

SESSION LAWS  
OF THE  
STATE OF WASHINGTON,

ENACTED BY THE  
FIRST STATE LEGISLATURE,

SESSION OF 1889-90.

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[ COMPILED IN CHAPTERS, WITH MARGINAL NOTES AND INDEX, BY  
ALLEN WEIR, SECRETARY OF STATE.]

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PUBLISHED BY AUTHORITY.

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## AUTHENTICATION.

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STATE OF WASHINGTON, }  
OFFICE OF SECRETARY OF STATE. }

OLYMPIA, April 15, 1890.

I, ALLEN WEIR, Secretary of State of the State of Washington, and custodian of the seal of said state, do hereby certify that the laws, memorials and resolutions hereinafter published are true and correct copies of the originals on file in my office, with the exception of corrections of certain obvious errors in orthography and use of words, which corrections have in each case been indicated by brackets, thus: [ ], as provided by law.

In witness whereof, I have hereunto set my hand and affixed the seal of the State of Washington, the day and year aforesaid.

[SEAL.]

ALLEN WEIR,

*Secretary of State.*

# LAWS OF WASHINGTON.

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## CHAPTER I.—APPROPRIATIONS.

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### SALARIES OF OFFICERS AND EMPLOYEES OF THE LEGISLATURE.

AN ACT to provide for the payment of the salaries of the officers and employees of the Legislature of the State of Washington.

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

SECTION 1. The state auditor shall draw warrants on the state treasurer for sums covering amounts due officers and employees of the legislature on presentation of certificates signed by the speaker or president, and countersigned by the chief clerk or secretary of the body in which the service of the officer or employee is rendered, and showing amounts due to dates specified. Each of said warrants shall be drawn in favor and be made payable to the order of the officer or employee named in each certificate.

SEC. 2. Upon presentation to the state treasurer of a warrant drawn as provided for in section one of this act, that officer shall pay the same from any money in the state treasury appropriated for the expenses of the legislature of the State of Washington: *Provided*, That should there be no money in the treasury of the state covered by such appropriation, the state treasurer shall indorse such fact on the warrant presented, and said warrant shall draw interest from date of such indorsement and shall be payable thereafter as is provided by law and custom.

SEC. 3. Whereas, an emergency exists for the operation of the provisions of section[s] one and two, therefore, this act shall take effect and be in force from and after its passage and approval by the governor.

Approved December 10, 1889.

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### LEGISLATIVE EXPENSES.

AN ACT making appropriations for the expenses of the first Legislature of the State of Washington.

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

SECTION 1. That there be and is hereby appropriated out of any money in the treasury of the state, not otherwise appropriated, the sum of one hundred and forty thousand dollars, or so much thereof as may be necessary to pay the per diem and mileage of the members of the present session of the legislature of the State of Washington, and the other expenses of this session.

SEC. 2. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved December 10, 1889.

APPROPRIATION TO THOS. M. REED AND  
OTHERS.

AN ACT for the relief of Thomas M. Reed, Robert Frost and H. B. McElroy.

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

SECTION 1. That the sum of two thousand five hundred and forty-four dollars (\$2,544) be and the same is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the relief of Thomas M. Reed, Robert Frost and H. B. McElroy for money advanced and paid out in enlarging the capitol building at Olympia, and in refitting and furnishing the same for the use of the constitutional convention and the state legislature.

SEC. 2. The state auditor is hereby authorized and instructed to draw a warrant on the state treasurer for said sum in favor of the said Thomas M. Reed, Robert Frost and H. B. McElroy, and the state treasurer is directed to pay said warrant out of any funds in said treasury not otherwise appropriated.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved January 20, 1890.

PAYMENT OF MEMBERS OF THE LEGISLATURE.

AN ACT entitled An act to provide for the payment of members of the Legislature of the State of Washington, and declaring an emergency.

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

SECTION 1. That the state auditor is hereby directed to draw warrants on the state treasurer for the mileage and daily pay of members of the legislature on presentation of certificates showing amounts due for miles traveled and services rendered to dates specified. The certificates shall be signed by the speaker or president, and countersigned by the chief clerk or secretary, respectively, of the body to which the members belong. The warrants shall be in favor of and payable to the order of the persons named in said certificates.

SEC. 2. Upon presentation of a warrant drawn as provided for in section one of this act, to the state treasurer, that officer shall pay the same out of any money in the treasury of the state appropriated for the expenses of the legislature of the State of Washington: *Provided*, That should there be no money in the state treasury covered by such appropriation, the state treasurer shall indorse such fact on the warrant presented, and said warrant shall draw interest from the date of such presentation and indorsement, and shall be payable thereafter in the manner provided by existing law and custom.

SEC. 3. Whereas, there is no provision of law for the payment of the mileage and per diem of legislators, therefore, an emergency exists, and this act shall take effect and be in force from and after its passage and approval by the governor.

Approved December 13, 1889.

## INSANE ASYLUM AT STEILACOOM.

AN ACT to appropriate money to pay deficiencies for supplies furnished for the Hospital of the Insane, at Fort Steilacoom, State of Washington.

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

SECTION 1. That there be and is hereby appropriated out of the state treasury, from funds not otherwise appropriated, for the use of the Hospital for the Insane, at Fort Steilacoom, for pay of deficiencies for supplies purchased by the trustees of said hospital, the sum of twenty thousand dollars. The said sum paid under this act, or so much thereof, to be only paid when certified as correct by said board of trustees, and audited by the state auditor.

SEC. 2. This act to take effect and be in force from and after its passage and approval by the governor.

Approved December 20, 1889.

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APPROPRIATION FOR SCHOOL FOR DEFECTIVE YOUTH.

AN ACT appropriating money for the support of the Washington School for Defective Youth.

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

SECTION 1. That there be and hereby is appropriated out of any money in the state treasury not otherwise appropriated, the sum of twelve thousand and ninety dollars (\$12,090) to defray the expenses of the Washington School for Defective Youth from the first day of April, A. D. 1890, to the first day of April, A. D. 1891,

said money to be paid to the treasurer of the board of trustees of said school as follows, to-wit: Three thousand and twenty-two dollars and fifty cents (\$3,022.50) on the first day of July, A. D. 1890, three thousand and twenty-two dollars and fifty cents (\$3,022.50) on the first day of October, A. D. 1890, three thousand and twenty-two dollars and fifty cents (\$3,022.50) on the first day of January, A. D. 1891, and three thousand and twenty-two dollars and fifty cents (\$3,022.50) on the first day of April, A. D. 1891.

SEC. 2. The state auditor is hereby directed to draw his warrant upon the state treasurer in favor of the treasurer of the board of trustees of the said Washington School for Defective Youth, at the time and for the amounts as set forth in section one of this act; and the state treasurer is hereby directed to pay the same: *Provided*, That the

How expended.

money hereby appropriated shall only be expended in accordance with the provisions of the act entitled "An act to establish a school for the deaf mute, blind and feeble-minded youth of Washington Territory," approved February 3d, 1886: *Provided further*, That the trustees of said institution shall render a full and detailed statement of the expenditure of all moneys appropriated by this act, to the governor at the next meeting of the legislature of the State of Washington, or at any time he may demand the same.

Trustees shall render statement.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after the thirty-first day of March, A. D. 1890.

Approved December 20, 1889.

## EXPENSES OF CONSTITUTIONAL CONVENTION.

AN ACT to provide for paying the unpaid expenses of the Constitutional Convention.

WHEREAS, The appropriation made by the Congress of the United States for the payment of the expenses of the convention by which the constitution of the State of Washington was framed was inadequate, and the amount of the deficit, after exhausting said appropriation, was six thousand and seventy-six dollars and twenty-seven cents; therefore,

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

SECTION 1. That there be, and hereby is, appropriated out of the general fund of the state, from funds not otherwise appropriated, for the payment of the unpaid expenses of said convention, the sum of six thousand seventy-six dollars and twenty-seven cents, or so much thereof as may be necessary.

SEC. 2. The said unpaid expenses shall be audited by the auditor of the state, who shall draw his warrant for such sums as he may find to be correct and just.

SEC. 3. This act shall take effect from the date of its approval by the governor.

Approved December 20, 1889.

## INCIDENTAL EXPENSES OF THE LEGISLATURE.

AN ACT to provide for the payment of the incidental expenses of the Legislature of the State of Washington, and declaring an emergency.

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

SECTION 1. That the state auditor is hereby directed to draw warrants on the state treasurer for the incidental expenses of the legislature, on presentation of certificates showing amounts due for material furnished and services rendered to dates specified. The certificates shall be signed by the speaker or president, and countersigned by the sergeant-at-arms, respectively, of the body ordering the expenditures. The warrants shall be in favor of and payable to the order of the persons named in said certificates.

SEC. 2. Upon presentation of a warrant, drawn as provided for in section one of this act, to the state treasurer, that officer shall pay the same out of any money in the treasury of the state appropriated for the expenses of the legislature of the State of Washington: *Provided*, That should there be no money in the state treasury covered by such appropriation, the state treasurer shall endorse such fact on the warrant presented, and said warrant shall draw interest from the date of such presentation and indorsement, and shall be payable thereafter in the manner provided by existing law and custom.

SEC. 3. Whereas, an emergency exists for the early operation of the provisions of section[s] one and two, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved January 27, 1890.

PENITENTIARY ; APPROPRIATION FOR DEFICIENCY.

AN ACT to appropriate the sum of \$17,752 28-100 to pay deficiency in the appropriation for the maintenance of the Penitentiary at Walla Walla.

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

SECTION 1. That there be and is hereby appropriated out of the general funds of the state not otherwise appropriated, the sum of \$17,752 28-100 to be added to and become a part of the fund appropriated for the maintenance of prisoners by an act of the legislature of the Territory of Washington, entitled "An act to provide for the further construction of penitentiary buildings at Walla Walla, for the purchase of necessary plant for the manufacture of grain sacks thereat, for heating and lighting the same, for the maintenance of prisoners confined therein, to cover deficiencies for past expenditures made on account of the same, and appropriating money therefor;" approved February 1, 1888.

SEC. 2. That the state auditor and state treasurer shall add the amount hereby appropriated to said maintenance fund, and the auditor shall audit all bills and vouchers heretofore or hereafter lawfully issued and properly certified to by the board of penitentiary commissioners on said fund, and draw warrants on the state treasurer for the amounts thereof, respectively, and the state treasurer shall pay all said warrants out of said fund.

Duty of state auditor.

SEC. 3. This act shall be in force from and after its passage and approval.

Approved February 18, 1890.

## INSURANCE OF CAPITOL BUILDING.

AN ACT to appropriate \$200 for the insurance against fire of the Capitol Building and the State Library.

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

SECTION 1. That the sum of two hundred dollars be and the same is hereby appropriated for the insurance against fire of the state capitol building and the state library for the period of one year from the first day of March, 1890, in such company or companies as the governor may select.

SEC. 2. The said sum of two hundred dollars to cover the premium on \$10,000 insurance, namely, \$4,000 on the state capitol building and \$6,000 on the state library.

SEC. 3. The state auditor is hereby directed to draw a warrant in the sum of two hundred dollars on the state treasurer in favor of the governor, for the payment of the premium on such insurance.

SEC. 4. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved March 3, 1890.

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 ASYLUM FOR THE INSANE AT MEDICAL LAKE.

AN ACT to provide for the completion and furnishing of the Hospital for the Insane at Medical Lake, Washington, and making an appropriation therefor.

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

SECTION 1. That the board of commissioners of the Hospital for the Insane at Medical Lake shall proceed,

as soon as practicable, to fully complete, furnish and equip the building now under construction at the said Medical Lake, and intended for use as said hospital for the insane, in accordance with the plans and specifications heretofore adopted by the said board of commissioners, and to furnish and equip the same ready for the use and occupancy thereof as such hospital.

SEC. 2. That the said work of completion and the furnishing and equipping of said hospital shall be done by contract, under the supervision and control of the said board of commissioners; that no contract shall be entered into for labor or material for the completion of said hospital, or for furniture or other articles for the furnishing and equipping thereof, until it shall have been approved by the said board, or a majority thereof, nor until the said board shall have first given notice by publication in three or more leading newspapers of general circulation, published in this state, for four consecutive weeks, inviting sealed proposals for the labor, materials, furniture, etc., necessary for the completion and furnishing of said hospital, which said notice shall specify the amount and character of the work to be done, the amount, kind and character of the materials to be furnished for the finishing, furnishing and equipping of said hospital, the amount of the bond which shall be required by the bidder for the fulfillment of any contract entered into with him or them, and in all cases contracts shall be awarded to the lowest responsible bidder, who will give required security; bids shall be accepted in detail as near as practicable, and the advertisement shall so state: *Provided, however,* That the said board may, in its discretion, reject any and all bids, and readvertise for other bids as hereinbefore provided: *Provided further,* That no contract shall be entered into in any case where there is only one bidder for the work, material or furnishing of said hospital, or any part thereof, unless the said contract shall have been approved by every member of the said board at a meeting thereof, where the entire board is present.

Must be by contract.

Publication of notice.

Bond of bidder.

Board may reject bids.

SEC. 3. That for the purpose of carrying out the provisions of this act, there is hereby appropriated the sum

of one hundred thousand (\$100,000) dollars, or so much thereof as may be necessary, to fully complete and furnish the said hospital for the insane.

SEC. 4. That nothing herein contained shall be held to repeal or modify any portion of chapter sixty (LX) of the laws of Washington Territory, approved January 25, A. D. 1888.

SEC. 5. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved January 31, 1890.

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#### REPORTS OF TERRITORIAL OFFICERS.

AN ACT to provide for paying for the printing of the reports of the late territorial officers, and declaring an emergency.

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

SECTION 1. That there be and is hereby appropriated the sum of two thousand dollars, or so much thereof as may be necessary, to pay the Puget Sound Printing Company for the printing of the reports of the late territorial officers.

SEC. 2. Whereas, this work has been done under a contract made by the late territorial auditor, and no provision has been made for the payment; therefore, an emergency is declared to exist, and this act shall take effect on and after its passage.

Approved February 1, 1890.

FOR THE RELIEF OF THE CODE COM-  
MISSION.

AN ACT for the relief of W. H. Doolittle, A. E. Isham and H. J. Snively, code commissioners.

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

SECTION 1. That the sum of three hundred dollars be and the same is hereby appropriated out of the state treasury not otherwise appropriated, to pay W. H. Doolittle, A. E. Isham and H. J. Snively, code commissioners, each the sum of one hundred dollars, for attendance on this session of the legislature, with their work as prepared by them.

SEC. 2. The state auditor is hereby authorized and instructed to draw his warrant for the sum of \$100 in favor of each of said persons, and the treasurer is hereby authorized to pay the same out of any money not otherwise appropriated.

Approved February 25, 1890.

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H. W. EAGAN; FOR THE RELIEF OF.

AN ACT for the relief of H. W. Eagan.

