, Hayton, Henry, Jeffs, Manly, McCroskey, McElroy, McReavey, Mires, J. Z. Moore, Newton, T. M. Reed, Sharpstein, Shoudy, Steven-

son, P. C. Sullivan, Travis, Willison. Mr. Neace on leave. And the rules were not suspended.

Mr. Griffiths moved to suspend the rules and consider the report of the Committee on School and Granted Lands and the following thirty-seven members voted aye: Allen, Berry, Blalock, Bowen, Browne, Buchanan, Clothier, Coey, Comegys, Dickey, Dunbar, Durie, Dyer, Eshelman, Fay, Glascock, Godman, Gowey, Gray, Griffiths, Hayton, Jeffs, Lindsley, McCroskey, McDonald, McElroy, Mires, R. S. More, J. M. Reed, Schooley, Sharpstein, Suksdorf, E. H. Sullivan, Travis, Turner, Van Name, Warner.

And the following twenty-five [voted] no: Eldridge, Fairweather, Henry, Hicks, Jones, Joy, Kellogg, Lillis, Manly, McReavey, Minor, J. Z. Moore, Morgans, Newton, Prosser, T. M. Reed, Shoudy, Stevenson, P. C. Sullivan, Tibbetts, Weir, Weisenburger, West, Willison. Not voting: Cosgrove, Crowley, Dallam, Hungate, Jamieson, Power, Sohns, Stiles, Sturdevant, Winsor, Mr. President. Neace on leave. And the rules were not suspended.

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

Mr. E. H. Sullivan moved to adjourn and demanded the ayes and noes and they were ordered and the following thirteen members voted aye: Eldridge, Gray, Hayton, Jeffs, McDonald, McReavey, Mires, J. Z. Moore, Shoudy, P. C. Sullivan, Van Name, Weisenburger, Winsor.

And the following forty-six members voted no: Berry, Blalock, Bowen, Browne, Buchanan, Burk, Clothier, Coey, Comegys, Dallam, Dickey, Durie, Dyer, Eshelman, Fairweather, Fay, Glascock, Godman, Gowey, Griffiths, Henry, Hicks, Jones, Joy, Lillis, Lindsley, Manly, McCroskey, McElroy, Minor, R. S. More, Morgans, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Sharpstein, Stevenson, Suksdorf, Tibbetts, Travis, Warner, Weir, West, Willison. Not voting: Allen, Cosgrove, Crowley, Dunbar, Hungate, Jamieson, Kellogg, Kinnear, Newton, Sohns, Stiles, Sturdevant, E. H. Sullivan, Turner, Mr. President. On leave: Mr. Neace. And the motion was lost.

Mr. Manly moved a call of the house. So ordered. And on a call of the roll the following members were absent without leave: Jamieson, Kinnear, Mr. President.

Mr. Lindsley moved that further proceedings be dispensed with, pending which Mr. Mires moved to adjourn. Lost.

Mr. Griffiths moved that the absent be brought in.

The question then was upon dispensing with further proceedings under the call. And the ayes and noes were demanded and ordered. The roll was called and the following forty members voted aye: Allen, Blalock, Bowen, Buchanan, Burk, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Eldridge, Eshelman, Fairweather, Fay, Godman, Gowey, Hayton, Henry, Hicks, Joy, Kellogg, Lindsley, McCroskey, Minor, Morgans, Newton, Power, Prosser, J. M. Reed, T. M. Reed, Schooley, Stiles, P. C. Sullivan, Tibbetts, Turner, Weir, Weisenburger, West, Willison, Winsor.

And the following twenty-six members voted no: Berry, Clothier, Coey, Comegys, Durie, Glascock, Gray, Griffiths, Jeffs, Jones, Lillis, Manly, McDonald, McElroy, McReavey, Mires, J. Z. Moore, R. S. More, Sharpstein, Shoudy, Sohns, Stevenson, Sturdevant, Travis, Van Name, Warner. Not voting: Browne, Dyer, Hungate, Jamieson, Kinnear, Suksdorf, E. H. Sullivan, Mr. President. Mr. Neace on leave. And the motion was carried.

Moved by Mr. Lindsley that the Convention take a recess until 2 p.m. Carried, and the Convention took a recess until 2 p.m.

Convention called to order at 2 p. m. by the President.

Mr. Eldridge moved that the article on tidelands be now taken up and considered. Not in order.

