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The Original 1878 Washington State Constitution

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Preamble

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

Article I. Boundaries

The Boundaries of the State of Washington shall be as follows: Commencing one marine league west from the mouth of the middle of the north ship channel of the Columbia river, thence along the northern boundary of the State of Oregon, up said river to where the forty sixth parallel of north latitude intersects the same near the mouth of the Walla Walla river, thence east along the said parallel to where it intersects the middle of the main channel of Snake river. Then southerly, along said channel of Snake river to where it intersects the forty-fifth parallel of north latitude, thence east, along said parallel, to where it intersects the meridian thirty-seven degrees and thirty minutes west, thence north along said meridian, to where it intersects the crest of the Bitter Root range of mountains, thence north-westerly, along the crest of said mountains, to where it intersects the British Possessions, thence westerly along the line of the British Possessions to a point one marine league west from the mouth of the middle of the channel of the Straits of Juan de Fuca, thence southerly at a distance of one marine league west from the east 3 shore of the Pacific Ocean to the place of beginning including all islands and parts of islands within said boundaries within the jurisdiction of the United States

Article II Eminent Domain

Section 1.

The State shall have concurrent jurisdiction to all rivers bordering on the state, so far as such rivers shall form a common boundary to the state and any other state or territory, now ore hereafter to be formed, and bounded by the same. [Deleted from document, see notes at end].

Section 2.

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

Section 3.

The people of the state, in their right of sovereignty, are declared to possess the ultimate property in and to all lands within the jurisdiction of the state, and all lands, the title to which shall fail from a defect of heirs, shall revert or escheat to the state.

Article III Distribution of Powers**Section 1.**

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

Section 2.

No person or collection of persons, holding any position in or exercising any authority under one of these departments, shall hold any office in, or exercise any authority whatever under either of the others, except such as may be express provided in this constitution.

Article IV. Suffrage and Elections**Section 1.**

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

1st Citizens of the United States.

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

3rd, Persons of mixed white and indian blood who have adopted the customs and habits of civilization. The Legislatures may prescribe additional qualifications for electors of municipal and school district elections.

Section 2.

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

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

All elections by the people shall be by ballot, and a plurality of votes shall elect in all cases except where the person who shall receive them shall be ineligible, shall be declared elected. Elections by persons in their representative capacity shall be via voice and a majority shall be necessary to an election.

Section 7.

No idiot or insane person shall be entitled to the privilege of an elector.

Section 8.

Laws shall be passed excluding from the right to suffrage, all persons who have been or may be convicted of bribery, perjury or any infamous crimes, and depriving every person who shall make , or become directly, or indirectly interested, in any bet or wager depending upon the result of any election, of the right to vote at such election.

Section 9.

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

Article V Declaration of Rights**Section 1.**

All political power is inherent in the people, and all free governments were founded on their authority.

Section 2.

The people in this state have the sole right to alter or abolish their constitution and form of government whenever they deem it necessary to the safety and happiness provided such changes be not repugnant to the Constitution of the United States.

Section 3.

All persons are by nature free, and equally entitled to certain natural rights; among which are, those of enjoying and defending their lives and liberties, of acquiring, possessing, and protecting property, and seeking and obtaining happiness. To secure these rights, governments are instituted, deriving their just powers from the consent of the governed.

Section 4.

All persons have a natural and indefensible right to worship God according to the dictates of their consciences. No person shall be compelled to attend, erect, or support any place of worship against his consent and no preference shall be given by law to any religious society, nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office; nor shall

any person be incompetent to be a witness on account of his opinions on matters of religion; but nothing herein shall be construed to dispense with oaths or affirmations; but by the liberty of conscience hereby secured shall not be construed so as to excuse acts of licentiousness or practices inconsistent with the peace or safety of the state.

Section 5.

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

Section 6.

No person on account of law, shall be disqualified to enter upon and pursue any of the lawful business associations or professions of life.

Section 7.

Every person may freely speak write and publish his opinions on all subjects being responsible for the abuse of that liberty; and no laws shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions for libel, the truth may be given in evidence to the jury, and if it appears that the matter charged a libelous be true, and was published with good motives and justifiable ends, the party accused shall be acquitted; and the jury shall have the right to determine the law and the fact.

Section 8.

No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be put twice in jeopardy of punishment, nor again be put upon trial for the same offense after having been acquitted by a jury, nor shall be compelled, in any criminal cause, to be a witness against himself. All persons shall, before conviction in any conviction, be bailable by sufficient surety, except for murder in the first degree, and treason, where the proof is evident or the presumption great, and the privilege of habeas corpus shall not be suspended unless, when, in case of rebellion or invasion, the public safety may require. The right to trial by jury of twelve persons shall remain inviolate in all criminal cases. A jury in a civil cause, in all courts, may consist in less than twelve, as may be prescribed by law, and the concurrence of three fourths of the whole number of the jury shall be sufficient for a verdict, provided that the right may be waived by the parties, in such manner as may be provided by law. Hereafter a grand jury shall consist of seven persons, any five of whom concurring, may find an indictment, provided, the legislature may change, regulate, abolish, or re-establish the grand jury system.

Section 9.

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

Section 10.

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

Section 11.

There shall never be in this state, involuntary servitude, save as punishment for crime, where the party shall have been duly convicted.

Section 12.

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

Section 13.

In criminal prosecutions, the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation; to have a copy thereof; to testify in his own behalf, to meet the witnesses against him face to face to have process to compel the attendance of witnesses in his behalf; and a speedy just trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

Section 14.

No bill of attainder, ex post facto law, or any law impairing the obligation of contracts, or making any irrevocable grant of special privileges, franchises or immunities, shall be passed by the legislature.

Section 15.

Private property shall not be taken or damaged for public use without just compensation; and no persons particular service shall be required without just payment therefor.

Section 16.