WHEREAS, H. W. Eagan was duly appointed by the governor of Washington Territory, on the 21st day of February, A. D. 1889, chaplain of the penitentiary at Walla Walla, and duly commissioned as such, and has ever since said date performed the duties of such office; and

WHEREAS, No provision has been made for payment for such services, and said H. W. Eagan has received no pay or compensation therefor; now, therefore,

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

SECTION 1. That the state auditor be and he is hereby authorized and directed to draw his warrant on the state treasurer for the sum of three hundred dollars in favor of said H. W. Eagan, for services rendered to November 11, 1889.

SEC. 2. That there be and hereby is appropriated, out of any money in the state treasury not otherwise appropriated, for the payment of said warrant, the sum of three hundred dollars, and said state treasurer is hereby authorized to pay said warrant out of said sum hereby appropriated.

Approved February 28, 1890.

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FOR THE RELIEF OF JOHN SULLIVAN, JOHN  
MILLER MURPHY AND THE WASHINGTON  
STANDARD.

AN ACT for the relief of John Sullivan, the Washington Standard and John Miller Murphy.

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

SECTION 1. That the sum of forty dollars and twenty-five cents (\$40.25) be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the relief of John Sullivan for one anemometer purchased by him for the purpose of carrying out the provisions of the act of the legislature creating the office of inspector of coal mines.

SEC. 2. That the sum of one hundred and six dollars and forty-four cents (\$106.44) be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the relief of the Washington Standard, on account of printing and stationery for the office of the territorial governor for the year 1887.

SEC. 3. That the sum of nine dollars and twenty-five cents (\$9.25) be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for the relief of John Miller Murphy, on account of costs paid by him in a certain suit wherein Frank J. Parker versus John Miller Murphy, territorial auditor, were the parties.

SEC. 4. The state auditor is hereby authorized to draw warrants on the state treasurer for said sums in favor of the said John Sullivan, the Washington Standard and John Miller Murphy, and the state treasurer is hereby directed to pay said warrants out of any funds in said treasury not otherwise appropriated.

SEC. 5. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved March 13, 1890.

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## SCHOOL FOR DEFECTIVE YOUTH; TO PROVIDE FOR THE COMPLETION OF.

AN ACT to provide for the completion of the building of the Washington School for Defective Youth, and to appropriate money therefor.

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

SECTION 1. That the board of trustees of the Washington School for Defective Youth are hereby authorized to complete the building now partially erected for the said

Washington School for Defective Youth, in the manner and subject to the regulations hereinafter specified: *Provided*, That furniture, furnishings, heating apparatus, out-houses, fencing and ground improvements may be included in the completion of the building.

Trustees control and supervise.

Notice by publication.

Board may reject bids.

Trustees must not be interested.

May appoint a superintendent.

SEC. 2. That all contracts, work and purchases made or performed under authority of this act shall be under the supervision and control of the board of trustees of the Washington School for Defective Youth, and no contract shall be entered into for materials or labor until approved by the majority of said board of trustees, nor until said board of trustees shall have first given notice by publications in four weekly newspapers of general circulation in this state, for four consecutive weeks, inviting sealed proposals for labor and furnishing the necessary materials for the fulfillment of all proposed contracts, and specifying the amount and character of the bond which will be required for the faithful fulfillment of the conditions of said contracts, and in all cases contracts shall be awarded to the lowest responsible bidder, who shall give the required security: *Provided*, That, should there be one bid only, the approval of all the members of the said board of trustees present when the bids shall be opened, which must be at least four members of the board of trustees, shall be necessary to award a contract: *Provided further*, That the said board of trustees may reject any or all bids, at their discretion, when deemed too high, and may again advertise for proposals as above set forth; and no recourse shall be had against said board of trustees for any damages arising by reason of their refusing any bids or contracts.

SEC. 3. That no member of the board of trustees shall be interested directly or indirectly in any contract connected with the work specified in this act, under a penalty of three thousand (\$3,000) dollars, to be collected upon an action of debt brought under the direction of the governor of the state of Washington, in any court of competent jurisdiction: *Provided*, That the board of trustees may appoint some competent person as superintendent of work, who may be allowed four (\$4) dollars for each full day spent by him in discharging the duty of such superintendent: *Pro-*

*vided further*, That such superintendent shall not receive for this service more than five hundred (\$500) dollars.

SEC. 4. That all accounts shall be audited by the state auditor, and no money shall be paid by the state treasurer for any purpose embraced in this act except on a warrant or warrants drawn on him by the state auditor for the payment of bills certified to by the said board of trustees, and every such warrant shall express on its face whether the amount so required is for materials furnished, or services rendered, or labor performed; and the board of trustees shall in no case sanction the payment of any money unless the labor has been performed, or the materials have been furnished, as provided in section 2 of this act; and it shall be the duty of the state treasurer to pay all warrants drawn by said state auditor, as herein provided, out of any money in his hands not otherwise appropriated.

Accounts, how audited.

SEC. 5. Each member of said board of trustees shall receive his actual necessary traveling and incidental expenses incurred while engaged in and performing the duties set forth in this act.

Expenses of trustees.

SEC. 6. That for the purposes of carrying into effect the provisions of this act, there is hereby appropriated from funds in the state treasury, not otherwise appropriated, the sum of forty thousand (\$40,000) dollars, or so much thereof as may be necessary.

SEC. 7. That the superintendent of work shall, before entering upon the duties of his office, take and subscribe an oath, before any officer of the state qualified to administer the same, that he will faithfully and impartially perform the duties of his office; and he shall execute and deliver to the board of trustees a bond to the State of Washington, with two or more good and sufficient sureties, to be approved by the board of trustees, in the sum of ten thousand (\$10,000) dollars, conditioned upon the faithful performance of his duties, which oath and bond shall be filed in the office of the secretary of state.

Superintendent shall qualify with bond.

SEC. 8. That all acts and parts of acts in conflict with this act be and the same are hereby repealed.

Approved March 20, 1890.

## MILES C. MOORE; RELIEF OF.

AN ACT for the relief of Miles C. Moore.

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

SECTION 1. That the sum of two hundred and ten dollars (\$210) be and the same is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the relief of Miles C. Moore, for money advanced and paid out for furnishing the department of the interior three thousand copies of map of State of Washington, inserted in the governor's annual report to the secretary of the interior for 1889.

SEC. 2. The state auditor is hereby authorized and instructed to draw a warrant on the state treasurer for said sum in favor of the said Miles C. Moore, and the state treasurer is directed to pay said warrant out of any funds in the said treasury not otherwise appropriated.

Approved March 13, 1890.

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SCHOOL FOR DEFECTIVE YOUTH; APPROPRIATION FOR.

AN ACT to appropriate money to pay for material furnished and labor performed on account of the Washington School for Defective Youth.

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

SECTION 1. That there be, and hereby is, appropriated out of the state treasury, from funds not otherwise appropriated, the sum of twelve hundred and twenty-nine dollars and sixty-three cents for the payment of accounts for

material furnished and labor performed on account of the Washington School for Defective Youth.

SEC. 2. That the state auditor is hereby instructed to draw warrants on the state treasurer for the said sums, as follows: One in favor of J. J. Healy, for \$551 65-100; one in favor of J. E. O'Flaherty, for \$270 83-100; one in favor of Edwin Sparks, for \$75; and one in favor of Sparks and O'Flaherty, for \$175; and one in favor of W. E. Maxson, for \$157 15-100. And the state treasurer is directed to pay said warrants out of any funds in the said treasury not otherwise appropriated.

Approved March 20, 1890.

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### FRANK J. PARKER; RELIEF OF.

AN ACT for the relief of Frank J. Parker for services as Trustee of the School of Defective Youth.

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

SECTION 1. That there be and hereby is appropriated the sum of \$225 to pay Frank J. Parker for travel and services as trustee of the School of Defective Youth.

SEC. 2. The state auditor is hereby directed to draw a warrant upon the state treasurer in favor of Frank J. Parker for the sum of \$225, payable out of any money in the treasury not otherwise appropriated.

SEC. 3. This act shall take effect and be in force from and after its approval by the governor.

Approved March 28, 1890.

WALLA WALLA PENITENTIARY; APPROPRIATION FOR.

AN ACT making appropriation of the sum of \$40,000 for the maintenance of the Penitentiary at Walla Walla, State of Washington, for the year eighteen hundred and ninety.

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

SECTION 1. That there be and hereby is appropriated out of the general fund of the state not otherwise appropriated, the sum of forty thousand dollars for the maintenance of the penitentiary at Walla Walla, State of Washington, for the year eighteen hundred and ninety.

SEC. 2. The said sum of forty thousand dollars shall be expended in same manner as provided in an act entitled "An act to govern the officers of the territorial penitentiary, and to provide for their compensation," approved February 2, 1888.

Approved March 21, 1890.

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ELLEN S. STEPHENSON; FOR THE RELIEF OF.

AN ACT for the relief of Ellen S. Stephenson.

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

SECTION 1. That there be and is hereby appropriated out of the general fund of the state not otherwise appropriated, the sum of fifty-two dollars to reimburse Ellen S. Stephenson for moneys paid out by her for incidental expenses connected with the territorial and state library, and the state auditor is hereby directed to draw a warrant for said amount in favor of Ellen S. Stephenson.

SEC. 2. That there is hereby appropriated out of the general fund of the state not otherwise appropriated, the sum of four dollars per day for the time occupied by the session of the legislature, to pay Ellen S. Stephenson for extra services performed by her for the state during the session of the state legislature. And the state auditor is hereby directed, upon the adjournment of this legislature, to draw a warrant in favor of said Ellen S. Stephenson for a sum equal to four dollars per day for each day it shall have been in session, as shown by the records thereof.

Received by the governor March 28, 1890.

[*Note by the Secretary of State.*—The foregoing act having been presented to the governor of the state for his approval, and not having been filed in the office of the secretary of state within the time prescribed by the constitution of the state, with his objections thereto, has become a law under the provisions of the constitution.]

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AUTHORIZING THE TRUSTEES OF THE  
STATE SCHOOL FOR DEFECTIVE YOUTH  
TO INSURE THE BUILDINGS AND PROP-  
ERTY OF SAID SCHOOL.

AN ACT authorizing the trustees of the State School for Defective Youth at Vancouver to insure the buildings and property of said school, and making an appropriation therefor.

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

SECTION 1. The trustees of the State School for Defective Youth at Vancouver are hereby authorized and empowered to procure and effect insurance upon the buildings and property of said school against fire, and to take out and receive in the name of and for the benefit of the State of Washington, a policy or policies of insurance from such good and substantial fire insurance company or companies doing business in this state as said trustees may

deem most reasonable in terms and responsible in character, and for such term (not exceeding two years) as they may deem proper.

SEC. 2. The sum of four hundred dollars is hereby appropriated for such purpose out of any moneys in the state treasury not otherwise appropriated by law, and any remainder or balance of said appropriation which may be left unexpended after such insurance is made shall revert to the general state fund.

SEC. 3. When a valid contract for such insurance shall have been made and entered into between said directors and such insurance company or companies as they may select, then said directors shall draw an order, or orders, upon the auditor of state in favor of the company or companies entitled to the same for such sum or sums as may be required (not exceeding in the aggregate the amount of this appropriation), and thereupon the auditor of state shall draw his warrant or warrants upon the state treasurer therefor, and the state treasurer shall pay the same.

Approved March 26, 1890.

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## NOTARIES PUBLIC; RELIEF OF.

AN ACT for the relief of certain notaries public.

WHEREAS, The legislature of the State of Washington passed an act, approved December 21st, 1889, providing for the appointment, qualification and duties of notaries public; and

WHEREAS, Certain notaries public holding territorial commissions have failed to receive deductions due them in accordance with the provisions of section 2 of said act; therefore,

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

SECTION 1. That the treasurer of state be and hereby is instructed to issue certificates for the amount due to each notary public entitled to such rebate; that the auditor of state be and hereby is instructed to draw warrants on the state treasurer for such sums, and that the state treasurer is hereby instructed to pay such sums out of the state library fund.

SEC. 2. For the purpose of carrying into effect the provisions of this act, there is hereby appropriated out of the state library fund the sum of two hundred dollars, or so much thereof as may be necessary.

Approved March 27, 1890.

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## MANUFACTURE OF GRAIN SACKS AT PENITENTIARY.

AN ACT to provide for the employment of convicts at the Walla Walla Penitentiary, and making an appropriation therefor.

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

SECTION 1. That there be and hereby is appropriated out of any funds in the state treasury not otherwise appropriated, the sum of twenty-five thousand dollars additional to that already appropriated for the same purpose, for the purchase of necessary plant for the manufacture of grain sacks, or for such other purpose as the said commissioners may deem most desirable and beneficial, at the penitentiary at Walla Walla.

SEC. 2. That the board of commissioners in charge of the penitentiary are hereby authorized to expend so much of the amount of twenty-five thousand dollars as may be necessary, for engines, tools, machinery, fixtures

Board authorized to expend appropriation.

and raw material, as may be necessary to keep employed the prisoners in the penitentiary, and to provide for the sale of goods therein manufactured.

**Grain sacks.** SEC. 3. In case the said board of commissioners shall decide to manufacture grain sacks, as provided in section one of this act, the said board of commissioners shall be governed in the expenditure of the amount hereby appropriated as provided in an act approved February 1, 1888, entitled "An act to provide for the further construction of penitentiary buildings at Walla Walla, for the purchase of necessary plant for the manufacture of grain sacks thereat, for heating and lighting the same, for the maintenance of prisoners therein confined, to cover deficiencies for past expenditures made on account of the same, and appropriating money therefor."

Approved February 18, 1890.

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## BARTON'S HAND-BOOK ; PROVIDING FOR THE PURCHASE OF.

AN ACT to provide for the purchase of Barton's Hand-Book and Legislative Manual of Washington, for the use and benefit of the state and state officials, and making an appropriation therefor.

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

SECTION 1. That the sum of twelve hundred dollars (\$1,200) be and the same is hereby appropriated out of any money in the state treasury not otherwise appropriated by law, for the purchase of six hundred copies of Barton's Hand-Book and Legislative Manual of the State of Washington.

SEC. 2. That upon the delivery of the said 600 copies to the secretary of state, the said secretary shall notify the state auditor, who shall draw his warrant in favor of C. M.

Barton and T. H. Boyd, on the state treasurer for the amount named in section one.

SEC. 3. That the secretary of state shall deliver three copies of said books to each of the members of the senate and house of representatives, judges of the supreme court and superior courts of the state, three of said books to the governor, lieutenant governor, auditor, secretary of state, treasurer, attorney general, superintendent of public instruction and commissioner of public lands, one of said books to each of the members of the late constitutional convention, members of the board of education, to each of the county school superintendents, and the state librarian.

How distributed.

SEC. 4. That one of the said books be sent by the secretary of state to each of the libraries of the several states and territories of the Union, in exchange for books of a similar character for the state library of Washington, and that any of said books remaining in the possession of the secretary of state, after such distribution is made, shall be distributed *pro rata* by the secretary among the educational institutions of the state.

