

CONSTITUTION  
OF THE  
STATE  
OF  
WASHINGTON.

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of the

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Preamble.

We, the people of the State of Washington, grateful to the Supreme Ruler of the Universe for our liberties, do ordain this constitution.

Article I.

Declaration of Rights.

Section 1. All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.

Sec. 2. The Constitution of the United States is the Supreme law of the land.

Sec. 3. No person shall be deprived of life, liberty, or property, without due process of law.

- Sec. 4. The right of petition and of the people peaceably to assemble for the common good shall never be abridged.
- Sec. 5. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right.
- Sec. 6. The mode of administering an oath, or affirmation, shall be such as may be most consistent with and binding upon the conscience of the person to whom such oath, or affirmation, may be administered
- Sec. 7. No person shall be disturbed in his private affairs, or his home invaded, without authority of law.
- Sec. 8. No law granting irrevocably any privilege, franchise or immunity, shall be passed by the Legislature.
- Sec. 9. No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.
- Sec. 10. Justice in all cases shall be administered openly, and without unnecessary delay.
- Sec. 11. Absolute freedom of conscience in all matters of religious sentiment, belief, and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person, or property, on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for, or applied to any religious worship, exercise or instruction, or the support of any religious establishment. No religious qualification shall be required for any public office, or employment, nor shall any person be incompetent as a witness, or juror, in consequence of his opinion on matters of religion, nor be

questioned in any court of justice touching his religious belief to affect the weight of his testimony.

Sec. 12. No law shall be passed granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall not equally belong to all citizens, or corporations.

Sec. 13. The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion the public safety requires it.

Sec. 14. Excessive bail shall not be required, excessive fines imposed, nor cruel punishment inflicted.

Sec. 15. No conviction shall work corruption of blood, nor forfeiture of estate.

Sec. 16. Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes or ditches on or across the lands of others for agricultural, domestic or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, and no right of way shall be appropriated to the use of any corporation other than municipal, until full compensation therefor be first made in money, or ascertained and paid into the court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial

question, and determined as such without regard to any legislative assertion that the use is public.

Sec. 17. There shall be no imprisonment for debt, except in cases of absconding debtors.

Sec. 18. The military shall be in strict subordination to the civil power.

Sec. 19. All elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Sec. 20. All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses when the proof is evident, or the presumption great.

Sec. 21. The right of trial by jury shall remain inviolate, but the legislature may provide for a jury of any number less than twelve in courts not of record, and for a verdict by nine or more jurors in civil cases in any court of record, and for waiving of the jury <sup>in civil cases</sup> where the consent of the parties interested is given thereto.

Sec. 22. 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 against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed, and the right to appeal in all cases; and, in no instance, shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed.

- Sec. 23. No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed.
- Sec. 24. The right of the individual citizen to bear arms in defense of himself, or the State, shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men.
- Sec. 25. Offenses heretofore required to be prosecuted by indictment may be prosecuted by information, or by indictment, as shall be prescribed by law.
- Sec. 26. No grand jury shall be drawn or summoned in any county, except the superior judge thereof shall so order.
- Sec. 27. Treason against the State shall consist only in levying war against the State, or adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.
- Sec. 28. No hereditary emoluments, privileges, or powers, shall be granted or conferred in this State.
- Sec. 29. The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise.
- Sec. 30. The enumeration in this Constitution of certain rights shall not be construed to deny others retained by the people.
- Sec. 31. No standing army shall be kept up by this State in time of peace, and no soldiers shall in time of peace be quartered in any house without the consent of its owner, nor in time of war except in the manner prescribed by law.
- Sec. 32. A frequent recurrence to fundamental principles is essential to the security of individual right and the perpetuity of free government.

# Article II.

## Legislative Department.

Section 1. The Legislative powers shall be vested in a Senate and House of Representatives, which shall be called the Legislature of the State of Washington.

Sec 2. The House of Representatives shall be composed of not less than 63 nor more than 99 members. The number of Senators shall not be more than one-half nor less than one-third of the number of members of the House of Representatives. The first Legislature shall be composed of 70 members of the House of Representatives, and 35 Senators.

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 ninety-five and every ten years thereafter; and at their first session after such enumeration, and also after each enumeration made by the authority of the United States, the Legislature shall apportion and district areas the members of the Senate and House of Representatives, according to the number of inhabitants, excluding Indians not taxed, soldiers, sailors and officers of the United States Army and Navy in active service.

Sec. 4. Members of the House of Representatives shall be elected in the year eighteen hundred and eighty-nine at the time and in the manner provided by this Constitution, and shall hold their offices for the term of one year and until their successors shall be elected.

Sec. 5. The next election of the members of the House of Representatives after the adoption of this Constitution

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shall be on the first Tuesday after the first Monday of November, eighteen hundred and ninety, and thereafter, members of the House of Representatives shall be elected biennially, and their term of office shall be two years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise changed by law.

Sec. 6. After the first election the Senators shall be elected by single districts of convenient and contiguous territory, at the same time and in the same manner as members of the House of Representatives are required to be elected; and no representative district shall be divided in the formation of a Senatorial district. They shall be elected for the term of four years, one-half of their number retiring every two years. The Senatorial districts shall be numbered consecutively, and the Senators chosen at the first election had by virtue of this Constitution, in odd numbered districts, shall go out of office at the end of the first year; and the Senators, elected in the even numbered districts, shall go out of office at the end of the third year.

Sec. 7. No person shall be eligible to the Legislature who shall not be a citizen of the United States and a qualified voter in the district for which he is chosen.

Sec. 8. Each house shall be the judge of the election, returns, and qualifications of its own members, and a majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day and may compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Sec. 9. Each house may determine the rules of its own proceedings, punish for contempt and disorderly behavior, and, with the



concurrence of two-thirds of all the members elected, expel a member, but no member shall be expelled a second time for the same offense.

Sec. 10. Each house shall elect its own officers; and when the Lieutenant Governor shall not attend as President, or shall act as Governor, the Senate shall choose a temporary President. When presiding, the Lieutenant Governor shall have the deciding vote in case of an equal division of the Senate.

Sec. 11. Each house shall keep a journal of its proceedings and publish the same, except such parts as require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall adjourn for more than three days, nor to any place other than that in which they may be sitting, without the consent of the other.

Sec. 12. The first Legislature shall meet on the first Wednesday after the first Monday in November, A.D., 1889. The second Legislature shall meet on the first Wednesday after the first Monday in January, A.D., 1891, and sessions of the Legislature shall be held biennially thereafter, unless specially convened by the Governor, but the times of meeting of subsequent sessions may be changed by the Legislature. After the first Legislature the sessions shall not be more than sixty days.

Sec. 13. No member of the Legislature, during the term for which he is elected, shall be appointed or elected to any civil office in the State, which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

Sec. 14. No person, being a member of Congress, or holding any civil or military office under the United States or any other power, shall be eligible to be a member of the Legislature; and if any person after his election as a member of the Legislature, shall be elected to Congress or be appointed to any other office, civil or military, under the government of the United States, or any other power, his acceptance

thereof shall vacate his seat, provided; that officers in the militia of the State who receive no annual salary, local officers and postmasters, whose compensation does not exceed three hundred dollars per annum, shall not be ineligible.

Sec. 15. The Governor shall issue writs of election to fill such vacancies as may occur in either house of the Legislature.

Sec. 16. Members of the Legislature shall be privileged from arrest in all cases except treason, felony and breach of the peace; they shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement of each session.

Sec. 17. No member of the Legislature shall be liable in any civil action or criminal prosecution whatever, for words spoken in debate.

Sec. 18. The style of the laws of the State shall be: "Be it enacted by the Legislature of the State of Washington." And no law shall be enacted except by bill.

Sec. 19. No bill shall embrace more than one subject, and that shall be expressed in the title.

Sec. 20. Any bill may originate in either house of the Legislature, and a bill passed by one house may be amended in the other.

Sec. 21. The yeas and nays of the members of either house shall be entered on the journal, on the demand of one-sixth of the members present.

Sec. 22. No bill shall become a law unless on its final passage the vote be taken by yeas and nays; the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor.

Sec. 23. Each member of the Legislature shall receive for his services five dollars for each day's attendance during the

session, and ten cents for every mile he shall travel in going to and returning from the place of meeting of the Legislature, on the most usual route.

Sec. 24. The Legislature shall never authorize any lottery or grant any divorce.

Sec. 25. The Legislature shall never grant any extra compensation to any public officer, agent, servant, or contractor, after the services shall have been rendered, or the contract entered into, nor shall the compensation of any public officer be increased or diminished during his term of office.

Sec. 26. The Legislature shall direct by law, in what manner, and in what courts, suits may be brought against the State.

Sec. 27. In all elections by the Legislature the members shall vote viva voce, and their votes shall be entered on the journal.

Sec. 28.