Mr. Eldridge moved to suspend the rules for the purpose of considering the report on tidelands. Mr. P. C. Sullivan demanded the ayes and noes: So ordered and on a call of the roll the following fifty-three members voted aye: Allen, Berry, Blalock, Bowen, Burk, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Durie, Dyer, Eldridge, Eshelman, Fay, Glascock, Godman, Gray, Hayton, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, McCroskey, Minor, Mires, R. S. More, Morgans, Newton, Power, Prosser, T. M. Reed, Schooley, Sohns, Stiles, Sturdevant, Suksdorf, E. H. Sullivan, Tibbetts, Turner, Van Name, Warner, Weir, Weisenburger, West, Willison, Winsor, Mr. President. And the following fifteen members voted no: Buchanan, Fairweather, Griffiths, Jamieson, Jeffs, Manly, McDonald, McElroy, McReavey, J. Z. Moore, J. M. Reed, Shoudy, Stevenson, P. C. Sullivan, Travis. Not voting:

Browne, Gowey, Henry, Hicks, Hungate, Sharpstein. And Mr. Neace on leave. And the rules were suspended for the consideration of the article.

The article was read for information. Mr. Jones moved to amend by adding the following as a new section.

Section. 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.

And demanded the ayes and noes and the following forty-nine members voted aye: Allen, Berry, Blalock, Bowen, Buchanan, Burk, Cosgrove, Crowley, Dallam, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Hayton, Jamieson, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, McElroy, Minor, Mires, J. Z. Moore, Morgans, Newton, Power, Prosser, T. M. Reed, Schooley, Shoudy, Sohns, Suksdorf, E. H. Sullivan, P. C. Sullivan, Tibbetts, Turner, Van Name, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

And the following eighteen members voted no: Clothier, Coey, Comegys, Durie, Gray, Griffiths, Jeffs, Manly, McCroskey, McDonald, McReavey, R. S. More, J. M. Reed, Stevenson, Stiles, Sturdevant, Travis, Warner. Not voting: Browne, Godman, Gowey, Henry, Hicks, Hungate, Sharpstein. On leave; Mr. Neace. And the amendment was adopted.

Mr. Turner moved to substitute the following for the whole article.

Section 2. The State of Washington, by virtue of its inherent sovereignty, is 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 and agents and no act of any individual or corporation in pursuance of claim to private right shall be permitted to prejudice the state in the assertion and maintenance of such ownership; provided that this sec-

tion shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the state, and provided further that the Legislature may by law validate and confirm the title of persons holding patents from the government of the United States or deriving title from patentees of the United States to lands affected by this section, but the state shall never part with the title to any lands reserved by this Constitution for harbor purposes.

And demanded the ayes and noes. So ordered, and on a call of the roll the following twenty members voted aye: Berry, Buchanan, Crowley, Dallam, Dyer, Glascock, Godman, Griffiths, McCroskey, Mires, J. Z. Moore, R. S. More, J. M. Reed, Sturdevant, Suksdorf, E. H. Sullivan, Travis, Turner, Van Name, Warner.

And the following forty-eight members voted no: Allen, Blalock, Bowen, Burk, Clothier, Coey, Comegys, Cosgrove, Dickey, Dunbar, Durie, Eldridge, Eshelman, Fairweather, Fay, Gray, Hayton, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McDonald, McElroy, McReavey, Minor, Morgans, Newton, Power, Prosser, T. M. Reed, Schooley, Shoudy, Sohns, Stevenson, Stiles, P. C. Sullivan, Tibbetts, Weir, Weisenburger, West, Willison, Winsor, Mr. President. Not voting: Browne, Gowey, Henry, Hicks, Hungate, Sharpstein. On leave: Mr. Neace. And the substitute was lost.

Mr. Comegys moved the following as a new section. "No sale or disposition of any of the public lands of this state not sold at public sale shall be valid until approved in writing by the Governor, Secretary of State and Attorney General." Adopted.

Mr. P. C. Sullivan moved to strike out the word "public" and insert "tide." Lost.

Mr. Sohns moved to amend as follows. Strike out all that relates to navigable rivers and streams as follows. "All up to and including ordinary high tide water, etc.," and demanded the ayes and noes. They were ordered and on a call of the roll the following thirty-eight members voted aye: Blalock, Bowen, Burk, Clothier, Comegys, Crowley, Dallam, Dickey, Durie, Eldridge, Fay, Godman, Griffiths, Hayton, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, McReavey, Minor, R. S. More, Power, T. M. Reed, Schooley, Sohns, Stevenson, Sturdevant, Suksdorf, P. C. Sullivan, Travis, Warner, Weir, West, Willison, Winsor.

