



Members: American Bar Association & Federal Bar Association
David Carroll, Stephenson, FBA # 8830; ABA # 65490183
Kenneth Wayne, FBA # 8831; ABA # 65472494

C/o 7406—27th Street W. #17
University Place, Washington 98466
Phone: 253-460-7574 Toll Free: 800-213-8391 Fax: 253-565-4361

September 18, 2000

Re: Proof of lawful government

NOTICE: These documents provide proof of the existence and text of the constitution established and ordained for the Washington republic member of the union of the several united States of America. **THOSE WHO ARE NOT DOMICILED AT WASHINGTON WILL NEED TO OBTAIN AND PUBLISH SIMILAR PROOF OF GOVERNMENT FOR THEIR STATE.**

To confirm recording via internet:

<http://www.co.pierce.wa.us/cfapps/auditor/documentssearch.cfm>

To obtain a certified copy from the custodian of records, contact:

Pierce County Auditor
2401 S 35th St Room 200
Tacoma WA 98409
253-798-7427

For Washington state cases, this documentation provides proof of a federal question regarding the fact that the constitution published in the Revised Code of Washington is not the constitution for the republic member of the union, and that there is no republican form of government available to the inhabitants of Washington as guaranteed by the national constitution.

On September 11, 2000, Judge Culpepper, Pierce County District Court Number One, Cause #Y0C002193, Y0C002195, and Y0037012, declared for the record that "State of Washington" is not a republic. He further indicated that there was no recourse available in the ordinary course of law in the "State of Washington" courts, indicating that the inhabitants of Washington must look to the courts of the United States of America for a remedy under a republican form of government! Judge Culpepper then noted for the record the various documents presented to the record providing proof of the facts, and continued the case so that the "defendant" had time to prepare and file an interlocutory action for review of the trial court's actions, indicating that such review would not be available in the "State of Washington" appellate courts.

American Business Law, Inc.



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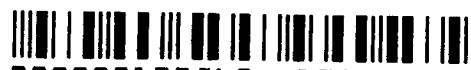
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American Business Law, Inc.



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9-13-2000 01:57pm \$134.00
PIERCE COUNTY, WASHINGTON

When Recorded return to:

David Carroll, Stephenson

C/o 7406 27TH ST. W. # 17; The City of Tacoma; The State of Washington. [98466]

David Carroll, Stephenson Affiant/Grantor and The People of the State of
Washington a Republic/Grantee of:

CONSTRUCTIVE PUBLIC NOTICE

**AFFIDAVIT OF
David Carroll, Stephenson**

**OFFER OF PROOF OF LAWFUL REPUBLICAN
FORM OF GOVERNMENT ESTABLISHED BY
CONSTITUTION, ORDAINED AND RATIFIED
NOVEMBER 5, 1878, BY THE PEOPLE OF THE
TERRITORY OF WASHINGTON**

**DONE THIS THE 13TH DAY OF THE MONTH OF SEPTEMBER
THE YEAR 2000**

200009130560

Affidavit of David Carroll, Stephenson

Pierce county

The State of Washington



SS.,
AFFIDAVIT OF
David Carroll, Stephenson

**OFFER OF PROOF OF LAWFUL REPUBLICAN
FORM OF GOVERNMENT ESTABLISHED BY
CONSTITUTION, ORDAINED AND RATIFIED
NOVEMBER 5, 1878, BY THE PEOPLE OF THE
TERRITORY OF WASHINGTON**

I David Carroll, Stephenson, hereinafter referred to as Affiant, affirm under penalty of perjury under the laws of the organic republics of the several united States of America and the organic republic of The State of Washington that the following is true and correct to the best of my knowledge understanding and belief.

The Affiant affirms:

That the Affiant is of the age of majority and competent to testify.

That the Affiant has first hand knowledge to the facts stated herein.

That the Affiant states that the Affiants affidavit is admissible as evidence under the rules of evidence. The Affiant states that the following citations are undisputed facts as per CR 8(d) and FRCP 8(d), that he Affiants affidavit is admissible as evidence;

- a). "Indeed, nor more than affidavits is necessary to make a prima facie case, U.S. v. Kis, 658 F. 2d 536 (CA7, 1981)cert. den., 50 U.S.L.W. 2169 (1982): however, 'a declaration may be used instead of an affidavit, Summers v. U.S. Dept. of Justice, 776 F. Supp. 575, 577 (D.C.D.C., 1991)."
- b). "To constitute complete affidavit, three essential features are requisite: first, the written oath embodying the facts sworn to by the affiant; second the signature of the affiant thereto; and third, the jurat of attestation, by an officer authorized to administer the oath, that the affidavit was actually sworn to and subscribed before him by the affiant." Glenn v. Metropolitan Atlanta Rapid Transit Auth., 158 GA. App. 98, 279 S.E. 2d 481 (1981).

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- c). "Affidavit which shows that it is not made on personal knowledge of affiant is insufficient to show to the court that there is a genuine dispute for the jury to decide." Cochran v. Southern Bus Univ., Inc., 110 Ga. App. 666, 139 S.E.2d 400 (1964).
- d). "If it appears that any portion of the affidavit was not made upon the affiant's personal knowledge, or if it does not affirmatively appear that it was so made, that portion is to be disregarded in considering the affidavit in connection with the motion for summary judgment." Morris-Bancroft v. Colman, 188 Ga. App. 912, 374 S.E.2d 544 cert. denied, (1988).
- e). "Affidavits not showing that they were made on personal knowledge must be disregarded." Mica-Top Fixture Co. v. Frank G. Shattuck Co., 124 Ga. App. 100 183 S.E. 2d 15 (1971).
- f). "Affidavit considered on motion for summary judgment must show that the affiant has personal knowledge of facts stated therein, and must contain evidentiary matter which, if the affiant were in court and testified, would be admissible as part of his testimony." Chandlee v. Gately, 119 Ga. App. 513, 167 S.E. 2d 697 (1969).
- g). "Only facts within personal knowledge of witness and admissible in evidence may be considered on motion for summary judgment or in opposition thereto." Summer v. Allison, 127 Ga. App. 217, 193 S.E. 2d 177 (1972).
- h). "Bare legal conclusions in affidavits create no issue of fact on motion for summary judgment." Resolute Ins. Co. v. Norbo Trading Corp., 118 Ga. App. 737, 165 S.E. 2d. 441 (1968) (decided under Ga.L.1959, p.234 sec.1 et seq.).
- i). "When affidavits are offered in support of motion for summary judgment, only those portions which were made upon personal knowledge of affiant, which were not mere conclusions unsupported by facts, and which would be admissible under general rules of evidence upon trial should be considered." Short & Paulk Supply Co. v. Dykes, 120 Ga. App. 639, 171 S.E. 2d 782 (1969).
- j). "Failure to object would constitute a waiver of any formal defects in an affidavit; however, where the deficiency is one of substance rather than form, the trial court errs in its grant of summary judgment even though the affidavit is not objected to." Parlato v. Metropolitan Rapid Transit Auth., 165 Ga. App. 758, 302 S.E. 2d 612 (1983).
- k). "Affidavit is essential, and if the instrument treated by the court and the parties as an affidavit be void, there is no foundation for the proceeding; the whole trial is a nullity..." Bickley v. State, 243 Ga. 488, 489, 255 S.E. 2d p.32.
- l). "Criminal proceedings in a court of special or limited Jurisdiction must show on their face the facts requisite to give the court authority, under the law, to try the

case, pronounce sentence, and inflict punishment.” Scroggins v. State, 55 Ga. 380 (1875).

- m). “However, in criminal cases, ...the affidavit upon which an accusation is based is void, unless the purported affidavit was in fact sworn to and the jurat signed at the time the affidavit was made, ...Since in a criminal case the accusation is void, unless the oath is properly administered and this appears from the record, the whole proceeding, under the decision in [Scroggins v. State, 55 Ga. 380 (1875)], is a nullity.” Dixon v. State, 155 Ga. App. 17, 270 S.E. 2d 192, p. 193, quoting Gilbert v. State, 17 Ga. App. 143, 145, 86 S.E. 415, 416 (1915).
- n). “Each of the defendants in an affidavit unequivocally states that the complaints were not signed or sworn to by the prosecuting attorney before the justice of the peace, as required by law, or at all. Neither the prosecuting attorney nor the justice of the peace made counter-affidavits. A justice of the peace in this state is not a court of record. State Constitution, section 11, art. IV; State ex rel. Brockway v. Whitehead, 88 Wash. 549, 153 Pac. 349, A justice court not being a court of record, its records are only prima facie correct and may be contradicted by competent proof. 16 R.C.L. 390. ...There is no reason given why the prosecuting attorney or the justice of the peace did not file an affidavit controvert the affidavits of the appellants if the fact as therein stated was not corrected. In view of this situation, we think the affidavits of the appellants were sufficient to overcome the prima facie showing made by the record of the justice of the peace.” STATE v. ALBERG, 156 Wash. 397, 400, 401, 402 (April 17th, 1930). And;
- o). “[1] It is the general rule that once the Affiant has filed affidavits controvert the pleadings, the non-Affiant can no longer rely upon his pleadings but must come forth with evidence, as long as it is available, which would justify a trial. W.G. Platts, Inc.v. Platts, supra, Plaisted v. Tangen, 72 Wn.2d 259, 432 P.2d 647 (1967); Reeb v. Streib, 65 Wn.2d 700, 399 P.2d 338 (1965); Barron & Holtzoff, Federal Practice and Procedure section 1235 at 149.” FELSMAN v. KESSLER, 2 Wn.App. 493, 496, 468 P.2d 691 (April 1970). And;
- p). CR 56(e) and FRCP 56(e); Form of Affidavits; Further Testimony. Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein.” HENRY v. ST. REGIS PAPER CO., 55 Wn. (2d) 148, 151 [No. 34779. En. Banc. November 27, 1959.] And;
- q). “The evidence before the judge is that contained in the pleadings, affidavits, admissions and other material properly presented. State ex rel. Bond v. State, 62 Wn.2d 487, 383 P.2d 288 (1963); 3 Barron & Holtzoff, Federal Practice and Procedure section 1236. When a pleading or affidavit is properly made and is uncontroversial, it may be taken as true for purposes of passing upon the motion for summary judgment. Preston v. Duncan, 55 Wn.2d 678, 349 P.2d 605 (1960); Henry v. St. Regis Paper Co., 55 Wn.2d 148, 346 P.2d 692 (1959).” CHASE v.

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DAILY RECORD, INC., 83 Wn.2d 37, 42, 515 P.2d 154 [No. 42664. En Banc October 25, 1973.] And;

- r). "This has long been the prevailing view in the federal courts. *Surking v. Charteris*, 197 F. (2d) 77 (C.A. 5th); *Whitaker v. Coleman*, 115 F.(2d) 305 (C.C.A. 5th). In 1963 it was made part of the federal rule on summary judgment, Federal Rule of Civil Procedure 56(e), which provides:

" . . . When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of his pleading, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If he does not respond, summary judgment, if appropriate shall be entered against him."

- s). The whole purpose of summary judgment procedure would be defeated if a case could be forced to trial by a mere assertion that an issue exists without any showing of evidence. 3 *Barron and Holtzoff*, Federal Practice and Procedure section 1235, p.141." **REED v. STREIB**, 65 Wn.(2d) 700, 706, 707 (February 18, 1965) And;
- t). [1] THE FUNCTION OF THE SUMMARY JUDGMENT IS TO AVOID A USELESS TRIAL. A TRIAL IS NOT USELESS BUT ABSOLUTELY NECESSARY WHERE THERE IS A GENUINE ISSUE AS TO ANY MATERIAL FACT. ...[4] THE PURPOSE OF THE RULE IS TO PERMIT THE COURT TO PIERCE FORMAL
- u). ALLEGATIONS OF FACTS IN PLEADINGS, AND GRANT RELIEF BY SUMMARY JUDGMENT WHEN IT APPEARS FROM UNCONTROVERSIAL FACTS SET FORTH IN AFFIDAVITS, DEPOSITIONS, OR ADMISSIONS ON FILE THAT THERE ARE, AS A MATTER OF FACT, NO GENUINE ISSUES. ...[9] The summary judgment rule will best serve its purpose when we all, bench and bar alike, become aware that, as Judge Hutcheson has said,
- v). " . . . Summary judgment procedure is not a catch penny contrivance to take unwary litigants into its toils and deprive them of a fair trial, it is a liberal measure, liberally designed for arriving at the truth. Its purpose is not to cut litigants off from their right of trial by jury if they really have evidence which they will offer on a trial, it is to carefully test this out, in advance of trial by inquiring and determining whether such evidence exists. . . . " *Whitaker v. Coleman*, (C.C.A. 5th, 1940), 115 F. (2d) 305, 307. [10] We need to understand, too, that pleadings, if properly challenged on the showing by the Affiant, will no longer carry a litigant to trial; for, in the words of Judge (later Justice) Cardozo:
- w). " . . . The very object of a motion for summary judgment is to separate what is formal or pretended in denial or averment from what is genuine and substantial, so that only the later may subject a suitor to the burden of a trial. . . ." *Richard v.*

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Credit Suisse 91926), 242 N.Y. 346, 152 N.E. 110, 45 A.L.R. 104." **PRESTON v. DUNCAN**, 55 Wn. (2d) 678681, 682, 683, 684 (February 25, 1960). And;

- x). The court has no authority to abrogate by rule a right guaranteed by the constitution." **State v. Pavelich**, 150 Wash. 411, 273 P.182 (1928). And;
- y). "Statute law, as adopted by the legislature, prevails over a restatement thereof in the code. RCW 1.04.020-.021." **STATE EX REL. ETC. v. MERCER ISL.**, 58 Wn. (2d) 141, 144 (April 20, 1961.) And;
- z). See your State's CrRLJ 1.1 **DECISIONAL CASE LAW** which states in part: "These rules govern the proceedings in the court of limited jurisdiction of the State of Washington in all criminal proceedings and supercede all procedural statutes and rules that may be in conflict. They shall be interpreted and supplemented in light of the common law and **the "decisional law"** of this state. **These rules shall not be construed to affect or derogate from the constitutional rights of any defendant.**" See also CrR 1.3 (a) which states in part: "...any constitutional rights are not impaired by these rules." and;
- aa). **ARLJ 7: "Any willful failure to apply the provisions of these rules in his court, the failure to amend or vacate local court rules contradictory to those herein set forth, or the continuation of practices expressly forbidden in these rules by the judge of any court subject thereto who has received actual notice of their adoption may be considered a "CONTEMPT" OF THE SUPREME COURT OF WASHINGTON AND PUNISHABLE AS SUCH."**

**OFFER OF PROOF OF LAWFUL REPUBLICAN FORM OF GOVERNMENT
ESTABLISHED BY CONSTITUTION, ORDAINED AND RATIFIED
NOVEMBER 5, 1878, BY THE PEOPLE OF THE TERRITORY OF WASHINGTON**

That attached hereto is a copy of a State Archivists certified copy of the Constitution established and ordained by The people of the State of Washington creating the republic of The State of Washington, AD 1878. See Exhibit "A". Certified copies may be acquired from the State Archivists upon request for a modest fee.

That attached is a self authenticating evidence that on November 5, 1878, the people of the Territory of Washington established, ordained and ratified the Constitution of the State of Washington November 5, 1878 establishing a republican form of government for The State of Washington November 5, 1878, as evidenced by the certified election results of 1878 establishing the

State of Washington. See Exhibit "B". Certified copies may be acquired from the State Archivists upon request for a modest fee.

That attached is self authenticating evidence that the Congressional record of the House of Representatives of 1878, wherein the congress of the United States of America, recognized the delegates of the constitutional convention for the State of Washington. See Exhibit "C". Copies may be acquired from the public library.

That attached is self authenticating evidence that the Congressional record of the House of Representatives of April 21, 1879 wherein Mr. Brent introduced bill (H.R. No. 1290) for the admission of the State of Washington into the Union; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed. See Exhibit "D". Copies may be acquired from the state library.

That attached is self authenticating evidence that Mr. Voorhees January 18, 1889 addressed the congress of the United States of America, and informed the house that Washington did in fact adopt a constitution in 1878. See Exhibit "E". Copies may be acquired from the state library.

That attached is self authenticating evidence that Mr. Voorhees, January 28, 1889, presented the Constitution of the State of Washington established, ordained and ratified by the people of Washington November 5, 1878, to the Senate of The United States of America, which by order of the senate that said Constitution of the State of Washington be referred to the Committee on Territories, and ordered to be printed, to accompany Senate bill No. 185. See Exhibit "F". Copies may be acquired from the state library.

The attached is self authenticating evidence that a Mr. H. C. Walworth, January 24, 1889, on behalf of a committee for the "Admission to the United States" requested of Territorial Governor, Eugene Semple, that; See Exhibit "G". Certified copies may be acquired from the State Archivists upon request for a modest fee:

"In the event the fiftieth Congress adjourns without passing an enabling act for the admission of Washington Territory, and in view of the fact that our territorial legislature can not legally convene before January 1890, and in the further event is should appear to your satisfaction that the people desire, and the public welfare demanded, the assembling of a Constitutional Convention, would

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you feel justified in exercising your official prerogative to the extent of making the call for such a convention by executive proclamation?"

That attached is self authenticating evidence that Territorial Governor Eugene Semple, on January 26th. 1889, responded to the correspondence of H. C. Wilwarth to wit: See Exhibit "G". Certified copies may be acquired from the State Archivists upon request for a modest fee.

January 26, 1998.

Respectfully referred to the Attorney General. Is there any authority of law, or precedent for such action on the part of the Executive as is suggested in the within letter.

That attached is self authenticating evidence that it was the official findings of Attorney General Metcalf that the Territorial Governor lacked the authority to call for a constitutional convention for the Washington Territory. See Exhibit "H". Certified copies may be acquired from the State Archivists upon request for a modest fee.

That attached is self authenticating evidence the fiftieth congress in February 22, published in volume 0 in the RCW, enacted the enabling act for the admission of several additional states to the union including but not limited The State of Washington, rendering the conditions upon which Mr. H. C. Wilmarth based the request of the Committee for "Admission to the Union of States" to Washington Territorial Governor, Eugene Semple, for the Governor by proclamation to call for a constitutional convention 1889, a moot issue. See Exhibit "I". Copies may be acquired from either the public library or the State Law library in Olympia Washington.

That the Affiant affirms that after diligent investigation and inquiry, that there is no record of any proclamation of Territorial Governor Eugene Semple to call a constitutional convention in the year 1889.

The Affiant affirms that the Affiant, that after diligent investigation and inquiry, can find no record in the State or the United States that any document purported to be the constitution established, ordained and ratified by the people of the Washington Territory other than The Constitution of the State of Washington established, ordained and ratified November 5th, 1878, was ever submitted to the Congress of the United States for admission to the union or that the certified election results of the first Tuesday October 1889 as a true statement of the votes for or against the Constitution for the State

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of Washington refers to any other constitution than the Constitution of the State of Washington established, ordained and ratified November 5, 1878 and submitted to the Congress by Mr. Voorhees January 28, 1889.

That attached is self authenticating evidence from "STATE OF WASHINGTON, COMPREHENSIVE ANNUAL FINANCIAL REPORT For the Fiscal Year Ending June 30, 1999" published by the "Office of Financial Management" page 2 **GOVERNMENTAL STRUCTURE**, to the record of this court that the State of Washington was created by an act of congress in 1889: See Exhibit "J".

"The state of Washington was created by an act of Congress in 1889".

The document published under seal of the enterprise State of Washington clearly establishes that the enterprise State of Washington was created by an act of congress in 1889 as a type of municipal corporation under the authority the municipal corporation of the District of Columbia and not by constitution.

That the evidence reveals that the enabling act was Approved in February 22, 1889.

That the text of the document published in book 0 purported is purported to be the Constitution of the State of Washington.

That the Affiant affirms the legislature of the territory of Washington in the year 1889 could not have lawfully by an act of the legislature convened a constitutional convention until the 1890 session, and that it was determined by the Attorney General Metcalf that Governor of the Washington Territory could not lawfully by executive proclamation to call a constitutional convention in the year 1889.

That the Affiant affirms that the Affiant, after diligent investigation and inquiry, can find no evidence that there was any lawful constitutional convention convened in the year 1889.

That the Affiant affirms that the document purported to be "Minutes of Proceedings of Constitutional Convention Assembled July 4th, 1889", copies of which can be acquired from the State Archivist, does not show under what authority said convention was convened if any.

The Affiant affirms that the final entry in the "Minutes of Proceedings of Constitutional Convention Assembled July 4th, 1889" is dated July 20, 1898, ten years after The Republic of Washington was admitted to the union in 1889.

The Affiant affirms that the following names purported to be delegates to the "Constitutional Convention Assembled July 4th, 1889", are also members of the "Committee for Admission to the Union of States" who sent a letter January 24, 1889, requesting Washington Territorial Governor, Eugene Semple if the fiftieth congress did not pass an enabling act for the admission of Washington Territory to call a constitutional convention by executive proclamation.

H. C. Wilwarth
M. M. Goodman
R. O. Dunbar
Geo H. Jones

The Affiant affirms that the Affiant, after diligent investigation and inquiry, can find no evidence in the records of the State or the United States that any document purported to be a constitution other than the Constitution of 1878 ordained and ratified by the people of the Washington territory was submitted to congress for the purpose of admission to the union.

That the Affiant affirms that the Affiant, after diligent investigation and inquiry, can find no evidence in the records of the State or the United States that the document published in volume 0 of the RCW purported to be the constitution of the State of Washington replaced, nullified, or repealed The Constitution of the republic, State of Washington 1878.

That the Affiant affirms, based on the records of the State and the United States that the documents attached hereto, that the Constitution of the State (republic) of Washington 1878, is the Constitution established and ordained, by the people of the Washington Territory submitted to the Congress in 1889 for the purpose of application for admission to the union upon which the proclamation that The State of Washington was admitted to the union is based, and not the Constitution published in volume 0 of the Revised Code of Washington.

That the Affiant affirms that the Affiant, after diligent investigation and inquiry, can find no evidence in the records of the State or the United States that the enterprise operating under the name "State of Washington or STATE OF WASHINGTON or the State of Washington or the STATE OF

WASHINGTON" herein after referred as "STATE OF WASHINGTON" has any standing as an entity within the geographical area of the republic of The State of Washington.

That the Affiant affirms that based in the evidence attached hereto, shows that "The Constitution of the State of Washington 1878" is the true and correct constitution established and ordained by the people of The State of Washington and as such renders every Legislative, Executive and Judicial act including but not limited all, session law established under the claim of authority of the document purported to be the Constitution of the State of Washington published in volume 0 of the RCW as void ab initio as those acts and session laws pertain to the geographical area of the republic of The State of Washington or the inhabitants of the republic of The State of Washington for want of a lawfully established legislative body under the authority of the 1878 Constitution of the State of Washington.

That the Affiant Affirms that the based upon the evidence attached hereto, that as clearly established therein, the organization doing business as "State of Washington" and "STATE OF WASHINGTON" and its political subdivisions is not the republic established and ordained by the people for the government of the republic of That State of Washington, and as such has no governmental powers or authority and meets the test for defacto government denying the people of the Republic of The State of Washington access to their express republican form of government established by constitution, ordained and ratified in the year 1878.

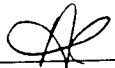
The Affiant has nothing further to state at this time.

I, David Carroll, Stephenson, affirms under the penalty of perjury under the laws of the organic republic of The State of Washington that the forgoing is true and correct to the best of my knowledge, understanding and belief.

Affirmed this the 13 day of the 9 month of 2000.

David Carroll, Stephenson, Affiant

On this the 13 day of the 9 month of 2000, David Carroll, Stephenson, known to me to be the party who affirmed the instrument entitled "Affidavit of David Carroll, Stephenson" as a free act and deed.



Notary Public Commission expires 4-9-04



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EXHIBIT "A"

The State of Washington



Office of the Secretary of State
Ralph Munro, Secretary of State

Certificate

I, Patricia A. Hopkins, in accordance with the provisions of Chapter 40 14, Revised Code of Washington, certify that I have compared the annexed copy, or specific part thereof, listed below, with the originals, and that the same, or each of the same, is a full, true and correct copy of the original Record in the Official Custody of the State Archivist of the State of Washington.

FROM THE RECORDS OF: Office of the Secretary of State

1878 Constitution

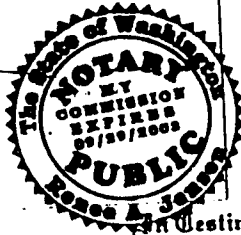
Certificate & Apostille

I, the below named Notary Public, hereby certify that the copy of the documents to which this Certificate & Apostille is affixed is a true, correct, and complete copy of the original (or archivist certified copy) of the original.
Given under my hand and seal this 7 day of Sept, 2000 A.D.

Notary Signature

Renee A. Jensen
Notary Name

My Commission expires: 9/29/03



In Testimony Whereof, I have hereunto set my hand and affixed hereto the Seal of the Office of the State Archivist of the State of Washington

Patricia A. Hopkins

Done at Olympia, the State Capital, this 12th day of July, A.D. 2000

STATE CONSTITUTION

DRAFTED AT

CONSTITUTIONAL CONVENTION

WALLA WALLA

1878

CONSTITUTION of the State of Washington.

PREAMBLE.

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

Article I. Boundaries.

The Boundaries of the State of Washington shall be as follows:

Commencing, one marine league west from the mouth of the middle of the north ship-channel of the Columbia river, thence, along the northern boundary of the State of Oregon, up said river where the forty-sixth parallel of north latitude intersects the same near the mouth of the Walla-Walla river; thence east, along said parallel to where it intersects the middle of the main channel of Snake river; thence southerly, along said channel of Snake river to where it intersects the forty-fifth parallel of north latitude; thence east, along said parallel, to where it intersects the meridian thirty-two degrees and thirty minutes west; thence north along said meridian, to where it intersects the crest Bitter Root range of mountains, thence north-westerly, along the crest of said mountains, to where it intersects the thirty-ninth meridian west; thence north, along said meridian to the boundary line the British Possessions; thence westerly, along the line of the British Possessions to a point one marine league west from the mouth of the middle of the channel of the Straits of Juan de Fuca; thence southward a distance of one marine league west from the east shore of the Pacific Ocean to the middle of the

including all islands and parts of islands within said boundaries, within the jurisdiction of the United States.

Article II. **Enviroer & Domain,**

Section 1. The state shall have concurrent jurisdiction on all rivers bordering on the state, so far as such rivers shall form a common boundary to the state and any other state or territory, now or hereafter to be formed, and bounded by the same. ~~The Columbia river and the navigable waters of the state shall be common highways, and free for a path to the inhabitants of the state as to all signs of the United States, without any tax, duty, or impost therefor.~~ (Sec page 1171)

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

Sec. 3. The people of the state, in their right of sovereignty, are declared to possess the ultimate property in and to all lands within the jurisdiction of the state, and all lands, the title to which shall fail from a defect of heirs, shall revert or escheat to the state.

Article III. **Distribution of Powers.**

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

Sec. 2. No person, or collection of persons, holding any position in, or exercising any authority under either of the others, except such as may be expressly provided for in this constitution, shall hold any office in, or exercise any authority whatever, under either of the others, except such as may be expressly provided for in this constitution.

Article IV. **Supraze and Elections,**

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

1st Citizens of the United States

2^d Persons of foreign birth who shall have declared their intention to become citizens

conformably to the laws of the United States on the subject of naturalization, six months before offering to vote.

3^d Persons of mixed white and indian blood who have adopted the customs and habits of civilization: The legislature may prescribe additional qualifications for electors of municipal and school district elections.

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

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

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

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

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

Sec. 7. No idiot or insane person shall be entitled to the privileges of an elector.

Sec. 8. Laws shall be passed excluding from the right of suffrage, all persons who have been or may be convicted of bribery, perjury or any infamous crimes and depriving any person who shall make or become directly or indirectly interested, in any bet or wager depending upon the result of any election, of the right to vote at such election.

Sec. 9. The legislature shall pass laws to preserve the purity of elections, and to guard

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against the abuse of the elective franchise, and shall for that purpose have power
to pass laws of registration.

Article V. Declaration of Rights.

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

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

Sec. 3. All persons are by nature free, and equally entitled to certain natural rights;
among which are, those of enjoying and defending their lives and liberties, of acquiring,
possessing and protecting property, and of seeking and obtaining happiness. To secure
these rights, governments are instituted, deriving their just powers from the consent of the governed.

Sec. 4. All persons have a natural and indefeasible right to worship God according to the dictates
of their own consciences. No person shall be compelled to attend, erect, or support any place of worship,
against his consent; and no preference shall be given by law to any religious society; nor shall
any interference with the rights of conscience be permitted. No religious test shall be required as
a qualification for office; nor shall any person be incompetent to be a witness on account of his
opinions on matters of religion; but nothing herein shall be construed to dispense with oaths or
affirmations; but the liberty of conscience hereby secured shall not be construed so as to excuse
acts of licentiousness or practices inconsistent with the peace or safety of the state.

