alter or reform the government as they may think proper.” (p. 51)

Text as given in report of committee, July 25:

Same as final except that it stated that political power “abides with” the people rather than “is inherent in the people.” (p. 154)

Consideration by committee of the whole, July 29:

**Motion:** Eldridge moved to add that all political power is inherent in the people.

**Action:** Motion carried 29 to 25.

**Section 2**

**Present Language of the Constitution:**

**SUPREME LAW OF THE LAND.** The Constitution of the United States is the supreme law of the land.

Original language same as present.

Proposition submitted to Convention by Weir, July 11:

“The State of Washington is an inseparable part of the American Union, and the Constitution of the United States is the supreme law of the land.” (p. 51)

Text as given in report of committee, July 25:

Same as final. (p. 154)

Consideration by committee of the whole, July 29:

**Motion:** Buchanan moved to strike this section because it was a mere declaration of power and not of any right of the people.

**Action:** Motion lost.

**Section 3**

**Present Language of the Constitution:**

7. Supreme Law; Hill, Prop. Wash. Const., Art. 1, sec. 2; U.S., Const., Art. 6, sec. 2. [Identical in part.]
PERSONAL RIGHTS. No person shall be deprived of life, liberty, or property, without due process of law.

Original language same as present.  

Section 4

Present Language of the Constitution:

**RIGHT OF PETITION AND ASSEMBLAGE.** The right of petition and of the people peaceably to assemble for the common good shall never be abridged.

Original language same as present.  

Proposition submitted to Convention by Weir, July 11:

"The right of petition, public assembly and trial by jury shall never be denied to any person." (p. 51)

Text as given in report of committee, July 25:

Same as final. (p. 154)

Consideration by committee of the whole, July 29:

**Motion:** Eldridge moved to strike out "for the common good."

**Action:** Motion lost.

Section 5

Present Language of the Constitution:

**FREEDOM OF SPEECH.** Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right.

Original language same as present.  

Proposition submitted to Convention by Weir, July 11:

"The right of free speech written, printed or spoken, when
not infringing the rights of others, shall forever remain inviolate, and shall be secured to every citizen.” (p. 51)

Text as given in report of committee, July 25:

Same as final. (p. 154)

Section 6

Present Language of the Constitution:

OATHS — MODE OF ADMINISTERING. The mode of administering an oath, or affirmation, shall be such as may be most consistent with and binding upon the conscience of the person to whom such oath, or affirmation, may be administered.

Original language same as present.¹³

Text as given in report of committee, July 25:

Same as final. (p. 154)

Section 7

Present Language of the Constitution:

INVASION OF PRIVATE AFFAIRS OR HOME PROHIBITED. No person shall be disturbed in his private affairs or his home invaded, without authority of law.

Original language same as present.¹⁴

Proposition submitted to Convention by Weir, July 11:

“The right of the people to be secure in their persons, houses, papers and effects, against unreasonable search or seizure shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched and the person or thing to be seized.” (p. 51)

Text as given in report of committee, July 25:

Same as final. (p. 154)

¹³. Oaths: Ore., Const. (1857), Art. 1, sec. 7 (Ind., Const. (1851), Art. 1, sec. 8; and Hill, Prop. Wash. Const., Art. 1, sec. 4, identical with Ore.). [Identical.]

Section 8

Present Language of the Constitution:

IRREVOCABLE PRIVILEGE, FRANCHISE OR IMMUNITY PROHIBITED. No law granting irrevocably any privilege, franchise or immunity, shall be passed by the legislature.

Original language same as present.15

Text as given in report of committee, July 25:

Same as final. (p. 154)

Section 9

Present Language of the Constitution:

RIGHTS OF ACCUSED PERSONS: No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.

Original language same as present.16

Proposition submitted to Convention by Weir, July 11:

"No person shall be put in jeopardy twice for the same offense nor be compelled in any criminal prosecution to testify against himself." (Section 11, p. 52)

Text as given in report of committee, July 25:

Same as final. (p. 154)

Consideration by committee of the whole, July 29:17

Motion: Griffitts moved an amendment, the text of which was not reported.

Action: Motion lost.

Section 10

Present Language of the Constitution:


17. Review, July 30, 1889.
ADMINISTRATION OF JUSTICE. Justice in all cases shall be administered openly, and without unnecessary delay.

Original language same as present.\textsuperscript{18}

Proposition submitted to Convention by Weir, July 11:

“No court shall be secret but justice shall be administered openly and without prejudice, completely and without delay and every person shall have remedy by due course of law for injury done him in his person, property or reputation.” (Section 8, p. 51)

Text as given in report of committee, July 25:

Same as final. (p. 154)

Section 11

Present Language of the Constitution:

RELIGIOUS FREEDOM. Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment: \textit{Provided, however, That this article shall not be so construed as to forbid the employment by the state of a chaplain for such of the state custodial, correctional and mental institutions as in the discretion of the legislature may seem justified. No religious qualifications shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony}. [1957 p 1299, Senate Joint Resolution No. 14. Approved November 4, 1958.]

\textsuperscript{18} Open Court; Early Trial: Ore., Const. (1857), Art. 1, sec. 10 (Hill, Prop. Wash. Const., Art. 1, sec. 8, identical with Ore.); Ind., Const. (1851), Art. 1, sec. 12. [Similar.]
Original language: 20

Absolute freedom of conscience in all matters of religious sentiment, belief, and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person, or property, on account of religion, but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for, or applied to any religious worship, exercise or instruction, or the support of any religious establishment. No religious qualification shall be required for any public office, or employment, nor shall any person be incompetent as a witness, or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony.

Proposition submitted to Convention by Weir, July 11:

"All men shall be secured in their natural rights to worship God according to the dictates of their own conscience; nor shall be compelled to attend any form of worship, nor shall any control of or interference with the rights of conscience upon the subject of religion or worship be permitted; no public money shall ever be appropriated for the support of any religious establishment or any form of worship." (Section 3, p. 51)

Text as given in report of committee, July 25:

Same as final. (p. 154)

Section 12

Present Language of the Constitution:

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

19. Religious Liberty: Ore., Const. (1857), Art. 1, secs. 2-6; Hill, Prop. Wash. Const., Art. 1, sec. 3; Cal., Const. (1879), Art. 1, sec. 4; Mo., Const. (1875), Art. 1, secs. 5-8; Ind., Const. (1851), Art. 1, secs. 5-6. [Similar.]
Original language same as present.\textsuperscript{20}

Proposal submitted to Convention by Weir, July 11:

"No law shall be passed granting to any citizen or class of citizens any privileges or immunities which upon the same terms shall not equally belong to all citizens." (Section 18, p. 53)

Text as given in report of committee, July 25:

Same as final. (p. 155)

Section 13

Present Language of the Constitution:

**HABEAS CORPUS.** The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion and the public safety requires it.

Original language same as present.\textsuperscript{21}

Proposal submitted to Convention by Weir, July 11:

"The right of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety requires it." (Section 21, p. 53)

Text as given in report of committee, July 25:

Same as final. (p. 155)

Section 14

Present Language of the Constitution:

**EXCESSIVE BAIL, FINES AND PUNISHMENTS.** Excessive bail shall not be required, excessive fines imposed, nor cruel punishment inflicted.

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\textsuperscript{20} Special Privileges Shall Not Be Granted: Ore., Const. (1857), Art. 1, sec. 20 (Hill, Prop. Wash. Const., Art. 1, sec. 22; Ind., Const. (1851), Art. 1, sec. 23, identical with Ore.). [Identical except that Wash. inserts the word "corporation."]

\textsuperscript{21} Suspension of Writ of Habeas Corpus: Ore., Const. (1857), Art. 1, sec. 23 (Hill, Prop. Wash. Const., Art. 1, sec. 25, identical with Ore.). [Identical.] Ind., Const. (1851), Art. 1, sec. 27. [Similar.] U.S., Const., Art. 1, sec. 9. [Identical except for addition of words "when" and "may."]
Original language same as present.\textsuperscript{22}

Text as given in report of committee, July 25:

\textit{Same as final. (p. 155)}

Consideration by committee of the whole, July 29:\textsuperscript{23}

\textbf{Query:} Griffitts asked why the ordinary phrase "cruel and unusual" was not used.

\textbf{Answer:} Warner said that the committee thought the term "cruel" sufficient.

\textbf{Motion:} Griffitts moved to insert "unusual" since he was opposed to execution by electricity.

\textbf{Action:} Not reported, but presumably lost.

\textbf{Section 15}

\textbf{Present Language of the Constitution:}

\textbf{CONVICTIONS, EFFECT OF. No conviction shall work corruption of blood, nor forfeiture of estate.}

Original language same as present.\textsuperscript{24}

Proposition submitted to Convention by Weir, July 11:

"No conviction for any crime shall work corruption of blood or forfeiture of estate." (Section 23, p. 53)

Text as given in report of committee, July 25:

\textit{Same as final. (p. 155)}

\textbf{Section 16}

\textbf{Present Language of the Constitution:}

\texttt{22.Excessive Bail: U.S., Const., Amend. 8. [Identical except for omission of word "unusual."] Ore., Const. (1857), Art. 1, sec. 16 (Hill, Prop. Wash. Const., Art. 1, sec. 16, identical with Ore.). [Similar. Ore. adds "but all penalties shall be proportioned to the offense. In all criminal cases whatever, the jury shall have the right to determine the law, and the facts under the direction of the court as to the law, and the right of new trial, as in civil cases."]}

\texttt{23.Review, July 30, 1889.}


502
EMINENT DOMAIN. Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes, or ditches on or across the lands of others for agricultural, domestic, or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, and no right-of-way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money, or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such, without regard to any legislative assertion that the use is public: Provided, that the taking of private property by the state for land reclamation and settlement purposes is hereby declared to be for public use. [1919 p 385 § 1. Approved November, 1920.]

Original language:25

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

25. Taking of Private Property for Public Use: Cal., Const. (1879), Art. 1, sec. 14; Ala., Const. (1867), Art. 1, sec. 25. [Similar.]
use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.

