

DOCUMENTS

WASHINGTON'S FIRST CONSTITUTION

ARTICLE VI LEGISLATIVE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE VII

EXECUTIVE

SECTION 1. The Supreme Executive Power of the State shall be vested in a Governor, who shall hold his office for four years, and shall not be eligible to the office for the next succeeding term.¹⁴

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

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

¹⁴ The last clause of Section 1 did not find its way into the Constitution except in relation to the state treasurer.

tions for Governor shall be determined by the two houses of the legislature, on joint ballot, in such manner as shall be prescribed by law.

SEC. 4. The Governor shall be commander-in-chief of the military and naval forces of the State. He shall have power to convene the legislature on extraordinary occasions, by proclamation, stating the purposes for which it is assembled. But at such session, no business shall be transacted other than that specially named in the proclamation; and in case of invasion, or insurrection, or danger from the prevalence of contagious disease at the seat of government, he may convene it at any other place in the State. He shall transact all necessary business—civil and military. He shall expedite all such measures as shall be resolved upon by the legislature, and shall see that the laws are faithfully executed.

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

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

SEC. 7. Every bill passed by the legislature shall, before it becomes a law, be presented to the Governor for his approval. If he approve, he shall sign it; but, if not, he shall return the same, with his objections, to the house in which it originated; which house shall enter the objections at large upon its journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members

lected to that house should agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall also be reconsidered; and, if approved by two-thirds of the members elected to that house, it shall become a law. In all such cases, the vote of each house shall be determined by ayes and noes, to be entered on their respective journals. If any bill shall not be returned by the Governor within five days (Sundays excepted), after it shall have been presented to him, the same shall become a law, unless the legislature, by its adjournment, prevent its return, in which case it shall be filed, with its objections, in the office of the Secretary of State, within ten days after such adjournment or else become a law.

SEC. 8. The Governor may require information in writing, from the officers of the administrative and military departments of the State, upon any subject relating to the duties of their respective offices; which information shall be given upon oath whenever so required. He may also require information in writing at any time, under oath, from all officers and managers of State institutions. The Governor shall, at the commencement of each session, and from time to time, by message, give to the legislature, information of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall also send to the legislature, at the beginning of each session, a statement of all moneys of the State, expended by him or under his direction; and, at the same time, present estimates of the amounts of moneys required to be raised by taxation for all State expenditures.

ARTICLE VIII

JUDICIAL

SECTION 1. The Court for the trial of impeachments shall be composed of the senate. The house of representatives shall have the power of impeaching all civil officers of the State, for corrupt conduct in office, or for crimes and misdemeanors; but a majority of all the members elected shall concur in an impeachment. On a trial of an impeachment against the Governor, the Chief Justice of the Supreme Court shall preside. Before the trial of an impeachment, the members of the court shall take an oath or affirmation, truly and impartially to try the impeachment according to the evidence; and no person shall be convicted without the concurrence of two-thirds of the members elected. Judgment, in cases of impeachment, shall not extend further than removal from office, or removal from office and 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.

SEC. 2. The judicial power of the State, both as to matters of law and equity, shall be vested in a Supreme Court; Circuit Courts; Probate Courts;¹⁵ Justices of the Peace, and such inferior municipal courts as may be provided by law.

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

SEC. 4. For the term of four years and thereafter, until the legislature shall otherwise provide, the judges of the several circuit courts shall be *ex officio* judges of the Supreme Court, a majority of whom shall constitute a quorum; and a concurrence of a majority of the judges present shall be necessary to a decision; *provided*, that in the event the court shall be equally divided in opinion, the cause shall be continued for re-argument; and if upon re-argument, the court shall again be divided in opinion, the judgment below shall be affirmed. The legislature shall have power, after the expiration of said term, to provide by law for the organization of a separate Supreme Court, with the jurisdiction and powers prescribed by this Constitution; to consist of one chief justice, and two associate justices, to be appointed by the Governor, by and with the advice and consent of the senate. The Supreme Court, when so organized, shall not be changed or discontinued by the legislature; the judges thereof shall be so classified that but one of them shall go out of office at the same time; and their terms of office shall be the same as is provided for judges of the circuit courts.