#### Special Legislation

The Legislature is prohibited from enacting any private or special law in the following cases:

1. For changing the names of persons, or constituting one person the heir at law of another.
2. For laying out, opening or altering highways, except in cases of State roads extending into more than one county, and military roads to aid in the construction of which lands shall have been or may be granted by Congress.
3. For authorizing persons to keep ferries wholly within this State.
4. For authorizing the sale or mortgage of real or personal property of minors, or others under disability.
5. For assessment or collection of taxes, or for extending the time for collection thereof.
6. For granting corporate powers or privileges.
7. For authorizing the apportionment of any part of the school funds.
8. For incorporating any town or village or to amend the charter thereof.

9. From giving effect to invalid deeds, wills or other instruments.
10. Releasing or extinguishing in whole or in part, the indebtedness, liability or other obligations, of any person, or corporation to this State, or to any municipal corporation therein.
11. Declaring any person of age or authorizing any minor to sell, lease, or encumber his or her property.
12. Legalizing, except as against the State, the unauthorized or invalid act of any officer.
13. Regulating the rates of interest on money.
14. Remitting fines, penalties or forfeitures.
15. Providing for the management of common schools.
16. Authorizing the adoption of children.
17. For limitation of civil or criminal actions.
18. Changing county lines, locating or changing county seats, provided, this shall not be construed to apply to the creation of new counties.

Sec. 29. After the first day of January eighteen hundred and ninety the labor of convicts of this State shall not be let out by contract to any person, co-partnership, company or corporation, and the Legislature shall by law provide for the working of convicts for the benefit of the State.

Sec. 30. The offense of corrupt solicitation of members of the Legislature, or of public officers of the State or any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practice of solicitation, and shall not be permitted to

withhold his testimony on the ground that it may criminate himself or subject him to public infamy, but such testimony shall not afterwards be used against him in any judicial proceeding—except for perjury in giving such testimony—and any person convicted of either of the offenses aforesaid, shall as part of the punishment therefor, be disqualified from ever holding any position of honor, trust or profit in this State. A member who has a private interest in any bill or measure proposed or pending before the Legislature, shall disclose the fact to the house of which he is a member, and shall not vote thereon.

Sec. 31. No law, except appropriation bills, shall take effect until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency (which emergency must be expressed in the preamble or in the body of the act) the Legislature shall otherwise direct by a vote of two-thirds of all the members elected to each house; said vote to be taken by yeas and nays and entered on the journals.

Sec. 32. No bill shall become a law until the same shall have been signed by the presiding officer of each of the two houses in open session, and under such rules as the Legislature shall prescribe.

Sec. 33. The ownership of lands by aliens, other than those who in good faith have declared their intention to become citizens of the United States, is prohibited in this State, except where acquired by inheritance, under mortgage or in good faith in the ordinary course of justice in the collection of debts; and all conveyances of lands hereafter made to any alien directly or in trust for such alien shall be void: Provided, that the provisions of this section shall not apply to lands containing

valuable deposits of minerals, metals, iron, coal, or fire-clay, and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom. Every corporation, the majority of the capital stock of which is owned by aliens, shall be considered an alien for the purposes of this prohibition.

Sec. 34. There shall be established in the office of the Secretary of State, a Bureau of Statistics, Agriculture and Immigration, under such regulations as the Legislature may provide.

Sec. 35. The Legislature shall pass necessary laws for the protection of persons working in mines, factories and other employments dangerous to life or deleterious to health; and fix pains and penalties for the enforcement of same.

Sec. 36. No bill shall be considered in either house unless the time of its introduction shall have been at least ten days before the final adjournment of the Legislature, unless the Legislature shall otherwise direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session.

Sec. 37. No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length.

Sec. 38. No amendment to any bill shall be allowed which shall change the scope and object of the bill.

Sec. 39. It shall not be lawful for any person holding public office in this State to accept or use a pass or to purchase transportation from any railroad or other corporation, other than as the same may be purchased by the general public, and the Legislature shall pass laws to enforce this provision.

## Article III.

### The Executive.

**Section 1.** The executive department shall consist of a Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Superintendent of Public Instruction, and a Commissioner of Public Lands, who shall be severally chosen by the qualified electors of the State at the same time and place of voting as for the members of the Legislature.

**Sec. 2.** The supreme executive power of this State shall be vested in a Governor, who shall hold his office for a term of four years, and until his successor is elected and qualified.

**Sec. 3.** The Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Superintendent of Public Instruction, and Commissioner of Public Lands, shall hold their offices for four years respectively, and until their successors are elected and qualified.

**Sec. 4.** The returns of every election for the officers named in the first section of this article shall be sealed up and transmitted to the seat of government by the returning officers, directed to the Secretary of State, who shall deliver the same to the Speaker of the house of representatives at the first meeting of the house thereafter, who shall open, publish and declare the result thereof in the presence of a majority of the members of both houses. The person having the highest number of votes shall be declared duly elected, and a certificate thereof shall be given to such person, signed by the presiding officers of both houses; but if any two or more shall be highest and equal in votes for the same office, one of them shall be chosen by the joint vote of both houses. Contested elections for such officers shall be decided by

the Legislature in such manner as shall be determined by law. The terms of all officers named in Section one of this article shall commence on the second Monday in January after their election until otherwise provided by law.

Sec. 5. The Governor may require information in writing from the officers of the State upon any subject relating to the duties of their respective offices, and shall see that the laws are faithfully executed.

Sec. 6. He shall communicate at every session by message to the Legislature the condition of the affairs of the State, and recommend such measures as he shall deem expedient for their action.

Sec. 7. He may, on extraordinary occasions, convene the Legislature by proclamation, in which shall be stated the purposes for which the Legislature is convened.

Sec. 8. He shall be commander-in-chief of the military in the State except when they shall be called into the service of the United States.

Sec. 9. The pardoning power shall be vested in the Governor under such regulations and restrictions as may be prescribed by law.

Sec. 10. In case of the removal, resignation, death, or disability of the Governor, the duties of the office shall devolve upon the Lieutenant Governor, and in case of a vacancy in both the offices of Governor and Lieutenant Governor, the duties of Governor shall devolve upon the Secretary of State, who shall act as Governor until the disability be removed or a Governor be elected.

Sec. 11. The Governor shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law, and shall report to the Legislature at its next meeting each case of reprieve, commutation or pardon granted, and the reasons for granting the same, and also the names of all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted and the reasons for the remission.



Sec. 12. Every act which shall have passed the Legislature shall be, before it becomes a law, presented to the Governor. If he approves, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, which House shall enter the objections at large upon the journal and proceed to re-consider. If, after such re-consideration, two-thirds of the members present shall agree to pass the bill it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present, it shall become a law; but in all such cases the vote of both Houses shall be determined by the yeas and nays, and the names of the members voting for or against the bill shall be entered upon the journal of each House respectively. If any bill shall not be returned by the Governor within five days, Sundays excepted, after it shall be presented to him, it shall become a law without his signature, unless the general adjournment shall prevent its return, in which case it shall become a law unless the Governor, within ten days next after the adjournment, Sundays excepted, shall fill such bill with his objections thereto, in the office of Secretary of State, who shall lay the same before the Legislature at its next session in like manner as if it had been returned by the Governor. If any bill presented to the Governor contain several sections or items, he may object to one or more sections or items while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the section, or sections; item or items to

which he objects and the reasons therefor, and the section or sections, item or items so objected to, shall not take effect unless passed over the Governor's objection, as heretofore provided.

**Sec. 13.** When, during a recess of the Legislature, a vacancy shall happen in any office, the appointment to which is vested in the Legislature, or when at any time a vacancy shall have occurred in any other State office, for the filling of which vacancy no provision is made elsewhere in this Constitution, the Governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified.

**Sec. 14.** The Governor shall receive an annual salary of four thousand dollars, which may be increased by law, but shall never exceed six thousand dollars per annum.

**Sec. 15.** All commissions shall issue in the name of the State, shall be signed by the Governor, sealed with the seal of the State, and attested by the Secretary of State.

**Sec. 16.** The Lieutenant Governor shall be presiding officer of the State Senate, and shall discharge such other duties as may be prescribed by law. He shall receive an annual salary of one thousand dollars, which may be increased by the Legislature, but shall never exceed three thousand dollars per annum.

**Sec. 17.** The Secretary of State shall keep a record of the official acts of the Legislature, and executive department of the State, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as shall be assigned him by law. He shall receive an annual salary of twenty-five hundred dollars, which may be increased by the Legislature, but shall never exceed three thousand dollars per annum.

Sec. 18. There shall be a seal of the State kept by the Secretary of State for official purposes, which shall be called, "The Seal of the State of Washington."

Sec. 19. The Treasurer shall perform such duties as shall be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the Legislature; but shall never exceed four thousand dollars per annum.

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

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

Sec. 22. The Superintendent of Public Instruction shall have supervision over all matters pertaining to public schools, and shall perform such specific duties as may be prescribed by law. He shall receive an annual salary of twenty-five hundred dollars, which may be increased by law, but shall never exceed four thousand dollars per annum.

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

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

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

## Article IV.

# The Judiciary.

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**Section 1.** The judicial power of the State shall be vested in a Supreme court, superior courts, justices of the peace, and such inferior courts as the Legislature may provide.