Proposition submitted to Convention by Weir, July 11:

“Private property shall not be taken nor damaged for public use without just compensation therefor.” (Section 15, p. 52)

Text as given in report of committee, July 25:

Same as final except that it omitted “drains, flumes, or ditches on or across the land of others for agricultural, domestic, or sanitary purposes.” It also left out the manner of discovering if use was public or not. (p. 155)

Consideration by committee of the whole, July 29:

Motion: Turner moved to strike “except for private ways of necessity.”

Action: Motion lost by a vote of 17 ayes and noes not counted.

Discussion as follows:

For: Turner said such private ways should not be made at the expense of other private property, but that such a right of way should be included in the purchase of isolated land. Griffitts, Blalock, and Buchanan favored the motion.

Against: Crowley explained that the idea was to allow right of way from isolated farms to public roads. Power, E. H. Sullivan, T. M. Reed, Cosgrove, Warner and Comegys spoke against the motion.

Motion: Blalock moved to amend by striking out all the words preceding those intended to be stricken by Turner.

Action: Motion ruled out of order as it was made before a vote was taken on Turner’s amendment.

Motion: J. M. Reed moved to strike “other than municipal” as he feared organized towns would take private property without paying the owners.

Action: Motion lost 25 to 16.

Action by Convention, July 31:

Motion: Mires moved to strike out “except for private ways of necessity.”

Motion: Gowey moved to amend the amendment by striking out line one and the words “of necessity” in line two.

Action: Motion lost. A vote was then taken on Mires’ amendment which was lost 57 to 13. (p. 200)


The section was referred to the Judicial Committee for an opinion and new wording. (p. 201)

Text, as given in the Judicial Committee report, August 5:

Same as final except it added “mining and milling” purposes. (p. 227)

Final action by Convention, August 6:

Motion: Godman moved to strike out the part about drains, etc.

Action: Motion lost. (p. 265)

Motion: Durie moved to leave out the reference to the Legislature in the last of the section.

Action: Motion lost. (p. 266)

Motion: Lillis moved to strike out “mining and milling.”

Action: Motion carried. (p. 266) The Seattle Times, August 7, gives the vote as 22 to 19.

Motion: Weisenburger moved to strike out “other than municipal.”

Action: Motion lost 45 to 19. (p. 266)

Motion: Godman moved to strike out all of the section except the last part.

Action: Motion lost 42 to 19. (p. 266)


Motion: Sharpstein moved adoption of the section.

Action: Motion carried 44 to 18. Voting was the same as on the motion of Godman except that Lindsley voted no and Newton yes. (p. 267)

Section 17

Present Language of the Constitution:

**IMPRISONMENT FOR DEBT.** There shall be no imprisonment for debt, except in cases of absconding debtors.

Original language same as present.27

Proposition submitted to Convention by Weir, July 11:

Same as final except for minor wording. (Section 16, p. 52)

Text as given in report of committee, July 25:

Same as final. (p. 155)

Consideration by committee of the whole, July 29:28

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Query: Dyer asked if this section would allow men to escape imprisonment for unpaid fines.

Answer: Warner replied that it would not since it was only applicable to civil cases.

Section 18

Present Language of the Constitution:

**MILITARY POWER, LIMITATION.** The military shall be in strict subordination to the civil power.

Original language same as present.²⁹

Proposition submitted to Convention by Weir, July 11:

Same as final except for minor word changes. (Section 13, p. 52)

Text as given in report of committee, July 25:

Same as final. (p. 155)

Deleted Section

Text as given in report of committee, July 25:

“No power of suspending laws shall be exercised except by the Legislature.” (Section 19, p. 155)

Consideration by committee of the whole, July 29:³⁰

Motion: A motion was made that the section be stricken.

The Ledger records Hoyt as making this motion, while the Review cites Schooley.

Action: Motion carried.

Discussion as follows:

For: Lindsley, Buchanan, Turner, Griffitts, and Cosgrove feared the section would prevent the Governor from declaring martial law. Cosgrove thought the Legislature had only power to enact laws, not to suspend them. Hoyt declared that if the section did not accomplish anything

²⁹. Military Subordinate to Civil Power: Ore., Const. (1857), Art. 1, sec. 27 (Ind., Const. (1851), Art. 1, sec. 33, identical with Ore.). [Identical.]

³⁰. Review, Ledger, July 30, 1889.
it should not be there, and if it prevented the calling of
martial law it was mischievous.

Against: Warner said he did not think this section would
prevent the calling of martial law. He thought it was not
necessary to allow the Governor to suspend the law since
he could call together the Legislature if he wanted to
do so.

Final action by Convention, July 31:

Decision of committee of the whole accepted. (p. 199)

Section 19

Present Language of the Constitution:

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

Original language same as present.31

Text as given in report of committee, July 25:

"All elections shall be free and equal." (Section 20, p. 155)

Consideration by committee of the whole, July 29:32

Query: Cosgrove asked the meaning of "equal."

Answer: Moore said it meant the same as "free."

Motion: Dyer moved to substitute "open" for "equal."

Action: The Review account is unclear as to whether this
motion lost or was amended by Reed's which followed.

Motion: T. M. Reed moved to insert "impartial" instead of
"equal."

Action: Motion lost.

Motion: Lindsley moved to strike out the section.

Action: Motion lost.

31. Elections to be Free and Equal: Ore., Const. (1857), Art. 2, sec. 1 (Ind.,
Const. (1851), Art. 2, sec. 1, identical with Ore.). [Identical except that
Ore. Const. omits everything after the first clause.]

Motion: Minor moved to add "and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage."

Action: Motion carried.

Final action by Convention, July 31:
Decision of committee of the whole accepted. (p. 199)

Section 20

Present Language of the Constitution:

**BAIL, WHEN AUTHORIZED.** All persons charged with crime shall be bailable by sufficient sureties, except for capital offense when the proof is evident, or the presumption great.

Original language same as present.33

Proposition submitted to Convention by Weir, July 11:

"Offenses except murder and treason shall be bailable. Murder and treason shall not be bailable when the proof is evident or the presumption strong. Excessive bail shall not be required nor excessive fines imposed. In all criminal cases the jury shall be exclusive judges of the law and the facts under direction of the court as to the law and the right of new trial as in civil cases." (Section 12, p. 52)

Text as given in report of committee, July 25:

Same as final except that it did not have phrase "charged with crime." (Section 21, p. 155)

Consideration by committee of the whole, July 29:34

Motion: Turner moved to substitute "all persons charged with crime" for "all prisoners."

Action: Motion carried.


34. Review, July 30, 1889.
Section 21

Present Language of the Constitution:

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

Original language same as present. 35

Text as given in report of committee, July 25:
Same as final. (Section 22, p. 155)

Consideration by committee of the whole, July 29: 36

Motion: Griffitts objected to a majority of the jury determining a verdict and moved to strike it out.

Action: Motion lost.

Discussion as follows: (on Griffitt's motion)

Against: Crowley favored the innovation as tending to secure justice which often failed when one or two jurors hang up a jury. Turner favored the new system for similar reasons.

Motion: Buchanan moved to substitute "nine out of twelve jurors" for "nine or more jurors."

Action: Motion lost.

Discussion as follows: (Griffitts' motion)

For: Buchanan thought the language as reported was ambiguous.

Against: Crowley thought a change necessary.

Section 22

Present Language of the Constitution:

RIGHTS OF THE ACCUSED. In criminal prosecutions the accused shall have the right to appear and defend in person,

35. Right to Jury Trial: Ore., Const. (1857), Art. 1, sec. 18; Hill, Prop. Wash. Const., Art 1, sec. 9; Cal., Const. (1879), Art. 1, sec. 7; Nev., Const. (1864), Art. 1, sec. 3. [Similar.]


510
or by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his behalf, to have a speedy public trial by an impartial jury of the county in which the offense is charged to have been committed and the right to appeal in all cases: Provided, The route traversed by any railway coach, train or public conveyance, and the water traversed by any boat shall be criminal districts; and the jurisdiction of all public offenses committed on any such railway car, coach, train, boat or other public conveyance, or at any station or depot upon such routes, shall be in any county through which the said car, coach, train, boat or other public conveyance may pass during the trip or voyage, or in which the trip or voyage may begin or terminate. In no instance shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed. (1921 p 79 § 1. Approved November, 1922).

Original language:

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

Text as given in report of committee, July 25:

Same as final except that it did not include the phrase "and by counsel." (Section 23, p. 156)

Consideration by committee of the whole, July 29:

Motion: Dyer moved to insert "or by counsel" after "defend in person."


38. Review, July 30, 1889.
Action: Motion carried 27 to 16.

Griffitts suggested that it should read “and by counsel.” The chair said if there was no objection it would be so read.

Section 23

Present Language of the Constitution:

BILL OF ATTAINDER, EX POST FACTO LAW, ETC.

No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed.

Original language same as present.

Text as given in report of committee, July 25:

Same as final. (Section 24, p. 156)

Section 24

Present Language of the Constitution:

RIGHT TO BEAR ARMS. The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men.

Original language same as present.

Proposition submitted to Convention by Weir, July 11:

“The people shall have the right to bear arms in defense of themselves and of the state.” (p. 53)

Text as given in report of committee, July 25:

Same as final. (Section 25, p. 156)

Consideration by committee of the whole, July 29:


40. Right to Bear Arms: U.S. Const., Amend. 2; Ore., Const. (1857), Art. 1, sec. 27; (Hill, Prop. Wash. Const., Art. 1, sec. 28.). [Similar in part.]

41. Ledger, Globe, July 30, 1889.

512
Motion: E. H. Sullivan moved to add a provision against carrying concealed weapons.

Action: Motion lost.

This section arose from a territorial experience of having armed detectives used in labor strikes at mines in the eastern part of Washington territory.

Section 25

Present Language of the Constitution:

PROSECUTION BY INFORMATION. Offenses heretofore required to be prosecuted by indictment may be prosecuted by information, or by indictment, as shall be prescribed by law.

