

IN THE SENATE OF THE UNITED STATES.

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JANUARY 28, 1889. — Presented by Mr. Voorhees, referred to the Committee on Territories, and ordered to be printed, and accompany Senate bill no. 185

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CONSTITUTION.

PREAMBLE

We the People, grateful to the Supreme Ruler of the Universe for our freedom, in order to secure and perpetuate its blessings, form a more independent and perfect government, establish justice, insure tranquility, provide for the common defense and promote the general welfare, do ordain and establish this Constitution for the State of Washington.

ARTICLE I

BOUNDARIES

THE BOUNDARIES of the State of Washington shall be as follows:<sup>1</sup>

Commencing one marine league<sup>2</sup> west from the mouth of the middle of the north ship-channel of the Columbia River; thence along the northern boundary of the State of Oregon, up said river, to where the forty-sixth parallel of north latitude

intersects the same near the mouth of the Walla Walla River; thence, east along said parallel to where it intersects the middle of the main channel of Snake River, thence, southerly, along said channel of Snake River, to where it intersects the forty-fifth parallel of north latitude; thence, east along said parallel, to where it intersects the meridian thirty-seven degrees and thirty minutes west;<sup>3</sup> thence, north along said meridian, to where it intersects the crest of the Bitter Root range of mountains; thence, northwesterly, along the crest of said mountains, to where it intersects the thirty-ninth meridian west;<sup>4</sup> thence, north, along said meridian to the boundary line of the British Possessions; thence, westerly along the line of the British Possessions to a point one marine league west from the mouth of the middle channel of the Straits of Juan de Fuca; thence southerly, a distance of one marine league west from the east shore of the Pacific Ocean, to the place of beginning — including all islands and parts of islands within said boundaries, within the jurisdiction of the United States.

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Footnotes by David Robert Palmer

<sup>1</sup> Note that these boundaries encompass three counties of Idaho Territory: Shoshone, Nez Perce and Idaho counties, which comprised the entire panhandle of Idaho. These three Idaho counties were among the most enthusiastic to form and be in the State of Washington; whereas five counties in Washington Territory—Columbia, Cowlitz, Pierce, Skamania and Walla Walla, voted against this Constitution.

<sup>2</sup> A marine league is one-twentieth part of a degree of latitude, which equates to three geographical or nautical miles each.

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<sup>3</sup> "West of Washington" being 114° and 30' west of Greenwich

<sup>4</sup> "West of Washington" being 116° west of Greenwich

## ARTICLE II

### EMINENT DOMAIN

SECTION 1. The State shall have concurrent jurisdiction on all rivers bordering on the State, so far as such rivers shall form a common boundary to the State and any other State or Territory, now or hereafter to be formed and bounded by the same.

SEC. 2. The title to all lands or other property, which has accrued to the Territory of Washington, by gift, grant, purchase, forfeiture or otherwise, shall vest in the State.

SEC. 3. The People of the State, in their Rights of Sovereignty, are declared to possess the ultimate property in and to all lands within the jurisdiction of the State; and all lands, the title to which shall fail from a defect of heirs, shall revert or escheat<sup>5</sup> to the State.

## ARTICLE III

### DISTRIBUTION OF POWERS

SECTION 1. The Government of the state shall be divided into three separate and distinct departments, to wit: the Legislative, the Executive and the Judicial.

SEC. 2. No person, or collection of persons, holding any position in, or exercising any authority under, one of these departments, shall hold any office in, or exercise any authority whatever, under either of the others,

except such as may be expressly provided for in this Constitution.

## ARTICLE IV

### SUFFRAGE AND ELECTIONS

SECTION 1. Every male person, over the age of twenty-one years, belonging to either of the following classes, who shall have resided in the State for six months next preceding any election, shall be deemed a qualified elector at such election.

1st—Citizens of the United States

2nd—Persons of foreign birth, who shall have declared their intentions to become citizens, conformably to the laws of the United States on the subject of naturalization, six months before offering to vote.

3rd—Persons of mixed white and Indian blood, who have adopted the customs and habits of civilization.

The Legislature may prescribe additional qualifications for electors of municipal and school-district elections.

SEC. 2. For the purpose of voting, no person shall be deemed to have gained a residency by reason of his presence, or to have lost it by reason of his absence, while in the civil or military service of the State, or of the United States; nor while a student at any institution of learning, nor while kept at public expense in any poorhouse or other asylum, nor while confined in prison.

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<sup>5</sup> The word "escheat" means "revert to the sovereign when title fails for lack of heir."

SEC. 3. Voters shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom.

SEC. 4. No person, except a qualified elector, shall be elected or appointed to any civil office in the State.

SEC. 5. The general election shall be held biennially on the Tuesday next succeeding the first Monday of November.

SEC. 6. All elections by the people shall be by ballot, and a plurality of votes shall elect, in all cases except where the person who shall receive them shall be ineligible; in which case the person receiving the next highest number of votes, and who is eligible, shall be declared elected. Elections, by persons in their representative capacity, shall be *viva voce*,<sup>6</sup> and a majority shall be necessary to an election.

SEC. 7. No idiot<sup>7</sup> or insane person shall be entitled to the privileges of an elector.

SEC. 8. Laws shall be passed, excluding from the right of suffrage, all persons who have been or may be convicted of bribery, perjury, or of any infamous crime;<sup>8</sup> and

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<sup>6</sup> Latin: by live voice, as distinguished from voting by a written or printed ballot.

<sup>7</sup> A person mentally incompetent to the degree of legal incapacity.

<sup>8</sup> Black's Law Dictionary, 6th Ed: The term "infamous" was applied at common law to certain crimes, upon conviction of which a person became incompetent to testify as a witness, upon the theory that a person would not commit so heinous a crime unless he was so depraved as to be unworthy of credit. These crimes were treason, felony, and the *crimen falsi*. A crime punishable by imprisonment in the state prison or penitentiary, with or without hard labor, is an infamous crime, within the provision of

depriving every person who shall make, or become, directly or indirectly, interested in any bet or wager depending upon the result of any election, of the right to vote at such election.

SEC. 9. The Legislature shall pass laws to preserve the purity of elections, and to guard against the abuse of the elective franchise, and shall, for that purpose, have the power to pass laws of registration.

## ARTICLE V

### DECLARATION OF RIGHT

SECTION 1. All political power is inherent in the People, and all free governments are founded on their authority.

SEC. 2. The people of this State have the sole right to alter or abolish this Constitution and form of government, whenever they deem it necessary to their safety and happiness; *provided*, such change be not repugnant to the Constitution of the United States.

SEC. 3. All persons are by nature free, and equally entitled to certain natural rights; among which are, those of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining happiness. To secure these rights,

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the fifth amendment of the [federal] constitution that "no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury." It is not the character of the crime but the nature of the punishment which renders the crime "infamous." Whether an offense is infamous depends on the punishment which may be imposed therefor, not on the punishment which was imposed.

governments are instituted, deriving their just powers from the consent of the governed.

SEC. 4. All persons have a natural and indefensible<sup>9</sup> right to worship God according to the dictates of their own consciences.

No person shall be compelled to attend, erect or support any place of worship, against his consent; and no preference shall be given by law to any religious society; nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office; nor shall any person be incompetent to be a witness on account of his opinions on matters of religion; but nothing herein shall be construed to dispense with oaths or affirmations; but the liberty of conscience hereby secured shall not be construed so as to excuse acts of licentiousness, or practices inconsistent with the peace and safety of the State.

SEC. 5. No person shall be deprived of life, liberty or property without due process of law, or be denied the equal protection of the law.