The right of the people to peacefully assemble and consult for the common good and to petition for the redress of grievance, shall never be restrained or abridged.

Section 17.

The military shall always be in strict subordination to the civil powers.

Section 18.

All laws in the possession, enjoyment and decent of the property, shall be alike applicable to resident aliens

and citizens.

Section 19.

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

Section 20

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

Section 21.

Treason against the state shall consist only in levying war against the same, or adhering to its enemies, giving them aid and comfort; and no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on his own confession in open court.

Section 22.

No person shall be transported out of the state for any offense committed with the same, and no conviction shall work a corruption of blood or forfeiture of estate.

Section 23.

All lands within the state are declared to be allodial, and feudal tenures, with all their incidents, are prohibited. Liens and grants of agricultural lands for a longer term than fifteen years, in which rent or services of any kind shall be reserved, and all fines and like restraints upon alienation reserved in any grant of land hereafter made, are declared to be void.

Section 24.

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

Section 25. The operation of the laws shall never be suspended, except by the authority of the legislature.

Section 26.

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

Article VI Legislative

Section 1.

The legislative power of the state shall be vested in two distinct branches, the one to style the Senate, and the other the House of Representatives, and both together the Legislature of the State of Washington. The style of all laws shall be: Be it enacted by the legislature of the State of Washington.

Section 2.

The number of the members of the House of Representatives shall never be less than eighteen nor more than sixty. The Senate shall consist of one-third the number of the members of the House of Representatives.

Section 3.

The legislatures shall provide by law for an enumeration of the inhabitants of the state, in the year one thousand eight hundred and eighty-five, and at the end of every ten years thereafter, and at its fair session after each enumeration, and after each enumeration made by authority of the United States, the legislature shall apportion and district anew the members of the Senate a House of Representatives according to the numbers of inhabitants, excluding indians not taxed, and soldiers and officers of the United States army and navy.

Section 4.

Elections for members of the legislature shall be held biannually. When vacancies occur within house the governor shall issue writs of election to fill such vacancies.

Section 5.

Senators shall be elected for a term of four years, and members of the House of representatives for a term of two years, provided, that the members of both houses first elected shall hold their office until the time fixed for the meeting of the second legislature, but no longer.

Section 6.

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

Section 7.

The first legislature shall divide the state into at least ten legislative districts in each of which one senator and three representatives shall be elected at the general election then next ensuing, and the districts shall be of convenient contiguous territory, to be bounded by county precinct or ward lines, and the number may be increased, but shall never exceed twenty. The Legislative districts shall e numbered in regular series and the senators chosen by odd numbered districts shall go out of office at the expiration of the second year, and the senators chosen in the even numbered districts shall go out of office at the expiration of the fourth year, and thereafter the senators shall be chosen for the term of four years. Representatives shall hold their office for the term of two years. In all elections of representatives, after such division, each qualified

elector may cast as many votes for one candidate as there are representatives to be elected in the district, or he may distribute the same, or equal parts thereof, among the candidates as he shall see fit, and the candidates highest in voters shall be elected. But the legislature may at any time after the year eighteen hundred and ninety adopt the system known as preferential system, in the election of representatives and enact such laws as will be necessary to carry it into effect. The term of office of senators and representatives, elected at any time subsequent to the first election, shall commence at the end of the term of those in office at the time.

Section 8.

Each member of the legislature, as a compensation for his service shall receive four dollars for each day attendance, and ten cents for each mile necessarily traveled in going to or returning from the seat of government, and shall not receive any other compensation, prerequisite or allowance whatever. No session of the legislature, except the first, shall exceed forty days. The legislature shall never grant any extra compensation to any public officer, agent servant or contractor after the service shall have been rendered, or the contract entered into, nor shall the compensation or mileage of any public officer be increased or diminished during his term of office.

Section 9.

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

Section 10.

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

Section 11.

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

Section 12.

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

Section 13.

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

Section 14.

No act of the legislature shall take effect until ninety days after the passage, unless a case of emergency (which shall be expressed in the preamble of the act) the legislature shall, by a vote of which two-thirds of the members elected, otherwise direct. No bill, except the appropriation bill, for the expenses of the government, introduced in either house after the expiration of the first thirty days of the session, shall become a law, unless the same shall be recommended by the governor by a special message; and no bill, except one recommended, shall be considered or become a law, unless referred to by a committee returned there from, and printed for the use of the members.

Section 15.

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

Sect. 16.

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

Section 17.

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

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

Section 18.

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

Section 19.

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

Section 20.

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

Section 21.

Any bills may originate in either house of the legislature, and a bill passed by one house may be amended by the other.

Section 22.

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

Section 23.

The general appropriation bill shall embrace only appropriations for the ordinary expenses of the executive, legislative, and judicial departments, interest on the public debt, for the purposes of education. All other appropriations shall be made by separate bill, each embracing, but one subject.

Section 24.

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

Section 25.

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

Section 26.

No act of the legislature shall authorize the investment of trust funds by executors, administrators, guardians or other trustees, in the bond or stock of any private corporations.

Section 27.

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

Section 28.

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

Section 29.

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

Section 30.

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

Section 31.

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

Section 32.

In all elections to be made by the legislature, the members thereof shall vote viva voce, and this vote shall be entered on the journal.

Section 33.

The legislature may, by general law, upon the Board of Commissioners of the several counties, such powers of a local, legislative and administrative character, as they shall from time to time prescribe.

Section 34.

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

Section 35.

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

Article VII Executive

Section 1.

The supreme executive power of the state shall be vested in a governor, who shall hold his office for four years, and shall not be eligible to the office for the next succeeding term.

Section 2

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

Section 3.