Original language same as present. 42

Text as given in report of committee, July 25:

Same as final. (Section 26, p. 156)

Section 26

Present Language of the Constitution:

GRAND JURY. No grand jury shall be drawn or summoned in any county, except the superior judge thereof shall so order.

Original language same as present. 43

Proposition submitted to Convention by Weir, July 11:

"A grand jury consisting of fifteen qualified electors, twelve of whom must concur to find an indictment, shall be summoned at least once in each year in each district." (Section 9, p. 52)

Text as given in report of committee, July 25:

Same as final except that it provided for a grand jury of seven, any five of whom could indict. (Section 27, p. 156)

42. Prosecution by Information: Cal., Const. (1879), Art. 1, sec. 8 (Hill, Prop. Wash. Const., Art. 1, sec. 10, almost identical with Cal.). [Similar.]

43. Grand Jury: Probably original.
Consideration by committee of the whole, July 29: 44

**Motion:** Prosser moved to add that the Superior Court judge must call a grand jury once a year in each county.

**Action:** Motion lost.

**Motion:** Turner moved to strike out the first sentence relating to the number on a grand jury.

**Action:** Motion carried by a vote of 30 to 26.

Final action by Convention, July 31:

**Motion:** Godman moved to strike out the section and substitute that a grand jury must be called at least once a year in each county. (p.200)

**Action:** Motion lost.

Decision of committee of the whole accepted. (p. 199)

**Section 27**

**Present Language of the Constitution:**

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

Original language same as present. 45

Proposition submitted to Convention by Weir, July 11:

Same as final. (Section 22, p. 53)

Text as given in report of committee, July 25:

Same as final except for minor wording. (Section 28, p. 156)

44. Ledger, July 30, 1889.

45. Treason Against State: Ore., Const. (1857), Art. 1, sec. 24 (Hill, Prop. Wash. Const., Art. 1, sec. 26; Ind., Const. (1851), Art. 1, secs. 28, 29, identical with Ore.). [Identical except that Wash. adds an additional conjunction “or.”] U.S., Const., Art. 4, sec. 3. [Identical.]
Section 28

Present Language of the Constitution:

**HEREDITARY PRIVILEGES ABOLISHED.** No hereditary emoluments, privileges, or powers, shall be granted or conferred in this state.

Original language same as present. 46

Text as given in report of committee, July 25:

Same as final. (Section 29, p. 156)

Consideration by committee of the whole, July 29: 

**Motion:** Prosser moved to insert "perpetuities" after "privileges."

**Query:** Buchanan asked if "perpetuities" would cover corporations because they are not perpetual.

**Answer:** An unrecorded source replied in the negative.

**Motion:** Power moved to substitute "or right of entail" for "perpetuities."

**Action:** The chair said if there was no objection Power's substitute would be used. Both the amendment and its substitute lost.

Section 29

Present Language of the Constitution:

**CONSTITUTION MANDATORY.** The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise.

Original language same as present. 48

Text as given in report of committee, July 25:

Same as final. (Section 30, p. 157)


47. Review, July 30, 1889.

48. Provisions Mandatory: Cal., Const. (1879), Art. 1, sec. 22. [Identical except that Cal. adds word "prohibitory."
Section 30

Present Language of the Constitution:

RIGHTS RESERVED. The enumeration in this Constitution of certain rights shall not be construed to deny others retained by the people.

Original language same as present. 49

Text as given in report of committee, July 25:

Same as final. (Section 31, p. 157)

Section 31

Present Language of the Constitution:

STANDING ARMY. No standing army shall be kept up by this state in time of peace, and no soldier shall in time of peace be quartered in any house without the consent of its owner, nor in time of war except in the manner prescribed by law.

Original language same as present. 50

Text as given in report of committee, July 25:

Did not include this section.

Final action by Convention, July 31:

Motion: Godman moved to add an additional section, the text of which was same as final.

Action: Motion carried.

Section 32

Present Language of the Constitution:

FUNDAMENTAL PRINCIPLES. A frequent recurrence to fundamental principles is essential to the security of individual right and the perpetuity of free government.


50. Standing Army: Ore., Const. (1857), Art. 1, sec. 29 (Hill, Prop. Wash. Const., Art. 1, sec. 18; U.S., Const., Amend 3, identical with Ore.). [Identical except that Wash. adds the first clause not found in the others.]
Section 33

**Present Language of the Constitution:**

**RECALL OF ELECTIVE OFFICERS.** Every elective public officer of the state of Washington except judges of courts of record is subject to recall and discharge by the legal voters of the state, or of the political subdivision of the state, from which he was elected whenever a petition demanding his recall, reciting that such officer has committed some act or acts of malfeasance or misfeasance while in office, or who has violated his oath of office, stating the matters complained of, signed by the percentages of the qualified electors thereof, hereinafter provided, the percentage required to be computed from the total number of votes cast for all candidates for his said office to which he was elected at the preceding election, is filed with the officer with whom a petition for nomination, or certificate for nomination, to such office must be filed under the laws of this state, and the same officer shall call a special election as provided by the general election laws of this state, and the result determined as therein provided. (1911 p 504 § 1. Approved November, 1912).

(Section 33 added by 8th Amendment.)

Section 34

**Present Language of the Constitution:**

**SAME.** The legislature shall pass the necessary laws to carry out the provisions of section thirty-three (33) of this

51. Fundamental Principles Essential to Security: Wis., Const. (1848), Art. 1, sec. 22; N. H., Const. (1792), sec. 38; Ill., Const. (1870), Art. 2, sec. 20. [Similar.]

52. Review, Globe, July 30, 1889.
article, and to facilitate its operation and effect without delay: Provided, That the authority hereby conferred upon the legislature shall not be construed to grant to the legislature any exclusive power of lawmaking nor in any way limit the initiative and referendum powers reserved by the people. The percentages required shall be, state officers, other than judges, senators and representatives, city officers of cities of the first class, school district boards in cities of the first class; county officers of counties of the first; second and third classes, twenty-five per cent. Officers of all other political subdivisions, cities, towns, townships, precincts and school districts not herein mentioned, and state senators and representatives, thirty-five per cent. (1911 p 504 § 1. Approved November, 1912).

(Section 34 added by 8th Amendment.)

Passage of Article

Article on Preamble and Declaration of Rights approved by Convention, August 14, by a vote of 55 to 4. (p. 360)

ARTICLE II LEGISLATIVE DEPARTMENT

Although the committee report recommended a large Legislature, some attempt was made to reduce its size in the interests of economy. However, the opinion of the majority of the Convention members and also statements by the press favored a large Legislature to represent all classes regardless of expense.\(^1\)

Some pressure was exerted to have a state printer. The committee reported a section providing for contracts to the lowest bidder, but the Convention left the question to the Legislature by eliminating the section.

Section 22 provides that no bill shall become a law unless the vote is taken by yeas and nays on its final passage, but Stiles later wrote that the section had remained ineffective since the Constitution provided no way by which the question of the passage of a bill could be tested and the Supreme Court had held that there could be no inquiry into the history of a bill beyond the enrolled bill.\(^2\)

Section 33, which bars aliens from owning land except under certain provisions, showed the desire of many to keep out foreign syndicates as well as individuals. The Seattle Post Intelligencer expressed the opinion that the restriction on land ownership was good but that the new state would need the investment of foreign capital, especially banking capital. The Seattle Times took the opposing view, stating that alien ownership of land was a constant drain on the resources of the country and only resulted in more money being spent on foreign shores. It had only praise for this section.\(^3\)

The Committee for the Legislative Department was appointed July 9. (p. 19)

Members: J. Z. Moore, chairman; Buchanan, Stevenson, Neace, McReavey, Morgans, Coey, Gray, and Tibbetts.

Section 1

Present Language of the Constitution:

LEGISLATIVE POWERS, WHERE VESTED. The legislative authority of the state of Washington shall be vested in the legislature, consisting of a senate and house of representa-

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3. Seattle Times, August 10; Post Intelligencer, August 10, 11, 1889.
tives, which shall be called the legislature of the state of Washington, but the people reserve to themselves the power to propose bills, laws, and to enact or reject the same at the polls, independent of the legislature, and also reserve power, at their own option, to approve or reject at the polls any act, item, section, or part of any bill, act or law passed by the legislature.

(a) Initiative: The first power reserved by the people is the initiative. Ten per centum, but in no case more than fifty thousand, of the legal voters shall be required to propose any measure by such petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the secretary of state not less than four months before the election at which they are to be voted upon, or not less than ten days before any regular session of the legislature. If filed at least four months before the election at which they are to be voted upon, he shall submit the same to the vote of the people at the said election. If such petitions are filed not less than ten days before any regular session of the legislature, he shall transmit the same to the legislature as soon as it convenes and organizes. Such initiative measure shall take precedence over all other measures in the legislature except appropriation bills and shall be either enacted or rejected without change or amendment by the legislature before the end of such regular session. If any such initiative measure shall be enacted by the legislature it shall be subject to the referendum petition, or it may be enacted and referred by the legislature to the people for approval or rejection at the next regular election. If it is rejected or if no action is taken upon it by the legislature before the end of such regular session, the secretary of state shall submit it to the people for approval or rejection at the next ensuing regular general election. The legislature may reject any measure so proposed by initiative petition and propose a different one dealing with the same subject, and in such event both measures shall be submitted by the secretary of state to the people for approval or rejection at the next ensuing regular general election. When conflicting measures are submitted to the people the ballots shall be so printed that a voter can express separately by making one cross (X) for each, two preferences, first, as between either measures and neither, and secondly, as between one and the other. If the majority of those voting on the first issue is for
neither, both fail, but in that case the votes on the second issue shall nevertheless be carefully counted and made public. If a majority voting on the first issue is for either, then the measure receiving a majority of the votes on the second issue shall be law.

(Portion of subdivision (a) is superseded by the 30th Amendment. See Section 1A below.)

(b) Referendum. The second power reserved by the people is the referendum, and it may be ordered on any act, bill, law, or any part thereof passed by the legislature, except such laws as may be necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions, either by petition signed by the required percentage of the legal voters, or by the legislature as other bills are enacted. Six per centum, but in no case more than thirty thousand, of the legal voters shall be required to sign and make a valid referendum petition.

