Arthur S. Beardsley, Sources of the Washington State Constitution (1939), from:

2011 – 2012
LEGISLATIVE MANUAL

STATE OF WASHINGTON
Washington has had two constitutional conventions. The first one convened at Walla Walla in June, 1878. It was a very small body composed of only fifteen men, but representative of the Territory’s best intellect. Their labors continued over a period of forty days and produced a draft of a proposed constitution unequalled by that of any state. While the proceedings of this convention were never printed, they can be found in the columns of the Walla Walla Bulletin for that month and the original draft may be found in the office of the Secretary of State. The proceedings have been reprinted with notes by Dean John T. Condon and Professor Edmund Meany of the University of Washington. When presented to Congress, this constitution was rejected and statehood postponed for another eleven years.

Just prior to the convening on July 4th of the Constitutional Convention of 1889, Mr. W. Lair Hill, a prominent attorney both of Oregon and California, code writer of Oregon, former editor of the Portland, Oregon, Oregonian, a new resident of Seattle and soon to be the compiler of Washington’s first state code, prepared, at the request of the Oregonian, the draft of a model state constitution. Copies were placed on the desks of the members of the Constitutional Convention of 1889 and were used as the working basis upon which to build the constitution for the new state of Washington. While it is difficult to measure the extent of its influence, it is evident that it was not small.
This second constitutional convention met in Olympia pursuant to an enabling act passed by Congress on February 22, 1889. It was in session until August 22, 1889. The membership of the convention consisted of seventy-five delegates chosen by the people of the Territory of Washington at an election held May 14, 1889, under Section 3 of the Enabling Act. They represented twenty-four nationalities, partly as follows: Missouri 10, Ohio 8, New York 7, Illinois 7, Maine 6, Pennsylvania 4, Kentucky 4, Indiana 3, Michigan 3, Tennessee 2, and North Carolina, Massachusetts, Washington, Wisconsin, Connecticut, Iowa, Nebraska, and California each 1.

Judge John P. Hoyt was chosen as its president. The personnel of the convention included many very distinguished citizens including three future justices of the supreme court, a future governor, a future United States Senator, several future superior court judges. By occupations there were 22 lawyers, 15 farmers, 6 physicians, 5 merchants, 5 bankers, 4 stockmen, 3 teachers, 4 millmen and loggers, 1 preacher, 1 surveyor, 1 fisherman, and 1 engineer. Their average age was 45 years.

The constitution presented by these delegates was ratified by the people at an election held on October 1, 1889, and on November 11, 1889, in accordance with Section 8 of the Enabling Act, the President of the United States proclaimed the admission of the State of Washington into the Union.

**Comparative Study of Articles**

The Constitution of Washington was the result of a study of the constitutions of many states. The constitutions of Oregon and California influenced it the most; but a considerable number of its sections show similar and identical language taken from the constitutions of Wisconsin, Missouri, Colorado, and Indiana. A lesser number of sections show the influence of the constitutions of Illinois, Pennsylvania, Texas, and Ohio. Altogether provisions from twenty-three state constitutions were copied into the final draft.

The influence of the Hill model draft was extensive. Much of this draft came from Oregon, which in turn had been taken heavily from the constitution of Indiana. In addition to Oregon, Mr. Hill borrowed from California and Wisconsin. It is probable that the members of the constitutional convention used the Hill draft as a basis of their study and modified its provisions as they progressed.
with the work. The proposed Constitution of 1878 was of much aid to them also. Even Mr. Hill copied from it in the preparation of his model draft.

A study of the various sections of the Constitution of Washington as finally adopted shows somewhat the following conclusions:

<table>
<thead>
<tr>
<th>State Constitution or Proposed Draft</th>
<th>Identical Section</th>
<th>Similar Section</th>
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</thead>
<tbody>
<tr>
<td>Hill</td>
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<tr>
<td>California</td>
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<tr>
<td>Ohio</td>
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<td>7</td>
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</tbody>
</table>

It should be noted, however, that there must be an overlapping of sections between states, as for example, certain sections as finally drafted might be the identical language of Hill, California, and Oregon; or a similarity of language of sections taken from Oregon, Indiana, and Wisconsin. The table clearly shows the relative influence of the constitutions and proposed drafts which are the sources of its provisions.
Summary of Articles

Article
I Based largely on Oregon, which, in turn, was based on Indiana. Hill based his text of this article on Oregon.
II Taken largely from California and Wisconsin.
III Borrowed from Hill, and the Proposed Constitution of 1878.
IV Borrowed from Hill, which, in turn, was borrowed from California.
V Taken from Colorado.
VI-X Taken from various jurisdictions.
XI Influenced largely by California and Missouri.
XII Borrowed heavily from California.
XIII Taken from Colo. Const.; prop. Const. of 1878
[Identical in Part.] Ohio Const.
XIV-XV Taken from Hill with some changes.
 XVI Various jurisdictions.
 XVIII Original.
 XIX California.
 XX Texas.
 XXI California, Colorado, and Hill.
 XXII Oregon, Kansas, Hill.
 XXIII California, Oregon, Hill, Proposed Constitution of 1878.
 XXIV Original.
 XXV Enabling Act and United States Constitution.
 XXVI Enabling Act.
 XXVII Proposed Constitution of 1878.
 XXVIII 20th Amendment to State Constitution.

Titles not consistent: XVII, Hill listed first. XXI, Hill listed last-no “and.”
XXII, Hill listed last following “and.”
Comparisons to Washington Constitution of 1889

This comparison is with earlier constitutions of other states containing similar or identical provisions to the Washington Constitution.

Article I - Declaration of Rights

Section 1 - Political Power
Hill's Proposed Const., Art. I, Sec. 1; In substance.
Oregon Const. 1857, Art. I, Sec. 1:
See also Declaration of Independence.

1Subsequent references to Hill refer to Hill's Proposed Code.

Section 2 - Supreme Law
Hill, Art. I, Sec. 2; Identical in part.
U.S. Const., Art. VI, Sec. 2.

Section 3 - Due Process of Law
U.S. Const., Amend. V Identical.3
Ore. Const. 1857, Art. I, Sec. 10 In substance.
(Hill, Art. I, Sec. 8, identical with Ore.).

3Identical - The word identical is used to denote the exact phraseology in whole or in part.

Section 4 - Right of Petition
U.S. Const. Amend.4 Identical.

Section 5 - Free Speech Guaranteed
Cal. Const. 1879, Art. I, Sec. 8. Almost identical
Ore. Const. 1857, Art. I, Sec. 8 Similar.2
(Ind. Const. 1851, Art. I, Sec. 9, and Hill, Art. I, Sec. 5, identical with Ore.).

2Similar - The word similar is used to denote either a partial resemblance or sameness in all essential parts.

Section 6 - Oaths
Ore. Const. 1857, Art. I, Sec. 7 Identical.
(Ind. Const. 1851, Art. I, Sec. 8; and
Hill, Art. I, Sec. 4: identical with Ore.).
Section 7 - Private Affairs Sacred
Ore. Const. 1857, Art. I, Sec. 9
(Hill, Art. 8, Sec. 7, and U.S. Const.
Amend. IV, identical with Ore.).

Section 8 - Irrevocable Franchise or Immunity
Ore. Const. 1857, Art. I, Sec. 20
(Ind. Const. 1851, Art. I, Sec. 23, and
Hill, Art. I, Sec. 22, identical with Ore.).