SEC. 6. No person, on account of sex, shall be disqualified to enter upon and pursue any of the lawful business avocations or professions of life.

SEC. 7. Every person may freely speak, write and publish his opinions on all subjects, being responsible for the abuse of that liberty; and no law shall be passed to restrain or abridge the liberty of speech or the press. In all

prosecutions for libel, the truth may be given in evidence to the jury, and if it appears that the matter charged as libelous be true, and was published with good motives and for justifiable ends, the party accused shall be acquitted; and the jury shall have the right to determine the law and the fact.

SEC. 8. No person shall be held to answer for a criminal offense without due process of law; and no person, for the same offense shall be put twice in jeopardy of punishment, nor again be put upon trial for the same offense after having been once acquitted by a jury, nor shall be compelled, in any criminal cause, to be a witness against himself. All persons shall, before conviction, be bailable by sufficient sureties, except for murder in the first degree and treason, where the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended unless when, in case of rebellion or invasion, the public safety may require. The right of trial by jury of twelve persons shall remain inviolate in all criminal causes. A jury in civil causes, in all Courts, may consist of less than twelve persons, as may be prescribed by law; and the concurrence of three-fourths of the whole number of the jury shall be sufficient for a verdict; *provided* that the right may be waived by the parties, in such manner as may be provided by law.

Hereafter a grand jury shall consist of seven persons, any five of whom, concurring, may find an indictment; *provided*, the Legislature

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<sup>9</sup> Archaic: incontrovertible; undeniable

may change, regulate, abolish or re-establish the grand jury system.

SEC. 9. Every person in the State shall be entitled to a certain remedy in the law, for all wrongs and injuries which he may receive in his person, character or property; justice shall be administered to all, freely and without purchase; completely and without denial; promptly and without delay; and all Courts shall be open to the public.

SEC. 10. The right of the people to be secure in their persons, papers, houses and effects, against unreasonable seizure and search shall not be violated; and no warrant shall issue except upon probable cause, supported by oath or affirmation in writing, describing, as nearly as may be, the place to be searched, and the person or thing to be seized.

SEC. 11. There shall never be, in this State, involuntary servitude, save as a punishment for crime, whereof the party shall have been duly convicted.

SEC. 12. No person shall be imprisoned for debt except in case of fraud in contracting the same, or of an absconding debtor having means legally applicable to the payment of his debts or some parts thereof.

SEC. 13. In criminal prosecutions, the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation; to have a copy thereof; to testify in his own behalf; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf; and a speedy public

trial, by an impartial jury of the county or district in which the offense is alleged to have been committed.

SEC. 14. No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts, or making any irrevocable grant of special privileges, franchises or immunities, shall ever be passed by the Legislature.

SEC. 15. Private property shall not be taken or damaged for public use without just compensation; and no person's particular services shall be required without just payment therefor.

SEC. 16. The rights of the people to peacefully assemble and consult for the common good, and to petition for the redress of grievances, shall never be restrained or abridged.

SEC. 17. The military shall always be in strict subordination to the civil power.

SEC. 18. All laws in relation to the possession, enjoyment and descent of property, shall be alike applicable to resident aliens and citizens.

SEC. 19. The right of the people to keep and bear arms shall not be infringed; but this shall not be so construed as to justify the carrying of concealed weapons.

SEC. 20. All elections shall be free and open; and no power, civil or military, shall interfere to prevent the free exercise of the right of suffrage.

SEC. 21. Treason against the State shall consist only in levying war against the same, or in adhering to its enemies, giving them aid or comfort; and no person shall be

convicted of treason unless on the testimony of two witnesses to the save overt act, or on his own confession in open Court.

SEC. 22. No person shall be transported out of the State for any offense committed within the same; and no conviction shall work a corruption of blood<sup>10</sup> or forfeiture of estate.

SEC. 23. All lands within the State are declared to be allodial;<sup>11</sup> and feudal tenures,<sup>12</sup> with all their incidents,<sup>13</sup> are prohibited. Leases and grants for agricultural lands for a longer term than fifteen years, in which rent or services of any kind shall be reserved, and all fines and like restraints upon alienation, reserved in any grant of land hereafter made, are declared to be void.

SEC. 24. No law shall be passed, granting to any citizen or class of citizens, privileges or immunities which, upon the same terms, shall not equally belong to all citizens.

SEC. 25. The operation of the laws shall never be suspended, except by the authority of the Legislature.

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<sup>10</sup> “work a corruption of blood” means “cause the convicted person to be penalized by *attainder*, such that the attained person could neither inherit lands or other heriditaments from his ancestor, nor retain those he already had, nor transmit them by descent to any heir, because his blood was considered by law to be corrupted.”

<sup>11</sup> Property held by someone in his own right, without owing any rent or duty or service to any superior as a result of that ownership.

<sup>12</sup> A feudal tenure is also known as a *fee*, and also a *feud*, or a *fief*. In contrast to ownership *in allodium*, it is an interest in land which is not entire or allodial, and a privilege rather than a right, and subject to the desires of a sovereign. The feudal nature of the tenure is evidenced by some annual payment for the privilege thereof. The feudal nature of the interest is also evidenced by the restrictions upon the use of land allowed to the tenant.

<sup>13</sup> Consequent legal obligations.

SEC. 26. The enumeration in this Constitution of certain rights, shall not be construed to deny, impair or disparage others retained by the people.

## ARTICLE VI

### LEGISLATURE

SECTION 1. The Legislative power of this State shall be vested in two distinct branches; the one to be styled the Senate, and the other the House of Representatives; and both together, the Legislature of the State of Washington.

The style of all laws shall be: “Be it enacted by the Legislature of the State of Washington.”

SEC. 2. The number of the members of the House of Representatives shall never be less than eighteen or more than sixty. The Senate shall consist of one-third the number of members of the House of Representatives.

SEC. 3. The Legislature shall provide by law for an enumeration of the inhabitants of the State, in the year one thousand eight hundred and eighty-five, and at the end of every ten years thereafter; and at its first session after such enumeration, and after each enumeration made by authority of the United States, the Legislature shall apportion and district anew the members of the Senate and House of Representatives, according to the number of inhabitants, excluding Indians not taxed and soldiers and officers of the United States army and navy.

SEC. 4. Elections for members of the Legislature shall be held biennially. When vacancies occur in either House, the Governor shall issue writs of election to fill such vacancies.

SEC. 5. Senators shall be elected for the term of four years, and members of the House of Representatives for the term of two years; *provided*, that the members of both Houses first elected shall hold their offices until the time fixed for the meeting of the second Legislature, but no longer.

SEC. 6. No person shall be a member of the Legislature who shall not be a qualified elector of the district for which he is chosen, and who shall not, for at least twelve months next preceding his election, have resided therein; *provided*, that any person who at the time of the adoption of this Constitution is a qualified elector in the county or district for which he shall be chosen, shall be eligible to the first Legislature.

SEC. 7. The first Legislature shall divide the State into at least ten legislative districts in each of which one Senator and three Representatives shall be elected at the general election next ensuing; and the districts shall be of convenient contiguous territory, to be bounded by county, precinct or ward lines; and the number may be increased, but shall never exceed twenty. The Legislative districts shall be numbered in regular series, and the Senators chosen by the odd-numbered districts shall go out of office at the expiration of the second year; and the Senators chosen by the

even-numbered districts shall go out of office at the expiration of the fourth year; and thereafter the Senators shall be chosen for the term of four years.