(c) (Subdivision (c) is superseded by Art. 2, Sec. 41. See page 557.)

(d) The filing of a referendum petition against one or more items, sections or parts of any act, law or bill shall not delay the remainder of the measure from becoming operative. Referendum petitions against measures passed by the legislature shall be filed with the secretary of state not later than ninety days after the final adjournment of the session of the legislature which passed the measure on which the referendum is demanded. The veto power of the governor shall not extend to measures initiated by or referred to the people. All elections on measures referred to the people of the state shall be had at the biennial regular elections, except when the legislature shall order a special election. Any measure initiated by the people or referred to the people as herein provided shall take effect and become the law if it is approved by a majority of the votes cast thereon: Provided, That the vote cast upon such question or measure shall equal one-third of the total votes cast at such election and not otherwise. Such measure shall be in operation on and after the thirtieth day after the election at which it is approved. The style of all bills proposed by initiative petition shall be: “Be it enacted by the people of the State of Washington.” This section shall not be construed to deprive any member of the legislature of the right to introduce any measure. The whole number of electors who voted
for governor at the regular gubernatorial election last preced-
ing the filing of any petition for the initiative or for the refer-
endum shall be the basis on which the number of legal voters
necessary to sign such petition shall be counted. All such
petitions shall be filed with the secretary of state, who shall
be guided by the general laws in submitting the same to the
people until additional legislation shall especially provide
therefor. This section is self-executing, but legislation may be
enacted especially to facilitate its operation.

The legislature shall provide methods of publicity of all
laws or parts of laws, and amendments to the Constitution
referred to the people with arguments for and against the
laws and amendments so referred, so that each voter of the
state shall receive the publication at least fifty days before
the election at which they are to be voted upon. [1911 p 136
§ 1. Approved November, 1912.]

Original language:

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

Text as given in report of committee, August 5:

Same as final. (p. 239)

Section 1A

Present Language of the Constitution:

INITIATIVE AND REFERENDUM, SIGNATURES RE-
QUIRED. Hereafter, the number of valid signatures of legal
voters required upon a petition for an initiative measure shall
be equal to eight per centum of the number of voters registered
and voting for the office of governor at the last preceding
regular gubernatorial election. Hereafter, the number of valid
signatures of legal voters required upon a petition for a refer-
endum of an act of the legislature or any part thereof, shall
be equal to four per centum of the number of voters registered
and voting for the office of governor at the last preceding
regular gubernatorial election. These provisions supersede the
requirements specified in section 1 of this article as amended

4. Legislature: Cal., Const. (1879), Art. 4, sec. 1; Hill, Prop. Wash. Const.,
Art. 4, sec. 1; Mich., Const. (1850), Art. 4, sec. 3. [Similar. Wash. places
enacting a clause in a separate section.]
by the seventh amendment to the Constitution of this state. [1955 p 1360, Senate Joint Resolution No. 4. Approved November 6, 1956.]

(Section 1A added by 30th Amendment).

Section 2

Present Language of the Constitution:

HOUSE OF REPRESENTATIVES AND SENATE. The house of representatives shall be composed of not less than sixty-three nor more than ninety-nine members. The number of senators shall not be more than one-half nor less than one-third of the number of members of the house of representatives. The first legislature shall be composed of seventy members of the house of representatives, and thirty-five senators.

Original language same as present.\(^5\)

Partial report of committee, July 11:

This partial report of the committee was submitted early for the purpose of allowing the Committee on Apportionment to begin its work.

Provided that the House have never less than sixty-four nor more than one hundred members. The Senate was to be made up of not more than fifty nor less than thirty-two. The first Legislature was to consist of seventy Representatives and thirty-five Senators. (p. 49)

Consideration by committee of the whole, July 11:\(^6\)

Motion: Comegys moved to amend by making the figures of the House not less than sixty and the Senate not less than thirty.

Motion: Suksdorf submitted a substitute providing for the constitution of a Legislature, the style of its enactments, its powers, the number of Senators to be eighteen and the number of Representatives to be fifty-four, with a provision that for an increase in the future but not to more than thirty-three Senators and ninety-nine Representatives. This same ratio of three to one was always to be maintained. There was also a provision for districting the state into election and senatorial districts.

\(^5\) Limited Membership: Wis., Const. (1848), Art. 4, sec. 2. [Similar.]
\(^6\) Spokane Falls Review, July 12, 1889.
Action: Suksdorf’s substitute was ruled out of order.

Motion: Turner moved an amendment to Comegy’s motion which provided that the Senate would consist of not less than thirty-three nor more than fifty, and the House not less than ninety nor more than one hundred and fifty. The first Legislature was to consist of a House of ninety-nine and a Senate of thirty-three.

Motion: Gowey moved to fix a minimum and maximum number, and allow the apportionment committee to provide other details.

Action: Gowey’s motion was ruled out of order.

Action: When the vote was taken it was ruled that Comegys’ and Turner’s motions lost, but there was some discussion as to the correctness of the count. Moreover, the entire time spent in committee of the whole had been plagued by a discussion of the rules of procedure. Therefore, when the committee rose to report progress to the Convention, it was reported that no action had been taken.

Discussion:

The debates centered mainly on the issue of a large versus a small legislative body. Those advocating the larger body argued that it would be less likely to succumb to corrupt influences and could more easily represent the state’s diversity of interest. Those who favored a smaller body maintained that it would be more economical and could act more quickly.

Proposition submitted to Convention by Hicks, July 12:

That there be three times the number of Representatives as Senators. (Section 1, p. 85)

Text as given in report of committee, August 5:

Same as final. (p. 239)

Consideration by committee of the whole, August 8.7

Motion: Warner moved to make the minimum limit twenty Representatives and twenty Senators in the interest of economy.

Action: Motion lost.

7. Ledger, August 9, 1889.
Section 3

Present Language of the Constitution:

THE CENSUS. The legislature shall provide by law for an enumeration of the inhabitants of the state in the year one thousand eight hundred and ninety-five and every ten years thereafter; and at the first session after such enumeration, and also after each enumeration made by the authority of the United States, the legislature shall apportion and district anew the members of the senate and house of representatives, according to the number of inhabitants, excluding Indians not taxed, soldiers, sailors and officers of the United States army and navy in active service.

Original language same as present. 

Text as given in report of committee, August 5:

Same as final. (p. 239)

Section 4

Present Language of the Constitution:

ELECTION OF REPRESENTATIVES AND TERM OF OFFICE. Members of the house of representatives shall be elected in the year eighteen hundred and eighty-nine at the time and in the manner provided by this Constitution, and shall hold their offices for the term of one year and until their successors shall be elected.

Original language same as present.

Proposition submitted to Convention by Hicks, July 12:

That each voter have as many votes as there are candidates to be elected. (Section 2, p. 85)

Text as given in report of committee, August 5:

Same as final. (p. 239)

Consideration by committee of the whole, August 8:

8. State Census: Wash., Const. (1878), Art. 4, sec. 3. [Identical except for last three words “in active service.”] Wis., Const. (1848), Art. 4, sec. 3; N.Y., Const. (1846), Art. 4, sec. 4; Ore., Const. (1857), Art. 4, sec. 5; Mo., Const. (1875), Art. 4, sec. 3; Cal., Const. (1879), Art. 4, sec. 3. [Similar.] Mich., Const. (1850), Art. 4, sec. 3; Neb., Const. (1875), Art. 3, sec. 2. [Very similar.]


10. Ledger, August 9, 1889.
Motion: Griffitts moved to make three years the term for Representatives.

Action: Motion lost.

Section 5

Present Language of the Constitution:

ELECTIONS, WHEN TO BE HELD. The next election of the members of the house of representatives after the adoption of this Constitution shall be on the first Tuesday after the first Monday of November, eighteen hundred and ninety, and thereafter, members of the house of representatives shall be elected biennially and their term of office shall be two years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise changed by law.

Original language same as present.\(^1\)

Text as given in report of committee, August 5:

Same as final. (p. 239)

Section 6

Present Language of the Constitution:

ELECTION AND TERM OF OFFICE OF SENATORS. After the first election the senators shall be elected by single districts of convenient and contiguous territory, at the same time and in the same manner as members of the house of representatives are required to be elected; and no representative of their number retiring every two years. The senatorial district. They shall be elected for the term of four years, one-half of their number retiring every two years. The senatorial districts shall be numbered consecutively, and the senators chosen at the first election had by virtue of this Constitution, in odd numbered districts, shall go out of office at the end of the first year; and the senators, elected in the even numbered districts, shall go out of office at the end of the third year.

Original language same as present.\(^1\)

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1. Second and Subsequent Elections: Cal., Const. (1879), Art. 4, sec. 3. [Almost identical with Wash.]

12. Election State Senators: Wis., Const. (1848), Art. 4, sec. 5, as amended 1881. [Similar.]
Proposition submitted to Convention by Berry, July 12:

To have six-year terms for Senators with one-third elected every two years. (p. 84)

Proposition submitted to Convention by Schooley, July 12:

To have fifty senatorial districts, nearly equal in population and each entitled to one Senator. (p. 78)

Text as given in report of committee, August 5:

Same as final except it did not include the phrase "after the first election." (p. 239)

Consideration by committee of the whole, August 8:

Motion: Stiles moved that Senators shall be elected for four years after the first election.

Action: The motion was accepted by J. Z. Moore, chairman of the committee. Motion carried.

Final action by Convention, August 9:

Decision of committee of the whole accepted 39 to 17 (p. 301)


Section 7

Present Language of the Constitution:

QUALIFICATIONS OF LEGISLATORS. No person shall be eligible to the legislature who shall not be a citizen of the United States and a qualified voter in the district for which he is chosen.

