

amended so as to read as follows: When a proposition has been referred to a standing committee a report shall be made thereon as soon as convenient. In case of unnecessary delay on the part of the committee the Convention may require a report to be made within any stated time.

Mr. E. H. Sullivan introduced the following resolutions and gave notice that he would call them up tomorrow. Resolved that Rule No. 36 of this Convention be stricken out. Resolved that Rule No. 7 of this Convention be stricken out.

Mr. P. C. Sullivan moved to have the Sergeant-at-Arms empowered to employ a Janitor and the compensation be fixed by the Convention.

Mr. Griffiths rose to a point of order that the Convention had already fixed the officers of the Convention. Overruled by the chair. The motion on being put was lost.

On motion of Mr. Dyer, the Convention adjourned at 4:20 p.m. to 1:30 p.m., July 12th.

July 12th, 1889

The Convention was called to order by the President at 1:30 p.m. Prayer by the Chaplain. On a call of the roll all members present but Mr. Travis, and Mr. Fay on leave. Minutes read and approved.

Mr. Hoyt presented a petition favoring women's suffrage signed by P. G. Hendricks and five hundred ninety-four other men, and four hundred fourteen women, and same was read and referred to the Committee on Elections and Elective Rights.

Mr. Dunbar presented a petition on the liquor traffic signed by William Wilkes and others which was read and referred to the Committee on Miscellaneous Subjects, Schedule and Future Amendments.

[Mr. Dunbar presented a petition on the liquor traffic signed by William Wilkes and others and was read and referred to the Committee on Miscellaneous Subjects, Schedule and Future Amendments.] *

* Stricken in journal.

A treatise on state constitutions was read which had been received by mail and referred to the Committee on Revision, Adjustment and Enrollment.

Mr. Burk presented a petition relating to oysters and oyster beds signed by D. D. Rhodes and others and same was read and referred to the Committee on State and Granted Lands.

Mr. Joy presented a petition relating to women's suffrage, signed by William West, and others and same read and referred to the Committee on Election and Elective Rights.

Mr. Power from the Committee on Printing, Mileage and Contingent Expenses presented the following majority report of said committee.

To the Constitutional Convention.

Your Committee on Printing to whom was referred the proposition of Mr. W. D. Knight to do the printing for the Convention have had the same under consideration and would respectfully report as follows: That the Secretary of the Territory in accordance with the laws, rules and regulations appertaining to legislative printing and specific instructions from the Treasury Department at Washington has already arranged with Mr. Thomas H. Cavanaugh to do such printing as may be necessary for the Convention and that in our judgment it is inexpedient to change printers at this junction, even should we have the power to do so, which your committee greatly doubt. It should be borne in mind that this Convention is a creature of the law and is governed by the authority which has called it into existence. This authority has spoken on the matter referred to, and this Convention cannot with propriety disregard it.

Very respectfully submitted,

JAMES POWER, *Chairman*

H. M. LILLIS

FRANK M. DALLAM

O. H. JOY

H. CLOTHIER

Mr. Suksdorf from same committee presents the following minority report to the President and members of the Convention. Gentlemen:

Your Committee on Printing, etc. to whom was referred the proposal of Mr. W. D. Knight for the printing of this Convention

having considered the matter and being unable to agree would respectfully submit the following minority report.

I

The Comptroller of the Treasury rules that the Treasury Department has full control over the disbursements of the appropriations made by Congress to defray the expenses of this Convention.

II

That acting under specific instructions from said department, the Honorable Secretary of the Territory has awarded the printing of this Convention to Mr. T. H. Cavanaugh and that as disbursing agent of the Treasury he will not recognize any other person as printer of this Convention.

III

The proposal of Mr. Knight, as we understand from practical printers, is considerably below the cost, about forty-fifty per cent of the printing as done under the rules and regulations of the government.

IV

We are in doubt as to the authority of this Convention to arrange for its own printing and believe that if the Convention does let its own printing either the Federal or State Government will have to make an appropriation to pay for it.

V

Under the circumstances we do not feel justified in recommending either the acceptance or rejection of Mr. Knight's proposal. If, however, the Convention does express the desire to arrange for its own printing, then your committee should be authorized to receive bids and let the contract to the lowest bidders.

Respectfully submitted,

H. F. SUKSDORF

J. F. VAN NAME

Mr. Griffiths moved that the two reports together with the proposition be referred to the Committee on Judicial Department. Carried.

Mr. Dunbar from the Committee on State, School and Granted Lands, submits to the Convention a proposition by Mr. Eshelman on eminent domain and asks to have it referred and it was ordered

that the first and second sections be referred to the Committee on Harbors, Tidewater, and Navigable Streams and the third section to State, School and Granted Lands.