The governor shall be elected by the qualified electors of the state, at the general election next preceding the expiration of an executive term. The return of every election for governor shall be sealed up and transmitted to the secretary of state, directed to the speaker of the House of Representatives, who shall, immediately upon the organization of the house, and before proceeding to other business, open and publish the same, in the presence of a majority of both houses of the legislature, who shall, for that purpose, assemble in the House of Representatives. The person having the highest number of votes for said office shall be declared duly elected. But if two or more have an equal and the highest number of votes for the same office, one of them shall immediately be chosen thereto by the two houses on joint ballot, and shall be declared duly elected governor. Contested elections for governor shall be determined by the two houses of the legislature, on joint ballot, in such manner as shall be prescribed by law.

Section 4.

The governor shall be commander-in-chief of the military and naval forces of the state. He shall have the power to convene the legislature on extraordinary occasions, by proclamation, stating the purpose for which it is assembled. But at such session, no business shall be transacted other than that specially named in the proclamation, and in case of invasion or insurrection, or danger from the prevalence of contagious disease at the seat of government, he may convene it at any other place in the state. He shall transact all necessary business - civil and military. He shall expedite all such measures as shall be resolved upon the legislature and shall see that the laws are faithfully executed.

Section 5.

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

Section 6.

In case of the failure to qualify, removal from office, death, or resignation, absence from the state, or other disability of the governor, the powers, duties, and emoluments of the office, for the residue of the term, or the disability be removed, shall devolve upon the president of the senate, and if there be no president of the senate, or if, for any of the above named causes, he shall become incapable of performing the duties of governor, the office shall devolve upon the speaker of the house of representatives, with like powers, duties, and emoluments, for the residue of the term, or until the disability shall be removed.

Section 7.

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

adjournment, prevent its return, in which case it shall be filed with his objections, in the office of the secretary of state, within ten days after such adjournment, or else become a law.

Section 8.

The governor may require information in writing, from the office of the administration and military departments of the state, upon any subject relating to the duties of their respective office, which information shall be given upon oath, whenever required. He may also require information in writing at any time, under oath from all officers and managers of state institutions. The governor shall, upon commencement of such sessions, and from time to time by message, give the legislature, information of the condition of the state, and shall recommend such measures as he shall deem expedient. He shall also send the legislature, at the beginning of such session, a statement of all monies of the state, expended by him or under his direction, and, at the same time, present estimates of the amount of monies required to be raised by taxation for all state expenditures.

Article VIII Judicial

Section 1.

The court for the trial of impeachments shall be comprised of the senate. The House of Representatives shall have the power of impeaching all civil officers of the state, for corrupt conduct in office, or for crimes and misdemeanors, but a majority of all the members elected shall concur in an impeachment. On a trial of an impeachment against the governor, the chief justice of the supreme court shall preside. No judicial officers shall exercise his office after he shall be impeached until his acquittal. Before the trial of an impeachment, the members of the court shall take an oath or affirmation, truly and impartially to try the impeachment according to the evidence, and no person shall be convicted without the concurrence of two-thirds of the members elected. Judgment, in cases of impeachment, shall not extend than removal; from office, or removal from office and disqualification to hold any office of honor, profit or trust under the state, but this shall not prevent the officer from being prosecuted and punished in the courts according to law.

Section 2.

The judicial power of the state, both as a matter of law and equity, shall be vested in a supreme court, circuit court, probate court, justices of the peace, and such Inferior municipal courts as may be provided by law.

Section 3.

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

Section 4.

For the term of four years and thereafter, until the legislature shall otherwise provide the judges of the several circuit courts shall be ex-officio judges of the supreme court, a majority of whom shall constitute, a quorum and a concurrence of a majority of the judges present shall be necessary to a decision, provided that in the event the court shall be equally divided in opinion, the cause shall be continued for re-argument, and if upon re-argument, the court shall again be equally divided in opinion, the judgment below shall be affirmed.. The legislature shall have power, after the expiration of said terms, to provide by law for the organization of a separate supreme court, with the jurisdiction and powers prescribed by the constitution to consist of one chief justice and two associate justices to be appointed by the governor by and with the advice and consent of the senate. The supreme court, when as organized, shall be as classified that one of them shall go out of office at the same time, and their term of office shall be the same as is provided for judges of the circuit courts.

Section 5.

The state shall be divided into three judicial districts, to be composed as follows: The first circuit shall comprise all that portion of the state lying east of the summit of the cascade mountains. Except the counties of Klickitat. The second circuit shall comprise the counties of Chehalis, Clark, Cowlitz, Klickitat, Lewis, Mason, Pacific, Skamania, Thurston, and Wahkiskum. The third circuit shall comprise of the counties of Clallam, Island, Jefferson, King, Kitsap, Pierce, San Juan, Snohomish and Whatcom.

Section 6.

The legislature may alter the limits, or increase the number of circuits, renaming them as convenient and compact as practicable, and bounding them by county lines; but no such alteration or increase shall have the effect to remove a judge from office. In case of an increase of circuits, the jury or judge shall be elected, as provided in the constitution, and receive a salary not less than that provided for judges of the circuit court.

Section 7.

In each circuit there shall be a judge chosen by the qualified election therein, who shall hold his office as is provided in the constitution. One of the judges shall be designated as chief justice, by the governor by and with the advice and consent of the senate. The judges first chosen under the constitution, shall be elected

at the first general election provided herein for members of the legislature, and shall hold their office for the term of four years. The legislature shall at its first session, provide by law, as well for the election of, as for classifying the judges to be thereafter elected in such a manner that one of said judges shall go out of office in two years, one in four years, and the remaining judge or judges in six years, and thereafter the judge or judges elected to fill the office shall hold the same for six years.

Section 8.

In all cases submitted in the supreme court, and in all, causes tried by the circuit courts, without a jury, the judgment or decree shall be rendered at the same term at which the causes are submitted, or within thirty days thereafter, provided, that judgments and decrees may be rendered by judges of the circuit courts in vacation upon confession or upon default for failure to plead or answer.

Section 9.

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

Section 10.