And the following thirty members voted no: Allen, Berry, Buchanan, Coey, Cosgrove, Dunbar, Dyer, Eshelman, Fairweather, Glascock, Gray, Jamieson, Manly, McCroskey, McDonald, McElroy, Mires, J. Z. Moore, Morgans, Newton, Prosser, J. M. Reed, Shoudy, Stiles, E. H. Sullivan, Tibbetts, Turner, Van Name, Weisenburger, Mr. President. Not voting: Browne, Gowey, Henry, Hicks, Hungate, Sharpstein. And Mr. Neace on leave. And the amendment was adopted.

Mr. Stiles moved to amend by substituting the following for Section 3.

Section 3. Whenever the Legislature shall by law authorize the sale of any of the tidelands of the state it shall provide also that all persons owning land abutting upon such lands and having valuable improvements occupying the 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 tidelands 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 tideland 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.

Mr. McCroskey moved the previous question and it was so ordered and the ayes and noes were demanded and ordered and on a call of the role the following thirty-five members voted aye: Allen, Blalock, Bowen, Buchanan, Burk, Crowley, Eldridge, Eshelman, Fay, Gowey, Hayton, Henry, Jamieson, Jones, Joy, Kellogg, Lillis, Lindsley, McReavey, Minor, R. S. More, Morgans, Power, Prosser, T. M. Reed, Sohns, Stevenson, Stiles, Suksdorf, P. C. Sullivan, Weir, Weisenburger, West, Willison, Winsor.

And the following thirty-four members voted no: Berry, Browne, Clothier, Coey, Comegys, Cosgrove, Dallam, Dickey, Dunbar, Dyer, Fairweather, Glascock, Godman, Gray, Griffiths, Jeffs, Kinnear, Manly, McCroskey, McDonald, McElroy, Mires, J. Z. Moore, J. M. Reed, Schooley, Shoudy, Sturdevant, E. H. Sullivan, Tibbetts, Travis, Turner, Van Name, Warner, Mr. President. Not voting: Durie, Hicks, Hungate, Newton, Sharpstein. Mr. Neace on leave. And the substitute was adopted.

Mr. Kinnear moved to amend the amendement after the words "abutting land" by inserting the following "and also persons occupying tidelands who have in good faith made valuable improvements thereon."

Mr. Cosgrove moved the previous question.

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

The previous question then was ordered and the question was on Mr. Kinnear's amendement. The ayes and noes were demanded and ordered and on a call of the roll the following twenty-eight members voted aye: Allen, Blalock, Burk, Dickey, Dyer, Fairweather, Hayton, Henry, Jamieson, Kellogg, Kinnear, McElroy, McReavey, Minor, Morgans, Power, Prosser, T. M. Reed, Schooley, Shoudy, Sohns, Stevenson, Suksdorf, E. H. Sullivan, Tibbetts, Travis, Weisenburger, Mr. President.

And the following thirty-nine members voted no: Berry, Bowen, Browne, Buchanan, Clothier, Coey, Comegys, Cosgrove, Dallah, Dunbar, Eldridge, Eshelman, Fay, Glascock, Godman, Gray, Griffiths, Jeffs, Jones, Joy, Lillis, Lindsley, Manly, McCroskey, McDonald, Mires, J. Z. Moore, R. S. More, Newton, J. M. Reed, Sturdevant, Stiles, P. C. Sullivan, Turner, Van Name, Weir, West, Willison, Winsor. Not voting: Crowley, Durie, Gowey, Hicks, Hungate, Sharpstein, Warner. And Mr. Neace on leave. And the amendement was lost.

Mr. Browne moved the following substitute for the whole article as amended.

Article

Section 1. All the lands belonging to this state by virtue of its sovereignty, except as herein provided, shall be sold only at public auction to the highest bidder after the value thereof less the improvements thereon on the 22nd day of February, 1889, shall be appraised by a board of appraisers to be provided by law and no sale shall be valid unless the sum bid be equal to the appraised value of said land. Provided, that the owner of valuable improvements upon any of said lands in actual use in commerce, business or trade shall have the prior right for a limited time to purchase the land covered by such improvements at the valuation fixed by said board of appraisers provided such valuation, appraisalment and sale shall be approved by the Governor, Attorney

General and Land Commissioners, who are hereby constituted a board for such purposes.

Section 2. Before any of said lands shall be appraised or disposed of the same shall be subdivided into tracts not exceeding forty acres, and not more than one tract shall be offered for sale, and all such lands within the limits of any incorporated city or within two miles of the boundary of any incorporated city where the valuation of such lands 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; 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 land lying in front of any fort or lighthouse owned by the United States.