The following propositions were then submitted in the order following.

Proposition by Mr. Jones of Jefferson, Fifth District
The Legislature shall not grant divorces.

Read a second time and referred to the Committee on Preamble and Bill of Rights.

Presented by Mr. Joy, Lewis County
Suggested Constitutional Provision concerning
appointment to Civil Service.

Article

Section. The Legislature shall make provision in conformity with this Constitution for ascertaining the qualifications of those desiring places or employment in the public service, but shall not establish any religious or political test for office or public employment.

Read a second time and referred to the Committee on Miscellaneous Subjects, Schedule and Future Amendment.

Proposition by Mr. Griffiths, Third District
Day's Work

Section 1. That eight hours shall constitute a day's work on all state, county, municipal, or other public works, and in mines or other employments where labor is performed underground.

Section 2. The Legislature shall enforce this clause by appropriate legislation.

Read a second time and referred to the Committee on Mines and Mining.

Proposition by Mr. Griffiths, Third District
Mines and Mining

Article

Section. The Legislature of this state shall by suitable enactments require all such appliances and means to be provided and used as may be necessary to secure as far as possible the lives,

health and safety of all persons to be employed in any mine or mines in this state. And to that end shall provide for an Inspector of Mines, who, before entering upon the duties of his office shall pass a satisfactory examination as to his duties, before a board of five examiners, appointed by the Governor and paid by the state, three of whom shall be practical miners and two civil engineers. And shall further provide for an examination by such Inspector of Mines of the employees therein as to their competency and experience in such employment. And a failure on the part of owners or operators of any mine or mines to observe the provisions of this article, or any law passed in pursuance thereof, shall be negligence *per se* and such owner or operator shall be liable in damages to all persons injured thereby, which damage shall be a lien upon the mine wherein such person is injured. And the Legislature shall moreover enforce its enactments under this article by adequate pains and penalties.

Read a second time and referred to the Committee on Mines and Mining.

Proposition by Mr. Kinnear

To provide a house for honorably discharged Union soldiers, sailors and mariners, and members of the state militia disabled in the line of duty.

Section 1. That the Legislature shall provide by law for maintenance and efficiency of a soldiers' home for honorably discharged Union soldiers and marines of the late war of the Rebellion of 1861-5, who shall be bona fide citizens and residents of this state. Provided that members of the State Militia disabled in the line of duty shall be admitted to the benefits of such home.

Read second time and referred to the Committee on Military Affairs.

Proposition by D. Buchanan
Judicial Department

Section. The Supreme Court shall consist of a Supreme Judge and two Associate Justices whose terms of office shall be six years alternately. They shall be nominated by the Governor and with the approval of two-thirds of the Senators voting therein shall be appointed to the said offices.

At the first meeting of the Legislature had by virtue of this Constitution, the Governor shall nominate a Chief Justice to the

long term of six years, one Associate Justice to the second term of four years and one Associate Justice to the short term of two years. Provided that when the population of the state attain to the number of one million inhabitants the Legislature shall provide by law for the increase of the number of the members of said court to one Chief Justice and four Associate Justices whose term of office thereafter shall be ten years one of whom shall retire every two years alternately.

Read second time and referred to Committee on Judicial Department.

Proposition relative to Banking Institutions

By Mr. Dyer

Section. It shall be a crime the nature and punishment of which shall be prescribed by law for any president, director, manager, cashier or other officer of any banking institution to assent to the reception of deposits or the creation of debts by such banking institution after he shall have had knowledge of the fact that it is insolvent or in failing circumstances and any such officer, agent or manager shall be individually responsible for such deposits so received and all such debts so created with his assent.

TRUSTEN P. DYER, *King County*

Read a second time and referred to Committee on Corporations Other Than Municipal.

Proposition on Elections

By J. T. Eshelman

Resolved, that it is competent for this Convention, in addition to submitting for ratification or rejection a Constitution it may draft, to submit separate propositions to be inserted therein, provided a majority of the electors of this territory so decide by their votes at the election to be held for the ratification of this Constitution.

Read a second time and referred to the Committee on Judicial Department.

Article pertaining to the Protection of Life

By Mr. Lillis

Resolved, that the legislative assembly shall enact such laws and make such provision for their enforcement as shall compel

individuals, companies and corporations engaged in mining, manufacture and construction to take such precaution in the arrangement and adjustment of their machinery and apparatus as is necessary to the protection of life.

Read a second time and referred to the Committee on Corporations Other Than Municipal.