Representatives shall hold their office for the term of two years. In all elections of Representatives, after such division, each qualified elector may cast as many votes for one candidate as there are Representatives to be elected in the district, or he may distribute the same, or equal parts thereof, among the candidates, as he shall see fit; and the candidates highest in votes shall be elected. But the legislature may at any time after the year 1890, adopt the system known as the preferential system, in the election of Representatives, and enact such laws as will be necessary to carry it into effect. The terms of office of Senators and Representatives, elected at any time subsequent to the first election, shall commence at the end of the term of those in office at the time.

SEC. 8. Each member of the legislature, as a compensation for his services, shall receive four dollars for each day's attendance, and ten cents for each mile necessarily traveled in going or returning from the seat of government, and shall not receive any other compensation, perquisite,<sup>14</sup> or allowance whatsoever. No session of the Legislature, except the first, shall exceed forty days. The Legislature shall never grant any extra

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<sup>14</sup> More commonly known by its slang shortened form, "perks." It means fringe benefits, incidental profits, free club memberships, insurance, etc.

compensation to any public officer, agent, servant or contractor, after the service shall have been rendered, or the contract entered into; nor shall the compensation or mileage of any public officer be increased or diminished during his term of office.

SEC. 9. There shall be biennial sessions of the legislature. Each House shall be the judge of the elections, returns and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn<sup>15</sup> from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each House may prescribe.

SEC. 10. Each House shall have power to determine its rules of proceeding, and punish its members or other persons, for contempt or disorderly behavior in its presence; to enforce obedience to its process; to protect its members against violence, or offers of bribes, or private solicitations, and—with the concurrence of two thirds of all the members elected—to expel a member, but not a second time for the same cause; and shall have all other powers necessary for a coordinate branch of the legislature. A member expelled for corruption, shall not thereafter be eligible to either branch of the same legislature; and punishment for

contempt or disorderly behavior shall not bar a criminal prosecution for the same offense.

SEC. 11. The Senate shall, at the beginning and close of each regular session, and at such other times as may be necessary, elect one of its members as President.

SEC. 12. Each House shall keep a journal of its proceedings; and may, in its discretion, from time to time, publish the same. The doors of each House shall be kept open, except when the public welfare shall require secrecy. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SEC. 13. Members of the legislature shall, in all cases, except treason, felony, violation of their oath of office, and breach of the peace, be privileged from arrest, during their attendance at any session of the legislature, and in going to and returning from the same; and no member shall be liable in any criminal action or criminal prosecution whatever for words spoken in debate.

SEC. 14. No act of the legislature shall take effect until ninety days after its passage, unless in case of emergency (which shall be expressed in the preamble of the act) the legislature shall, by a vote of two-thirds of the members elected, otherwise direct. No bill, except the general appropriation bill, for the expenses of the government, introduced in either House after the expiration of the first thirty days of the session, shall become a law,

<sup>15</sup> I do not understand how this small adjourned group can compel attendance of the absent members. Would not “adjourned” members also be absent? Unless by adjourn is meant to move the proceedings of the smaller group to another place. Yet, that is expressly forbidden later in this same article, section 12.

unless the same shall have been recommended by the Governor by special message; and no bill except one so recommended, shall be considered or become a law, unless referred to a committee, returned therefrom, and printed for the use of the members.

SEC. 15. No bill, except for general appropriations, shall be passed, containing more than one subject, which shall be expressed in the title; but if any subject shall be embraced in any act, which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

SEC. 16. Every bill (except one recommended by the Governor as aforesaid, and except a general revision of the statutes) shall be read at length at least once in each House; all substantial amendments thereto shall be printed for the use of the members before final vote on the bill; and no bill shall become a law unless a majority of all the members elected to each House shall vote in its favor, nor unless, on its final passage, the vote be taken by ayes and noes, and entered on the journal.

SEC. 17. No law shall be revised or amended by reference to its title alone, but as much thereof as is revised or extended shall be re-enacted and published at length as amended. The legislature shall not pass local or special laws in any of the following cases, viz: for laying out, opening, altering, or working roads or highways; vacating roads, town plats, streets, alleys and public grounds; regulating county or precinct affairs; regulating the

practice in courts of justice; regulating the jurisdictions of Justices of the Peace, police magistrates and constables; changing the rules of evidence in any trial or inquiry; providing for change of venue in civil or criminal causes; declaring any person of age; the protection of game or shell-fish; limitation of civil actions, or giving effect to informal or invalid deeds; summoning or empaneling jurors; providing for the management of common schools; regulating the rate of interest on money; the opening or conducting of any election, or designating the place of voting; the sale or mortgage of real estate belonging to minors or others under disability; chartering or licensing ferries or toll-bridges; remitting fines, penalties or forfeitures; creating, increasing or decreasing fees, percentage or allowance of public officers; changing the law of descent; granting to any corporation, association or individual, any special or exclusive privilege, immunity or franchise whatever;<sup>16</sup> allowing the redemption of real estate sold for taxes or under the final process of any court.

SEC. 18. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the legislature, the title of which shall be publicly read immediately before signing; and the fact of signing shall be entered on the journal.

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<sup>16</sup> This clause seems odd, since earlier in Article V Sec. 14, this has been forbidden in total already.

SEC. 19. The legislature shall prescribe by law the number, duties and compensation of the officers and employees of each House, and no payment shall be made to any officer or employee, who does not discharge his duties in person.

SEC. 20. The legislature shall provide by law that all stationery required for the use of the State; and all printing and binding authorized and required by them to be done for their use or for the State, shall be let by contract to the lowest bidder; but the legislature may establish a maximum price. No member or officer of any department of the government shall be in any way interested<sup>17</sup> in any such contract.

SEC. 21. Any bill may originate in either House of the legislature, and a bill passed by one House may be amended by the other.

SEC. 22. The legislature shall never authorize any lottery, nor grant any divorce; the sale of lottery tickets shall be prohibited by law.

SEC. 23. The general appropriation bill shall embrace only appropriations for the ordinary expenses of the EXECutive, Legislative and Judicial departments; interest on the public debt, and for the purposes of education. All other appropriations shall be made by separate bill, each embracing but one subject.

SEC. 24. No money shall be paid out of the treasury except upon an appropriation by law, and by warrant drawn by the proper officer in pursuance thereof.

SEC. 25. The legislature shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or to perform any municipal function whatever.

SEC. 26. No act of the legislature shall authorize the investment of trust funds by executors, administrators, guardians or other trustees, in the bonds or stock of any private corporation.

SEC. 27. No obligation or liability of any person, association or corporation, held or owned by the State or by any municipal corporation, shall be exchanged, transferred, remitted, released, postponed or in any way diminished by the legislature; nor shall such liability or obligation be extinguished except by payment thereof into the proper treasury.

SEC. 28. Every order, resolution or vote, to which the concurrence of both houses may be necessary, except on the question of adjournment or relative solely to the transaction of the business of the two houses, shall be presented to the Governor for his approval; if he disapprove, he shall return it with his objections, to the house in which it originated, when it shall take the course prescribed in case of a bill.

SEC. 29. A member who has a private interest in any bill proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon.

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<sup>17</sup> That is, a pecuniary interest, a financial interest or investment, or ownership, or stake in the outcome.

SEC. 30. The legislature shall direct by law in what manner and in what courts suits may be brought against the State.

SEC. 31. The legislature shall determine what persons constitute the militia of the State; and may provide for organizing and disciplining the same in such manner as may be prescribed by law.

SEC. 32. In all elections to be made by the legislature, the members thereof shall vote *viva voce*, and their votes shall be entered on the journal.

SEC. 33. The legislature may, by general law, confer upon the Boards of Commissioners of the several counties, such power of a local, legislative character, as they shall from time to time prescribe.