Approved March 28, 1890.

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## EXECUTIVE AND JUDICIAL DEPARTMENT.

AN ACT making appropriations for sundry civil expenses of the State Government for the fiscal term beginning November 18th, 1889, and ending March 31st, 1891, and for other purposes.

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

SECTION 1. That the following sums, or so much thereof as shall severally be found necessary, be and the same are hereby appropriated out of any moneys in the general fund of the state treasury for the purposes hereinafter expressed, for the fiscal term beginning on the eighteenth

For the gov-  
ernor.

day of November, eighteen hundred and eighty-nine, and ending on the thirty-first day of March, eighteen hundred and ninety-one, viz.: For salary of the governor at four thousand dollars a year, five thousand four hundred and seventy-seven dollars and seventy-eight cents (\$5,477.78). For salary of a private secretary for the governor at eighteen hundred dollars per year, two thousand four hundred and sixty-five dollars (\$2,465). For salary of a messenger, who shall also be janitor, in office of the governor, at three hundred and sixty dollars per year, four hundred and ninety-three dollars (\$493). For rent of governor's office at three hundred dollars per year, four hundred and ten dollars and eighty-four cents (\$410.84). For furniture for office of governor, three hundred dollars (\$300). For fuel, light, postage, telegraphing, stationery, miscellaneous and incidental expenses of the governor's office at six hundred dollars per year, eight hundred and twenty-one dollars and sixty-seven cents (\$821.67). For salary of the lieutenant governor at one thousand dollars per year, one thousand three hundred and sixty-nine dollars and forty-five cents (\$1,369.45). For salary of secretary of state at twenty-five hundred (\$2,500) dollars a year, three thousand four hundred and sixteen (\$3,416.95) dollars and ninety-five cents. For salary of chief clerk for secretary of state at \$1,500 per year, two thousand and fifty dollars and nineteen cents (\$2,050.19). For salary of recording clerk for secretary of state at one thousand dollars per year, one thousand three hundred and sixty-seven and 9-100 dollars (\$1,367.09). For rent of secretary's office at \$360 per year, four hundred and ninety-two and 2-100 dollars (\$492.02). For fuel, light, water and janitor for secretary's office at \$400 a year, five hundred and forty-six and 76-100 dollars (\$546.76). For postage for office of secretary of state at \$600 a year, eight hundred and twenty dollars (\$820). For stationery, printing and incidental expenses of office of secretary of state, three hundred dollars (\$300). For furniture for office of secretary of state, five hundred dollars (\$500). For extra clerical assistance for the secretary of state, to be paid only upon certified vouchers, an amount not to exceed one

For lieutenant  
governor.

For the secre-  
tary of state.

thousand dollars, or so much thereof as may be necessary.

For salary of state auditor at \$2,000 a year, two thousand seven hundred and thirty-three and 61-100 dollars (\$2,733.61). For salary of deputy for state auditor at \$1,200 per year, one thousand six hundred and forty-three and 33-100 dollars (\$1,643.33). For salary of clerk in office of state auditor at \$900 per year, one thousand two hundred and thirty-two and 50-100 dollars (\$1,232.50). For rent of office of state auditor at \$300 per year, four hundred dollars (\$400). For postage, stationery, lights, fuel and incidental expenses of office of state auditor at \$300 per year, four hundred dollars (\$400). For the following special supplies in office of state auditor: Blank books, one hundred and fifty (\$150) dollars; blank warrants and vouchers, one hundred (100) dollars; seals, ten (10) dollars; stove and fixtures, twenty-five (25) dollars; office furniture; carpets, etc., three hundred (300) dollars; total, five hundred and eighty-five (585) dollars. For salary of state treasurer at \$2,000 per year, two thousand seven hundred and thirty-three and 61-100 dollars (2,733.61). For rent, fuel, lights, stationery, postage in office of state treasurer, eight hundred and twenty dollars (\$820). For printing and advertising expenses of state treasurer, sixty dollars (\$60). For furniture for office of state treasurer, \$200. For clerical assistance in the office of the state treasurer, to be paid only upon vouchers properly certified, six hundred dollars. For salary of superintendent of public instruction at \$2,500 per year, three thousand four hundred and twenty-three and 33-100 dollars (\$3,423.33). For traveling expenses of superintendent of public instruction, \$800. For salary of clerk of superintendent of public instruction, \$500. For rent of office of superintendent of public instruction, three hundred sixty dollars (\$360). For fuel and lights of office of superintendent of public instruction, sixty dollars (\$60). For record books and miscellaneous stationery for office of superintendent of public instruction, one hundred and forty dollars (\$140). For postage and express charges for office of superintendent of public instruction, four hundred and fifty dollars (\$450). For furniture of office of superintendent of pub-

For the state auditor.

For the state treasurer.

For the superintendent of public instruction.

lic instruction, three hundred dollars (\$300). For the public printing, for the public binding, and for paper and material used for the public printing, as provided by an act entitled "An act to provide for the state printing and binding, fixing the compensation of the state printer, prescribing his duties, and to provide for the purchase of printing and binding materials," approved February 19, 1890, forty thousand (40,000) dollars. For advertising for bids and for furnishing paper and the printing and distribution of detail property assessment blanks for the year 1890, under direction of the state auditor, seven hundred and fifty dollars. For advertising for bids for furnishing materials and printing state bonds, to be issued in pursuance of "An act to provide for the payment of the debt of the Territory of Washington," approved February 26, 1890, five hundred dollars. For expenses in the transportation of insane persons to the state hospital for the insane, eighteen thousand dollars. For expenses in transporting state convicts to the state penitentiary, fifteen thousand dollars. For cost bills in convictions for felony before the superior courts, chargeable against the state, twenty-five thousand dollars. For extradition expenses, two thousand five hundred dollars. For official proclamations of the governor, one thousand five hundred dollars. For expenses of the board of regents of the state university, eight hundred dollars. For salary of state land commissioner at \$2,000 per annum, \$2,733.66; for clerk hire, \$2,500; for office rent, \$480; for office furniture, \$300; for postage, \$300; for incidental expenses, \$150. For salary attorney general at \$2,000 per annum, \$2,733.66; for traveling expenses, \$500; for office rent and furniture, \$500. For salaries supreme judges at \$4,000 per annum, \$27,388.75. For salary clerk supreme court at \$2,000 per annum, \$2,733.66; for rent of office of clerk and court room, \$900; for pay of bailiffs, crier and janitor, \$2,260; for fuel, lights and record books, \$300; for blanks, stationery, printing, etc., \$400; for furniture and contingent expenses, \$800; for safe for supreme court, \$500; for purchase supreme court reports, \$750. For salary reporter, \$2,054. For sala-

For public printing.

For transporting state convicts.

For extradition expenses.

Proclamations.

University.

State land commissioner.

Att'y general.

Supreme judges.  
Supreme court clerk and court expenses.

Supreme court reporter.

ries superior judges, \$30,000. For salaries of prosecuting attorneys, \$18,350. For salary of state librarian, \$1,000. For shelving and incidentals state library, \$400, to be paid out of the state library fund. For compiling, re-arranging, annotating and publishing the code of Washington, sixteen thousand dollars. For expenses of state mining bureau, one thousand five hundred dollars. For incidental expenses of board of health at Port Townsend, one hundred and fifty dollars. For miscellaneous printing and stationery for state officers, \$897.30. For indexing and distributing session laws, under direction of the secretary of state, \$500. For preparing senate journal for public printer, \$200. For preparing house journal for public printer, \$300. For compensation and traveling expenses of assistant to secretary of state under insurance laws, \$500. For expenses in transmission of state funds, \$400. For expenses in distribution of state laws and reports of state officers, \$500. For rewards for capture of fugitives from justice, \$5,000. For expenses of state board of education, \$1,000. For salaries and incidental expenses of fish commission in lieu of amount specified in the act creating the same, \$5,000. For expenses in maintaining office of lieutenant governor from the 6th day of November, 1889, to the 6th day of January, 1891, as follows, viz.: Total amount, \$300.

Pros. attorneys.

State librarian.

Code commis-  
sioner.

Mining bureau.

Board of health.

Miscellaneous  
printing.Senate and  
house journals.Assistant to sec-  
retary of state.Transmission of  
funds.Distribution of  
laws.

Rewards.

Board of educa-  
tion.Fish commis-  
sion.Expense of  
lieut. governor.

Approved March 28, 1890.

## CHAPTER II.—BONDS.

### TO FUND STATE DEBT.

AN ACT to provide for the payment of the debt of the Territory of Washington, and declaring an emergency.

WHEREAS, The Territory of Washington was indebted, at the time of the admission of the State of Washington into the Union, to an amount exceeding the sum of two hundred and fifty thousand dollars (\$250,000); and

WHEREAS, By the act of congress, approved February twenty-second (22d), 1889, entitled "An act to provide for the division of Dakota into two states and 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 equal footing with the original states, and to make donations of public lands to said states," the State of Washington is required to assume and pay said indebtedness; and

Territorial indebtedness.

WHEREAS, By reason of the assumption of the State of Washington of the indebtedness of the Territory of Washington, a deficit exists to an amount exceeding the sum of two hundred and fifty thousand dollars (\$250,000).

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

Officers authorized to borrow.

SECTION 1. That the governor, state auditor and state treasurer be and are hereby authorized to borrow, on the credit of the state, the sum of three hundred thousand dollars (\$300,000), or so much thereof as may be necessary to liquidate the said indebtedness, at a rate of interest not exceeding five (5) per cent. per annum, which money so borrowed shall be paid at any time after five years and within fifteen years, at the option of the state.

Interest, rate and time.

SEC. 2. This loan shall be made upon state bonds, which bonds shall be signed by the governor and attested by

Bonds to be signed.

the secretary of state under the seal of the state, and countersigned and registered by the state auditor. It shall be the duty of the governor and state auditor to cause to be prepared for such purpose, bonds of the state to the amount of three hundred thousand dollars (\$300,000), which shall be of denominations not less than one thousand dollars (\$1,000) each, and shall, on their face, be made payable at any time after five years, and within fifteen years, from their date, at the option of the state, at the office of the state treasurer, and they shall pledge the faith and credit of the state to the payment thereof. Terms of bonds.

SEC. 3. Whenever the interest on the above bonds shall become due, the same shall be paid by the state treasurer.

SEC. 4. For the purpose of providing a fund for the redemption of said bonds and payment of interest thereon, the state auditor is hereby authorized and required to levy for five (5) consecutive years an annual tax not exceeding one-tenth (1-10) of one mill on the dollar of the taxable property of the state, which tax, when collected, shall be known as the "interest fund," and shall be applied solely to the payment of the interest on said bonds. In the year 1895, and thereafter, the state auditor is hereby authorized and required to levy an annual tax of not exceeding one-fifth (1-5) of one mill on the dollar of the taxable property of the state, which tax, when collected, shall be known as the "redemption fund," and shall, until such bonds and interest are paid, be applied solely to the payment thereof in the following manner, viz.: Whenever the amount thereof shall exceed a sum sufficient to pay the interest falling due at the next annual period of payment, then such excess remaining, after setting apart sufficient for the payment of such interest, shall be used and paid for the redemption of so many of said bonds as the same shall be sufficient to redeem. When said bonds are all redeemed, and all interest thereon paid, the residue of said fund, and all subsequent collections of said tax, shall be transferred to the general revenue of the state. Redemption fund.

SEC. 5. As an emergency exists for the passage of this act, it shall be in full force and effect from and after its passage and approval by the governor.

Approved February 26, 1890. °

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## OFFICIAL BONDS.

AN ACT concerning official bonds.

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

SECTION 1. All official bonds required by law of officers shall be in form, joint and several, and made payable to the State of Washington, in such penal sum and with such conditions as may be required by law.

SEC. 2. Every official bond executed by any officer pursuant to law shall be deemed and taken to be in force, and shall be obligatory upon the principal and sureties therein for any and all breach of the condition or conditions thereof committed during the time such officer shall continue to discharge any of the duties of, or hold such office, and every such bond shall be deemed to be in force and obligatory upon the principal and sureties therein for the faithful discharge of all duties which may be required of such officer by any law enacted subsequent to the execution of such bond, and such condition shall be expressed therein.

Effect of bonds.

Conditions.

SEC. 3. Every official bond executed by any officer pursuant to law, shall be in force and obligatory upon the principal and sureties therein, to and for the State of Washington, and to and for the use and benefit of all persons who may be injured or aggrieved by the wrongful act or default of such officer, in his official capacity, and any person so injured or aggrieved may bring suit on

Suit on bonds.

such bond in his or her own name without an assignment thereof.

SEC. 4. Whenever any such official bond shall not contain the substantial matter or condition or conditions required by law, or there shall be any defect in the approval or filing thereof, such bond shall not be void so as to discharge such officer and his sureties, but they shall be bound to the state, or party interested, and the state or such party may, by action instituted in any court of competent jurisdiction, suggest the defect of such bond or such approval or filing, and recover his proper and equitable demand or damages from such officer, and the person or persons, who intended to become, and were included in such bond as sureties.

SEC. 5. The official bonds of officers shall be approved and filed as follows, to-wit: The official bond of the secretary of state shall be approved by the governor, and filed and recorded in the office of the county clerk of the county in which the seat of government is fixed. The official bond[s] of all other state officers required by law to give bond[s], except as otherwise expressly provided by law, shall be approved by the governor, filed and recorded in the office of secretary of state. The official bond of all county and township officers shall be approved by the board of county commissioners, if in session, and if not in session, by the chairman of such board, and filed and recorded in the office of the county clerk of their respective counties: *Provided*, That the bond of the county clerk shall be filed and recorded in the office of the county auditor or recorder of the proper county.

SEC. 6. Whenever the sureties, or any one of them, in the official bond of any county or township officer shall die, remove from the state, become insolvent or insufficient, or the penalty of such bond shall become insufficient, on account of recoveries had thereon, or otherwise, it shall be the duty of the board of county commissioners of the proper county, of their own motion, or on the showing of any person, supported by affidavit, to summon any such officer to appear before them at a stated time, not less than five days after service of such summons, and show cause why

he should not execute an additional official bond with good and sufficient sureties.

SEC. 7. Should such officer, after due notice, fail to appear at the time appointed, the matter may be heard and determined in his absence; if after examination the board of county commissioners shall be of opinion that the bond of such officer has become insufficient from any cause whatever, they shall require an additional bond with such security as may be deemed necessary, which said additional bond shall be executed and filed within such time as the board of county commissioners may order; and if any such officer shall fail to execute and file such additional bond within the time prescribed by such order, his office shall become vacant.

Effect of default.

State officers.

SEC. 8. Whenever the official bond of any state officer shall become insufficient from any cause whatever, the like proceedings may be had before the superior court of the county in which said state officer holds his office with reference thereto: *Provided*, That such proceedings may be commenced by a written motion supported by affidavit.

Effect of additional bonds.