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

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

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

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

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

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

Sec. 10. The right of the people to be secure in their persons, papers, houses and effects,

against unreasonable seizure and search shall not be violated, and no warrant shall issue except upon probable cause, supported by oath or affirmation in writing, describing, as nearly as may be, the place to be searched, and the person or thing to be seized.

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

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

Sec. 13. In criminal prosecutions, the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation; to have a copy thereof; to testify in his own behalf; to meet the witnesses against him face to face to have process to compel the attendance of witnesses in his behalf; and a speedy trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

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

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

Sec. 16. The right of the people to peaceably assemble and consult for the common good and to petition for the redress of grievances, shall never be restrained or abridged.

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

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

Sec. 19. The right of the people to keep and bear arms shall not be infringed, but

this shall not be so construed as to justify the carrying of concealed weapons.

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

Sec. 21. Treason against the state shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and comfort; and no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on his own confession in open court.

Sec. 22. No person shall be transported out of the state for any offense committed within the same, and no conviction shall work a corruption of blood or forfeiture of estate.

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

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

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

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

Article VI. Legislative.

Section 1. The legislative power of this state shall be vested in two distinct branches; the one to be styled the Senate, and the other the House of Representatives, and both together, the legislature of the state of Washington. The style of all laws shall be "Be it enacted by the legislature of the state of Washington".

Sec. 2. The number of the members of the House of Representatives shall never be less than eighteen nor more than sixty. The Senate shall consist of one-third the number of members of the House of Representatives.

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

Sec. 4. Elections for members of the legislature shall be held biennially. When vacancies occur in either house, the governor shall issue writs of election to fill such vacancies.

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

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

Sec. 7. The first legislature shall divide the state into at least ten legislative districts, in each of which one senator and three representatives shall be elected at the general election then next ensuing; and the districts shall be of convenient contiguous territory, to be bounded by counties, precinct or ward lines; and the number may be increased, but shall never exceed twenty. The legislative districts shall be numbered in regular series, and the senators chosen by odd-numbered districts shall go out of office at the expiration of the second year; and the senators chosen by the even-numbered districts shall go out of office at the expiration of the fourth year; and thereafter the senators shall be chosen for the term of four years.

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

Sec 8 Each member of the legislature, as a compensation for his services shall receive four dollars for each days attendance, and ten cents for each mile necessarily traveled in going to or returning from the seat of government, and shall not receive any other compensation, perquisite or allowance whatsoever. No session of the legislature, except the first shall exceed forty days. The legislature shall never grant any extra compensation to any public officer, agent, servant or contractor, after the service shall have been rendered, or the contract entered into; nor shall the compensation or mileage of any public officer be increased or diminished during his term of office.

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

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

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

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

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

Sec. 14. No act of the legislature shall take effect until ninety days after its passage, unless in case of emergency (which shall be expressed in the preamble of the act) the legislature shall, by a vote of two-thirds

of the members elected, otherwise direct. No bill, except the general appropriation bill, for the expenses of the government, introduced in either house after the expiration of the first thirty days of the session, shall become a law, unless the same shall have been recommended by the governor by special message; and no bill, except one so recommended, shall be considered or become a law, unless referred to a committee, returned therefrom, and printed for the use of the members.

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

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

Sec. 17. No law shall be revised or amended by reference to its title alone, but as much thereof as is revised or extended shall be re-enacted and published at length as amended. The legislature shall not pass local or special laws in any of the following cases, viz: for laying out, opening, altering, or working roads or highways; vacating roads, town plots, streets, alleys and public grounds; regulating county or precinct affairs; regulating the practice in courts of justice; regulating the jurisdiction of justices of the peace, police magistrates and constables; changing the rules of evidence in any trial or inquiry; providing

for change of venue in civil or criminal causes; declaring any person of age; the protection of game or shell-fish; limitations of civil actions, or giving effect to informal or invalid deeds; summoning or empaneling jurors; providing for the management of common schools; regulating the rate of interest on money; the opening or conducting of any elections, or designating the modes of voting; the sale or mortgage of real estate belonging to minors or those under disability; chartering or licensing ferries or toll bridges; remitting fines, penalties or forfeitures; writing, increasing or decreasing fees, percentage or allowance of public officers; changing the law of descent; granting to any corporation, association or individual, any special or exclusive privilege, immunity or franchise whatever; allowing the redemption of real estate sold for taxes or under the final process of any court.

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

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

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

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

Spe. 22. The legislature ^{shall} never authorize any lottery, nor grant any divorce. The sale of lottery tickets shall be prohibited by law.

Spe. 23. The general appropriation bill shall embrace only appropriations for the ordinary expenses of the executive, legislative and judicial departments, interest on the public debt, and for purposes of education. All other appropriations shall be made by separate bill, each embracing but one subject.

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

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

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

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

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

course prescribed in case of a bill

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

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

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

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

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

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

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

Article VII

Executive

Section 1. The supreme executive power of the state shall be vested in a governor, who shall hold his office for four years, and shall not be eligible to the office for the next succeeding term.

Sec 2. No person shall be eligible to the office of governor unless he is a

citizen of the United States, and shall have attained the age of thirty years, and has been for three years next preceding his election an inhabitant of the state.

Sec 3 The governor shall be elected by the qualified electors of the state, at the general election next preceding the expiration of an executive term. The return of every election for governor shall be sealed up and transmitted to the secretary of state, directed to the speaker of the House of Representatives, who shall, immediately upon the organization of the house, and before proceeding to other business open and publish the same, in the presence of a majority of both houses of the legislature, who shall, for that purpose, assemble in the House of Representatives. The person having the highest number of votes for said office shall be declared duly elected. But if two or more have an equal and the highest number of votes for the same office, one of them shall immediately be chosen thereunto by the two houses on joint ballot, and shall be declared duly elected governor.

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

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

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

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

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

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

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

Article VIII

Judicial

Section 1. The court for the trial of impeachments shall be composed of the senate. The house of representatives shall have the power of impeaching all civil officers of the state, for corrupt conduct in office, or for crimes

and misdemeanors; but a majority of all the members elected shall concur in an impeachment. On a trial of an impeachment against the governor, the chief justice of the supreme court shall preside. No judicial officer shall exercise his office after he shall be impeached until his acquittal. Before the trial of an impeachment, the members of the court shall take an oath or affirmation, true and impartially to try the impeachment according to the evidence; and no person shall be convicted without the concurrence of two-thirds of the members elected.

Judgment, in cases of impeachment, shall not extend further than removal from office, or removal from office and disqualification to hold any office of honor, profit or trust under the state; but this shall not prevent the officer from being prosecuted and punished in the courts according to law.

Sec. 2. The judicial power of the state, both as to matters of law and equity, shall be vested in a supreme court; circuit courts; probate courts; justices of the peace, and such inferior municipal courts as may be provided by law.

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

Sec. 4. For the term of four years and thereafter, until the legislature

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

Sec. 5. The state shall be divided into three judicial circuits, to be composed as follows: The first circuit shall comprise all that portion¹ of the state lying east of the summit of the cascade mountains, except the county of Kluckwilt. The second circuit shall comprise the counties of Chehalis, Clarke, Cowlitz, Kluckwilt, Lewis, Mason, Pacific, Skamania, Thurston and Wahkiakum. The third circuit shall comprise the counties of Grays Harbor, Island, Jefferson, King, Kitsap, Pierce, San Juan, Snohomish and Whatcom.

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

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

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

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

Sec. 9. The circuit courts shall have original jurisdiction in all matters civil and criminal, within this state, not excepted in this constitution, and not hereafter prohibited by law; and appellate jurisdiction from all inferior courts and tribunals; and a supervisory control over the same. They, and the judges thereof respectively in vacation shall have power to grant writs of habeas corpus, mandamus, prohibition, injunctions, quo

warrants, certiorari, and other original and remedial writs necessary to carry into effect their judgments and decrees, and give them a general control over ^{inferior} courts, officers and jurisdictions, and to hear and determine said writs at such times and in such manner as may be provided by law. Remedies at law must be administered separately from those in equity.

Sec 10. There shall be a clerk of the supreme court, appointed by the judges thereof who shall hold his office during the pleasure of said judges; his compensation shall be such fee as may be provided by law.

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

Sec 12. When a vacancy shall occur in the office of judge of the separate supreme court, such vacancy shall be filled by appointment by the governor which appointment shall hold good until a successor is appointed, by and with the advice and consent of the senate, which successor shall hold his office for the remainder of the unexpired term.

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

Sec 14. The judges of the supreme and circuit courts, shall not receive fees of office, or other compensation than their salaries; they shall not be eligible to any office of public trust, except a judicial office, during the term for which they are respectively elected; and all votes for either for any office except a judicial one, given by the legislature or by the people, shall be void. Every judge shall, before taking his office, subscribe and file with the secretary of state a written pledge that he

will not, during the term for which he was elected or appointed, accept any office of profit or trust - except a judicial office - under the government of the United States, or under any other state of the union, or under any foreign power. No person shall be eligible to the office of judge who shall not, at the time of his election or appointment, be a citizen of the United States, have attained the age of twenty-five years and be a qualified elector within the jurisdiction for which he may be chosen.

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

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

Sec 17 The style of all writs ^{and process} shall be 'The People of the State of

Washington). All criminal prosecutions shall be carried on in the name and by the authority of the state.

Spe. 18 The legislature shall provide for the speedy publication of all laws and of the decisions of the supreme court.

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

Spe. 20. All officers provided for by this article, except judges of the separate supreme court, shall respectively reside in the circuit, county, precinct or city for which they may be elected or appointed.

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

Article I. 8

Administrative

Section 1. There shall be chosen, by the qualified electors of the state, a secretary of state, a state treasurer, and a superintendent of public

instructions, who shall hold their office for the term of four years. They shall during their term of office, reside at the seat of government, where shall be kept the public records, moneys, securities, books and papers of their respective offices.

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

Spe. 3. The powers and duties of the treasurer and superintendent of public instruction shall be prescribed by law. The superintendent of public instruction shall be, by virtue of his office, state librarian.

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

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

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

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

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

Spe 9 In case of a vacancy occurring in the office of either the secretary of state, ~~or~~ ^{governor} superintendent of public instruction, the governor shall fill the same by appointment; and the person appointed shall hold such office for the remainder of the term; and in case of a vacancy in either of the county, precinct, municipal or school office the same shall be filled in such manner as may be prescribed by law.

Article X

Officers

Section 1 Every person holding any office under the state, or any municipality therein, shall, unless removed according to law, exercise the duties of such office until his successor is duly qualified; but this shall not apply

to members of the legislature, nor to members of any board or assembly, two or more of whom are elected at the same time. The legislature may by law provide for suspending any officer in his functions, pending any proceeding, the effect of which, if convicted, would be removal from office.

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

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

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

Sec 5. State officers, judges of the supreme and circuit courts, and circuit attorneys, shall file their oaths or affirmations of office in the office of the secretary of state. Every other officer, except the officers of municipalities and school-district officers, shall file his oath or affirmation of office in the office of the county clerk of the county where he shall have been elected or appointed.

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

Sec 7 No person who shall hereafter fight a duel, or assist in the

come as a second, or end, accept, or knowingly carry a challenge therefor, or agree to go out of the state to fight a duel, shall hold any office in this state.

Spe. 8. Public officers, except the governor and judges of the supreme and circuit courts, shall not be impeached; but corruption, malfeasance, misfeasance or non-feasance in office, shall be prosecuted and tried in the same manner as criminal offences; and judgement, upon conviction, shall be given of dismissal from office, in addition to such further punishment as may be prescribed therefor by law.

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

Spe. 10. No person, being a member of congress, or holding a commission to any civil or military office under the United States, except post-master of the fourth class, shall be eligible to any office under this state; and if any person shall, after his election to any office, be appointed to any office, civil or military, under the government of the United States, or of any state or territory, his acceptance thereof shall vacate his office.

Spe. 11. Salaries shall be paid quarterly. The governor, secretary of state, state treasurer, and superintendent of public instruction, shall each receive fifteen hundred dollars per annum. The judge of the supreme and circuit courts shall each receive two thousand dollars per annum. The salary of the circuit attorney shall not exceed one thousand dollars per annum.

Article XI Education

Section 1 The general supervision of the public schools of the state shall be vested in a board of education, whose powers and duties

shall be prescribed by law. The superintendent of public instruction, secretary of state, and state treasurer shall constitute the boards of which the superintendent of public instruction shall be president.

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

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

Sec. 4. The net proceeds of the sale of all lands that have been, or hereafter may be granted by the United States to the state for educational purposes - except the lands heretofore granted, or that may be hereafter granted; for the purposes of a university, or for a college of agriculture - all moneys ^{and} the clear proceeds of all property that may accrue to the state by forfeiture or escheat; all moneys which may be paid as an equivalent for military duty; and all moneys arising from any grant to the state, where the purposes of the grant are not specified;

The net proceeds of the sale or other disposition of the five hundred thousand acres of land to which the state is entitled on its admission, by the provisions of section two thousand three hundred and twenty eight of the revised statutes of the United States; together with the five per centum of the net proceeds of the sale of the public lands which the state may receive on its admission into the Union (if congress consents to such appropriations last-mentioned) - shall be set apart as a separate fund, to be called the school fund, the interest of which, and all other revenues derived from the school-lands, shall be excluded and applied in such manner as the legislature may prescribe to the support of common and graded schools, and to the purchase of suitable libraries and apparatus therefor.

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

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

Sec. 12. Provision shall be made by law for the support of the state university, and for connecting with the same, from time to time.

such colleges, in different parts of the state, as the interests of education may require. The proceeds of all lands that have been, or may hereafter be, granted by the United States, to the Territory or the state, for the support of a university, shall be and remain an irreducible fund, to be called the university fund, the interest of which shall be apportioned to the support of the state university and its branch whenever located in the state; and no sectarian instruction shall be allowed therein.

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

Sec. 9. It shall be the duty of the state board of land commissioners to provide for the location, protection, sale or other disposition of all the lands belonging to the state, under such regulations as may be prescribed by law. No law shall ever be passed by the legislature, granting any privilege to persons who may have settled upon any school-lands subsequent to the public surveys thereof, by which the amount to be derived from the sale or other disposition of such lands, shall be diminished, directly or indirectly. The legislature shall, at the earliest practicable period, provide by law that the several grants of land, made by congress to the state, shall be located, preserved and held for dispo-

for the respective purposes for which said grants were made, or which are designated in this constitution; and shall provide for the sale, leasing and general management of said lands from time to time, and for the application of the proceeds thereof in the manner directed in this constitution.

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

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

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

Article XII

Finances

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

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

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

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

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

Spe. 8. All corporations in this state, or doing business or doing business therein shall be subject to taxation for state, county, school, municipal and other purposes on the real and personal property owned or used by them within the territorial limits of the authority levying the tax.

Spe. 9. No money shall be paid out of the treasury, except in pursuance of an appropriation made by law.

Spe. 10. Neither the state nor any county, city, town, or school district shall make any donation or grant to, or in aid of, or become a subscriber to, or a shareholder in, any corporation or company, or a joint owner with any person, company or corporation, public or private, in or out of the state; except as to such ownership as may accrue to the state by escheat or by forfeiture by operation of law; and except as to such ownership as may accrue to the state, or to any county, city, town or school district, or to either or any of them jointly with any person, company or corporation, by forfeiture or by sale of real estate for non-payment of taxes, or by any donation or devise for public use, or by purchase by or on behalf of any or either of them under execution in case of fines, penalties or forfeiture of recognizance, breach of condition of official bond or of bond to secure public moneys, or the performance of any contract in which they or any of them may be jointly or severally interested.

Spe. 11. Neither the state, nor any county, city, town nor school district shall lend or pledge the credit or faith thereof, directly or indirectly, in aid of any person, company or corporation, for any amount or for any purpose whatever, or become responsible for any debt, contract or liability of any person, company or corporation, in or out of the state.

Spe. 12. The state shall never contract any public debt, except in the case and manner hereinafter described.

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

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

Sec. 13. No city or town shall contract any debt, by loan in any form, except by means of an ordinance which shall be irrevocable until the indebtedness therein provided for shall have been fully paid or discharged specifying the purposes to which the funds to be raised shall be applied and providing for the levy of a tax - not exceeding twelve mills on each dollar of valuation of taxable property within such city or town - sufficient to pay the annual interest, and extinguish the principal of such debt within fifteen years, but not less than ten years, from the creation thereof; and such tax, when collected, shall be applied only to the purposes in such ordinance specified, until the indebtedness be paid or discharged. But no such debt shall be created unless the question of incurring the same shall at a regular election for councilmen, aldermen, or officers of such city or

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

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

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

Sec. 16. The making of profit, directly or indirectly, out of the state, county, city, town or school-district money, or using the same for any purpose not authorized by law, by any public officer, or any other person, shall

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

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

Sec. 13. No city or town shall contract any debt, by loan in any form, except by means of an ordinance which shall be irrevocable until the indebtedness therein provided for shall have been fully paid or discharged specifying the purposes to which the funds to be raised shall be applied and providing for the levy of a tax - not exceeding twelve mills on each dollar of valuation of taxable property within such city or town - sufficient to pay the annual interest, and extinguish the principal of such debt within fifteen years, but not less than ten years, from the creation thereof; and such tax, when collected, shall be applied only to the purposes in such ordinance specified, until the indebtedness be paid or discharged. But no such debt shall be created unless the question of incurring the same shall at a regular election for councilmen, aldermen, or officers of such city or

be deemed a felony, and shall be punished as provided by law.

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

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

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

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

Sec. 21. The state shall never contract any debt for work of internal improvement, or be a party in carrying on the same. But whenever grants of land or other property shall have been made to the state for particular work of internal improvement, the state may carry

on such works, and shall devote thereto the proceeds of such grants, and may appropriate the revenue derived from such works in aid of their completion and repair.

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

Article XIII Corporations

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

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

Sec. 3. All railroads in this state shall be deemed public highways, and shall be free to all persons for the transportation of their persons and property, under such regulations as may be prescribed by law; and laws shall be passed, from time to time, establishing reasonable maximum rates of charges for the transportation of passengers and freight thereon, and to prevent unjust discrimination. No railroad corporation, or the lessee or manager thereof, shall consolidate its stock, property or franchises with any other railroad corporation, owning or having under its control a competing line. Every railroad shall have the right, with its road, to intersect, connect with, or cross any other railroad; the

manner of the exercise of which rights, however, to be regulated by law. Laws shall also be passed, regulating the liability of common carriers of passengers in cases of personal injuries occasioned by negligence on the part of the carrier.

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

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

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

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

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

Article XIV.

State Institutions

Section 1. Educational, reformatory and penal institutions, and

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

Sec. 2 The legislature shall not have power to change or locate the seat of government of the state; but shall at the first session subsequent to the admission of the state, submit the question of its permanent location to the qualified electors of the state, at the general election then next ensuing.

A majority of all the votes cast shall be necessary to such location; and in case no one place shall have such majority, the question shall be re-submitted, at each general election, until such majority vote shall affect a location. Provided, that, until the seat of government shall have been permanently located, as herein provided, the temporary location thereof shall remain at the capital of the territory at the time of the admission of the state.

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

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

Article XV

Miscellaneous

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

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

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

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

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

Sec. 6. All county officers, whose election or appointment is not provided for in this constitution, shall be elected by the electors of the respective counties, or appointed by the governor, or by the board of county commissioners, or other county authorities, as the legislature shall direct. All city, town and precinct officers, whose election or appointment is not provided for by this constitution,

shall be elected by the electors of such cities, towns and precincts, or by some division thereof, or appointed by such authorities thereof, as the legislature may designate for that purpose. All other officers, whose election or appointment is not provided for by this constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the legislature may provide.

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

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

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

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

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

Sec. 12. The legislature may declare the cases in which any office

shall be deemed vacant, and also the manner of filling the vacancy, where no provision is made for that purpose in this constitution.

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

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

Article XVI

Amendments

Section 1. Any amendment or amendments to this constitution may be proposed in either branch of the legislature; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays thereon, and be submitted to the qualified electors of the state for their approval, at the next general election; and

if the people shall approve and ratify such amendment or amendments, by a majority of the electors voting thereon, the same shall become part of this constitution, and proclamation thereof shall be made by the governor, provided, that if more than one amendment be submitted, they shall be submitted in such manner that the people may vote for or against such amendments separately. The legislature shall also cause the amendments that are to be submitted to the people, to be published in some weekly newspaper, in every county where such newspaper is published, throughout the state.

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

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

Schedule

Section 1. That no inconvenience may arise by reason of a change

from a territorial to a state government, it is declared that actions, rights, prosecutions, judgments, decrees, claims and contracts, as well of individuals as of bodies corporate - including counties, cities, towns, school and road districts - shall continue as if no such change had taken place; and all process which may have been issued ^{under} the authority of the territory of Washington, previous to its admission into the Union, shall be as valid as if issued in the name of the state.

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

Sec. 3. All debts, fines, penalties and forfeitures, which have accrued or may hereafter accrue to the territory of Washington, shall issue to the state.

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

by the state of Washington, as the same could have been by the territory of Washington. All criminal prosecutions and penal actions, which may have arisen, or which may arise, before the change from a territorial to a state government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the state. All offences committed against the laws of the Territory of Washington, before the change from a territorial to a state government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the state of Washington, with like effect as though such change had not taken place; and all penalties incurred shall remain the same as if this constitution had not been adopted. All actions at law and suits in equity which may be pending in any of the courts of the Territory of Washington at the time of the change from a territorial to a state government, shall be continued, and transferred to such courts of the state, having jurisdiction of the subject-matter thereof.

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

On the taking effect of this constitution, all officers thereby continued in office, shall, before proceeding in the further discharge of their respective duties, take an oath or affirmation to support this constitution. All vacancies that may occur in existing offices prior to the election and qualification of officers under this constitution, shall be filled in

the manner now prescribed by law.

Sec 6. Whenever the judge of the circuit court of any circuit, elected or appointed under the provisions of this constitution, shall have qualified in his office, the several causes then pending in the district court of the territory within any county in such circuit, and the records, papers and proceedings of said district court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the circuit court of the state for such county, and until the district courts of the territory shall be superseded in manner aforesaid, the said district courts and the judges thereof, shall continue with the same jurisdiction and powers, to be exercised in the same judicial districts respectively, as heretofore constituted under the laws of the territory. Whenever any two of the judge of the circuit court, elected or appointed under the provisions of this constitution, shall have qualified in their office, the causes then pending in the supreme court of the territory, and the papers, records and proceedings of said court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the supreme court of the state, and until so superseded, the supreme court of the territory and the judges thereof, shall continue with like powers and jurisdiction as if this constitution had not been adopted.

Sec 7. The terms of office of the governor and state officers, members of the legislature, circuit and probate judges, circuit attorneys, and all county officers first elected under this constitution, shall commence on the seventh monday after the first general elections and in the event that either of the persons elected shall fail to qualify within twenty days after said seventh monday, then the person receiving the most highest number of votes for such office shall take

first general election under this constitution, for judge of the circuit or probate courts, or for circuit attorney, the evidence shall be taken in the manner prescribed by the territorial laws, and the testimony so taken shall be certified to the secretary of state and the said officers. Together with the governor and treasurer of state, shall review the evidence, and determine who is entitled to the certificate of election.

Sec 12. The county auditors of the several counties shall provide poll books tally lists, and forms of oath of office, for inspectors judges and clerks of election for the first state election under this constitution, in the same manner as is now provided for by law. The votes at the first general election under this constitution, for the several officers who are to be elected at such election, shall be canvassed, returns made, and results determined, in the manner prescribed by the territorial law for canvassing votes for line officers. The votes cast for governor, state officers, members of the legislature, judge of the circuit and probate courts and for circuit attorneys, shall be canvassed by the county canvassing boards, in the manner prescribed by the territorial law for canvassing votes for members of the legislative assembly; and returns shall be made to the secretary of the territory acting as secretary of state, under the same regulations as are prescribed by law for sending the abstracts of votes for delegates in congress; and the secretary, auditor and treasurer, or any two of them, on the twenty fifth day after election, or within ten days thereafter, shall proceed to canvass the votes and declare the result. The judges and inspectors of election, who shall have been appointed by

and conduct the general election next preceding the time of holding the first general election under this constitution, shall be and are hereby appointed judges and inspectors of the first election, as provided in section seventeen in this Schedule, with power to fill vacancies as provided by law.

Sec 13. One representative in the congress of the United States shall be elected from the state at large, at the first election provided for in this constitution; and thereafter, at such times and places and in such manner as may be prescribed by law. When a new apportionment shall be made by congress, the legislature shall divide the state into congressional districts, in accordance with such apportionment.

The vote cast for representative in congress, at the first election held under this constitution, shall be canvassed, and the result determined, in the manner provided by the laws of the territory for the canvass of the vote for delegate in congress.

Sec 14. The first legislature shall meet at twelve o'clock, meridian, at the seat of government, on the seventh monday after the first general election; shall effect an organization, and thereafter the legislature shall meet biennially, at such times and places as may be provided by law.

Sec 15. Until the legislature shall otherwise provide, the terms of the supreme, circuit and probate courts shall be held as is now provided by law for the supreme, district and probate courts of the territory.

Sec 16. Until there shall be a new apportionment under the authority of the state, the senators and members of the house of representatives shall be apportioned among the several districts as follows: the county of Walla Walla shall constitute the first senate district. The counties of Columbia, Whitman and Stevens shall constitute the second senate

district. The counties of Clark, Okanogan, Yakima and Klickitat shall constitute the third senate district. The counties of Lewis, Wahkiakum and Pacific shall constitute the fourth senate district. The counties of Thurston and Lewis shall constitute the fifth senate district. The counties of Pierce, Mason and Lehalis shall constitute the sixth senate district. The county of King shall constitute the seventh senate district. The counties of Kitsap, Snohomish and Whatcom shall constitute the eighth senate district. The counties of Jefferson, Island and San Juan shall constitute the ninth senate district. Each Senate District shall be entitled to elect one senator. The counties of Lewis and Wahkiakum shall elect one representative.

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

Sec 17. The first general election under this constitution shall be held on the Tuesday next succeeding the sixth Monday after the admission of the state; at which there shall be elected, the governor, secretary of state, state treasurer, state superintendent of public instruction, judge of the circuit courts, judges of the probate courts, members of the legislature, circuit attorneys, and for each county, three county ^{Treasurer} ~~clerks~~ ^{clerks}, sheriff, ~~county~~ ^{county} ~~clerk~~ ^{clerk} and ~~county~~ ^{county} ~~clerk~~ ^{clerk}.

of schools, surveyor, coroner, and all precinct officers; and no further notice of said election shall be required.

Sec 18. The legislature, at its first session, shall provide by law for the expiration of the terms of all officers first elected and qualified under this constitution on a day designated as the commencement of the political year; Provided, the several terms of office shall not be thereby lessened nor extended more than one political year.

Sec 19. This constitution, when enrolled and signed, shall be deposited by the president of this convention, in the office of the governor of this territory; and in the event of its adoption by the people, the governor shall send a copy thereof to the president of the United States, with the request that he submit the same to congress, together with our request that the state of Washington be admitted into the Union. There shall be sent, at the same time, a copy of the act of the legislative assembly of this territory, entitled,

"An Act to provide for calling a convention to frame a constitution for a state of Washington, and submitting the same to the people for ratification or rejection; approved November ninth eighteen hundred and seventy seven; and also a certified abstract of the votes cast for and against this constitution.

Sec 20. This constitution; separate articles, number one; separate article number two; and separate article, number three - shall be submitted for adoption or rejection to the qualified electors of this territory, at an election to be held on the Tuesday next succeeding the first Monday in November, Anno Domini one thousand eight hundred and seventy eight. If the same be adopted by the said electors, it shall become the constitution of the state of Washington. On such of the ballots

as are for the constitution, shall be written or printed the words, "For constitution," on each of the ballots as are against the constitution, the words, "Against the constitution"; and on such of the ballots as are in favor of separate article number one, the words, "For separate article number one", and on such as are against separate article, number one, the words, "Against separate article, number one"; and also on such ballots as are in favor of separate article, number two, the words, "For separate article, number two"; and on such as are against separate article, number two, the words, "Against separate article, number two"; and also on such ballots as are in favor of separate article, number three, ^{the words} "For separate article, number three"; and on such as are against separate article, number three, the words, "Against separate article, number three". The election shall be conducted in the manner now prescribed by law for the election of delegate in congress; and the votes counted and returned to the secretary of the territory, in the same manner and at the same time as are the votes for said delegate. The secretary shall canvass and certify the result to the governor within sixty days after said election, who shall make known the result by proclamation. The several elections provided for in this schedule shall be conducted according to the existing laws of this territory. The journal of this convention shall be deposited by the president in the office of the secretary of the territory.