There shall be a clerk of the supreme court, appointed by the judges thereof who shall hold his office during the pleasure of said judges, his compensation shall be such fees as may be provided by law.

Section 11.

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

Section 12.

When a vacancy shall occur in the office of judge of the separate supreme court, such vacancy shall be filled by appointment by the governor, which appointment shall hold good until a successor is appointed, by and with the advice and consent senate, which successor shall hold his office for the remainder of the unexpired term.

Section 13.

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

Section 14.

The Judges of the supreme and the circuit court, shall not receive fees of office, or other compensation than their salaries; they shall not be eligible to any office of public trust, except a judicial officer, during the term for which they are respectively elected; and all votes for either, for any officer except a judicial one, given by the legislature or by the people, shall be void. Every judge shall, before taking his office, subscribe and file with the secretary of state a written pledge that he will not, during the term for which he was elected, or appointed, accept any office of profit or trust-except a judicial officer under the government of the United States, or under any other state of the union, or under any foreign power. No person shall be eligible to the office of judge who shall not, at the time of his election or appointment, be a citizen of the United States, has attained the age of twenty-five years, and be a qualified elector within the jurisdiction for which he may be chosen.

Section 15.

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

Section 16.

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

Section 17.

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

Section 18.

The legislature shall provide for the speedy publication of all laws and of the decisions of the supreme

court.

Section 19.

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

Section 20.

All officers provided for this article, except judges of the separate supreme court, shall respectively reside in the circuit, county, precinct or city for which they may be elected or appointed.

Section 21.

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

Article IX Administrative

Section 1.

There shall be chosen, by the qualified electors of the state a secretary of state, a state treasurer, and a superintendent of public instruction, who shall hold his office for a term of four years. They shall during their terms of office, reside at the seat of government, where shall be kept the public records, moneys, securities, books and papers of their respective offices.

Section 2.

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

Section 3.

The powers and duties of the treasurer and superintendent of public instruction shall be prescribed by law. The superintendent of public instruction shall be, by virtue of his office, state librarian.

Section 4.

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

Section 5.

In each county, there shall be elected for the term of two years three county commissioners, who shall perform such duties as may be prescribed by law; any two of whom shall be a quorum for the transaction of business, and shall be elected at the same time as is prescribed for the election of members of the legislature. There shall also be elected at the same time, in each county, one county clerk, who shall be clerk of the board of county commissioners, and be ex-officio recorder of deeds; one sheriff; one coroner; one treasurer; one superintendent of schools; one surveyor; and one assessor; who shall severally hold their office for the term of two years.

Section 6.

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

Section 7.

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

Section 8.

No person shall be eligible to any county office unless he shall be a qualified elector, and have resided in the county one year next preceding his election, except as otherwise provided in this constitution.

Section 9.

In case of a vacancy occurring in the office of either the secretary of state, treasurer, or superintendent of public instruction, the governor shall fill the same by appointment; and the person appointed shall hold such office for the remainder of the term; and in case of a vacancy in either of the county, precinct, municipal or school office, the same shall be filled in such manner as may be prescribed by law.

Article X Officers

Section 1.

Any person holding any office under the state, or any municipality therein, shall, unless removed according to law, exercise the duties of such office until his successor is duly qualified; but this shall not apply to members of the legislature, nor to members of any board or assembly, two or more of whom are elected at

the same time. The legislature may by law provide for suspending any officer in his functions, pending any proceeding, the effect of which, if convicted, would be removal from office.

Section 2.

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

Section 3.

No person hereafter convicted of embezzlement of public monies, shall be eligible to any office of trust or profit in this state, unless restored to the rights of citizenship, by a pardon from the governor.

Section 4.

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

Section 5.

State officers, judges of the supreme and circuit courts, and circuit attorneys, shall file their oaths or affirmations of office in the office of the secretary of state. Every other officer, except the officers of the municipalities and school district officers, shall file his oath or affirmation of office in the office of the county clerk of the county where he shall have been elected or appointed.

Section 6.

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

Section 7.

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

Section 8.

Public officers, except the governor and judges of the supreme and circuit courts, shall not be impeached, but corruption, malfeasance, misfeasance or non-feasance in office, shall be prosecuted and tried in the same manner as criminal offences; and judgment, upon conviction, shall be given of dismissal from office, in addition to such further punishment as may be prescribed therefor by law.

Section 9.

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

Section 10.

No person, being a member of congress, or holding a commission to any civil or military office under the United States, except post master of the fourth class, shall be eligible to any office under the state; and if any person shall, after his election to any office, be appointed to any office, civil or military, under the government of the United States or of any state or territory, his acceptance thereof shall vacate his office.

Section 11.

Salaries shall be paid quarterly. The governor, secretary of state, state treasurer, and superintendent of public instruction, shall each receive fifteen hundred dollars per annum. The judges of the supreme and circuit courts shall each receive two thousand dollars per annum. The salary of the circuit attorney shall not exceed one thousand dollars per annum.

Article XI Education

Section 1.

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

Section 2.

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

Section 3.

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

Section 4.

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

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

Section 5.

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

Section 6.

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

Section 7.

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

Section 8.

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

Section 9.

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

Section 10.

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

Section 11.

There shall be a county superintendent of schools in each county, whose term of office shall be two years; and whose duties, qualifications and compensation shall be prescribed by law. He shall be ex-officio commissioner of lands within the county, and shall discharge the duties of said office under the direction of the state board of land commissioners, and as provided by law.

Section 12.

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

Article XII Finances

Section 1.

The legislature shall provide for an annual tax, efficient to defray the estimated expenses for each year, and whenever the expenses of any year shall exceed the income, the legislature shall provide for levying a

tax for the remaining year sufficient, with other sources of income, to pay the deficiency as well as the estimated expense of such remaining year.

Section 2.

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

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

Section 7.

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

Section 8.

