

**PROPOSED AMENDMENT TO THE
STATE CONSTITUTION
TO BE VOTED ON NOVEMBER 6, 1956**

OFFICIAL BALLOT TITLE

House Joint Resolution No. 22

IMMEDIATE POSSESSION UPON COURT DEPOSIT

Shall Article I, Section 16, of the Constitution as amended by Amendment 9, be further amended to permit the state, in an eminent domain proceeding, upon filing the action to take immediate possession of the property after payment into court before trial of such amount as provided by law?

Be It Resolved, By the Senate and House of Representatives of the State of Washington in legislative session assembled:

THAT, At the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1956, there shall be submitted to the qualified electors of this state for their approval and ratification, or rejection, an amendment to section 16, Article I of the Constitution of the State of Washington, as amended by Amendment 9, so that when said section is amended it shall read as follows:

Article I, 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 appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money, or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation

shall be ascertained by a jury, unless a jury be waived, as in other civil cases in courts of record, in the manner prescribed by law, except that after the filing of an action in eminent domain the state shall be entitled to immediate possession of property upon payment into court, before trial, of such amount as shall be provided 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.

Be It Further Resolved, That the Secretary of State shall cause the foregoing amendment to be published for at least three months next preceding the election in a weekly newspaper in every county in the state wherein a newspaper is published.

Passed the House March 4, 1955.

JOHN L. O'BRIEN,
Speaker of the House.

Passed the Senate March 7, 1955.

EMMETT T. ANDERSON,
President of the Senate.

STATE OF WASHINGTON—SS.

Filed in the office of the Secretary of State March 10, 1955.

EARL COE,
Secretary of State.

ARGUMENT FOR HOUSE JOINT RESOLUTION NO. 22
VOTE FOR GOOD ROADS IN WASHINGTON

VOTE FOR HJR 22

**WOULD EXPEDITE CONSTRUCTION OF NEW
STATE HIGHWAYS**

House Joint Resolution No. 22 would amend the state constitution by giving the Legislature the power to grant the courts the authority to allow state highway construction to start before final settlement with the property owner. This would expedite considerably the construction of a new highway. The people of the state would enjoy the benefits of a modern highway much sooner.

WOULD PROTECT THE RIGHTS OF PROPERTY OWNERS

Any legislation passed in the future would have to provide that the state pay into court an amount of money which would be held for the use of the property owner.

**MOST STATES ALLOW HIGHWAY CONSTRUCTION TO
BEGIN IMMEDIATELY**

Forty states have legal provisions allowing highway construction to begin immediately. Washington must keep pace with other states in its program to improve highway services. In this attempt to keep pace, Washington citizens would be seriously handicapped without the protection given by the passage of HJR 22.

Endorsed by:

LABOR

HIGHWAY USER GROUPS

INDUSTRY

CHAMBERS OF COMMERCE

**WASHINGTON STATE COMMITTEE FOR
HIGHWAY PROGRESS**

Arthur E. Needham, Executive Secretary
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