SEC. 9. Every such additional bond shall be of like force and obligation upon the principal and sureties therein, and shall subject the officer and his sureties to the same liabilities as are prescribed respecting the original bonds of officers.

Number of sureties.

SEC. 10. Unless otherwise expressly provided, there shall be at least two sureties upon the official bond of every officer.

SEC. 11. In all cases where official bonds are required, or may be hereafter required, from state, county, or township officers, the officer, or officers whose duty it is or may be to approve such bonds shall not accept or approve any such bonds unless the sureties thereon shall severally justify before an officer authorized to administer oaths, as follows: 1, on a bond given by a state officer, that he is a resident and freeholder, within this state; and on a bond given by a county officer that he is a resident and freeholder within such county; 2, that he is worth double the amount for which he becomes surety, over and

Sureties must justify.  
Qualifications of sureties.

above all his debts and liabilities, in property situated within this state which is not exempt from sale on execution.

SEC. 12. When the penal sum of any bond amounts to more than two thousand dollars, the sureties may become severally liable for portions, not less than five hundred dollars, of such penal sum, making in the aggregate at least two sureties for the whole penal sum. <sup>Segregation of liability.</sup>

SEC. 13. All acts and parts of acts in conflict with this act are hereby repealed.

Approved February 13, 1890.

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## FUNDING BONDS; COUNTIES.

AN ACT authorizing and empowering the organized counties of the State of Washington to contract indebtedness, to issue bonds for funding the same, and declaring an emergency.

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

SECTION 1. That, each and every organized county of this state, and each and every county that may hereafter be organized in this state, is hereby authorized and empowered, by and through its board of county commissioners, to contract indebtedness for general county purposes in any manner when they deem it advisable, not exceeding an amount, together with the existing indebtedness of such county, of one and one-half ( $1\frac{1}{2}$ ) per centum of the taxable property in such county, to be ascertained by the last assessment for the state and county purposes previous to the incurring of such indebtedness. <sup>Debt limit.</sup>

SEC. 2. That each and every organized, or hereafter to be organized, county of this state may contract indebtedness for strictly county purposes in excess of the amount named in the preceding section, but not exceeding in

Additional  
qualified limit.

amount, together with the existing indebtedness, five (5) per centum of the taxable property, to be ascertained as provided in the preceding section, whenever three-fifths (3-5) of the voters of such county assent thereto, at an election to be held for that purpose, consistent with the general election laws, which election may be either a special or a general election.

To be submitted  
to voters.

SEC. 3. Whenever any debt is incurred under the provisions of sections one or two of this act, or whenever the board of commissioners of any county shall submit to the voters of this county, at an election to be held under the provisions of section two of this act, the question of issuing bonds to procure money for strictly county purposes, and three-fifths (3-5) of the voters of such county having assented thereto, and the amount of said bonds, together with the already existing county indebtedness, not exceeding five (5) per centum of the taxable property of said county, to be ascertained as provided in section two of this act, then the board of commissioners of such county is authorized and empowered to issue its negotiable bonds in the name of the county for the purposes for which such election was held.

Denominations  
and rate of in-  
terest.

SEC. 4. Said bonds shall be in denominations of not less than one hundred (100) nor more than one thousand (1,000) dollars. They shall bear the date of issue, shall be made payable to the bearer, in not more than twenty years from date of issue, and bear interest at a rate not exceeding seven (7) per cent. per annum, payable annually, with coupons attached, for each interest payment. The bonds and each coupon shall be signed by the chairman of the board of county commissioners, and shall be attested by the clerk of said board, and the seal of such board shall be affixed to each bond, but not to the coupon. Said bond shall be printed, engraved, or lithographed on good bond paper, and the bond shall state on its face that it is issued in accordance, and in strict compliance with, an act of the legislature of the State of Washington, entitled, "An act authorizing and empowering the organized counties of the State of Washington to contract indebtedness and to issue bonds for funding the same, and declaring an

Form and style  
of bonds.

emergency." Approved on the — day of —, 18—, (inserting the date of approval of this act), and a copy of this act shall be printed on the back of each bond. Said bond shall be payable in any city containing a bank of the United States.

SEC. 5. Said bonds may be exchanged at not less than their par value for an equal amount of the county warrants of the county issuing such bonds. The said bonds may be sold by the county commissioners, at not less than their par value, and the proceeds shall be applied only for the purpose for which said bonds were issued.

Bonds may be exchanged for county warrants.

SEC. 6. Ten years before said bonds shall become due, the county commissioners of the county issuing them are hereby authorized and required annually, to levy a tax sufficient to liquidate the said bonds at maturity. Such tax shall be collected and kept as a separate fund for the sole purpose of liquidating the said bonds in accordance with the following section.

Tax levy.

SEC. 7. It shall be the duty of the treasurer of any county issuing bonds under the provisions of this act, whenever he has upon hand two thousand dollars of the special fund for the payment of said bonds, to advertise in the newspaper doing the county printing for the presentation to him for payment of as many of the bonds, issued under the provisions of this act, as he may be able to pay with the funds in his hands, to be paid in numerical order of said bonds, beginning with bond No. 1, until all of said bonds are paid: *Provided*, That thirty days after the first publication of said notice of the treasurer calling in any of said bonds by their number, said bonds shall cease to bear interest, which shall be stated in the notice.

Duty of county treasurer.

Payable in order numbered.

SEC. 8. The coupons hereinbefore mentioned for the payment of interest on said bonds shall be considered for all purposes as warrants drawn upon the general fund of the county issuing bonds under the provisions of this act, and when presented to the treasurer of the county issuing such bonds, and no funds are in the treasury to pay the said coupons, it shall be the duty of the treasurer to indorse said coupons as presented for payment, in the same manner as county warrants are indorsed, and there-

Coupons.

When coupons bear interest. after said coupons shall bear interest at the same rate as county warrants so presented and unpaid.

Register. SEC. 9. Before the bonds are delivered to the purchaser they shall be presented to the county treasurer, who shall register them in a book kept for that purpose and known as the "Bond Register," in which register he shall enter the number of each bond, its date of issue and maturity, amount, rate of interest, to whom, and when payable:

County treasurer's commission. *Provided*, The county treasurer shall be allowed a commission of one per cent. upon the par value of said bonds for receiving and disbursing all funds arising from the sale or exchange of said bonds, and the commission therein provided for shall be in lieu of all other commissions allowed him by law: *Provided further*, That when the county treasurer receives a salary he shall receive no commissions for receiving or disbursing funds arising from the sale or exchange of said bonds.

SEC. 10. Whereas, the several counties of this state are now paying a large amount of interest that might be avoided by the provisions herein; therefore, an emergency is declared to exist, and this act shall take effect immediately upon its approval by the governor.

Approved March 21, 1890.

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## COUNTIES MAY ISSUE BONDS FOR ROAD PURPOSES.

AN ACT to authorize County Commissioners to issue bonds for road purposes.

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

County commissioners may submit question to vote.

SECTION I. The board of county commissioners for any county may, whenever a majority thereof shall so decide: (*Provided*, The county commissioners of any county may,

when deemed for the best interest of their county, order a special election during the year 1890,) submit to the *bona fide* voters of their county the question whether the said board shall be authorized to issue coupon bonds to the amount not to exceed five per centum of the taxable property in said county, bearing a rate of interest not exceeding six per cent. per annum, and payable and redeemable at a time fixed by the said board of county commissioners, for the purpose of making a new road or roads, or bridge or bridges, or improving established roads within said county.

SEC. 2. Such election shall be held at the times and in the manner provided for holding general elections in this state. The ballots used must contain the words: "Bonds, Form of ballots. yes," or "Bonds, no." If three-fifths of the legal ballots cast on the question of issuing bonds for the improvements contemplated in section one of this act shall be in favor of bonds, the said commissioners must issue such bonds in due and legal form, and negotiate or float the same to the best advantage for the county, at not less than par value. Such bonds must bear the signature of the Form of bonds. chairman of such board of commissioners, and be countersigned by the county auditor of the county in whose name they are issued, with the seal of the county thereunto attached; and the coupons must be signed by said chairman and said clerk, and each bond so issued must be registered in the office of the county treasurer, in a book Must be registered. provided for that purpose, which must show the date, number, and amount of the bond, and the name and address of the person to whom the same is issued.

SEC. 3. The commissioners must give notice in some newspaper, having a general circulation in said county, for a period of at least four weeks next preceding the date of the election, setting forth the proposition as to amount, duration and terms of the bonds to be issued, and state in such notice the roads or bridges to be built or improved. Notice by publication.

SEC. 4. When such bonds are sold, the money arising therefrom shall be immediately paid into the treasury of the county, and shall be drawn only for the improvements for which they were issued.

Tax levy for interest.

SEC. 5. The commissioners must ascertain and levy annually the tax necessary to pay the interest on said bonds whenever the same becomes due, and a sinking fund to redeem the bonds at their maturity; and the said tax is a lien upon all property within the county, and must be collected in the same manner as other taxes are collected.

Sinking fund.

SEC. 6. When the amount in the sinking fund equals or exceeds the interest and amount of any bond then due, the county treasurer shall post in his office a notice that he will, within thirty days from the date of such notice, redeem the bonds then payable, giving the numbers thereof; and preference must be given to the oldest issue: *Provided,*

How used.

If the county treasurer is advised of the post-office address of the holder of any such bonds, then he shall mail a written notice to such holder, and if, after expiration of the

Redemption.

said thirty days, the holder or holders of said bonds shall fail or neglect to present the same for payment, interest thereon must cease, but the treasurer shall at all times thereafter be ready to redeem the same on presentation, and when any bonds are so purchased or redeemed the county treasurer must cancel the same by writing across the face of each bond, in red ink, the word "redeemed," and date of such redemption.

Cancellation.

Duty of county treasurer.

SEC. 7. The county treasurer must pay out of any moneys belonging to the road fund so created, the interest upon any bonds issued under this act by such commissioners when the same becomes due, upon the presentation at his office of the proper coupon, which must show the amount due and the number of the bond to which it belongs; and all coupons so paid must be reported to the commissioners at their first meeting thereafter.

SEC. 8. On account of the impassable condition of highways in many counties, an emergency is hereby declared to exist, therefore, this act shall be in force from and after its passage and approval by the governor.

SEC. 9. A copy of this act, together with all amendments hereafter made, shall be printed upon the reverse side of all bonds issued under the provisions hereof.

Approved March 22, 1890.

## OFFICIAL BONDS; RELEASE OF SURETIES ON.

AN ACT providing for the release of sureties on official bonds and undertakings.

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

SECTION 1. Any surety on the official bond of any state, county or city officer, or on the official bond of any executor or administrator, or on the bond or undertaking of any person where, by law, a bond or undertaking is required, may be released from all liability thereon accruing from and after proper proceedings had therefor, as provided in this act.

SEC. 2. Any surety desiring to be released from liability on the bond of any state officer, shall file with the governor or secretary of state, a statement in writing, duly subscribed by himself, or some one in his behalf, setting forth the name and office of the person for whom he is surety, the amount for which he is liable as such, and his desire to be released from further liability on account thereof. A notice containing the object of such statement shall be served personally on the officer, unless he shall have left the state, in which case the same may be served by publication for twenty days in some newspaper printed at the seat of government, or, if none be printed there, then in such newspaper as shall be designated by the governor or secretary of state. Any surety desiring to be released from the official bond of any county officer shall file and serve a similar statement; the statement, except when it concerns the county clerk personally, shall be filed with the county clerk, and when the county clerk is personally concerned the statement shall be filed with the county auditor or treasurer. Any surety desiring to be released from liability on the bond of any city officer shall file and serve a similar statement with the city clerk or other proper officer. Any surety desiring to be released from an executor's or administrator's bond or undertaking shall file and serve a similar statement with

Application of surety.

Service of notice.

County officer.

City officer.

Administrator's surety.

the clerk of the superior court. Any surety desiring to be released from any other official bond or undertaking shall file and serve a similar statement with the proper officer, person or authority. All statements provided for in this section must be served as in the first clause of this section provided: *Provided*, The same, if served by publication, may be published in the newspaper in the same, or if no newspaper be published therein, then in an adjoining or other county, without any order from any court or other authority: *Provided further*, In all cases for which publication is provided, a printed or written notice posted in at least ten conspicuous places in the county for the time specified shall be deemed legal notice thereof.

Notice by publication.

SEC. 3. If any officer or person shall fail to file, within ten days from the date of personal service, or within thirty days from the date of the first insertion of a publication, or posted notice, a new or additional bond or undertaking, the office or appointment of the person or officer so failing shall become vacant, and such officer or person shall forfeit his office or appointment, and the same shall be filled as in other cases of vacancy, and in manner provided by law, and the person applying to be released from liability on such bond or undertaking shall not be holden or liable thereon after the date herein provided for the vacating and forfeiting of such office or appointment: *Provided*, If a number of sureties on any such bond or undertaking representing half the amount of the penalty thereof shall unite in the same, or file and serve separate statements, as herein provided, the right of such officer or person to exercise the duties or functions of his office or appointment shall immediately cease, until he shall file and have accepted and approved a new or additional bond or undertaking. Whenever by operation of this act the functions of any sheriff shall become

Whenever by operation of this act the functions of any sheriff shall become suspended, it shall be the duty of the clerk with whom the statement as hereinbefore provided shall have been filed, to notify the acting coroner of the county forthwith of such suspension; and upon being so notified, such coroner shall succeed to all the powers and discharge all

Release of surety.

Duty of clerk.

the duties of sheriff of his county pending such suspension of the functions of sheriff.

SEC. 4. In case a new or additional undertaking be filed, the sureties on the original not asking to be released, and on the new or additional bond or undertaking, shall be and continue liable for the official acts of such officer or person, jointly and severally, the same as if all were sureties on one and the same instrument. <sup>New bond.</sup>

SEC. 5. Whenever a statement is filed, or filed and served as herein provided, the proper authority shall prescribe the penalty or amount in which a new or additional bond or undertaking shall be filed; and if no such order be made, then such new or additional bond or undertaking shall be executed for the same amount as the original.

SEC. 6. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 14, 1890.

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## SCHOOL DISTRICTS MAY ISSUE BONDS.

AN ACT allowing school districts to borrow money and issue bonds for the building and furnishing of school-houses; to permit the funding of school district bonds heretofore or hereafter to be issued, legalizing the same, and declaring an emergency.

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

SECTION 1. The board of directors of any school district in this state may borrow money, and issue negotiable coupon bonds therefor, to an amount not to exceed five (5) per cent. of the taxable property in said district, as shown by the last equalized assessment roll for county and state purposes: *Provided*, In school districts containing a population of ten thousand (10,000) or more, the limit of indebtedness shall not exceed two and one-half ( $2\frac{1}{2}$ ) per cent. for the purpose of funding outstanding indebted-

ness, or bonds heretofore issued, or issued under the provisions of this act, or for the purchase of school-house site or sites, building and providing one or more school-houses, and providing the same with all necessary furniture and apparatus, or for any or all of these purposes, when authorized by vote of the district as provided in section two of this act: *Provided*, That the bonds so issued shall bear a rate of interest not to exceed ten (10) per cent. per annum, interest payable annually or semi-annually, payable and redeemable at such time and place as designated in the bonds, but not to exceed twenty (20) years from date of issue.