Neither the state nor any county, city, town, or school district shall make any donation or grant or in aid of, or become a subscriber to, or a stockholder in any corporation, public or private, in or out of the state, except as to such ownership as may accrue to the state by escheat, by forfeiture by operation of law; and except as such ownership as may accrue to the state, or any county, city, town, or school-district, or to either or any of them jointly with any person, company or corporation, by forfeiture or by sale of real estate for non payment of taxes, or by any donation or device for public use, or by purchase by or on behalf of any or either of them under execution in case of fines, penalties or forfeiture of recognizance, breach of conditions of official bond or of bond to secure public moneys, or the performances of any contract in which they or any of them may be jointly or severally interested.

Section 9.

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

Section 10.

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

Section 11.

For the purpose of defraying extraordinary expenditures, the state may contract public debts; but such debts, in the aggregate, shall not, for the first fifteen years, exceed fifty thousand dollars; and shall never exceed one hundred thousand dollars. Every such debt shall be authorized by law, for some purpose or purposes to be directly specified therein, and every such law shall provide for levying an annual tax sufficient to pay the annual interest of such debt, and the principal within ten years from the passage of such laws; and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest, and such appropriation shall not be repealed nor the taxes postponed or dismissed, until the principal and interest and such debt shall have been wholly paid.

Section 12.

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

Section 13.

No city or town shall contract any debt, by loan in any form, except by means of an ordinance, which shall be [irrepealable] until the indebtedness therein provided for shall have been fully paid or discharged, specifying the purpose to which the funds to be raised shall be applied, and providing for the levy of a tax - not exceeding twelve mills on each dollar of evaluation of taxable property within such city or town sufficient to pay the annual interest, and extinguish the principal of such debt within fifteen years, but not less than ten years, from the creation thereof; and such tax, when collected, shall be applied only to the purposes in such ordinance specified, until the indebtedness be paid or discharged. But no such debt shall be created unless the question of incurring the same shall at the regular election for councilmen, aldermen,

or officers of such city or town, be submitted, to a rate of such qualified election as shall, in the year next preceding, have paid a property tax therein, and a majority of those voting on the question, by ballot deposited in a separate box, shall vote in favor of creating such debts, but the aggregate amount of debt as created, together with the debt existing at the time of such election, shall not, at any time exceed three per cent of the last valuation of property upon which said tax was paid.

Section 14.

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

Section 15.

The state treasurer shall keep a separate account of such fund in his hands, and shall at the end of every quarter of the fiscal year, report to the governor, in writing, under oath, the amount of all moneys in his hands to the credit of every such fund, and the place where the same are deposited, and the number and amount of every warrant received, and the number and amount of every warrant paid therefrom, during the quarter. The governor shall cause every such report to be immediately published in at least one newspaper printed at the seat of government. The legislature shall, at its first session, and may at any subsequent one, provide by law, regulations for the safe keeping of the public funds, and for bonds, to be given by the treasurer, with sureties.

Section 16.

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

Section 17.

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

Section 18.

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

Section 19.

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

Section 20.

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

Section 21.

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

Section 22.

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

Article XIII Corporations

Section 1.

All existing charters, or grants of exclusive privileges, under which the corporations or grantees shall not have organized and commercial business in good faith, at the time of the adoption of this constitution, shall thereafter have no validity.

Section 2.

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

Section 3.

All railroads in this state shall be deemed public highways, and shall be free to all persons for the transportation of their persons and property, under such regulations as may be prescribed by law, and laws shall be passed from time to time, establishing reasonable maximum rates of charges for the transportation and freights thereon, and to prevent unjust discrimination. No railroad corporation or the lessee or manager thereof, shall consolidate its stock. Property or franchises with any other railroad corporation,

owning or having under its control a competing liner. Every railroad shall have the right, with its road, to intersect with, or cross any other railroad, the manner of the exercise of which rights, however, to the regulated by laws. Laws shall also be passed, regulating the liability of common carriers of passengers in cases of personal injuries occasioned by negligence on the part of the carrier.

Section 4.

No right of way shall be appropriated to the use of any private corporation until full compensation shall be first made to the owners irrespective of any benefit arising therefrom, which compensation shall be ascertained in such manner as may be provided by law.

Section 5.

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

Section 6.

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

Section 7.

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

Section 8.

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

Article XIV State Institutions

Section 1.

Educational, reformatory and penal institutions, and those for the benefit of the insane, blind, deaf and dumb, and such other institutions as the public good may require, shall be established and supported by the state in such manner as may be prescribed by law.

Section 2.

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

Section 3.

The legislature shall name no appropriations or expenditures for capital buildings or grounds (except to keep the territorial capital building and grounds in repair), until the seat of government shall have been permanently located.

Section 4.

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

Article XV Miscellaneous

Section 1.

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

Section 2.

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

Section 3.

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

Section 4.

No county with an area of nine hundred square miles or less shall be divided, or have any part stricken therefrom, without submitting the questions to a vote of the qualified electors of the county, voting on the question, shall have voted in favor of its removal.

Section 6.

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

Section 7.

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

Section 8.

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

Section 9.

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

Section 10.

All patents or grants of land, made by the United States to settlers and purchasers of tide lands shall be ratified and confirmed by the state.

Section 11.

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

Section 12.

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

Section 13.

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

Section 14.

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

Article XVI Amendments

Section 1.

Any amendment or amendments to the 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 houses, such proposed amendment or amendments shall be entered in their journals, with the ayes and noes thereon, and be submitted to the qualified electors of the state for their approval, at the next general election; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors voting thereon, the same shall become part of this constitution, and proclamation thereof shall be made by the governor, provided, that, if more than one amendment be submitted, they shall be submitted in such 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, be published in some weekly newspaper, in every county where such newspaper is published, throughout the state.

Section 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.

Section 3.