SEC. 34. The legislature shall pass laws defining the personal and property rights of married women.

SEC. 35. The privilege of the debtor to enjoy the necessary comforts of life shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for the payment of any debt or liability hereafter contracted.

## ARTICLE VII

### EXECUTIVE

SECTION 1. The Supreme Executive Power of the State shall be vested in a Governor, who shall hold his office for four years, and shall not be eligible to the office for the next succeeding term.

SEC. 2. No person shall be eligible to the office of Governor unless he is a citizen of the United States, and shall have attained the age of thirty years, and has been for three years next preceding his election an inhabitant of the State.

SEC. 3. The Governor shall be elected by the qualified electors of the State, at the general election next preceding the expiration of an executive term. The returns of every election for Governor shall be sealed up and transmitted to the Secretary of State, directed to the speaker of the House of Representatives, who shall, immediately upon the organization of the house, and before proceeding to other business, open and publish the same, in the presence of a majority of both houses of the legislature, who shall, for that purpose, assemble in the house of representatives. The person having the highest number of votes for said office shall be declared duly elected Governor. Contested elections for Governor shall be determined by the two houses of the legislature, on joint ballot, in such manner as shall be prescribed by law.

SEC. 4. The Governor shall be commander-in-chief of the military and naval forces of the State. He shall have power to convene the legislature on extraordinary occasions, by proclamation, stating the purposes for which it is assembled. But at such session, no business shall be transacted other than that specially named in the proclamation; and in case of invasion, or insurrection, or danger from the prevalence of contagious

disease at the seat of government, he may convene it at any other place in the State. He shall transact all necessary business-civil and military. He shall expedite all such measures as shall be resolved upon by the legislature, and shall see that the laws are faithfully executed.

SEC. 5. The Governor shall have the power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason, upon such conditions, and with such restrictions and limitations, as may be provided by law. Upon conviction of any person for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the legislature at its next meeting, when the legislature shall either pardon, or commute the sentence, direct its execution, or grant a further reprieve. The Governor shall communicate to the legislature at each regular session, every case of reprieve, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon or reprieve, with his reasons for granting the same.

SEC. 6. In case of the failure to qualify, removal from office, death, resignation, absence from the State, or other disability of the Governor, the powers, duties and emoluments of the office, for the residue of the term, or until the disability be removed, shall devolve upon the president of the senate, or if there be no president of the senate, or if, for any of the above-named causes, he

shall become incapable of performing the duties of Governor, the office shall devolve upon the speaker of the house of representatives, with like powers, duties and emoluments, for the residue of the term, or until the disability shall be removed.

SEC. 7. Every bill passed by the legislature shall, before it becomes a law, be presented to the Governor for his approval. If he approve, he shall sign it; but, if not, he shall return the same, with his objections, to the house in which it originated; which house shall enter the objections at large upon its journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elected to that house should agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall also be reconsidered; and if approved by two-thirds of the members elected to that house, it shall become a law. In all such cases, the vote of each house shall be determined by ayes and noes, to be entered on their respective journals. If any bill shall not be returned by the Governor within five days (Sundays excepted), after it shall have been presented to him, the same shall become a law, unless the legislature, by its adjournment, prevent its return, in which case it shall be filed, with its objections, in the office of the Secretary of State, within ten days after such adjournment or else become a law.

SEC. 8. The Governor may require information in writing, from the officers of the administrative and military departments of the

State, upon any subject relating to the duties of their respective offices; which information shall be given upon oath whenever so required. He may also require information in writing at any time, under oath, from all officers and managers of State institutions. The Governor shall, at the commencement of each session, and from time to time, by message, give to the legislature, information of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall also send to the legislature, at the beginning of each session, a statement of all moneys of the State, expended by him or under his direction; and, at the same time, present estimates of the amounts of moneys required to be raised by taxation for all State expenditures.

## ARTICLE VIII

### JUDICIAL

SECTION 1. The Court for the trial of impeachments shall be composed of the senate. The house of representatives shall have the power of impeaching all civil officers of the State, for corrupt conduct in office, or for crimes and misdemeanors; but a majority of all the members elected shall concur in an impeachment. On a trial of an impeachment against the Governor, the Chief Justice of the Supreme Court shall preside. Before the trial of an impeachment, the members of the court shall take an oath or affirmation, truly and impartially to try the impeachment according to the evidence; and no person shall be

convicted without the concurrence of two-thirds of the members elected. Judgment, in cases of impeachment, shall not extend further than removal from office, or removal from office and disqualifications to hold any office of honor, profit or trust under the State; but this shall not prevent the officer from being prosecuted and punished in the courts according to law.

SEC. 2. The judicial power of the State, both as to matters of law and equity, shall be vested in a Supreme Court; Circuit Courts; Probate Courts; Justices of the Peace, and such inferior municipal courts as may be provided by law.

SEC. 3. The Supreme Court, except in cases otherwise provided in this Constitution, shall have appellate jurisdiction in all chancery causes, and jurisdiction in all actions at law, civil and criminal, upon writs of error, which shall be co-extensive with the State; but in no case removed to the Supreme Court, shall a trial by jury be allowed. The Supreme Court shall have a general superintending control over all inferior courts, under such regulations and limitations as may be prescribed by law; it shall have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, and other original and remedial writs, and to hear and determine the same.

SEC. 4. For the term of four years and thereafter, until the legislature shall otherwise provide, the judges of the several circuit courts shall be *ex officio* judges of the Supreme Court, a majority of whom shall

constitute a quorum; and a concurrence of a majority of the judges present shall be necessary to a decision; *provided*, that in the event the court shall be equally divided in opinion, the cause shall be continued for re-argument; and if upon re-argument, the court shall again be divided in opinion, the judgment below<sup>18</sup> shall be affirmed. The legislature shall have power, after the expiration of said term, to provide by law for the organization of a separate Supreme Court, with the jurisdiction and powers prescribed by this Constitution; to consist of one chief justice, and two associate justices, to be appointed by the Governor, by and with the advice and consent of the senate. The Supreme Court, when so organized, shall not be changed or discontinued by the legislature; the judges thereof shall be so classified that but one of them shall go out of office at the same time; and their terms of office shall be the same as is provided for judges of the circuit courts.

SEC. 5. The State shall be divided into three judicial circuits, to be composed as follows: The first circuit shall comprise all that portion of the State lying east of the summit of the Cascade mountains, except the county of Klickitat.

The second circuit shall comprise the counties of Chehalis, Clarke, Cowlitz, Klickitat, Lewis, Mason, Pacific, Skamania, Thurston and Wahkiakum.

The third circuit shall comprise the counties of Clallam,

Island, Jefferson, King, Kittitas, Pierce, San Juan, Snohomish and Whatcom.

SEC. 6. The legislature may alter the limits, or increase the number of circuits, making them as convenient and compact as practicable, and bounding them by county lines; but no such alteration or increase shall have the effect to remove a judge from office.

SEC. 7. For each circuit there shall be a judge chosen by the qualified electors therein, who shall hold his office as is provided in this Constitution. One of the judges shall be designated as Chief Justice, by the Governor by and with the advice and consent of the senate. The judges first chosen under this Constitution, shall be elected at the first general election provided herein for members of the legislature; and shall hold their offices for the term of four years. The legislature shall, at its first session, provide by law, as well for the election of, as for classifying, the judges to be thereafter elected in such manner that one of said judges shall go out of office in two years, one in four years, and the remaining judge or judges in six years; and thereafter the judge or judges elected to fill the office shall hold the same for six years.