**Sec. 2.** The supreme court shall consist of five judges, a majority of whom shall be necessary to form a quorum, and pronounce a decision. The said court shall always be open for the transaction of business except on non-judicial days. In the determination of causes all decisions of the court shall be given in writing and the grounds of the decision shall be stated. The Legislature may increase the number of judges of the supreme court from time to time and may provide for separate departments of said court.

**Sec. 3.** The judges of the supreme court shall be elected by the qualified electors of the State at large at the general State election at the times and places at which State officers are elected, unless some other time be provided by the Legislature. The first election of judges of the supreme court shall be at the election which shall be held upon the adoption of this Constitution and the judges elected thereat shall be classified by lot, so that two shall hold their office for the term of three years, two for the term of five years, and one for the term of seven years. The lot shall be drawn by the judges who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the Secretary of State, and filed in his office. The judge having the shortest term to serve not holding his office by appointment

or election to fill a vacancy, shall be the chief justice, and shall preside at all sessions of the supreme court, and in case there shall be two judges having in like manner the same short term, the other judges of the supreme court shall determine which of them shall be chief justice. In case of the absence of the chief justice, the judge having in like manner the shortest or next shortest term to serve shall preside. After the first election the terms of judges elected shall be six years from and after the second Monday in January next succeeding their election. If a vacancy occur in the office of a judge of the Supreme court the Governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold the office for the remainder of the unexpired term. The term of office of the judges of the Supreme court, first elected, shall commence as soon as the State shall have been admitted into the Union, and continue for the term herein provided, and until their successors are elected and qualified. The sessions of the Supreme court shall be held at the seat of government until otherwise provided by law.

Sec. 4. The Supreme court shall have original jurisdiction in habeas corpus, and quo-warrants and mandamus as to all state officers, and appellate jurisdiction in all actions and proceedings, excepting that its appellate jurisdiction shall not extend to civil actions at law for the recovery of money or personal property when the original amount in controversy, or the value of the property does not exceed the

sum of two hundred dollars (\$200) unless the action involves the legality of a tax, impost, assessment, toll, municipal fine, or the validity of a statute. The supreme court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari and all other writs necessary and proper to the complete exercise of its appellate and advisory jurisdiction. Each of the judges shall have power to issue writs of habeas corpus to any part of the State upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself, or before the supreme court, or before any superior court of the State or any judge thereof.

Sec. 5. There shall be in each of the organized counties of this State a superior court for which at least one judge shall be elected by the qualified electors of the county at the general State election: Provided, that until otherwise directed by the Legislature one judge only shall be elected for the counties of Spokane and Stevens; one judge for the county of Whitman; one judge for the counties of Lincoln, Okanogan, Douglas and Adams; one judge for the counties of Walla Walla and Franklin; one judge for the counties of Columbia, Garfield and Astor; one judge for the counties of Kittitas, Yakima and Klickitat; one judge for the counties of Clarke, Skamania, Pacific, Cowlitz and Wahkiakum; one judge for the counties of Thurston, Chehalis, Mason and Lewis; one judge for the county of Pierce; one judge for the county of King; one judge for the counties of Jefferson, Island, Kitsap, San Juan and Clallam; and one judge for the counties of Whatcom, Skagit and Snohomish. In any county where there shall be more than one superior judge, there may be as many

sessions of the superior court at the same time as there are judges thereof, and whenever the Governor shall direct a superior judge to hold court in any county other than that for which he has been elected, there may be as many sessions of the superior court in said county at the same time as there are judges therein or assigned to duty therein by the Governor, and the business of the court shall be so distributed and assigned by law or in the absence of legislation therefor, by such rules and orders of court as shall best promote and secure the convenient and expeditious transaction thereof. The judgments, decrees, orders and proceedings of any session of the superior court held by any one or more of the judges of such court shall be equally effectual as if all the judges of said court presided at such session. The first superior judges elected under this constitution shall hold their offices for the period of three years, and until their successors shall be elected and qualified, and thereafter the term of office of all superior judges in this state shall be for four years from the second Monday in January next succeeding their election and until their successors are elected and qualified. The first election of judges of the superior court shall be at the election held for the adoption of this constitution. If a vacancy occurs in the office of judge of the superior court, the Governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall be at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

Sec. 6. The superior court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll or municipal fine, and in all other cases in which the demand, or the value of the property in controversy amounts to one hundred dollars, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization, and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justice's and other inferior courts in their respective counties as may be prescribed by law. They shall be always open except on non-judicial days, and their process shall extend to all parts of the State. Said courts and their judges shall have power to issue writs of mandamus, and warrants, review, certiorari, prohibition, and writs of habeas corpus on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and non-judicial days.

Sec. 7. The judge of any superior court may hold a superior court in any county at the request of the judge of the



superior court thereof, and upon the request of the Governor it shall be his duty to do so. A case in the superior court may be tried by a judge, *pro tempore*, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court and sworn to try the case.

Sec 8. Any judicial officer who shall absent himself from the State for more than sixty consecutive days shall be deemed to have forfeited his office; Provided, that in cases of extreme necessity the Governor may extend the leave of absence such time as the necessity therefor shall exist.

Sec 9. Any judge of any court of record, the Attorney General, or any Prosecuting Attorney may be removed from office by joint resolution of the Legislature, in which three-fourths of the members elected to each house shall concur, for incompetency, corruption, malfeasance, or delinquency in office, or other sufficient cause stated in such resolution. But no removal shall be made unless the officer complained of shall have been served with a copy of the charges against him as the ground of removal, and shall have an opportunity of being heard in his defense. Such resolution shall be entered at length on the journal of both houses and on the question of removal the ayes and nays shall also be entered on the journal.

Sec. 10. The Legislature shall determine the number of justices of the peace to be elected in incorporated cities or towns and in precincts, and shall prescribe by law the powers, duties and jurisdiction of justices of the peace; Provided, that such jurisdiction granted by the Legislature shall not trench upon the jurisdiction of superior or

other courts of record, except that justices of the peace may be made police justices of incorporated cities and towns. In incorporated cities or towns having more than five thousand inhabitants the justices of the peace shall receive such salary as may be provided by law, and shall receive no fees for their own use.

Sec. 11. The supreme court and the superior courts shall be courts of record, and the Legislature shall have power to provide that any of the courts of this State, excepting justices of the peace, shall be courts of record.

Sec. 12. The Legislature shall prescribe by law the jurisdiction and powers of any of the inferior courts which may be established in pursuance of this constitution.

Sec. 13. No judicial officer, except court commissioners and unsalaried justices of the peace, shall receive to his own use any fees or perquisites of office. The judges of the supreme court and judges of the superior courts shall severally at stated times, during their continuance in office, receive for their services the salaries prescribed by law therefor, which shall not be increased after their election, nor during the term for which they shall have been elected. The salaries of the judges of the supreme court shall be paid by the State. One-half of the salary of each of the superior court judges shall be paid by the State, and the other one-half by the county or counties for which he is elected. In cases where a judge is provided for more than one county, that portion of his salary which is to be paid by the counties shall be apportioned between or among them according to the assessed value of their taxable property, to be determined by the assessment next preceding the time for which such salary is to be paid.

Sec. 14. Each of the judges of the Supreme court shall receive an annual salary of four thousand dollars (\$4,000); each of the superior court judges shall receive an annual salary of three thousand dollars (\$3,000), which said salaries shall be payable quarterly. The Legislature may increase the salaries of judges herein provided.

Sec. 15. The judges of the Supreme court and the judges of the superior court shall be ineligible to any other office or public employment than a judicial office, or employment, during the term for which they shall have been elected.

Sec. 16. Judges shall not charge juries with respect to matters of fact, nor comment thereon, but shall declare the law.

Sec. 17. No person shall be eligible to the office of judge of the Supreme court, or judge of a superior court, unless he shall have been admitted to practice in the courts of record of this State, or of the Territory of Washington.

Sec. 18. The judges of the Supreme court shall appoint a reporter for the decisions of that court, who shall be removable at their pleasure. He shall receive such annual salary as shall be prescribed by law.

Sec. 19. No judge of a court of record shall practice law in any court of this State during his continuance in office.

Sec. 20. Every cause submitted to a judge of a superior court for his decision shall be decided by him within ninety days from the submission thereof; Provided, that if within said period of ninety days a rehearing shall have been ordered, then the period within which he is to decide shall commence at the time the cause is submitted upon such a rehearing.

Sec. 21. The Legislature shall provide for the speedy publication of opinions of the Supreme court, and all opinions shall be free for publication by any person.

Sec. 22. The judges of the Supreme court shall appoint a clerk of that court who shall be removable at their pleasure, but the Legislature may provide for the election of the clerk of the Supreme court, and prescribe the term of his office. The clerk of the Supreme court shall receive such compensation by salary only as shall be provided by law.

Sec 23. There may be appointed in each county, by the judge of the Superior court having jurisdiction therein, one or more court commissioners, not exceeding three in number, who shall have authority to perform like duties as a judge of the Superior court at chambers, subject to revision by such judge, to take depositions and to perform such other business connected with the administration of justice as may be prescribed by law.