SEC. 5.¹⁶ The State shall be divided into three judicial circuits, to be composed as follows: The first circuit shall comprise all that portion of the State lying east of the summit of the Cascade mountains, except the county of Klickitat.

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

¹⁵ Probate courts were abolished by the Constitution of 1889 and their powers given to the superior courts.

¹⁶ This section was abrogated in the Constitution of 1889, and in lieu of it we find each county made a judicial district.

The third circuit shall comprise the counties of Clallam, Island, Jefferson, King, Kittitas, Pierce, San Juan, Snohomish and Whatcom.

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

In case of an increase of circuits, the judge or judges shall be elected, as provided in this Constitution, and receive a salary not less than that provided for judges of the circuit court.

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

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

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

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

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

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

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

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

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

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

SEC. 16. The electors of the several precincts, at the time ap-

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

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

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

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

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

SEC. 21. There shall be a probate court in each county, which shall have such jurisdiction in matters relating to the estates of deceased persons, and to the persons and estates of minors and persons of unsound mind, as may be prescribed by law. This court shall consist of one judge, who shall be chosen by the qualified electors of the county, and shall hold his office for the term of two years. He shall hold court at such times, and receive such compensation as may be provided by law.¹⁸

ARTICLE IX

ADMINISTRATIVE

SECTION 1. There shall be chosen, by the qualified electors, of the State, a Secretary of State, a State Treasurer, and a Superintendent of Public Instruction, who shall hold their offices for the term of four years. They shall, during their terms of office, reside at the seat of

¹⁷ The present style of process is "The State of Washington."

¹⁸ See note numbered 15.

government, where shall be kept the public records, moneys, securities, books and papers of their respective offices.

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

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

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

SEC. 5. In each county, there shall be elected for the term of two years, three county commissioners, who shall perform such duties as may be prescribed by law; any two of whom shall be a quorum for the transaction of business, and who shall be elected at the same time as is provided for the election of members of the legislature. There shall also be elected at the same time, in each county, one county clerk, who shall be clerk of the board of county commissioners, and be *ex officio* recorder of deeds; one sheriff; one coroner; one treasurer; one superintendent of schools; one surveyor, and one assessor; who shall severally hold their offices for the term of two years.

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

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

SEC. 8. No person shall be eligible to any county office unless he shall be a qualified elector, and have resided in the county one year next preceding his election, except as otherwise provided in this Constitution.

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

ARTICLE X

OFFICERS

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

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

SEC. 3. No person hereafter convicted of embezzlement of public moneys, shall be eligible to any office of trust or profit in this state, unless restored to the rights of citizenship by a pardon from the Governor.

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

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

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

SEC. 7. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge

therefor, or agree to go out of the state to fight a duel, shall hold any office in this State.

SEC. 8. Public officers, except the Governor and judges of the Supreme and Circuit Courts, shall not be impeached; but corruption, malfeasance, misfeasance or non-feasance in office shall be prosecuted and tried in the same manner as criminal offenses; and judgment, upon conviction, shall be given of dismissal from office, in addition to such other punishment as may be prescribed therefor by law.

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

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

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

ARTICLE XI

EDUCATION

SECTION 1. The general supervision of the public schools of the state shall be vested in a board of education, whose powers and duties shall be prescribed by law. The superintendent of public instruction, secretary of state, and state treasurer shall constitute the board of which the superintendent of public instruction shall be president.

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

SEC. 3. The public school fund of the state shall forever remain irreducible; the interest thereon only shall be expended in the maintenance of the schools of the state, and shall be distributed among the several counties and school districts in such manner as may be provided by law. No part of this fund, principal or interest, shall ever

be transferred to any other fund, or used or appropriated for any other purpose than that herein provided. The state treasurer shall be the custodian of this fund, and the state shall make good all losses thereof that may in any manner occur.