SEC. 8. In all causes submitted in the Supreme Court, and in all causes tried by the circuit courts, without a jury, the judgment or decree shall be rendered at the same term at which the causes are submitted, or within thirty days thereafter; *provided*, that judgments and decrees may be rendered by

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<sup>18</sup> That is, in the previous, inferior court.

judges of the circuit courts in vacation or upon default for failure to plead or answer.

SEC. 9. The circuit court shall have original jurisdiction in all matters, civil and criminal, within this State, not excepted in this Constitution, and not hereafter prohibited by law; and appellate jurisdiction from all inferior courts and tribunals; and a supervisory control over the same. They, and the judges thereof respectively in vacation shall have power to grant writs of habeas corpus, mandamus, prohibition, injunction, quo warranto, certiorari, and other original and remedial writs necessary to carry into effect their judgments and decrees, and give them a general control over inferior courts, officers and jurisdictions, and to hear and determine said writs at such times and in such manner as may be provided by law.

Remedies at law must be administered separately from those in equity.

SEC. 10. There shall be a clerk of the Supreme Court, appointed by the judges thereof, who shall hold his office during the pleasure of said judges; and his compensation shall be such fees as may be provided by law.

SEC. 11. There shall be a clerk of the circuit court, in each county where such courts are authorized to be held, who shall be appointed by the judge of the circuit, and who shall hold his office during the pleasure of said judge; his compensation shall be such fees as may be provided by law.

SEC. 12. When a vacancy shall occur in the office of judge of the Separate Supreme Court, such vacancy shall be filled by appointment by the Governor, which appointment shall hold good until a successor is appointed, by and with the advice and consent of the senate; which successor shall hold his office for the remainder of the unexpired term.

SEC. 13. When a vacancy shall occur in the office of judge of the circuit court, such vacancy shall be filled by appointment by the Governor; and the appointee shall hold for the remainder of the unexpired term.

SEC. 14. The judges of the Supreme and Circuit Courts shall not receive fees of office, or other compensation than their salaries; they shall not be eligible to any office of public trust, except a judicial office, during the term for which they are respectively elected; and all votes for either for any office except a judicial one, given by the legislature or by the people, shall be void. Every judge shall, before taking his office, subscribe and file with the Secretary of State a written pledge that he will not, during the term for which he was elected or appointed, accept any office of profit or trust-except a judicial office-under the government of the United States, or under any other state in the Union, or under any foreign power. No person shall be eligible to the office of judge who shall not, at the time of his election or appointment, be a citizen of the United States, have attained the age of twenty-five years, and be a

qualified elector within the jurisdiction for which he may be chosen.

SEC. 15. The Supreme Court shall hold at least one term annually, at the seat of government of the state, at such time as shall be provided by law; and the legislature may provide for holding other terms, and at other places, when they may deem it necessary. The Circuit Courts shall hold courts at such times and places as now are or may be prescribed by law. The judges of the Circuit Court may hold terms for each other, and shall do so when required by law.

SEC. 16. The electors of the several precincts, at the time appointed for the election of county commissioners, shall, in such manner as the legislature may direct, elect justices of the peace, whose term of office shall be for two years. They shall have jurisdiction as may be conferred by law, but they shall not have jurisdiction of any case wherein the value of the property or the amount in controversy exceeds the sum of one hundred dollars, nor where the boundaries or title to real estate may be called in question. The Supreme and Circuit Courts shall be courts of record and of general jurisdiction. All inferior courts shall be courts of special and limited jurisdiction and not of record.

SEC. 17. The style of all writs and process shall be, "The People of the State of Washington." All criminal prosecutions shall be carried on in the name and by the authority of the state.

SEC. 18. The legislature shall provide for the speedy publication of all laws, and of the decisions of the Supreme Court.

SEC. 19. There shall be elected by the qualified electors of each judicial circuit, at each general election for members of the legislature, a circuit attorney for each circuit, whose term of office shall be two years, and whose duties and compensation shall be as provided by law. No person shall be eligible to the office of circuit attorney who shall not, at the time of his election, be a qualified elector in the circuit for which he is elected, and shall have practiced as attorney of a court of record for at least five years.

SEC. 20. All officers provided for by this article, except judges of the Separate Supreme Court, shall respectively reside in the circuit, county, precinct or city for which they may be elected or appointed.

SEC. 21. There shall be a probate court in each county, which shall have such jurisdiction in matters relating to the estates of deceased persons, and to the persons and estates of minors and persons of unsound mind, as may be prescribed by law. This court shall consist of one judge, who shall be chosen by the qualified electors of the county, and shall hold his office for the term of two years. He shall hold court at such times, and receive such compensation as may be provided by law.

ARTICLE IX  
ADMINISTRATIVE

SECTION 1. There shall be chosen, by the qualified electors, of the State, a Secretary of State, a State Treasurer, and a Superintendent of Public Instruction, who shall hold their offices for the term of four years. They shall, during their terms of office, reside at the seat of government, where shall be kept the public records, moneys, securities, books and papers of their respective offices.

SEC. 2. The Secretary of State shall keep a fair record of the Acts of the Legislature, and of the official acts of the Executive departments of the State; and shall, when required, lay the same, and all matters relating thereto, before either branch of the legislature. He shall be, by virtue of his office, auditor of public accounts, and shall perform such other duties as shall be prescribed by law.

SEC. 3. The powers and duties of the Treasurer and Superintendent of Public Instruction shall be prescribed by law. The superintendent of public instruction shall be, by virtue of his office, state librarian.

SEC. 4. No person shall hold the office of state treasurer for two successive terms.

SEC. 5. In each county, there shall be elected for the term of two years, three county commissioners, who shall perform such duties as may be prescribed by law; any two of whom shall be a quorum for the transaction of business, and who

shall be elected at the same time as is provided for the election of members of the legislature. There shall also be elected at the same time, in each county, one county clerk, who shall be clerk of the board of county commissioners, and be *ex officio*<sup>19</sup> recorder of deeds; one sheriff; one coroner; one treasurer; one superintendent of schools; one surveyor, and one assessor; who shall severally hold their offices for the term of two years.

SEC. 6. The legislature may provide for the election or appointment of such other county, precinct, municipal and school officers as public convenience may require; and the terms of their office shall be as prescribed by law.

SEC. 7. The legislature shall, by law, classify the several counties according to population, and shall grade the compensation of the officers within the respective classes according to population. Such law shall establish scales of fees to be charged and collected by such of the county and precinct officers as may be designated therein, for services to be performed by them respectively; and where salaries are provided, the same shall be payable only out of the fees actually collected in cases where fees are prescribed. All fees, perquisites and emoluments, above the amount of such salaries, shall be paid into the county treasury.

SEC. 8. No person shall be eligible to any county office unless he shall be a qualified elector, and have resided in the county one year next

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<sup>19</sup> By virtue of the office; powers may be exercised which, though not explicitly conferred, are necessarily implied by the office.

preceding his election, except as otherwise provided in this Constitution.

SEC. 9. In case of a vacancy occurring in the office of either the Secretary of State, State Treasurer, or Superintendent of Public Instruction, the Governor shall fill the same by appointment; and the person appointed shall hold such office for the remainder of the term; and in case of a vacancy in either of the county, precinct, municipal or school offices the same shall be filled in such manner as may be prescribed by law.

## ARTICLE X

### OFFICERS

SECTION 1. Every person holding any office under the State, or any municipality therein, shall, unless removed according to law, exercise the duties of such office until his successor is duly qualified, but this shall not apply to members of the legislature, nor to members of any board or assembly, two or more of whom are elected at the same time. The legislature may by law provide for suspending any officer in his functions, pending any proceeding, the effect of which, if convicted, would be removal from office.