Section 9 - Former Jeopardy
Ore. Const. 1857, Art. I, Sec. 12
(Hill, Art. I, Sec. 12, identical with Ore.);
U.S. Const. Amend. V.

Section 10 - Open Court; Early Trial
Ore. Const. 1857, Art. I, Sec. 10
(Hill, Art. I, Sec. 8, identical with Ore.);
Ind. Const. 1851, Art. I, Sec. 12.

Section 11 - Religious Liberty
Ore. Const. 1857, Art. I, Secs. 2-6;
Hill, Art. I, Sec. 3;
Cal. Const. 1879, Art. I, Sec. 4;
Mo. Const. 1875, Art. I, Secs. 5-8;
Ind. Const. 1851, Art. I, Secs. 5-6.

Section 12 - Special Privileges Shall Not Be Granted
Ore. Const. 1857, Art. I, Sec. 20
(Hill, Art. I, Sec. 22; Ind Const. 1851,
Art. I, Sec. 23, identical with Ore.).

Section 13 - Suspension of Writ of Habeas Corpus
Ore. Const. 1857, Art. I, Sec. 23
(Hill, Art. I, Sec. 25, identical with Ore.)
Ind. Const. 1851, Art. I, Sec. 27.
U.S. Const., Art. I, Sec. 9.

Identical except for addition of words “when” and “may.”
Section 14 - Excessive Bail

U.S. Const., Amend. VIII. Identical except for omission of word “unusual.”

Ore. Const. 1857, Art. I, Sec. 16
(Hill, Art. I, Sec. 16, identical with Ore.). Similar. Ore. adds “but all penalties shall be proportioned to the offense. In all criminal cases whatever, the jury shall have the right to determine the law, and the facts under the direction of the court as to the law, and the right of new trial, as in civil cases.”

Section 15 - No Corruption of Blood, nor Forfeiture of Estate

Ore. Const. 1857, Art. I, Sec. 16
(Hill, Art. I, Sec. 17; Ind. Const. 1851, Art. I, Sec. 30, identical with Ore.). Identical except that Wash. uses “nor” in place of “or.”

U.S. Const. Art. III, Sec. 2. Similar.

Section 16 - Taking of Private Property for Public Use


Section 17 - No Imprisonment for Debt


Hill, Art. I, Sec. 20. Identical except that Hill adds word “debt.”

Section 18 - Military Subordinate to Civil Power

Ore. Const. 1857, Art. I, Sec. 27
(Ind. Const. 1851, Art. I, Sec. 33, identical with Ore.). Identical.

Section 19 - Elections to be Free and Open

Ore. Const. 1857, Art. II, Sec. 1
(Ind. Const. 1851, Art. II, Sec. 1, identical with Ore.). Identical except that Ore. Const. omits everything after the first clause.

Section 20 - Right to Bail

Ore. Const. 1857, Art. I, Sec. 14
(Hill, Art. I, Sec. 14; Ind. Const. 1851, Art. I, Sec. 17, identical with Ore.). Similar.
Section 21 - Right to Jury Trial
Ore. Const. 1857, Art. I, Sec. 18; Hill, Art. I, Sec. 9; Cal. Const. 1879, Art. I, Sec. 7; Nev. Const. 1864, Art. I, Sec. 3.

Section 22 - Right of Defense and Appeal
Ore. Const. 1857, Art. I, Sec. 11
(Hill, Art. I, Sec. 11; Ind. Const. 1851, Art. I, Sec. 13, identical with Ore.); U.S. Const. Amendment VI.
10th Amend. changes this slightly.

Section 23 - Ex Post Facto
Cal. Const. 1879, Art. I, Sec. 16
(Hill, Art. I, Sec. 23, identical with Cal.). Identical.
U.S. Const., Art. I, Sec. 10.
Ind. Const. 1851, Art. I, Sec. 23.
Identical except that Indiana omits clause relative to Bills of Attainder.

Section 24 - Right to Bear Arms

Section 25 - Prosecution by Information
Cal. Const. 1879, Art. I, Sec. 8
(Hill, Art. I, Sec. 10, almost identical with Cal.). Similar.

Section 26 - Grand Jury

Section 27 - Treason Against State
Ore. Const. 1857, Art. I, Sec. 24
(Hill, Art. I, Sec. 26; Ind. Const. 1851, Art. I, Secs. 28, 29 identical with Ore.). Identical except that Wash. adds an additional conjunction “or.”
U.S. Const. Art. I, Sec. 3.

Section 28 - No Hereditary Privilege to be Granted
Ore. Const. 1857, Art. I, Sec. 29

Similar in substance.
Section 29 - Provisions Mandatory
Cal. Const. 1879, Art. I, Sec. 22. Identical except that Cal. adds word “prohibitory.”

Section 30 - Reserved rights; Rule of Construction
U.S. Const., Amendment IX. Identical except that U.S. Const. adds words “or disparage.”

Section 31 - Standing Army
Ore. Const. 1857, Art. I, Sec. 29 (Hill, Art. I, Sec. 18; U.S. Const. Amend. III, identical with Ore.). Identical except that Wash. adds the first clause not found in the others.

Section 32 - Fundamental Principles Essential to Security
Wis. Const. 1848, Art. I, Sec. 22; N.H. Const. 1792, Sec. 38; Ill. Const. 1870, Art. II, Sec. 20. Similar.

Section 33 - Recall
8th Amendment (New Section).

Section 34 - Per Cent Required
8th Amendment (New Section).

Article II - Legislative Department

Section 1 - Legislature
Cal. Const. 1879, Art. IV, Sec. 1; Hill, Art. IV, Sec. 1; Mich. Const. 1850, Art. IV, Sec. 3. Similar. Wash. places enacting a clause in a separate section.
7th Amend. adds Initiative and Referendum.

Section 2 - Limited Membership
Wis. Const. 1848, Art. IV, Sec. 2. Similar.
Section 3 - State Census

Wash. Const. 1878, Art. IV, Sec. 3. Identical except for last three words “in active service.”

Wis. Const. 1848, Art. IV, Sec. 3; N.Y. Const. 1846, Art. IV, Sec. 4; Ore. Const. 1857, Art. IV, Sec. 5; Mo. Const. 1875, Art. IV, Sec. 3; Cal. Const. 1879, Art. IV, Sec. 3.


Washington Constitution 1878, proposed only.

Section 4 - First Election of Representatives

Cal. Const. 1879, Art. IV, Sec. 3. Similar.

Tenure of Office

Cal. Const. 1879, Art. IV, Sec. 3. Similar.

Section 5 - Second and Subsequent Elections

Cal. Const. 1879, Art. IV, Sec. 3. Almost identical with Washington.

Section 6 - Election State Senators

Wis. Const. 1848, Art. IV, Sec. 5, as amended 1881. Similar.

Section 7 - Eligibility

Wis. Const. 1848, Art. IV, Sec. 6. Similar except as to requirement of being a citizen of U.S.

Hill, Art. IV, Sec. 8. Contains the requirement that member must be a citizen of U.S.

Section 8 - Election Returns

Wis. Const. 1848, Art. IV, Sec. 7. Identical.

Cal. Const. 1879, Art. IV, Sec. 7; U.S. Const., Art. I, Sec. 5. Similar.