Sec 21. This constitution shall be submitted to the qualified electors of the counties of Oreg. Pecci, Idaho and Shoshone, in Idaho territory, or that portion of them embraced in the boundaries as defined in this constitution, on the Tuesday next after the first Monday in November, one thousand eight hundred and seventy eight, for their adoption or rejection. William Ewing,

and Hazen Squier, of Nez Perce county, J. M. Brooks and Frank Penn, of Idaho county, and E. H. Bradley, of Shoshone county, are hereby appointed a board of commissioners, any three of whom shall constitute a quorum, and may fill any vacancy that may occur in said board, which board shall have an office at Lewiston, Idaho territory, for the transaction of the business of said board; and shall have full authority to appoint judge and clerk in each and every precinct throughout those counties above named for said election; and the full returns of the vote in all the precincts in those counties shall be made by the respective judge and clerk of election so appointed, under oath, to the said board of commissioners, at Lewiston, within ten days after said election; which board shall open said returns, canvass the votes and certify the result of the same, and transmit forthwith said result to the secretary of Washington territory, at Olympia, Washington Territory, to be canvassed at the time of canvassing the result of the vote of the people of the Territory of Washington and the separate and aggregate result of the vote in both territories made known. The said board of commissioners shall give at least ten days previous public notice of each of said elections in each and every precinct in said counties, by publication in some newspaper circulating therein, and by posting printed notices thereof at the places of holding the election. The members of said board of commissioners, and the and the several judge and clerk of election shall severally take and subscribe an oath before some person authorized to administer oaths, to well and truly discharge the duties of their respective offices, which oaths shall be transmitted, with the returns of said election, to the said secretary.

all laws in force in that portion of Idaho territory, included within said boundaries, at the time of the admission of the state, not inconsistent with this constitution, shall continue in force until altered or repealed. All officers exercising their functions of office under the laws of Idaho territory in that portion thereof embraced in the boundaries defined, in this constitution, when it takes effect, shall continue in office and in the exercise of their respective duties and authority until superseded by the state authorities, and shall take an oath to support the constitution of this state. The first general election for the officers designated in sections thirteen and fourteen of this schedule shall be conducted in every respect according to the existing laws of Idaho territory, and returns thereof shall be made to the secretary of the territory of Washington acting as secretary of state and shall be canvassed as provided in sections twelve and thirteen. The counties of Owyhee, Idaho and Shoshone shall be counties of the state and shall constitute the tenth senate district.

They shall constitute one representative district and shall elect one member of the house of representatives from the county of Owyhee, one from the counties of Owyhee and Shoshone, and one from the county of Idaho.

All the provisions of this schedule, in as far as they are applicable, shall apply to that portion of the territory of Idaho and to the people thereof, included in the boundaries of this state. The legislature shall have power to pass laws assenting to and confirming such provisions as may be made by congress in order to the conservation of public and private rights of every kind and nature whatsoever, founded upon law or growing out of the change in the political relations of that portion of Idaho or of the municipal divisions thereof, or of the people who may be included within the boundaries of this state. The State of Washington hereby pledges its faith to pay to the territory of Idaho the just proportion of

territorial indebtedness, for which the said people, or the counties, or other municipalities shall be justly bound in the levying of taxes a separate and additional state tax of one half mill on every dollar of assessed valuation of property within the counties of Nez Percé, Shoshone and Idaho shall be annually imposed and collected in the same manner as other taxes are collected, until an amount equal to said indebtedness shall have been so collected.

Article XV MISCELLANEOUS

Sec 15. The legislature shall have power to fix the time for the election of all officers where no provision is made for such election in this constitution.

Ordinance

The people of the territory of Washington, together with that portion of the people of the territory of Idaho included within the boundaries as defined by this constitution, by their delegates, in convention assembled, do ordain and declare:

- First:— That we adopt the constitution of the United States as the supreme law.
- Second:— Perfect toleration of religious sentiment shall be secured, and no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship.
- Third:— The people of the territory included within the boundaries of the proposed state, as set forth in this constitution, by their delegates in convention assembled, do agree and declare, that they forever disclaim all right and title to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposal of the United States; that the lands belonging to persons residing without the state shall never be taxed higher than the lands belonging to residents thereof; and that no taxes shall be imposed by the state on lands or property therein, belonging to, or whic

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

Separate Articles

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

Separate Article No. 1.

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

Separate Article No. 2.

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

Separate Article No. 3.

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

shall be in favor of such article, the same shall become a part of the constitution, and shall be added to the Declaration of Rights.

RESOLUTIONS

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

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

At, the undersigned, members of the convention to form a constitution

for the state of Washington: which is to be submitted to the people
for their adoption or rejection, do hereby declare this to be the constitution formed
by us, and in testimony thereof, do hereunto set our hands, this twenty-seventh
day of July, Anno Domini, one thousand eight hundred and seventy eight.

W. Byron Daniels, Secretary. Wm. S. Abernethy, President

Lysander B. Andrews - Judge in 1878 & 1884

Leicester M. Pordshaw - 1878 per 9th

Henry F. Dennison

Edward Eldridge

Francis Hurry

S. M. Gilmore

Wyatt A. George - Lawyer in Dayton & 1878

Geo. B. Emery

L. B. Hannah

A. J. H. Larnaker

Oliver P. Tracy

Harold Leland

James V. Odell - principal New College

George H. Steward

Cyloster M. Wait x 1878. has named office in
Trusted Dayton

The following words to wit: "The Columbia River and the navigable waters of the State shall be open to highways and ferries, as well to the inhabitants of the State, as to the citizens of the United States without any tax, duty, or impost thereon" in Section 1st of the Article on Eminent Domain, page 2 of this book, were inserted by error and on final revision were struck out by order of the convention

Deane Hall, Walla Walla July 27th 1878

W. Byron Daniels
Secretary

Territory of Washington,

Executive Department,

Olympia, August 3, 1878.

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

W. B. Daniels
Governor.

EXHIBIT "B"

The State of Washington



Office of the Secretary of State

Ralph Munro, Secretary of State

Certificate

I, Megan M. Sibbert, in accordance with the provisions of Chapter 40.14, Revised Code of Washington, certify that I have compared the annexed copy, or specific part thereof, listed below, with the originals, and that the same, or each of the same, is a full, true and correct copy of the original Record in the Official Custody of the State Archivist of the State of Washington.

FROM THE RECORDS OF: The Office of the Secretary of State

1878 Election Results



In Testimony Whereof, I have hereunto set my hand and affixed hereto the Seal of the Office of the State Archivist of the State of Washington

Megan M. Sibbert

Done at Olympia, the State Capital, this 25th day of July, A.D. 2000

Sunguwan	96	113	17167	20147	27119	92	28118	902
Kamau	28	61	33	1747	7	43	552	47
Enthomus	237	170	67	308	20288	108	40158	116
Stevens	171	161	75	570	27118	91	21120	993
Thurston	433	358	80	459	18341	3	177172	522
Robinson	32	96	64	62	28341			
Felia Mella	686	540	46	89	847	743	57806	54911
Steele	402	309	93	482	89343	160	134303	11926
Whitman	529	395	34	716	116600	174	95267	17323
Utama	212	208	41	210	90120	77	96174	7313
Wil No of	6074	5673	1522	28	6539	4377	1876	253315
calling	5673		3236		1827	5117		17455061
no Cost	11		9773		5117		5061	
	12658							6800

EXHIBIT "C"

time, referred to the Committee on Commerce, and ordered to be printed.

UNITED STATES DISTRICT COURT, VIRGINIA, IN 1861.

Mr. WILSON also introduced a bill (H. R. No. 1262) for the relief of witnesses and jurors who attended the United States district court for the western district of Virginia at the spring term of 1861; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARTHA A. BEERBOWER.

Mr. WILSON also introduced a bill (H. R. No. 1263) granting a pension to Martha A. Beerbower, of West Virginia; which was read a first and second time, and referred to the Committee on Invalid Pensions.

GEORGE W. TETER.

Mr. WILSON also introduced a bill (H. R. No. 1264) granting a pension to George W. Teter, Company D, Tenth Regiment West Virginia Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CASSA ANN COTTRILL.

Mr. WILSON also introduced a bill (H. R. No. 1265) granting a pension to Cassa Ann Cottrill; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN BURNS.

Mr. WILSON also introduced a bill (H. R. No. 1266) for the relief of John Burns; which was read a first and second time, and referred to the Committee of Claims.

TREATY WITH MEXICO.

Mr. WILSON also introduced a joint resolution (H. R. No. 28) providing for a treaty with the Republic of Mexico; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

J. C. LANDREAU.

Mr. WILSON also introduced a joint resolution (H. R. No. 29) for the relief of J. C. Landreau; which was read a first and second time, and referred to the Committee on Foreign Affairs.

WILLIAM HAYDON.

Mr. DAGGETT introduced a bill (H. R. No. 1267) for the relief of William Haydon; which was read a first and second time, and referred to the Committee of Claims.

JOHN S. LUFF.

Mr. DAGGETT also introduced a bill (H. R. No. 1268) for the relief of John S. Luff; which was read a first and second time, and referred to the Committee of Claims.

JOHN M. DORSEY AND WILLIAM F. SHEPARD.

Mr. DAGGETT also introduced a bill (H. R. No. 1269) for the relief of John M. Dorsey and William F. Shepard; which was read a first and second time, and referred to the Committee of Claims.

APPORTIONMENT OF REPRESENTATIVES TO NEBRASKA.

Mr. VALENTINE introduced a bill (H. R. No. 1270) supplemental to an act entitled "An act for the apportionment of Representatives to Congress among the several States according to the ninth census;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BRANCH MINT AT OMAHA, NEBRASKA.

Mr. VALENTINE also introduced a bill (H. R. No. 1271) to establish a branch mint of the United States at Omaha, in the State of Nebraska; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

BRIDGE AT DECATUR, NEBRASKA.

Mr. VALENTINE also introduced a bill (H. R. No. 1272) to provide for the construction of a bridge across the Missouri River at Decatur, Nebraska; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SWAMP AND OVERFLOWED LANDS.

Mr. VALENTINE also introduced a bill (H. R. No. 1273) to extend the provisions of an act approved March 2, 1855, entitled "An act for the relief of purchasers and locators of swamp and overflowed lands," and for other purposes; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

LANDS LOCATED WITH MILITARY WARRANTS.

Mr. VALENTINE also introduced a bill (H. R. No. 1274) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ALBERT TOWLE.

Mr. VALENTINE also introduced a bill (H. R. No. 1275) for the relief of Albert Towle; which was read a first and second time, and referred to the Committee on the Post-Office and Post-Roads.

He also introduced a bill (H. R. No. 1276) for the relief of Albert Towle; which was read a first and second time, and referred to the Committee of Claims.

NATHAN BLAKELY.

Mr. VALENTINE also introduced a bill (H. R. No. 1277) for the relief of Nathan Blakely, late receiver of the land office at Beatrice, Nebraska; which was read a first and second time, and referred to the Committee on Public Lands.

PROTECTION OF LIFE.

Mr. VALENTINE also introduced a bill (H. R. No. 1278) for the better protection of life during marine disasters; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

COINAGE.

Mr. BELFORD introduced a bill (H. R. No. 1279) to provide for coinage at the branch mint at Denver; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

MINING CLAIMS.

Mr. BELFORD also introduced a bill (H. R. No. 1280) to amend section 2326 of the Revised Statutes relating to suits at law affecting the title of mining claims; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

PUBLIC BUILDING AT DENVER.

Mr. BELFORD also introduced a bill (H. R. No. 1281) to provide for the purchase of a suitable site and the erection of a public building in the city of Denver; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FRANK D. YATES.

Mr. BELFORD also (by request) introduced a bill (H. R. No. 1282) for the relief of Frank D. Yates for transportation furnished in the removal of the Indians of the Whetstone agency, Dakota Territory, in the years 1872 and 1873; which was read a first and second time, and referred to the Committee on Military Affairs.

PENSIONS.

Mr. BELFORD also (by request) introduced a bill (H. R. No. 1283) concerning the payment of pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

R. M. THOMAS.

Mr. CANNON, of Utah, introduced a bill (H. R. No. 1284) for the relief of R. M. Thomas; which was read a first and second time, and referred to the Committee of Claims.

ROSWELL SCOVILL.

Mr. CANNON, of Utah, also introduced a bill (H. R. No. 1285) for the relief of Roswell Scovill, private soldier in the war of 1812; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

THOMAS NEWMAN.

Mr. CANNON, of Utah, also introduced a bill (H. R. No. 1286) for the relief of Thomas Newman; which was read a first and second time, and referred to the Committee on Military Affairs.

CAMP DOUGLAS, UTAH.

Mr. CANNON, of Utah, also introduced a bill (H. R. No. 1287) to authorize the Secretary of War to relinquish and turn over to the Interior Department certain parts of the Camp Douglas military reservation, in the Territory of Utah; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ABRAM HATCH AND COMPANY.

Mr. CANNON, of Utah, also introduced a bill (H. R. No. 1288) for the payment of Abram Hatch & Co. for cattle sold to Utah Indian agency, Utah Territory; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

APPROVAL OF LAWS, UTAH.

Mr. CANNON, of Utah, also introduced a bill (H. R. No. 1289) relating to the approval of bills in the Territory of Utah; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PROPOSED STATE OF WASHINGTON.

Mr. BRENTS introduced a bill (H. R. No. 1290) for the admission of the State of Washington into the Union; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

YAKIMA LAND DISTRICT.

Mr. BRENTS also introduced a bill (H. R. No. 1291) creating Yakima land district in Washington Territory; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

INDIAN WAR CLAIMS.

Mr. BRENTS also introduced a bill (H. R. No. 1292) for the payment of expenses incurred by the people of Yakima County, Wash-

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the Navy; which was read a first and second time, referred to the committee on Naval Affairs, and ordered to be printed.

CIVIL ENGINEERS, UNITED STATES NAVY.

Mr. MORSE introduced a bill (H. R. No. 5673) fixing the relative rank civil engineers of the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. CHALMERS. Has not the morning hour expired?
The SPEAKER. It has; but there was an agreement, on motion of a gentleman from Minnesota, [Mr. DUNNELL,] that the call should be deferred until it was completed.

Mr. CHALMERS. Have not all the States been called?
The SPEAKER. They have, and the Chair is now receiving bills in reference from those who were not present when their States were called. There are but few left.

Mr. CHALMERS. I do not object if it does not take much time.

ASSISTANT COLLECTOR, BOSTON.

Mr. MORSE also introduced a bill (H. R. No. 5673) to provide for the appointment of an assistant collector in the district of Boston and Harbortown, Massachusetts; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

CONSULATE AT MANOOR.

Mr. MORSE also introduced a bill (H. R. No. 5674) to establish a consulate at Manoor, South America; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

MRS. E. L. SPICER.

Mr. MORSE also introduced a bill (H. R. No. 5675) granting a pension to Mrs. E. L. Spicer, widow of the late Commodore William F. Spicer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. POOK.

Mr. MORSE also introduced a bill (H. R. No. 5676) granting a pension to Mrs. Pook, widow of the late Samuel M. Pook; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SECTION 2504 OF REVISED STATUTES.

Mr. GLOVER (by request) introduced a bill (H. R. No. 5677) to correct the text of section 2504 of the Revised Statutes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

HEIRS OF JOSHUA HILL.

Mr. JORGENSEN introduced a bill (H. R. No. 5678) for the relief of the heirs of Joshua Hill, late of the State of Michigan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RAILROAD TRACKS IN WASHINGTON.

Mr. JORGENSEN also introduced a bill (H. R. No. 5679) requiring the removal of railroad tracks from certain streets in the city of Washington, and for other purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

UNITED STATES OFFICERS AT ELECTIONS.

Mr. SOUTHARD, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Appropriations:

Resolved, That the Attorney-General be, and he is hereby, directed to communicate to this House the total number of supervisors and deputy marshals employed throughout the United States in connection with the elections held on the 6th day of October and the 5th day of November last, stating the number so employed in each State and at each voting precinct respectively and the length of time they were so employed, with a full statement of the causes and necessity of such employment, what duties they performed, and the amount of compensation paid to them, and from what fund or item of the appropriations the same was paid.

IMPROVEMENT OF SNAKE RIVER.

Mr. WILLIAMS, of Oregon, by unanimous consent, presented a memorial of the delegates of the constitutional convention for the State of Washington for the improvement of Snake River; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD. It is as follows:

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the delegates to the constitutional convention for the State of Washington, respectfully represent: That the vast country drained by Snake River, embracing about ten thousand square miles of rich agricultural and some amount of valuable timber lands, is rapidly filling up with an industrious and enterprising population, whose settlement was mainly induced by the belief that the Northern Pacific Railroad would be carried to an early completion, and thus afford them means of communication with other parts of the Union; that the failure of the company to construct said road has left them no channel save that afforded by said river through which they can obtain speedy protection from the attacks of the numerous Indian tribes to which they are exposed, or carry on a commerce with the world; that said river is the best and most direct natural highway across the heart of the continent, and in consideration of the present and prospective importance of its commerce, its rapidly increasing population, and the necessities of the people already settled in its valley, of national character and importance.

Your memorialists further represent: That said river during the low stage of

water annually occurring in or about the month of August is closed to navigation until the recession of high water in the spring, by reason of which they are cut off from all intercourse with the settled portions of the country save by wagon-roads and pack-trails; that by the removal of certain obstructions from its channel, said river can be rendered navigable from its mouth to Lewiston, a distance of about one hundred and fifty miles, up to the time when the navigation of the upper Columbia is discontinued, which is usually in the month of December. For detailed information concerning the nature and extent of these obstructions your memorialists respectfully refer to the annual report of Colonel John M. Wilson, chief of engineers, for 1877, Appendix JJ, page 1628, and following, a copy of which is submitted herewith.

If a sufficient sum is made available at once, it is believed this improvement can be completed during a single season, and at a great saving to the Government, as a very large percentage of the small appropriations heretofore set apart for the work has necessarily been exhausted in preparations which are nearly, if not quite, as extensive on each occasion as they would be if it were carried on from its commencement to final completion.

Believing that the object is one of great and pressing necessity and of national importance, we respectfully ask that the sum of \$100,000 be appropriated for the improvement of Snake River, from its mouth to Lewiston, in the Territory of Idaho—that being the amount estimated by competent engineers to be necessary for the purpose. And your memorialists, as in duty bound, will ever pray, &c.

ALEX. S. ABBENETHY,
President.

S. M. GILMORE.
EDWARD ELBRIDGE.
W. A. GEORGE.
S. M. WAIT.
CHAR. H. LARRABEE.
R. F. DENNISON.
JAMES V. O'DELL.
C. M. BRADSHAW.
D. B. HANNAH.
L. R. ANDREWS.
G. H. STEWARD.
H. R. EMBEY.
O. F. LACY.
ALONZO KILAND.
FRANCIS HENRY.

I hereby certify that the above memorial is signed by all the members of the constitutional convention.

W. BYRON DANIELS,
Secretary of the Convention.

TAX ON TOBACCO.

Mr. AIKEN, by unanimous consent, presented a memorial from the National Grange, asking for a repeal or a reduction of the tax on tobacco; which was referred to the Committee of Ways and Means, and ordered to be printed in the RECORD. It is as follows:

To the honorable Senators and members of the House of Representatives in Congress assembled:

At the twelfth annual session of the National Grange, held in November last in Richmond, Virginia, and composed of representatives from twenty-seven States of this Union, the following resolution was unanimously adopted:

"Resolved, That this National Grange direct that a respectful but earnest memorial be prepared by the executive committee of the National Grange, and that the same be presented to the Congress of the United States, praying for the repeal of the unjust law levying this onerous and partial tax, or at least a reduction of the same."

Pursuant to this resolution your memorialists respectfully present the following reasons that induce them to urge the reduction, if not the repeal, of the existing tax upon one of our most valuable agricultural staples—tobacco:

First. Never before in the history of our Government has any great agricultural staple been subjected to endure such an undue proportion of our national burdens, amounting now annually to more than \$46,000,000, and aggregating since the war over \$400,000,000.

Second. When this tax was originally imposed upon tobacco, as upon cotton, it was justified upon the ground that it was a war measure, to be removed, as was that upon cotton, as soon after the close of the war as practicable.

Third. The existing tax of twenty-four cents per pound, which is near 400 per cent. upon the value of the planter's leaf-tobacco, is more onerous and oppressive to both producer and consumer to-day than it has ever been before, from the general depression of the trade and the universal shrinkage of values of the country. In England the tobacco trade is a governmental monopoly; in England it is a penal offense to grow the plant; in free America it does not comport with the genius of our Government to oppress its products with onerous taxation.

Fourth. The annual reduction in the price of tobacco, until the medium and lower grades are placed upon the market at less than the cost of production, is evidence that it is not the consumer alone who pays the tax.

Fifth. The excessive tax offers a bounty for growing leaf-tobacco in States where tobacco is not a staple, in small patches for home consumption.

Sixth. To levy a tax upon the staple product of any portion of our country is relieving the other portions from their just share of the burdens of a common Government.

SAM'L E. ADAMS, Minnesota.
B. H. ELLIS, Ohio.
HENLEY JAMES, Indiana.
D. WYATT AIKEN, South Carolina.
Executive Committee.

RELATIONS WITH MEXICO.

Mr. ALDRICH, by unanimous consent, presented a memorial of the Manufacturers' Association of the Northwest, asking Congress to send a subcommittee of the Committee on Commerce of each House to Mexico, with instructions to investigate and report upon the practicability of establishing more direct and intimate commercial relations between the United States and the Republic of Mexico; which was referred to the Committee of Ways and Means.

GENEVA AWARD BILL.

Mr. KNOTT. In compliance with the request of several gentlemen, I move that an additional number of the bill relating to the distribution of the Geneva award be printed.

There was no objection, and it was so ordered.

SECRET SERVICE DIVISION OF TREASURY DEPARTMENT.

Mr. FINLEY. I ask unanimous consent to offer for consideration at this time the resolution which I send to the desk.

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to prosecute writs of error and appeals to the Supreme Court of the United States as they shall have had prior to such admission; and as to all such cases arising within the limits of said State, the like subsequent proceedings shall be had therein as aforesaid.

Sec. 53. That in respect of all cases, proceedings, and matters pending in the supreme or district courts of the Territory of Dakota at the time of admission of said State into the Union, arising within the limits of said State, whereof the circuit or district court by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territory; and all the files, records, indictments, and proceedings relating thereto shall be transferred to said circuit and district courts, respectively, and the same shall be proceeded with therein in due course of law: Provided, however, That in all civil actions, causes, and proceedings, in which the United States is not a party, such transfer shall not be made except upon the written request of one of the parties to such action or proceeding filed in the proper court.

Sec. 54. That the Secretary of the Treasury shall ascertain and audit the expenses incident to the formation of said constitution and the submission of the same to the people of said proposed State, including such compensation to the officers and members of said convention as is allowed to the members and officers of the Territorial Legislature; and the sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment thereof: Provided, That any money hereby appropriated not necessary for such purpose shall be covered into the Treasury of the United States.

Sec. 55. That at the election of delegates to the constitutional convention for North Dakota and at the election in South Dakota upon the acceptance of the change of name and boundaries as heretofore provided for, each qualified elector may have written or printed on his ballot the words "For division" or the words "Against division." And if a majority of the votes cast either in North Dakota or in South Dakota, as herein bounded shall be against division at said elections, then, and in that case, all the foregoing provisions relating to South Dakota and North Dakota shall cease to have further force or effect from that time shall be inoperative and void.

The Clerk read the first three sections of the amendment.
Mr. THOMPSON, of Ohio. I withdraw the demand for the further reading of the amendment.

Mr. BOWDEN. Regular order.
The SPEAKER. The gentleman from Ohio proposes to withdraw his demand for the reading of the amendment, but if the regular order is demanded, of course that is the regular order, and the Clerk will continue the reading of the amendment.

Mr. GIFFORD. Mr. Speaker, sufficient has been read to inform the House of the nature of the proposition, and I hope the demand for the regular order will be withdrawn.

Mr. BOWDEN. I withdraw the demand for the regular order.
Mr. GIFFORD. I have no desire to be captious about this at all. I do not desire the reading of the amendment as length, but only so far as may be necessary for the information of the House.

Mr. SPRINGER. Mr. Speaker, I desire to be heard a moment in regard to this. I understand that it is a proposition to insert in this part of the bill the Senate bill itself and fifty-seven sections of the MACDONALD proposition which was voted down this morning. Is that it?
Mr. GIFFORD. Yes, sir.

Mr. SPRINGER. To insert the Senate bill at this place in the pending bill and the greater part of the MACDONALD proposition?

The SPEAKER. If the amendment is the same as the Senate bill, the Chair thinks it is not in order, because the question now pending before the House is simply the question between the substitute and the Senate bill.

Mr. SPRINGER. That was the point of order that I made.
Mr. BAKER, of New York. Is it not a substitute which relates to the same matter?

The SPEAKER. If the amendment proposed by the gentleman from Dakota contains any substantial provisions which are not contained in the Senate bill, the Chair thinks it would be in order to offer it as a substitute for the proposition of the gentleman from Illinois; but it would not be in order to offer as a substitute the identical provisions of the Senate bill. That is the question now pending before the House.

Mr. SYMES. I can state that there are in the amendment as now offered provisions quite different from the Senate bill.

The SPEAKER. The amendment has not been read, and therefore the Chair has not been informed as to its contents.

Mr. SYMES. I have read it carefully and made an abstract of every section of it. I am sure my statement is correct.

Mr. SPRINGER. I appeal to the other side of the House whether we have not conceded everything they asked when we gave them a vote upon the Macdonald amendment before we were allowed to vote on the substitute I have offered; and I have now consented to admit the proposition of the gentleman from Kansas [Mr. PERKINS] and have a vote upon it, that being an amendment in good faith to the pending substitute. But to undertake now to inject into this substitute the whole of the Senate bill and the greater portion of the Macdonald substitute, when the pending proposition is to strike out the Senate bill and insert what I have submitted, is entirely foreign to the rules and to the understanding which was had.

The SPEAKER. It would not be in order, as the Chair has said, to move to insert the Senate bill, but it is stated that this amendment contains provisions different from those of the Senate bill.

Mr. SPRINGER. I have no idea what they are.
Mr. THOMPSON, of Ohio. Then we had better have the amendment read. I ask for the regular order.

Mr. GIFFORD. I withdraw the amendment.

Mr. PERKINS. I desire, then, to reoffer the amendment I heretofore presented.

Mr. STRUBLE. Let it be reported again.

The Clerk read the amendment of Mr. PERKINS, as follows:

At the end of section 3 of the substitute insert:

" Seventh. That at the election for delegates to the constitutional convention in South Dakota each elector may also have written or printed on his ballot the words 'Against the words 'For the Sioux Falls constitution of 1857,' and if a majority of all votes cast on this question shall be 'For the Sioux Falls constitution of 1857,' and if a division of the Territory is authorized as provided in this section, then it shall be the duty of the convention which may assemble at Sioux Falls as herein provided, to re-submit to the people of South Dakota, for ratification or rejection at the election provided for in this act, the constitution framed at Sioux Falls and adopted November 3, 1857, and also the articles and propositions separately submitted at that election, with such changes only as relate to the name and boundary of the proposed State, to the reapportionment of the judicial and legislative districts, and such amendments as may be necessary in order to comply with the provisions of this act; and if a majority of the votes cast on the ratification or rejection of the constitution shall be for the constitution irrespective of the articles separately submitted, then the President of the United States may issue his proclamation, declaring the State of South Dakota admitted as a State in the Union from and after the date of such proclamation. And the Territorial government of that portion of the Territory not embraced in the State of South Dakota, Nevada, and both of the Territory of Dakota shall remain as the capital of North Dakota until an agreement in reference thereto is reached by said States."

Mr. SPRINGER. Now, Mr. Speaker, I ask the gentleman from Kansas, before the vote is taken upon his amendment, to accept an amendment which merely perfects the text and does not change the substance of the proposition a particle. I ask the gentleman to accept this amendment:

" After the words "propositions separately submitted at that election" insert "including the question of locating the temporary seat of government."

Mr. PERKINS. If there is no objection on the part of the gentleman from Dakota [Mr. GIFFORD] to the proposition, I will accept it.

Mr. GIFFORD. I have no objection.

Mr. PERKINS. Then I accept it.

The SPEAKER. The amendment will be so modified. The question is now upon the amendment of the gentleman from Kansas, as modified, being proposed as a substitute for the amendment of the gentleman from Illinois [Mr. SPRINGER].