Interest, rate and time.

SEC. 2. The question whether bonds shall be issued, as provided in section one of this act, shall be determined at an election to be held in the manner prescribed by law for holding special school elections. Notices therefor shall state amount of bonds proposed to be issued, time they are to run, and purpose for which money is to be used.

Determined by election.

The ballots must contain the words "Bonds, yes," or "Bonds, no." If a majority of the votes cast at such election are "Bonds, yes," the board of directors must issue such bonds: *Provided*, That if the amount of bonds to be issued, together with any outstanding indebtedness of the district, not to be redeemed with the proceeds of said issue of bonds, exceeds one and one-half per cent. of the taxable property in said district, then three-fifths of the votes cast at such election must be "Bonds, yes," before the board of directors are authorized to issue said bonds. The bonds shall be in such form as the board of directors may prescribe, and shall, with the coupons, be signed by the board of directors and countersigned by the clerk of the school district.

Form of ballot.

SEC. 3. When authorized and empowered to issue bonds as provided in sections one and two of this act, the board of directors shall, within thirty days after date of election, certify the result to the county treasurer, who shall immediately publish notice of the sale of such bonds in at least one weekly newspaper published at the county seat, if there be one, for four consecutive issues, and publish such other notices as the board of directors may require. Said

Board shall certify.

notices must give the amounts of bonds to be sold, the Form of notice.  
 time to run, where payable, the option, if any, of the dis-  
 trict to redeem; also naming the hour and day for con-  
 sidering bids, and asking bidders to name price and rates  
 of interest at which they will purchase such bonds. Such  
 bonds shall be issued in denominations of not less than  
 one hundred nor more than one thousand dollars (\$1,000),  
 and shall contain upon their face the date of issue, the  
 series of issue, rate of interest, where payable, time to run,  
 option, if any, of districts to redeem, and the statement  
 that said bond is issued under the provisions of this act,  
 printed or lithographed in the form of words used in the  
 title of this act, and that the whole indebtedness of said  
 district does not exceed the constitutional limit. Each  
 bond so issued must be registered by the county treasurer Must be regis-  
tered.  
 in a book to be kept for that purpose, which must show  
 the number and such data as is necessary to secure a com-  
 plete record of such bond, series, and amount of each  
 bond, the person to whom the same is issued, name of the  
 district issuing, together with names of directors signing  
 same; and the said bond shall be endorsed by the treas-  
 urer, with his name and a full statement of the name of  
 the person to whom and when issued, together with the  
 number and series of said bond.

SEC. 4. At the time named in said notice it shall be the  
 duty of the board of directors to meet with the county  
 treasurer at his office, and with him open said bids and Opening bids.  
 sell said bonds to the person or persons making the most  
 advantageous offer: *Provided*, The bonds shall never Sale of bonds.  
 be sold below par, and the board of directors may reject  
 any and all bids, and within ten (10) days proceed to re-  
 advertise the sale of such bonds. Upon the sale of bonds,  
 the board of directors shall, within ten (10) days, or as  
 soon thereafter as practicable, deliver the bonds, properly  
 executed, to the county treasurer, taking his receipt there-  
 for. The county treasurer shall, upon payment of the Duty of county  
treasurer.  
 price agreed upon, deliver the same to the person or persons  
 to whom sold, and place the moneys arising from such sale  
 to the credit of the special school fund of the said district.  
 Fees for advertising to be deducted from proceeds.

Tax levy. SEC. 5. The school directors of said district must ascertain and levy annually the tax necessary to pay the interest upon such bonds as it becomes due, and at the expiration of one-half of the time for which said bonds are to run, and annually thereafter until full payment of said bonds is made, they may, if deemed advisable, levy, in addition to the tax required to pay the interest, such amount for sinking fund to meet the payment of said bonds at maturity, to be determined by dividing the amount of bonds outstanding by the remaining number of years to run, and the fund arising from such levy shall be kept as the bond redemption fund of said district, and each of said tax levys shall be a lien upon the property in said district, and must be collected in the same manner as taxes for other school purposes: *Provided*, That in case, at the maturity of any such bonds, the school directors at [of] any school district issuing same shall have failed or refused to levy the tax to pay the same, it shall be the duty of the county treasurer to ascertain the amount necessary to pay the said bonds, and shall levy a tax equal to said sum so ascertained, and extend the same upon the tax roll of said county, and collect the same in time to pay such bonds at maturity.

Payment of interest. SEC. 6. The county treasurer must pay out of any moneys belonging to the school district the interest upon any bonds issued under this act by such school district, when the same becomes due, and at such place as designated in such coupon, or upon the presentation at his office of the same, which must show the amount due and the number and series of the bond to which it belongs, and all coupons so paid must be immediately reported to the school directors.

Duty of school directors. SEC. 7. The school directors of any district must cause to be printed or lithographed, at the lowest rates, suitable bonds, with coupons attached, when the same become necessary, and pay therefor out of any moneys in the county treasury to the credit of the school district.

SEC. 8. Whenever any school district in this state shall have heretofore, under any of the acts of the territorial legislature now in force, issued any bonds for the purchase

of any school-house site, or the building of any school-house, or the furnishing of the same, and the amount of the said bonds so issued and negotiated shall not exceed the sum of five (5) per centum of the taxable property of the said school district, it shall be lawful for the said school district to issue and exchange its bonds at a rate of interest not greater than that borne by the original issue of bonds, par for par, without any further vote of the school district than that heretofore had or required by existing law at the time of their issue, and said bonds shall in all respects conform to and be governed by the other provisions of this act: *Provided*, That in cities of ten thousand population or more, whenever any bonds issued under the provisions of this act shall reach maturity and shall remain unpaid, the board of directors thereof shall have the power to fund the same by issuing coupon bonds conformable to the requirements of this act, and exchanging the same, par for par, for the outstanding bonds as aforesaid, without any further vote of the school district: *Provided further*, That such bonds shall be issued in denominations of not less than one hundred dollars nor more than one thousand dollars, shall be redeemable within twenty years from date of issue, and shall draw a rate of interest not to exceed six (6) per centum per annum.

Exchange of bonds.

Re-funding in cities of 10,000 or more.

Amount and terms.

SEC. 9. Every holder of any of the bonds so issued as provided in this act shall, within ten (10) days after he shall become the owner or holder thereof, notify the county treasurer of the county in which such bonds are issued of his ownership, together with his full name and post-office address, and the county treasurer of said county shall, in addition to the published notice herein provided for, deposit in the post-office, properly stamped and addressed to each owner or holder of any such bonds subject to redemption or payment, a notice in like form, stating the time and place of the redemption of such bonds and the number of the bonds to be redeemed, and in case any owners of bonds shall fail to notify the treasurer of their ownership, as aforesaid, then a notice mailed to the last holder of such bonds shall be deemed sufficient.

Duty of holder.

Sufficient notice.

cient, and any and all such notices so mailed, as aforesaid, shall be deemed to be personal notice to the holders of such bonds, and, at the expiration of the time therein named, shall have the force to suspend the interest upon any such bonds.

Incidental expenses.

SEC. 10. That any time after the issuance of such bonds, and in the discharge of the duties imposed upon said county treasurer, should any incidental expense, costs or charges arise, the said county treasurer shall present his claim for the same to the board of directors of the school district issuing such bonds, and the same shall be audited and paid in the same manner as other services are paid under the provisions of law.

Notice by publication.

SEC. 11. Whenever the amount of any sinking fund, created under the provisions of this act, shall equal the amount, principal and interest, of any bond then due, or subject under the pleasure or option of said school district to be paid or redeemed, it shall be the duty of the county treasurer of the county in which the school district issuing such bond is located, to publish a notice in the official newspaper of the county, if such a one there be, and if not, then in any newspaper of general circulation, that the said county treasurer will, within thirty (30) days from the date of such notice, redeem and pay any such bond then redeemable or payable, giving priority according to the date of issue numerically, and upon the presentation of any such bond or bonds, the said treasurer shall pay the same; and in case that any holder of such bond or bonds shall fail or neglect to present the same at the time mentioned in said notice, or the notice hereinbefore provided for, then the interest upon such bond or bonds shall cease and determine, and the treasurer of such county shall thereafter pay only the amount of such bond and the interest accrued thereon up to the day mentioned in said notice.

To be paid in numerical order.

How canceled.

When any bonds are so redeemed or paid, the county treasurer shall cause the same to be fully cancelled, and write across the face of such bond the word "redeemed," with the date of redemption, and shall deliver the same to the board of directors of such school district, taking the directors' receipt therefor.

SEC. 12. Whereas, there are numerous school districts in this state which are desirous of erecting school-houses and furnishing the same, and other school districts which have issued bonds under the territorial statutes and the legality of the same is called in question; therefore, an emergency exists, and this act shall take effect and become a law from and after its passage and approval by the governor.

SEC. 13. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 19, 1890.

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## ALLOWING SCHOOL DISTRICTS TO BORROW MONEY AND ISSUE BONDS.

AN ACT to amend section one (1) of an act entitled "An act allowing school districts to borrow money and issue bonds for the building and furnishing of school-houses; to permit the funding of school district bonds heretofore or hereafter to be issued, legalizing the same and declaring an emergency," and declaring an emergency.

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

SECTION 1. That section one (1) of an act entitled, "An act allowing school districts to borrow money and issue bonds for the building and furnishing of school-houses; to permit the funding of school district bonds heretofore or hereafter to be issued, legalizing the same and declaring an emergency," approved March nineteenth, eighteen hundred and ninety, be and the same is hereby amended to read as follows: The board of directors of any school district in this state may borrow money and issue negotiable coupon bonds therefor, to an amount not to exceed five (5) per cent. of the taxable property in such district, as shown by the last assessment roll for county and state purposes: *Provided*, That in incorporated cities the assess-

Interest, rate.

Purposes defined.

ment shall be taken from the last assessment for city purposes, for the purpose of funding outstanding indebtedness, or bonds heretofore issued, or issued under the provisions of this act, or for the purchase of school-house site or sites, building (and providing) one or more school-houses, and providing the same with all necessary furniture and apparatus, or for any or all of these purposes, when authorized by vote of the district so to do, as provided in section two (2) of this act: *Provided further*, That the bonds so issued shall bear a rate of interest not to exceed ten (10) per cent. per annum, interest payable annually or semi-annually, payable and redeemable at such time as may be designated in the bonds, but not to exceed twenty (20) years from the date of issue. That in cases where school districts have issued bonds in accordance with the laws of the Territory of Washington, and levied as a special tax for the year eighteen hundred and eighty-nine, to meet the payment of interest on the same, and have failed to have said special tax levy properly placed on the assessment roll of the county in which such districts may be located, the district clerks of said districts are authorized and empowered to prepare rolls for such special tax levied for said year in such district, and to proceed to collect the same within the time prescribed for the collection of taxes for said year, and to collect the delinquent taxes in the same manner and with the same power to enforce collection that a sheriff has in the collection of delinquent taxes: *Provided*, That no penalty shall be added for failure to pay said taxes before the time fixed by law for taxes becoming delinquent, except the rate of interest fixed by law on delinquent taxes.

Special tax.

Penalty.

SEC. 2. Whereas, the immediate taking effect of this act is necessary to render its provisions operative during the year eighteen hundred and ninety, an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Approved March 28, 1890.

## CHAPTER III.—BRIDGES.

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### BRIDGES OVER NAVIGABLE STREAMS; RAILROADS MAY BUILD.

AN ACT granting to railroad corporations the right to bridge the navigable streams of this state, and declaring an emergency to exist.

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

SECTION 1. Any railroad corporation heretofore duly incorporated and organized under the laws of this state or of the Territory of Washington, or which may hereafter be duly incorporated and organized under the laws of this state, or heretofore or hereafter incorporated and organized under the laws of any other state or territory of the United States, and authorized to do business in this state and to construct and operate railroads therein, shall have and hereby is given the right to construct bridges across the navigable streams within this state over which the projected line or lines of railway of said railroad corporations will run: *Provided*, That said bridges are constructed in good faith for the purpose of being made a part of the constructed line of said railroad: *And provided*, That they shall be constructed in the course of the construction of said railroad or thereafter for the more convenient operation thereof: *And provided further*, That such bridges shall be so constructed as not to interfere with, impede or obstruct the navigation of such streams.

SEC. 2. Inasmuch as there is no law now in force in this state granting to railroad companies the right to construct bridges across the navigable waters of this state, there is, therefore, hereby declared to be an emergency, and this bill shall take effect and be in force from and after its passage and approval by the governor.

Approved March 27, 1890.

## DRAW-BRIDGES; CITIES MAY ERECT OVER NAVIGABLE STREAMS.

AN ACT to authorize cities and incorporated towns to erect and maintain draw-bridges across navigable streams that flow through or penetrate the boundaries of such cities, and to authorize such cities and towns to grant franchises to persons and corporations to erect toll bridges across such navigable streams within the corporate limits of such cities and towns, and declaring an emergency.

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

SECTION 1. It shall be lawful for cities and incorporated towns, and they are hereby authorized by their respective legislative bodies, to erect and maintain draw-bridges across navigable streams that flow through or penetrate the boundaries of such cities or towns, when the public necessity requires it, or to grant franchises to persons or corporations to erect the same and charge tolls thereon.

SEC. 2. Whenever any common council of any city, or board of trustees of any incorporated town, desire to erect a draw-bridge across any navigable stream on any street, or to grant the privilege so to do to any corporation or individual under the provisions of this act, such boards or trustees or common council shall notify the board of commissioners of the county in which such city or incorporated town is situated of such purpose, and the precise point where such bridge is proposed to be located. Said board of commissioners shall, within ten days from the receipt of the notice, if in session, and if not in session, then within five days after the first day of the next regular or special session, designate the width of the draw to be made in such bridge, and the length of span necessary to permit the free flow of water: *Provided*, That in case any person or body shall deem itself or themselves aggrieved by the determination of the matter by said board, an appeal shall be allowed to the superior court of the county, which court shall have power and jurisdiction to hear and determine the matter upon such further notice and on such testimony as it shall direct to be produced.

Notice to  
county commis-  
sioners.

Appeal.

SEC. 3. Before any franchise to build any bridge across any such navigable stream shall be granted by any such board of trustees or common council, they shall fix a license License tax. tax, not to exceed ten per cent. of the tolls collected annually, and upon the completion of said bridge shall inspect the same, and if the same be found to comply in all respects with the specification previously made, and to be safe and convenient for the public, they shall declare the same open as a toll bridge, and shall immediately fix Fix toll rates. the rates of toll thereof.