Original language same as present.14

13. Times, August 9, 1889.

14. Eligibility: Wis., Const. (1848), Art. 4, sec. 6. [Similar except as to requirement of being a citizen of U.S.] Hill, Prop. Wash. Const., Art. 4, sec. 8. [Contains the requirement that member must be a citizen of U.S.]
Text as given in report of committee, August 5:

Same as final except for its inclusion of a two-year residence requirement on all elections after the one held on the adoption of the Constitution (when any previously qualified voter would be eligible). (p. 240)

Consideration by committee of the whole, August 8:

**Motion:** Griffitts moved to strike out “and have resided two years within the state.”

**Action:** Motion lost.

**Motion:** T. M. Reed moved to strike out “provided that at the first election every citizen who is a qualified voter when elected shall be eligible.”

**Action:** Motion carried 32 to 13.

**Motion:** P. C. Sullivan moved to strike the entire section.

**Action:** Motion lost.

**Motion:** Dunbar moved to amend so that a member of the Legislature must be a citizen of the United States and an elector of the state, leaving out the two-year requirement of residence.

**Action:** Motion carried.

Final action by Convention, August 9:

Decision of committee of the whole accepted. (p. 302)

Section 8

Present Language of the Constitution:

**JUDGES OF THEIR OWN ELECTION AND QUALIFICATION—QUORUM.** Each house shall be the judge of the election, returns and qualifications of its own members, and a majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day and may compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Original language same as present. 16

Text as given in report of committee, August 5:

Same as final. (p. 240)

Section 9

Present Language of the Constitution:

RULES OF PROCEDURE. Each house may determine the rules of its own proceedings, punish for contempt and disorderly behavior, and, with the concurrence of two-thirds of all members elected, expel a member, but no member shall be expelled a second time for the same offense.

Original language same as present. 17

Text as given in report of committee, August 5:

Same as final. (p. 240)

Consideration by committee of the whole, August 8: 18

A motion to strike the section was lost.

Section 10

Present Language of the Constitution:

ELECTION OF OFFICERS. Each house shall elect its own officers; and when the lieutenant governor shall not attend as president, or shall act as governor, the senate shall choose a temporary president. When presiding, the lieutenant governor shall have the deciding vote in case of an equal division of the senate.

Original language same as present. 19

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16. Election Returns: Wis., Const. (1848), Art. 4, sec. 7. [Identical.] Cal., Const. (1879), Art. 4, sec. 7; U.S., Const., Art. 1, sec. 5. [Similar.] Quorum: Wis., Const. (1848), Art. 4, sec. 7; Cal., Const. (1879), Art. 4, sec. 8. [Identical.] U.S., Const., Art. 1, sec. 5. [Similar.]

17. Rules: Wis., Const. (1848), Art. 4, sec. 8. [Identical except Wis. reads “cause” instead of “offense.”] Cal., Const. (1879), Art. 4, sec. 9. [Similar in part.] U.S., Const., Art. 1, sec. 5. [Very similar.]

18. Times, August 9, 1889.

19. Officers of Each House: Wis., Const. (1848), Art. 4, sec. 9. [Identical except that Wash. adds provision giving the Lieutenant Governor a vote in case of a tie. Language of Wash. Const. is also transposed from that of Wis. Const.]
Text as given in report of committee, August 5:

Same as final. (p. 240)

Consideration by committee of the whole, August 8:

**Motion:** Godman moved to strike out the provision giving the Lieutenant Governor the deciding vote in case of a tie.

**Action:** Motion lost.

**Section 11**

**Present Language of the Constitution:**

**JOURNAL, PUBLICITY OF MEETINGS—ADJOURNMENTS.** Each house shall keep a journal of its proceedings and publish the same, except such parts as require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall adjourn for more than three days, not to any place other than that in which they may be sitting, without the consent of the other.

Original language same as present.

Text as given in report of committee, August 5:

Same as final. (p. 240)

Consideration by committee of the whole, August 8:

**Motion:** Griffitts moved to strike out the provisions for secret sessions.

**Action:** Motion lost.

**Section 12**

**Present Language of the Constitution:**

**SESSIONS, WHEN—DURATION.** The first legislature shall meet on the first Wednesday after the first Monday in November, A. D., 1889. The second legislature shall meet

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20. Times, August 9, 1889.
Adjournment: Wis., Const. (1848), Art. 4, sec. 10; Cal., Const. (1879), Art. 4, sec. 14; U. S., Const., Art. 1, sec. 5. [Identical.]
22. Times, Aug. 9, 1889.
on the first Wednesday after the first Monday in January, A.D., 1891, and sessions of the legislature shall be held biennially thereafter, unless specially convened by the governor, but the times of meeting of subsequent sessions may be changed by the legislature. After the first legislature the sessions shall not be more than sixty days. (L. 1891 c 20 changed date of convening to second Monday in January.)

Original language same as present.23

Petition submitted to Convention by Knights of Labor Assembly No. 115, July 25:

To have annual legislative sessions with no restriction on their length. (p. 150)

Text as given in report of committee, August 5:

Same as final except for minor wording. (p. 240)

Section 13

Present Language of the Constitution:

LIMITATION ON MEMBERS HOLDING OFFICE IN THE STATE. No member of the legislature, during the term for which he is elected, shall be appointed or elected to any civil office in the state, which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

Original language same as present.24

Text as given in report of committee, August 5:

Same as final. (p. 241)

Section 14

Present Language of the Constitution:

SAME, FEDERAL OR OTHER OFFICE. No person, being a member of congress, or holding any civil or military office, shall be appointed or elected to be a member of the legislature.

23. Meetings of Legislature: Wis., Const. (1848), Art. 4, sec. 11; Cal., Const. (1879), Art. 4, sec. 3; Ore., Const. (1857), Art. 4, sec. 10. [Similar. Limit of Session 60 Days.] Nev., Const. (1864), Art. 4, sec. 29. [Identical although several states have provisions from 45-50 days.]

24. Legislators Ineligible for Other State Offices: Wis., Const. (1848), Art. 4, sec. 12. [Identical except for transposition of word “small.”]
office under the United States or any other power, shall be eligible to be a member of the legislature; and if any person after his election as a member of the legislature, shall be elected to congress or be appointed to any other office, civil or military, under the government of the United States, or any other power, his acceptance thereof shall vacate his seat, provided, that officers in the militia of the state who receive no annual salary, local officers and postmasters, whose compensation does not exceed three hundred dollars per annum, shall not be ineligible.

Original language same as present.25

Text as given in report of committee, August 5:

Same as final. (p. 241)

Section 15

Present Language of the Constitution:

VACANCIES IN LEGISLATURE AND IN PARTISAN COUNTY ELECTIVE OFFICE. Such vacancies as may occur in either house of the legislature or in any partisan county elective office shall be filled by appointment by the board of county commissioners of the county in which the vacancy occurs: Provided, That the person appointed to fill the vacancy must be from the same legislative district and the same political party as the legislator whose office has been vacated, and shall be one of three persons who shall be nominated by the county central committee of that party, and the person so appointed shall hold office until his successor is elected at the next general election, and shall have qualified: Provided, That in case of a vacancy occurring in the office of joint senator or joint representative, the vacancy shall be filled from a list of three nominees selected by the state central committee, by appointment of the joint action of the boards of county commissioners of the counties composing the joint senatorial or joint representative district, the person appointed to fill the vacancy must be from the same legislative district and of the same political party as the legislator whose office has been vacated, and

25. Ineligible to Membership in Legislature: Wis., Const. (1848), Art. 4, sec. 13. [Identical down to the proviso except for phrase "or any other power."] Cal., Const. (1879), Art. 4, sec. 2; U.S., Const., Art. 1, sec. 6. [Similar proviso.]
in case a majority of said county commissioners do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district and of the same political party as the legislator whose office has been vacated. [1955 p 1862, Senate Joint Resolution No. 14. Approved, November 6, 1956.]

Original language:

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

Text as given in report of committee, August 5:

Same as final. (p. 241)

Section 16

Present Language of the Constitution:

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

Original language same as present.

Text as given in report of committee, August 5:

Same as final except it exempted from civil processes for fifteen days after the close of a session. (p. 241)

Consideration by committee of the whole, August 8:

Motion: Dunbar moved to strike the exemption after the close of a session.

Action: Motion carried.

Final action by Convention, August 9:

Decision of committee of the whole reflected in the final draft although the Journal records that amendment was not concurred in. (p. 302)

27. Immunity from Arrest: Wis., Const. (1848), Art. 4, sec. 15. [Identical except for transposition of words.] U.S., Const., Art. 1, sec. 6. [Similar.]
28. Times, Ledger, August 9, 1889.
§§ 17-19  ANALYTICAL INDEX

Section 17

Present Language of the Constitution:

FREEDOM OF DEBATE. No member of the legislature shall be liable in any civil action or criminal prosecution whatever, for words spoken in debate.

Original language same as present. 29

Text as given in report of committee, August 5:

Same as final. (p. 241)

Section 18

Present Language of the Constitution:

STYLE OF LAWS. The style of the laws of the state shall be: "Be it enacted by the Legislature of the State of Washington." And no laws shall be enacted except by bill.

Original language same as present. 30

Text as given in report of committee, August 5:

Same as final. (p. 241)

Section 19

Present Language of the Constitution:

BILL TO CONTAIN ONE SUBJECT. No bill shall embrace more than one subject, and that shall be expressed in the title.

Original language same as present. 31

Text as given in report of committee, August 5:

Same as final. (p. 241)

29. Free Speech: Wis., Const. (1848), Art. 4, sec. 16. [Identical.]
30. Style of Laws: Wash., Const. (1878), Art. 4, sec. 1. [Identical.] Wis., Const. (1848), Art. 4, sec. 17. [Similar.] No Law to be Enacted Except by Bill: Ore., Const. (1857), Art. 4, sec. 1; Cal., Const. (1879), Art. 4, sec. 15; Wis., Const. (1848), Art. 4, sec. 17. [Identical.] (Cal., Const. (1879), Art. 4, sec. 15, and Wis., Const. (1848), Art. 4, sec. 17, identical with Ore.).
31. Only One Subject in Bill: Wis., Const. (1848), Art. 4, sec. 18; Cal., Const. (1879), Art. 4, sec. 24. [Similar.]
Section 20
Present Language of the Constitution:

ORIGIN AND AMENDMENTS OF BILLS. Any bill may originate in either house of the legislature, and a bill passed by one house may be amended in the other.