Mr. MACDONALD. I am in favor of the adoption of this amendment; I was about to offer it myself. I want to say a word in the nature of personal explanation on this subject in order to place myself right with reference to the action of this side of the House upon my amendment this morning. I did not make any effort to press my amendment this morning, because I was led to believe that the amendment to be offered by the gentleman from Illinois [Mr. SPRINGER] was the one now pending and which is printed in the RECORD to-day. But that amendment and the one submitted by that gentleman are not the same, and, as shown, omit providing for South Dakota being admitted by the proclamation of the President. Therefore, so far as I was concerned I was misled. I make this statement in justice to myself, as otherwise it might appear singular that I made so more effort than I did to press my own amendment. The amendment about to be voted upon is satisfactory to me, so far as it goes.

In this connection I wish also to state that my amendment or bill was not in conflict with what was agreed upon in the caucus held by the Democratic members. That caucus simply decided that the committee should report an omnibus bill, as it is termed, providing for the organization and admission of the Territories named in the bills under consideration, and that the question of division should be resubmitted to the people of Dakota. This was all that was decided by the caucus, and my amendment or bill provided for all this and more. Our caucus did not decide that the bill proposed should not permit the admission of South Dakota without another constitutional convention being held therein.

I make this statement because it has been stated to gentlemen upon this side that the introduction of this bill by me was in violation of what had been determined upon in caucus, which is not true. Such a decision of the caucus if it had been made, would not have been entitled to respect; but it was not, and no doubt for this reason.

The question being taken on the amendment of Mr. PERKINS as modified, it was agreed to.

Mr. PAYSON. I move to amend by striking out, in line 13 of section 13, the words "1st day of January, 1890," and inserting "survey of said section or the passage of this act."

Mr. SPRINGER. I am willing to accept that amendment.

Mr. PAYSON. The provision in the bill is that all actual settlers may make settlement up to the 1st day of January, 1890. This would cut out those who might settle upon unsurveyed lands at any time thereafter. The amendment I have submitted obviates this objection and should commend itself to the good judgment of the House.

The amendment was agreed to.

Mr. TOOLE. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

Amend by adding to section 2 as amended the following: "And thereupon the President of the United States may issue his proclamation declaring the State of Montana admitted as a State into the Union from and after the date of such proclamation."

Mr. SPRINGER. This puts Montana in precisely the same position as South Dakota.

Mr. BAKER, of New York. That is all right. [Cries of "Vote!" "Vote!"]

The amendment was adopted.

Mr. BAKER, of New York. Now, there should be the same in regard to Washington.

Mr. WARNER. Mr. Speaker, I move an amendment, in line 17 of section 12, to strike out the words—and I ask the attention of the chairman of the committee—"not less than \$6 per acre."

Mr. SPRINGER. And insert what?

Mr. WARNER. Insert no amount. Leave these lands to be paid for at their appraised value.

Mr. SPRINGER. Other school lands can not be sold for less than \$10 per acre.

Mr. GIFFORD. I suggest to the gentleman that he move to strike out "six" and insert "ten," and then it will be in accordance with the other provisions of the section.

Mr. WARNER. I yield to the gentleman from Dakota for a moment. Mr. GIFFORD. Mr. Speaker, if the gentleman from Missouri will withdraw his amendment for a moment I will move to strike out all of that section after the word "company," in line 9 of section 12, all the remainder of the section. I think it should all go out.

Mr. SPRINGER. But the gentleman from Illinois [Mr. PATSON] has just put in an amendment that this provision shall not apply except to settlements before surveys were made.

Mr. GIFFORD. I think this whole provision is objectionable all through. But I will withdraw the amendment temporarily and allow the gentleman from Missouri to proceed.

Mr. WARNER. Mr. Speaker, I offer this amendment, and think it would be in the interest of the public schools of that Territory if it was adopted. It provides that these parties who have settled upon the school lands shall be permitted to take them at their assessed value exclusive of improvements. That is all the amendment provides.

Mr. SPRINGER. I hope that amendment will not be adopted.

Mr. PAYSON. Let the amendment be read.

The amendment was stated at the Clerk's desk.

Mr. PAYSON. I move to amend the amendment by inserting the necessary words to provide that these lands may be taken, under the circumstances specified, at \$1.25 per acre, and I desire to be heard upon the amendment.

The SPEAKER. The gentleman will proceed.

Mr. PAYSON. This section provides for securing to the people who have gone on these public lands affected by the operation of this provision in advance of survey the right to the lands under certain conditions. They went onto the lands without any anticipation of the fact that the sixteenth and thirty-sixth sections would eventually be reserved for public-school purposes. I insist that after they have made their settlements under the general land law of the United States, and did all that was required of them under the law, they should not now be required to pay a high price for availing themselves of that opportunity which the law gave them. They are there and went there in good faith. This legislation is against the interests that they are attempting to build up for themselves; and when they made their settlement, being invited thereto by the existing law, they had a right to take these lands at \$1.25 per acre, and because this bill provides that if any settlement so made shall interfere with the sixteenth and thirty-sixth sections to which Dakota would be entitled under the general law when admitted, then I hold that these settlers who went in good faith upon the lands, and I think it will not be disputed as a matter of right, should be allowed to take them at the rate at which they could obtain them under the general law. It is a perfectly clear proposition. Why have an amendment fixed upon the lands hereafter, when the only reason against securing a title now is the fact that the lands are unsurveyed? The Government invites the settler to go upon the unsurveyed lands and under the pre-emption or homestead laws—under the pre-emption if payment is required—he may acquire his title by complying with the conditions of the law and upon the payment of \$1.25 per acre. You now supplement these laws by this legislation, giving the sixteenth and thirty-sixth sections to the States for school purposes, and because these lands so revert to the State we should not require these settlers who have gone on them in good faith to pay more than they would have been required to pay under the general land law.

Mr. LIND. Let me suggest to the gentleman that he is proceeding upon the assumption that these settlers went upon the lands with the anticipation that they could acquire title to them from the Government. That does not seem to be correct, for the bill says "with the intention in good faith of purchasing such lands from the State upon its admission." So that in this connection the amendment of the gentleman would be wholly improper, I think. The gentleman provides for a contingency which can not arise.

Mr. PAYSON. The section seems to be intended to provide for the disposal of the occupied school lands entitled upon prior to survey.

Mr. LIND. No, prior to a certain date.

Mr. PAYSON. Then it has been amended.

Mr. WARNER. If the gentleman will have it read, he will see that

he does not want the amendment to this provision. It will be a robbing of the school funds.

Mr. DORSEY. It will give the settlers on school lands the same right as on other lands.

Mr. LIND. If the gentleman will allow me—

Mr. PAYSON. In order to save time I will withdraw my amendment, reserving the right to renew it.

The SPEAKER. The question is on the amendment of the gentleman from Missouri, which is to strike out the words read by the Clerk.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. WARNER. Division.

The House divided; and there were—ayes 26, noes 43.

So the amendment was disagreed to.

Mr. STRUBLE. I propose an amendment to section 2.

Mr. SPRINGER. Mr. Speaker, is the gentleman from Iowa permitted to renew his amendment?

The SPEAKER. He withdrew it on that condition. The Clerk will read the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Strike out the following words from lines 18 and 19 of section 2: "But no elector shall vote for more than two persons for delegate to such convention."

Mr. STRUBLE. It will be noticed by gentlemen who are giving this attention that this section provides for the election of three delegates from the respective districts. These words which I propose shall be stricken out limit the electors to two votes for these delegates in these Territories, with a view of adopting the minority principle of representation. The minority principle may be popular in the State of Illinois. For one, I am opposed to it. I want it left out of this bill, and therefore I hope that members will join me in giving it the "grand bounce."

Mr. SPRINGER. It simply provides that in each of the districts there shall be elected three delegates to the constitutional convention, and that each elector shall vote for two of those three. That is giving the minority a chance to be represented in the constitutional convention, while the majority has the right to control. I am informed by my friend from Pennsylvania that the delegates to the last constitutional convention of that State were elected in the same way. It is proposed in a spirit of fairness to everybody.

Mr. STRUBLE. Let these people make this provision when the Territory has become a State; then they can pass on it for themselves.

Mr. SPRINGER. They may make that provision.

Mr. STRUBLE. Very well; but do not force it upon them.

Mr. SPRINGER. This is to provide for delegates before the convention meets; after they are in convention they can fix it for the future as they like. South Dakota submitted this proposition, and over 11,000 people voted to put it or a similar provision in the constitution for the election of members of the Legislature. I hope in deference to that large number this concession will be made.

Mr. STRUBLE. I have no objection to the State making that provision, but I do not think Congress ought to force it upon them.

Mr. GIFFORD. I desire to state that, so far as our people are concerned, they do not desire this proposition. I have not said anything about it up to this time because it related to the other Territories; but we want no minority representation in Dakota at all.

A Member on the Democratic side. Of course not.

Mr. GIFFORD. It is true it was voted upon when it was submitted to the people; but there is no demand for it. There is no discussion there; none of these people desire it or care anything about it; and we really do not want it, so far as we are concerned. [Cries of "Vote!"]

The question was taken, and the Speaker announced that he was unable to determine how the House had voted.

The House then divided; and there were—ayes 72, noes 74.

Mr. STRUBLE. I felt disposed to ask for tellers upon this; but I will not.

So the amendment was disagreed to.

Mr. VOORHEES. I offer the following amendment.

The Clerk read as follows:

Add to section 5 the following: "And if it shall appear therefrom that the provisions of this act have been complied with in connection with the Territories of Washington and New Mexico, and a majority of the votes have been cast in favor of the constitution, the President of the United States shall thereupon issue his proclamation declaring such States admitted to the Union; and thereupon said States shall be admitted into the Union on an equal footing with the original States without any further action on the part of Congress."

Mr. VOORHEES. The purpose of this amendment is to place the Territories of Washington and New Mexico, with reference to a speedy admission into the Union, in precisely the same attitude in which the Territories of Dakota, North and South, and Montana have already been placed by amendments recently adopted; and I knew of no good reason why the Territories of Washington and New Mexico should be deprived of such an opportunity of a speedy method of admission into the Union. I therefore hope my amendment will be adopted.

Every one understands the uncertainty incident to and attendant upon an effort to secure legislation through Congress, and although the objection might be urged that Washington and New Mexico at this time

are not provided with constitutions. It is as certain as anything that has not yet transpired that they will adopt constitutions. The purpose of this amendment is simply to give to Washington and New Mexico the same privileges accorded to Montana and Dakota, and I think it is no more than just and right that the amendment should prevail.

Mr. BUTTERWORTH. I rise to a parliamentary inquiry. Is it competent to ask for a division of that question? We have voted separately in regard to Dakota and in regard to Montana, and I do not see the propriety of putting these propositions together.

Mr. VOORHEES. I simply want to treat all the Territories fairly. I have no objection to striking out New Mexico and letting the Delegate from that Territory offer the proposition. Let my amendment be confined to Washington.

Mr. SPRINGER. I desire to call the attention of the gentleman from Washington Territory to the fact that this is not putting the other Territories upon the same footing with South Dakota and Montana, for the reason that South Dakota and Montana have presented constitutions which are before us now and have been printed, and upon which we have passed for ourselves and satisfied ourselves that they are republican in form; but no constitutions have been formed in Washington, New Mexico, or North Dakota, and therefore we have simply reserved to Congress the right to admit those Territories when they come here with constitutions in accordance with the terms of this act.

Mr. VOORHEES. Mr. Speaker, in response to the observations of the chairman of the Committee on Territories, I desire to state that Washington did adopt a constitution in 1878, and the only reason we are not before Congress to-day asking for action upon that constitution is that, because of the policy of non-action which has characterized Congress in connection with this matter, we have grown away from the constitution made in 1878. For that reason, and for that reason alone, we are not here with a constitution.

Mr. SYMES. I hope the amendment will be adopted. Several States have been admitted into the Union upon the proclamation of the President, the last being the centennial State—Colorado. That State was admitted into the Union without the constitution being brought here and submitted to Congress. Now, Mr. Speaker, it is very well to say that Congress does not know what kind of a constitution will be adopted; but I think the President of the United States is an intelligent gentleman, familiar with the rules which govern republican institutions in this country, and I think that the people of this great Territory are as competent to-day to judge whether a constitution is republican in form and to provide for emergencies in their organic laws as are the members of Congress of any of the States in this Union, and I hope that this amendment will be adopted, and that Washington Territory will be admitted into the Union under the proclamation of the President, as other States have been.

The question was taken on the amendment of Mr. VOORHEES, and it was rejected—ayes 68, noes 64.

Mr. SPRINGER. I now demand the previous question, and pending that I yield to the gentleman from Illinois [Mr. PAYSON], who desires to offer an amendment to the twelfth section.

Mr. WARNER. I also wish to offer an amendment.

Mr. PAYSON. I offer the amendment which I send to the Clerk's desk, to come in at the end of section 7.

The amendment was read, as follows:

Provided, That the rights of all settlers on unsurveyed lands under the general land laws, upon land found upon survey to be within sixteenth or thirty-sixth sections, where their settlements were made before survey, or the approval of this act, shall be preserved, and where payment shall be required it shall be at the rate of \$1.25 per acre.

Mr. SPRINGER. With that modification I have no objection to the adoption of that amendment.

The amendment was agreed to.

Mr. KERR. Mr. Speaker—

Mr. SPRINGER. I demand the previous question.

The SPEAKER. The gentleman from Illinois demands the previous question. The question is upon ordering the previous question upon the amendment and upon ordering the bill to be read a third time.

The Speaker declared that the ayes seemed to have it.

Mr. DOUGHERTY. I demand a division.

The House divided; and there were—ayes 72, noes 5.

Mr. DOUGHERTY. No quorum.

Mr. SPRINGER. I withdraw the demand for the previous question in order to allow the gentleman from Florida to offer his amendment.

Mr. DOUGHERTY. I offer the following amendment, which I send to the Clerk's desk.

The Clerk read the amendment, as follows:

In line 7 of section 1, after the words "New Mexico," insert "Utah and Arizona."

Mr. SPRINGER. I make the point of order that that amendment is not in order.

The SPEAKER. The Chair has already decided this question of order upon a proposition offered by the gentleman from Illinois himself at the beginning of these proceedings. The amendment must be ruled out as not germane.

Mr. SPRINGER. If the gentleman from Florida [Mr. DOUGHERTY] desires to be heard five minutes, I have no objection.

Mr. DOUGHERTY. I would like to be heard.

The SPEAKER. There is nothing before the House upon which debate is in order.

Mr. DOUGHERTY. I move to amend by striking out the last word. My purpose in offering the amendment which was read was to secure the admission of Utah and Arizona as States of the Union. I am unable to understand why a bill which is characterized as an "omnibus bill," coming from the Democratic side of the House, should undertake to bring in all the Republican Territories of the United States and exclude the Democratic Territories. [Laughter and applause.] If I were in charge of this measure the plan I would pursue would be to exclude the Republican Territories till after the next Presidential election and admit all the Democratic Territories. This ought to have been done long since, and all naturally inclined that way would now be Democratic States. [Laughter and applause.]

Mr. REED. The Democratic party has done one-half of what you want.

Mr. DOUGHERTY. If I had my way I would do the whole thing, because I believe it to be right in principle and good policy also.

Mr. REED. You are a more sincere Democrat than the rest of them.

Mr. DOUGHERTY. I hope I am as much so as any.

Mr. Speaker, why are the people of Utah excluded? It is in my judgment because of their religious belief. They are among the most reliable Democrats in this country. They have been persecuted into that political faith. [Laughter and applause.] Mr. Speaker, does this interruption come out of my time? A gentleman suggests that I should always be willing to yield for applause; but, sir, applause from the Republican side of the House is not usually pleasant to me. I do not often get it, and when it comes from the Republican side it frightens me; I fear I may be going wrong.

Without passing any opinion as to the religious belief of the people of Utah, for it is none of my business, I know they are right in their political belief when they belong to the Democratic party. [Renewed laughter and applause.] These other Territories, had they been promptly admitted by the Democratic party while in the majority here, would now, in all probability, have been reliable Democratic States.

A great deal has been said as to the constitutions under which these Territories are to be admitted. A great deal of talk has been indulged in on that subject; and I am ready to believe that it has changed just as few votes as what I am saying will change, because on a question like this no speech ever delivered on this floor ever changed, in my experience and observation, a single vote. Gentlemen who are here as representatives of the American people are competent to make up their minds upon a subject without information from other members, and usually do so.

But, recurring to these constitutions, every gentleman here knows well that, once admitted to the Union, these Territories, having become sovereign States, can do as the other States of this Union are at liberty to do—alter, revise, or amend their constitutions at pleasure. Still, while I believe it is not competent for the Congress of the United States or the whole Government to interfere with a man in his religious belief, it is competent for Congress in the organic law for the admission of Utah to put restrictions which will prevent the practice of a religion in such a way as to be violative of the law of the land. It is a wise provision in the Constitution which prohibits any interference with the religious opinions of any person, but there is nothing in it to prevent the inhibition of the practice of any religion which is shocking to the moral sense of civilized mankind and contrary to the law of this country. I believe that all these Territories should be admitted. Certainly Utah has all the qualifications which have been urged in favor of the admission of these other Territories. She has population, she has industries, she has resources. Her people are honest, thrifty, and industrious. Why should she be kept out? She has offered a constitution forever doing away with her curse of polygamy.

I believe that it is bad politics for any party to admit Territories in such a way as to increase the strength of their opponents and keep out Territories which would add to their own strength. [Applause and laughter.] It is bad politics, and in my judgment it is bad leadership, or, worse, it is none at all. Just such alleged leadership as this, that of alleged statesmen upon this floor, has put the Democratic party in the position it now occupies. The leaders of a party should do all that is honest and fair to strengthen their party. While it is right to control by law the action of men, it is not just or right to deprive them under democratic institutions of any privilege because of religious opinions entertained by them. Let them believe as they see fit, but control by law their actions. Let in Arizona and Utah; they will both be Democratic States. New Mexico will also be Democratic. Put into the hands of every resident of that Territory who can read, and into the hands of those who can not, the substance of the views of the Republican minority of the Committee on Territories, and if they have one particle of self-respect that document will make them, or a majority of them, reliable Democrats.

But a disregard of such a policy and the leadership of such statesmen as have been described are what have brought about, in the language of the gentleman from Mississippi [Mr. ALLEN], in a speech of his the other day, "the condition and not the theory which confronts us." [Applause.]

[Here the hammer fell.]

Mr. SPRINGER. I now ask the previous question.

The SPEAKER. The gentleman from Illinois asks the previous question on the amendments and on ordering the bill to be read the third time.

Mr. KERR. I desire to offer an amendment.

Mr. SPRINGER. I think we have had enough amendments. I insist upon the demand. I hope the gentleman will let us have a vote. The question being taken on ordering the previous question, there were—ayes 85, noes 5.

Mr. KERR. No quorum.

Mr. SPRINGER. I withdraw the call for the previous question, and yield to the gentleman from Iowa [Mr. KERR].

Mr. KERR. I move to amend by striking out, in line 19 of section 3, the words "both these events," and inserting "either of these events."

Mr. Speaker, the provision of the bill, as it stands, requires that both Territories shall, by their votes, declare in favor of division, otherwise there shall be no division. Now, in view of the fact that the people of these Territories have already declared by their vote in favor of division, and in view also of the fact that three-fourths of the population of these Territories are now in South Dakota, it would be a manifest injustice to allow the separate statehood of South Dakota to be dependent upon an affirmative vote in North Dakota in favor of division. I insist, therefore, that the amendment I have submitted ought to be in the bill. I will say further that I am in favor of the bill, if this amendment be made. I believe that these Territories, including New Mexico, ought all to be admitted into the Union as States, if they have the requisite population, and I believe they have. But if this provision is not inserted in the bill, and the separate statehood of the great Territory of South Dakota is made to depend upon the will of another Territory, I can not vote for the bill.

Mr. SPRINGER. The gentleman does not intend to vote for it anyway, I believe.

Mr. KERR. I do, if this amendment be agreed to.

Mr. SPRINGER. I now move the previous question upon the pending amendments, and upon the third reading of the bill.

The previous question was ordered.

The question being taken upon the amendment of Mr. KERR, it was not agreed to, there being—ayes 74, noes 92.

MESSAGE FROM THE PRESIDENT.

A message, in writing, was received from the President of the United States by Mr. PRUDEN, one of his secretaries.

The message further announced that the following bills having been presented to the President January 4, 1889, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, had become laws without his signature:

An act (H. R. 3608) to grant an increase of pension to William E. Prince;

An act (H. R. 3681) granting a pension to Carter W. Tiller; and

An act (H. R. 5408) granting a pension to Emma F. Reed.

It also announced that he had approved and signed, January 16, 1889, bills of the following titles:

An act (H. R. 6012) for the relief of A. F. Swineford;

An act (H. R. 5079) to provide certain arms, ammunition, and equipment to the State of Oregon for the militia thereof;

An act (H. R. 1968) authorizing the Secretary of War to issue to the governor of the Territory of Montana military stores for the use of the regularly enlisted, organized, and uniformed active militia;

An act (H. R. 7261) granting the right of way through certain Indian lands in the State of Minnesota to the Moorhead, Leech Lake and Northern Railway Company;

An act (H. R. 11794) to amend the postal laws of the United States in reference to letters having special-delivery stamps;

An act (H. R. 8663) granting a pension to Jesse Spencer;

An act (H. R. 9784) granting a pension to Anna Boppell;

An act (H. R. 10484) granting a pension to Emelia Mumm;

An act (H. R. 10694) granting a pension to John W. Ellis;

An act (H. R. 10789) granting a pension to John M. Krunk;

An act (H. R. 10825) granting a pension to Mary Jane Jelly;

An act (H. R. 10911) granting a pension to Ira E. Baldwin;

An act (H. R. 9773) for the relief of Nancy E. Sawyer;

An act (H. R. 10189) for the relief of William E. Springstein;

An act (H. R. 10433) for the relief of Leaman L. Bowers; and

An act (H. R. 10575) to increase the pension of William Gallagher.

And on January 17, 1889, bills of the following titles:

An act (H. R. 7344) granting a pension to Henrietta Waldron;

An act (H. R. 7928) granting a pension to Samuel M. Reese;

An act (H. R. 8613) granting a pension to Ann Bryan;

- An act (H. R. 8735) granting a pension to Mary A. MacDonell;
- An act (H. R. 9178) granting a pension to Jane Jackson;
- An act (H. R. 9310) granting a pension to Capt. William J. Dancy;
- An act (H. R. 9759) granting a pension to John Wallace;
- An act (H. R. 10032) granting a pension to Milton Waller;
- An act (H. R. 10073) granting a pension to P. F. Jents;
- An act (H. R. 10108) granting a pension to Mrs. Anna Leach;
- An act (H. R. 10488) granting a pension to Myra Sinclair;
- An act (H. R. 10608) granting a pension to Mrs. Almira J. Townner;
- An act (H. R. 6731) for the relief of Margaret M. Hatch;
- An act (H. R. 6334) for the relief of Isaac Hosbon;
- An act (H. R. 8631) for the relief of William A. Mathes;
- An act (H. R. 10650) for the relief of Elizabeth C. Cole;
- An act (H. R. 9398) to increase the pension of Joseph Holmes;
- An act (H. R. 7887) granting an increase of pension to Jonathan C. Harrison; and
- An act (H. R. 5919) restoring to the pension-roll the name of James Monohan, minor child of Richard Monohan, deceased.

DAKOTA.

The SPEAKER. The question recurs on the substitute offered by the gentleman from Illinois [Mr. SPRINGER].

Several members demanded a division.

Mr. SPRINGER. We had better have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 133, nays 120, not voting 69; as follows:

YEAS—133.

- | | | | |
|------------------------|------------------|----------------|----------------|
| Abbott, | Dibble, | Macdonald, | Sayers, |
| Anderson, Iowa, | Deekery, | Malsh, | Seney, |
| Anderson, Minn. | Doogherly, | Manser, | Shaw, |
| Anderson, Ill. | Dunn, | Martin, | Shirley, |
| Bankhead, | Elliot, | Mason, | Smith, |
| Barren, | Ermentrout, | McAdoo, | Sowden, |
| Berry, | Fisher, | McCommy, | Spinoia, |
| Blanchard, | Forness, | McConary, | Springer, |
| Blund, | Forney, | McKinstry, | Stewart, Tex. |
| Blunt, | French, | Malles, | Stewart, Ga. |
| Bloom, | Gibson, | Merriman, | Stockdale, |
| Brookbridge, Ky. | Glass, | Mills, | Stone, Ky. |
| Burrows, | Grimes, | Montgomery, | Stone, Mo. |
| Burns, | Hall, | Moore, | Tanney, |
| Burns, | Hale, | Morgan, | Thalbot, |
| Campbell, Ohio, | Heard, | Moore, | Thompson, Cal. |
| Campbell, T. J., N. Y. | Henderson, N. C. | Nail, | Tillman, |
| Candler, | Herbert, | Newton, | Tracy, |
| Carlson, | Holsman, | Norwood, | Townsend, |
| Caruth, | Hooker, | Oak, | Turner, Ga. |
| Chapman, | Hopkins, Va. | O'Fallon, | Yano, |
| Chapman, | Howard, | O'Neill, Ind. | Walker, |
| Clardy, | Hudd, | O'Neill, Mo. | Washington, |
| Clement, | Hutton, | Outhwaite, | Waver, |
| Cobb, | Johnson, N. C. | Peel, | Wheeler, |
| Compton, | Jones, | Ferry, | Whiting, Mich. |
| Cothran, | Keizer, | Ferry, | Wilkins, |
| Cowles, | Ladson, | Phelan, | Wilkinson, |
| Cox, | Lagan, | Randall, | Wilson, Minn. |
| Cris, | Landon, | Rayner, | Wilson, W. Va. |
| Crisp, | Lane, | Rice, | Yoder, |
| Culbertson, | Lasham, | Richardson, | |
| Cummings, | Lawler, | Robertson, | |
| Dargatz, | Law, | Roger, | |
| | | Russell, Mass. | |

NAYS—120.

- | | | | |
|--------------|------------------|--------------|---------------------|
| Adams, | Darlington, | Kean, | Reed, |
| Allen, Mass. | Davis, | Kelly, | Reedwell, |
| Allen, Mich. | Dingley, | Kensedy, | Romaine, |
| Arnold, | Dovey, | Kerr, | Roswell, |
| Atkinson, | Dunham, | La Follette, | Russell, Conn. |
| Baker, N. Y. | Furber, | Laddie, | Ryan, |
| Baker, Ill. | Finley, | Lahibach, | Sawyer, |
| Bayne, | Flood, | Lind, | Seul, |
| Belden, | Fuller, | Lodge, | Seymour, |
| Beethman, | Furness, | Log, | Sherman, |
| Bond, | Gaines, | McCanna, | Spencer, |
| Boutelle, | Gallinger, | McCormick, | Stein, |
| Bowden, | Gear, | McKenna, | Stephenson, |
| Brewer, | Grosvener, | McKinley, | Stewart, Va. |
| Brown, Ind. | Groat, | Milliken, | Struble, |
| Brown, Ohio, | Groth, | Moditt, | Symes, |
| Brunn, | Gumbhar, | Morrill, | Taylor, E. R., Ohio |
| Buchanan, | Harmer, | Nelson, | Taylor, J. D., Ohio |
| Burrows, | Haugen, | O'Donnell, | Thomas, Ky. |
| Butterworth, | Henderson, Iowa, | O'Neill, Pa. | Thomas, Ill. |
| Cannon, | Henderson, Ill. | Osborne, | Thomas, Wis. |
| Caswell, | Hermann, | Owen, | Thompson, Ohio |
| Chandler, | Hiestand, | Parker, | Vandever, |
| Clark, | Hiram, | Pattison, | Wade, |
| Cogswell, | Hill, | Payson, | Warner, |
| Conger, | Holmes, | Perkins, | Weber, |
| Cooper, | Hopkins, Ill. | Peters, | Whiting, Mass. |
| Crossen, | Hopkins, N. Y. | Plumb, | Williams, |
| Cutcheon, | Jackson, | Post, | Williams, |
| Dalsell, | Johnston, Ind. | Fogley, | Woodburn, |
| | | | Yardley, |

NOT VOTING—69.

- | | | | |
|----------------------|---------------------|----------------|-----------|
| Allen, Miss. | Brown, J. R., Va. | Davidson, Ala. | Goff, |
| Anderson, Kans. | Bryce, | Davidson, Fla. | Granger, |
| Bacon, | Bunnell, | De Lano, | Greenman, |
| Biggs, | Burnett, | Elcos, | Hare, |
| Blagham, | Butler, | Falco, | Hayden, |
| Bowen, | Campbell, F., N. Y. | Fitch, | Hayes, |
| Brookbridge, Ark. | Cookran, | Ford, | Hampill, |
| Brewer, | Collins, | Gay, | Hogg, |
| Brown, T. H. R., Va. | Davenport, | Glover, | Hook, |

EXHIBIT "F"

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

To all to whom these presents shall come. **Granting:**

By virtue of the authority vested in me by the Archivist of the United States, I certify on his behalf, for the seal of the National Archives and Records Administration, that the attached reproduction(s) is and correct copy of documents in his custody.