Sec 24. The judges of the Superior courts, shall from time to time, establish uniform rules for the government of the Superior courts.

Sec 25. Superior judges, shall on or before the first day of November in each year, report in writing to the judges of the Supreme court such defects and omissions in the laws as their experience may suggest, and the judges of the Supreme court shall on or before the first day of January in each year report in writing to the Governor such defects and omissions in the laws as they may believe to exist.

Sec 26. The county clerk shall be by virtue of his office, clerk of the Superior court.

Sec 27. The style of all process shall be, "The State of Washington"; and all prosecutions shall be conducted in its name and by its authority.

Sec. 28. Every judge of the Supreme court, and every judge of a Superior court shall, before entering upon the duties of his office, take and subscribe an oath that he will support the Constitution of the United States and the Constitution of the State of Washington, and will faithfully and impartially discharge the duties of judge to the best of his ability, which oath shall be filed in the office of the Secretary of State.

# Article V.

## Impeachment.

**Section 1.** The house of representatives shall have the sole power of impeachment. The concurrence of a majority of all the members shall be necessary to an impeachment. All impeachments shall be tried by the Senate, and, when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence. When the Governor or Lieutenant Governor is on trial, the chief justice of the supreme court shall preside. No person shall be convicted without a concurrence of two-thirds of the senators elected.

**Sec. 2.** The Governor and other State and judicial officers, except judges and justices of courts not of record, shall be liable to impeachment for high crimes or misdemeanors, or malfeasance in office, but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit, in the State. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

**Sec. 3.** All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.

## Article VI.

### Elections and Elective Rights.

Section 1. All male persons of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections: They shall be citizens of the United States; They shall have lived in the State one year, and in the county ninety days, and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote; Provided, that Indians not taxed shall never be allowed the elective franchise: Provided, further, that all male persons who at the time of the adoption of this Constitution are qualified electors of the Territory, shall be electors.

Sec. 2. The Legislature may provide that there shall be no denial of the elective franchise at any school election on account of sex.

Sec. 3. All idiots, insane persons, and persons convicted of infamous crime unless restored to their civil rights are excluded from the elective franchise.

Sec 4. For the purpose of voting and eligibility to office no person shall be deemed to have gained a residence by reason of his presence, or 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 at any poor-house or other asylum, nor while confined in public prison, nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas.

Sec. 5. Voters shall in all cases except treason, felony, and breach of the peace be privileged from arrest during

their attendance at elections and in going to, and returning therefrom. No elector shall be required to do military duty on the day of any election except in time of war or public danger.

Sec. 6. All elections shall be by ballot. The Legislature shall provide for such method of voting as will secure to every elector absolute secrecy in preparing and depositing his ballot.

Sec. 7. The Legislature shall enact a registration law, and shall require a compliance with such law before any elector shall be allowed to vote; Provided, that this provision is not compulsory upon the Legislature except as to cities and towns having a population of over five hundred inhabitants. In all other cases the Legislature may or may not require registration as a pre-requisite to the right to vote, and the same system of registration need not be adopted for both classes.

Sec. 8. The first election of County and district officers not otherwise provided for in this constitution shall be on the Tuesday next after the first Monday in November 1870, and thereafter all elections for such officers shall be held bi-ennially on the Tuesday next succeeding the first Monday in November. The first election of all state officers not otherwise provided for in this constitution <sup>(after the election held for the adoption of this constitution)</sup> shall be on the Tuesday next after the first Monday in November, 1872, and the elections for such state officers shall be held in every fourth year thereafter on the Tuesday succeeding the first Monday in November.

# Article VII.

## Revenue and Taxation.

**Section 1.** All property in the state, not exempt under the laws of the United States, or under this Constitution, shall be taxed in proportion to its value, to be ascertained as provided by law. The Legislature shall provide by law for an annual tax sufficient, with other sources of revenue to defray the estimated ordinary expenses of the State for each fiscal year. And for the purpose of paying the State debt, if there be any, the Legislature shall provide for levying a tax annually, sufficient to pay the annual interest and principal of such debt within twenty years from the final passage of the law creating the debt.

**Sec. 2.** The Legislature shall provide by law a uniform and equal rate of assessment and taxation on all property in the State, according to its value in money, and shall prescribe such regulations by general law as shall secure a just valuation for taxation of all property, so that every person and corporation shall pay a tax in proportion to the value of his, her, or its property; Provided, that a deduction of debts from credits may be authorized: Provided, further, that the property of the United States and of the State, counties, school districts and other municipal corporations, and such other property as the Legislature may by general laws provide, shall be exempt from taxation.



Sec. 3. The Legislature shall provide by general law for the assessing and levying of taxes on all corporation property as near as may be by the same methods as are provided for the assessing and levying of taxes on individual property.

Sec. 4. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State shall be a party.

Sec. 5. No tax shall be levied except in pursuance of law; and every law imposing a tax shall state distinctly the object of the same to which only it shall be applied.

Sec. 6. All taxes levied and collected for State purposes shall be paid in money only into the State treasury.

Sec. 7. An accurate statement of the receipts and expenditures of the public moneys shall be published annually in such manner as the Legislature may provide.

Sec. 8. Whenever the expenses of any fiscal year shall exceed the income, the Legislature may provide for levying a tax for the ensuing fiscal year, sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of the ensuing fiscal year.

Sec. 9. The Legislature may vest the corporate authorities of cities, towns and villages with power to make local improvements by special assessment, or by special taxation of property benefited. For all corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes and such taxes shall be uniform in respect to persons and property within the jurisdiction of the body levying the same.

# Article VIII.

## State, County and Municipal Indebtedness.

**Section 1.** The State may to meet casual deficits or failures in revenues, or for expenses not provided for, contract debts, but such debts, direct and contingent, singly or in the aggregate, shall not at any time exceed four hundred thousand dollars (\$400,000), and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained or to repay the debt so contracted, and to no other purpose whatever.

**Sec. 2.** In addition to the above limited power to contract debts the State may contract debts to repel invasion, suppress insurrection, or to defend the State in war, but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised and to no other purpose whatever.

**Sec. 3.** Except the debts specified in sections one and two of this article, no debts shall hereafter be contracted by, or on behalf of this State, unless such debt shall be authorized by law for some single work or object to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within twenty years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people and have received a majority of all the votes cast for and against it at such election, and all moneys raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people.

**Sec. 4.** No moneys shall ever be paid out of the treasury of

this State, or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; not unless such payment be made within two years from the first day of May next after the passage of such appropriation act, and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum.

Sec. 5. The credit of the State shall not, in any manner be given or loaned to, or in aid of, any individual, association, company or corporation.

Sec. 6. No county, city, town, school district or other municipal corporation, shall for any purpose become indebted in any manner to an amount exceeding one and one-half per centum of the taxable property in such county, city, town, school district or other municipal corporation, without the assent of three-fifths of the voters therein, voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five per centum on the value of the taxable property therein, to be ascertained by the last assessment for State, <sup>and</sup> county purposes previous to the incurring of such indebtedness; except that in incorporated cities the assessment shall be taken from the last assessment for city purposes: Provided, that no part of the indebtedness allowed in this section, shall be incurred for any purpose other than strictly county, city, town, school district, or other municipal purposes. Provided further; that any city or town, with such assent may be allowed to become indebted to a larger amount but not exceeding five per centum additional for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the municipality.

Sec. 7. No county, city, town or other municipal corporation shall hereafter give any money, or property, or loan its money, or credit to or in aid of any individual, association, company or corporation, except for the necessary support of the poor and infirm, or become directly or indirectly the owner of any stock in or bonds of any association, company or corporation.

# Article IX.

## Education.

**Section 1.** It is the paramount duty of the State to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.

**Sec. 2.** The Legislature shall provide for a general and uniform system of public schools. The public school system shall include common schools, and such high schools, normal schools, and technical schools as may hereafter be established. But the entire revenue derived from the common school fund and the State tax for common schools shall be exclusively applied to the support of the common schools.

**Sec. 3.** The principal of the common school fund shall remain permanent and irreducible. The said fund shall be derived from the following named sources, to wit: Appropriations and donations by the State to this fund; donations and bequests by individuals to the State or public for common schools; the proceeds of lands and other property which revert to the State by escheat and forfeiture; the proceeds of all property granted to the State when the purpose of the grant is not specified, or is uncertain; funds accumulated in the treasury of the State for the disbursement of which provision has not been made by law; the proceeds of the sale of timber, stone, minerals, or other property from school and State lands, other than those granted for specific purposes; all moneys received

from persons appropriating timber, stone, minerals or other property from school and State lands other than those granted for specific purposes, and all moneys other than rental recovered from persons trespassing on said lands; five per centum of the proceeds of the sale of public lands lying within the State, which shall be sold by the United States subsequent to the admission of the State into the Union as approved by section 13 of the act of Congress enabling the admission of the State into the Union; the principal of all funds arising from the sale of lands and other property which have been, and hereafter may be granted to the State for the support of common schools. The Legislature may make further provisions for enlarging said fund. The interest accruing on said fund together with all rentals and other revenues derived therefrom and from lands and other property devoted to the common school fund shall be exclusively applied to the current use of the common schools.