Section 3. The proceeds of the sale of all lands mentioned in this article shall be added to and become a part of the principal of the common school fund of the state.

Mr. P. C. Sullivan moved the previous question. So ordered. The ayes and noes were demanded and ordered and on a call of the role the following twenty-seven members voted aye: Berry, Browne, Clothier, Crowley, Eldridge, Glascock, Gowey, Gray, Griffiths, Henry, Kellogg, McCroskey, McDonald, McElroy, Mires, J. Z. Moore, R. S. More, Newton, J. M. Reed, T. M. Reed, Schooley, Shoudy, E. H. Sullivan, Travis, Turner, Van Name, Warner.

And the following forty-two [voted] no: Allen, Blalock, Bowen, Buchanan, Burk, Coey, Comegys, Cosgrove, Dallam, Dickey, Dunbar, Dyer, Eshelman, Fairweather, Fay, Hayton, Jamieson, Jeffs, Jones, Joy, Kinnear, Lillis, Lindsley, Manly, McReavey, Minor, Morgans, Power, Prosser, Sohns, Stevenson, Stiles, Sturdevant, Suksdorf, P. C. Sullivan, Tibbetts, Weir, Weisenburger, West, Willison, Winsor, Mr. President. Not voting: Durie, Godman, Hicks, Hungate, Sharpstein. Mr. Neace on leave. And the substitute was lost.

Mr. Godman woved to strike out Section 2 and demanded the ayes and noes and on a call of the roll the following nineteen members voted aye: Berry, Blalock, Browne, Coey, Crowley, Godman, Gray, Griffiths, McCroskey, McDonald, J. Z. Moore, Newton, J. M. Reed, Suksdorf, E. H. Sullivan, Travis, Turner, Van Name, Warner.

And the following forty-nine [voted] no: Allen, Bowen, Buchanan, Burk, Clothier, Cosgrove, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fairweather, Fay, Glascock, Gowey, Hayton, Henry, Jamieson, Jeffs, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, Manly, McElroy, McReavey, Minor, Mires, R. S. More, Morgans, Power, Prosser, T. M. Reed, Schooley, Shoudy, Sohns, Stevenson, Stiles, Sturdevant, Sullivan, Tibbetts, Weir, Weisenburger, West, Willison, Winsor, Mr. President. Not voting: Comegys, Dallam, Durie, Hicks, Hungate, Sharpstein. Mr. Neace on leave. And the motion was lost.

Mr. Turner moved a substitute for the article as now amended. Mr. Weisenburger raised a point of order that the subject of the substitute was not germane. Point of order sustained.

Mr. Turner appealed from the ruling of the chair and the chair was sustained.

The question then was upon considering the article engrossed and passed to a third reading. So ordered, and Mr. Dickey moved to suspend the rules and place the article upon its final passage and the following forty-two members voted aye: Allen, Blalock, Bowen, Burk, Comegys, Cosgrove, Dallam, Dickey, Dunbar, Dyer, Eldridge, Eshelman, Fay, Hayton, Henry, Jamieson, Jones, Joy, Kellogg, Kinnear, Lillis, Lindsley, McDonald, R. S. More, Morgans, Power, Prosser, J. M. Reed, Shoudy, Sohns, Stiles, Sturdevant, E. H. Sullivan, P. C. Sullivan, Turner, Warner, Weir, Weisenburger, West, Willison, Winsor, Mr. President.

And the following twenty-seven members voted no: Berry, Browne, Buchanan, Clothier, Coey, Crowley, Fairweather, Glascock, Godman, Gray, Griffiths, Jeffs, Manly, McCroskey, McElroy, McReavey, Minor, Mires, J. Z. Moore, Newton, T. M. Reed, Schooley, Stevenson, Suksdorf, Tibbetts, Travis, Van Name. Not voting: Durie, Hicks, Hungate, Gowey, Sharpstein. Mr. Neace on leave. And the rules were not suspended.

Mr. Dunbar moved that the rules be suspended and the article on school and granted lands as reported by the Committee be considered. Carried.

Mr. Dunbar moved to strike out "on the 22nd day of February, 1889." Carried.

Mr. Stiles moved to amend as follows: "After 'lands' in line one, Section 1, insert 'granted to the state'." Carried.

Mr. Crowley moved to add as a proviso to Section 2 the following. 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 and be confirmed by the Legislature. Carried.