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TITLE Director	
NAME AND ADDRESS OF DEPOSITORY Center for Legislative Archives National Archives and Records Administration Washington, DC 20408	

NA FORM 13040D (11-98)

The boundaries of the State of Washington shall be as follows:

Commencing one marine league west from the mouth of the middle of the north ship-channel of the Columbia River; thence along the northern boundary of the State of Oregon, up said river, to where the forty-sixth parallel of north latitude intersects the same near the mouth of the Walla Walla River; thence east along said parallel to where it intersects the middle of the main channel of Snake River; thence southerly along said channel of Snake River to where it intersects the forty-fifth parallel of north latitude; thence east along said parallel to where it intersects the meridian thirty-seven degrees and thirty minutes west; thence north along said meridian

Apostille

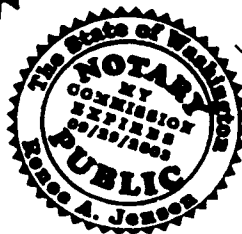
Know all men by these presents that I have compared this reproduction with a copy certified under seal of the National Archives and Records Administration of the United States of America and found it to be a true and correct copy.

Done this 7 day of Sept 2000 AD.

[Signature]
Signature of Notary Public

[Print Name]
Print Name of Notary Public

My Commission Expires: 9/1/02



THE UNITED STATES.

... referred to the Committee on Territories, to accompany Senate bill No. 152.

ITUTION.

to where it intersects the crest of the Bitter Root range of mountains; thence northwesterly along the crest of said mountains to where it intersects the thirty-ninth meridian west; thence northwesterly along said meridian to the boundary line of the British Possessions; thence westerly along the line of the British Possessions to a point one marine league west from the mouth of the middle channel of the Straits of Juan de Fuca; thence southerly a distance of one marine league west from the east shore of the Pacific Ocean, to the place of beginning—including all islands and parts of islands within said boundaries within the jurisdiction of the United States.

ARTICLE II.

EMINENT DOMAIN.

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

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

SEC. 3. The people of the State, in their rights of sovereignty, are

Mrs. Doc. }
No. 55. }

SENATE.

50TH CONGRESS, }
2d Session. }

CADET AND ASSISTANT ENGINEERS.

Statement of the difference between the pay of cadet engineers and assistant engineers in the and for years, from July 1, 1883, to August 1, 1885, etc.—Continued.

Name.	Time.	Amount.
Frank Conant	July 1, 1884, to August 1, 1884.	\$2,264 00
W. H. Smith	July 1, 1883, to August 1, 1883.	2,214 00
G. G. Willis	July 1, 1883, to August 1, 1883.	2,214 00
John C. B. Agnew	July 1, 1884, to August 1, 1884.	2,214 00
Arthur Mack Ripley	do	2,214 00
W. H. B. Day	do	2,214 00
Robert A. H. H. H.	do	2,214 00
W. F. Williams	do	2,214 00
John C. Leonard	do	2,214 00
		\$14,484 00

* Absent.

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IN THE SENATE OF THE UNITED STATES.

JANUARY 28, 1887.—Presented by Mr. Voorhees, referred to the Committee on Territories, and ordered to be printed, to accompany Senate bill No. 185.

CONSTITUTION.

PREAMBLE.

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

ARTICLE I.

BOUNDARIES.

The boundaries of the State of Washington shall be as follows: Commencing one marine league west from the mouth of the middle of the north ship-channel of the Columbia River; thence along the northern boundary of the State of Oregon, up said river, to where the forty-sixth parallel of north latitude intersects the same near the mouth of the Walla Walla River; thence east along said parallel to where it intersects the middle of the main channel of Snake River; thence south along said channel of Snake River to where it intersects the forty-fifth parallel of north latitude; thence east along said parallel to where it intersects the meridian thirty-seven degrees and thirty minutes west;

to where it intersects the crest of the Bitter Root range of mountains; thence northwesterly along the crest of said mountains to where it intersects the thirty-ninth meridian west; thence north along said meridian to the boundary line of the British Possessions; thence westerly along the line of the British Possessions to a point one marine league west from the mouth of the middle channel of the Straits of Juan de Fuca; thence southerly a distance of one marine league west from the east shore of the Pacific Ocean, to the place of beginning—including all islands and parts of islands within said boundaries within the jurisdiction of the United States.

ARTICLE II.

EMINENT DOMAIN.

SECTION 1. The State shall have concurrent jurisdiction on all rivers bordering on the State, so far as such rivers shall form a common boundary to the State and any other State or Territory now or hereafter to be formed and bounded by the same.
SEC. 2. The title to all lands or other property, which has accrued to the Territory of Washington by gift, grant, purchase, forfeiture, or otherwise, shall vest in the State.
SEC. 3. The people of the State,

Sec. 23. No law shall be passed granting to any citizen or class of citizens privileges or immunities which, upon the same terms, shall not equally belong to all citizens.

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

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

ARTICLE VI.
LEGISLATIVE.

SECTION 1. The legislative power of this State shall be vested in two distinct branches, the one to be styled the senate and the other the house of representatives, and both together the legislature of the State of Washington.

The style of all laws shall be: "Be it enacted by the legislature of the State of Washington."

Sec. 2. The number of the members of the house of representatives shall never be less than eighteen nor more than sixty. The senate shall consist of one-third the number of members of the house of representatives.

Sec. 3. The legislature shall provide by law for an enumeration of the inhabitants of the State in the year one thousand eight hundred and eighty-five, and at the end of every ten years thereafter; and at its first session after such enumeration, and after each enumeration made by authority of the United States, the legislature shall apportion and district anew the members of the senate and house of representatives, according to the number of inhabitants, excluding Indians not taxed and soldiers and officers of the United States Army and Navy.

Sec. 4. Elections for members of the legislature shall be held biennially. When vacancies occur in

munities, shall ever be passed by the legislature.

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

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

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

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

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

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

Sec. 21. Treason against the State shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and comfort; and no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on his own confession in open court.

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

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

diction: *Provided*, The legislature may change, regulate, abolish or re-establish the grand-jury system.

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

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

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

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

Sec. 13. In criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation; to have a copy thereof; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf; and a speedy public trial, by an impartial jury of the county or district, in which the offense is alleged to have been committed.

Sec. 14. No bill of attainder, or post facto law, nor any law impairing the obligation of contracts, or making any irrevocable grant of special privileges, franchises, or im-

either house the governor shall issue writs of election to fill such vacancies.

Sec. 5. Senators shall be elected for the term of four years, and members of the house of representatives for the term of two years: *Provided*, That the members of both houses first elected shall hold their offices until the time fixed for the meeting of the second legislature, but no longer.

Sec. 6. No person shall be a member of the legislature who shall not be a qualified elector of the district for which he is chosen, and who shall not, for at least twelve months next preceding his election, have resided therein: *Provided*, That any person who, at the time of the adoption of this constitution, is a qualified elector in the county or district for which he shall be chosen, shall be eligible to the first legislature.

Sec. 7. The first legislature shall divide the State into at least ten legislative districts, in each of which one senator and three representatives shall be elected at the general election then next ensuing; and the districts shall be of convenient contiguous territory, to be bounded by county, precinct, or ward lines; and the number may be increased, but shall never exceed twenty. The legislative districts shall be numbered in regular series, and the senators chosen by the odd-numbered districts shall go out of office at the expiration of the second year; and the senators chosen by the even-numbered districts shall go out of office at the expiration of the fourth year; and thereafter the senators shall be chosen for the term of four years.

Representatives shall hold their offices for the term of two years. In all elections of representatives, after each division, each qualified elector may cast as many votes for one candidate as there are representatives to be elected in the district, or he may distribute the same, or equal parts thereof, among the

candidates as he shall see fit; and the candidates highest in votes shall be elected. But the legislature may at any time after the year eighteen hundred and ninety adopt the system known as the preferential system in the election of representatives, and such such laws as will be necessary to carry it into effect. The terms of office of senators and representatives, elected at any time subsequent to the first election, shall expire at the end of the term of three in office at the time.

SECT. 8. Each member of the legislature, as a compensation for his services, shall receive four dollars for each day's attendance and ten cents for each mile necessarily traveled in going to or returning from the seat of government, and shall not receive any other compensation, perquisite, or allowance whatsoever. No session of the legislature, except the first, shall exceed forty days. The legislature shall never grant any extra compensation to any public officer, agent, servant, or contractor after the service shall have been rendered or the contract entered into; nor shall the compensation or mileage of any public officer be increased or diminished during his term of office.

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

SECT. 10. Each house shall have power to determine its rules of procedure, and punish its members or other persons for contempt or disorderly behavior in its presence; to enforce obedience to its process; to protect its members against violence, or officers of justice, or private

solicitations, and—with the consent, and ratification of two-thirds of all the members elected—to expel a member, but not a second time for the same cause; and shall have all other powers necessary for a co-ordinate branch of the legislature. A member expelled for corruption shall not thereafter be eligible to either branch of the same legislature; and punishment for contempt or disorderly behavior shall not bar a future re-election for the same offense.

SECT. 11. The senate shall, at the beginning and close of each regular session, and at such other times as may be necessary, elect one of its members as president. SECT. 12. Each house shall keep a journal of its proceedings; and any, in its discretion, from time to time publish the same. The doors of each house shall be kept open, except when the public welfare shall require otherwise. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that, in which the two houses shall be sitting.

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

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

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

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

SECT. 16. Every bill (except one recommended by the governor as a message) and except a general revision of the statutes) shall be read at length at least once in each house; all amendments and amendments thereto shall be printed for the use of the members, before that vote on the bill; and no bill shall become a law unless a majority of all the members elected to each house shall vote in its favor, nor unless, on its final passage, the vote be taken by yeas and nays, and entered on the journal.

SECT. 17. No law shall be revised or amended by reference to its title alone, but as much thereof as is revised or extended shall be re-enacted and published at length as amended. The legislature shall not pass local or special laws in any of the following cases, viz: for laying out, opening, altering, or working roads or highways, vacating roads, town plats, streets, alleys and public grounds; regulating county or precinct affairs; regulating the practice in courts of justice; regulating the jurisdiction of justices of the peace; police ordinances; and constables; changing the rules of evidence in any trial or inquiry; providing for change of venue in civil or criminal causes; declaring any person of age; the protection of any person of age; the limitation of civil actions; or giving effect to informal or invalid deeds; examining or compensating jurors; providing for the management of

common schools; regulating the rate of interest on money; the opening or conducting of any election, designating the place of voting; the sale or mortgage of real estate belonging to minors or others under disability; chartering or licensing ferries or toll-bridges; remitting fines, penalties or forfeitures; granting, increasing or decreasing fees, perquisites or allowances of public officers; changing the law of descent; or granting to any corporation, association, or individual, any special or exclusive privilege, immunity, or franchise whatever; allowing the redemption of real estate sold for taxes or under the final process of any court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 34. The legislature shall possess and define the personal and property rights of married women.

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

ARTICLE VIII.
EXECUTIVE.

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

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

Sec. 3. The governor shall be elected by the qualified electors of the State at the general election next preceding the expiration of an executive term. The returns of every election for governor shall be sealed up and transmitted to the secretary of state, directed to the speaker of the house of representatives, who shall, immediately upon the organization of the house, and before proceeding to other business, open and publish the same, in the presence of a majority of both houses of the legislature, who shall for that purpose assemble in the house of representatives. The person having the highest number of votes for said office shall be declared duly elected. But if two or more have an equal and the highest number of votes for the same office, one of them shall immediately be chosen thereby by the house on joint ballot, and shall be declared duly elected governor.

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

Sec. 5. The governor shall have power to grant reprieves, commutations, and pardons, after consulting with the judges of the

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

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

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

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

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

ARTICLE VIII.

JUDICIAL.

SECTION 1. The court for the trial of impeachments shall be composed of the senate. The houses of representatives shall have the

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

Sec. 2. The judicial power of the State, both as to matters of law and equity, shall be vested in a supreme court, circuit courts, probate courts, justices of the peace, and such inferior municipal courts as may be provided by law.

Sec. 3. The supreme court, except in cases otherwise provided in this constitution, shall have appellate jurisdiction in all causes, civil, criminal, and maritime, upon writs of error, which shall be on certiorari with the State, but in no case removed to the supreme court shall a trial by jury be allowed. The supreme court shall have a general superintending control over all inferior courts, and for such regulations and limitations as may be prescribed by law; it shall have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, and other original and remedial writs, and to hear and determine the same.

Sec. 4. For the term of four years and thereafter, until the legislature shall otherwise provide, the judges of the several circuit courts shall be ex officio judges of the supreme court, a majority of whom shall constitute a quorum; and a concurrence of a majority of the judges present shall be necessary to a decision: *Provided*, That in the event the court shall be equally divided in opinion, the cause shall be continued for re-argument; and if upon re-argument the court shall again be divided in opinion, the judgment below shall be affirmed.

The legislature shall have power, after the expiration of said term, to provide by law for the organization of a separate supreme court, with the jurisdiction and powers prescribed by this constitution; to consist of one chief justice and two associate justices, to be appointed by the governor, by and with the advice and consent of the senate.

The supreme court, when so organized, shall not be changed or discontinued by the legislature; the judges thereof shall be so classified that but one of them shall go out of office at the same time; and their terms of office shall be the same as is provided for judges of the circuit courts.

Sec. 5. The State shall be divided into three judicial circuits, to be composed as follows: The first circuit shall comprise all that portion of the State lying east of the summit of the Okewado Mountain, except the county of Kilkenny.

The second circuit shall comprise the counties of Chesham, Clarke, Corlitz, Kilkenny, Lewis, Mason, Pacific, Skamania, Thurston, and Walkikann.

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

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

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

Sec. 7. For each circuit there shall be a judge chosen by the qualified electors thereof, who shall hold his office as is provided in this constitution. One of the judges shall be designated as chief justice by the governor, by and with the advice and consent of the senate. The judges first chosen under this constitution shall be elected at the first general election provided herein for members of the legislature; and shall hold their offices for the term of four years.

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

Sec. 8. In all causes submitted in the supreme court, and in all causes tried by the circuit courts, without a jury, the judgment or decree shall be rendered at the same term at which the cause was submitted, or within thirty days thereafter; *Provided*, That judgments and decrees may be rendered by judges of the circuit courts in vacation or upon default for failure to plead or answer.

Sec. 9. The circuit court shall have original jurisdiction in all matters, civil and criminal, within this State, not occupied in this constitution, and not heretofore prohibited by law; and appellate jurisdiction from all inferior courts and tribunals; and a supervisory

control over the same. They and the judges thereof respectively in vacation shall have power to grant writs of habeas corpus, mandamus, prohibition, injunction, quo warranto, certiorari, and other original and remedial writs necessary to carry into effect their judgments and decrees, and give them a general control over inferior courts, officers, and jurisdictions, and to hear and determine said writs at such times and in such manner as may be provided by law.

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

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

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

Sec. 12. When a vacancy shall occur in the office of judge of the separate supreme court, such vacancy shall be filled by appointment by the governor, which appointment shall hold good until a successor is appointed, by and with the advice and consent of the senate; which successor shall hold his office for the remainder of the unexpired term.

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

Sec. 14. The judges of the supreme and circuit courts shall not receive fees of office, or other compensation than their salaries; they shall not be eligible to any office of

inferior courts shall be courts of special and limited jurisdiction and not of general.

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

Sec. 18. The legislature shall provide for the speedy publication of all laws, and of the decisions of the supreme court.

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

Sec. 20. All officers provided for by this article, except judges of the separate supreme court, shall, respectively, reside in the circuit, county, precinct, or city for which they may be elected or appointed.

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

ARTICLE IX.
ADMINISTRATIVE.

SECTION 1. There shall be chosen, by the qualified electors of the

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

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

Sec. 3. The powers and duties of the treasurer and superintendent of public instruction shall be prescribed by law. The superintendent of public instruction shall be, by virtue of his office, state librarian.

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

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

Sec. 6. The legislature may provide for the election or appointment of such other county, precinct, municipal and school officers, as public convenience may require;

and the terms of their offices shall be as prescribed by law.

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

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

Sec. 9. In case of a vacancy occurring in the office of either the secretary of state, state treasurer, or superintendent of public instruction, the governor shall fill the same by appointment; and the person appointed shall hold such office for the remainder of the term; and in case of a vacancy in either of the county, precinct, municipal, or school offices the same shall be filled in such manner as may be prescribed by law.

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

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

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

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

Sec. 5. State officers, judges of the supreme and circuit courts, and circuit attorneys shall file their oaths or affirmations of office in the office of the secretary of state. Every other officer, except the officers of municipalities and school district officers, shall file his oath or affirmations of office in the office of the county clerk of the county wherein he shall have been elected or appointed.

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

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

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

Sec. 9. The compensation of all officers, not otherwise provided for in this constitution shall be prescribed by law.

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

Sec. 11. Salaries shall be paid quarterly. The governor, secretary of state, superintendent of public instruction and state treasurer shall each receive fifteen hundred dollars per annum. The judges of the supreme and circuit courts shall each receive two thousand dollars per annum. The salary of circuit attorney shall not exceed one thousand dollars per annum.

ARTICLE XI.
EDUCATION.

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

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

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

Sec. 4. The net proceeds of the sale of lands that have been, or hereafter may be, granted by the United States to the State for educational purposes (except the lands heretofore granted, or that may be hereafter granted, for the purposes of a university, or for a college of agriculture); all moneys and the clear proceeds of all property that may accrue to the State by forfeiture or escheat; all moneys which may be paid as an equivalent for military duty; and all moneys arising from any grant to the State, where the purpose of the grant are not specified. The net proceeds of the sales or other disposition of the five hundred thousand acres to which the State is entitled on its admission, by the provisions of section twenty-three hundred and seventy-eight of the Revised Statutes of the United States, together with the five per centum of the net proceeds of the

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

Sec. 9. The compensation of all officers, not otherwise provided for in this constitution shall be prescribed by law.

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

Sec. 11. Salaries shall be paid quarterly. The governor, secretary of state, superintendent of public instruction and state treasurer shall each receive fifteen hundred dollars per annum. The judges of the supreme and circuit courts shall each receive two thousand dollars per annum. The salary of circuit attorney shall not exceed one thousand dollars per annum.

ARTICLE X.
OFFICERS.

SECTION 1. Every person holding any office under the State, or any municipality therein, shall, unless removed according to law, exercise the duties of such office until his successor is duly qualified, but this shall not apply to members of the legislature, nor to members of any board or assembly two or more of whom are elected at the same

value of the public lands which the State may receive on its admission into the Union (if Congress consents to such appropriations less a separate fund, to be called the school fund, the interest of which, and all other revenues derived from the school lands, shall be exclusively applied, in such manner as the legislature may prescribe, to the support of common and graded schools and to the purchase of suitable libraries and apparatus therefor.

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

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

Sec. 7. Provisions shall be made by law for the support of the State University, and for connecting with the same, from time to time, such colleges, in different parts of the State, as the interests of education may require. The proceeds of all lands that have been or may hereafter be granted by the United States to the Territory or the State, for the support of a university, shall be and remain an irrevocable fund, to be called the university fund, the interest of which shall be appropriated to the support of the State University and its branches wherever located in the State; and

no sectarian instruction shall be allowed therein.

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

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

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

Sec. 11. There shall be a county

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

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

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

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

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

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

Sec. 8. Neither the State nor any county, city, town, or school district shall make any donation or grant to, or in aid of, or become a subscriber to or a shareholder in, any corporation or company, or a joint owner with, any person, company, or corporation, public or private, in or out of the State, except as to such ownership as may accrue to the State by bequest or by forfeiture by operation of law; and except as to such ownership, as may accrue to the State, or to any county, city, town, or school district, or to either person, company, or corporation, by forfeiture, or by sale of real estate

ARTICLE XII.

FINANCES.

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

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

Sec. 3. The property, real and personal, of the United States, and the property of the State and coun-

ties; property of municipalities; common school property; colleges not owned or used for private or corporate profit; and public libraries shall be exempt from taxation; and all laws exempting from taxation property other than that herein before mentioned shall be void.

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

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for non-payment of taxes, or by any donation or devise for public use, or by purchase by or on behalf of any or either of them under execution in cases of fines, penalties, or forfeitures of recognizance, breach or condition of official bond, or of bond to secure public moneys or the performance of any contract in which they or any of them may be jointly or severally interested.

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

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

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

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

accordance with the provisions of such law.

SEC. 13. No city or town shall contract any debt, by loan in any form, except by means of an ordinance—which shall be irrevocable until the indebtedness therein provided for shall have been fully paid or discharged—specifying the purposes to which the funds to be raised shall be applied, and providing for the levy of a tax—not exceeding twelve mills on each dollar of valuation of taxable property within such city or town—sufficient to pay the annual interest and extinguish the principal of such debt within fifteen years, but not less than ten years, from the creation thereof; and such tax, when collected, shall be applied only to the purposes in such ordinance specified, until the indebtedness be paid or discharged. But no such debt shall be created unless the question of incurring the same shall, at a regular election for councilmen, aldermen, or officers of such city or town be submitted to a vote of such qualified electors as shall, in the year next preceding, have paid a property tax therein; and a majority of those voting on the question, by ballot deposited in a separate box, shall vote in favor of creating such debts; but the aggregate amount of debt so created, together with the debt existing at the time of such election, shall not at any time exceed three per cent upon the last valuation of property of which said tax was paid.

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

SEC. 15. The State treasurer shall keep a separate account of each fund in his hands, and shall, at the end of every quarter of the fiscal year, report to the governor in writing, under each, the amount of

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

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

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

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

SEC. 19. The State shall not assume the debt, or any part thereof, of any county, municipal corporation, or person, unless such debt shall be deemed public highways,

shall have been contracted to repel invasion, suppress insurrection, or to assist the State in the discharge of any portion of indebtedness.

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

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

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

ARTICLE XIII.
CORPORATIONS.

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

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

SEC. 3. All railroads in this State shall be deemed public highways,

and shall be free to all persons for the transportation of their persons and property, under such regulations as may be prescribed by law; and laws shall be passed, from time to time, establishing reasonable maximum rates of charges for the transportation of passengers and freight thereon, and to prevent unjust discrimination.

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

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

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

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

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

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

ARTICLE XIV.

STATE INSTITUTIONS.

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

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

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

Sec. 4. The university at Seattle, and the hospital for the insane at

Stoelbacom, shall, upon the adoption of this constitution, become institutions of the State, and the management thereof subject to the laws and regulations as the legislature shall provide; and all gifts, money or property, real or personal, heretofore made to said institutions, or to the Territory of Washington therefor, are hereby confirmed to the use and benefit of said institutions respectively.

ARTICLE XV.

MISCELLANEOUS.

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

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

Sec. 3. It shall be the duty of the legislature, at its first session, to provide a seal for the State, to be called the "Great Seal of the State of Washington," which shall be kept by secretary of state; and all official acts of the governor and shall be thereto authenticated. The seal of the Territory of Washington shall be the seal of the State until otherwise provided by law.

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

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

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

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

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

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

Sec. 10. All patents and grants of lands, made by the United States to settlers and purchasers of the public lands, shall be ratified and confirmed by the State.

Sec. 11. In the event of the rejection of the separate articles relative to woman suffrage, the legislatures many submit the question, at any general election, to the qualified electors of the State; and if a majority of all the votes cast at such election, on the question, shall

court of the State for such county; and until the district courts of the Territory shall be superseceded in manner aforesaid, the said district courts and the judges thereof shall continue with the same jurisdiction and powers, to be exercised in the same judicial districts respectively, as heretofore constituted under the laws of the Territory. Whenever any two of the judges of the circuit court, elected or appointed under the provisions of this constitution, shall have qualified in their offices, the causes then pending in the supreme court of the Territory, and the papers, records, and proceedings of said court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the supreme court of the State, and until so superseceded, the supreme court of the Territory, and the judges thereof, shall continue with like powers and jurisdiction as if this constitution had not been adopted.

Sec. 7. The terms of office of the governor and State officers, members of the legislature, circuit and probate judges, circuit attorneys, and all county officers first elected under this constitution, shall commence on the seventh Monday after the first general election; and in the event that either of the persons elected shall fail to qualify within twenty days after said seventh Monday, the person receiving the next highest number of votes for such office shall take it within the next succeeding ten days, and in the event of his failure or neglect, the office shall be declared vacant, and the legislature shall provide for filling the vacancy.

Sec. 8. Until otherwise provided by law the seals now in use in the supreme, district, and probate courts of the Territory are hereby declared to be the seals of the supreme, circuit, and probate courts respectively of the State. The seals of municipalities and all county officers of the Territory

shall be the seals of such municipalities and officers respectively under the State, until otherwise provided by law.

Sec. 9. When the State is admitted into the Union, the books, records, papers, and proceedings of the probate court in each county, and all causes and matters of administration pending therein, shall pass into the jurisdiction and possession of the probate court of the same county created by this constitution, and the said court shall proceed to final judgment or decree, order or other determination in the several matters and causes, as the Territorial probate court might have done if this constitution had not been adopted. And until the election and qualification of the probate judges provided for in this constitution, the Territorial probate judges shall act as judges of the probate courts created by this constitution within the respective counties.

Sec. 10. The legislature, at its first session, shall provide for the election of all officers whose election is not provided for elsewhere in this constitution, and fix the time for the commencement and duration of their term.

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

Sec. 12. The county auditors of the several counties shall provide poll-books, tally-sheets, and forms of oath of office for inspector, judges, and clerks of election for the first State election under this constitution, in the same manner as in now

provided for by law. The votes at the first general election under this constitution, for the several officers who are to be elected at such election, shall be canvassed, returned, and results determined, in the manner prescribed by the Territorial law for canvassing votes for like officers. The votes cast for governor, State officers, members of the legislature, judges for circuit and probate courts, and for circuit attorneys, shall be canvassed by the county canvassing boards, in the manner prescribed by the Territorial law for canvassing votes for members of the legislative assembly; and returns shall be made to the secretary of the Territory acting as secretary of state, under the same regulations as are prescribed by law for sending the abstracts of votes for delegates in Congress, and the secretary, auditor, and treasurer, or any two of them, on the twenty-fifth day after the election, or within ten days thereafter, shall proceed to canvass the votes and declare the result. The judges and inspectors of election, who shall have been appointed by the county commissioners of the several counties of the Territory, to hold and conduct the general election next preceding the time of holding the first general election under this constitution, shall be and are hereby appointed judges and inspectors of the first election, as provided in section seven in this schedule, with power to fill vacancies as provided by law.

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

first election held under this constitution shall be canvassed, and the result determined in the manner provided by the laws of the Territory for the canvass of the vote for Delegates in Congress.

Sec. 14. The first legislature shall meet at twelve o'clock meridian, at the seat of government, on the seventh Monday after the first general election; shall effect an organization, and thereafter the legislature shall meet biennially, at such times and places as may be provided by law.

Sec. 15. Until the legislature shall otherwise provide, the terms of the supreme, circuit, and probate courts shall be held as is now provided by law for the supreme, district, and probate courts of the Territory.

Sec. 16. Until there shall be a new apportionment under the authority of the State, the senators and members of the House of Representatives shall be apportioned among the several districts as follows:

The county of Walla Walla shall constitute the first senate district. The counties of Columbia, Whitman, and Shavous shall constitute the second senate district. The counties of Clarke, Skamania, Yakima, and Klickitat shall constitute the third senate district. The counties of Cowlitz, Wahkiakum, and Pacific shall constitute the fourth senate district. The counties of Thurston and Lewis shall constitute the fifth senate district. The counties of Pierce, Mason, and Okanogan shall constitute the sixth senate district. The county of King shall constitute the seventh senate district. The counties of Kitsap, Snohomish, and Whatcom shall constitute the eighth senate district. The counties of Jefferson, Clallam, Island, and San Juan shall constitute the ninth senate district. Each senate district shall be entitled to elect one senator.

be in favor of woman suffrage, then all women who are citizens of this State, and who possess the other qualifications of voters, shall be qualified electors of the State.

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

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

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

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

ARTICLE XVI.

AMENDMENTS.

SECTION 1. Any amendment or amendments to this constitution may be proposed in either branch of the legislature; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the

votes and yeas thereon, and be submitted to the qualified electors of the State for their approval, at the next general election; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors voting thereon, the same shall become part of this constitution, and proclamation thereof shall be made by the governor: *Provided*, That if more than one amendment be submitted, they shall be submitted in such a manner that the people may vote for or against such amendments separately. The legislature shall also cause the amendments that are to be submitted to the people to be published in some weekly newspaper in every county, where such newspaper is published, through out the State.

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

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

SCHEDULE.