SEC. 2. No person shall hold any office or employment of trust or profit under the laws of the state, or any ordinance of any municipality therein, without devoting his personal attention to the duties of the same.

SEC. 3. No person hereafter convicted of embezzlement of

public moneys, shall be eligible to any office of trust or profit in this state, unless restored to the rights of citizenship by a pardon from the Governor.

SEC. 4. Every civil officer shall, before he enters upon the duties of his office, take an oath or affirmation to support the Constitution of the United States, and of the State of Washington, and to faithfully perform the duties of the office upon which he shall be about to enter.

SEC. 5. State officers, judges of the Supreme and Circuit Courts, and circuit attorneys, shall file their oaths or affirmations of office in the office of the Secretary of State. Every other officer, except the officers of municipalities and school district officers, shall file his oath or affirmation of office in the office of the county clerk of the county wherein he shall have been elected or appointed.

SEC. 6. Every person appointed to fill any vacancy, in any elective office, shall hold for the remainder of the unexpired term, unless a general election shall intervene; in which case his successor shall be elected, and shall hold for the remainder of the term.

SEC. 7. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of the state to fight a duel, shall hold any office in this State.

SEC. 8. Public officers, except the Governor and judges of the Supreme and Circuit Courts, shall not be impeached; but corruption,

malfesance, misfesance or non-fesance in office shall be prosecuted and tried in the same manner as criminal offenses; and judgment, upon conviction, shall be given of dismissal from office, in addition to such other punishment as may be prescribed therefor by law.

SEC. 9. The compensation of all officers, not otherwise provided for in this Constitution, shall be as prescribed by law.

SEC. 10. No person, being a member of Congress, or holding a commission to any civil or military office under the United States, except postmaster of the fourth class, shall be eligible to any office under this State; and if any person shall, after his election to any office, be appointed to any office, civil or military, under the Government of the United States, or of any State or Territory, his acceptance thereof shall vacate his office.

SEC. 11. Salaries shall be paid quarterly. The Governor, Secretary of State, Superintendent of Public Instruction and State Treasurer shall each receive fifteen hundred dollars per annum. The judges of the Supreme and Circuit Courts shall each receive two thousand dollars per annum. The salary of Circuit Attorney shall not exceed one thousand dollars per annum.

## ARTICLE XI

### EDUCATION

SECTION 1. The general supervision of the public schools of the state shall be vested in a board

of education, whose powers and duties shall be prescribed by law. The superintendent of public instruction, secretary of state, and state treasurer shall constitute the board of which the superintendent of public instruction shall be president.

SEC. 2. The legislature shall as soon as practicable, provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the state, wherein all residents, between the ages of five and twenty-one years, may be educated gratuitously. One or more public schools may be maintained in each school district within the state at least three months in each year.

SEC. 3. The public school fund of the state shall forever remain irreducible; the interest thereon only shall be expended in the maintenance of the schools of the state, and shall be distributed among the several counties and school districts in such manner as may be provided by law. No part of this fund, principal or interest, shall ever be transferred to any other fund, or used or appropriated for any other purpose than that herein provided. The state treasurer shall be the custodian of this fund, and the state shall make good all losses thereof that may in any manner occur.

SEC. 4. The net proceeds of the sale of all lands that have been, or hereafter may be granted by the United States to the state for educational purposes (except the lands heretofore granted, or that may be hereafter granted for the

purposes of a university, or for a college of agriculture), all moneys and the clear proceeds of all property that may accrue to the state by forfeiture or escheat; all moneys which may be paid as an equivalent for military duty; and all moneys arising from any grant to the state, where the purposes of the grant are not specified. The net proceeds of the sales or other disposition of the five hundred thousand acres of land to which the state is entitled on its admission, by the provisions of section 2378 of the revised statutes of the United States; together with the five per centum of the net proceeds of the sales of the public lands which the state may receive on its admission into the Union (if Congress consents to such appropriations last mentioned) — shall be set apart as a separate fund, to be called the school fund, the interest of which, and all other revenues derived from the school lands, shall be exclusively applied in such manner as the legislature may prescribe to the support of common and graded schools and to the purchase of suitable libraries and apparatus therefor.

SEC. 5. All fines, penalties, and forfeited recognizances, arising under the general laws of the state, shall belong, and be paid over, to the counties respectively, where the offenses shall have been committed, and shall be appropriated exclusively to the support of common schools where the same may accrue.

SEC. 6. Provisions shall be made by law for the distribution of the income of the school fund among

the several districts, for the support of common schools in proportion to the number of children therein, between the ages of five and twenty-one years; and no appropriations shall be made from the school fund of any district for the year in which a school shall not be maintained at least three months.

SEC. 7. Provisions shall be made by law for the support of the State University, and for connecting with the same, from time to time, such colleges, in different parts of the state, as the interests of education may require. The proceeds of all lands that have been, or may hereafter, be granted by the United States, to the Territory of the State, for the support of a university, shall be and remain an irreducible fund, to be called the university fund, the interest of which shall be apportioned to the support of the state university and its branches, wherever located in the state; and no sectarian instruction shall be allowed therein.

SEC. 8. The superintendent of public instruction, the secretary of state and the state treasurer, shall constitute a state board of land commissioners, for the sale, leasing and general management of the public lands belonging to the state, and for the investment of the funds arising therefrom, in such manner as the legislature may provide. Any two of said commissioners shall be a quorum for the transaction of all business pertaining to the duties of their office.

SEC. 9. It shall be the duty of the state board of land commissioners to provide for the location,

protection, sale or other dispositions of all the lands belonging to the state under such regulation as may be prescribed by law. No law shall ever be passed by the legislature, granting any privileges to persons who may have settled upon any school lands subsequent to the public surveys thereof, by which the amount to be derived from the sale or other disposition of such lands, shall be diminished directly or indirectly. The legislature shall, at the earliest practicable period, provide by law that the several grants of land, made by Congress to the state, shall be located, preserved and held for disposal, for the respective purposes for which said grants were made, or which are designated in this constitution; and shall provide for the sale, leasing and general management of said lands from time to time, and for the application of the proceeds thereof in the manner directed in this constitution.

SEC. 10. University, college, common school or other lands, which are now held or may be hereafter acquired by the state, for educational purposes, shall, before the sale of the same, be appraised, and shall not be sold for less than the appraised value.

SEC. 11. There shall be a county superintendent of schools in each county, whose term of office shall be two years; and whose duties, qualifications and compensation shall be prescribed by law. He shall be *ex officio* commissioner of lands within his county, and shall discharge the duties of said office under the direction of the state

board of land commissioners, and as provided by law.

SEC. 12. No religious test or qualification shall ever be required of any person as a condition of admission into any public school or educational institution of the state, as teacher or pupil; and no sectarian doctrines shall ever be taught in the public schools in this state, nor shall any funds, set apart for educational purposes, be appropriated for the support of schools controlled in whole or in part by any church, religious society or sectarian denomination, and no appropriation from the common school fund shall be made for the support of any private school or seminary whatever.

## ARTICLE XII

### FINANCES

SECTION 1. The Legislature shall provide for an annual tax, sufficient to defray the estimated expenses for each year; and whenever the expenses of any years shall exceed the income, the legislature shall provide for levying a tax for the ensuing year sufficient, with other sources of income, to pay the deficiency, as well as the estimated expense for such ensuing year.