**Sec. 4.** All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence.

**Sec. 5.** All losses to the permanent common school or any other State educational fund, which shall be occasioned by defalcation, mismanagement or fraud of the agents or officers controlling or managing the same, shall be audited by the proper authorities of the State. The amount so audited shall be a permanent funded debt against the State in favor of the particular fund sustaining such loss, upon which not less than six per cent. annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized and limited elsewhere in this constitution.

# Article X.

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## Militia.

**Section 1.** All able-bodied male citizens of this State between the ages of eighteen (18) and forty-five (45) years except such as are exempt by laws of the United States or by the laws of this State, shall be liable to military duty.

**Sec 2.** The Legislature shall provide by law for organizing and disciplining the militia in such manner as it may deem expedient, not incompatible with the Constitution and laws of the United States. Officers of the militia shall be elected or appointed in such manner as the Legislature shall from time to time direct and shall be commissioned by the Governor. The Governor shall have power to call forth the militia to execute the laws of the state to suppress insurrections and repel invasions.

**Sec. 3.** The Legislature shall provide by law for the maintenance of a Soldiers' Home for honorably discharged Union Soldiers, Sailors, Marines and members of the State Militia disabled while in the line of duty and who are bona fide citizens of the State.

**Sec. 4.** The Legislature shall provide by law, for the protection and safe keeping of the public arms.

**Sec. 5.** The militia shall, in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at musters and elections of officers, and in going to and returning from the same.

**Sec. 6.** No person or persons, having conscientious scruples against bearing arms, shall be compelled to do militia duty in time of peace; Provided, such person or persons shall pay an equivalent for such exemption.

## Article XI.

### County, City and Township Organization.

*Section 1.* The several counties of the Territory of Washington existing at the time of the adoption of this constitution are hereby recognized as legal sub-divisions of this State.

*Sec. 2.* No county seat shall be removed unless three-fifths of the qualified electors of the county, voting on the proposition at a general election shall vote in favor of such removal, and three-fifths of all votes cast on the proposition shall be required to relocate a county seat. A proposition of removal shall not be submitted in the same county more than once in four years.

*Sec. 3.* No new county shall be established which shall reduce any county to a population less than four thousand (4,000), nor shall a new county be formed containing a less population than two thousand (2,000). There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition therefor and then only under such other conditions as may be prescribed by a general law applicable to the whole state. Every county which shall be enlarged or created from territory taken from any other county or counties shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken: Provided, That in such accounting neither county shall be charged with any debt or liability then existing incurred in the purchase of any county property, or in the purchase or construction of any county buildings then in use, or under

construction, which shall fall within and be retained by the county: Provided, further, That this shall not be construed to affect the rights of creditors.

**Sec. 4.** The Legislature shall establish a system of County government which shall be uniform throughout the State, and by general laws shall provide for township organizations, under which any county may organize whenever a majority of the qualified electors of such county voting at a general election shall so determine, and whenever a county shall adopt township organization the assessment and collection of the revenue shall be made and the business of such county, and the local affairs of the several townships therein shall be managed and transacted in the manner prescribed by such general laws.

**Sec. 5.** The Legislature by general and uniform laws shall provide for the election in the several counties of Boards of County Commissioners, Sheriffs, County Clerks, Treasurers, Prosecuting Attorneys, and other county, township, or precinct and district officers as public convenience may require, and shall prescribe their duties, and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to their duties, and for that purpose may classify the counties by population. And it shall provide for the strict accountability of such officers for all fees which may be collected by them, and for all public moneys which may be paid to them, or officially come into their possession.

**Sec 6.** The board of county commissioners in each county shall fill all vacancies occurring in any county, township, precinct or road district office of such county by appointment, and officers thus appointed shall hold office till the next



general election, and until their successors are elected and qualified.

Sec. 7. No county officer shall be eligible to hold his office more than two terms in succession.

Sec 8. The Legislature shall fix the compensation by salaries of all county officers, and of constables in cities having a population of five thousand and upwards; except that public administrators, surveyors and coroners may or may not be salaried officers. The salary of any county, city, town, or municipal officer shall not be increased or diminished after his election, or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

Sec. 9. No county, nor the inhabitants thereof, nor the property therein, shall be released or discharged from its or their proportionate share of taxes to be levied for state purposes, nor shall commutation for such taxes be authorized in any form whatever.

Sec. 10. Corporations for municipal purposes shall not be created by special laws; but the Legislature, by general laws, shall provide for the incorporation, organization and classification in proportion to population, of cities and towns, which laws may be altered, amended or repealed. Cities and towns heretofore organized, or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election, shall so determine, and shall organize in conformity therewith; and cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this constitution shall be subject to, and controlled by general laws. Any city containing a population of twenty thousand inhabit.

ants, or more, shall be permitted to frame a charter for its own government, consistent with and subject to the constitution and laws of this State, and for such purpose the legislative authority of such city may cause an election to be had at which election there shall be chosen by the qualified electors of said city, fifteen freeholders thereof, who shall have been residents of said city for a period of at least two years preceding their election and qualified electors, whose duty it shall be to convene within ten days after their election, and prepare and propose a charter for such city. Such proposed charter shall be submitted to the qualified electors of said city, and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said city, and shall become the organic law thereof, and supersede any existing charter including amendments thereto, and all special laws inconsistent with such charter. Said proposed charter shall be published in two daily newspapers published in said city, for at least thirty days prior to the day of submitting the same to the electors for their approval, as above provided. All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election, and shall be given for at least ten days before the day of election, in all election districts of said city. Said elections may be general or special elections, and except as herein provided shall be governed by the law regulating and controlling general or special elections in said city. Such charter may be amended by proposals therefor submitted by the legislative authority of such city to the electors thereof at any general election after notice of said submission published as above

specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such charter, or amendment thereto, any alternate article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

Sec. 11. Any county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws.

Sec. 12. The Legislature shall have no power to impose taxes upon counties, cities, towns or other municipal corporations, or upon the inhabitants or property thereof, for county, city, town, or other municipal purposes, but may, by general laws, vest in the corporate authorities thereof, the power to assess and collect taxes for such purposes.

Sec. 13. Private property shall not be taken or sold for the payment of the corporate debt of any public or municipal corporation, except in the mode provided by law for the levy and collection of taxes.

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

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

## Article XII.

### Corporations other than Municipal.

**Section 1.** Corporations may be formed under general laws, but shall not be created by special acts. All laws relating to corporations may be altered, amended or repealed by the Legislature at any time, and all corporations doing business in this State may, as to such business, be regulated, limited or restrained by law.

**Sec 2.** All existing charters, franchises, special or exclusive privileges, under which an actual and bona fide organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this Constitution shall thereafter have no validity.

**Sec. 3.** The Legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter of any corporation now existing, or which shall hereafter exist under the laws of this State.

**Sec 4.** Each stockholder in all incorporated companies, except corporations organized for banking or insurance purposes, shall be liable for the debts of the corporation to the amount of his unpaid stock and no more; and one or more stockholders may be joined as parties defendant in suits to recover upon this liability.

**Sec. 5.** The term corporations, as used in this article, shall be construed to include all associations and joint stock companies having any powers or privileges of corporations not possessed by individuals or partnerships, and all corporations shall have the right to sue and shall be subject to be sued, in all courts, in like cases as natural persons.

Sec 6. Corporations shall not issue stock, except to bona fide subscribers therefor, or their assignees; nor shall any corporation issue any bond, or other obligation, for the payment of money, except for money or property received or labor done. The stock of corporations shall not be increased, except in pursuance of a general law, nor shall any law authorize the increase of stock, without the consent of the person or persons holding the larger amount in value of the stock, nor without due notice of the proposed increase having been previously given in such manner as may be prescribed by law. All fictitious increase of stock or indebtedness shall be void.

Sec. 7. No corporation organized outside the limits of this State shall be allowed to transact business within the State on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this State.

Sec. 8. No corporation shall lease or alienate any franchise, so as to relieve the franchise, or property held thereunder, from the liabilities of the lessor, or grantor, lessee, or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise or any of its privileges.

Sec. 9. The State shall not in any manner loan its credit, nor shall it subscribe to, or be interested in the stock of any company, association or corporation.

Sec 10. The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the Legislature from taking the property and franchises of incorporated companies, and subjecting them to public use the same as the property of individuals.

Sec. 11. No corporation, association, or individual shall issue or put in circulation as money any thing but the lawful money of the United States. Each stockholder of any banking or insurance corporation or joint stock association, shall be indi-

vidually and personally liable equally and ratably and not one for another, for all contracts, debts and engagements of such corporation or association accruing while they remain such stockholders to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

**Sec. 12.** Any president, director, manager, cashier, or other officer of any banking institution, who shall receive or assent to the reception of deposits, after he shall have knowledge of the fact that such banking institution is insolvent or in failing circumstances, shall be individually responsible for such deposits so received.