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

Schedule**Section 1.**

That no inconvenience may rise by reason of a change from a territorial to a state government, it is declared that actions, rights, prosecutions, judgments, decrees, claims and contracts, as well of individuals as of bodies corporate - including counties, cities, towns, school and road districts - shall continue as if no 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.

Section 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.

Section 3.

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

Section 4.

All recognizances heretofore taken, or which may be taken before the change from a territorial to a state government shall remain valid and shall pass to, and may be prosecuted in the name of the state; and all bonds executed to the governor of the territory of Washington, or to any county or municipal corporation, or to any officer or court in his or its official capacity, shall pass to the state authorities and their successors in office, for the uses therein expressed, and maybe sued for and recovered accordingly; and all the estates, real and personal and mixed, and all judgments, decrees, bonds, specialties, cases in actions and claims or debts of whatever description, belonging to the territory of Washington, shall ensure 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. 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 offences 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 by the authority if 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 condition had not been adapted. 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 such courts of the state, having jurisdiction of the subject matter thereof.

Section 5.

All officers, now having their offices 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 superceded by the authority of the state; and shall be entitled to receive, for services rendered the state, a compensation not greater than that theretofore received. On the taking effect of this constitution, all officers thereby continued in office, shall, before proceeding in the further discharge of their respective duties, take an oath or affirmation to support this constitution. All vacancies that may occur in existing offices prior to the election and qualification of officers under this constitution, shall be filled in the manner prescribed by law.

Section 6.

Whenever the judge of the circuit court of any circuit, elected or appointed under the provisions of this constitution, shall have qualified in his office, the several causes then pending in the district court of the territory within any county in such circuit, 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 circuit court of the state for such county and until the district courts of the territory shall be superceded in manner aforesaid, the said district courts and the judges thereof, shall continue with the same jurisdiction and powers, to be exercised in the same judicial districts respectively, as heretofore constituted under the laws of the territory. Whenever any two of the judges of the circuit court, elected or appointed under the provisions of the constitution, shall have qualified in their office, the causes then in the supreme courts, 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 superceded, the supreme court of the territory and judges thereof, shall continue with like powers and jurisdiction as if this constitution had not been adopted.

Section 7.

The terms of office of the governor and state officers, members of the legislature, circuit and probate judges, circuit attorneys, and all county officers first elected under the constitution, shall commence on the seventh Monday after the first general election; and in the event that either of the persons elected shall fail to qualify within twenty days after said seventh Monday, then the person receiving the next highest number of votes for such office shall take it within the next succeeding ten days, and in the event of his failure or neglect, the office shall be declared vacant, and the legislature shall provide for filling the vacancy.

Section 8.

Until otherwise provided by law, the now in use in the supreme, district and probate courts of the territory,

are hereby declared to be the seals of the supreme circuit and probate courts respectively of the state. The seals of municipalities and all county officers of the territory, shall be the seals of such municipalities and officers respectively under the state and till otherwise provided by law.

Section 9.

When the state is admitted into the union, the books, the records, papers and proceedings of the probate court in each county, and all causes and matters of administration pending therein, shall pass into the jurisdiction and possession of the probate court of the same county created by this constitution; and said courts shall proceed to final judgment or decree order or other determination the said several matters and causes, as the territorial probate court might have done, if the constitution had not been adopted. And until the election and qualification of, the probate judges provided for this constitution, the territorial probate judges shall act as judges of the probate courts created by this constitution, within the respective counties.

Section 10.

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.

Section 11.

In case of a contest of election between candidates, at the first general election under the constitution, for judges of the circuit or probate courts, or for circuit attorney, the evidence shall be taken in the manner prescribed by territorial laws, and the testimony as taken shall be certified to the secretary of state and the said officer, together with the governor and treasurer of state, shall review the evidence and determine who is entitled to the certificate of election.

Section 12.

The county officers of the several counties shall provide poll books, tally lists and forms of oath of office, for inspection judges, and clerks of election for the first state election under the constitution, in the same manner as is now provided for by law.. The votes at the first general election under this constitution, for the several officers who are to be elected at such elections, shall be canvassed, returns made, and results determined, in the manner prescribed by the territorial law for canvassing votes for like officers. The votes cast for governor, state officers, members of the legislature, judges of the circuit and probate courts and for circuit attorneys, shall be canvassed by the county canvassing boards, in the manner prescribed by the territorial law for canvassing votes for members of the legislative assembly; and returns shall be made to the secretary of territory acting as secretary of state, under the same regulations as prescribed by law for sending the abstracts of votes for delegate in congress; and the secretary, auditor and treasurer, or any two of them, on the twenty-fifth day after election, or within ten days thereafter, shall proceed to canvass the votes and declare the results. The judges and inspector of election, who shall have been appointed by the county commissioners of the several counties of the territory, to hold and conduct the general election next proceeding the time of holding the first general election under the constitution, shall be and are hereby appointed judges and inspector of the first election, as **provided in section seventeen in this Schedule, with power to fill** vacancies as provided by law.

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 time and place and in such manner as may be prescribed by law. When a new appointment shall be made by congress, the legislature shall divide the state into congressional districts, in accordance with such apportionment. The vote cast for each representative in congress, at the first election held under this constitution, shall be canvassed, and the result determined, in the manner provided by the laws of the territory for the canvass of the vote for the delegate in congress.

Section 14.

The first legislature shall meet at twelve o'clock, Meridian, at the seat of government, on the seventh Monday after the first general election shall effect an organization, and thereafter the legislature shall meet biennially, at such time and places as may be provided by law.

Section 15.

Until the legislature shall otherwise provide, the terms of the supreme, circuit and probate courts shall be held as is now provided by law for the supreme, district and probate courts of the territory.

Section 16.