SEC. 2. All taxes shall be uniform upon the same class of subjects within the Territorial limits of the authority levying the tax; and shall be levied and collected under general laws, which shall prescribe such regulations as shall secure a just valuation for taxation of all property, real and personal.

SEC. 3. The property, real and personal of the United States, and the property of the state and counties; property of municipalities; common-school property; cemeteries not owned or used for private or corporate profit; and public libraries—shall be exempt from taxation; and all laws exempting from taxation property other than that hereinbefore mentioned, shall be void.

SEC. 4. The legislature shall not impose taxes for the purpose of any county, city, town or other corporation; but may by law vest in the corporate authorities thereof respectively, the power to assess and collect taxes for all purposes of such corporation; but no county, city, town or other municipal corporation—the inhabitants thereof or the property therein—shall be released or discharged from their or its just share of taxes, to be levied for state purposes.

SEC. 5. The power to tax corporations and corporate property shall never be relinquished or suspended.

SEC. 6. All corporations in this State, or doing business therein, shall be subject to taxation for state, county, school, municipal and other purposes, on the real and personal property owned or used by them within the territorial limits of the authority levying the tax.

SEC. 7. No money shall be paid out of the treasury, except in pursuance of an appropriation made by law.

SEC. 8. Neither the state, nor any county, city, town, or school district shall make any donation or grant to,

or in aid of, or become a subscriber to, or a shareholder in—any corporation or company, or a joint owner with, any person, company or corporation, public or private, in or out of the state; except as to such ownership as may accrue to the state by escheat, or by forfeiture by operation of law; and except as to such ownership as may accrue to the state, or to any county, city, town or school district, or to either or any of them jointly with any person, company or corporation, by forfeiture or by sale of real estate for nonpayment of taxes, or by any donation or devise for public use, or by purchase by or on behalf of any or either of them under execution in cases of fines, penalties or forfeitures of recognizance, breach of condition of official bond or of bond to secure public moneys, or the performance of any contract in which they or any of them may be jointly or severally interested.

SEC. 9. Neither the state, nor any county, city, town, or school district shall lend or pledge the credit or faith thereof, directly or indirectly, in aid of any person, company or corporation, for any amount or for any purpose whatever, or become responsible for any debt, contract or liability of any person, company or corporation, in or out of the state.

SEC. 10. The state shall never contract any public debt, except in the cases and manner hereinafter described.

SEC. 11. For the purpose of defraying extraordinary expenditures, the state may contract public debts, which in the aggregate, shall not, for the first fifteen years, exceed

fifty thousand dollars; and shall never exceed one hundred thousand dollars. Every such debt shall be authorized by law, for some purpose or purposes to be distinctly specified therein; and every such law shall provide for levying an annual tax sufficient to pay the annual interest of such debt, and the principal within ten years from the passage of such law; and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation shall not be repealed, nor the taxes postponed or diminished, until the principal and interest of such debt shall have been wholly paid.

SEC. 12. No county, city, town or school district shall contract any debt unless authorized and limited by law; and no scrip, certificate, or other evidence of debt whatever shall be issued by them, except in accordance with the provisions of such law.

SEC. 13. No city or town shall contract any debt, by loan in any form, except by means of an ordinance—which shall be irrevocable until the indebtedness therein provided for shall have been fully paid or discharged—specifying the purposes to which the funds to be raised shall be applied, and providing for the levy of a tax—not exceeding twelve mills on each dollar of valuation of taxable property within such city or town—sufficient to pay the annual interest, and extinguish the principal of such debt within fifteen years, but not less than ten years, from the creation thereof; and such

tax, when collected, shall be applied only to the purposes in such ordinances specified, until the indebtedness be paid or discharged. But no such debt shall be created unless the question of incurring the same shall, at a regular election for councilmen, aldermen or officers of such city or town be submitted to a vote of such qualified electors as shall, in the year next preceding, have paid a property tax therein; and a majority of those voting on the question, by ballot deposited in a separate box, shall vote in favor of creating such debts; but the aggregate amount of debt so created, together with the debt existing at the time of such election, shall not, at any time, exceed three per cent of the last valuation of property upon which said tax was paid.

SEC. 14. Nothing contained in this article shall either impair or add to the obligation of any debt heretofore contracted by the Territory of Washington, or by any county, city, town or school district within the state, in accordance with law.

SEC. 15. The State Treasurer shall keep a separate account of each fund in his hands, and shall, at the end of every quarter of the fiscal year, report to the Governor in writing, under oath, the amount of all moneys in his hands to the credit of every such fund, and the place where the same are deposited, and the number and amount of every warrant received, and the number and amount of every warrant paid therefrom, during the quarter. The Governor shall cause every such

report to be immediately published in at least one newspaper printed at the seat of government. The legislature shall, at its first session, and may at any subsequent one, provide by law regulations for the safe-keeping of the public funds, and for bonds, to be given by the Treasurer, with sureties.

SEC. 16. The making of profit, directly or indirectly, out of the state, county, city, town or school district money, or using the same for any purpose not authorized by law, by any public officer, or any other person, shall be deemed a felony, and shall be punished as provided by law.

SEC. 17. Private property shall not be taken or sold for the payment of the corporate debt of municipal corporations.

SEC. 18. There shall be a state board of equalization, consisting of the secretary of state, state treasurer and superintendent of public instruction, whose duty it shall be to adjust and equalize the valuation of real and personal property among the several counties. Also, in each county, a board of equalization, consisting of the board of county commissioners, whose duty it shall be to adjust and equalize the valuation of real and personal property within their respective counties. Each board shall also perform such other duties as may be prescribed by law; *provided*, that the legislature may prescribe the rule by which such equalization shall be controlled, and may revise or amend the same when they may deem it necessary.

SEC. 19. The state shall not assume the debt, or any part thereof, of any county, municipal corporation, or person, unless such debt shall have been contracted to repel invasion, suppress insurrection or to assist the state in the discharge of any portion of indebtedness.

SEC. 20. The legislature may borrow money or contract debts, to repel invasion, suppress insurrection, or defend the state in time of war; but the money thus raised shall be applied exclusively to the object for which the loan was authorized, or to the repayment of the debt thereby created.

SEC. 21. The state shall never contract any debt for work or internal improvement, or be a party in carrying on the same. But whenever grants of lands or other property shall have been made to the state, for particular works of internal improvement, the state may carry on such works, and shall devote thereto the proceeds of such grants, and may appropriate the revenue derived from such works in aid of their completion and repair.

SEC. 22. No money shall be drawn from the treasury for the benefit of any church or religious society, or religious or theological seminary.

## ARTICLE XIII

### CORPORATIONS

SECTION 1. All existing charters, or grants of exclusive privileges, under which the corporators or grantees shall not have organized and commenced business in good

faith, at the time of the adoption of this constitution, shall thereafter have no validity.

SEC. 2. Corporations may be created under general laws, but shall not be created by special act, except for municipal purposes. All general and special laws, creating corporations, may be altered, amended or repealed, in such manner, however, that no injustice shall be done.

SEC. 3. All railroads in this state shall be deemed public highways, and shall be free to all persons for the transportation of their persons and property, under such regulations as may be prescribed by law; and laws shall be passed, from time to time, establishing reasonable maximum rates of charges for the transportation of passengers and freights thereon, and to prevent unjust discrimination.

No railroad corporation, or the lessee or manager thereof, shall consolidate its stock, property or franchises with any other railroad corporation, owning or having under its control a competing line. Every railroad shall have the right, with its road, to intersect, connect with, or cross any other railroad; the manner of the exercise of which right, however, to be regulated by law. Laws shall also be passed, regulating the liabilities of common carriers of passengers in cases of personal injuries occasioned by negligence on the part of the carrier.