SECTION 1. That no inconvenience may arise by reason of the change from a Territorial to a State government, it is declared that elections, rights, prosecutions, judgments, decrees, claims, and contracts, as well of individuals as of bodies corporate—including counties, cities, towns, schools, and

road districts—shall continue as if no such change had taken place; and all process which may have been issued under the authority of the Territory of Washington, previous to its admission into the Union, shall be as valid as if issued in the name of the State.

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

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

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

All criminal prosecutions and penal actions, which may have arisen, or which may arise, before the change from a Territory to a State government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the State of Washington, and the seal thereon, shall pass into the juris-

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

SEC. 5. All officers, now holding their office under the authority of the United States or of the Territory of Washington, shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the State; and shall be entitled to receive, for services rendered to the State, a compensation not greater than that heretofore received. On the taking effect of this constitution, all officers thereby continued in office shall, discharge of their respective duties, take an oath or affirmation to support this constitution. All vacancies that may occur in existing offices prior to the election and qualification of officers under this constitution, shall be filled in the manner prescribed by law.

SEC. 6. Whenever the judge of the circuit court of any circuit, elected or appointed under the provisions of this constitution, shall have qualified in his office, the several causes then pending in the district court of the Territory, within any county in such circuit, and the records, papers, and proceedings of said district court, and the seal and other property pertaining thereto, shall pass into the juris-

The counties of Cowlitz and Washkikum shall elect one representative.

The county of Cowlitz, one.
The county of Clark, two.
The county of Columbia, three.
The counties of Klickitat and Skamania, one.

The county of Lewis, one.
The county of Thurston, two.
The counties of Pacific and Chohulk, one.

The county of Pierce, one.
The counties of Pierce and Ml-wash, one.

The county of King, three.
The county of Snohomish, one.
The county of Kitsap, one.

The counties of Kitsap and Jefferson, one.

The county of Jefferson, one.
The county of Whatcom, two.

The counties of Chelan and San Juan, one.

The county of Island, one.
The county of Whitman, two.

The county of Walla Walla, four.
The county of Yakima, one.

The county of Stevens, one.

Sec. 17. The first general election under this constitution shall be held on the Tuesday next succeeding the sixth Monday after the admission of this State; at which there shall be elected the governor, secretary of state, State treasurer, State superintendent of public instruction, judges of the circuit courts, judges of the probate courts, members of the legislature, circuit attorneys, and for each county three county commissioners, county clerk, sheriff, treasurer, county superintendent of schools, surveyor, coroner, and all precinct officers; and no further notice of said election shall be required.

Sec. 18. The legislature at its first session shall provide by law for the expiration of the terms of all officers first elected and qualified under this constitution, on a day designated as the commencement of the political year: PROVIDED, The several terms of office shall not be thereby lessened nor

ber two," and on such as are against separate article number two the words, "Against separate article number two;" and also on such ballots as are in favor of separate article number three the words, "For separate article number three;" and on such as are against separate article number three the words, "Against separate article number three."

The election shall be conducted in the manner now prescribed by law for the election of Delegates to Congress; and the votes counted and returned to the secretary of the Territory, in the same manner and at the same time as are the votes for said Delegate. The secretary shall canvass and certify the result to the governor within sixty days after said election, who shall make known the result by proclamation. The several elections provided for in this schedule shall be conducted according to the existing laws of this Territory.

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

Sec. 21. This constitution shall be submitted to the qualified electors of the counties of Nez Perce, Idaho, and Shoshone, in Idaho Territory, or that portion of them embraced in the boundaries as defined in this constitution, on the Tuesday next after the first Monday in November, eighteen hundred and seventy-eight, for their adoption or rejection. William F. King and L. J. M. Crooke and Frank Kuntz, of Idaho County, and E. H. Bralley, of Shoshone County, are hereby appointed a board of commissioners, any three of whom shall constitute a quorum, and may fill any vacancy that may occur in said board; which board shall have an office at Lewiston, Idaho Territory, for the transaction of the business of said board; and shall have full authority to appoint judges and

clerks in each and every precinct throughout these counties above named, for said election; and the full returns of the votes in all the precincts in these counties shall be made by the respective judges and clerks of election so appointed, under oath, to the said board of commissioners, at Lewiston, within ten days after said election; which board shall upon said returns, canvass the votes, and certify the result of the same, and transmit forthwith said result to the secretary of Washington Territory, at Olympia, Washington Territory, to be canvassed at the time of canvassing the result of the vote of the people of the Territory of Washington, and the separate and aggregate result of the vote in both Territories made known. The said board of commissioners shall give at least ten days' previous public notice of each of said elections in each and every precinct in said counties, by publication in some newspaper circulating therein, and by posting printed notices thereof at the places of holding the election. The members of said board of commissioners and the several judges and clerks of election shall severally take and subscribe an oath before some person authorized to administer oaths to wit and truly discharge the duties of their respective offices, which oaths shall be transmitted, with the returns of said election, to the said secretary.

All laws in force in that portion of Idaho Territory included within said boundaries, at the time of the admission of this State, not inconsistent with this constitution, shall continue in force until altered or repealed.

All officers exercising their functions of office under the laws of Idaho Territory in that portion thereof embraced in the boundaries defined in this constitution, when it takes effect, shall continue in office and in the exercise of their respective duties and authority until

extended more than one political year.

Sec. 19. This constitution, when enrolled and signed, shall be deposited by the president of this convention in the office of the governor of this Territory; and in the event of its adoption by the people the governor shall send a copy thereof to the President of the United States, with the request that he submit the same to Congress, together with our request that the State of Washington be admitted into the Union. There shall be seat, at the same time, a copy of the act of the legislative assembly of this Territory entitled "An act to provide for calling a convention to frame a constitution for a State of Washington, and submitting the same to the people for ratification or rejection, approved November ninth, eighteen hundred and seventy-seven; and also a certified abstract of this constitution.

Sec. 20. This constitution—separate article number one, separate article number two, and separate article number three—shall be submitted for adoption or rejection to the qualified electors of this Territory at an election to be held on the Tuesday next succeeding the first Monday in November, anno Domino eighteen hundred and seventy-eight. If the same be adopted by the said electors, it shall become the constitution of the State of Washington. On each of the ballots as are for the constitution shall be written or printed the words, "For constitution," and on such as are against the constitution the words, "Against the constitution;" and on such of the ballots as are in favor of separate article number one the words, "For separate article number one;" and on such as are against separate article number one the words, "Against separate article number one;" and also on such ballots as are in favor of separate article number two the words, "For separate article num-

superseced by the State authorities, and shall take an oath to support the constitution of this State. The first general election for the officers designated in sections thirteen and seventeen of this schedule shall be conducted in every respect according to the existing laws of Idaho Territory, and returns thereof shall be made to the Secretary of the Territory of Washington acting as Secretary of State and shall be canvassed as provided in sections twelve and thirteen. The counties of Nez Perce, Idaho, and Shoshone shall be counties of the State and shall constitute the tenth senate district. They shall constitute one representative district and shall elect one member of the house of representatives for the county of Nez Perce, one for the counties of Nez Perce and Shoshone and one from the county of Idaho. All the provisions of this schedule, in so far as they are applicable, shall apply to that portion of the Territory of Idaho and to the people thereof included in the boundaries of this State. The legislature shall have power to pass laws assenting to and confirming such provisions as may be made by Congress in order to the conservation of public and private rights of every kind and nature whatsoever, founded upon law or growing out of the change in the political relations of that portion of Idaho, or of the municipal divisions thereof, or of the people who may be included within the boundaries of this State. The State of Washington hereby pledges its faith to pay to the Territory of Idaho the just proportion of Territorial indebtedness for which the said people, or the counties, or other municipalities shall be justly bound. In the levying of taxes a separate and additional State tax of one-half mill on every dollar of assessed valuation of property within the counties of Nez Perce, Shoshone, and Idaho

shall be annually imposed and collected in the same manner as other taxes are collected, until an amount equal to said indebtedness shall have been so collected.

ORDINANCE.

The people of the Territory of Washington, together with that portion of the people of the Territory of Idaho within the boundaries as defined by this constitution, by their delegates in convention assembled, do ordain and declare:

First. That we adopt the Constitution of the United States as a supreme law.

Second. Perfect toleration of religious sentiment shall be secured, and no inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship.

Third. The people of the Territory included within the boundaries of the proposed State, as set forth in this constitution, by their delegates in convention assembled, do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said Territory, and that the same shall be and remain at the sole and entire disposal of the United States; that the lands belonging to persons residing within the State shall never be taxed higher than the lands belonging to residents thereof; and that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States.

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

SEPARATE ARTICLES.

At the time of the submission of this constitution to the electors for their adoption or rejection

there shall be submitted, as separate articles, the following:

SEPARATE ARTICLE NUMBER ONE.

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

SEPARATE ARTICLE NUMBER TWO.

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

SEPARATE ARTICLE NUMBER THREE.

It shall be lawful for the electors of any county, municipal corporation, or precinct not included within the corporate limits of any municipality, at any general election, to prohibit, by a majority vote, the sale or disposal of spirituous liquors in less quantities than one gallon, except for medicinal or mechanical purposes. And the legislature shall pass, at its first session, such laws as will carry into effect this article, if adopted.

On the ballots shall be written or printed the following:

"For separate article number one."

"Against separate article number one."

"For separate article number two."

"Against separate article number two."

"For separate article number three."

"Against separate article number three."

RESOLUTIONS.

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

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

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Second. Perfect toleration of religious sentiment shall be secured, and no inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship.

Third. The people of the Territory included within the boundaries of the proposed State, as set forth in this constitution, by their delegates in convention assembled, do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said Territory, and that the same shall be and remain at the sole and entire disposal of the United States; that the lands belonging to persons residing within the State shall never be taxed higher than the lands belonging to residents thereof; and that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States. That these three sections shall be irrevocable without the consent of the United States and the people of the State of Washington.

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On the ballots shall be written or printed the following:

- "For separate article number one."
 - "Against separate article number one."
 - "For separate article number two."
 - "Against separate article number two."
 - "For separate article number three."
 - "Against separate article number three."
- In case a majority of all the votes for and against any separate article shall be in favor of such article the same shall be

come a part of the constitution, and shall be added to the declaration of rights.

RESOLUTIONS.

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

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We, the undersigned, members of the convocation to form a constitution for the State of Washington, which is to be submitted to the people for their adoption or rejection, do hereby declare this to be

the constitution formed by us, and in testimony thereof do hereunto set our hands, this twenty-seventh day of July, anno Domini one thousand eight hundred and eighty-eight.

ALEX. S. ABERNETHY,

President.

LYMAN B. ANDREWS.

CHARLES B. BRADSHAW.

BENJ. F. DENNISON.

EDWARD ELDRIDGE.

FRANCIS HENRY.

S. M. GILMORE.

WYATT A. GEORGE.

H. B. EMERY.

D. K. HANNAH.

O. H. LARABEE.

OLIVER P. LAUG.

ALONZO LELAND.

JAMES V. O'DELL.

GEORGE H. STEWARD.

SYLVESTER M. WAIT.

W. BYRON DANIELS.

Secretary.

IN THE SENATE OF THE UNITED STATES.

JANUARY 21, 1889.—Presented by the President pro tempore, referred to the Committee on Appropriations, and ordered to be printed.

LETTER OF THE ARCHITECT OF THE UNITED STATES CAPITOL IN RELATION TO EXTENDING AND COMPLETING THE ELECTRIC-LIGHTING PLANT IN THE SENATE WING OF THE CAPITOL.

ARCHITECT'S OFFICE, UNITED STATES CAPITOL,
Washington, D. C., January 28, 1889.

SIR: In obedience to the law approved February 1, 1888, I have the honor to state that I have caused an estimate to be made for the probable cost of extending and completing the electric-lighting plant in the Senate wing of the Capitol.

I find that this may be furnished, including the fixtures, for the additional sum of \$30,000.

Very respectfully, your obedient servant,

EDWARD OLARK,
Architect United States Capitol.

Hon. JOHN J. INGALLS,
President pro tempore United States Senate.

The CHIEF CLERK. On page 5, line 17, after the word "be," it is proposed to insert "commenced or;" so as to read:

And until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COCKRELL rose.

Mr. HALE. Let us go on with the regular order.

Mr. COCKRELL. I must beg the indulgence of the Senator from Maine for a moment. Order of Business 2116, Senate bill 3146, is a bill precisely similar to the one just passed for the erection of a bridge near Kansas City, and it is very important that it should be passed in order that the House of Representatives may have time to act upon it. It will consume no time. It is the same kind of a bill and reported from the committee favorably. I hope the Senator will consent to let that be passed, and then he can proceed with his bill.

Mr. HALE. I am very desirous of going on with the appropriation bill and getting it out of the way. But I will once more yield.

The PRESIDING OFFICER (Mr. DOLPH in the chair). Is there objection to the present consideration of the bill moved by the Senator from Missouri?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3146) authorizing the construction of a bridge over the Missouri River at or near Kansas City, Kans., and not over 10 miles above the Hannibal and St. Joseph Railway bridge at Kansas City, Mo.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 11, after the words "county of," to strike out "Platt" and insert "Platte;" so as to read:

And a point in the county of Platte, Missouri.

The amendment was agreed to.

The next amendment was, in line 1, section 3, before the word "said," to strike out "if" and insert "the;" so as to read:

Sec. 2. That the said bridge shall be made with unbroken and copious spans, etc.

The amendment was agreed to.

The next amendment was, in section 5, line 17, before the word "built," to insert "commenced or;" so as to read:

And until the said plan and location of the bridge and approved by the Secretary of War the bridge shall not be commenced or built.

The amendment was agreed to.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Missouri to the word "and" in line 16, page 4. It should evidently be "are," and will be so corrected to read:

And until said plan and location of the bridge are approved.

Instead of "and approved." The correction will be made if there be no objection.

The next amendment of the Committee on Commerce was to insert as a new section.

Sec. 4. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date thereof.

The amendment was agreed to.

The next amendment was to change the number of section 6 to 7.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS TO ARMY NURSES.

Mr. BLAIR. Mr. President, the army nurses bill was reported almost a year ago, and has been a matter of frequent conference between the Senator from Missouri [Mr. COCKRELL] and myself. He has prepared a substitute which, with some trifling alterations that I have suggested, I think is quite as good as the original bill. I wish to ask the Senator from Maine to give way for its consideration, it being the understanding that if any debate shall arise it may be laid aside.

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from New Hampshire?

Mr. HALE. On the agreement that it shall take no time, and then I shall try to go on with the appropriation bill.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent for the present consideration of the bill (S. 373) for the relief of women enrolled as army nurses, etc.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The bill will be read.

Mr. COCKRELL. The bill has already been read.

Mr. EDMUNDS. It ought to be read again for information.

Mr. BLAIR. The bill has been read, and I desire to offer a substitute for it, moving it as an amendment.

Mr. EDMUNDS. I should like to hear the original bill. It may be better than the substitute.

The PRESIDING OFFICER. The bill will be read.

The bill was read.

The PRESIDING OFFICER. The proposed substitute will now be read.

The Secretary read as follows:

That all women nurses during the late war and prior to August 4, 1865, who were approved by Miss D. L. Dix, "superintendent of women nurses," or her authorized agents, or specially appointed by the Surgeon-General or other proper United States authority, and who rendered six months' service as such, or who, prior to the completion of such term of service, were disabled in such service and honorably discharged by reason of such disability, shall be granted a pension during life at the rate of \$25 per month from the passage of this act, according to such rules and regulations as may be prescribed by the Secretary of the Interior.

Sec. 2. That such women nurses as are now receiving pensions under special or general laws at a less rate than \$25 per month, and may be entitled to the benefits of this act, may, on proper application to the Commissioner of Pensions, receive the said sum of \$25 per month.

Sec. 3. No fee, compensation, or allowance shall be paid to, received, or accepted by any agent, attorney, or other person instrumental in the prosecution of any claim for pension under this act. And it shall be the duty of the Interior and War Departments to render all proper aid to applicants.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. EDMUNDS. I should be glad to have my friend from New Hampshire explain to the Senate the principle on which this bill rests, making a distinction in favor of female nurses as against male nurses, and as it respects the putting of these lady nurses on the pension-roll. Some of them, I have no doubt, are just as well entitled to pensions as are thousands of soldiers who fought all the time or who came home and have as yet no pensions. I dare say there may be some good ground for it, but I confess I do not quite understand it.

Mr. BLAIR. Mr. President, I am not in a situation to debate this bill, because I only have the opportunity of thus getting it before the Senate; but the Senate will remember a great many efforts during the previous session, and I am sure the Senate understands the general ground on which these few old women are to be pensioned. There are scarcely any of them, and I do not know of any, who are not really dependent, and all of them are getting to be quite old. The Senator from Missouri [Mr. COCKRELL] is not apt to err in the line of improperly loading up the pension-roll of the United States with cases which are not meritorious, and after considerable conference this substitute for the bill has been agreed to by him, and I am exceedingly anxious to have it disposed of now if possible. Otherwise we shall get no action during the present Congress. It covers not many cases, as I understand only a few hundred, and they are cases of great need. I do not know of any who are able to get along without this aid. They are required to have rendered six months' service and to have been honorably discharged (and many of them rendered several years' service), or they must have been disabled during the period of their service in order to get a pension at all.

Mr. COCKRELL. If the Senator will permit I will read a letter addressed to me by Mrs. Kate B. Sherwood, who is the chairman of the Woman's Relief Corps, dated Toledo, Ohio, January 13, 1890, in which she says:

DEAR SIR: Last winter when our bill to pension women who served as army nurses was brought up by General BLAIR it met with serious opposition on the grounds that it was an indiscriminate measure, and the War Department could not (or did not) furnish a list of the women properly commissioned.

To meet this objection the Woman's Relief Corps have undertaken to ascertain the real condition of the women who held commissions through Miss Dix, Mr. Yeaman, or others of the United States Sanitary Service, by sending out the blank herewith attached. Upwards of one hundred well-authenticated cases are now before us, and I am inclined to think that the total number who would be benefited under the act would be but a few hundred.

Of the number before us over eighty are women old and destitute, the most having become comatose when women under thirty were not received. Their ages run from sixty to eighty-six. Some of them have had no assistance this winter save a small sum from the Relief Corps. These women were the healers on the ghastly fields where their brothers were the sufferers. Their service was to humanity. May we ask your co-operation when General BLAIR brings up this bill?

Yours, very truly,

KATE B. SHERWOOD.

It was in order to relieve the class referred to in this communication that the substitute was prepared.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of women enrolled as army nurses."

ADMISSION OF DAKOTA.

Mr. VOORHEES. I offer an amendment to the bill (S. 185) to provide for the admission of the State of South Dakota into the Union, and for the organization of the Territory of North Dakota. I ask that the amendment be printed and referred to the Committee on Territories, and also the accompanying paper printed in the form that it is for reference.

The PRESIDENT *pro tempore*. The amendment with the accompanying paper will be received, referred to the Committee on Territories, and printed.

EXHIBIT "G"

The State of Washington



Office of the Secretary of State

Ralph Munro, Secretary of State

Certificate

Terence S. Badger

I, _____, in accordance with the provisions of Chapter 40.14, Revised Code of Washington, certify that I have compared the annexed copy, or specific part thereof, listed below, with the originals, and that the same, or each of the same, is a full, true and correct copy of the original Record in the Official Custody of the State Archivist of the State of Washington.

Territorial Governor Semple

FROM THE RECORDS OF:

Constitutional Convention

January 24, 1889 Correspondence from H.C. Wilmarth



In Testimony Whereof, I have hereunto set my hand and affixed hereto the Seal of the Office of the State Archivist of the State of Washington


Done at Olympia, the State Capital, this 8 day
of September, A.D. 2000

COMMITTEE.
 GOV. WATSON C. SQUIER, - Chairman
 A. S. BOWLES, - Walla Walla
 M. M. GOODMAN, - Dayton
 J. B. ODELL, - Colfax
 E. A. ROUTH, - Spokane Falls
 W. F. GRAY, - Pasco
 H. C. WILMARTH, - Vancouver
 R. O. DUNBAR, - Goldendale
 WM. McMICKEN, - Olympia
 T. L. NIXON, - Tacoma
 E. C. FERGUSON, - Saahomish
 GEO. H. JONES, - Port Townsend
 NORMAN P. BUCK, - Lewiston, Idaho

SUB-EXECUTIVE COMMITTEE.
 GOV. WATSON C. SQUIER, - Chairman
 JOSHUA COLLINS, JR., - Sec'y and Treasurer
 WM. McMICKEN, H. C. WILMARTH,
 T. L. NIXON, GEO. H. JONES,
 ROBERT MORAN.

Admission to the Union of States.

Seattle, W. T. January 2^d 1889.

Hon Eugene Semple,
 Game Washington Territory

Dear Sir,

In the event the fiftieth Congress adjourns without passing an enabling act for the admission of Washington Territory, and in view of the fact that our territorial legislature can not legally convene before January 1890, and in the further event, it should appear to your satisfaction that the people desired, and the public welfare demanded, the assembling of a Constitutional Convention, would you feel justified in exercising your official prerogative to the extent of making the call for such Convention by Executive Proclamation?

Genl Riley U.S.A. while provisional Governor of California called the Convention which framed the Constitution under which California was admitted into the Union, He prescribed the number of delegates, the qualification of voters, and ^{the} place where the Convention was held.

This would seem to be a precedent sufficiently well established to justify such official action on your

part in the premises; and it would seem that such a call would be no invasion of the theory of our institution, would be clearly in the interest of the public welfare and a righteous exercise of Executive authority.

The movement should be non-partisan in its character, and it is hoped, if made, it will receive your support and sympathy. The question, simply, is will you call such a convention if you become satisfied that popular sentiment in the Territory is in favor of your so doing? If so the evidence may hereafter be presented to you showing what that sentiment is, but it would be useless to prepare such showing unless there is good reason to believe that you will act upon it when obtained.

I have the honor to be very
respectfully
Yours obt. servt.
H. C. Wilmarth

Address
Occidental Hotel.

Jan. 26. 1879.
Respectfully referred to
the Attorney General, by
those, any authority of
law of precedent for
such action on the
part of the Executive as
is suggested in this
letter.
E. S. L. K.
J.

EXHIBIT "H"

The State of Washington



Office of the Secretary of State

Ralph Munro, Secretary of State

Certificate

I, David W. Hastings, in accordance with the provisions of Chapter 40.14, Revised Code of Washington, certify that I have compared the annexed copy, or specific part thereof, listed below, with the originals, and that the same, or each of the same, is a full, true and correct copy of the original Record in the Official Custody of the State Archivist of the State of Washington.


FROM THE RECORDS OF:

Territorial Governor Eugene Semple, 1887-89

Constitutional Convention

Newspaper Articles - Constitutional Convention

In Testimony Whereof, I have hereunto set my hand and affixed hereto the Seal of the Office of the State Archivist of the State of Washington


Done at Olympia, the State Capital, this 11th day
of September, A.D. 2000

...the constitution of the territory... the majority of the people... whether does it make any difference who calls the convention or how the organic law is formulated... provided congress sees fit to admit us as a state... while I do not believe that the governor has any express authority in the premises, still if he should in his wisdom see fit to do so and the people should sustain the constitution as it is framed, listed and congress should admit us under it, this would constitute a legal ratification of the governor's authority. At the same time the government of the United States has made no provision for the admission of territories in this irregular manner; in fact it is a departure from the regular course of procedure as made and provided by the law. Dakota has had a convention and adopted a constitution without an enabling act. W. of Washington Territory had no enabling act when we framed a constitution some several years ago to be used in case Washington was admitted to statehood. The only objection that has been urged against this constitution is that we have outgrown it. We have outgrown it because of the increase of population and other circumstances. My recollection is that the legislature called this convention and defrayed its expenses. Unless an extra session is called in the near future the calling of a convention would be the adoption of a constitution would be somewhat the admission of a state. If congress recognized such proceedings, it would be a precedent. Mr. Andrews says that it seems to be the common sense before making the step of framing a constitution.

IT WOULD BE UNWISE.
G. M. Haller: I am of the opinion that it would be unwise for the governor to call a constitutional convention. If one were called, it would be one called without the authority of law. However, congress could, if so desired, validate the matter. But that body is not to incur any unauthorized act of this kind, and the expense would fall upon the territory and the territorial legislature has no right to pay any such unauthorized expense. We have already had one constitutional convention. On November 9, 1875, the territorial legislature passed an act entitled an act to provide for the formation of a state government for the Territory of Washington. That act provided that at the next general election the question should be put to a vote of the people of the territory. The act further provided that if a majority of the voters favored the plan, the next legislature was to provide for the organization of the state. At the election of 1876 a majority of the voters favored the plan. Accordingly the next legislature which met in November, 1877, passed an act providing for the calling of a convention by the governor, and the framing of a constitution for the proposed state, and the submission of the same to the people for ratification. This act was approved by Governor Ferry, November 4, 1877. The governor under this act called a convention and authorized the election of delegates. The convention met and adopted a constitution, which was submitted to the people in 1878, and by them adopted. Here the matter rested, congress never taking any action in the matter. Nor has any bill providing for the admission of Washington that has been presented in congress contemplated admitting her under that constitution. The governor has no more right to call a constitutional convention than a private individual, that is, as the law stands at present.

NOT EXPEDIENT NOR PROPER.
M. G. Struve: There is no warrant of law authorizing the governor, or any other authority, to call a constitutional convention without the consent of congress. If a convention should assemble, however, and should adopt a constitution, and that constitution should receive the sanction of the people at an election held for that purpose, it is competent for congress to admit the territory as a state. It is a question of expediency, not of law, whether the people, who are the only ones who can give the sanction of a constitution, should be called to vote at either election. In the first place, there are no provisions of law which would maintain the purity of the ballot box in the election of delegates to the convention, or for the ratification of the constitution adopted by the convention, or that would punish any person illegally attempting to vote at either election. In fact, there would be no safeguards whatever until to elections held for a popular purpose. In the second place, I doubt whether there would be a full acquiescence of all the people in favor of the adoption of a constitution brotten under such auspices, and it would be hard, likewise, to convince congress that a constitution so adopted would really be the work of the people. It is questionable if the people would take an interest in the formation of such a constitution and adoption of a state government when its action is not sanctioned by the provisions of law, especially when it is known that the next congress, being Republican, will admit Washington in duly legal form.

THE PEOPLE ARE SOVEREIGN.
Mr. Richard Osborn: I think the attorney-general is wrong in saying the governor has no power to call such constitutional convention. While it is true there is no written law directing or empowering the executive to call such convention, yet there is a reserved power and sovereignty under our system of government resting in the people, wherever that power has not been limited by expressed act of some superior power, to do about as they

...attorney-general Metcalfe has displayed great diligence and research in preparing his opinion. This will probably be the opinion of the admission question and that is what we want. As to the ultimate conclusion I have nothing to say at present. The governor undoubtedly has the same right to call a constitutional convention, although it is no one of the duties of his office, as any other citizen would have. The only advantage in having the governor call the convention is that he is that certain prestige, by virtue of his office, and for that reason the call would appear more authoritative, although it would not be so in fact. I think Gov. Sample is to be commended in going slow. Prudence is always a virtue to be extolled.

WANTS A CONVENTION ANYHOW.
Mr. W. E. Andrews: I believe that, while the enumerated powers of the governor do not include the power to call a convention, the people all over the territory would respond to such a call, and that the constitution, framed by such convention, would be adopted by the people. I have no doubt that congress would admit us with a constitution framed and adopted. However, I have no doubt that the first state legislature would pay all the legitimate expenses incurred by the convention, to the last dollar. I sincerely hope that the governor will call a constitutional convention, notwithstanding the opinion of the attorney-general.

THE GOVERNOR HAS NO POWER.
Mr. T. F. Dyer: I believe that the governor has no power to call a constitutional convention in the fashion proposed. It would be a bill of expense to the taxpayers and be of doubtful utility. I do not doubt, however, if the convention was framed by it, which should receive the public sanction and adoption, would be legal.

THE LEGISLATURE WOULD PAY.
Mr. T. F. Dyer: It seems to me the governor could safely call a constitutional convention, apportioning the representation according to the present representation in the territorial legislature, and the first legislature under the new constitution would certainly pay the expenses thereof, without question or hesitation.

JUDICIAL DISCRETION.
Judge Thomas Burke said: I have not read Attorney-General Metcalfe's opinion yet and would not like to say anything about it if I had, for the reason that the question may come up before me in the supreme court.

LIFE IS SHORT.
Mr. W. W. Newlin said: I haven't read the opinion, life is too short, and I have too much to do to wade through the attorney-general's opinions.

NEEVITIES.
Several workmen were yesterday engaged in renovating the Pacific Coast Steamship Company's office on the Ocean dock.

There will be a meeting of the trustees of the Women's Home on Tuesday next at W. C. T. U. rooms. A full attendance is requested.

Auditor Wood has issued licenses to wed for John Cogal and Carrie Finson of Seattle, and Patrick Conahan and Kate L. Tardy of King county.