Quorum

Wis. Const. 1848, Art. IV, Sec. 7; Cal. Const. 1879, Art. IV, Sec. 8. Identical.

U.S. Const., Art. I, Sec. 5. Similar.
Section 9 - Rules
Wis. Const. 1848, Art. IV, Sec. 8. Identical except Wis. reads “cause” instead of “offense.”
Cal. Const. 1879, Art. IV, Sec. 9. Similar in part.
U.S. Const., Art. I, Sec. 5. Very Similar.

Section 10 - Officers of Each House
Wis. Const. 1848, Art. IV, Sec. 9. Identical except that Wash. adds provision giving the Lieutenant Governor a vote in case of a tie. Language of Wash. Const. is also transposed from that of the Wis. Const.

Section 11 - Journal
Wis. Const. 1848, Art. IV, Sec. 10. Identical.
U.S. Const., Art. I, Sec. 5. Similar.

Adjournment
Wis. Const. 1848, Art. IV, Sec. 10; Cal. Const. 1879, Art. IV, Sec. 14; U.S. Const., Art. I, Sec. 5. Identical.

Section 12 - Meetings of Legislature
Wis. Const. 1848, Art. IV, Sec. 11; Cal. Const. 1879, Art. IV, Sec. 3; Ore. Const. 1857, Art. IV, Sec. 10. Similar.

Limit of Session 60 Days
Nev. Const. 1864, Art. IV, Sec. 29. Identical although several states have provisions from 45-50 days.

Section 13 - Legislators Ineligible for Other State Offices
Wis. Const. 1848, Art. IV, Sec. 12. Identical except for transposition of word “shall.”

Section 14 - Who Are Ineligible to Membership in Legislature
Wis. Const. 1848, Art. IV, Sec. 13. Identical down to the proviso except for phrase “or any other power.”
Cal. Const. 1879, Art. IV, Sec. 2; U.S. Const., Art. I, Sec. 6. Similar proviso.
Section 15 - Vacancies
13th Amendment changes this slightly.

Section 16 - Immunity from Arrest
Wis. Const. 1848, Art. IV, Sec. 15. Identical except for transposition of words.

Section 17 - Free Speech
Wis. Const. 1848, Art. IV, Sec. 16. Identical.

Section 18 - Style of Laws
Wis. Const. 1878, Art. VI, Sec. 1. Identical.
Wis. Const. 1848, Art. IV, Sec. 17. Similar.

No Law to be Enacted Except by Bill
Ore. Const. 1857, Art. IV, Sec. 1; Cal. Const. 1879, Art. IV, Sec. 15; Wis. Const. 1848, Art. IV, Sec. 17. Identical.
(Cal. Const. 1879, Art. IV, Sec. 15, and Wis. Const. 1848, Art. IV, Sec. 17, identical with Ore.)

Section 19 - Only One Subject in Bill
Wis. Const. 1848, Art. IV, Sec. 18; Cal. Const. 1879, Art. IV, Sec. 24. Similar.

Section 20 - Either House May Amend
Wis. Const. 1848, Art. IV, Sec. 19 (Wash. Const. 1878, Art. VI, Sec. 21, identical). Identical except Wash. uses “in” where Wis. uses “by.”

Section 21 - Yeas and Nays
Wis. Const. 1848, Art. IV, Sec. 20. Identical except that Wis. adds the phrase “on any question.”
U.S. Const., Art. I, Sec. 5. Similar.

Section 22 - Yeas and Nays in Passage of Bill
Wash. Const. 1878, Art. VI, Sec. 16; Cal. Const. 1879, Art. IV, Sec. 15. Similar.
Penn. Const. 1873, Art. III, Sec. 4. Identical.
Section 23 - Compensation of Members
Wis. Const. 1848, Art. IV, Sec. 21.  Identical except as amount per diem (Wis. is $2.50; Wash. is $5.00)

Section 24 - Lottery
Wis. Const. 1848, Art. IV, Sec. 24.  Identical except that Const. 1878 adds “the sale of lottery tickets shall be prohibited by law.”

Divorce
Wash. Const. 1878, Art. VI, Sec. 22.  Identical.

Section 25 - Extra Compensation Forbidden
Wis. Const. 1848, Art. IV, Sec. 26.  Identical.

Section 26 - Suit Against State
Wis. Const. 1848, Art. IV, Sec. 27.  Identical.
(Wash. Const. 1878, Art. VI, Sec. 30, identical with Wis.).

Section 27 - Viva Voce Votes
Wis. Const. 1848, Art. IV, Sec. 30.  Identical except that Wis. inserts phrase “to be made.”
(Wash. Const. 1878, Art. VI, Sec. 32, identical with Wis.).

Section 28 - Certain Private Laws Forbidden

1
Wis. Const. 1848, Amend. Art. IV, Sec. 31, Cl. I (1871).  Identical.

2
Same, Cl. 2.  Identical except that Wash. adds phrase “shall have been.”

3
Same, Cl. 3.  Identical except that Wis. inserts words “across streams at points.”

4
Same, Cl. 4.  Identical.
Same, Cl. 6. Identical.

Same, Cl. 7. Identical except that Wis. inserts words “except to cities.”

Same, Cl. 8. Identical.

Same, Cl. 9. Identical.


Same, Cl. 16. Identical.
(Hill, Art. IV, Sec. 28, Cl. 16, identical with Cal.)

Same, Cl. 17. Identical.
(Hill, Art. IV, Sec. 28, Cl. 17, identical with Cal.)

Same, Cl. 18. Identical.
(Hill, Art. IV, Sec. 28, Cl. 18, identical with Cal.)

Same, Cl. 23. Identical.
(Wash. Const. 1878, Art. VI, Sec. 17, Cl. 13, identical with Cal.)

Same, Cl. 26. Identical.
(Hill, Art. IV, Sec. 28, Cl. 25; Wash. Const. 1878, Art. VI, Sec. 17, Cl. 17, identical with Cal.)
15

Same, Cl. 27.
(Hill, Art. IV, Sec. 28, Cl. 26; Wash.
Const. 1878, Art. VI, Sec. 17, Cl. 12,
identical with Cal.)

Identical.

16

Same, Cl. 31.
(Hill, Art. IV, Sec. 28, identical with Cal.)

Identical except that Wash.
omits word “legitimation.”

17

Same, Cl. 32.
(Hill, Art. IV, Sec. 28, Cl. 30, identical
with Cal.)

Identical.

18

Same, Cl. 21.
(Hill, Art. IV, Sec. 28, Cl. 20, identical
with Cal.)

Wis. Const. 1848, Amend. Art. IV, Sec. 31,
Cl. 5 (1871).

Very similar. However neither
of the above contain the
Wash. proviso relative to
creation of new counties.

Section 29 - Labor of Convicts
Ill. Const. 1870 (Amendment of 1886).

Similar.

Section 30 - Corrupt Solicitation
Penn. Const. 1873, Art. III, Secs. 31, 32.

Identical.

Members Shall Not Vote in Certain Cases
Penn. Const., 1873, Art. III, Sec. 33
(Wash. Const. 1878, Art. VI, Sec. 29,
identical with Penn.)

Identical.

Section 31 - Laws Take Effect When
Texas Const. 1876, Art. III, Sec. 39.

Identical except that Wash.
has omitted a few words.