SEC. 4. The owner or keeper of any toll bridges in any city or town shall, before the renewal of any license, report to the common council of the city, or the board of trustees of a town, under oath, the actual cost of construction and equipment of the toll bridge, the repairs and cost of maintaining the same during the preceding year, the amount of tax collected and the estimated cash value of the bridge, exclusive of the franchise; and all funds arising License fund. from license tax shall be paid into the general fund of the city or town.

SEC. 5. All bridges constructed under the provisions of this act must be so constructed as not to obstruct navigation, and must have a draw or swing of sufficient space or Width of draw. span to permit the safe, convenient and expeditious passage at all times of any steamer, or vessel, or raft which may navigate the stream or waters bridged.

SEC. 6. The cities and towns of this state may build Municipal toll bridges. and maintain toll bridges, and charge and collect tolls thereon, and to that end may provide a system and elect or appoint persons to operate the same, or the said bridges may be made free, as they may elect.

SEC. 7. Whereas, there are numerous cities and towns through which run navigable streams, which, for lack of bridging, retard the development of said cities and towns; therefore, an emergency exists, and this act shall be in force from and after its passage and approval by the governor.

Approved March 28, 1890.

## CHAPTER IV.—BUILDING.

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### BUILDING, LOAN AND SAVING ASSOCIATIONS.

AN ACT relating to building, loan and saving association[s], doing a general business.

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

SECTION 1. Whenever any member [number] of persons not less than ten (10) desire to be incorporated as a building and loan association, for the purpose of accumulating the savings and funds of its members and lending them only the funds so accumulated, they shall make and execute a written declaration to that effect in the form now provided by statute for the execution of deeds of real estate, to entitle the same to record. Said declaration shall state the name of such association, its principal place of business, which shall be within this state, the limit of capital to be accumulated, the time of its duration, the names and places of residence of such persons, and that it is organized under this act and for the purpose herein expressed. When so executed said declaration shall be filed and recorded in the office of the secretary of state, whereupon such officer shall issue a copy of such declaration under his certificate, in proper form, setting forth the time and place of filing and recording thereof in his office, which declaration and certificate shall thereupon be recorded in the office of the recorder of deeds of the county where said association is located, and published once in a daily or weekly newspaper, printed and published and of general circulation in said county. Upon complying with the foregoing requirement, and upon filing an affidavit of proof of such publication in the office of the secretary of state, the persons executing such declaration, their associates and successors, shall become a corporate body.

Recording declaration.

Certificate, record and publication.

SEC. 2. The name shall not be the same as, nor too Name. closely resemble, that in use by any existing corporation established under the laws of this state. The words "building and loan association," or "savings and loan association," shall form a part of the name, and no corporation not organized under this act shall be entitled to use a name embodying either said combination of words: *Provided*, That associations now existing may continue Existing associations. their present names.

SEC. 3. Each association shall adopt by-laws for its By-laws. government, and therein describe the manner in which its business shall be transacted, which by-laws shall be in conformity with the provisions of this act, and the laws of this state, and at all times be open to the inspection of the state auditor and the members of the association at its home office. All by-laws shall be subject to the Subject to approval of state auditor. approval of the state auditor before going into effect, and every corporation heretofore organized and brought under the provisions of this act, shall within sixty (60) days from the passage hereof present its by-laws to said auditor for approval, and in case any provision in such by-laws shall be contrary to the provisions of this act, or to the laws of this state, or be detrimental to the interests of the members of such organization, or against the public policy, he may, under the advice and consent of the attorney general, require the same to be stricken out.

SEC. 4. For every loan made, a note non-negotiable or Loan security. bond secured by first mortgage on real estate shall be given, which security shall be double the value of the loan, and satisfactory to the directors, and shall be accompanied by a transfer and pledge of the shares of the borrowers to the association. The shares so pledged shall be held by the corporation as collateral security for the performance of the conditions of said note or bond and mortgage: *Provided*, That the shares, without other security, may, in the discretion of the directors, be accepted as security for the loans for an amount not exceeding their withdrawal value as provided by this act.

SEC. 5. Any such association may purchase at any sale, When real estate may be purchased. public or private, any real estate upon which it may have

a mortgage, judgment, lien or other incumbrance, or in which it may have any interest, and may sell, convey, lease or mortgage the same at pleasure to any person or persons, but shall not otherwise acquire or deal in real estate: *Provided*, That any such association may acquire any lease-hold interest necessary for the transaction of its business.

Deposit with  
state auditor.

SEC. 6. Every building and loan association heretofore or hereafter incorporated under the laws of this state, and governed by this act, shall deposit and keep with the state auditor, or with a duly chartered trust company of this state, approved by the state auditor, in trust for all its members and creditors, all mortgage or other securities received by it in the usual course of business. When deposited with a trust company, such company shall certify to the state auditor the possession of such securities, and the same shall not be surrendered without the authority or sanction of the state auditor: *Provided*, That every such corporation heretofore organized not having or owning mortgage or other securities to the amount of twenty-five thousand (\$25,000) dollars shall deposit with the state auditor additional securities, to make, with the securities so owned and deposited, equal in value to said sum of twenty-five thousand (\$25,000) dollars, and every such corporation hereafter organized under this act, shall deposit and keep with the state auditor in trust, as aforesaid, securities of the value of twenty-five thousand (\$25,000) dollars before commencing to do business. The securities mentioned in this proviso shall consist of bonds or treasury notes of the United States or national bank stocks, or bonds of this state, or any other state of the United States, or of any solvent city, county or town of this state, or any other state of the United States, having a legal authority to issue the same, and such securities may be withdrawn, from time to time, when mortgage securities of corresponding value shall be deposited, as provided in this act, or when other securities of like character are substituted therefor; and it shall be the duty of the state auditor, from time to time, to examine said associations to ascertain whether all its securities are deposited, as required by this act;

Securities must  
be deposited.

*Provided*, That whenever required by laws of any other state, territory or nation, all securities taken in such state by any association organized under the laws of this state, and subject to the provisions of this act, may be deposited with some officer authorized to receive the same in such state under the laws thereof, for the benefit of its members and creditors; but in every such case a certificate of such deposit, showing the amount and character of such deposit, shall be filed with the auditor of this state and renewed annually, together with a statement verified by the affidavit of some officer of such association, who has knowledge of the facts, showing all of the securities taken by such association, in such state, at the time of the filing of such certificate; and in case any securities taken in any such state are not deposited there, then the same shall be deposited here, as required by this act. Retallatory.

SEC. 7. All interest, and dividends and premiums which may accrue on securities held by the state auditor or such trust company as provided for herein, and all dues or monthly payments which may become payable on stock pledged as security for loans, the mortgages for which are so deposited in accordance with the provisions of this act, may be collected and retained by the association depositing such securities or mortgages, so long as such association remains solvent and faithfully performs all contracts with its members, and when any mortgage shall have been fully paid to said corporation, the same may be surrendered by said state auditor, or under his order, upon filing with him a certificate of the auditor of the county where the real estate is situated, to the effect that the satisfaction of such mortgage has been filed for record, or in case no mortgage was taken, then the affidavit of the secretary or treasurer of said corporation showing judgment. Any mortgage upon which default has been made may be surrendered as aforesaid, upon filing with the state auditor an affidavit sworn to by the president and secretary of the association owning the same, stating that such mortgage is in default, and that it is withdrawn for the purpose of foreclosure. Mortgages, how surrendered.

SEC. 8. No building or loan association organized under the laws of any other state, territory or nation, shall do Foreign associations.

business in this state unless such association shall have securities of the value of one hundred thousand dollars (\$100,000), and of the character mentioned in this act, on deposit in trust for all its members and creditors with some responsible trust company, duly incorporated under the laws of such state or territory in the United States, or with some authorized officer of this or some other state of the United States: *Provided*, That foreign companies now doing business in this state shall have until August 1, A. D. 1890, to deposit the last one-half of the required one hundred thousand dollars (\$100,000). Certificate of such deposit shall be made to the auditor of this state, certifying the possession of such securities, which shall not thereafter be surrendered without the authority or consent of the auditor or other authorized officer of the state or territory in which said company is incorporated: *And provided further*, That all such foreign companies shall make a deposit of its [their] mortgages and other securities taken in this state, in the same manner and amount, and for the same purpose, as provided for home companies in section 6 of this act.

Certificates of deposit.

SEC. 9. Every building and loan association organized under the laws of any other state, territory or nation shall, before commencing to do business in this state—*First*, file with the state auditor of this state a duly authenticated copy of its charter or articles of incorporation; *second*, file with the state auditor of this state the certificate of the authorized officer of another state, showing that securities of the value of one hundred thousand dollars (\$100,000) are on deposit with such state officer or duly incorporated trust company, in trust, for all the members and creditors of such building and loan associations; *third*, file with the auditor of this state a duly authenticated copy of a resolution adopted by the board of directors of such association, stipulating and agreeing that if any legal process affecting such association be served on such examiner, and a copy thereof be mailed, postage prepaid, by the party procuring the issue of the same, or his attorney, to said association, addressed to its home office, then such service and mailing

Papers must be filed with the state auditor.

Stipulation as to service of process.

of such process shall have the same effect as personal service on said association in this state, and also an agreement that said association will not remove any action commenced in any state court of this state against the same to the United States court, and will pay every judgment that may be taken against it upon any such action within sixty (60) days after the final judgment shall have been entered; *fourth*, pay to the state auditor twenty-five dollars (\$25) as fees for filing the papers mentioned in this section.

SEC. 10. When process against or affecting any foreign building and loan association is served on the state auditor, the same shall be by duplicate copies, one of which shall be filed in the office of state auditor, and the other by him immediately mailed, postage prepaid, to the home office of said association. Service of process.

SEC. 11. The word "process" in this act shall include any writ, declaration, summons or order whereby any action, writ or proceedings shall be commenced, or which shall be issued in or upon any action, suit or proceeding authorized by law in this state.

SEC. 12. Services of process, according to a stipulation provided in section four (4) of this act, shall be sufficient personal service on the association filing such stipulation.

SEC. 13. When, by the laws of any other state, territory or nation any taxes, fines, penalties, licenses, fees, deposits of money or securities, or other obligations or prohibitions, are imposed on building and loan associations of this state, doing business in such other state, territory or nation, or upon their agents therein, so long as such laws continue in force, the same obligations and prohibitions of whatever kind shall be imposed upon all building and loan associations of such other state, territory or nation doing business in this state, and upon their agents here. Retaliatory provision.

SEC. 14. Any building and loan association organized under the laws of any other state or territory that shall remove any action that shall be commenced against it in a court of this state to the United States court, or that shall fail to pay any judgment rendered against it upon a suit in any court of the state within sixty (60) days after

the rendering of final judgment in such case, or that shall fail to make yearly statements to the state auditor, as hereafter mentioned, or statements of the amount and value of its stock held in this state, as hereafter required, or to pay the fees of the state auditor as provided in this act, or to do any other act required in this act to be done and performed, shall, upon failure or violation of the provisions of this act, have no right or authority to do or transact any further business within the limits of this state, and the state auditor shall thereupon cause notice of the termination of such authority to do business to be mailed to such corporation and to be published in some newspaper of general circulation at the capital of the state, and shall communicate the facts to the attorney general of this state, who shall institute such proceedings in the matter as the case may require: *Provided*, Any such corporation may be again authorized to commence business in this state upon such terms as the state auditor may deem just and proper, and upon full compliance with the provisions of this act.

Penalty.

Duty of attorney general.

SEC. 15. All building and loan associations hereafter incorporated in this state shall have an authorized capital of two million dollars (\$2,000,000) at the time of the incorporation.

Capital stock.

SEC. 16. Any building and loan association heretofore or hereafter incorporated under the laws of this state may at any time increase the amount of its capital stock, or amend its articles of incorporation in any other respect, by a vote of at least three-fourths of its board of directors:

Increase.

How increased.

*Provided*, That no such increase shall be made unless three-fourths of the capital stock previously authorized has actually been issued, and the amount of increase made at any one time shall not exceed the amount issued previous to the time of such increase.

SEC. 17. Whenever any building and loan association increases its capital stock, or otherwise amends its articles of incorporation, as provided in this act, a copy of the resolutions of the board of directors making such increase or other amendment, duly verified by oath of the president and secretary of such association, shall be filed in the

office of the auditor of the county in which the home office of said association is located, and in the office of the secretary of state, and be published four successive times in the same daily or weekly newspaper, published at the capital of the state, or in the county where the association has its home office. Proof of such publication shall be filed in office of the secretary of state. Publication.

SEC. 18. On or before the first day of September in each year every building and loan association doing business in this state shall deposit with the state auditor a report of its affairs and operations for the year ending on the thirtieth (30th) day of June immediately preceding. Such report shall be verified under oath by the president and secretary, or by three directors of the association, and shall contain answers to the following questions: *First*, the amount of authorized capital and the par value of each share of stock; *second*, the number of shares sold during the year; *third*, the number of shares canceled and withdrawn during the year; *fourth*, number of shares in force at the end of the year; *fifth*, a detailed statement of receipts and disbursements during the year; *sixth*, a detailed statement of the assets and liabilities at the end of the year, and shall pay to the state auditor a fee of twenty-five dollars (25) on filing such report. If any such association shall fail to furnish to the auditor of the state any report required by this act, at the time so required, it shall forfeit the sum of twenty-five dollars (\$25) per day for every day such report shall be delayed or withheld; and the auditor may maintain an action in his name of office to recover such penalty, and the same shall be paid into the treasury of the state and applied to the expenses of the department of said auditor. After receiving such report, the auditor, if satisfied that such corporation has complied with all the provisions of this act and is entitled to do business in this state, he shall issue his certificate stating the compliance with such provisions, and that corporation is entitled to do business in this state, which certificate shall be in force for the period of one year unless sooner rescinded, as provided in this act. Such certificate shall also be issued to any foreign corporation authorized Annual report.

Penalty.

Annual certificate.

Certificate to foreign corporations.

to do business in this state after complying with the conditions of section nine of this act, and shall be in force until the time herein required for such annual report.

Duty of state auditor.

SEC. 19. It shall be the duty of such state auditor, at least once in each year, and as often as he may deem necessary, to assume and exercise over every building association incorporated under the laws of this state, its business, officers, directors and employees, all the power and authority conferred upon him over banks and other moneyed corporations under the laws of this state: *Provided*, He shall not have the power to suspend the operation of any association except in the manner provided in the next succeeding section.

SEC. 20. If it shall appear to the said state auditor, from any examination made by him, or from any report of any examination made by him, or from the annual report aforesaid, that said corporation is violating its charter, or the law, or that it is conducting business in any unsafe, unauthorized or dishonest manner, he shall, by an order under his hand and seal of office, addressed to such corporation, direct conformity with the requirements of its charter and of the law; and whenever such corporation shall refuse or neglect to make such report or account as may be lawfully required, or to comply with such order as aforesaid, or whenever it shall appear to the said auditor that it is unsafe or inexpedient for any such corporation to continue to transact business, he shall communicate the facts to the attorney general, who shall, thereupon, be authorized to institute such proceedings against any such corporations as are now, or may hereafter be, provided by law in the case of insolvent corporations, or such other proceedings as the occasion may require. And if such corporation shall have been organized under the laws of any other state or territory, the said attorney general shall, upon receiving such communication, if in his judgment the facts in the case are sufficient to warrant such action, give notice to such corporation that it is no longer authorized to do business in this state, by depositing such notice in the post-office, properly sealed and stamped, addressed to the said corporation at its principal office in the state

When attorney general shall sue.

where incorporated, and thereupon said corporation shall cease to have any right in this state, and said notice may be published in the manner as provided in section 14 of this act.