SEC. 4. No right of way shall be appropriated to the use of any private corporation until full compensation shall be first made to the owner, irrespective of any

benefit arising therefrom; which compensation shall be ascertained in such manner as may be provided by law.

SEC. 5. No street railroad shall be constructed within any incorporated city or town, without consent of the local authorities thereof.

SEC. 6. No corporation shall issue stock or bonds except for labor done, services performed, or money properly actually received. The stock of corporations shall not be increased except in pursuance of general law. The stockholders of all corporations and joint stock companies shall be individually liable for all labor performed for such corporation or company.

SEC. 7. Laws shall be passed, regulating the right of foreign corporations to do business in this state, and the mode in which they may sue and be sued.

SEC. 8. The legislature shall not have power to establish or incorporate any bank or banking company, or moneyed institutions whatever in this state, with the privilege of making, issuing or putting in circulation any bill, check, certificate, promissory note or other paper intended to circulate as money.

## ARTICLE XIV

### STATE INSTITUTIONS

SECTION 1. Educational, reformatory and penal institutions, and those for the benefit of the insane, blind, deaf and dumb, and such other institutions as the public good may require, shall be established

and supported by the state in such manner as may be prescribed by law.

SEC. 2. The legislature shall not have power to change or locate the seat of government of the state; but shall, at the first session subsequent to the admission of the state, submit the question of its permanent location to the qualified electors of the state, at the general election then next ensuing. A majority of all the votes cast shall be necessary to such location; and in case no one place shall have such majority, the question shall be resubmitted at each general election until such majority vote shall effect a location. *Provided*, That, until the seat of government shall have been permanently located, as herein provided, the temporary location thereof shall remain at the capital of the territory at the time of the admission of the state.

SEC. 3. The legislature shall make no appropriation or expenditures for capitol buildings or grounds (except to keep the territorial capitol buildings and grounds in repair), until the seat of government shall have been permanently located.

SEC. 4. The university, at Seattle, and the hospital for the insane, at Steilacoom, shall, upon the adoption of this constitution, become institutions of the state, and the management thereof subject to the control of the state, under such laws and regulations as the legislature shall provide; and all gifts, grants and appropriations of money or property, real or personal, heretofore made to said institutions, or to the Territory of Washington

therefor, are hereby confirmed to the use and benefit of said institutions respectively.

## ARTICLE XV

### MISCELLANEOUS

SECTION 1. The political year for the State of Washington shall commence on the first Monday in January in each year.

SEC. 2. The term felony, wherever it occurs in this Constitution, or the laws of the state, shall be held to mean any criminal offense punishable by death or imprisonment in the penitentiary, and none other.

SEC. 3. It shall be the duty of the legislature, at its first session, to provide a Seal for the state, to be called the "Great Seal of the State of Washington;" which shall be kept by the secretary of state; and all official acts of the Governor, — his approval of the laws excepted — shall be thereby authenticated. The Seal of the Territory of Washington shall be the Seal of the state until otherwise provided by law.

SEC. 4. No county with an area of 900 square miles or less, shall be divided, or have any part stricken therefrom, without submitting the question to a vote of the qualified electors of the county, nor unless a majority of those voting on the question shall vote for the same.

SEC. 5. No county seat shall be removed until a majority of the qualified electors of the county, voting on the question, shall have voted in favor of its removal.

SEC. 6. All county officers, whose election or appointment is not provided for in this Constitution, shall be elected by the electors of the respective counties, or appointed by the Governor, or by the board of county commissioners, or other county authorities, as the legislature shall direct. All city, town and precinct officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities, towns and precincts, or by some division thereof, or appointed by such authorities thereof, as the legislature may designate for that purpose. All other officers, whose election or appointment is not provided for by this Constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the legislature may provide.

SEC. 7. All navigable waters within the state shall be and remain public highways free to all citizens of the state and of the United States.

SEC. 8. No navigable stream in the state shall be bridged, dammed or obstructed by any person or corporation, without the authority of law.

SEC. 9. None but citizens of the United States, or aliens who have declared their intentions to become such, in accordance with the laws of congress, shall be employed in or about any public office in the state, or in any state institution, or on any public work prosecuted by the state.

SEC. 10. All patents and grants of lands, made by the United States to settlers and purchasers of the tide-

lands, shall be ratified and confirmed by the state.

SEC. 11. In the event of the rejection of the separate articles relative to woman suffrage, the legislature may submit the question, at any general election, to the qualified electors of the state; and if a majority of all the votes cast at such election, on the question, shall be in favor of woman suffrage, then all women who are citizens of this state, and who possess the other qualifications of voters, shall be qualified electors of the state.

SEC. 12. The legislature may declare the cases in which any office shall be deemed vacant and also the manner of filling the vacancy, where no provision is made for that purpose in this Constitution.

SEC. 13. The county commissioners, superintendent of schools and the county treasurer of each county shall constitute a board of appraisers, who shall appraise all lands within their respective county, belonging to the state except tide-lands under such regulations as may be prescribed by law before they can be sold.

SEC. 14. The common law of England applicable to our conditions and circumstances, and not repugnant to, or inconsistent with the Constitution of the United States or Constitution or laws of this state—shall be in full force, and the rule of decision in all courts in this state; but in the event of laws being passed, conferring rights or imposing obligations growing out of or founded upon principles of the civil, and not the common law, then the rules of the civil law may be

resorted to for the purpose of interpretation and decision.

SEC. 15. The legislature shall have the power to fix the time for the election of all officers when no provision is made for such election in this Constitution.

## ARTICLE XVI

### AMENDMENTS

SECTION 1. Any amendment or amendments to this Constitution may be proposed in either branch of the legislature; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes thereon, and be submitted to the qualified electors of the state for their approval, at the next general election; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors voting thereon, the same shall become part of this Constitution, and proclamation thereof shall be made by the Governor.

*Provided,* That, if more than one amendment be submitted, they shall be submitted in such a manner that the people may vote for or against such amendments separately. The legislature shall also cause the amendments that are to be submitted to the people, to be published in some weekly newspaper, in every county where such newspaper is published, throughout the state.

SEC. 2. Whenever two-thirds of the members elected to each branch of the legislature shall deem it necessary to call a convention, to revise or amend this Constitution, they shall recommend to the electors to vote at the next general election, for or against a convention and if a majority of all the electors voting at said election shall have voted for a convention, the legislature shall at the next session, provide by law for calling the same; and such convention shall consist of a number of members, not less than that of the most numerous branch of the legislature.

SEC. 3. Any constitution adopted by such convention shall have no validity until it has been submitted to, and adopted by, the people.

### SCHEDULE

SECTION 1. That no inconvenience may arise by reason of a change from a territorial to a state government, it is declared that actions, rights, prosecutions, judgments, decrees, claims and contracts, as well of individuals as of bodies corporate—including counties, cities, towns, schools and road districts—shall continue as if no such change had taken place; and all process which may have been issued under the authority of the Territory of Washington, previous to its admission to the Union, shall be as valid as if issued in the name of the state.

SEC. 2. All laws now in force in the Territory of Washington, which are not repugnant to this Constitution, shall remain in force

until they expire by their own limitation, or are altered or repealed by the legislature.

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

SEC. 4. All recognizances heretofore taken, or which may be taken before the change from a territorial to a state government shall remain valid; and shall pass to, and may be prosecuted in the name of, the state; and all bonds executed to the governor of the Territory of Washington, or to any county or municipal corporation, or to any officer or court in his or its official

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

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