Ore. Const. 1857, Art. IV, Sec. 28; Colo.
Const. 1876, Art. V, Sec. 19
(Wash. Const. 1878, Art. VI, Sec. 14,
identical with Colo.);
Hill, Art. IV, Sec. 27.
Repealed by the 7th Amendment.

Similar.
Section 32 - Presiding Officers to Sign Bill
Wash. Const. 1878, Art. VI, Sec. 18; Hill, Art. IV, Sec. 25.

Section 33 - Alien Ownership of Lands

Section 34 - Bureau of Statistics
Ohio Const. 1851, Art. XV, Sec. 8. Similar.

Section 35 - Laws Relating to Mines, Factories
Ill. Const. 1870, Art. IV, Sec. 29; Ohio Const. 1851, Art. II, Sec. 35; Ark. Const. 1874, Art. XIX, Sec. 18; Colo. Const. 1876, Art. XVI, Sec. 2.

Section 36 - Introduction of Bills Limited
Colo. Const. 1876, Art. V, Sec. 19; Md. Const. 1867, Art. III, Sec. 27; Minn. Const. 1857, Art. IV, Sec. 1; Neb. Const. 1875, Art. III, Sec. 4.

Section 37 - Amending Laws
Ore. Const. 1857, Art. IV, Sec. 22 (Hill, Art. IV, Sec. 22, identical with Ore.). Identical except that Wash. omits words “and published.”
Wash. Const. 1878, Art. VI, Sec. 17. Similar.

Section 38 - Amendment to Bill

Section 39 - Passes Forbidden
Penn. Const. 1873, Art. XVII, Sec. 8. Similar.
Cal. Const. 1879, Art. XII, Sec. 19. See Wash. Const. 1889, Art. XII, Sec. 20, for another similar section. In most states such a provision appears under article on corporations.
Article III - The Executive

Section 1 - Executive Department Consists of Whom
Hill, Art. V, Sec. 1; Very similar; except that Wash. adds “other officers.” Wash. Const. 1878, Art. IX, Sec. 1; Colo. Const. 1876, Art. IV, Sec. 1.

Section 2 - Governor
Ore. Const. 1857, Art. V, Sec. 1; Similar; Wash. drops the Wash. Const. 1878, Art. VII, Sec. 1; limitations on number of Hill, Art. V, Sec. 4. terms of office.

Section 3 - Other Officers
Hill, Art. V, Sec. 2; Similar. Most constitutions Wash. Const. 1878, Art. IX, Sec. 1; provide for these officers. Ore. Const. 1857, Art. VI, Sec. 1; Some place them under an Wis. Const. 1848, Art. VI, Sec. 1; article entitled administra- Cal. Const. 1879, Art. V, Sec. 17. tive dept. The details vary greatly.

Section 4 - Returns on Election of Executive Officers
Hill, Art. V, Sec. 3. Identical.
Ore. Const. 1857, Art. V, Sec. 4; Similar.
Wash. Const. 1878, Art. VII, Sec. 3.

Certificate of Election
Hill, Art. V, Sec. 3; Identical except that Wash. Ore. Const. 1857, Art. V, Sec. 6; applies the authority to all Wash. Const. 1878, Art. VII, Sec. 3 “officers.” (similar in form).

Section 5 - Duties of Governor
Hill, Art. V, Sec. 4. Identical except that Wash. substitutes “State” for “executive department.”

Section 6 - Message
Hill, Art. V, Sec. 5. Identical.

Section 7 - May Convene Extraordinary Sessions
Hill, Art. V, Sec. 6. Identical except for slight change of words.

Section 8 - Commander-in-Chief
Hill, Art. V, Sec. 8. Identical.
Section 9 - Pardoning Power

Hill, Art. V, Sec. 9. Identical.
Wash. Const. 1878, Art. VIII, Sec. 5. Similar.

Section 10 - Lieutenant-Governor Shall Act as Governor, When

Wash. Const. 1878, Art. VII, Sec. 6; Hill, Art. V, Sec. 12. Similar, although they do not provide for lieutenant-governor. The idea of the office of the lieutenant-governor probably came from Cal. or Wis.
Repealed by the 6th Amendment.

Section 11 - Governor May Remit Fines, Etc.


Section 12 - Duties of Governor in Regard to Enactment of Laws

Hill, Art. V, Sec. 15. Identical except for slight changes in minor words.
Ore. Const. 1857, Art. V, Sec. 15; Cal. Const. 1879, Art. IV, Sec. 16; Wis. Const. 1848, Art. V, Sec. 10; Wash. Const. 1878, Art. VII, Sec. 7. Similar.

Veto of Individual Sections

Hill, Art. V, Sec. 15. Almost identical; Ore. did not add this clause until 1920.

Section 13 - Vacancies Filled by Appointment

Hill, Art. V, Sec. 16. Identical.

Section 14 - Salary of Governor

Varies in all constitutions which specifically provide the amount of the salary.

Section 15 - Governor Shall Issue All Commissions

Ore. Const, 1857, Art. V, Sec. 8 Identical. (Hill, Art. V, Sec. 18; Ind. Const. 1851, Art. XV, Sec. 6, identical with Ore.).
Section 16 - Duty of Lieutenant Governor to Preside Over Senate

Cal Const. 1879, Art. V, Sec. 15; Wis. Const. 1848, Art. V, Sec. 8.

Section 17 - Duties of Secretary of State


Ore. Const. 1857, Art. VI, Sec. 2.

Section 18 - Shall Keep State Seal

Ore. Const. 1857, Art. VI, Sec. 3 (Hill, Art. V, Sec. 20, identical with Ore.).

Section 19 - Duties of State Treasurer

Ore. Const. 1857, Art. VI, Sec. 4 (Hill, Art. V, Sec. 21, identical with Ore.).

Wash. Const. 1878, Art. IX, Sec. 3.

Section 20 - Duties of State Auditor

Hill, Art. V, Sec. 22.

Section 21 - Duties of Attorney General

Hill, Art. V, Sec. 23.

Section 22 - Duties of Superintendent of Public Instruction

Wash. Const. 1878, Art. IX, Sec. 3.

Section 23 - Duties of Land Commissioner

Seems to be original.

Section 24 - Certain Offices to be Kept at Capital

Hill, Art. V, Sec. 24.

Ore. Const. 1857, Art. VI, Sec. 5; Wash. Const. 1878, Art. IX, Sec. 1.
Section 25 - Eligibility to State Office
Wis. Const. 1848, Art. V, Sec. 2; Similar in part.
Ill. Const. 1870, Art. VII, Sec. 6;
Colo. Const. 1876, Art. VII, Sec. 6.

Treasurer Ineligible for Second Term
Wash. Const. 1878, Art. IX, Sec. 4; Similar.
Neb. Const. 1875, Art. V, Sec. 3.

Certain Offices May be Abolished

Article IV - The Judiciary
Section 1 - Supreme Court, Inferior Courts
Hill, Art. VI, Sec. 1. Identical except that Wash. drops words “in any incorporated city.”

Section 2 - Supreme Court Consists of Whom
Hill, Art. VI, Sec. 2; Similar in part.
Wash. Const. 1878, Art. VIII, Sec. 4.

Separate Departments
Cal. Const. 1879, Art. VI, Sec. 2. Similar in part.