A man's song and a gospel concert will be held in the Y. M. C. A. hall, 1151 Front street, to-day at 4 p. m. Mr. Noel Jacks, state secretary of the association, will lead the meeting. Young men are especially invited.

The Gilman small-pox pesthouse bill was passed by the legislature at the session of last year. The county commissioners of Snohomish county have been authorized to purchase the land on which the pesthouse is to be built. The bill was passed by a vote of 15 yeas and 10 nays.

The board of county commissioners has disallowed the bill of Dr. Walsh and commissioner of Gilman, for \$50 each, for attendance on the Buda family, on the 7th and 8th of January, for the reason that the family is not a county charge.

The funeral of Alfred Peterson, the man who suddenly died in the Wassa restaurant on Friday night, will take place from the undertaking establishment of Shroy & Co. at 1:30 o'clock this afternoon. Rev. Ole E. Olander, of the Swedish Methodist church, will conduct the services. The interment will be made in the Masonic cemetery.

The Rufus E. Wood, now in the harbor, has been chartered to take coal to San Francisco by the Seattle Coal & Iron Company. The rate is said to be \$2 50 per ton.

For four weeks a prostitute by the name of Minnie Cole has been lying sick and destitute in a small shanty on South Third street. She was ordered removed to the county jail by Commissioner Allen yesterday.

If you are nervous or irritable, feel languid, distressed, or if you have sick headache, salivary complexion, or offensive breath, let your liver be out of order and needs rest. Dr. Eber's Peppermint Tonic restores the liver to healthy action and takes up the entire system. Sold by Stewart & Holmes Drug Co., wholesale agents.

VARIETY OF OPINION.

Legal Comment on the Attorney-General's Findings.

General Discretion of the Legality of a Constitutional Convention Is Awakened.

The adverse opinion of Attorney-General Metcalf on the power of the governor to call a constitutional convention, does not meet the satisfaction of the members of the Seattle bar, if the result of a canvass of a number of Post-Intelligencer reporters amongst them, with one or two adjoining attorneys, is any criterion. Some of the lawyers coincided with Mr. Metcalf in his premises and in his conclusions, but many with them, some thought the attorney-general had consistently, though perhaps, unaccountably, and the reasoning usual to the leaders of the Democratic party, some had not read the opinion, but still had their ideas about the legality of the convention, and others considered that, while the semblance might be legal, it would not be expedient. In all in all, the opinion made a fair estimate of general legal opinion on the validity of a constitutional convention, called forth by the extended findings of the attorney-general.

POOR DEMOCRATIC LOGIC.

Judge George Jacobs said: I do not claim it is one of the duties imposed by law of congress upon the executive of this territory to issue a proclamation inviting the people of the territory to meet in convention to form a state constitution preparatory to admission into the Union. On the contrary, the office of executive of this territory is a political appointment, and the appointee is expected to render the terms of the administration appointing him, and, under ordinary circumstances, he is expected to render no other view. What I have the highest respect for Mr. Metcalf as a man, lawyer and citizen, I do not forget, and Mr. Metcalf would not have me forget that he is a Democrat. I honor him not only for the sincerity of his convictions, but his loyalty to them. Just now, however, I do not think the utmost faith and confidence in Democratic logic or Democratic policy, no matter how it may be. We are painfully aware that a Democratic congress think that an enabling act for Washington Territory is the greater thing. Although our esteemed attorney-general does not say so in his report yet his logic points in that direction. The congress of calling a constitutional convention have, as a usual thing, been borne by congress, or the people of the United States. For any, are the instances when appropriations have been made in advance. The people of this territory are abundantly able and willing to pay should congress refuse to pay such expenses. There is no difficulty in that direction. If I understand the position of the attorney-general, however, although he is of the opinion that the action in the case of California is not a precedent for our action, yet if the governor is provided from reliable evidence that the people of this territory desire a convention, it would be a handsome thing for him to issue his proclamation calling them to meet. It is not so much as to say that it is well with a universal desire to have a state government? If he is not so convinced he should not believe through one man from the dead.

STILL IT WOULD BE LEGAL.

Hon. J. J. McGuire: I do not think the governor has the specific power vested in him to call this convention; still, if the convention were called and the delegates framed a constitution and it was duly ratified by the people, it would not prevent congress from admitting the territory into the confederacy of states. The general and regular method of procedure is for congress to pass an enabling act; then the constitutional convention is called into legal existence by virtue of this act. In several instances territories have been admitted without such enabling act. They have informally drafted their constitutions, which have subsequently been legalized by acts of congress admitting them as states. Texas was admitted in this manner. It is immaterial how the constitution is framed, or by what authority the convention is called, provided the acts receive the ratification of the necessary majority of the people. Neither does it make any difference who calls the convention or how the organic law is formulated, provided congress consents to admit us as a state. In other words, while I do not believe that the governor has any express authority in the premises, still I do think it is his duty to call the convention to do so and the people should sustain the constitution after it had been formulated and congress should admit us under it, this would constitute a legal ratification of the governor's authority. At the same time the government of the United States has made no provision for the admission of territories in this irregular manner; in fact it is a departure from the usual course of procedure as made and provided by the law. Dakota has had a convention and ratified a constitution without an enabling act. We, of Washington Territory had no enabling act when we framed a constitution here several years ago to be used in case Washington was admitted to statehood. The only objection that has been raised against the constitution is that we have congress in. We have

planned. The people of Washington, indignantly and collectively have the same rights as the people of any state and neither are restricted in any manner except by constitutional provisions. Our argument does not forbid it; therefore I feel that the people have a right to ask for a constitutional convention, and if the governor is satisfied, and there can be no doubt that there is a general desire for the admission of this territory into the Union, and a necessary preparatory act that a constitutional convention should be called the governor would certainly be serving the people best by complying with their wishes. The same sovereign power that the people have in Dakota is able to meet the question of expense by proper legislative acts. Of course there is no law now by which the expenses could be paid, and members of that convention would certainly have to pay their expenses and wait for the meeting of the legislature for reimbursement.

GOVERNOR LACKS THE AUTHORITY.

Mr. T. J. Haines: The entire matter rests with congress and if that body passes an enabling act the constitutional convention can be called together and the organic law framed. If the convention was called by the governor there would be trouble over the matter of paying bills. The governor, in my judgment, has no more authority than I have to call the convention together. The moves and bounds of the governor's authority are plainly fixed by law and the calling of a convention of this character is not among his prerogatives. The only authority the governor can legally call together a convention of this character is when he is directed to do so by act of congress. If Governor Sample should do this and the constitution should be framed and submitted to the people for ratification, I doubt very much if this would be valid, because many citizens would object because of the informality of the proceedings. The same objection would object and the Prohibitionists would do likewise because of a lack of sections in the constitution favorable to their views. The question is simply this: Is the governor authorized or not to call this convention and I take the view that he is not.

ARMY AND NAVY ARE NO PRETEXT.

Col. J. C. Haines: If the people of a territory assemble in convention and frame a state constitution there is nothing in their action that would prevent congress accepting the constitution, whether the convention had been previously authorized or not. It must be understood, of course, that the constitution framed by the convention was formulated with the knowledge and indorsement of the people by their representatives. The question of expense is no figure whatever in the legality of the convention and the validity of the constitution. It could be paid by the representatives of the people themselves, or it could be provided for by congress by subsequent act, if it saw fit. It is a good deal more expensive for Washington to remain a territory than it would be for the citizens to pay all expenses necessary to admission as a state, for the interest on the value of the title lands that will become the property of Washington state becomes a state is greater than the cost of maintenance of state government could be.

PROBABLY UNDESIRABLE.

H. C. Winchell: I will not be greatly surprised if the opinion of the attorney-general meets the attention of many lawyers and politicians in the territory, for he seems to have expounded both his logic and his law to criticism. He was peculiarly unfortunate in his use of the California case, and instead of invalidating the precedent, if there is anything in precedent to back the point and stronger than I supposed they really were. According to the attorney-general it was not the case of California, which had no civil government, to become a state before it was a territory, and before it had enough territory to warrant Washington Territory now has, while this territory, containing a population of 50,000, and having had a civil government for 15 years, can not be placed on an equal footing with chaotic California. The transition was certainly more violent in the California case than it would be in the case of Washington. I don't care to say more just now on the subject, rather preferring that criticism be left open to the best legal minds in the territory.

PRESENCE IS A VIRTUE.

W. C. Squire: The governor is to be commended for having looked the matter up and taken the advice of the attorney-general before acting in the matter. Attorney-General Metcalf has displayed great diligence and research in preparing the opinion. This will provoke discussion of the admission question and that is what we want. As to the ultimate conclusion I have nothing to say at present. The governor undoubtedly has the same right to call a constitutional convention, although it is no one of the duties of his office, as any other citizen would have. The only advantage in having the governor call the convention is that he has a certain control by virtue of his office, and for that reason the call would appear more authoritative, although it would not be so in fact. I think the people to be commended in going slow, presence is always a virtue to be retained.

WANTS A CONVENTION ANYHOW.

Mr. W. E. Andrews: I believe that, while the announced purpose of the governor does not include the power to call a convention, the people all over the territory would respond to such a call, and that the constitution, framed by such convention, would be accepted by the people. I have no doubt that congress would be glad to give a con-

NOT IN HIS PREROGATIVE

The Governor and a Constitutional Convention.

It Cannot be Called—Such is the Opinion of the Attorney-General.

It will be remembered that on the 20th of January Mr. H. C. Wilmarth, of the admission executive sub-committee, addressed a letter to Governor Sample asking him if, under certain conditions, he would call a constitutional convention. The governor referred the letter to Attorney-General J. B. Metcalfe for his opinion as to the authority of law or precedent for such action on the part of the executive. At 12 o'clock last night the attorney-general completed the work of preparing the opinion which is given below:

First—The communication of Mr. H. C. Wilmarth, dated January 20th, 1899, requesting "should it appear to your satisfaction that the people desired, and the public welfare demanded the assembling of a constitutional convention," that you call by statute a proclamation such convention, and which communication was duly referred to this office for information, as to the authority of law or precedent for such action on the part of the executive, in the following: The writer refers to this office endorsed on the communication from Mr. Wilmarth submit two questions for consideration to this office:

First—The authority of law empowering the executive to issue a proclamation a constitutional convention?

Second—If there exist no warrant of law for such action, what precedent or line of precedents has been established which would justify the exercise of your official prerogative in issuing such proclamation?

In reply to the first proposition, I find upon a careful examination of those sections of the revised statutes of the United States which vest the executive power of a territory in the governor, that no authority exists therein which empowers the executive to call such a convention by proclamation or otherwise. The Congress of the United States has specially prescribed the powers and duties of the governor of a territory, and such powers cannot be exercised or such duties performed in excess of the limitations of the subjects enumerated in the laws enacted by that body. The subjects calling for such exercise of authority or performance of such duties are set forth in the following sections of the "Organic Act" of Washington Territory or of the revised statutes of the United States: Sections 1541-2, 1544, 1577-8, 1579, 1582.

In none of the above sections, nor in any other statute that I have examined, can I find even a semblance of authority empowering the executive to call a constitutional convention by the exercise of any prerogative consequent upon his executive power.

In reply to the second proposition, I find myself faced with an inquiry involving extensive research, and therefore will be indulged in taking up the space which the historical data hereinafter set forth necessarily occupy in the following manner: such facts, chronologically arranged, as I have been able to obtain relative to the manner of calling constitutional conventions, and the admission of the respective territories into the Union since the adoption of the Federal constitution by the thirteen original States.

Vermont—The first constitution was formed during the month of July 1777, the convention completing its labors on the 8th day of that month, and this constitution was subsequently modified in 1786, and was not successful until March 4, 1791, about 14 years after the adoption of the constitution, when Congress admitted Vermont without change of its constitutional provisions and without any conditions, the act containingly about six lines.

Kentucky being a part of the state of Virginia, the people petitioned the legislature of that state for separation, which was finally granted on several conditions, among which were the following: A constitutional convention should be held prior to the date fixed for final separation. This constitutional convention was provided for by a body called the "Ninth" convention which was held for the purpose of ratifying the proposed act of the Virginia legislature, and at the same time provided for the number of delegates and their election, and fixed the date and the place of the meeting of the convention. It was convened April 2, 1792. Congress had prior to this time (to-wit: February 4, 1791) passed an act admitting Kentucky into the Union upon her own terms, with the exception of her compact with the state of Virginia, and without any further act she was admitted without the constitution being submitted to the people for ratification.

Tennessee—An act of Congress passed June 2, 1796, reads: "Whereas, by acceptance of the deed of cession of the state of North Carolina, Congress are bound to lay out into one or more states the territory therefor ceded in the United States, he it enacted," etc. This act admitted Tennessee on an equal footing with other states. Prior to this act a constitution had been framed by a convention which completed its session February 6, 1796, and on April 1 of that year application was made for admission, and under the terms of the act of June 2, 1796, was admitted without submitting the constitution to the people for ratification. I have been unable to find by what authority the constitutional convention was called.

Ohio—Congress passed an enabling act, which was approved April 30, 1802, and which provided circumstantially the time and place of meeting of the convention for framing a constitution, and further for the election of delegates to the same. It also empowered the convention with the right to determine the expediency of framing a constitution and a state government, and

condition was accepted June 20, 1821, and the territory was admitted as a state by President Adams, by joint resolution of Congress and by proclamation of the president. Arkansas claimed that no enabling act was necessary for her admission, but that she possessed the right by virtue of the treaty of cession by France to the United States of the province of Louisiana. I am unable from the data at hand to learn in what manner her constitutional convention was assembled, but that it convened at Little Rock January 4, 1820, and established a constitution. Application was made to Congress for admission March 1, 1836, and the state was admitted by act of Congress June 15, 1836, without the passage of an enabling act.

Michigan—A convention was called by the territorial legislative council claiming jurisdiction providing for the government of the territory of the United States northwest of the Ohio river gave the power.

This convention met May 11, 1835, and formed a constitution. It was submitted to the people and ratified Nov. 2, 1835. President Jackson laid it before Congress in a special message December 9, 1835. Congress, by an act, approved June 15, 1836, passed a conditional act admitting Michigan as a state; and on January 26, 1837, the conditions having been complied with, passed an unconditional act admitting the state to the Union.

Florida—The governor and legislative council passed an act, calling a constitutional convention. The legislative council claimed the right of admission by virtue of its position in the United States and the King of Spain and the provinces of East and West Florida to the United States. The convention assembled December 3, 1845, and formed the constitution which contained a clause providing for its admission to the Union.

Texas—Congress by a joint resolution approved March 3, 1845, admitted both Florida and Texas into the Union as states. Texas—Congress by a joint resolution approved March 3, 1845, admitted both Florida and Texas into the Union as states. Texas—Congress by a joint resolution approved March 3, 1845, admitted both Florida and Texas into the Union as states.

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California—General Riley, commanding the military forces of the United States in California when the provisional governor, issued a proclamation to the people in which he called for the election of delegates to a constitutional convention which should meet on the 1st day of September, 1849, and which he termed "A general convention for forming a state constitution or a plan of government." The convention assembled and formed a constitution in accordance with the proclamation. The schedule to the constitution provided the manner in which it should be submitted to the people. Gen. Riley, by a proclamation issued Oct. 12, 1849, submitted the constitution to the people for their acceptance. It was accepted by the people, and on December 30th, 1850, General Riley turned over the administration to the government formed by the people.

Congress admitted California by an act approved Sept. 9, 1850.

Gen. Riley gave as a reason for calling the convention as he did, that "Congress had failed to provide a new government in place of that which existed on the annexation;" that these laws which had been in force, and which are not inconsistent with the laws, constitutions and treaties of the United States, were still in force, and must continue until changed by competent authority; and that the calling of a constitutional convention was the action of Gen. Riley as a president of the United States and the secretary of state and of war, as calculated to which must necessarily result from any attempt at liberal local legislation." The statistics as to California are set forth at a greater length than any other state, as the communication from Mr. Wilmarth cites the action of Gen. Riley as a precedent. The case cited is not a precedent justifying an executive proclamation, as the present condition of our territory and California at that time are in no wise parallel. California was virtually without laws or a recognized civil government.

Minnesota—Congress passed an enabling act, which was approved February 3, 1857, and which was similar to those for the other states and provided for a constitutional convention. The constitution was adopted by the people October 13, 1857, and by act of Congress approved May 11, 1858, Minnesota was admitted as a state.

Oregon—The constitution was framed by a convention, which was provided for by an enabling act passed by Congress before the forming of the constitution. The convention assembled at Salem, August 1, 1857, and completed its labors the following month. The constitution so framed was

played by Congress for the purpose of admission of states, to-wit: By act of Congress, by joint resolution of Congress and by proclamation of the president of the United States. In the majority of instances such constitutional conventions are authorized legislative enactments authorized by the president of the United States. General Riley in California seems to stand alone. The circumstances surrounding that case are not, as before stated, such as to make it a criterion for executive action here. It seems to me that the only proper course to pursue in the premises, and the only one by which an appropriation for the expense of the election of delegates or of the expenses of a constitutional convention, can be legally obtained, is through legislative action. Unless the legislature in the time of Congress, and appropriate the sum necessary to defray the expenses attendant upon the meeting of so large a body, there is no method short of a contribution by the people. A common purpose among the people looking to the assembling of such a convention is necessary to its success, and if this unanimity can be ascertained, then the executive in the light of such concerted desire and the expressed obligation on their part to bear the burden of expenses resultant upon both the election of delegates and the holding of a convention would be justified in taking some suitable action to meet the wishes of the people.

The executive can, by virtue of the provisions of section 193 of the revised statutes of the United States, convene an extraordinary session of the territorial legislature, "when the reasons for the same have been presented to the president and his approval duly given. If it be the unanimous wish of the people that the legislature meet, and this wish can be ascertained it would be in my judgment the only method by which any results may be obtained which would be permanent and satisfactory. I have the honor to be very respectfully your obedient servant.

J. B. METCALFE,
Attorney-general Washington Territory,
Hon. Eugene Sempie, Governor Washington Territory.

EXHIBIT "I"

ENABLING ACT

AN ACT to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States.

(Approved February 22, 1889.) [25 U.S. Statutes at Large, c 180 p 676.]

[President's proclamation declaring Washington a state: 26 St. at Large, Proclamations, p 10, Nov. 11, 1889.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the inhabitants of all that part of the area of the United States now constituting the Territories of Dakota, Montana, and Washington, as at present described, may become the States of North Dakota, South Dakota, Montana, and Washington, respectively, as hereinafter provided.

SEC. 2. The area comprising the Territory of Dakota shall, for the purposes of this act, be divided on the line of the seventh standard parallel produced due west to the western boundary of said Territory; and the delegates elected as hereinafter provided to the constitutional convention in districts north of said parallel shall assemble in convention, at the time prescribed in this act, at the city of Bismarck; and the delegates elected in districts south of said parallel shall, at the same time, assemble in convention at the city of Sioux Falls.

SEC. 3. That all persons who are qualified by the laws of said Territories to vote for representatives to the legislative assemblies thereof, are hereby authorized to vote for and choose delegates to form conventions in said proposed States; and the qualifications for delegates to such conventions shall be such as by the laws of said Territories respectively persons are required to possess to be eligible to the legislative assemblies thereof; and the aforesaid delegates to form said conventions shall be apportioned within the limits of the proposed States, in such districts as may be established as herein provided, in proportion to the population in each of said counties and districts, as near as may be, to be ascertained at the time of making said apportionments by the persons hereinafter authorized to make the same, from the best information obtainable, in each of which districts three delegates shall be elected, but no elector shall vote for more than two persons for delegates to such conventions; that said apportionments shall be made by the governor, the chief-justice, and the secretary of said Territories; and the governors of said Territories shall, by proclamation, order an election of the delegates aforesaid in each of said proposed States, to be held on the Tuesday after the second Monday in May, eighteen hundred and eighty-nine, which proclamation shall be issued on the fifteenth day of April, eighteen hundred and eighty-nine; and such election shall be conducted, the returns made, the result ascertained, and the certificates to persons elected to such convention issued in the same manner as

is prescribed by the laws of the said Territories regulating elections therein for Delegates to Congress; and the number of votes cast for delegates in each precinct shall also be returned. The number of delegates to said conventions respectively shall be seventy-five; and all persons resident in said proposed States, who are qualified voters of said Territories as herein provided, shall be entitled to vote upon the election of delegates, and under such rules and regulations as said conventions may prescribe, not in conflict with this act, upon the ratification or rejection of the constitutions.

SEC. 4. That the delegates to the conventions elected as provided for in this act shall meet at the seat of government of each of said Territories, except the delegates elected in South Dakota, who shall meet at the city of Sioux Falls, on the fourth day of July, eighteen hundred and eighty-nine, and, after organization, shall declare, on behalf of the people of said proposed States, that they adopt the Constitution of the United States; whereupon the said conventions shall be, and are hereby, authorized to form constitutions and States governments for said proposed states, respectively. The constitutions shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said conventions shall provide, by ordinances irrevocable without the consent of the United States and the people of said States:

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

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

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granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation; but said ordinances shall provide that all such lands shall be exempt from taxation by said States so long and to such extent as such act of Congress may prescribe.

Third. That the debts and liabilities of said Territories shall be assumed and paid by said States, respectively.

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

SEC. 5. That the convention which shall assemble at Bismarck shall form a constitution and State government for a State to be known as North Dakota, and the convention which shall assemble at Sioux Falls shall form a constitution and State government for a State to be known as South Dakota: *Provided*, That at the election for delegates to the constitutional convention in South Dakota, as hereinbefore provided, each elector may have written or printed on his ballot the words "For the Sioux Falls constitution," or the words "Against the Sioux Falls constitution," and the votes on this question shall be returned and canvassed in the same manner as for the election provided for in section three of this act; and if a majority of all votes cast on this question shall be "for the Sioux Falls constitution" it shall be the duty of the convention which may assemble at Sioux Falls, as herein provided, to resubmit to the people of South Dakota, for ratification or rejection at the election hereinafter provided for in this act, the constitution framed at Sioux Falls and adopted November third, eighteen hundred and eighty-five, and also the articles and propositions separately submitted at the election, including the question of locating the temporary seat of government, with such changes only as relate to the name and boundary of the proposed State, to the re-apportionment of the judicial and legislative districts, and such amendments as may be necessary in order to comply with the provisions of this act; and if a majority of the votes cast on the ratification or rejection of the constitution shall be for the constitution irrespective of the articles separately submitted, the State of South Dakota shall be admitted as a State in the Union under said constitution as hereinafter provided; but the archives, records, and books of the Territory of Dakota shall remain at Bismarck, the capital of North Dakota, until an agreement in reference thereto is reached by said States. But if at the election for delegates to the constitutional convention in South Dakota a majority of all the votes cast at that election shall be "against the Sioux Falls constitution", then and in that event it shall be the duty of the convention which will assemble at the city of Sioux Falls on the fourth day of July, eighteen hundred and eighty-nine, to proceed to form a constitution and State government as provided in this act the same as if that question had not been submitted to a vote of the people of South Dakota.

SEC. 6. It shall be the duty of the constitutional conventions of North Dakota and South Dakota to appoint

a joint commission, to be composed of not less than three members of each convention, whose duty it shall be to assemble at Bismarck, the present seat of government of said Territory, and agree upon an equitable division of all property belonging to the Territory of Dakota, the disposition of all public records, and also adjust and agree upon the amount of the debts and liabilities of the Territory, which shall be assumed and paid by each of the proposed States of North Dakota and South Dakota; and the agreement reached respecting the Territorial debts and liabilities shall be incorporated in the respective constitutions, and each of said States shall obligate itself to pay its proportion of such debts and liabilities the same as if they had been created by such States respectively.

SEC. 7. If the constitutions formed for both North Dakota and South Dakota shall be rejected by the people at the elections for the ratification or rejection of their respective constitutions as provided for in this act, the Territorial government of Dakota shall continue in existence the same as if this act had not been passed. But if the constitution formed for either North Dakota or South Dakota shall be rejected by the people, that part of the Territory so rejecting its proposed constitution shall continue under the Territorial government of the present Territory of Dakota, but shall, after the State adopting its constitution is admitted into the Union, be called by the name of the Territory of North Dakota or South Dakota, as the case may be: *Provided*, That if either of the proposed States provided for in this act shall reject the constitution which may be submitted for ratification or rejection at the election provided therefor, the governor of the Territory in which such proposed constitution was rejected shall issue his proclamation reconvening the delegates elected to the convention which formed such rejected constitution, fixing the time and place at which said delegates shall assemble; and when so assembled they shall proceed to form another constitution or to amend the rejected constitution, and shall submit such new constitution or amended constitution to the people of the proposed State for ratification or rejection, at such time as said convention may determine; and all the provisions of this act, so far as applicable, shall apply to such convention so reassembled and to the constitution which may be formed, its ratification or rejection, and to the admission of the proposed State.

SEC. 8. That the constitutional convention which may assemble in South Dakota shall provide by ordinance for resubmitting the Sioux Falls constitution of eighteen hundred and eighty-five, after having amended the same as provided in section five of this act, to the people of South Dakota for ratification or rejection at an election to be held therein on the first Tuesday in October, eighteen hundred and eighty-nine; but if said constitutional convention is authorized and required to form a new constitution for South Dakota it shall provide for submitting the same in like manner to the people of South Dakota for ratification or rejection at an election

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to be held in said proposed State on the said first Tuesday in October. And the constitutional conventions which may assemble in North Dakota, Montana, and Washington shall provide in like manner for submitting the constitutions formed by them to the people of said proposed States, respectively, for ratification or rejection at elections to be held in said proposed States on the said first Tuesday in October. At the elections provided for in this section the qualified voters of said proposed States shall vote directly for or against the proposed constitutions, and for or against any articles or propositions separately submitted. The returns of said elections shall be made to the secretary of each of said Territories, who with the governor and chief-justice thereof, or any two of them, shall canvass the same; and if a majority of the legal votes cast shall be for the constitution the governor shall certify the result to the President of the United States, together with a statement of the votes cast thereon and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances. And if the constitutions and governments of said proposed States are republican in form, and if all the provisions of this act have been complied with in the formation thereof, it shall be the duty of the President of the United States to issue his proclamation announcing the result of the election in each, and thereupon the proposed States which have adopted constitutions and formed State governments as herein provided shall be deemed admitted by Congress into the Union under and by virtue of this act on an equal footing with the original States from and after the date of said proclamation.

SEC. 9. That until the next general census, or until otherwise provided by law, said States shall be entitled to one Representative in the House of Representatives of the United States, except South Dakota, which shall be entitled to two; and the Representatives to the fifty-first Congress, together with the governors and other officers provided for in said constitutions, may be elected on the same day of the election for the ratification or rejection of the constitutions; and until said State officers are elected and qualified under the provisions of each constitution and the States, respectively, are admitted into the Union, the Territorial officers shall continue to discharge the duties of their respective offices in each of said Territories.

SEC. 10. That upon the admission of each of said States into the Union sections numbered sixteen and thirty-six in every township of said proposed States, and where such sections, or any parts thereof, have been sold or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one-quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said States for the support of common schools, such indemnity lands to be selected within said States in such manner as the legislature may provide, with the approval of the Secretary of the Interior: *Provided*, That the sixteenth and thirty-sixth sections embraced in permanent reservations for national purposes shall not, at any time, be subject to

the grants nor to the indemnity provisions of this act, nor shall any lands embraced in Indian, military, or other reservations of any character be subject to the grants or to the indemnity provisions of this act until the reservation shall have been extinguished and such lands be restored to, and become a part of, the public domain.

SEC. 11. That all lands herein granted for educational purposes shall be disposed of only at public sale, and at a price not less than ten dollars per acre, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulations as the legislatures shall prescribe, be leased for periods of not more than five years, in quantities not exceeding one section to any one person or company; and such land shall not be subject to pre-emption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

Reviser's note: Section 11 has at various times been amended by Congress as follows:

(1) August 11, 1921:

AN ACT To amend an Act approved February 22, 1889, entitled "An Act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11 of the Act entitled "An Act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States," approved February 22, 1889, be, and the same hereby is, amended by adding the following: *Provided, however*, That the State may, upon such terms as it may prescribe, grant such easements or rights in such lands as may be acquired in, to, or over the lands of private properties through proceedings in eminent domain: *And provided further*, That any of such granted lands found, after title thereto has vested in the State, to be mineral in character, may be leased for a period not longer than twenty years upon such terms and conditions as the legislature may prescribe. [42 U.S. Statutes at Large, c 61 p 158. Approved, August 11, 1921.]