SEC. 21. All officers of any building and loan association governed by this act, and doing business in this state, who sign or endorse checks, or handle any of the funds of such association, shall give bonds or fidelity insurance Bond required. for the faithful performance of their duties, as the board of directors may require, and no such officer shall be deemed qualified to enter upon the duties of his office until his bond is approved by the board of directors and the state auditor, with whom such bonds shall be filed: Must be filed. *Provided*, That the state auditor may require of any association, at any time, such increase of said bond or Increase of bond. additional sureties thereto, or such increase of said insurance, as he may deem necessary for the protection of the members. The penalty for a failure of any association to file and maintain the bonds and policy as required by the provisions of this section, shall be a fine of one hundred (\$100) dollars for each day such association transacts business after such bonds has [have] become due under the provisions of this act. Said bonds or policy shall be held in trust for the benefit and protection of the members of such association, and shall be enforceable by any member whenever cause of action shall accrue thereon.

SEC. 22. The name "Building and Loan Association," Scope of title. as used in this act, shall include all corporations, societies, organizations or associations doing a saving and loan or investment business on the building society plan, whether neutral or otherwise, and whether issuing certificates of stock which mature at a time fixed in advance or not.

SEC. 23. Any officer, director or agent, or any foreign building and loan association, or any other person who[m]-soever, who shall, in this state, solicit subscriptions to the stock of such association, or who shall sell or issue, or knowingly cause to be sold or issued, to a resident of this state any stock of such association while such association shall not have had the certificate of the state auditor

authorizing it to do business in this state, as herein prescribed, or has not deposited, as required by this act, securities of the value and at the times herein prescribed, or before said association has complied with all the provisions of this act, or when said association shall have been notified and required to discontinue business in this state, as hereinbefore provided, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or by imprisonment of not less than ten days nor more than six months, or both such fine and imprisonment, in the discretion of the court.

Penalty for violations.

SEC. 24. Any officer, director or agent of any building and loan association incorporated under the laws of this state, or any other person whatever, who shall sell, or issue, or knowingly cause to be sold or issued, to any person not a resident of the county in which the home office of said association is located, or in the counties immediately adjacent thereto, any stock of said association while said association does not have on deposit with the state auditor, as required by this act, securities of the value, and at the time herein prescribed, or while such association shall not have the certificate of the public examiner, authorizing it to do business as herein prescribed, shall be guilty of a misdemeanor, and upon conviction therefor, shall be punished by a fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500), or by imprisonment of not less than ten days nor more than six months, or both such fine and imprisonment, in the discretion of the court.

Premiums.

SEC. 25. Any premiums taken for loans made by any association governed by this act shall not be considered or treated as interest, nor render such association amenable to the laws relating to usury.

Grades of stock.

SEC. 26. Every such association heretofore organized under the laws of this state, or incorporated under this act, are hereby prohibited from hereafter creating or issuing any preferred or non-contributing stock; but this section shall not prevent the issue of different series of stock.

SEC. 27. Any shareholder whose stock has not been declared forfeited in such association, and whose share or shares are not pledged upon a loan, may withdraw such share or shares from the association at any time after one year, by giving at least sixty days' notice in writing to the secretary of his intention to do so. Upon receipt of such notice, the same may be considered a withdrawal by such person, and the association may, within sixty days, dispose of said stock, and the members shall assign them for that purpose. At the end of said sixty days the association shall pay to the members so surrendering as follows: If said stock is more than two years old, all amounts paid in by such members upon such stock, except the sums paid as membership fees and fines, and the amount set apart upon such shares by said association as an expense fund, which expense fund, however, shall not exceed the amount fixed in this act; if said stock is more than two years old, the member, upon such surrender, shall receive, in addition to the amount above specified, at least three-fourths of all profits standing to the credit of such shares: *Provided*, That not more than one-half of the monthly installments received by such association for any month shall be used to pay withdrawals without consent of the board of directors.

How shares  
may be with-  
drawn.

SEC. 28. Whenever any such association shall declare any of its stock forfeited for non-compliance of the holder with any of its laws or regulations, the said stock shall, if one year old, be sold by said association at a monthly meeting thereof to the highest bidder, and it is made the duty of such association, at any such sale, to bid in the stock so offered at its then withdrawal value, and thereupon said stock shall be canceled, but if a higher bid is received, the person making the highest bid shall have such stock assigning[ed] to him, and upon such sale, said association shall pay to the member so forfeiting his stock the withdrawal value thereof as fixed in section twenty-seven of this act, less all fines and arrearages against him.

Forfeited stock.

SEC. 29. Upon the death of a stockholder in any such association, except in cases where the stock matures at a fixed and definite time as aforesaid, his heirs or personal

Stock of de-  
ceased persons.

representatives shall, upon giving sixty days' notice to the association, receive from such association the then withdrawal value of his shares, agreeable to the provisions of section twenty-seven of this act.

**Making loans.** SEC. 30. Every such association shall provide in its by-laws in what manner applications and bids for loans shall be received, and who shall be entitled to loans thereunder; such bids shall be opened at stated times, and all the money in the loan funds shall be loaned upon such bids: *Providing*, That the securities shall be in the amount and of character stated in this act, and the amount bid shall not be less than the rate for any legal indebtedness under the laws of this state, the object of this section being to prevent such association from retaining in its loan fund any moneys actually bid for, for the purpose of securing better bids or inducing the bidders to raise their bids, and to compel said association to loan their funds to the highest and best bidders therefor: *Provided*, That the provisions of this section relating to bidding for loans shall not apply to associations which fix the rate of interest and premium annually, by resolution of the board of directors, at a rate which will keep the money of such association at all times safely invested, and in which the system of bidding is not allowed.

**Reserve expense fund.** SEC. 31. That no association governed by this act shall set apart as an expense fund, exclusive of admission fees, to exceed one dollar (\$1) per year upon each share of its stock, or assess any fines for non-payment of monthly installments, or otherwise, in excess of ten (10) cents per share for the first month that the same shall be in arrears, and fifteen (15) cents per share per month for every month thereafter.

**Officers.** SEC. 32. That not more than three of the officers of any such association incorporated under the laws of this state shall be members of the board of directors of such association: *Provided*, That no change shall be required under this section until the next annual meeting of such association.

**Without re-incorporating.** SEC. 33. All corporations organized in this state, and doing business in this or any other state, as building and

loan association[s], shall comply with, and be subject to, all the provisions of this act, within sixty days after its passage, and shall be entitled to all the privileges and benefits thereof without re-incorporating: *Provided*, That all such companies or associations incorporated prior to the passage of this act, not having at the time thereof securities to the amount of twenty-five thousand dollars (\$25,000), may have until January 1st, A. D. 1891, in which to make a full deposit of said sum, as provided in section six of this act, but all such association[s] shall deposit all their securities.

SEC. 34. This act shall not apply to any association organized under the laws of this state, which confines its loaning and business operations wholly to its county and the adjacent and adjoining thereto: *Provided*, That any such association heretofore incorporated which desires to hereafter confine its business to adjacent counties, as aforesaid, may file with the state auditor a statement to that effect, and also containing the names of those holding, and the amount held by them, of the stock of said association outside such counties, and so long as such association thereafter confines its sales of stock within the limits aforesaid, it shall not be subject to the provision[s] hereof, and any sales of stock outside the limits of said counties made after filing all such statement by any officers, director or agent of any such association, shall subject such person to all the penalties prescribed in section twenty-four of this act: *Provided further*, That nothing in this section shall be so construed to prevent the *bona fide* sale or transfer of the individual stock of any member of such association.

SEC. 35. Every such association shall be assessed for and pay taxes upon its office furniture and fixtures and all real estate acquired in the course of its business, and every stockholder in such association shall be assessed and pay taxes upon the share held by him therein, the value of which said shares for the purpose of taxation shall be fixed at the withdrawal value thereof, as provided in section twenty-seven (27) of this act, except in case of such associations the stock of which heretofore or hereafter issued

shall mature at a fixed time, and the value of the shares in any such association of all stocks so issued as aforesaid for the purpose of taxation shall be fixed upon the basis of the aggregate amount paid in by a member, together with interest at the rate of six (6) per cent. per annum, computed on annual risks.

Report to  
county auditor.

SEC. 36. It shall be the duty of the secretary of every such association incorporated under the laws of this state to make out and transmit to the auditor of every county in this state in which said association shall have shareholders, on the first day of May in each year, a statement containing the names of every person holding stock in such association in such county, and the amount and value of the respective shares of such stock at such date, upon the basis of its value as fixed in this act, and any failure to comply with the provisions of this section by any such association shall be deemed sufficient cause for proceedings under this act for forfeiture of the charter of the association so offending. The books and papers of every such association shall also be open at all convenient times for inspection by any assessor desiring to make examination thereof for purposes of taxation: *Provided*, That no report shall be required under this section upon stock pledged as collateral security for a loan so long as the amount of such loan exceeds the withdrawal value of such stock as fixed in this act, and when it shall exceed such value, then only as to such excess.

Records must  
be open to in-  
spection.

Report to pub-  
lic examiner.

SEC. 37. It shall be the duty of every such association not incorporated under the laws of this state to make and forward to the public examiner, upon the first day of May in each year, a statement containing the names and the withdrawal value of all its stock held and owned by residents of this state, together with the place of residence of every such stockholder, except those having loans as provided in the foregoing section, and it shall be the duty of the said state auditor to make out and forward to the county auditor of the proper counties a statement of the stock held by them; and it shall be the duty of the said county auditor, upon receiving the statements provided for in this and the foregoing sections, to furnish the assessors

Duty of state  
auditor.

of each township in his county having such stockholders with the names of such stockholders, and the value of their stock as given in such statements, for the purpose of assessment.

SEC. 38. The state auditor shall receive and retain all the fees mentioned in this act, and the same shall be in lieu of any allowance of clerk hire made necessary by the extra labor required by the provisions of this act. Auditor receive fees.

SEC. 39. At least thirty days prior to any annual or special meeting of any such association, a notice, stating the time and place of such meetings, shall be deposited in the post-office at the headquarters of such association, directed to each member at his address as the same appears at the time on the books of the association; and when so deposited, postage prepaid, shall be deemed a legal and sufficient notice of any such meeting; and there shall be attached to and accompany such notice any proposed amendment or amendments to the articles of association, or by-laws of such association, and a statement of any officers to be elected at such meeting, any member of any such association entitled to vote in person or by proxy. Notice of annual meeting.

Received by the governor March 28, 1890.

[*Note by the Secretary of State.*—The foregoing act having been presented to the governor of the state for his approval, and not having been filed in the office of the secretary of state within the time prescribed by the constitution of the state, with his objections thereto, has become a law under the provisions of the constitution.]

## CHAPTER V.—CIVIL PRACTICE.

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### REAL PROPERTY; RELATING TO ACTIONS TO RECOVER.

AN ACT to amend section five hundred and thirty-six of chapter 46 of the Code of Washington, relating to "Actions to recover and affecting real estate."

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

SECTION 1. That section 536 of chapter 46 of the code of Washington, relating to "Actions to recover and affecting real estate," be and the same is hereby amended to read as follows: Any person having a valid subsisting interest in real property, and a right to the possession thereof, may recover the same by action in the superior court of the proper county, to be brought against the tenant in possession; if there is no such tenant, then against the person claiming the title or some interest therein, and may have judgment in such action quieting or removing a cloud from plaintiff's title; and in all actions under this section to quiet or remove a cloud from the title to real property, if the defendant be absent or a non-resident of this state, or cannot, after due diligence, be found within the state, or conceals himself to avoid the service of summons, service may be made upon such defendant by publication of summons as provided by law; and the court may appoint a trustee for such absent or non-resident defendant, to make or cancel any deed or conveyance of whatsoever nature, or do any other act to carry into effect the judgment or the decree of the court.

From tenant.

From adverse claimant.

Service by summons.

Approved March 14, 1890.

REAL PROPERTY; SUMMARY PROCEEDINGS  
FOR OBTAINING POSSESSION OF.

AN ACT relating to summary proceedings for obtaining possession of real property in certain cases, and declaring an emergency.

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

SECTION 1. Every person is guilty of a forcible entry Forcible entry. who either—*First*, by breaking open windows, doors or other parts of a house, or by any kind of violence or circumstance of terror enters upon or into any real property; or, *second*, who, after entering peaceably upon real property, turns out by force, threats or menacing conduct the party in possession.

SEC. 2. Every person is guilty of a forcible detainer Forcible detainer. who either—*First*, by force, or by menaces and threats of violence, unlawfully holds and keeps the possession of any real property, whether the same was acquired peaceably or otherwise; or, *second*, who, in the night time or during the absence of the occupant of any lands, unlawfully enters upon real property, and who, after demand made for the surrender thereof for the period of five days, refuses to surrender the same to such former occupant. The occupant of real property, within the meaning of this subdivision, is one who, within five days preceding such unlawful entry, was in the peaceable and undisturbed possession of such lands.

SEC. 3. A tenant of real property, for a term less than As to tenant. life, is guilty of unlawful detainer—*First*, when he continues in possession, in person or by sub-tenant, of the property, or any part thereof, after the expiration of the term for which it is let to him, without the permission of his landlord, or the successor in estate of his landlord, if any there be; but in case of a tenancy at will or sufferance, it must first be terminated by notice in writing given to the party in possession, as follows: When the rent reserved is payable at periods of less than three months, the time of such notice shall be sufficient, if it is equal to

the interval between the times of payment; when the estate is held by sufferance, ten days' notice shall be given; in all cases of neglect or refusal to pay rent when due, fourteen days' notice to quit, and in all other cases at least three months' notice shall be given. *Second*, when any person enters upon land or other premises without permission of the owner, or continues in possession, in person or by sub-tenant, without permission of his landlord, or successor in estate of his landlord, if any there be, after default in the payment of rent, pursuant to the lease or agreement under which the property is held, and ten days' notice in writing requiring its payment, stating the amount which is due, or possession of the property, shall have been served upon him, and if there be a sub-tenant in actual occupation of the premises, also upon such sub-tenant. Such notice may be served at any time within one year after the rent becomes due. In all cases of tenancy upon agricultural lands, where the tenant has held over and retained possession for more than sixty days after the expiration of his term without any demand or notice to quit by his landlord, or the successor in estate of his landlord, if any there be, and he shall be deemed to be holding by permission of his landlord, or the successor in estate of his landlord, if any there be, and shall be entitled to hold under the terms of the lease for another full year, and shall not be guilty of an unlawful detainer during said year, and such holding over for the period aforesaid shall be taken and construed as a consent on the part of a tenant to hold for another year. *Third*, when he continues in possession, in person or by sub-tenant, after a neglect or failure to perform other conditions or covenants of the lease or agreement under which the property is held, including any covenant not to assign or sub-let, than the one for the payment of rent, and ten days' notice in writing, requiring the performance of such conditions or covenants, or the possession of the property, shall have been served upon him, and if there be a sub-tenant in actual possession of the premises, also upon such sub-tenant. Within ten days after the service of the notice, the tenant, or any sub-tenant in actual occupation

As to sub-tenant.

of the premises, or any mortgagee of the term, or other person interested in its continuance, may perform the conditions or covenants of the lease or pay the stipulated rent, as the case may be, and thereby save the lease from forfeiture. A tenant may take proceedings, similar to those prescribed in this act, to obtain possession of the premises let to an under-tenant in case of his unlawful detention of the premises underlet to him. *Fourth*, any tenant or sub-tenant assigning or sub-letting or committing waste upon the demised premises, contrary to the covenants of his lease, or who sets up or carries on therein or thereon any unlawful business, or who erects, suffers, permits or maintains on or about said premises any nuisance, thereby terminates the lease, and the landlord, or his successor in estate, shall, upon service of three days' notice to quit upon the person or persons in possession, be entitled to restitution of possession of such demised premises under the provisions of this act.