Section 3 - Supreme Court Election
Cal. Const. 1879, Art. VI, Sec. 3; Portions identical; portions similar; portions probably original;
Hill, Art. VI, Sec. 3.

Section 4 - Jurisdiction Supreme Court
Cal. Const. 1879, Art. VI, Sec. 4;
Hill, Art. VI, Sec. 4.

Section 5 - Superior Courts - Sessions - Tenure
Cal. Const. 1879, Art. VI, Sec. 6;
Hill, Art. VI, Sec. 5.
Portions identical; portions similar; portions probably original. (Portions now obsolete due to statutes.)
Section 6 - Jurisdiction of Superior Courts
Cal. Const. 1879, Art. VI, Sec. 5
(Hill, Art. VI, Sec. 6, identical with Cal.).
Identical except for a few word changes.

Section 7 - Judges May Hold Court in Any County
Cal. Const. 1879, Art. VI, Sec. 8
(Hill, Art. VI, Sec. 7, identical with Cal.).
Identical.

Pro Tempore Judges
Cal. Const. 1879, Art. VI, Sec. 8.
Identical except that Wash. requires selection of pro tempore judge to be approved by court.

Section 8 - Leave of Absence of Judges
Cal. Const. 1879, Art. VI, Sec. 9
(Hill, Art. VI, Sec. 8, identical with Cal.).
Identical with the exception of the proviso, which seems to be original.

Section 9 - Removal of Judges
Cal. Const. 1879, Art. VII, Sec. 10;
Hill, Art. VI, Sec. 8;
Wis. Const. 1848, Art. VII, Sec. 13.
Similar.

Section 10 - Justice of Peace
Cal. Const. 1879, Art. VI, Sec. 11;
Hill, Art. VI, Sec. 8.
Similar.

Section 11 - Courts of Record
Hill, Art. VI, Sec. 11.
Identical except for slight change.

Section 12 - Jurisdiction of Inferior Courts
Hill, Art. VI, Sec. 12.
Identical.
Cal. Const. 1879, Art. VI, Sec. 13.
Similar.

Section 13 - Compensation of Judicial Officers
Hill, Art. VI, Sec. 13.
Identical except for slight change.
Cal. Const. 1879, Art. VI, Sec. 15.
Similar in part.

Section 14 - Salaries of Judges
Amounts vary in most state constitutions where fixed by the Constitution itself.
Section 15 - Judges Ineligible to Any Other Office
Cal. Const. 1879, Art. VI, Sec. 18. Similar.

Section 16 - Charge to Jury
Hill, Art. VI, Sec. 15. Identical except that Wash. adds words “or comment on.”

Section 17 - Eligibility to Judgeship
Hill, Art. VI, Sec. 18. Identical.
Cal. Const. 1879, Art. VI, Sec. 23. Similar.

Section 18 - Reporter for Supreme Court
Hill, Art. VI, Sec. 16. Identical.

Section 19 - Judges Shall Not Practice Law
Cal. Const. 1879, Art. VI, Sec. 22 (Hill, Art. VI, Sec. 17, identical with Cal.). Identical.

Section 20 - Decision of Judges Superior Court, Limit of Time
Hill, Art. VI, Sec. 19. Identical.
Md. Const. 1867, Art. IV, Sec. 23. Similar.

Section 21 - Publication of Opinion, Supreme Court
Cal. Const. 1879, Art. VI, Sec. 16 (Hill, Art. VI, Sec. 26, identical with Cal.). Identical except that Wash. omits phrase “as it may deem expedient.”

Section 22 - Clerk Supreme Court
Hill, Art. VI, Sec. 20. Identical except Wash. adds “by salary only.”

Section 23 - Court Commissioner
Cal. Const. 1879, Art. VII, Sec. 14; Similar.
Wis. Const. 1848, Art. VII, Sec. 23;
Minn. Const. 1857, Art. VI, Sec. 15.

Section 24 - Rules of Courts
. . . . . . . . . . . . . . . . . . . . . Seems to be original.

Section 25 - Superior Judges to Report to Supreme Court Judges
Colo. Const. 1876, Art. VI, Sec. 27; Similar.
Ill. Const. 1870, Art. VI, Sec. 31.
Section 26 - Clerk Superior Court
Cal. Const. 1879, Art. VI, Sec. 14
(Hill, Art. VI, Sec. 21, identical with Cal.).

Section 27 - Style of Process
Cal. Const. 1879, Art. VI, Sec. 20.
Identical.

Section 28 - Oaths of Judges
Hill, Art. VI, Sec. 27;
Ore. Const. 1857, Art. VI, Sec. 21.

Article V - Impeachment
Section 1 - Proceedings
Colo. Const. 1876, Art. V, Sec. 1;
Identical.

Section 2 - Impeachable Offenses
Colo. Const. 1876, Art. V, Sec. 2;
Nev. Const. 1864, Art. VII, Sec. 2.
Identical except for a slight word change.
U.S. Const., Art. I, Sec. 3.
Similar.

Section 3 - Removable from Office
Colo. Const. 1876, Art. V, Sec. 3.
Identical.

Article VI - Elections and Elective Rights
Section 1 - Qualification of Electors
Colo. Const. 1876, Art. VII, Sec. 1;
Wis. Const. 1848, Art. III, Sec. 1;
Ore. Const. 1857, Art. II, Sec. 1;
Mo. Const. 1875, Art. VIII, Sec. 2.
(Amendment 5th supersedes Amendment 2nd and adds last sentence - "woman suffrage." )

Section 2 - In School Elections
Colo. Const. 1876, Art. VII, Sec. 1.
(Repealed by 5th Amendment.)

Section 3 - Certain Persons Not Electors
Wis. Const. 1848, Art. III, Sec. 2;
Ore. Const. 1857, Art. II, Sec. 3.
Similar.
Section 4 - Residence Not Gained or Lost by Military Service
Colo. Const. 1876, Art. VII, Sec. 4; Penn. Const. 1873, Art. VIII, Sec. 13; Nev. Const. 1864, Art. II, Sec. 2.
Identical except that Wash. adds last sentence.

In Navigation
Mo. Const. 1875, Art. VIII, Sec. 7; Penn. Const. 1873, Art. VIII, Sec. 13; Nev. Const. 1864, Art. II, Sec. 2.
Identical.

Section 5 - Immunity from Arrest
Mo. Const. 1875, Art. VIII, Sec. 4; Colo. Const. 1876, Art. VII, Sec. 5; Ore. Const. 1857, Art. II, Sec. 13.
Identical except for slight transposition of words. Wash. adds last sentence.

Military Service on Day of Election
Identical.

Section 6 - Election by Ballot
Nearly all states provide for this form of election.

Preservation of Secrecy
This provision is in most constitutions under various forms of language.

Section 7 - Registration
Wis. Const. 1848, Amend. Art. I, Sec. 4 (1882); Wash. Const. 1878, Art. IV, Sec. 9.
Hill, Art. II, Sec. 4.
Similar. Hill added this clause in view of decision of Ore. Sup. Court following that of Wis. that a specific constitutional provision was necessary to authorize a registration law. See Wis. amendment above mentioned.