**Sec 13.** All railroad, canal and other transportation companies are declared to be common carriers and subject to legislative control. Any association or corporation organized for the purpose, under the laws of this State, shall have the right to connect at the state line with railroads of other states. Every railroad company shall have the right with its road, whether the same be now constructed or may hereafter be constructed, to intersect, cross or connect with any other railroad, and when such railroads are of the same or similar gauge they shall at all crossings and at all points, where a railroad shall begin or terminate at or near any other railroad, form proper connections so that the cars of any such railroad companies may be speedily transferred from one railroad to another. All railroad companies shall receive and transport each the other's passengers, tonnage and cars without delay or discrimination.

**Sec. 14.** No railroad company, or other common carrier, shall combine or make any contract with the owners

of any vessel that leaves port or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying.

**Sec 15.** No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this State, or coming from or going to any other State. Persons and property transported over any railroad, or by any other transportation company, or individual, shall be delivered at any station, landing or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port or landing. Excursion and commutation tickets may be issued at special rates.

**Sec. 16.** No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a competing line.

**Sec. 17.** The rolling stock and other movable property belonging to any railroad company or corporation in this State, shall be considered personal property, and shall be liable to taxation and to execution and sale in the same manner as the personal property of individuals and such property shall not be exempted from execution and sale.

**Sec 18.** The Legislature shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight, and to correct abuses and prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads and other

common carriers in the State, and shall enforce such laws by adequate penalties. A railroad and transportation commission may be established and its powers and duties fully defined by law.

Sec. 19. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph and telephone within this State, and said companies shall receive and transmit each other's messages without delay or discrimination and all of such companies are hereby declared to be common carriers and subject to Legislative control. Railroad corporations organized or doing business in this State shall allow telegraph and telephone corporations and companies to construct and maintain telegraph lines on and along the rights of way of such railroads and railroad companies, and no railroad corporation organized or doing business in this State shall allow any telegraph corporation or company any facilities, privileges or rates for transportation of men or material or for repairing their lines not allowed to all telegraph companies. The right of eminent domain is hereby extended to all telegraph and telephone companies. The Legislature shall, by general law of uniform operation, provide reasonable regulations to give effect to this section.

Sec. 20. No railroad or other transportation company shall grant free passes, or sell tickets or passes at a discount, other than as sold to the public generally, to any member of the Legislature, or to any person holding any public office within this State. The Legislature shall pass laws to carry



this provision into effect.

**Sec 21.** Railroad companies now or hereafter organized or doing business in this State, shall allow all express companies organized or doing business in this State, transportation over all lines of railroad owned or operated by such railroad companies upon equal terms with any other express company, and no railroad corporation organized or doing business in this State shall allow any express corporation or company any facilities, privileges or rates for transportation of men or materials or property carried by them or for doing the business of such express companies not allowed to all express companies.

**Sec 22.** Monopolies and trusts shall never be allowed in this State, and no incorporated company, co-partnership, or association of persons in this State shall directly or indirectly combine or make any contract with any other incorporated company, foreign or domestic, through their stockholders, or the trustees or assignees of such stockholders, or with any co-partnership or association of persons, or in any manner whatever for the purpose of fixing the price or limiting the production or regulating the transportation of any product or commodity. The Legislature shall pass laws for the enforcement of this section by adequate penalties, and in case of incorporated companies, if necessary for that purpose, may declare a forfeiture of their franchises.

## Article XIII.

### State Institutions.

**Section 1.** Educational, reformatory and penal institutions; those for the benefit of blind, deaf, dumb, or otherwise defective youth; for the insane or idiotic; and such other institutions as the public good may require, shall be fostered and supported by the State, subject to such regulations as may be provided by law. The regents, trustees, or commissioners of all such institutions existing at the time of the adoption of this constitution, and of such as shall thereafter be established by law, shall be appointed by the Governor, by and with the advice and consent of the Senate; and upon all nominations made by the Governor, the question shall be taken by the yeas and noes, and entered upon the journal.

## Article XIV.

### Seat of Government.

Section 1. The Legislature shall have no power to change, or to locate the seat of government of this State; but the question of the permanent location of the seat of government of the State shall be submitted to the qualified electors of the Territory, at the election to be held for the adoption of this Constitution. A majority of all the votes cast at said election, upon said question, shall be necessary to determine the permanent location of the seat of government for the State; and no place shall ever be the seat of government which shall not receive a majority of the votes cast on that matter. In case there shall be no choice of location at said first election the Legislature shall, at its first regular session after the adoption of this constitution, provide for submitting to the qualified electors of the State, at the next succeeding general election thereafter, the question of choice of location between the three places for which the highest number of votes shall have been cast at the said first election. Said Legislature shall provide further that in case there shall be no choice of location at said second election, the question of choice between the two places for which the highest number of votes shall have been cast, shall be submitted in

like manner to the qualified electors of the State at the next ensuing general election: Provided, That until the seat of government shall have been permanently located as herein provided, the temporary location thereof shall remain at the city of Olympia.

Sec. 2. When the seat of government shall have been located as herein provided, the location thereof shall not thereafter be changed except by a vote of two-thirds of all the qualified electors of the State voting on that question, at a general election, at which the question of location of the seat of government shall have been submitted by the Legislature.

Sec. 3. The Legislature shall make no appropriations or expenditures for capitol buildings or grounds, except to keep the Territorial capitol buildings and grounds in repair, and for making all necessary additions thereto, until the seat of government shall have been permanently located, and the public buildings are erected at the permanent capital in pursuance of law.

## Article XV.

### Harbors and Tide Waters.

**Section 1.** The Legislature shall provide for the appointment of a commission whose duty it shall be to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays and inlets of this State, wherever such navigable waters lie within or in front of the corporate limits of any city or within one mile thereof upon either side. The State shall never give, sell or lease to any private person, corporation or association any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor line and the line of ordinary high tide, and within not less than fifty feet nor more than six hundred feet of such harbor line (as the commission shall determine) be sold or granted by the State, nor its right to control the same relinquished, but such area shall be forever reserved for landings, wharves, streets and other conveniences of navigation and commerce.

**Sec. 2.** The Legislature shall provide general laws for the leasing of the right to build and maintain wharves, docks and other structures, upon the areas mentioned in section one of this article, but no lease shall be made for any term longer <sup>than</sup> thirty years, or the Legislature may provide by general laws for the building <sup>and maintaining</sup> upon such area wharves, docks, and other structures.

**Sec. 3.** Municipal corporations shall have the right to extend their streets over intervening tide lands to and across the area reserved as herein provided.

## Article XVI.

### School and Granted Lands.

**Section 1.** All the public lands granted to the State are held in trust for all the people and none of such lands, nor any estate or interest therein, shall ever be disposed of unless the full market value of the estate or interest disposed of, to be ascertained in such manner as may be provided by law, be paid or safely secured to the State; nor shall any lands which the State holds by grant from the United States (in any case in which the manner of disposal and minimum price are so prescribed) be disposed of except in the manner and for at least the price prescribed in the grant thereof, without the consent of the United States.

**Sec. 2.** None of the lands granted to the State for educational purposes shall be sold otherwise than at public auction to the highest bidder, the value thereof, less the improvements shall, before any sale, be appraised by a board of appraisers to be provided by law, the terms of payment also to be prescribed by law, and no sale shall be valid unless the sum bid be equal to the appraised value of said land. In estimating the value of such lands for disposal, the value of the improvements thereon shall be excluded: Provided, That the sale of all School and University land heretofore made by the Commissioners of any County or the University Commissioners when the pur-

chase price has been paid in good faith, may be confirmed by the Legislature.

**Sec. 3.** No more than one-fourth of the land granted to the State for educational purposes shall be sold prior to January 1, 1895, and not more than one-half prior to January 1, 1905; provided, that nothing herein shall be so construed as to prevent the State from selling the timber or stone off of any of the State lands in such manner and on such terms as may be prescribed by law; and provided, further, that no sale of timber lands shall be valid unless the full value of such lands is paid or secured to the State.

**Sec. 4.** No more than one hundred and sixty (160) acres of any granted lands of the State shall be offered for sale in one parcel, and all lands within the limits of any incorporated city or within two miles of the boundary of any incorporated city where the valuation of such land shall be found by appraisement to exceed one hundred dollars (\$100.) per acre shall, before the same be sold, be platted into lots and blocks of not more than five acres in a block, and not more than one block shall be offered for sale in one parcel.

**Sec 5.** None of the permanent school fund shall ever be loaned to private persons or corporations, but it may be invested in National, State, County or municipal bonds.

## Article XVII.

### Tide Lands.

Section 1. The State of Washington asserts its ownership to the beds and shores of all navigable waters in the State up to and including the line of ordinary high tide, in waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all navigable rivers and lakes: Provided, that this section shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the State.

Sec. 2. The State of Washington disclaims all title in and claim to all tide, swamp and overflowed lands, patented by the United States; Provided, the same is not impeached for fraud.

## Article XVIII.

### State Seal.

Section 1. The Seal of the State of Washington shall be, a seal encircled with the words: "The Seal of the State of Washington", with the vignette of General George Washington as the central figure, and beneath the vignette the figures "1889".