Until there shall be a new appointment under the authority of the state, the senators and the members of the house of representatives shall be appointed among the several districts as follows: The county of Walla Walla, shall constitute the first senate district, The counties of Columbia, Whitman and Stevens shall constitute the Second senate district. The counties of Clark, Skamania, Yakima and Klickitat shall constitute the third senate district. The Counties of Cowlitz, Wahkiakum and Pacific shall constitute the fourth senate district. The counties of Thurston and Lewis shall constitute the fifth senate district. The counties of Pierce, Mason and Chehalis shall constitute the sixth senate district. The county of King shall constitute the seventh senate district. The counties of Kitsap, Snohomish and Whatcom shall constitute the eighth senate district. The counties of Jefferson, Clallam, Island and San Juan shall constitute the ninth senate district. Each Senate District shall be entitled to elect one senator. The counties of Cowlitz and Wahkiakum shall elect one representative. The county of Cowlitz - one. The county of Clark - two. The county of Columbia -

three. The counties of Klickitat and Skamania - one. The county of Lewis - one. The county of Thurston - two. The counties of Pacific and Chehalis - one. The county of Pierce and Mason - one. The county of King - three. The county of Snohomish - one. The county of Kitsap - one. The counties of Kitsap and Jefferson - one. The county of Jefferson - one. The county of Whatcom - two. The counties Clallam and San Juan - one. The county of Island - one. The county of Whitman - two. The county of Walla Walla - four. The county of Yakima - one. The county of Stevens - one.

Section 17.

The first general election under the constitution shall be held on the Tuesday next succeeding the sixth Monday after the admission of the state; at which there shall be elected, the governor, secretary of state, state treasurer, state superintendent of public instruction, judge of the circuit courts, judge of the probate courts, members of the legislature, circuit attorneys, and for each county, three county commissioners, a county clerk, sheriff, treasurer, county superintendents of schools, surveyor, coroner, and all precinct officers, and no further notice of said election shall be required.

Section 18.

The legislature, at the first session, shall provide by law for the expiration of the terms of all officers first elected and qualified under this constitution, on a day designated as the commencement of the political year, provided, the several terms of offices shall not be thereby lessened nor extended more than one political year.

Section 19.

This constitution, when enrolled and signed, shall be deposited by the president of this convention, in the office of the governor of this territory, and in the event of its adoption by the people, the governor shall send a copy thereof to the president of the United States, with the request that he submit the same to congress, together with our request that the state of Washington be admitted into the union. There shall be sent, at the same time, a copy of the act of the legislative assembly of this territory, entitled "An Act to provide for calling a convention to frame a constitution for the state of Washington", and submitting the same to the people for ratification or rejection, approved November ninth eighteen hundred and seventy seven, and also a certified abstract of the votes cast for and against this constitution.

Section 20.

This constitution; separate articles, number one; separate article, number two; and separate article, number three - shall be submitted for adoption or rejection to the qualified electors of this territory, at an election to be held on the Tuesday next succeeding the first Monday in November, Anno Domini one thousand eight hundred and seventy-eight. If the same be adopted by the electors, it shall become the constitution of the state of Washington. On such of the ballots as are for the constitution, shall be written or printed the words "For constitution", and on such of the ballots as are against the constitution, the words "Against the constitution", and on such of the ballots as are in favor of separate article number one, the words "For separate Article number one" and on such as are against separate article, number one", the words "Against separate article, number one"; and also on such ballots as are in favor of separate article number two, the words "For separate article, number two"; and on such as are against separate article, number two, the words "Against separate article, number two", and also on such ballots as are in favor of separate article, number three, the words "For separate article, number three", and on such as are against separate article, number three, the words "Against separate article, number three". The election shall be conducted in the manner prescribed by law for the election of delegate in congress; and the votes counted and returned to the secretary of the territory, in the same manner and at the same time as are the votes for said delegate. The secretary shall canvass and certify the results to the governor within sixty days after said election, who shall make known the result by proclamation. The several elections provided for in this schedule shall be conducted according to the existing laws of the territory.

Section 21.

This constitution shall be submitted to the qualified electors of the counties of Nez Perce, Idaho, and Shoshone, in Idaho territory, or that portion of them embraced in the boundaries as defined in this constitution, on the Tuesday next after the first Monday in November, one thousand eight hundred and seventy-eight, for the adoption or rejection. William Ewingand Hagen Squier, of Nez Perce county, J. M Crooks and Frank Fenn, of Idaho county, and E. H. Bradley of Shoshone county, are hereby appointed a board of Commissioners, any three of whom shall constitute a quorum, and fill any vacancy that may occur in boards, which board shall have an office at Lewiston, Idaho territory, for the transaction of the business of said board, and shall have full authority to appoint judges and clerks in each and every precinct throughout those counties above named for said election; and the full returns of the votes in all the precincts in those counties shall be made by the respective judges and clerks of elections as appointed, under oath, to the said board of commissioners at Lewiston, within ten days after said election, which board shall open said returns, canvass the votes and certify the result of the same, and transmit forthwith said result to the secretary of Washington territory, at Olympia, Washington Territory, to be canvassed at the time of canvassing the result of the vote of the people of the Territory of Washington and the separate and aggregate result of the vote in both territories made known. The said board of commissioners shall give at least ten days previous public notice of each of said elections in each and every precinct in said counties by publication in some newspaper circulating therein, and by posting printed notices thereof at the