Relating to Elective Rights

By Mr. Prosser

Section. The Legislature may provide by law that any woman of the age of twenty-one years and upwards may vote at any election held for the purpose of choosing any officers of schools or upon any measure relating to schools, and may also provide that any woman may be eligible to hold any office pertaining solely to the management of schools.

Read a second time and referred to the Committee on Elections and Elective Rights.

Proposition Relating to School Lands

By Mr. Prosser

The Sections sixteen and thirty-six in each township of the State of Washington are the property of the state received from the government of the United States for the support of the common schools in the State of Washington and the said lands shall never be sold or donated to any person or corporation for any purpose whatever, but timber or other perishable property may be sold upon such terms and conditions as the Legislature may prescribe, and the proceeds thereof shall be placed in the common school fund of the state. School lands as herein specified may be leased upon such terms as the Legislature may prescribe and the proceeds thereof shall be placed in the common school fund of the state for the use and benefit of all children thereof.

Read second time and referred to the Committee on State, School and Granted Lands.

Mines and Mining

Proposition by W. L. Newton, Twenty-First District

Section 1. A Superintendent of Mines and Mining shall be elected by the qualified electors of the state at the regular gubernatorial election, whose salary shall be fixed by law, and whose

term of office shall be the same as that of the Governor. He shall be a qualified elector, a practical miner of at least five years experience, two of which shall have been in this state, and possessed of a thorough knowledge of mining engineering ventilation and the methods and appliances for underground mining with safety to the miners and other employees. He shall have the supervision of the management of the mines in this state so far as relate to their regulations in regard to the security against accidents and the health and safety of the employees.

Section 2. The state shall be divided into at least three mining districts for each of which shall be appointed an Inspector of Mines, each of whom shall be a qualified elector and shall have had practical experience as a miner of at least four years in underground mining, two of which shall have been in this state, and shall have the supervision of the mines in his district as to machinery used, ventilation of the mines and methods of working, with power to close any mine whose managers refuse to comply with the laws that are in force or may be enacted, for the management of the mines. Each Inspector shall make quarterly reports to the Superintendent of Mines as to the output of the mines, the management, the accidents to men in the mines, their causes, and recommend such changes in machinery and management as will furnish better security for the health and safety of life and limb to the employees.

Section 3. Each Inspector of Mines shall be required to appoint a Board of Inspection of three persons for the examination of persons employed as underground miners, two of such examiners to be appointed by him from a list of practical miners employed in his district and selected by them, and the third a qualified mining engineer, who shall serve for a term of one year and until their successors are elected and qualified, they shall divide the miners into two classes skilled and unskilled and no miner shall be employed in any capacity requiring skill and judgment until he has been approved by said examiners as a skilled miner and so enrolled. The Legislature shall pass laws for the enforcement of this provision, providing for punishment by fine and imprisonment or forfeiture of corporate property of any individual officer or corporation violating the provisions of this section.

Section 4. It shall not be lawful for any owner or manager to exact as a day's labor from any miner employed in underground

mines more than eight hours a day nor to employ in such underground mines any person under the age of sixteen years.

Section 5. The Legislature shall pass laws requiring mines to be properly ventilated, timbered and to be equipped with the latest approved appliances for the safety of the employees, and to prevent accidents in the mines.

Section 6. Boards of Arbitration shall be appointed for the adjustment of scales, of prices, for labor in underground mines, or other difference between employers and employees, which board shall be composed of the Superintendent of Mining, one person selected by the employer or manager of the mine and one to be selected by the employee or employees interested and their decision shall be final except in cases of injury to employees or damages in case of the death of employees from accident in the mines.

Section 7. The Legislature shall have power to enforce this article by appropriate legislation.

Read a second time and referred to the Committee on Mines and Mining.

Proposition on Sumptuary Laws

By Mr. Hicks

The Legislature shall be expressly prohibited from enacting special and sumptuary laws.

Read a second time and referred to the Committee on Legislative Department.

Proposition on School Lands

By Mr. Hicks

The school lands of the state may be sold to constitute a perpetual fund in trust for the benefit of the public schools of the state, the interest only therefrom being applicable to the maintenance of said schools, provided no more than one-fourth of any one section thereof shall be sold within five years, one-half within ten years and no more than three-fourths within fifteen years from the time the state comes into possession thereof, and provided further that the portion selected for sale shall be the most valuable and properly subdivided so as to secure the highest price therefor.

Read a second time and referred to the Committee on State, School and Granted Lands.

Shore Lands
By Mr. Weir

Section. The State of Washington owns all shore lands commonly called tidelands within the boundary thereof by virtue of its sovereignty.