(2) May 7, 1932:

AN ACT To amend section 11 of the Act approved February 22, 1889 (25 Stat. 676), relating to the admission into the Union of the States of North Dakota, South Dakota, Montana, and Washington.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11 of the Act approved February 22, 1889 (25 Stat. 676), be, and the same is hereby, amended to read as follows:

"That all lands granted by this Act shall be disposed of only at public sale after advertising—tilable lands capable of producing agricultural crops for not less than \$10 per acre and lands principally valuable for grazing purposes for not less than \$5 per acre. Any of the said lands may be exchanged for other lands, public or private, of equal value and as near as may be of equal area, but if any of the said lands are exchanged with the United States such exchange shall be limited to surveyed, nonmineral, unreserved public lands of the United States within the State.

"The said lands may be leased under such regulations as the legislature may prescribe; but leases for grazing and agricultural purposes shall not be for a term longer than five years; mineral leases, including leases for exploration for oil and gas and the extraction thereof, for a term not longer than twenty years; and leases for development of hydroelectric power for a term not longer than fifty years.

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"The State may also, upon such terms as it may prescribe, grant such easements or rights in any of the lands granted by this Act, as may be acquired in privately owned lands through proceedings in eminent domain: *Provided, however,* That none of such lands, nor any estate or interest therein, shall ever be disposed of except in pursuance of general laws providing for such disposition, nor unless the full market value of the estate or interest disposed of, to be ascertained in such manner as may be provided by law, has been paid or safely secured to the State.

"With the exception of the lands granted for public buildings, the proceeds from the sale and other permanent disposition of any of the said lands and from every part thereof, shall constitute permanent funds for the support and maintenance of the public schools and the various State institutions for which the lands have been granted. Rentals on leased lands, interest on deferred payments on lands sold, interest on funds arising from these lands, and all other actual income, shall be available for the maintenance and support of such schools and institutions. Any State may, however, in its discretion, add a portion of the annual income to the permanent funds.

"The lands hereby granted shall not be subject to preemption, homestead entry, or any other entry under the land laws of the United States whether surveyed or unsurveyed, but shall be reserved for the purposes for which they have been granted."

Sec. 2. Anything in the said Act approved February 22, 1889, inconsistent with the provisions of this Act is hereby repealed. [47 U.S. Statutes at Large c 172 p 150. Approved, May 7, 1932.]

(3) June 25, 1938:

AN ACT To increase the period for which leases may be made for grazing and agricultural purposes of public lands donated to the States of North Dakota, South Dakota, Montana, and Washington by the Act of February 22, 1889, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the second paragraph of section 11 of the Act relating to the admission into the Union of the States of North Dakota, South Dakota, Montana, and Washington, approved February 22, 1889, as amended, as reads "but leases for grazing and agricultural purposes shall not be for a term longer than five years", is amended to read as follows: "but leases for grazing and agricultural purposes shall not be for a term longer than ten years". [52 U. S. Statutes at Large c 700 p 1198. Approved, June 25, 1938.]

(4) April 13, 1948:

AN ACT To authorize the States of Montana, North Dakota, South Dakota, and Washington to lease their State lands for production of minerals, including leases for exploration for oil, gas, and other hydrocarbons and the extraction thereof, for such terms of years and on such conditions as may be from time to time provided by the legislatures of the respective States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled: That the second paragraph of section 11 of the Act relating to the admission into the Union of the States of North Dakota, South Dakota, Montana, and Washington, approved February 22, 1889, as amended, is amended to read as follows: "Except as otherwise provided herein, the said lands may be leased under such regulations as the legislature may prescribe. Leases for the production of minerals, including leases for exploration for oil, gas, and other hydrocarbons and the extraction thereof, shall be for such term of years and on such conditions as may be from time to time provided by the legislatures of the respective States; leases for grazing and agricultural purposes shall be for a term not longer than ten years; and leases for development of hydroelectric power shall be for a term not longer than fifty years." [62 U.S. Statutes at Large c 183 p 170. Approved April 13, 1948.]

(5) June 28, 1952:

AN ACT To authorize each of the States of North Dakota, South Dakota, and Washington to pool moneys derived from lands granted to it for public schools and various State institutions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth paragraph of section 11 of the Act relating to the admission into the Union of the States of North Dakota, South Dakota, Montana, and Washington, approved February 22, 1889, as amended (47 Stat. 151),

is amended by adding at the end thereof the following: "Notwithstanding the foregoing provisions of this section, each of the States of North Dakota, South Dakota, and Washington may pool the moneys received by it from oil and gas and other mineral leasing of said lands. The moneys so pooled shall be apportioned among the public schools and the various State institutions in such manner that the public schools and each of such institutions shall receive an amount which bears the same ratio to the total amount apportioned as the number of acres (including any that may have been disposed of) granted for such public schools or for such institutions bears to the total number of acres (including any that may have been disposed of) granted by this Act. Not less than 50 per centum of each such amount shall be covered into the appropriate permanent fund." [66 U.S. Statutes at Large c 480 p 283. Approved June 28, 1952.]

(6) May 31, 1962:

AN ACT To amend the Act admitting the State of Washington into the Union in order to authorize the use of funds from the disposition of certain lands for the construction of State charitable, educational, penal, or reformatory institutions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States and to make donations of public lands to such States", approved February 22, 1889 (25 Stat. 676, as amended), is amended by inserting before the period at the end of the first sentence in the fourth paragraph of section 11 a comma and the following: "except that proceeds from the sale and other permanent disposition of the two hundred thousand acres granted to the State of Washington for State charitable, educational, penal, and reformatory institutions may be used by such State for the construction of any such institution". [Public Law 87-473. 76 U.S. Statutes at Large p 91. Approved May 31, 1962.]

(7) June 30, 1967:

AN ACT To authorize the States of North Dakota, South Dakota, Montana, and Washington to use the income from certain lands for the construction of facilities for State charitable, educational, penal, and reformatory institutions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of the fourth paragraph of section 11 of the Act entitled "An Act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States", approved February 22, 1889 (25 Stat. 676), as amended, is amended to read as follows: "Rentals on leased land, proceeds from the sale of timber and other crops, interest on deferred payments on land sold, interest on funds arising from these lands, and all other actual income, shall be available for the acquisition and construction of facilities, including the retirement of bonds authorized by law for such purposes, and for the maintenance and support of such schools and institutions." [Public Law 90-41. 81 U.S. Statutes at Large p 106. Approved June 30, 1967.]

(8) October 16, 1970:

AN ACT To amend section 11 of the Act approved February 22, 1889 (25 Stat. 676) as amended by the Act of May 7, 1932 (47 Stat. 150), and as amended by the Act of April 13, 1948 (62 Stat. 170) relating to the admission to the Union of the States of North Dakota, South Dakota, Montana, and Washington, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of the first paragraph of section 11 of the Act approved February 22, 1889 (25 Stat. 676), as amended by the Act of May 7, 1932 (47 Stat. 150), is hereby amended to read as follows:

"Any of the said lands may be exchanged for other lands, public or private, of equal value and as near as may be of equal area, but if any of the said lands are exchanged with the United States such exchange shall be limited to Federal lands that are surveyed, nonmineral, unreserved public lands within the State, or are reserved public lands within the State that are subject to exchange under the laws governing the administration of such Federal reserved public lands."

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and that a new paragraph be added immediately following the above, as follows:

"All exchanges heretofore made under section 11 of the Act approved February 22, 1889 (25 Stat. 676), as amended by the Act approved May 7, 1932 (47 Stat. 150), for reserved public lands of the United States that were subject to exchange under law pursuant to which they were being administered and the requirements thereof have been met, are hereby approved to the same extent as though the lands exchanged were unreserved public lands."

and that the present paragraph 2 of section 11 be amended to read as follows:

"The said lands may be leased under such regulations as the legislature may prescribe." [Public Law 91-463. 84 U.S. Statutes at Large p 987. Approved October 16, 1970.]

SEC. 12. That upon the admission of each of said States into the Union, in accordance with the provisions of this act, fifty sections of the unappropriated public lands within said States, to be selected and located in legal subdivisions as provided in section ten of this act, shall be, and are hereby, granted to said States for the purpose of erecting public buildings at the capital of said States for legislative, executive, and judicial purposes.

Reviser's note: Section 12 has been amended by Congress as follows:

AN ACT To amend section 12 of the Act approved February 22, 1889 (25 Stat. 676) relating to the admission into the Union of the States of North Dakota, South Dakota, Montana, and Washington, by providing for the use of public lands granted to the States therein for the purpose of construction, reconstruction, repair, renovation, furnishings, equipment, or other permanent improvement of public buildings at the capital of said States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 of the Act relating to the admission into the Union of the States of North Dakota, South Dakota, Montana, and Washington, approved February 22, 1889, is amended to read as follows:

"That upon the admission of each of said States into the Union, in accordance with the provisions of this act, fifty sections of unappropriated public lands within such States, to be selected and located in legal subdivisions as provided in section 10 of this Act, shall be, and are hereby, granted to said States for public buildings at the capital of said States for legislative, executive, and judicial purposes, including construction, reconstruction, repair, renovation, furnishings, equipment, and any other permanent improvement of such buildings and the acquisition of necessary land for such buildings, and the payment of principal and interest on bonds issued for any of the above purposes."

SEC. 2. This Act shall take effect as of February 22, 1889. [Public Law 85-6. 71 U.S. Statutes at Large p 5. Approved February 26, 1957.]

SEC. 13. That five per centum of the proceeds of the sales of public lands lying within said States which shall be sold by the United States subsequent to the admission of said States into the Union, after deducting all the expenses incident to the same, shall be paid to the said States, to be used as a permanent fund, the interest of which only shall be expended for the support of common schools within said States, respectively.

SEC. 14. That the lands granted to the Territories of Dakota and Montana by the act of February eighteenth, eighteen hundred and eighty-one, entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes," are hereby vested in the States of South Dakota, North Dakota, and Montana, respectively, if such States are admitted into the Union, as provided in this act, to the extent of the full quantity of seventy-two sections to each of said States, and any portion of said lands that may not have

been selected by either of said Territories of Dakota or Montana may be selected by the respective States aforesaid; but said act of February eighteenth, eighteen hundred and eighty-one, shall be so amended as to provide that none of said lands shall be sold for less than ten dollars per acre, and the proceeds shall constitute a permanent fund to be safely invested and held by said States severally, and the income thereof be used exclusively for university purposes. And such quantity of the lands authorized by the fourth section of the act of July seventeenth, eighteen hundred and fifty-four, to be reserved for university purposes in the Territory of Washington, as, together with the lands confirmed to the vendees of the Territory by the act of March fourteenth, eighteen hundred and sixty-four, will make the full quantity of seventy-two entire sections, are hereby granted in like manner to the State of Washington for the purposes of a university in said State. None of the lands granted in this section shall be sold at less than ten dollars per acre; but said lands may be leased in the same manner as provided in section eleven of this act. The schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said States, respectively, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university. The section of land granted by the act of June sixteenth, eighteen hundred and eighty, to the Territory of Dakota, for an asylum for the insane shall, upon the admission of said State of South Dakota into the Union, become the property of said State.

SEC. 15. That so much of the lands belonging to the United States as have been acquired and set apart for the purpose mentioned in "An act appropriating money for the erection of a penitentiary in the Territory of Dakota," approved March second, eighteen hundred and eighty-one, together with the buildings thereon, be, and the same is hereby, granted, together with any unexpended balances of the moneys appropriated therefor by said act, to said State of South Dakota, for the purposes therein designated; and the States of North Dakota and Washington shall, respectively, have like grants for the same purpose, and subject to like terms and conditions as provided in said act of March second, eighteen hundred and eighty-one, for the Territory of Dakota. The penitentiary at Deer Lodge City, Montana, and all lands connected therewith and set apart and reserved therefor, are hereby granted to the State of Montana.

SEC. 16. That ninety thousand acres of land, to be selected and located as provided in section 10 of this act, are hereby granted to each of said States, except to the State of South Dakota, to which one hundred and twenty thousand acres are granted, for the use and support of agricultural colleges in said States, as provided in the acts of Congress making donations of lands for such purpose.

SEC. 17. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September fourth, eighteen

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hundred and forty-one, which act is hereby repealed as to the States provided for by this act, and in lieu of any claim or demand by the said States, or either of them, under the act of September twenty-eighth, eighteen hundred and fifty, and section twenty-four hundred and seventy-nine of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the States provided for in this act, and in lieu of any grant of saline lands to said States, the following grants of land are hereby made, to wit:

To the State of South Dakota: For the school of mines, forty thousand acres; for the reform school, forty thousand acres; for the deaf and dumb asylum, forty thousand acres; for the agricultural college, forty thousand acres; for the university, forty thousand acres; for State normal schools, eighty thousand acres; for public buildings at the capital of said State, fifty thousand acres, and for such other educational and charitable purposes as the legislature of said State may determine, one hundred and seventy thousand acres; in all five hundred thousand acres.

To the State of North Dakota a like quantity of land as in this section granted to the State of South Dakota, and to be for like purposes, and in like proportion as far as practicable.

To the State of Montana: For the establishment and maintenance of a school of mines, one hundred thousand acres; for State normal schools, one hundred thousand acres; for agricultural colleges, in addition to the grant hereinbefore made for that purpose, fifty thousand acres; for the establishment of a State reform school, fifty thousand acres; for the establishment of a deaf and dumb asylum, fifty thousand acres; for public buildings at the capital of the State, in addition to the grant hereinbefore made for that purpose, one hundred and fifty thousand acres.

To the State of Washington: For the establishment and maintenance of a scientific school, one hundred thousand acres; for State normal schools, one hundred thousand acres; for public buildings at the State capital, in addition to the grant hereinbefore made for that purpose, one hundred thousand acres; for State charitable, educational, penal, and reformatory institutions, two hundred thousand acres.

That the States provided for in this act shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act. And the lands granted by this section shall be held, appropriated, and disposed of exclusively for the purposes herein mentioned, in such manner as the legislatures of the respective States may severally provide.

SEC. 18. That all mineral lands shall be exempted from the grants made by this act. But if sections sixteen and thirty-six, or any subdivisions or portion of any smallest subdivision thereof in any township shall be found by the Department of the Interior to be mineral lands, said States are hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said States, in lieu thereof, for

the use and the benefit of the common schools of said States.

SEC. 19. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the Secretary of the Interior, from the surveyed, unreserved, and unappropriated public lands of the United States within the limits of the respective States entitled thereto. And there shall be deducted from the number of acres of land donated by this act for specific objects to said States the number of acres in each heretofore donated by Congress to said Territories for similar objects.

SEC. 20. That the sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to each of said Territories for defraying the expenses of the said conventions, except to Dakota, for which the sum of forty thousand dollars is so appropriated, twenty thousand dollars each for South Dakota and North Dakota, and for the payment of the members thereof, under the same rules and regulations and at the same rates as are now provided by law for the payment of the Territorial legislatures. Any money hereby appropriated not necessary for such purpose shall be covered into the Treasury of the United States.

SEC. 21. That each of said States, when admitted as aforesaid, shall constitute one judicial district, the names thereof to be the same as the names of the States, respectively; and the circuit and district courts therefor shall be held at the capital of such State for the time being, and each of said districts shall, for judicial purposes, until otherwise provided, be attached to the eighth judicial circuit, except Washington and Montana, which shall be attached to the ninth judicial circuit. There shall be appointed for each of said districts one district judge, one United States attorney, and one United States marshal. The judge of each of said districts shall receive a yearly salary of three thousand five hundred dollars, payable in four equal installments, on the first days of January, April, July, and October of each year, and shall reside in the district. There shall be appointed clerks of said courts in each district, who shall keep their offices at the capital of said State. The regular terms of said courts shall be held in each district, at the place aforesaid, on the first Monday in April and the first Monday in November of each year, and only one grand jury and one petit jury shall be summoned in both said circuit and district courts. The circuit and district courts for each of said districts, and the judges thereof, respectively, shall possess the same powers and jurisdiction, and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The Marshal, district attorney, and clerks of the circuit and district courts of each of said districts, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States; and shall, for the services they may perform, receive the fees and

Enabling Act

compensation allowed by law to other similar officers and persons performing similar duties in the State of Nebraska.

SEC. 22. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of either of the Territories mentioned in this act, or that may hereafter lawfully be prosecuted upon any record from either of said courts may be heard and determined by said Supreme Court of the United States. And the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court hereby established within the State succeeding the Territory from which such record is or may be pending, or to the supreme court of such State, as the nature of the case may require: *Provided*, That the mandate of execution or of further proceedings shall, in cases arising in the Territory of Dakota, be directed by the Supreme Court of the United States to the circuit or district court of the district of South Dakota, or to the supreme court of the State of South Dakota, or to the circuit or district court of the district of North Dakota, or to the supreme court of the State of North Dakota, or to the supreme court of the Territory of North Dakota, as the nature of the case may require. And each of the circuit, district, and State courts, herein named, shall, respectively, be the successor of the supreme court of the Territory, as to all such cases arising within the limits embraced within the jurisdiction of such courts respectively with full power to proceed with the same, and award mesne or final process therein; and that from all judgments and decrees of the supreme court of either of the Territories mentioned in this act, in any case arising within the limits of any of the proposed States prior to admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States as they shall have had by law prior to the admission of said State into the Union.

SEC. 23. That in respect to all cases, proceedings, and matters now pending in the supreme or district courts of either of the Territories mentioned in this act at the time of the admission into the Union of either of the States mentioned in this act, and arising within the limits of any such State, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territory; and in respect to all other cases, proceedings and matters pending in the supreme or district courts of any of the Territories mentioned in this act at the time of the admission of such Territory into the Union, arising within the limits of said proposed State, the courts established by such State shall, respectively, be the successors of said supreme and district Territorial courts; and all the files, records, indictments, and proceedings relating to any such cases, shall be transferred to such circuit, district, and State courts, respectively, and the

same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause or proceeding now pending, or that prior to the admission of any of the States mentioned in this act, shall be pending in any Territorial court in any of the Territories mentioned in this act, shall abate by the admission of any such State into the Union, but the same shall be transferred and proceeded with in the proper United States circuit, district or State court, as the case may be: *Provided, however*, That in all civil actions, causes, and proceedings, in which the United States is not a party, transfers shall not be made to the circuit and district courts of the United States, except upon written request of one of the parties to such action or proceeding filed in the proper court; and in the absence of such request such cases shall be proceeded with in the proper State courts.

SEC. 24. That the constitutional conventions may, by ordinance, provide for the election of officers for full State governments, including members of the legislatures and Representatives in the fifty-first Congress; but said State governments shall remain in abeyance until the States shall be admitted into the Union, respectively, as provided in this act. In case the constitution of any of said proposed States shall be ratified by the people, but not otherwise, the legislature thereof may assemble, organize, and elect two senators of the United States; and the governor and secretary of state of such proposed State shall certify the election of the Senators and Representatives in the manner required by law; and when such State is admitted into the Union, the Senators and Representatives shall be entitled to be admitted to seats in Congress, and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the officers of the State governments formed in pursuance of said constitutions, as provided by the constitutional conventions, shall proceed to exercise all the functions of such State officers; and all laws in force made by said Territories, at the time of their admission into the Union, shall be in force in said States, except as modified or changed by this act or by the constitutions of the States, respectively.

SEC. 25. That all acts or parts of acts in conflict with the provisions of this act, whether passed by the legislatures of said Territories or by Congress, are hereby repealed.

Approved, February 22, 1889. [25 U.S. Statutes at Large, c 180 p 676.]

EXHIBIT “J”

Governmental Structure

The state of Washington was created by an enabling act of Congress in 1889. The state is located on the Pacific Coast in the northwestern corner of the continental United States. Washington comprises 68,139 square miles and currently has a population of 5.7 million. Washington is famous for its scenery of breathtaking beauty and sharp contrasts. On the west side of the state, high mountains rise above coastal waters. The forests of the Olympic Peninsula are among the rainiest places in the world. Washington's coastline has hundreds of bays and inlets that make excellent harbors. In the eastern part of the state, the flat semi-desert land stretches for long distances without a single tree.

Washington's location makes it a gateway for land, sea, and air travel to Alaska and the Pacific Rim countries. Ships from all parts of the world dock at Washington ports. The Boeing Company, a leading producer of commercial airliners and spacecraft, has its headquarters in Seattle and plants in Auburn, Kent, Renton, Everett, and Spokane. Microsoft, a leader in the computer software industry, makes its home in Redmond. The Weyerhaeuser Company, a major producer of wood and related products, is headquartered in Federal Way.

East of the Cascade Mountain Range, farmers raise livestock and wheat on large ranches. Washington leads the nation in apple production. The state produces large amounts of lumber, pulp, paper, and other wood products. The mild moist climate in western Washington makes the region excellent for dairy farming and the production of flower bulbs.

The state currently receives about 61 percent of its income in governmental funds from taxes and 26 percent from federal grants. The main tax sources are retail sales taxes, business and occupation taxes, property taxes, and motor vehicle taxes.

As established in the State Constitution, the state consists of three branches of government: the Executive Branch, the Legislative Branch, and the Judicial Branch. The Executive Branch has nine elected officials as follows: the Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Auditor, Attorney General, Superintendent of Public Instruction, Commissioner of Public Lands, and Insurance Commissioner. Forty-one agency heads are appointed by, and report to, the Governor. Eighty-one agency heads report to a board appointed in whole or in part by the Governor. The Legislature consists of two legislative bodies: the Senate consisting of 49 members, and the House of Representatives with 98 members. The State Supreme Court is the highest court in the state currently consisting of nine Justices. Every two years, three Justices are elected for six year terms. A Chief Justice is chosen from among the most senior Justices.

FOR PUBLICATION

NOTICE: This sample removal document is for educational purposes only. Additional process and procedures are necessary to properly remove an action to a national court. BEFORE ATTEMPTING THIS PROCESS YOU MUST KNOW THE LAWS AND RULES RELATING TO THE REMOVAL PROCESS AND HOW TO PROSECUTE THE ISSUES!

THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF THE STATE OF WASHINGTON AT THE CITY OF TACOMA

Plaintiff

Cause No.

Vs.

NOTICE OF REMOVAL OF:

Defendant(s)

XYZ COURT OF WASHINGTON
CAUSE NO. 00-1234
TO
UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF THE STATE OF WASHINGTON AT TACOMA

NOTICE OF REMOVAL

Comes Now _____, in want of Counsel, hereby removes cause number from the to United States District Court for the Western District of Washington, at Tacoma. The Plaintiff submits this Notice of Removal pursuant to

1 Law as articulated at 28 USC 1441(a) and 1441(b), in compliance with the
2 requirements of 28 USC. § 1446. The district courts of the United States have
3 original jurisdiction in Law as articulated at 28 USC 1330 and 1331, Plaintiff
4 removes the action filed in the cause no. _____.
5

6 **STATUS OF THE PLAINTIFF**

7
8 The Plaintiff(s) is a natural born inhabitant whose domicile includes but is not
9 limited to the geographical area of The State of Washington in the county of
10 _____, Republic established by the adoption and ratification
11 of the Constitution of the State of Washington November 5, 1878 and "separate
12 legal person" from United States, and , prosecuting claims under principles of
13 international Law.

14 **BACKGROUND**

15 **Original State Court Action:**

16 On _____, an action was commenced as cause number
17 _____, filed in the _____, and entitled
18 _____, Plaintiff v. _____
19 Defendant. A copy of all process, pleadings, and orders served upon the Plaintiff
20 and filed in the state court action are attached as exhibit "A".
21
22
23
24

1 "arise out of a common nucleus of operative fact." **United Mine Workers v.**
2 **Gibbs, 383 U.S. 715, 725, 86 S.Ct. 1130, 1138, 16 L.Ed.2d 218 (1966)**
3 (doctrine of pendent jurisdiction permits district court to adjudicate factually
4 related state claims).
5

6 **Procedural Requirements for Removal.**

7

8 The procedural requirements for removal have been met. See 28 U.S.C. section
9 1446. Plaintiff received service of on or about _____. Plaintiff
10 made notice of removal within 30 days of receipt of process from which the
11 Plaintiff first ascertained that cause no. _____ filed in is or
12 has become removable. This notice for removal is timely under 28 U.S.C. section
13 1446(b). Exhibit "A" is a copy of a Notice of Removal filed by Plaintiff in the state
14 court action pursuant to 28 U.S.C. section 1446(d). To the best of the Plaintiff's
15 Knowledge and belief, no other records or proceedings are filed with the state
16 court. This notice is certified by the Plaintiff pursuant to Fed. R.Civ. P.11 and 28
17 U.S.C. section 1446(a).
18
19

20 **Jurisdiction founded on the existence of a Federal Question.**

21

22 This case is a case arises under Article 4, section 4 of the national Constitution As
23 that the Plaintiff is denied by the Defendant, access to the republican form of
24

1 government of The State of Washington as hereinafter more fully appears.

2 **Jurisdiction is founded on diversity of citizenship and amount.**

3 The Plaintiff(s) is a natural born inhabitant whose domicile includes but is not
4 limited to the geographical area of The State of Washington in the county of
5 _____, as described in the "Enabling Act 25 U.S. Statutes at large, c
6 180 p 676., a Republic established by the adoption and ratification of the
7 Constitution of the State of Washington November 5, 1878 and "separate legal
8 person" from United States, and , prosecuting claims under principles of
international Law.

9 The Defendant purports to be established by and act of the United States
10 Congress who is operating business activities within the geographical area of the
11 Republic of the State of Washington.

12 The matter in controversy exceeds, exclusive of interest and costs, the sum of fifty
13 thousand dollars.

14 **GROUND FOR REMOVAL**

15 The Plaintiff states that the Plaintiff's removal of cause no. , filed in the on
16 following grounds:

17 **FEDERAL QUESTIONS:**

18 **GROUND A**

19 Based upon the evidence of three or more entities, and two or more
20 published "constitutions" operating with names incorporating the terms
21 "State" and "Washington", one of which claims to have been created by
22 an act of congress, IS THE "State Court" PLAINTIFF ENTITY THE
23 REPUBLIC ESTABLISHED AND ORDAINED BY THE PEOPLE FOR THE
24 GOVERNMENT OF WASHINGTON AS GUARANTEED BY ARTICLE IV § 4 OF
THE NATIONAL CONSTITUTION?

1 **GROUND B**

2 Based upon evidence of the plaintiff entity's published claim that the
3 plaintiff entity in the "State Court" action is an organization created by act
4 of congress, and declared to be operating under a different "constitution"
5 than that established and ordained by the People for the Washington
6 republic November 5, 1878, does such entity and its "courts" have
standing to bring an action against any inhabitant of the Washington
republic or any organization established or operated by the people within
the Washington republic established and ordained November 5, 1878?

7 **GROUND C**

8 Based upon the evidence that the courts of general jurisdiction for the
9 Washington republic as provided in the Washington constitution
10 established and ordained by the People for the Washington republic on
11 November 5, 1878 as certified by the State Archivist and as published in
12 the Congressional Record, being "circuit courts", is the "Superior Court"
captioned in the "State Court" process the courts of the republic
guaranteed to the inhabitants of Washington at Article IV § 4 of the
national constitution?

13 **GROUND D**

14 Based upon the evidence that the "Superior Court" purporting to be a
15 "State Court" denies a party access to the courts unless the party retains
16 an officer of the prosecuting entity as its "representative" or counsel, can
17 such a court provide the due process of law protected by effective
18 assistance of counsel as guaranteed by Article XIV in amendment to the
national constitution and incorporating equal protection of Article VI in
amendment thereto?

19 **GROUND E**

20 Based upon the evidence that the inhabitants of the Washington republic
21 established and ordained November 5, 1878, having no operational
22 republican form of government available at the state level, DOES THE
23 FEDERAL COURT HAVE A DUTY TO PROVIDE A COURT OPERATING
24 UNDER A REPUBLICAN FORMAT AS GUARANTEED AT ARTICLE IV § 4 OF
THE NATIONAL CONSTITUTION?

1 **DIVERSITY QUESTIONS**

2 **GROUND F**

3 Based upon the evidence that the plaintiff entity claims to have been
4 created by an act of congress, substantively declaring such entity to be a
5 corporation created under the laws of, and within the venue of the District
6 of Columbia, and Petitioners being inhabitant creators of the laws of, and
7 within the venue of the Washington republic established and ordained by
8 the People November 5, 1878, ARE THE PARTIES TO THE ACTION OF
9 DIVERSE CITIZENSHIP UPON WHICH THE JURISDICTION OF THE
10 FEDERAL COURT MAY BE INVOKED?

11 **NOTICE: DUTY OF STATE COURT**

12 The Superior Court of Washington for _____ County, and the officers thereof,
13 are subject to the duty(s) required in Law as defined at 28 USC 1446(d). The
14 clerk of said court shall effect the removal of its case # 00-2-00764-5 to the
15 United States District Court for the western district of Washington, at Tacoma, and
16 shall proceed no further unless and until the case is remanded.

17 The Declarant has nothing further to state at this time.

18 Done this the _____ day of the _____ month of 2000.

19 _____, Plaintiff.
20
21
22
23
24