SEC. 4. The net proceeds of the sale of all lands that have been, or hereafter may be granted by the United States to the state for educational purposes (except the lands heretofore granted, or that may be hereafter granted for the purposes of a university, or for a college of agriculture), all moneys and the clear proceeds of all property that may accrue to the state by forfeiture or escheat; all moneys which may be paid as an equivalent for military duty; and all moneys arising from any grant to the state, where the purposes of the grant are not specified. The net proceeds of the sales or other disposition of the five hundred thousand acres of land to which the state is entitled on its admission, by the provisions of section 2378 of the revised statutes of the United States; together with the five per centum of the net proceeds of the sales of the public lands which the state may receive on its admission into the Union (if Congress consents to such appropriations last mentioned)—shall be set apart as a separate fund, to be called the school fund, the interest of which, and all other revenues derived from the school lands, shall be exclusively applied in such manner as the legislature may prescribe to the support of common and graded schools and to the purchase of suitable libraries and apparatus therefor.

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

SEC. 6. Provisions shall be made by law for the distribution of the income of the school fund among the several districts, for the support of common schools in proportion to the number of children therein, between the ages of five and twenty-one years; and no appropriations shall be made from the school fund of any district for the year in which a school shall not be maintained at least three months.

SEC. 7. Provisions shall be made by law for the support of the State University, and for connecting with the same, from time to time, such colleges, in different parts of the state,¹⁹ as the interests of education may require. The proceeds of all lands that have been,

¹⁹ This plan was to locate different colleges of the State University at different points of the State.

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 branches, wherever located in the state; and no sectarian instruction shall be allowed therein.

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

SEC. 9. It shall be the duty of the state board of land commissioners to provide for the location, protection, sale or other dispositions of all the lands belonging to the state under such regulations as may be prescribed by law. No law shall ever be passed by the legislature, granting any privileges to persons who may have settled upon any school lands subsequent to the public surveys thereof, by which the amount to be derived from the sale or other disposition of such lands, shall be diminished directly or indirectly. The legislature shall, at the earliest practicable period, provide by law that the several grants of land, made by Congress to the state, shall be located, preserved and held for disposal, for the respective purposes for which said grants were made, or which are designated in this constitution; and shall provide for the sale, leasing and general management of said lands from time to time, and for the application of the proceeds thereof in the manner directed in this constitution.

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

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

SEC. 12. No religious test or qualification shall ever be required of any person as a condition of admission into any public school or educational institution of the state, as teacher or pupil; and no sectarian doctrines shall ever be taught in the public schools in this state,

nor shall any funds, set apart for educational purposes, be appropriated for the support of schools controlled in whole or in part by any church, religious society or sectarian denomination, and no appropriation from the common school fund shall be made for the support of any private school or seminary whatever.

ARTICLE XII

FINANCES

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

SEC. 2. All taxes shall be uniform upon the same class of subjects²⁰ within the Territorial limits of the authority levying the tax; and shall be levied and collected under general laws, which shall prescribe such regulations as shall secure a just valuation for taxation of all property, real and personal.

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

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

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

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

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

SEC. 8. Neither the state, nor any county, city, town, or school

²⁰ The expression "upon the same class of subjects" is not found in our present Constitution, and its absence causes our taxation system to be too rigid.

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

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

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

SEC. 11. For the purpose of defraying extraordinary expenditures, the state may contract public debts, in the aggregate, shall not, for the first fifteen years, exceed fifty thousand dollars; and shall never exceed one hundred thousand dollars. Every such debt shall be authorized by law, for some purpose or purposes to be distinctly specified therein; and every such law shall provide for levying an annual tax sufficient to pay the annual interest of such debt, and the principal within ten years from the passage of such law; and shall specially appropriate the proceeds of such taxes to the pay of such principal and interest; and such appropriation shall not be repealed, nor the taxes postponed or diminished, until the principal and interest of such debt shall have been wholly paid.