Original language same as present.32
Text as given in report of committee, August 5:
Same as final. (p. 242)

Section 21
Present Language of the Constitution:

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

Original language same as present.33
Text as given in report of committee, August 5:
Same as final. (p. 242)

Section 22
Present Language of the Constitution:

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

Original language same as present.34

32. Either House May Amend: Wis., Const. (1848), Art. 4, sec. 19 (Wash., Const. (1878), Art. 4, sec. 21, identical.) [Identical except Wash. uses “in” where Wis. uses “by.”]

33. Yeas and Nays: Wis., Const. (1848), Art. 4, sec. 20. [Identical except that Wis. adds the phrase “on any question.”] U.S., Const., Art. 1, sec. 5. [Similar.]

34. Yeas and Nays in Passage of Bill: Wash., Const. (1878), Art. 4, sec. 16; Cal., Const. (1879), Art. 4, sec. 15. [Similar.] Penn., Const. (1873), Art. 3, sec. 4. [Identical.]
Text as given in report of committee, August 5:

Some as final. (p. 242)

Consideration by committee of the whole, August 8:\(^{35}\)

**Motion:** Stiles moved to prevent a bill being introduced within the last ten days of the session.

**Action:** Motion lost 24 to 12. Stiles raised a point of order that a quorum was not present. The chair said a quorum was not necessary in committee of the whole.

**Motion:** Turner moved that the words "majority vote" be stricken.

**Action:** Motion lost.

**Motion:** Power moved to insert a provision that a majority of those present could pass a bill.

**Action:** Motion lost.

Section 23

Present Language of the Constitution:

**COMPENSATION OF MEMBERS.** Each member of the legislature shall receive for his services five dollars for each day's attendance during the session, and ten cents for every mile he shall travel in going to and returning from the place of the meeting of the legislature, on the most usual route. (As to compensation of members this section is repealed by the 20th Amendment. See Art. 28 for compensation of state officers.)

Original language same as present.\(^ {36}\)

Text as given in report of committee, August 5:

Same as final. (p. 242)

Consideration by committee of the whole, August 8:\(^ {37}\)

**Motion:** Sharpstein moved to pay (Ledger says three hundred dollars; Times says two hundred dollars) for each regular

36. *Compensation of Members: Wis., Const. (1848), Art. 4, sec. 21.* [Identical except as amount per diem (Wis. is $2.50; Wash. is $5.00).]
session plus ten cents per mile coming and going, and five dol-
lars a day for special sessions, or called meetings, plus mileage.

**Action:** Motion lost.

**Motion:** Power moved to increase the per diem to eight dollars.

**Motion:** Sharpstein moved to amend to four dollars.

**Action:** Both motions lost.

**Motion:** Power moved that the Legislature be authorized to
increase or decrease the per diem.

**Action:** Motion lost.

**Motion:** Gowey moved a substitute allowing the Legislature
to fix the salary.

**Action:** Motion lost.

**Final action by Convention, August 9:**

**Motion:** Suksdorf moved to insert “eight” for “five.”

**Motion:** Sharpstein moved to amend by inserting “four” in-
stead of “five.”

**Action:** Sharpstein’s motion lost, and a vote was taken on
Suksdorf’s motion which lost 50 to 4. (p. 307)

**Voting for:** Dyer, Glascock, Suksdorf, Turner. **Absent
and not voting:** Allen, Browne, Buchanan, Comegys, Dal-
lam, Dickey, Dunbar, Gray, Hungate, Jamieson, Jeffs,
Kellogg, McCroskey, McDonald, Neace, Power, Shoudy,
Stevenson, E. H. Sullivan, and Willison.

**Section 24**

**Present Language of the Constitution:**

**LOTTERIES AND DIVORCE.** The legislature shall
never authorize any lottery or grant any divorce.

Original language same as present.\(^{38}\)

**Text as given in report of committee August 5:**

Same as final. (p. 242)

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\(^{38}\)Lottery: Wis., Const. (1848), Art. 4, sec. 24. [Identical.]

Divorce: Wash., Const. (1878), Art. 4, sec. 22. [Identical except that Const.
(1878) adds “the sale of lottery tickets shall be by law.”]
Consideration by committee of the whole, August 8:39

A motion to strike the section was made and lost.

Section 25

Present Language of the Constitution:

EXTRA COMPENSATION PROHIBITED. The legislature shall never grant any extra compensation to any public officer, agent, employee, servant, or contractor, after the services shall have been rendered, or the contract entered into, nor shall the compensation of any public officer be increased or diminished during his term of office. Nothing in this section shall be deemed to prevent increases in pensions after such pensions shall have been granted. [1957 p. 1301, Senate Joint Resolution No. 18, Approved November 4, 1958.]

Original language:40

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

Text as given in report of committee, August 5:

Same as final. (p. 242)

Deleted Section

Petition presented to Convention by Tacoma Typographical Union No. 170, August 2:

That the Constitution provide for a state printer. (p. 213)

Text as given in report of committee, August 5:

"The Legislature shall provide by law that all stationery required for the use of the state, and all printing authorized and required by it, to be done for its use or for the state, shall be let by contract to the lowest bidder, but the Legislature may establish a maximum price. Provided in case of emergency the

39. Times, August 9, 1889.
Legislature may otherwise provide. No member of the Legislature or other state officer shall be interested in any such contract, either directly or indirectly.” (p. 242)

Consideration by committee of the whole, August 8: 41

Motion: Griffitts moved to strike the section.

Action: Motion carried.

Final action by Convention, August 9:

Decision of committee of the whole accepted 43 to 19. (p. 302)


Section 26

Present Language of the Constitution:

SUITES AGAINST THE STATE. The legislature shall direct by law, in what manner, and in what courts, suits may be brought against the state.

Original language same as present. 42

Text as given in report of committee, August 5:

Same as final. (p. 242)

Deleted Section

Text as given in report of committee, August 5:

It set the form of oath to be taken by members of the Legislature and given by a Supreme Court or Superior Court judge or the presiding officer of either house. Refusal to take the oath would forfeit the office.Violation of the oath would forfeit the present office or any future legislative office plus any further penalties as might be provided by law. (p. 242)

41. Times, Ledger, August 9, 1869.
42. Suit Against State: Wis., Const. (1848), Art. 4, sec. 27 (Wash., Const. (1873), Art. 4, sec. 30, identical with Wis.). [Identical.]
Consideration by committee of the whole, August 8:

43. Times, Ledger, August 9, 1889.

Motion: Eshelman moved to strike out the section.

Action: Motion carried 30 to 25.

Final action by Convention, August 9:

Decision of committee of the whole accepted 43 to 20. (p. 302)


Section 27

Present Language of the Constitution:

ELECTIONS—VIVA VOCE VOTE. In all elections by the legislature the members shall vote viva voce, and their votes shall be entered on the journal.

Original language same as present.

Text as given in report of committee, August 5:

Same as final. (p. 243)

Consideration by committee of the whole, August 8:

A motion to strike the section was made and lost.

Section 28

Present Language of the Constitution:

SPECIAL LEGISLATION. The legislature is prohibited from enacting any private or special laws in the following cases:

1. For changing the names of persons, or constituting one person the heir at law of another.

44. Viva Voce Votes: Wis., Const. (1848), Art. 4, sec. 30 (Wash., Const. 1878), Art. 4, sec. 22, identical with Wis.). [Identical except that Wis. inserts phrase "to be made."]

45. Times, August 9, 1889.
2. For laying out, opening or altering highways, except in cases of state roads extending into more than one county, and military roads to aid in the construction of which lands shall have been or may be granted by congress.

3. For authorizing persons to keep ferries wholly within this state.

4. For authorizing the sale or mortgage of real or personal property of minors, or others under disability.

5. For assessment or collection of taxes, or for extending the time for collection thereof.

6. For granting corporate powers or privileges.

7. For authorizing the apportionment of any part of the school fund.

8. For incorporating any town or village or to amend the charter thereof.

9. From giving effect to invalid deeds, wills or other instruments.

10. Releasing or extinguishing in whole or in part, the indebtedness, liability or other obligation, of any person, or corporation to this state, or to any municipal corporation therein.

11. Declaring any person of age or authorizing any minor to sell, lease, or encumber his or her property.

12. Legalizing, except as against the state, the unauthorized or invalid act of any officer.

13. Regulating the rates of interest on money.

14. Remitting fines, penalties or forfeitures.

15. Providing for the management of common schools.

16. Authorizing the adoption of children.

17. For limitation of civil or criminal actions.

18. Changing county lines, locating or changing county
seats, provided, this shall not be construed to apply to the creation of new counties.

Original language same as present. 46

Subdivision 1

Text as given in report of committee, August 5:

Same as final. (p. 243)

Consideration by committee of the whole, August 8: 47

Motion: Griffitts moved to add a provision against the granting of divorces.

Action: Motion carried.

Final action by Convention, August 9:

Decision of committee of the whole reflected in the final draft, but the Journal record is incomplete. (p. 303)

Subdivision 2 through 17

Text as given in report of committee, August 5:

Same as final. (p. 243)

46. Certain Private Laws Forbidden:

1. Wis., Const. (1848), Amend. Art. 4, sec. 31, cl. 1 (1871). [Identical.]
2. Ibid., cl. 2. [Identical except that Wash. adds phrase "shall have been."]
3. Ibid., cl. 3. [Identical except that Wis. inserts words "across streams at points."]
4. Ibid., cl. 4. [Identical.]
5. Ibid., cl. 6. [Identical.]
6. Ibid., cl. 7. [Identical except that Wis. inserts words "except to cities."]
7. Ibid., cl. 8. [Identical.]
8. Ibid., cl. 9. [Identical.]
10. Ibid., cl. 16. (Hill, Prop. Wash. Const., Art. 4, sec. 28, cl. 16, identical with Cal.) [Identical.]
11. Ibid., cl. 17. (Hill, Prop. Wash. Const., Art. 4, sec. 28, cl. 17, identical with Cal.) [Identical.]
12. Ibid., cl. 18. (Hill, Prop. Wash. Const., Art. 4, sec. 28, cl. 18, identical with Cal.) [Identical.]
13. Ibid., cl. 23. (Wash., Const. (1878), Art. 4, sec. 28, cl. 13, identical with Cal.) [Identical.]
15. Ibid., cl. 27. (Hill, Prop. Wash. Const., Art. 4, sec. 28, cl. 26; Wash., Const. (1878), Art. 4, sec. 17, cl. 12, identical with Cal.) [Identical.]
16. Ibid., cl. 31. (Hill, Prop. Wash. Const., Art. 4, sec. 28, identical with Cal.) [Identical except that Wash. omits word "legitimation."]
17. Ibid., cl. 32. (Hill, Prop. Wash. Const., Art. 4, sec. 28, cl. 30, identical with Cal.) [Identical.]
18. Ibid., cl. 21. (Hill, Prop. Wash. Const., Art. 4, sec. 28, cl. 20, identical with Cal.) [Similar.] Wis., Const. (1848), Amend. Art. 4, sec. 31, cl. 5 (1871). [Very similar. However neither of the above contains the Wash. proviso relative to creation of new counties.]