Section 8 - First Election
Many states have provisions of this kind. Naturally, they vary greatly. Colo. and Hill, similar in part.
Article VII - Revenue and Taxation

Note: It is evident that the Committee on Revenue and Taxation studied very carefully the constitutions of many states as is shown by the fact that they have borrowed a sentence from one state and a part of a sentence from some other state. It will be impossible to show where they secured some provisions, such as that (Sec. 2) requiring the assessment to be according to “the value of the property in money.” It is also difficult to understand why they did not choose a plan of classification for property, or to define property, or to provide for taxation of intangibles, when so many states’ constitutions presented such examples and when other states preparing constitutions at the same time chose them.

Section 1 - All Property Taxed According to Value

Tex. Const. 1876, Art. VII, Sec. 1; Cal. Const. 1879, Art. XIII, Sec. 1; Similar in parts.
Wash. Const. 1878, Art. XII, Sec. 1; Similar in parts.
Ore. Const. 1857, Art. IX, Sec. 2; Similar in parts.
Kan. Const. 1857, Art. XI, Sec. 2; Similar in parts.

Section 2 - Uniform and Equal Rate of Taxation

Ore. Const. 1857, Art. IX, Sec. 1; Similar in parts.
Ill. Const. 1870, Art. IX, Sec. 1; Similar in parts.
Ind. Const. 1851, Art. IX, Sec. 1; Similar in parts.
Kan. Const. 1857, Art. XI, Sec. 2; Similar in parts.
Colo. Const. 1876, Art. X, Sec. 4; Similar in parts.
(3rd Amendment included as the last proviso of this section, $300 personal property exemption.)

Section 3 - Assessment of Corporation Property

Colo. Const. 1876, Art. X, Sec. 10; Similar.
(Wash. Const. 1878, Art. XII, Sec. 6, identical with Colo.)

Section 4 - Same

Tex. Const. 1876, Art. VIII, Sec. 4. Identical.
Ga. Const. 1877, Art. VII, Sec. 5; Similar.
Colo. Const. 1876, Art. X, Sec. 9; Similar.
(Wash. Const. 1878, Art. XII, Sec. 5; identical with Colo.)
(14th Amendment repeals Secs. 1-4 and substitutes single Sec. 1.)
Section 5 - No Tax Except in Pursuance of Law

Ore. Const. 1857, Art. IX, Sec. 3  Identical.
(Hill, Art. VII, Sec. 3, identical with Ore.).

Section 6 - All Taxes to be Paid in Money

. . . . . . . . . . . . . . . . . . . . . Original.

Section 7 - Statement of Receipts and Expenditures

Ore. Const. 1857, Art. IX, Sec. 5  Identical.
(Ind. Const. 1851, Art. X, Sec. 4; Hill, Art. VII, Sec. 5, identical with Ore.).

Section 8 - Deficiencies Provided For

Wis. Const. 1848, Art. VIII, Sec. 5;  Identical.
Ore. Const. 1857, Art. IX, Sec. 6;
Hill, Art. VII, Sec. 6.

Section 9 - Cities May Have Special Taxes

Ill. Const. 1870, Art. IX, Sec. 9.  Identical except for slight word change.

Article VIII - State, County and Municipal Indebtedness

Section 1 - State Indebtedness Limited

Ia. Const. 1857, Art. VII, Sec. 2.  Identical except for slight word change.
Hill, Art. VII, Sec. 8.  Similar.

Section 2 - Exceptions to Limitation

Ia. Const. 1857, Art. VII, Sec. 4.  Identical except for slight word change.

Section 3 - Special Provision for Incurring Indebtedness

Cal. Const. 1879, Art. XVI, Sec. 1.  Identical except for slight word change.

Section 4 - Appropriations

Wash. Const. 1878, Art. XII, Sec. 7;  Similar in part. Most constitutions contain this provision. The remainder of the Wash. section seems to be original.
Hill, Art. VII, Sec. 4.
(11th Amendment changes this section slightly.)
Section 5 - Credit of State Shall Not be Pledged
Ia. Const. 1879, Art. VII, Sec. 1. Identical except that Wash.
adds the word “comparing.”
Wash. Const. 1878, Art. XII, Sec. 9. Similar.

Section 6 - Limit of Indebtedness of Counties, Cities or School Districts
Ill. Const. 1878, Art. IX, Sec. 12. Similar. This section was
inserted to help Seattle following the big fire of 1889.

Section 7 - Counties Shall Not Aid Corporations
Ore. Const. 1857, Art. XI, Sec. 9; Hill, Art. XI, Sec. 6;
Wash. Const. 1878, Art. XII, Sec. 9; New York, Const. Amend., Art. VII, Sec. 11
(1874). Similar in parts.

Article IX - Education
Section 1 - Education of Children
......................... Original.

Section 2 - Uniform System
Ore. Const. 1857, Art. VIII, Sec. 3. Similar. Many states have a
provision similar to this.

Includes What; Support of
Cal. Const. 1879, Art. IX, Sec. 6. Very similar.

Section 3 - Common School Fund
Ore. Const. 1857, Art. VIII, Sec. 2; Hill, Art. VIII, Sec. 3;
Wash. Const. 1878, Art. XI, Sec. 4. Similar.

Section 4 - School to be Non-sectarian
Hill, Art. VIII, Sec. 1. Identical.

Section 5 - Losses to Permanent School Fund
Wash. Const. 1878, Art. XI, Sec. 3. Similar in substance.


**Article X - Militia**

**Section 1 - Military Duty; Who Are Liable to**

Ore. Const. 1857, Art. X, Sec. 1; Colo. Const. 1876, Art. XVII, Sec. 1. (Hill, Art. IX, Sec. 1, identical with Ore.)

Similar. This provision in varying forms is common to many constitutions.

**Section 2 - Organization of Militia**

Cal. Const. 1879, Art. VIII, Sec. 1. Identical.

**Section 3 - Soldiers’ Home**

Seems to be original, although Texas has a provision, the substance of which is similar. Several states admitted at about the time or subsequent to Wash. have similar provisions to this.

**Section 4 - Arms**

Ohio Const. 1851, Art. IX, Sec. 5. Identical.

Mo. Const. 1875, Art XIII, Sec. 7; Colo. Const. 1876, Art. XVII, Sec. 4. Similar.

**Section 5 - Immunity from Arrest**

Ill. Const. 1870, Art. XII, Sec. 4; Ala. Const. 1867, Art. XI, Sec. 5.

Very similar.

**Section 6 - Exemption from Military Duty**

Colo. Const. 1876, Art. XVII, Sec. 5; Ill. Const. 1870, Art. XII, Sec. 6. Identical.

**Article XI - County, City and Township Organization**

**Section 1 - County Organization Recognized**

Cal. Const. 1879, Art. XI, Sec. 1 (Hill, Art. XI, Sec. 1, identical with Cal.).

Similar.

**Section 2 - Removal of County Seats**

Ill. Const. 1870, Art. X, Sec. 4; Mo. Const. 1875, Art. IX, Sec. 2; Cal. Const. 1879, Art. XI, Sec. 2.

Very similar.
Section 3 - Organization of New Counties
Ill. Const. 1870, Art. X, Sec. 1. Identical except for number of inhabitants.
Cal. Const. 1879, Art. XI, Sec. 3; Mo. Const. 1875, Art. IX, Secs. 3 and 4. Similar.

Territory Stricken from County
Ill. Const. 1870, Art. X, Sec. 3. Identical. Cal., Tex., Md., and Ark. have similar provisions.
Mo. Const. 1875, Art. IX, Sec. 3. Similar.