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

SEC. 13. No city or town shall contract any debt, by loan in any form, except by means of an ordinance—which shall be irrevocable until the indebtedness therein provided for shall have been fully paid or discharged—specifying the purposes to which the funds to be

raised shall be applied, and providing for the levy of a tax—not exceeding twelve mills on each dollar of valuation of taxable property within such city or town—sufficient to pay the annual interest, and extinguish the principal of such debt within fifteen years, but not less than ten years, from the creation thereof; and such tax, when collected, shall be applied only to the purposes in such ordinances specified, until the indebtedness be paid or discharged. But no such debt shall be created unless the question of incurring the same shall, at a regular election for councilmen, aldermen or officers of such city or town be submitted to a vote of such qualified electors as shall, in the year next preceding, have paid a property tax therein; and a majority of those voting on the question, by ballot deposited in a separate box, shall vote in favor of creating such debts; but the aggregate amount of debt so created, together with the debt existing at the time of such election, shall not, at any time, exceed three per cent of the last valuation of property upon which said tax was paid.

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

SEC. 15. The State Treasurer shall keep a separate account of each fund in his hands, and shall, at the end of every quarter of the fiscal year, report to the Governor in writing, under oath, the amount of all moneys in his hands to the credit of every such fund, and the place where the same are deposited, and the number and amount of every warrant received, and the number and amount of every warrant paid therefrom, during the quarter. The Governor shall cause every such report to be immediately published in at least one newspaper printed at the seat of government. The legislature shall, at its first session, and may at any subsequent one, provide by law regulations for the safe-keeping of the public funds, and for bonds, to be given by the Treasurer, with sureties.

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

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

SEC. 18. There shall be a state board of equalization, consisting of the secretary of state, state treasurer and superintendent of public instruction, whose duty it shall be to adjust and equalize the valuation

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

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

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

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

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

ARTICLE XIII
CORPORATIONS

SECTION 1. All existing charters, or grants of exclusive privileges, under which the corporators or grantees shall not have organized and commenced business in good faith, at the time of the adoption of this constitution, shall thereafter have no validity.

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

SEC. 3. All railroads in this state shall be deemed public highways, and shall be free to all persons for the transportation of their persons and property, under such regulations as may be prescribed by law; and laws shall be passed, from time to time, establishing rea-

sonable maximum rates of charges for the transportation of passengers and freights thereon, and to prevent unjust discrimination.

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

SEC. 4. No right of way shall be appropriated to the use of any private corporation until full compensation shall be first made to the owner, irrespective of any benefit arising therefrom; which compensation shall be ascertained in such manner as may be provided by law.

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

SEC. 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.

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

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

ARTICLE XIV

STATE INSTITUTIONS

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

SEC. 2. The legislature shall not have power to change or locate the seat of government of the state; but shall, at the first session

subsequent to the admission of the state, submit the question of its permanent location to the qualified electors of the state, at the general election then next ensuing. A majority of all the votes cast shall be necessary to such location; and in case no one place shall have such majority, the question shall be resubmitted at each general election until such majority vote shall effect a location. *Provided, That,* until the seat of government shall have been permanently located, as herein provided, the temporary location thereof shall remain at the capital of the territory at the time of the admission of the state.

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

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

ARTICLE XV
MISCELLANEOUS

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

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

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

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

SEC. 5. No county seat shall be removed until a majority of the

qualified electors of the county, voting on the question, shall have voted in favor of its removal.

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

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

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

SEC. 9. None but citizens of the United States, or aliens who have declared their intentions to become such, in accordance with the laws of congress, shall be employed in or about any public office in the state, or in any state institution, or on any public work prosecuted by the state.²¹

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

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

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

SEC. 13. The county commissioners, superintendent of schools and the county treasurer of each county shall constitute a board of

²¹ There was much agitation in the legislature of 1919 to enact provisions similar to those of section 9 into law.

appraisers, who shall appraise all lands within their respective county, belonging to the state except tide-lands under such regulations as may be prescribed by law before they can be sold.

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

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

ARTICLE XVI

AMENDMENTS

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

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

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

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

SCHEDULE

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

SEC. 2. All laws now in force in the Territory of Washington, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitation, or are altered or repealed by the legislature.

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

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

All criminal prosecutions and penal actions, which may have arisen, or which may arise, before the change from a territory to a state government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the state. All offenses committed against the laws of the Territory of Washington, before the change from a territorial to a state government and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the State of Washington, with like effect as though such change had not taken place; and all penalties incurred

shall remain the same as if this Constitution had not been adopted. All actions at law and suits in equity, which may be pending in any of the courts of the Territory of Washington, at the time of the change from a territorial to a state government, shall be continued, and transferred to such court of the state, having jurisdiction of the subject matter thereof.