Mr. Browne moved to amend Section 3 as follows. Strike out the following. "Commencing with the word 'not' in line one, Section 3, and to and including '1900' in line three and insert the following instead thereof, 'not more than one section in each township shall be sold prior to January 1st, 1900'."

The question then was upon Mr. Browne's amendment and the ayes and noes were demanded and ordered and on a call of the roll the following nineteen members voted aye: Allen, Berry, Blalock, Browne, Coey, Crowley, Durie, Fay, Glascock, Gray, Griffiths, Lindsley, McReavey, Mires, J. Z. Moore, Newton, Prosser, Sharpstein, Willison.

And the following thirty-eight members voted no: Bowen, Buchanan, Burk, Clothier, Cosgrove, Dickey, Dunbar, Dyer, Eshelman, Godman, Hayton, Henry, Jamieson, Jeffs, Jones, Joy, Kinnear, Lillis, McCroskey, McElroy, Minor, R. S. More, Morgans, J. M. Reed, T. M. Reed, Schooley, Shoudy, Sohns, Stevenson, Sturdevant, P. C. Sullivan, Tibbetts, Travis, Van Name, Weir, Weisenburger, West, Mr. President. Not voting: Comegys, Dallam, Eldridge, Fairweather, Gowey, Hicks, Hungate, Power, Stiles, Suksdorf, E. H. Sullivan, Warner, Winsor. And Mr. Neace on leave. And the amendment was lost.

Mr. P. C. Sullivan moved to amend by inserting the word granted after the word any in the first line and demanded the ayes and noes, and on a call of the roll the following thirty-four members voted aye: Allen, Berry, Blalock, Bowen, Buchanan, Burk, Clothier, Coey, Crowley, Dickey, Dyer, Eldridge, Fay, Hayton, Jamieson, Jeffs, Jones, Kellogg, Kinnear, Lillis, Manly, McReavey, Mires, R. S. More, Morgans, Power, Schooley, Shoudy, Sohns, Stevenson, Sturdevant, P. C. Sullivan, West, Winsor.

And the following twenty-nine members voted no: Browne, Cosgrove, Dallam, Dunbar, Durie, Eshelman, Glascock, Godman,

Gray, Griffiths, Joy, Lindsley, McCroskey, McElroy, J. Z. Moore, Newton, Prosser, J. M. Reed, T. M. Reed, Sharpstein, Tibbetts, Travis, Turner, Van Name, Warner, Weir, Weisenburger, Willison, Mr. President. Not voting: Comegys, Fairweather, Gowey, Henry, Hicks, Hungate, McDonald, Minor, Stiles, Suksdorf. Mr. Neace on leave. And the amendment was adopted.

Mr. Berry moved to amend as follows. Strike out two hundred dollars in line four, Section 4, and insert one hundred dollars. Section 6 first report. Carried.

Mr. Shoudy moved to add to Section 4 the following: "and not more than one-half of said lots or blocks shall be sold prior to January 1st, 1890." Lost.

The question then was upon considering the article considered engrossed and the article passed to a third reading. Carried.

Mr. Mires moved to suspend the rules and pass the article. The ayes and noes were demanded and ordered and on a call of the roll the following forty-two members voted aye: Allen, Berry, Blalock, Browne, Buchanan, Clothier, Coey, Comegys, Cosgrove, Crowley, Dallam, Dunbar, Dyer, Eshelman, Fairweather, Fay, Glascock, Godman, Gray, Griffiths, Hayton, Joy, Kellogg, Kinnear, Lindsley, McCroskey, McElroy, Mires, R. S. More, J. M. Reed, Schooley, Sharpstein, Shoudy, Sohns, Sturdevant, Suksdorf, Travis, Turner, Van Name, Warner, Willison, Mr. President.

And the following twenty-three members voted no: Bowen, Burk, Dickey, Durie, Henry, Jones, Lillis, Manly, McReavey, Minor, J. Z. Moore, Morgans, Power, Prosser, T. M. Reed, Stevenson, Stiles, P. C. Sullivan, Tibbetts, Weir, Weisenburger, West, Winsor. Not voting: Eldridge, Gowey, Hicks, Hungate, Jamieson, Jeffs, McDonald, Newton, E. H. Sullivan. And Mr. Neace on leave. And the rules were not suspended.

Mr. Griffiths moved to take up the schedule.

Mr. Mires moved to adjourn. Carried. And the Convention stood adjourned to 9 a.m. tomorrow, August 21, 1889.

August 21st, 1889

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