Change of Boundaries
Ill. Const. 1870, Art. X, Sec. 3. Identical.
Cal. Const. 1879, Art. XI, Sec. 3; Mo. Const. 1875, Art. IX, Sec. 3. Similar.

Section 4 - System of County Government
Cal. Const. 1879, Art. XI, Sec. 4. Identical.
Ill. Const. 1870, Art. X, Sec. 5; Mo. Const. 1875, Art. IX, Sec. 8. Similar.

Section 5 - County Officers, Compensation of
Cal. Const. 1879, Art. XI, Sec. 5. (12th Amendment changed this section slightly.)
Identical except for slight word change.

Section 6 - Vacancies
Mo. Const. 1875, Art. IX, Sec. 11. Similar.

Section 7 - Ineligibility for More Than Two Terms
Ill. Const. 1870, Art. X, Sec. 8; Mo. Const. 1875, Art. IX, Sec. 11. Similar in substance.

Section 8 - Salaries
Cal. Const. 1879, Art. XI, Sec. 9. Identical in part; remainder original.

Section 9 - All Counties Liable for State Taxes
Cal. Const. 1879, Art. XI, Sec. 10. Identical except that Wash. omits “city, town or other public or municipal corporation.”
Section 10 - Municipal Corporations
Not Created by Special Law

Cal. Const. 1879, Art. XI, Sec. 6.
Identities down to sentence beginning “Any city containing 20,000 etc.”

Cal. Const. 1879, Art. XI, Sec. 8;
Mo. Const. 1875, Art. IX, Sec. 16.
Similar for balance of the section

Section 11 - Privileges of Cities

Cal. Const. 1879, Art. XI, Sec. 11.
Identical except for slight word change.

Hill, Art. XI, Sec. 7.
Similar.

Section 12 - Local Taxation; Government by General Laws

Cal. Const. 1879, Art. XI, Sec. 12.
Identical.

Hill, Art. XI, Sec. 8.
Similar.

Section 13 - Private Property Not Liable for Public Debt

Cal. Const. 1879, Art. XI, Sec. 15.
Identical except that Wash. adds an exception.

Section 14 - Unlawful Use of Public Money

Cal. Const. 1879, Art. XI, Sec. 17.
Identical.

Section 15 - All Public Money Deposited with Treasurer

Cal. Const. 1879, Art. XI, Sec. 16.
Identical.

Article XII - Corporations Other Than Municipal

Section 1 - Not Created by Special Laws

Cal. Const. 1879, Art. XII, Sec. 1;
Wash. Const. 1878, Art. XIII, Sec. 1.
Similar.

Section 2 - Corporation Must Have Bona Fide Organization

Cal. Const. 1879, Art. XII, Sec. 6.
Identical.

Penn. Const. 1873, Art. XVI, Sec. 1.
Identical except for slight word change.

Wash. Const. 1878, Art. XIII, Sec. 1.
Similar.
Section 3 - Legislature Shall Not Extend Franchise
Penn. Const. 1873, Art. XVI, Sec. 2. Similar.

Section 4 - Limiting of Stockholders
Ore. Const. 1857, Art. XI, Sec. 3; Ohio Const. 1851, Art. XIII, Sec. 3 (Ala. Const. 1876, Art. XIII, Sec. 8, identical with Ohio). Similar.

Section 5 - Corporations Construed to Include What
Cal. Const. 1879, Art. XIII, Sec. 4; N.Y. Const. 1846, Art. VIII, Sec. 3. Identical.

Section 6 - Corporation Stock Fictitious Issues Void
Cal. Const. 1879, Art. XIII, Sec. 11; Penn. Const. 1873, Art. XVI, Sec. 7. Similar.

Section 7 - All Corporations to be Treated Equally
Cal. Const. 1879, Art. XIII, Sec. 15. Identical.
Hill, Art. X, Sec. 6. Similar.

Section 8 - Leasing or Alienation of Franchise
Cal. Const. 1879, Art. XIII, Sec. 10. Identical except for first few words.

Section 9 - State Shall Not Loan Credit

Section 10 - Eminent Domain, State May Exercise Right
Penn. Const. 1873, Art. XVI, Sec. 3 (Cal. Const. 1879, Art. XIII, Sec. 8, identical with Penn.);
Colo. Const. 1876, Art. XV, Sec. 8;
Mo. Const. 1875, Art. XII, Sec. 4;
Neb. Const. 1875, Art. XI, Sec. 6;
Section 11 - Corporations and Individuals Shall Not Issue Money

Cal. Const. 1879, Art. XII, Secs. 3 and 5; Ia. Const. 1857, Art. VIII, Sec. 9 (Neb. Const. 1875, Art. XI, Sec. 7, identical with Ia.).

Similar.

Section 12 - Insolvent Banks Shall Not Receive Deposits

Mo. Const. 1875, Art. XII, Sec. 17

(La. Const. 1879, Art. 241, identical with Mo.).

Similar.

Section 13 - Common Carriers, Rights and Duties

Cal. Const. 1879, Art. XII, Sec. 27; Penn. Const. 1873, Art. XVII, Sec. 1; Mo. Const. 1875, Art. XII, Sec. 13.

Identical.

Section 14 - Certain Combinations Forbidden

Cal. Const. 1879, Art. XII, Sec. 20.

Identical.

Section 15 - Discrimination in Rates Forbidden

Cal. Const. 1879, Art. XII, Sec. 21.

Penn. Const. 1873, Art. XVII, Sec. 7 (Mo. Const. 1875, Art. XII, Sec. 23, identical with Penn.).

Similar in part.

Section 16 - Shall Not Consolidate

Ill. Const. 1870, Art. XI, Sec. 11; Penn. Const. 1873, Art. XVII, Sec. 4 (Mo. Const. 1875, Art. XII, Sec. 17, identical with Penn.);

Wash. Const. 1878, Art. XIII, Sec. 3; Tex. Const. 1876, Art. X, Sec. 5.

Similar in part.

Section 17 - Rolling Stock, Personal Property

Ark. Const. 1874, Art. XVII, Sec. 11; III. Const. 1870, Art. XI, Sec. 10 (Mo. Const. 1875, Art. XII, Sec. 16, identical with Ill.);

Neb. Const. 1875, Art. XI, Sec. 2; Tex. Const. 1876, Art. X, Sec. 4.

Very similar.
Section 18 - Regulation of Fares and Freight
Ill. Const. 1870, Art. XI, Sec. 15; Similar.
Ark. Const. 1874, Art. XVII, Sec. 10;
Tex. Const. 1876, Art. X, Sec. 2.

Railroad Commission
Cal. Const. 1879, Art. XII, Sec. 22. Similar in substance.

Section 19 - Telegraph and Telephone Companies
Colo. Const. 1876, Art. XV, Sec. 13;
Penn. Const. 1873, Art. XVI, Sec. 12. Similar in part; probably for
most part original.

Section 20 - Free Passes
Cal. Const. 1879, Art. XII, Sec. 19;

Section 21 - Railroads Shall Not
Discriminate Against Express Companies

......................... Probably original, although
many states with constitu-
tions subsequent to Wash. constitution have included them.

Section 22 - Trusts and Monopolies

......................... Probably original, See above
note.