places of holding the election. The members of said board of commissioners, and the several judges and clerks of election shall severally take an oath before some person authorized to administer oaths, to well and truly discharge the duties of their respective offices, which oaths shall be transmitted, with the returns of said election, to the said secretary, all laws in force in that portion of Idaho territory, included within said boundaries, at the time of the admission of the state, not inconsistent with this constitution, shall continue in force until altered or repealed. All officers exercising their functions of office under the laws of Idaho territory in that portion thereof embraced in the boundaries defined in this constitution, when it takes effect shall continue in office and in the exercise of their respective duties and authority until suspended by the state authorities, and shall take an oath to support the constitution of this state. The first general election for the officers designated in section thirteen and seventeen of this schedule shall be conducted in every respect according to the existing laws of Idaho territory, and returns thereof shall be made to the secretary of the territory of Washington acting as secretary of state and shall be canvassed as provided in section twelve and thirteen. The counties of Nez Perce, Idaho, and Shoshone shall be counties of the state and shall constitute the tenth senate district. They shall constitute one representative district and shall elect one member of the house of representatives from the county of Nez Perce, one from counties of Nez Perce and Shoshone, and one from the county of Idaho. All the provisions of this schedule, in as far as they are applicable, shall apply to that portion of the territory of Idaho and the people thereof, included in the boundaries of the state. The legislature shall have power to pass laws assenting to and confirming such provisions as may be made to congress in the conservation of public and private rights of every mind and nature whatsoever, founded upon law or growing out of the change in the political relations of that portion of Idaho, or of the municipal division thereof, or of the people who may be included without the boundaries of this state. The State of Washington hereby pledges its faith to pay to the territory of Idaho the just proportion of territorial indebtedness, for which the said people, or the counties, or other municipalities shall be justly bound. In the levying of taxes a separate and additional state tax of one half mill on every dollar of assessed valuation of property within the counties of Nez Perce, Shoshone, and Idaho shall be annually imposed and collected in the same manner as other taxes are collected, until an amount equal to said indebtedness shall have been so collected.

Article XV Miscellaneous

Section 15.

The legislature shall have power to fix the time for the election of all officers where no provision is made for each election in this constitution.

Ordinance

The people of the territory of Washington together with that portion of the people the territory of Idaho included within the boundaries as defined by this constitution, by their delegates, in convention assembled, do ordain and declare. First -- That we adopt the constitution of the United States as the supreme law. Second - Perfect toleration of religious sentiment shall be secured, and no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship. Third - The people of the territory included within the boundaries of the proposed state, as set forth in this constitution, by their delegates in convention assembled, do agree and declare, that they forever disclaim all rights and title to the un-appropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposal of the United States; that the lands belonging to persons residing without the state shall never be taxed higher 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 be purchased by the United States. That where these three sections shall be irrevocable without the consent of the United States and the People of the State of Washington.

Separate Article No. 1

No person, who is otherwise a qualified elector, shall be denied the right to vote in this state, on account of sex, anything in this constitution to the contrary notwithstanding.

Separate Article No. 2

No person shall be denied the right, on account of sex, to vote or hold office in this state; nor shall such right be, in any manner, abridged on account of sex.

Separate Article No. 3

It shall be lawful for the election of any county, municipal corporation or, precinct not included within the corporate limits of any municipality, at any general election, to prohibit by a majority vote, the sale or dispersal of spirituous liquors in less quantities than one gallon, except for medicinal purposes. And the legislature shall pass, at its first session, such laws as will carry into effect this article if adopted. On the ballots shall be written or printed the following: For Separate Article, Number One", "Against separate Article, Number One". "For Separate Article Number Two", "Against Separate Article, Number Two", "For Separate Article, Number Three". "Against Separate Article, Number Three". In case a majority of all the votes for and against any separate article, shall be in favor of such article, the same shall become a part of the Constitution, and shall be added to the Declaration of Rights.

Resolutions

Resolved -- That the congress of the United States be and is hereby requested upon the application of Washington for admission into the Union, to grant to the state, lands in lieu of the tide and school lands, within the boundaries of the state, which have been heretofore or hereafter be sold to the United States; and to expand to the state the benefits of the act of Congress, passed September twenty-eighth one thousand eight hundred and fifty, in relation to swamp and overflowed land; and to grant other lands as in the case of states heretofore admitted , for a university, for public buildings, and for general purposes, and to confirm the disposition made by the constitution of the state, of the five per centum of the sales of the public lands of the United States, and of the five hundred thousand acres of land to which the state will become entitled by virtue of the laws of congress upon its admission.

Resolved - That congress be requested to restrict the sales of lands of the United States in this state to actual settlers, in limited quantities, and to provide that persons who have purchased lands within railroad grants which have elapsed or have been abandoned, may enter additional land for the excess paid over one dollar and twenty-five cents per acre; and that homestead and pre-emption settlers shall be allowed the benefit of minimum price, and further that the selection of the five hundred thousand acres of land, the state may be allowed to select the same in tracts of not less than forty acres, instead of three hundred and twenty acres as is now provided by law. 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 this 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-seventh day of July, Anno Domini, one thousand eight hundred and seventy eight.

- W Byron Daniels, Secretary
- Alex S. Abernathy, President
- Lyman B. Anderson
- Charles M. Bradshaw
- Benj. F. Dennison
- Edward Eldridge
- Francis Denny
- S. N. Gilman
- Wyatt A. George
- B. Eming
- D. B. Hannah
- A. H. Sanabee
- Oliver P Lacy
- Henry Leland
- James V. O'Dell
- George H. Stuword
- Sylvester M. Wait

The following words to wit: "The Columbia River and the navigable water of the state shall be common highways and forever free as well to the inhabitants of the state as to the citizens of the United States without any tax, duty or impost forever" ---- in section 1 of the Article on Eminent D, were domain, page 2 of this book, were inserted in error and on final revision were struck out by order of the convention.

[Giuna] Hall, Walla Walla July 27th, 1878

W. Byron Daniels Secretary

Territory of Washington

Executive Department

Olympia, August 3, 1878

The foregoing engrossed Constitution of the State of Washington was with this day filed in this office.

I certify, under penalties of perjury, that I am not acting as an agent or officer of any government or corporate entity, for the purpose of investigating, prosecuting, or causing to be investigated or prosecuted, any member of Civil Rights Task Force, Right Way I.a.w or The International Bar Association. I understand that this site is foreign to the venue of the United States and the States of the United States.

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