Section. Discretionary power to sell, lease, manage and control shore lands belonging to the state shall be vested in the Board of State Land Commissioners under such legislative restrictions as to values, terms, etc., as may be hereafter enacted. Provided that the right of the public to free use of highways across such shore lands at the termination of streets, alleys, and public roads shall never be obstructed. Provided further that any person occupying shore land with permanent improvements in actual use and necessity for commerce, trade or business, such land having been so occupied prior to the first day of January, 1889, and being other than the extension of any street, alley or other public highway shall have the prior right to purchase the shore land so used and occupied or so much thereof as may be necessary for the purposes of such improvements buildings or wharves at a valuation or appraisalment to be fixed by the Board of Land Commissioners, such valuation to be fixed without regard to the value of any improvements of structures occupying the land so appraised, such prior right to cover a limited period to be fixed by law.

Provided further that in all sales of shore lands other than lands occupied by permanent improvements as herein designated, the owner of abutting land extending to the government meander line shall have prior right limited by law to purchase such shore land as may be immediately in front of the abutting land so owned. Such prior right, however, shall not conflict with the rights secured to persons occupying shore lands with improvements as hereinbefore described. The Legislature shall enact such laws as will properly interpret and enforce the provisions of this article.

Read a second time and referred to the Committee on State, School and Granted Lands and he gives notice that he will want to discuss the same at some future day.

Mr. E. H. Sullivan called up the resolutions offered yesterday as to Rules 36 and 37 and moves their adoption.

Mr. Reed moved that Rule 7 be stricken out.

Mr. Griffiths moved that the [sic] be referred to the Committee on Rules and Order of Business.

Mr. Buchanan moves to amend by excluding Rule 42.

Mr. Gowey presented the following resolution and moves that it be referred to the Committee on Rules and Order of Business. Rule 42 amended by striking out the words "is referred as directed in Article 36," and insert the words "is reported from a committee of this Convention." It was so ordered.

Mr. Dyer called up a resolution introduced yesterday relating to propositions and articles. And moved its adoption. Carried.

Mr. J. Z. Moore called up his resolution introduced yesterday changing the hour of meeting.

Mr. Griffiths asked indefinite leave for Mr. Stevenson on account of sickness in his family. Which was granted.

On a vote on Mr. Moore's resolution it was carried.

Mr. Stiles presented the following and asks that it be referred to the Committee on Rules and Order of Business and it was so done.

By Mr. Stiles. Rule..... Any member of the Convention may present to the Convention the draft of a proposed article or section of the Constitution which shall be read and referred to the appropriate committees and may or may not be reported upon by the committees. The reports of standing committees containing proposed articles or sections of the Constitution shall be read once for the information of the Convention and then printed and laid upon the desks of members before further action.

Mr. Suksdorf presented the following resolution and moved its adoption. Resolved, that the Chief Clerk procure from the County Auditors of the different counties the result of the census of population by counties and of the minor political divisions as far as obtainable. Division called for. Lost.

Mr. Minor moved that propositions be not printed unless ordered by the Convention. Mr. Godman moves to amend by adding "all pending propositions." Mr. Henry raised a point of order that no rule could be suspended except by a two-thirds vote. Point of order sustained.

Mr. E. H. Sullivan moved to suspend Rule 42 until the standing Committee on Rules report on questions submitted today. Referred to Committee on Rules. Carried.

Mr. C. B. Eaton was then sworn as official Stenographer. And at 3:07 p.m. moved to adjourn to 9 a.m., July 13th, 1889. Carried.

July 13th, 1889

The Convention called to order by the President at 9 a.m. Prayer by the Chaplain. On a call of the roll all the members were present except Mr. Clothier, Mr. Fay, Mr. Manly and Mr. Stevenson (on indefinite leave). Minutes read and approved.

Mr. Prosser from the Committee on Rules and Order of Business makes the following report.

To the President of the Constitutional Convention.

Your Committee on Rules and Order of Business, to whom were referred certain motions and resolutions affecting Rules 7, 36, and 42 of the Convention respectfully submit the following report, viz:

1. We recommend that the following rule be substituted for Rule 7, to wit: Standing committees shall report on all articles or propositions submitted to the Convention by members, and referred to them, at or before the time of making their final report, but they may do so merely by referring to the title of the same.
2. We recommend the following rule be substituted for Rule 36, to wit: Any member of the Convention may submit to the Convention the draft of a proposed article or section of the Constitution which shall be read and referred to the appropriate committee without debate. The first reading of an article or section reported by a standing committee shall be for information only and shall be an entire reading. The article or section shall then be read the second time by title and be printed and laid upon the desks of members before further action thereon.
3. We recommend that the following be substituted for Rule 42, to wit:

Journal Entries