SEC. 5. All officers, now holding their office under the authority of the United States or of the Territory of Washington, shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the state; and shall be entitled to receive, for services rendered the state, a compensation not greater than than 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.

SEC. 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 superseded 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 this Constitution, shall have qualified in their office, the causes then pending in the supreme court of the territory, and the papers, records and proceedings of said court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the supreme court of the state, and until so superseded, the supreme court of the territory, and the judges thereof, shall continue with like powers and jurisdiction as if this Constitution had not been adopted.

SEC. 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 this 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, 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.

SEC. 8. Until otherwise provided by law the seals 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, until otherwise provided by law.

SEC. 9. When the state is admitted into the Union, the books, 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 the said court shall proceed to final judgment or decree, order or other determination in the several matters and causes, as the territorial probate court might have done, if this Constitution had not been adopted. And until the election and qualification of the probate judges provided for in this constitution, the territorial probate judges shall act as judges of the probate courts created by this Constitution, within the respective counties.

SEC. 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.

SEC. 11. In case of a contest of election between candidates, at the first general election under this Constitution, for judges of the circuit or probate courts, or for circuit attorney, the evidence shall be taken in the manner prescribed by the territorial laws, and the testimony so taken shall be certified to the secretary of state; and said officer, together with the governor and treasurer of state, shall review the evidence, and determine who is entitled to the certificate of election.

SEC. 12. The county auditors of the several counties shall provide poll books, tally lists, and forms of oath of office, for inspector judges and clerks of election for the first state election under this 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 election, 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 for

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 the territory acting as secretary of state, under the same regulations as are 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 the election, or within ten days thereafter, shall proceed to canvass the votes and declare the result. The judges and inspectors 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 preceding the time of holding the first general election under this Constitution, shall be and are hereby appointed judges and inspectors of the first election, as provided in section 17 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 times and places and in such manner as may be prescribed by law. When a new apportionment shall be made by congress, the legislature shall divide the state into congressional districts, in accordance with such apportionment. The vote cast for representative in congress, at the first election 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 delegate in congress.

SEC. 14. The first legislature shall meet at 12 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 times and places as may be provided by law.

SEC. 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.

SEC. 16. Until there shall be a new apportionment under the authority of the state, the senators and members of the house of representatives shall be apportioned 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 Clarke, 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 Wakahum 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—one.

The counties 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 of 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.

SEC. 17. The first general election under this 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 in-

struction, judges of the circuit court, judges of the probate courts, members of the legislature, circuit attorneys, and for each county three county commissioners, a county clerk, sheriff, treasurer, county superintendent of schools, surveyor, coroner, and all precinct officers; and no further notice of said election shall be required.

SEC. 18. The legislature, at its 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 office shall not be thereby lessened nor extended more than one political year.

SEC. 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 a State of Washington, and submitting the same to the people for ratification or rejection;" approved November 9th, 1877; and also a certified abstract of the votes cast for and against this Constitution.

SEC. 20. This constitution; separate article, Number 1; separate article No. 2; and separate article No. 3—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, A. D., 1878. If the same be adopted by the said 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," on on such as are against the Constitution, the words, "Against the Constitution;" and on such of the ballots as are in favor of separate article No. 1, the words, "For separate article No. 1," and on such as are against separate article No. 1, the words, "Against separate article No. 1;" and also on such ballots as are in favor of separate article No. 2, the words, "For separate article No. 2," and on such as are against separate article No. 2, the words, "Against separate article No. 2;" and also on such ballots as are in favor of separate article No. 3, the words, "For separate article No. 3," and on such as are against separate article No. 3, the words, "Against separate article No. 3."

The election shall be conducted in the manner now 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 result 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 this territory.

The journal of this convention shall be deposited by the president in the office of the secretary of the territory.