Article XIII - State Institutions
Section 1 - Educational, Reformatory and Penal Institutions
Colo. Const. 1876, Art. VIII, Sec. 1; Identical in part.
Wash. Const. 1878, Art. XIV, Sec. 1.
Ohio Const. 1851, Art. VII, Secs. 1, 2. Similar.

Section 2 - How Changed
Hill, Art. XV, Sec. 2; Similar.
Ore. Const. 1857, Art. XIV, Sec. 3.

Section 3 - Capitol Building
Hill, Art. XV, Sec. 3. Similar.
Article XV - Harbors and Waters

Section 1 - Harbor Line Commission
Hill, Art. XII, Sec. 1. Probably original for most part
(This section amended by the 15th Amendment.)

Section 2 - Leasing of Sites for Wharves
Hill, Art. XII, Sec. 4. Probably original.

Section 3 Municipal Corporations May Extend Streets Over Tide Lands
Hill, Art. XII, Sec. 4. Probably original.

Article XVI - School and Granted Lands

Section 1 - Shall Not be Sold at Less Than Market Value
Hill, Art. XII, Sec. 1. Identical.

Section 2 - Lands for Educational Purposes Sold to Highest Bidder
Wash. Enabling Act, Sec. 11; Art. XI, Sec. 10; Minn. Const. 1857, Art. VIII, Sec. 2. Similar in substance.

Section 3 - Subdivision of

Section 4 - Investment of Funds
Minn. Const. 1857, Art. VIII, Secs. 2, 6; Mo. Const. 1875, Art. XI, Sec. 9; Tex. Const. 1876, Art. VII, Secs. 4, 11. Similar.

Section 5 - Investment of School Funds
A new section added by this amendment.

Article XVII - Tide Lands

Section 1 - Claim of State
Plea of Mr. Hill in connection with his proposed article IX is probably responsible for this article.
See decision in case of Hinman v. Warren, 6 Ore. 408.
Section 2 - Ownership Disclaimed to Certain Lands
Wash. Enabling Act, Sec. 17.  
Enabling Act substitutes other lands in lieu of “Swamp and overflowed lands.”

Wash. Const. 1878, Art. XV, Sec. 10.  
This section disclaims the effect of above decision of Hinman v. Warren.

Article XVIII - State Seal
Section 1 - Design of

. . . . . . . . . . . . . . . . . . . . . Original.

Article XIX
Section 1 - Homestead
Cal. Const. 1879, Art. XVII, Sec. 1.  
Identical.

Article XX - Public Health and Vital Statistics
Section 1 - Board of Health
Tex. Const. 1876, Art. XVI, Sec. 32.  
Similar.

Section 2 - Practice of Medicine
Tex. Const. 1876, Art. XVI, Sec. 31.  
Similar.

Article XXI - Water and Water Rights
Section 1 - Water Rights
Cal. Const. 1879, Art. XIV, Sec. 1;  
Colo. Const. 1876, Art. XVI, Sec. 5.
Hill Const. Art. XVI, Sec. 9.  
Similar in part.

Article XXII - Legislative Apportionment
Section 1 - First Apportionment Senatorial District
Hill, Art. Schedule, Sec. 16;  
Kan. Const. 1859, Art. X, Sec. 3;  
Ore. Const. 1859, Art. XVIII, Sec. 5.  
A number of state constitutions contain somewhat similar provisions.
Section 2 - First Apportionment Representative District

Hill, Art. Schedule, Sec. 16; Kan. Const. 1859, Art. X, Sec. 3; Ore. Const. 1859, Art. XVIII, Sec. 5.

Similar. Portion now obsolete by statute.

Article XXIII - Amendments

Section 1 - State Constitution, How Amended

Wash. Const. 1878, Art. XVI, Sec. 1. Identical except Wash. requires publication.
Cal. Const. 1879, Art. XVIII, Sec. 1; Hill, Const. Art. XVIII, Sec. 1. Similar.
Ore. Const. 1857, Art. XVII, Sec. 1 (Ind. Const. 1851, Art. XVI, Sec. 1, almost identical to Ore.). Numerous state constitutions contain provisions similar in varying detail.

Section 2 - Convention to Amend, How Called

Wash. Const. 1878, Art. XVI, Sec. 2. Identical.
Cal. Const. 1879, Art. XVIII, Sec. 2. Similar.

Section 3 - Voters Must Ratify

Wash. Const. 1878, Art. XVI, Sec. 3. Identical.

Article XXIV - Boundaries

Section 1 - Boundaries Defined

This is a customary provision and naturally varies in each state.

Article XXV - Jurisdiction

Section 1 - U.S. to Have Certain Jurisdiction

Wash. Enabling Act, Sec. 4, Par. 2; U.S. Const., Art. I, Sec. 8, Par. 17. In substance.
Article XXVI - Compact with the United States

Section 1 - Religious Toleration
Wash. Enabling Act, Sec. 4, Par. 1. Identical.

Section 2 - Rights to Appropriated Public Lands Disclaimed
Wash. Enabling Act, Sec. 4, Par. 2. Identical.

Section 3 - Debts of Territory Assumed
Wash. Enabling Act, Sec. 4, Par. 3. Identical.

Section 4 - System of Public Schools Guaranteed
Wash. Enabling Act, Sec. 4, Par. 4. Identical.

Article XXVII - Schedule

Section 1 - Existing Rights Preserved
Schedule, Wash. Const. 1878, Sec. 1. Similar.

Section 2 - Laws of Territory Valid
Schedule, Wash. Const. 1878, Sec. 2. Identical except Wash. Const. 1889 adds proviso.

Section 3 - Debts of Territory Valid
Schedule, Wash. Const. 1878, Sec. 3. Identical.

Section 4 - Recognizances of Territory Valid
Schedule, Wash. Const. 1878, Sec. 4. Identical.

Section 5 - Penal Actions
Schedule, Wash. Const. 1878, Sec. 4. Identical.

Section 6 - Public Officers
Schedule, Wash. Const. 1878, Sec. 5. Identical.
Hill, Art. XVI, Sec. 12. Similar.

Section 7 - First Election of Officers
Section 8 - Courts, Transfer of Cases
Schedule, Wash. Const. 1878, Sec. 6. Identical except for slight word change.

Section 9 - Court Seals
Schedule, Wash. Const. 1878, Sec. 8. Identical except for slight word change.

Section 10 - Probate Court Transferred to Superior Court
Schedule, Wash. Const. 1878, Sec. 9. Identical except for slight word change.

Section 11 - Election of Officers Not Otherwise Provided for
Schedule, Wash. Const. 1878, Sec. 10. Identical.

Section 12 - Contests at First Election
Schedule, Wash. Const. 1878, Sec. 11. Identical except for slight word change.

Section 13 - Representatives in Congress

Section 14 - District, County Precinct
Officers Hold Office Until 1891
Schedule, Wash. Const. 1878, Sec. 5. Similar.

Section 15 - Election to Adopt Constitution
Enabling Act, Sec. 8. Similar.

Section 16 - State Constitution, in Effect When
Enabling Act, Sec. 8. Similar.

Section 17 - Separate Articles Submitted
Schedule, Wash. Const. 1878, Sec. 20. Similar.

Section 18 - Form of Ballot
Separate Articles Wash. Const. 1878, Arts. 1, 3 (Arts. 2 and 4 are new). Similar.

Section 19 - Appropriation Authorized to Pay any Deficiency
................................. Original.