47. Times, Ledger, August 9, 1889.
ARTICLE II

Subdivision 18

Text as given in report of committee, August 5:

Prohibits “changing county lines or locating county seats.”

(p. 244, subdivision 24)

Consideration by committee of the whole, August 8:

Motion: Stiles moved to insert “or changing” before “county seats.”

Action: Motion carried.

Final action by Convention, August 9:

Decision of committee of the whole accepted. (p. 304)

Motion: Comegys moved to add that it would not apply to the creation of new counties.

Action: Motion carried. (p. 304)

Motion: Turner moved to strike out the old section for which these amendments were a substitute.

Action: Motion carried. (p. 304)

Deleted Subdivision

Text as given in report of committee, August 5:

Prohibits “granting to any corporation, association or individual any special or exclusive rights, privileges, or immunities.” (p. 244, subdivision 14)

Consideration by committee of the whole, August 8:

Motion: Stiles moved to strike the section.

Action: Motion carried.

Final action by Convention, August 9:

Decision of committee of the whole accepted. (p. 303)

Deleted Subdivision

Text as given in report of committee, August 5:

48. Ledger, August 9, 1889.
49. Ibid.
Prohibits “exempting property from taxation.” (p. 244, subdivision 15)

Consideration by committee of the whole, August 8:50

**Motion:** P. C. Sullivan moved to strike out the section.

**Action:** Motion carried.

Final action by Convention, August 9:

Decision of committee of the whole, accepted. (p. 303)

Deleted Subdivision

Text as given in report of committee, August 5:

Prohibits “restoring to citizenship any persons who have been convicted of bribery or other infamous crimes.” (p. 244, subdivision 16)

Consideration by committee of the whole, August 8:51

**Motion:** Griffitts moved to strike the section.

**Action:** Motion carried.

Final action by Convention, August 9:

Decision of committee of the whole reflected in the final draft but not set out clearly in the *Journal.* (p. 303)

Deleted Subdivision

Text as given in report of committee, August 5:

Prohibits “creating officers or prescribing the powers and duties of officers in counties, cities, and townships.” (p. 244, subdivision 20)

Consideration by committee of the whole, August 8:52

**Motion:** P. C. Sullivan moved to strike the section.

**Action:** Motion carried.

Final action by Convention, August 9:

Decision of committee of the whole accepted. (p. 303)

50. Ibid.
51. Ibid.
52. Ibid.
ARTICLE II

§ 29

Section 29

Present Language of the Constitution:

CONVICT LABOR. After the first day of January eighteen hundred and ninety the labor of convicts of this state shall not be let out by contract to any person, copartnership, company or corporation, and the legislature shall by law provide for the working of convicts for the benefit of the state.

Original language same as present. 53

Text as given in report of committee, August 5:

Same as final. (p. 244)

Consideration by committee of the whole, August 8: 54

Motion: Griffitts moved to strike the last sentence from “and the Legislature” onward.

Action: Motion lost.

Motion: West moved to strike the section.

Action: Motion lost.

Discussion as follows:

For: West thought convicts should be self-sustaining. Weir feared the competition to “honest” labor. T. M. Reed thought it demoralized the working class.

Against: Buchanan and Lindsley thought convict labor should be used on public works. Comegys did not favor tying the Legislature up in this manner and felt that convicts should work. Griffitts, Moore and Prosser strongly opposed the motion.

Deleted Section

Text as given in report of committee, August 5:

“The Legislature shall provide by general laws for the trans-
action of any business that may be prohibited by Section 28,

53. Labor of Convicts: Ill., Const. (1870), (Amendment of 1886). [Similar.]
54. Ledger, Tacoma Morning Globe, August 9, 1889.
and all such laws shall be uniform in their operation throughout the state.” (p. 244)

Consideration by committee of the whole, August 8:  

Motion lost to strike the section.

Final action by Convention, August 9:

Motion: Godman moved to strike the section.

Action: Motion carried. (p. 306)


Section 30

Present Language of the Constitution:

BRIBERY OR CORRUPT SOLICITATION. The offense of corrupt solicitation of members of the legislature, or of public officers of the state or any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practice of solicitation, and shall not be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy, but such testimony shall not afterwards be used against him in any judicial proceeding—except for perjury in giving such testimony—and any person convicted of either of the offenses aforesaid, shall as part of the punishment therefor, be disqualified from ever holding any position of honor, trust or profit in this state. A member who has a private interest in any bill or measure

55. Ledger, August 9, 1889.
proposed or pending before the legislature, shall disclose the fact to the house of which he is a member, and shall not vote thereon.

Original language same as present.\textsuperscript{56}

Proposition submitted to Convention by Weir, July 12:

That any effort to influence public officers by gifts or personal advantage shall be bribery punishable by fine and imprisonment and barring from public office. Participants would be compelled to give testimony. (p. 83)

Text as given in report of committee, August 5:

Same as final except that it contained: "Any person who directly or indirectly shall offer, give, or promise any money or thing of value, testimonial, privilege, or personal advantage to any executive or judicial officer or member of the Legislature to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and shall be punished in such manner as provided by law." (p. 245)

Consideration by committee of the whole, August 8:\textsuperscript{57}

\textbf{Motion}: Dunbar moved to strike the section.

\textbf{Action}: Motion lost 29 to 24.

\textbf{Discussion as follows}:

\textbf{For}: Dunbar said the section was unnecessary since bribery was already a crime under the law. Cosgrove asserted that the section was only paper legislation and had no effect. Schooley and E. H. Sullivan also favored striking.

\textbf{Against}: Stiles strongly defended the section. J. Z. Moore, Griffitts, and Buchanan favored the section in principle.

\textbf{Motion}: Schooley moved to strike that half of the section which obligated bribers to testify.

\textbf{Action}: Motion lost.

\textsuperscript{56} Corrupt Solicitation: Penn., Const. (1873), Art. 3, secs. 31, 32. [Identical.]

Members Shall Not Vote in Certain Cases: Penn., Const. (1873), Art. 3, sec. 33 (Wash., Const. (1878), Art. 6, sec. 29, identical with Penn.) [Identical.]

\textsuperscript{57} Times, Ledger, August 9; Globe, August 10, 1889.
Motion: Turner moved to strike the first sentence as quoted above.

Action: Motion carried 30 to 25.

Final action by Convention, August 9:

Decision of committee of the whole reflected in the final draft, although not recorded in the Journal.

Section 31

Present Language of the Constitution:

(This section stricken by 7th amendment; see Article II, Sections 1 and 41).

Original language:58

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

Text as given in report of committee, August 5:

Same as final. (p. 245)

Section 32

Present Language of the Constitution:

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

Original language same as present.59

58. Laws Take Effect When: Texas, Const. (1876), Art. 3, sec. 39. [Identical except that Wash. has omitted a few words.] Ore., Const. (1857), Art. 4, sec. 28; Colo., Const. (1876), Art. 5, sec. 19 (Wash., Const. (1878), Art. 6, sec. 14, identical with Colo.); Hill, Prop. Wash. Const., Art. 4, sec. 27. [Similar.]

59. Presiding Officers to Sign Bills: Wash., Const. (1878), Art. 6, sec. 18; Hill, Prop. Wash. Const., Art. 4, sec. 25. [Similar.]
Text as given in report of committee, August 5:

Same as final. (p. 245)

Section 33

Present Language of the Constitution:

**ALIEN OWNERSHIP.** The ownership of lands by aliens, other than those who in good faith have declared their intention to become citizens of the United States, is prohibited in this state, except where acquired by inheritance, under mortgage or in good faith in the ordinary course of justice in the collection of debts; and all conveyances of lands hereafter made to any alien directly, or in trust for such alien, shall be void: Provided, That the provisions of this section shall not apply to lands containing valuable deposits of minerals, metals, iron, coal, or fire clay, and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom: And provided further, That the provisions of this section shall not apply to the citizens of such of the Provinces of the Dominion of Canada as do not expressly or by implication prohibit ownership of provincial lands by citizens of this state. (1953 p 853, House Joint Resolution No. 16. Approved November 2, 1954).

Original language:60

The ownership of lands by aliens, other than those who in good faith have declared their intention to become citizens of the United States, is prohibited in this state, except where acquired by inheritance, under mortgage or in good faith in the ordinary course of justice in the collection of debts; and all conveyances of lands hereafter made to any alien directly or in trust for such alien shall be void: Provided, That the provisions of this section shall not apply to lands containing valuable deposits of minerals, metals, iron, coal or fire clay, and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom. Every corporation, the majority of the capital stock of which is owned by aliens, shall be considered an alien for the purposes of this prohibition.