## Article XIX.

### Exemptions.

Section 1. The Legislature shall protect by law from forced sale a certain portion of the homestead and other property of all heads of families.

## Article XX.

### PUBLIC HEALTH <sup>and</sup> VITAL STATISTICS.

Section 1. There shall be established by law a State Board of Health and a Bureau of Vital Statistics in connection therewith, with such powers as the Legislature may direct.

Sec. 2. The Legislature shall enact laws to regulate the practice of medicine and surgery, and the sale of drugs and medicines.

## Article XXI.

### Water and Water Rights.

Section 1. The use of the waters of this State for irrigation, mining and manufacturing purposes shall be deemed a public use.

## Article XXII.

### Legislative Apportionment.

**Section 1.** Until otherwise provided by law, the State shall be divided into twenty-four (24) senatorial districts, and said districts shall be constituted and numbered as follows: The counties of Stevens and Spokane shall constitute the first district, and be entitled to one senator; the county of Spokane shall constitute the second district, and be entitled to three senators; the county of Lincoln shall constitute the third district, and be entitled to one senator; the counties of Okanogan, Lincoln, Adams and Franklin shall constitute the fourth district, and be entitled to one senator; the county of Whitman shall constitute the fifth district, and be entitled to three senators; the counties of Garfield and Asotin shall constitute the sixth district, and be entitled to one senator; the county of Columbia shall constitute the seventh district, and be entitled to one senator; the county of Walla Walla shall constitute the eighth district, and be entitled to two senators; the counties of Yakima and Douglas shall constitute the ninth district, and be entitled to one senator; the county of Kittitas shall constitute the tenth district and be entitled to one senator; the counties of Klickitat, and Skamania shall constitute the eleventh district, and be entitled to one senator; the county of Clarke shall constitute the twelfth district, and

be entitled to one senator; the county of Cowlitz shall constitute the thirteenth district, and be entitled to one senator; the county of Lewis shall constitute the fourteenth district, and be entitled to one senator; the counties of Pacific and Wahkiakum shall constitute the fifteenth district, and be entitled to one senator; the county of Thurston shall constitute the sixteenth district, and be entitled to one senator; the county of Chehalis shall constitute the seventeenth district, and be entitled to one senator; the county of Pierce shall constitute the eighteenth district, and be entitled to three senators; the county of King shall constitute the nineteenth district, and be entitled to five senators; the counties of Mason and Kitsap shall constitute the twentieth district, and be entitled to one senator; the counties of Jefferson, Clallam and San Juan shall constitute the twenty-first district, and be entitled to one senator; the county of Snohomish shall constitute the twenty-second district, and shall be entitled to one senator; the counties of Skagit and Island shall constitute the twenty-third district, and be entitled to one senator; the county of Whatcom shall constitute the twenty-fourth district, and be entitled to one senator.

Sec. 2. Until otherwise provided by law the representatives shall be divided among the several counties of the State in the following manner; the county of Adams shall have one representative; the county

of Asotin shall have one representative; the county of Che-  
 wallis shall have two representatives; the county of  
 Clarke shall have three representatives; the county  
 of Clallam shall have one representative; the county  
 of Columbia shall have two representatives; the  
 county of Cowlitz shall have one representative; ~~the~~  
 the county of Douglas shall have one representative;  
 the county of Franklin shall have one representative;  
 the county of Garfield shall have one representative;  
 the county of Island shall have one representative;  
 the county of Jefferson shall have two representatives;  
 the county of King shall have eight representatives;  
 the county of Klickitat shall have two representatives;  
 the county of Kittitas shall have two representatives;  
 the county of Kitsap shall have one representative;  
 the county of Lewis shall have two representatives;  
 the county of Lincoln shall have two representatives;  
 the county of Mason shall have one representative;  
 the county of Okanogan shall have one representative;  
 the county of Pacific shall have one representative;  
 the county of Pierce shall have six representatives;  
 the county of San Juan shall have one representative;  
 the county of Skamania shall have one representative;  
 the county of Snohomish shall have two representatives;  
 the county of Skagit shall have two representatives;  
 the county of Spokane shall have six representatives;  
 the county of Stevens shall have one representative;  
 the county of Thurston shall have two representatives;  
 the county of Walla Walla shall have three representatives;  
 the county of Wankiakum shall have one representative;  
 the county of Whatcom shall have two representatives;  
 the county of Whitman shall have five representatives;  
 the county of Yakima shall have one representative.

Article XXIII

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 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 for at least three months next preceding the election, in some weekly newspaper, in every county where a 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.

## Article XXIV.

### Boundaries.

**Section 1.** The boundaries of the State of Washington shall be as follows: Beginning at a point in the Pacific ocean one marine league due west of and opposite the middle of the mouth of the North Ship Channel of the Columbia river thence running easterly to and up the middle channel of said river and where it is divided by islands up the middle of the widest channel thereof to where the forty-sixth parallel of North latitude crosses said river near the mouth of the Walla Walla river; thence east on said forty-sixth parallel of latitude to the middle of the main channel of the Shoshone or Snake river, thence follow down the middle of the main channel of Snake river to a point opposite the mouth of the Kooskooskia or Clear Water river, thence due north to the forty-ninth parallel of North latitude, thence west along said forty-ninth parallel of North latitude to the middle of the channel which separates Vancouver's island from the continent, that is to say to a point in longitude 123 degree, 19 minutes and 15 seconds west, thence following the boundary line between the United States and British Possessions through the channel which separates Vancouver's island from the continent to the termination of the boundary line between the United States and British Possessions at a point in the Pacific ocean equi distant between Bonvilla point on Vancouver's island and Tatoosh island light house, thence running in a southerly course and parallel with the coast line, keeping one marine league off shore to place of beginning.

## Article XXV.

### Jurisdiction.

Section 1. The consent of the State of Washington is hereby given to the exercise, by the Congress of the United States, of exclusive legislation in all cases whatsoever over such tracts or parcels of land as are now held or reserved by the Government of the United States for the purpose of erecting or maintaining thereon forts, magazines, arsenals, dockyards, lighthouses and other needful buildings, in accordance with the provisions of the seventeenth paragraph of the eighth section of the first article of the Constitution of the United States, so long as the same shall be so held and reserved by the United States. Provided: That a sufficient description by metes and bounds, and an accurate plat or map of each such tract or parcel of land be filed in the proper office of record in the county in which the same is situated, together with copies of the orders, deeds, patents or other evidences in writing of the title of the United States; and provided, that all civil process issued from the courts of this State and such criminal process as may issue under the authority of this State against any person charged with crime in cases arising outside of such reservations, may be served and executed thereon in the same mode and manner, and by the same officers, as if the consent herein given had not been made.

## Article XXVI.

### Compact with the United States.

The following ordinance shall be irrevocable without the consent of the United States and the people of this State;

First. That perfect toleration of religious sentiment shall be secured and that no inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship.

Second. That the people inhabiting this State do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries of this State, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States and that the lands belonging to citizens of the United States residing without the limits of this State shall never be taxed at a higher rate than the lands belonging to residents thereof; and that no taxes shall be imposed by the State on lands or property therein, belonging to or which may be hereafter purchased by the United States or reserved for use; Provided, That nothing in this ordinance shall preclude the State from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any



act of Congress containing a provision exempting the lands thus granted from taxation, which exemption shall continue so long and to such an extent as such act of Congress may prescribe.

Third. The debts and liabilities of the Territory of Washington and payment of the same are hereby assumed by this State.

Fourth. Provision shall be made for the establishment and maintenance of systems of public schools free from sectarian control which shall be open to all the children of said State.

# Article XXVII.

## Schedule.

In order that no inconvenience may arise by reason of a change from a Territorial to a State government, it is hereby declared and ordained as follows:

**Section 1.** No existing rights, actions, suits, proceedings, contracts or claims shall be affected by a change in the form of government, but all shall continue as if no such change had taken place; and all process which may have been issued under the authority of the Territory of Washington previous to its admission into the Union shall be as valid as if issued in the name of the State.

**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: Provided, That this section shall not be so construed as to validate any act of the Legislature of Washington Territory granting shore or tide lands to any person, company or any municipal or private corporation.

**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 of Washington

Sec. 4. All recognizances heretofore taken, or which may be taken before the change from a Territory to a State government shall remain valid, and shall pass to, and may be prosecuted in the name of the State; and all bonds executed to the Territory of Washington or to any county or municipal corporation, or to any officer or court in his or its official capacity, shall pass to the State authorities and their successors in office, for the uses therein expressed, and may be sued for and recovered accordingly, and all the estate, real, personal and mixed, and all judgments, decrees, bonds, specialties, choses in action, and claims or debts, of whatever description, belonging to the Territory of Washington, shall enure to and vest in the State of Washington, and may be sued for and recovered in the same manner, and to the same extent, by the State of Washington, as the same could have been by the Territory of Washington.

