

# An Amendment to the State Constitution

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TO BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE STATE FOR  
THEIR APPROVAL OR REJECTION AT THE

## GENERAL ELECTION

TO BE HELD ON

**TUESDAY, NOVEMBER 2, 1920**

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## CONCISE STATEMENT

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AN ACT for the amendment of section 16, article 1 of the state constitution relating to eminent domain by declaring that the taking of private property by the state for land reclamation and settlement is a public use.

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AN ACT providing for the amendment of section 16 of article 1 of the constitution of the State of Washington, relating to eminent domain.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1920, there shall be submitted to the qualified electors of the state, for their adoption and approval or rejection, an amendment to section 16 of article 1 of the constitution of the State of Washington, so that the same shall when amended, read as follows:

Section 16. Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes, or ditches on or across the lands of others for agricultural, domestic, or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, and no right-of-way shall be appropri-

ated to the use of any corporation other than municipal until full compensation therefor be first made in money, or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question and determined as such, without regard to any legislative assertion that the use is public: *Provided*, That the taking of private property by the state for land reclamation and settlement purposes is hereby declared to be for public use.

Passed the Senate March 8, 1919.—  
P. H. Carlyon, President.

Passed the House March 11, 1919.—  
Fred A. Adams, Speaker.

Approved March 17, 1919.—Louis F.  
Hart, Acting Governor.

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STATE OF WASHINGTON—ss.

Filed in the office of the Secretary of State March 17, 1919, at 10:46 A. M.

I. M. HOWELL, Secretary of State.