60. Alien Ownership of Lands: Ore., Const. (1857), Art. 15, sec. 8. [Similar in part.]
Text as given in report of committee, August 5:

"The ownership of lands by aliens is detrimental to the best interests of the state and is therefore prohibited in this state except where acquired by inheritance or in good faith in the ordinary course of justice in the collection of debts heretofore created, and all conveyances of lands hereafter made to any alien directly or in trust for such alien shall be void. Provided that the provisions of this section shall not apply to lands containing valuable deposits of precious metals, copper, or lead, and the necessary land for mills and other machinery to mine and reduce the ore thereof." (p. 246)

Consideration by committee of the whole, August 9:

Motion: Jamieson moved a substitute for the report which was the same as the final text except that it omitted "other than those who in good faith have declared their intentions to become citizens of the United States." It added fire clay and coal to property that aliens could hold.

Motion: Crowley moved to add property acquired under mortgage to land which aliens could hold.

Action: Motion as amended carried.

Motion: E. H. Sullivan moved to strike the substitute.

Action: Motion lost.

Discussion as follows:

For alien ownership of land:

P. C. Sullivan could not see that any damage had been done by alien landlordism and thought it was necessary. Stiles said that a large investment of foreign capital in the United States was a great protection since a country with a great amount of capital invested here could not be forced into a war with this country. He pointed out that the Northern Pacific land grant of alternative sections prevented any man or corporation from acquiring a large section of land in a body. Cosgrove thought the investment of foreign capital should be encouraged since it had greatly lowered the rate of interest. Mires favored

61. Times, August 9; Ledger, Globe, August 10; Washington Standard [Olympia, Wash.], August 16, 1889.
striking the section. Suksdorf thought there was no danger in allowing aliens to own land. Buchanan claimed that adoption of such a section was going back to Chinese exclusiveness.

Against alien land ownership:
Griffitts said that foreign syndicates owned twenty-one million acres of land in this country. He thought that lands should be protected for American citizens. J. Z. Moore pointed to what the English did in Ireland as an example of the danger. Turner thought it would protect our institutions as well as the land. Minor said the provision was old, but under it England had become the most wealthy and powerful country in the world. Warner and Weisenburger considered it a great evil to allow foreigners to acquire property and thought it was a protection to the state to have its lands held by its citizens.

Final action by Convention August 9:

Decision of committee of the whole accepted. (p. 303)

Motion: Stiles moved to limit alien land ownership to six hundred forty acres.

Action: Motion lost 30 to 28. (p. 305)


Motion: Godman moved to insert “other than those who in good faith have declared their intentions to become citizens of the United States.”

Action: Motion carried. (p. 306)

Motion: Lindsley moved to add a provision not to disturb existing titles.

Action: Motion lost. (p. 306)
Section 34

Present Language of the Constitution:

**BUREAU OF STATISTICS, AGRICULTURE AND IMMIGRATION.** There shall be established in the office of the secretary of state, a bureau of statistics, agriculture and immigration, under such regulations as the legislature may provide.

Original language same as present. 62

Proposition submitted to Convention by Griffitts, July 10:

To establish in the office of the Secretary of State a Bureau of Labor Statistics. The Legislature to pass laws to establish and maintain it. (p. 42)

Text as given in report of committee, August 5:

Same as final. (p. 246)

Consideration by committee of the whole, August 9: 63

A motion to strike the section was carried.

Action by Convention, August 9: 64

The section was restored in the Convention.

Section 35

Present Language of the Constitution:

**PROTECTION OF EMPLOYEES.** The legislature shall pass necessary laws for the protection of persons working in mines, factories and other employments dangerous to life or deleterious to health; and fix pains and penalties for the enforcement of the same.

Original language same as present. 65

Text as given in report of committee, August 5:

Same as final. (p. 246)

Deleted Section

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63. Times, August 9; Standard, August 16, 1889
64. Standard, August 16, 1889.
65. Laws Relating to Mines, Factories: Ill., Const. (1870), Art. 4, sec. 29; Ohio, Const. (1851), Art. 2, sec. 35; Ark., Const. (1874), Art. 19, sec. 18; Colo., Const. (1876), Art. 16, sec. 2. [Similar.]
Text as given in report of committee, August 5:

"Mechanics, laborers, and material men shall have liens upon the property of their employers for labor performed or material furnished and the Legislature shall provide for the summary enforcement of the same." (p. 246)

Consideration by committee of the whole, August 9:66

**Motion:** Dunbar moved to strike the section.

**Action:** Motion carried.

**Motion:** Turner moved to add the same as an additional section.

**Action:** Motion lost.

Final action by Convention, August 9:

Decision of committee of the whole accepted. (p. 303)

Section 36

Present Language of the Constitution:

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

Original language same as present.67

Report of committee did not include this section.

Consideration by committee of the whole, August 9:68

**Motion:** Stiles moved to add an additional section, the text of which was the same as final.

**Action:** Motion carried.

Final action by Convention, August 9:

Decision of committee of the whole accepted. (p. 304)

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66. Times, August 9; Ledger, August 10; Standard, August 16, 1889.

67. Introduction of Bills Limited: Colo., Const. (1876), Art. 5, sec. 19; Md., Const. (1867), Art. 3, sec. 27; Minn., Const. (1857), Art. 4, sec. 1; Neb., Const. (1875), Art. 3, sec. 4. [Similar.]

68. Ledger, Globe, August 10; Standard, August 16, 1889.
Section 37

Present Language of the Constitution:

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

Original language same as present. 69

Report of committee did not include this section.

Consideration by committee of the whole, August 9: 70

Motion: P. C. Sullivan moved an additional section the text of which was the same as final.

Action: Motion carried.

Final action by Convention, August 9:

Decision of committee of the whole accepted. (p. 304)

Section 38

Present Language of the Constitution:

LIMITATION ON AMENDMENTS. No amendment to any bill shall be allowed which shall change the scope and object of the bill.

Original language same as present. 71

Report of committee did not include this section.

Consideration by committee of the whole, August 9: 72

Motion: Stiles moved to add an additional section the text of which was the same as final.

Action: Motion carried.

Final action by Convention, August 9:

Decision of committee of the whole accepted. (p. 304)


70. Ledger, Globe, August 10; Standard, August 16, 1889.

71. Amendment to Bill: Colo., Const. (1876), Art. 5, sec. 17. [Similar.]

72. Ledger, Globe, August 10; Standard, August 16, 1889.
Section 39

Present Language of the Constitution:

FREE TRANSPORTATION TO PUBLIC OFFICER PROHIBITED. It shall not be lawful for any person holding public office in this state to accept or use a pass or to purchase transportation from any railroad or other corporation, other than as the same may be purchased by the general public, and the legislature shall pass laws to enforce this provision.

Original language same as present. 73

Report of committee did not include this section.

Final action by Convention, August 9:

Motion: J. Z. Moore moved to add an additional section the text of which was the same as final.

Action: Motion carried 37 to 27. (p. 304)


Proposed Section

Consideration by committee of the whole, August 9: 74

Motion: Griffitts moved an additional section that would make members of the Constitutional Convention ineligible to hold any office created by the Constitution, for one year after its adoption.

Motion: Buchanan moved to amend to disqualify Constitution makers forever.

73. Passes Forbidden: Penn., Const. (1873), Art. 17, sec. 8. [Similar.] Cal., Const. (1879), Art. 12, sec. 19. [See Wash., Const. (1889), Art. 12, sec. 20, for another similar section. In most states such a provision appears under article on corporations.]

74. Times, August 9; Globe, August 10; Walla Walla Weekly Statesman, August 12, 1889.
Action: Motion as amended carried unanimously.

Action by Convention, August 9:

A motion to strike the section carried 40 to 24. It had been considered a joke from its inception.

Section 40

Present Language of the Constitution:

HIGHWAY FUNDS. All fees collected by the State of Washington as license fees for motor vehicles and all excise taxes collected by the State of Washington on the sale, distribution or use of motor vehicle fuel and all other state revenue intended to be used for highway purposes, shall be paid into the state treasury and placed in a special fund to be used exclusively for highway purposes. Such highway purposes shall be construed to include the following:

(a) The necessary operating, engineering and legal expenses connected with the administration of public highways, county roads and city streets;

(b) The construction, reconstruction, maintenance, repair, and betterment of public highways, county roads, bridges and city streets; including the cost and expense of (1) acquisition of rights-of-way, (2) installing, maintaining and operating traffic signs and signal lights, (3) policing by the state of public highways, (4) operation of movable span bridges, (5) operation of ferries which are a part of any public highway, county road, or city street;

(c) The payment or refunding of any obligation of the State of Washington, or any political subdivision thereof, for which any of the revenues described in section 1 may have been legally pledged prior to the effective date of this act;

(d) Refunds authorized by law for taxes paid on motor vehicle fuels;

(e) The cost of collection of any revenues in this section:

Provided, That this section shall not be construed to include revenue from general or special taxes or excises not

75. Times, August 9; Globe, Post Intelligencer, August 10, 1889.
levied primarily for highway purposes, or apply to vehicle operator's license fees or any excise tax imposed on motor vehicles or the use thereof in lieu of a property tax thereon, or fees for certificates of ownership of motor vehicles. [1943 p 938, House Joint Resolution No. 4. Approved November, 1944.]

(Added by the 18th Amendment)

Section 41

Present Language of the Constitution:

LAWS, EFFECTIVE DATE. INITIATIVE, REFERENDUM—AMENDMENT OR REPEAL. No act, law, or bill subject to referendum shall take effect until ninety days after the adjournment of the session at which it was enacted. No act, law, or bill approved by a majority of the electors voting thereon shall be amended or repealed by the legislature within a period of two years following such enactment: Provided, That any such act, law or bill may be amended within two years after such enactment at any regular or special session of the legislature by a vote of two-thirds of all the members elected to each house with full compliance with section 12, Article III, of the Washington Constitution, and no amendatory law adopted in accordance with this provision shall be subject to referendum. But such enactment may be amended or repealed at any general regular or special election by direct vote of the people thereon. These provisions supersede the provisions of subsection (c) of section 1 of this article as amended by the seventh amendment to the Constitution of this state. [1951 p 959, Sub. Senate Joint Resolution No. 7. Approved November 4, 1952.]

(Added by the 26th Amendment)

Passage of Article

Article on legislative department approved by Convention, August 9, by a vote of 44 to 12. (p. 308)