Sec 5. All criminal prosecutions and penal actions which may have arisen, or which may arise, before the change from a territorial to a state government, and which shall then be pending, shall be prosecuted to judgment, and execution in the name of the State. All offenses committed against the laws of the Territory of Washington, before the change from a territorial to a state government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority

of the State of Washington, with like effect as though such change had not taken place; and all penalties incurred shall remain the same as if this Constitution had not been adopted. All actions at law and suits in equity which may be pending in any of the courts of the Territory of Washington, at the time of the change from a territorial to a State government, shall be continued, and transferred to the court of the State having jurisdiction of the subject matter thereof.

Sec. 6. All officers now holding their office under the authority of the United States, or of the Territory of Washington, shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the State.

Sec 7. All officers provided for in this constitution including a County Clerk for each county when no other time is fixed for their election, shall be elected at the election to be held for the adoption of this constitution on the first Tuesday of October, 1889.

Sec. 8. Whenever the judge of the Superior Court of any county, elected or appointed under the provisions of this Constitution shall have qualified, the several causes then pending in the district court of the territory except such causes as would have been within the exclusive jurisdiction of the United States District Court had such court existed at the time of the commencement of such causes, within such county, and the records, papers and proceedings of said District Court, and the seal and other property

pertaining thereto, shall pass into the jurisdiction  
 and possession of the superior court for such county.  
 And where the same judge is elected for two or  
 more counties, it shall be the duty of the clerk  
 of the District Court having custody of such  
 papers and records to transmit to the clerk of  
 such county, or counties, other than that in  
 which such records are kept the original papers  
 in all cases pending in such District Court and  
 belonging to the jurisdiction of such county or coun-  
 ties together with transcript of so much of the  
 records of said District Court as relate to the same;  
 and until the district courts of the Territory shall  
 be superseded in manner aforesaid, the said  
 district courts and the judges thereof, shall con-  
 tinue with the same jurisdiction and powers, to  
 be exercised in the same judicial districts re-  
 spectively, as heretofore constituted under the laws  
 of the Territory. Whenever a quorum of the judges  
 of the Supreme Court of the State shall have  
 been elected and qualified, the causes then pend-  
 ing in the Supreme Court of the Territory, except  
 such causes as would have been within the  
 exclusive jurisdiction of the United States Circuit  
 Court had such court existed at the time  
 of the commencement of such causes, and the  
 papers, records and proceedings of said court and  
 the seal and other property pertaining thereto, shall  
 pass into the jurisdiction and possession of the  
 Supreme Court of the State, and until so

superseded, the supreme court of the Territory and the judges thereof, shall continue with like powers and jurisdiction as if this Constitution had not been adopted.

Sec. 9. Until otherwise provided by law, the seal now in use in the supreme court of the Territory shall be the seal of the supreme court of the State. The seals of the superior courts of the several counties of the State shall be, until otherwise provided by law, the vignette of General George Washington with the words: "Seal of the Superior Court of \_\_\_\_\_ county" surrounding the vignette. The seal of municipalities, and of all county officers of the Territory, shall be the seals of such municipalities, and county officers respectively under the State, until otherwise provided by law.

Sec. 10. When the State is admitted into the Union, and the superior courts in the respective counties organized, the books, records, papers and proceedings of the probate court in each county, and all causes and matters of administration pending therein, shall, upon the expiration of the term of office of the probate judges, on the second Monday in January, 1891, pass into the jurisdiction and possession of the superior court of the same county created by this Constitution, and the said court shall proceed to final judgment or decree, order or other determination in the several matters

and causes, as the Territorial probate courts might have done, if this Constitution had not been adopted. And until the expiration of the term of office of the probate judges, such probate judges shall perform the duties now imposed upon them by the laws of the Territory. The superior courts shall have appellate and revisory jurisdiction over the decisions of the probate courts, as now provided by law, until such latter courts expire by limitation.

Sec 11. The Legislature, at its first session, shall provide for the election of all officers whose election is not provided for elsewhere in this Constitution, and fix the time for the commencement and duration of their term.

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

Sec. 13. One representative in the Congress of the United States shall be elected from the State at large, at the first election provided for in this Constitution, and, thereafter, at such times and places, and in such manner, as may be prescribed by law. When a new apportionment shall be made by Congress, the Legislature shall divide the State into Congressional Districts, in accordance with such apportionment. The vote cast for representative in

Congress, at the first election, shall be canvassed, and the result determined in the manner provided for by the laws of the Territory for the canvass of the vote for Delegate in Congress.

Sec. 14. All district, county and precinct officers, who may be in office at the time of the adoption of this constitution, and the county clerk of each county elected at the first election, shall hold their respective offices until the second Monday of January, A. D., 1891, and until such time as their successors may be elected and qualified, in accordance with the provisions of this constitution; and the official bonds of all such officers shall continue in full force and effect as though this constitution had not been adopted. And such officers shall continue to receive the compensation now provided, until the same be changed by law.

Sec. 15. The election held at the time of the adoption of this constitution shall be held and conducted in all respects according to the laws of the Territory, and the votes cast at said election for all officers (where no other provisions are made in this constitution), and for the adoption of this constitution and the several separate articles and the location of the State capital, shall be canvassed and returned in the several counties in the manner provided by Territorial law, and shall be returned to the Secretary of the Territory in the manner provided by the Enabling Act.

Sec. 16. The provisions of this constitution shall be in force from the day on which the President of the United States shall issue his proclamation declaring the State of Washington admitted into the Union, and the terms of all officers elected



at the first election under the provisions of this constitution shall commence on the Monday next succeeding the issue of said proclamation, unless otherwise provided herein.

Sec. 17. The following separate articles shall be submitted to the people for adoption or rejection at the election for the adoption of this constitution:

Separate Article, No. 1.

"All persons male and female of the age of twenty-one years or over, possessing the other qualifications, provided by this constitution, shall be entitled to vote at all elections."

Separate Article, No. 2.

"It shall not be lawful for any individual, company or corporation, within the limits of this State, to manufacture, or cause to be manufactured, or to sell, or offer for sale, or in any manner dispose of any alcoholic, malt or spirituous liquors, except for medicinal, sacramental or scientific purposes."

If a majority of the ballots cast at said election on said separate articles be in favor of the adoption of either of said separate articles, then such separate article so receiving a majority shall become a part of this constitution and shall govern and control any provision of the constitution in conflict therewith.

Sec. 18. The form of ballot to be used in voting for or against this constitution, or for or against the separate articles, or for the permanent location of the seat of government, shall be:

1. For the Constitution - - - -
- Against the Constitution - - - -

2. For Woman Suffrage Article . . . . .  
Against Woman Suffrage Article . . . . .
3. For Prohibition Article . . . . .  
Against Prohibition Article . . . . .
4. For the Permanent Location of the  
seat of Government < Name of place  
voted for > . . . . .

Sec. 19. The Legislature is hereby authorized to appropriate from the State treasury sufficient money to pay any of the expenses of this Convention not provided for by the Enabling Act of Congress.

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### Certificate.

We, the undersigned, members of the convention to form a Constitution for the State of Washington; which is to be submitted to the people for their adoption or rejection, do hereby declare this to be the Constitution formed by us, and in testimony thereof, do hereunto set our hands, this twenty-second day of August anno Domini, one thousand eight hundred and eighty-nine.

John P. Hoff -  
President -  
Francis Henry

J. J. Brown

George Conroy

N. H. Black

Oliver Hooper

John F. Gowry

David E. Davis

Frank M. Dallan

D. Buchanan

James Z. Moore

John R. Kinnean

E. H. Sullivan

George W. Hobbs

George Turner

H. W. Fairweather

Austin Mires

Thomas C. Griffiths

W. M. Goddard

C. H. Danner

Geoin Aick

J. P. V. McCreary

Wm. F. Prosser

S. H. Crossman

Louis Bohns

Thomas Hayston

A. A. Linsley

Saul H. Berry

J. J. Kissinger

J. J. Crowley

Sullivan

J. W. Donald

R. S. More

John M. Reed

Thomas T. Minor

Edward Eldridge

J. J. Travis

George H. Stevenson

Arnold, Jr. West

Dyrlus A. Dickey

Charles J. Gray

Kerry. Winney.

Charles J. Cory

Theodore L. Stiles

Robert J. Sturdevant

James A. Burk

John C. Shoude

John McReavy

Allen Weir

R. C. Jambor

W. B. Gray

Morgan Morgans

Musten P. Dyer

As. Tower

Geo. Jones

B B Glascock

B. L. Sharpstein

O. A. Bowen

H. M. Lillis

Karrism Clothier

J. F. Van Name

Witt. J. W. Elroy

Abner Schooley

J. J. Eschelman

A. C. Pittison

Robert Jamison

J. M. Pees

Jambor  
The Glass

Hiram E. Allen  
 L. W. Marley  
 H. F. Saksdorf  
 Richard J. J. J.  
 J. O. Kellaggy  
 J. A. W. W. W.

Attest  
 Wm. J. Boyce  
 Chief Clerk

Received and filed in the Office of the  
Secretary of Washington Territory  
this the twenty third day of August 1852

O. C. White  
Secretary.

Attorney General  
Chief Clerk