SEC 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, 1878, for their adoption or rejection. William Ewing and Hazen Spier, of Nez Perce county, J. M. Crooks and Frank Fenn, of Idaho county, and E. H. Bradley, of Shoshone country, are hereby appointed a board of commissioners, any three of whom shall constitute a quorum, and may fill any vacancy that may occur in said board; 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 election so 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, W. T., 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 and subscribe 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 superseded 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 sections 13 and 17 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 sections 12 and 13. 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 for the county of Nez Perce, one for the counties of Nez Perce and Shoshone and one from the county of Idaho. All the provisions of this schedule, in so far as they are applicable, shall apply to that portion of the Territory of Idaho and to the people thereof, included in the boundaries of this state. The Legislature shall have power to pass laws assenting to and confirming such provisions as may be made by congress in order to the conservation of public and private rights of every kind 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 divisions thereof, or of the people who may be included within 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.

ORDINANCE

The people of the Territory of Washington, together with that portion of the people of the Territory of Idaho 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 a 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 right and title to the unappropriated 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 hereafter be purchased by the United States.

That these three sections shall be irrevocable without the consent of the United States and the people of the State of Washington.

SEPARATE ARTICLES

At the time of the submission of this Constitution to the electors, for their adoption or rejection, there shall be submitted, as separate articles, the following:

SEPARATE ARTICLE NO. 1²²

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. 2²²

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. 3²²

It shall be lawful for the electors 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 disposal of spirituous liquors in less quantities than one gallon, except for medicinal or mechanical purposes. And the legis-

²² These propositions show the early tendency of the people of this State toward the accomplishment of the two great reforms of equal political opportunity for the sexes and prohibition of the sale of intoxicating liquors.

lature 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, No. 1."

"Against separate article, No. 1."

"For separate article, No. 2."

"Against separate article, No. 2."

"For separate article, No. 3."

"Against separate article, No. 3."

In case a majority of all 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 may be sold by the United States; and to extend to the State the benefits of the act of congress, passed September 28th, 1850, in relation to swamp and overflowed land; and to grant other lands as in the cases of States heretofore admitted, for a University, for public buildings, and for general purposes; and to confirm the disposition made by the Constitution of this 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 the lands in the United States in this State to actual settlers, in limited quantities, and to provide that persons who purchased lands within railroad grants which have lapsed or have been abandoned, may enter additional land for the excess paid over \$1.25 per acre; and, that homestead and pre-emption settlers shall be allowed the benefit of the minimum price, and, further, that in 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 320 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 their adoption or rejection, do hereby declare this to be the Constitution formed by us, and in testimony thereof do hereunto

set our hands, this twenty-seventh day of July *Anno Domini*, one thousand eight hundred and seventy-eight.

ALEX. S. ABERNETHY, President.
LYMAN B. ANDREWS,
CHARLES M. BRADSHAW,
BENJ. F. DENNISON,
EDWARD ELDRIDGE,
FRANCIS HENRY,
S. M. GILMORE,
WYATT A. GEORGE,
H. B. EMERY,
D. B. HANNA,
C. H. LARRABEE,
OLIVER P. LACEY,
ALONZO LELAND,
JAMES V. O'DELL,
GEORGE H. STEWARD,
SYLVESTER M. WAIT,
W. BYRON DANIELS, Secretary.

SPANISH FRIARS IN THE OREGON COUNTRY, 1810-1811

Mr. H. R. Wagner, of Berkeley, California, during a recent visit to the Northwest called the attention of a number of investigators to a remarkable record of early exploration hidden in *Niles' Register* for March 10, 1821. It was at once secured from the Library of the University of Washington for publication in the *Washington Historical Quarterly*. Later, Mr. William S. Lewis, corresponding secretary of the East Washington State Historical Society, sent part of the record with comments. Undoubtedly others are searching *Niles' Register* for the same record. It is, therefore, here reprinted in full.

This record of the explorations was not published until several years had elapsed and Mr. Lewis voices the plea that a search be made for the original journals of the friars in order that their work may be more definitely known and placed in the annals of the Pacific Northwest.

It is not often recalled that the United States had shown interest in the California regions so early as 1810-1811 and it is also refreshing to notice the problem of Russia's colony there ten or more years before the announcement of the Monroe Doctrine.

The briefer entry has a fine vein of prophetic vision. One can