SEC. 4. The notices required by the preceding section may be served either—*First*, by delivering a copy personally to the tenant; or, *second*, if he be absent from his place of residence, and from his usual place of business, by leaving a copy with some person of suitable age and discretion at either place, and sending a copy through the mail, addressed to the tenant at his place of residence; or, *third*, if such place of residence and [or] business cannot be ascertained, or a person of suitable age or discretion there cannot be found, then by affixing a copy in a conspicuous place on the property, and also delivering a copy to a person there residing, if such person can be found, and also sending a copy through the mail, addressed to the tenant at the place where the property is situated. Service upon a sub-tenant may be made in the same manner.

SEC. 5. The superior court of the county in which the property, or some part of it, is situated, shall have jurisdiction of proceedings under this act.

SEC. 6. No person other than the tenant of the premises, and sub-tenant, if there be one, in the actual occupation of the premises when the complaint is filed,

need be made parties defendant in the proceeding, nor shall any proceeding abate, nor the plaintiff be non-suited for the non-joinder of any person who might have been made party defendant; but when it appears that any of the parties served with process, or appearing in the proceeding, are guilty of the offense charged, judgment must be rendered against him. In case a defendant has become a sub-tenant of the premises in controversy, after the service of the notice, provided for by part 2 of section 3 of this act, upon the tenant of the premises, the fact that such notice was not served on each sub-tenant shall constitute no defense to the action. In case a married woman be a tenant or a sub-tenant, her coverture shall constitute no defense. All persons who enter the premises under the tenant, after the commencement of the suit, with notice thereof, shall be bound by the judgment the same as if he or they had been made parties to the action. Except as provided herein, the provisions of the code of Washington relating to parties to civil actions are applicable to this proceeding.

Who shall be bound by judgment.

Requirements for complaint.

SEC. 7. The plaintiff, in his complaint, which shall be in writing, must set forth the facts on which he seeks to recover, and describe the premises with reasonable certainty, and may set forth therein any circumstances of fraud, force or violence which may have accompanied the alleged forcible entry, or forcible or unlawful detainer, and claim damages therefor; in case the unlawful detainer charged be after default in the payment of rent, the complaint must state the amount of such rent. Upon filing the complaint, a summons must be issued thereon, as in other cases, returnable at a day designated therein, which shall not be less than six days nor more than twelve days from its date, except in cases when the publication of summons is necessary, in which case the court or judge thereof may order that the summons be made returnable at such time as may be deemed proper, and the summons shall specify the return day so fixed.

Summons.

SEC. 8. The summons must state the names of the parties to the proceeding, the court in which the same is brought, the nature of the action in concise terms, and the

relief sought, and also the return day; and must notify the defendant to appear and answer within the time designated, or that the relief sought will be taken against him. The summons must be directed to the defendant, and be served at least five days before the return day designated therein, and must be served and returned in the same manner as summons in civil actions is served and returned. Upon the return of any summons issued under this act, where the same has not for any reason been served, or not served in time, the plaintiff may have a new summons issued the same as if no previous summons had been issued.

Service of summons.

SEC. 9. The plaintiff, at the time of commencing an action of forcible entry and detainer or unlawful detainer, or at any time afterwards before judgment, may apply to the superior judge for a writ of restitution restoring to plaintiff the property in the complaint described, and the judge may, at his discretion, order a writ of restitution to issue. The writ shall be issued by the clerk of the superior court in which the action is pending, and be returnable in twenty days after its date, but before any writ shall issue, the plaintiff shall execute to the defendant an undertaking in such a sum as the judge shall order, with two or more sureties, to be approved by the clerk, conditioned that the plaintiff will prosecute his action without delay and will pay all costs that may be adjudged to the defendant, and all damages which he may sustain by reason of the writ of restitution having been issued, should the same be wrongfully sued out.

Plaintiff's bond.

SEC. 10. The sheriff shall, upon receiving the writ of restitution, serve a copy thereof upon the defendant, his agent or attorney, or those in possession of the premises, and shall not execute the same for five days thereafter, within which time the defendant or those in possession of the premises may execute to the plaintiff an undertaking, to be filed and approved by the clerk of the court, in such a sum as may be fixed by the judge, conditioned that he will pay the plaintiff such sum as he may recover for the use and occupation of said premises, together with all damages the plaintiff may sustain by reason of the defend-

Duty of sheriff.

ant's occupying or keeping possession of said premises. The plaintiff, his agent or attorney shall have notice of the time and place where the judge shall fix the amount of plaintiff's bond.

SEC. 11. The plaintiff or defendant at any time, upon two days' notice to the adverse party, may apply to the judge of the superior court for an order raising or lowering the amount of the undertaking herein provided for. The judge, after hearing the same, shall make such an order as may be just in the premises.

Court may order arrest.

SEC. 12. If the complaint presented establishes, to the satisfaction of the court or judge, fraud, force or violence, in the entry or detainer, and that the possession held is unlawful, the court or judge may make an order for the arrest of the defendant.

Default.

SEC. 13. If at the time appointed the defendant do not appear and defend, the court must render judgment in favor of the plaintiff as prayed for in the complaint.

SEC. 14. On or before the day fixed for his appearance, the defendant may appear and answer or demur.

Trial by jury.

SEC. 15. Whenever an issue of fact is presented by the pleadings, it must be tried by a jury, unless such jury be waived as in other cases. The jury shall be formed in the same manner as other trial juries in the court in which the action is pending.

SEC. 16. On the trial of any proceeding for any forcible entry or forcible detainer, the plaintiff shall only be required to show, in addition to the forcible detainer complained of, that he was peaceably in the actual possession at the time of the forcible entry, or was entitled to the possession at the time of the forcible detainer.

Amending complaint.

SEC. 17. When, upon the trial of any proceeding under this act, it appears from the evidence that the defendant has been guilty of either a forcible entry, or a forcible or unlawful detainer, and other than the offense charged in the complaint, the judge must order that such complaint be forthwith amended to conform to such proofs; such amendment must be made without any imposition of terms. No continuance shall be permitted upon account

of such amendment, unless the defendant shows to the satisfaction of the court good cause therefor.

SEC. 18. If, upon the trial, the verdict of the jury, or, if the case be tried without a jury, the finding of the court, be in favor of the plaintiff and against the defendant, judgment shall be entered for restitution of the premises; and if the proceeding be for unlawful detainer after neglect or failure to perform the conditions or covenants of the lease or agreement under which the property is held, or after default in the payment of rent, the judgment shall also declare the forfeiture of such lease or agreement. The jury, or the court, if the proceeding be tried without a jury, shall also assess the damages Assessment of damages. occasioned to the plaintiff by any forcible entry, or by any forcible or unlawful detainer alleged in the complaint and proved on the trial, and find the amount of any rent due, if the alleged unlawful detainer be after default in the payment of rent, and the judgment shall be rendered against the defendant guilty of the forcible entry or unlawful detainer for twice the amount of damages thus assessed and of the rent found due. When the proceeding is for an unlawful detainer after default in the payment of rent, and the lease or agreement under which the rent is payable, has not by its terms expired, execution upon the judgment shall not be issued until the expiration of five days after the entry of the judgment, within which time the tenant, or any sub-tenant, or any mortgagee of the term, or other party interested in its continuance, may pay into court for the landlord, the amount found due as rent, with interest thereon, and the amount of the damages found by the jury, or the court, for the unlawful detainer and the costs of the proceeding, and thereupon the judgment shall be satisfied and the tenant be restored Satisfaction of judgment. to his estate; but if payment, as here provided, be not made within the five days, the judgment may be enforced for its full amount and for the possession of the premises. In all other cases the judgment may be enforced immediately.

SEC. 19. The complaint and answer must be verified as in civil actions.

SEC. 20. Amendments may be allowed by the court at any time before final judgment, upon such terms as to the court may appear just, in the same cases and manner and to the same extent as in civil actions.

Rule of practice.

SEC. 21. Except as otherwise provided in this act, the provisions of the code with reference to practice in civil actions are applicable to, and constitute the rules of practice in, the proceedings mentioned in this act; and the provisions of the code relative to new trials and appeals, except so far as they are inconsistent with the provisions of this act, shall be held to apply to the proceedings mentioned in this act.

Relief of tenant.

SEC. 22. The court may relieve a tenant against a forfeiture of a lease, and restore him to his former estate, in case of hardship, where application for such relief is made within thirty days after the forfeiture is declared by the judgment of the court, as provided in this act. The application may be made by a tenant or sub-tenant, or a mortgagee of the term, or any person interested in the continuance of the term. It must be made upon petition, setting forth the facts upon which the relief is sought, and be verified by the applicant. Notice of the application, with a copy of the petition, must be served on the plaintiff in the judgment, who may appear and contest the application. In no case shall the application be granted except on condition that full payment of rent due, or full performance of conditions of covenants stipulated, so far as the same is practicable, be made.

Appeals.

SEC. 23. If either party feels aggrieved by the verdict of the jury, or decision of the judge, he may appeal to the supreme court, as in other civil actions: *Provided*, That if the defendant appealing desires a stay of proceedings pending such appeal, he shall execute and file a bond, with two or more sufficient sureties, to be approved by the judge, conditioned to abide the order of the court on such appeal, and to pay all rent and other damages justly accruing to the complainant during the pendency of the appeal.

Appeal bond.

SEC. 24. When the defendant shall appeal, and shall file a bond as provided in the preceding section, all further

proceedings in the case shall be stayed until the determination of said appeal, and the same has been remanded to the superior court for further proceedings therein.

SEC. 25. If a writ of restitution has been issued previous to the taking of an appeal by the defendant, and said defendant shall execute and file a bond as provided in this act, the judge shall forthwith give the appellant a certificate of the allowance of such appeal; and upon the service of such certificate upon the officer having such writ of restitution, the said officer shall forthwith cease all further proceedings by virtue of such writ; and, if such writ has been completely executed, the defendant shall be restored to the possession of the premises, and shall remain in possession thereof until the appeal is determined.

Appeal certificate.

SEC. 26. Whereas, there is now no law of this state adequately providing for the trial of actions of forcible entry or unlawful detainer, an emergency exists, and this act shall take effect upon its approval by the governor.

Approved March 27, 1890.

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## REAL ESTATE; LIMITATION OF ACTION TO RECOVER.

AN ACT limiting the time within which an action may be brought for the recovery of real estate sold by executors, administrators or guardians, and determining when such sales shall be validated.

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

SECTION 1. No action for the recovery of any real estate sold by an executor or administrator under the laws of this state, or the laws of the Territory of Washington, shall be maintained by any heir or other person claiming under the deceased, unless it is commenced within five years next after the sale, and no action for any estate sold by a guardian shall be maintained by the ward, or by any person claiming under him, unless com-

Must be within five years.

Except in case of legal disability.

menced within five years next after the termination of the guardianship, except that minors, and other persons under legal disability to sue at the time when the right of action first accrued, may commence such action at any time within three years after the removal of the disability.

Validity of administrator's or guardian's sale.

SEC. 2. In case of an action relating to any estate sold by an executor, administrator or guardian, in which an heir or person claiming under the deceased, or in which the ward or any person claiming under him, shall contest the validity of the sale, it shall not be voided on account of any irregularity in the proceedings: *Provided*, It appears—*First*, that the executor, administrator or guardian was ordered to make the sale, by the probate or superior court having jurisdiction of the estate; *second*, that he gave a bond which was approved by the probate or superior judge, in case a bond was required upon granting the order; *third*, that he gave notice of the time and place of sale, as in the order and by law prescribed, and, *fourth*, that the premises were sold accordingly, by public auction, and the sale confirmed by the court, and that they are held by one who purchased them in good faith.

Claims adverse to title of deceased.

SEC. 3. If the validity of a sale is drawn in question by a person claiming adversely to the title of the deceased, or the ward, or claiming under a title that is not derived from or through the deceased or ward, the sale shall not be void on account of any irregularity in the proceedings if it appears that the executor, administrator or guardian was licensed to make the sale by a probate or superior court having jurisdiction of the estate, and that he did accordingly execute and acknowledge, in legal form, a deed for the conveyance of the premises.

SEC. 4. This act shall apply to sales heretofore as well as hereafter made, and all sales heretofore made in conformity with the provisions of this act are declared valid.

Received by the governor March 28, 1890.

[*Note by the Secretary of State.*—The foregoing act having been presented to the governor of the state for his approval, and not having been filed in the office of the secretary of state within the time prescribed by the constitution of the state, with his objections thereto, has become a law under the provisions of the constitution.]

## RELATING TO ESTATES OF INSOLVENT DEBTORS.

AN ACT to secure creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors.

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

SECTION 1. No general assignment of property by an insolvent, or in contemplation of insolvency, for the benefit of creditors shall be valid unless it be made for the benefit of all his creditors in proportion to the amount of their respective claims. And such assignment shall have the effect to discharge any and all attachments on which judgment shall not have been taken at the date of such assignment; and after the payment of the costs and disbursements thereof, including the attorney fees allowed by law in case of judgment, out of the estate of the insolvent, such claim or claims shall be deemed as presented, and shall share pro rata with other claims as hereinafter provided.

SEC. 2. In case of an assignment for the benefit of all the creditors of the assignor, the assent of the creditors shall be presumed.

SEC. 3. The debtor shall annex to such assignment an inventory, under oath, of all his estate, real and personal, according to the best of his knowledge, and also a list of his creditors, with their post-office address, and a list of the amount of their respective demands, but such inventory shall not be conclusive as to the amount of the debtor's estate. Every assignment shall be in writing, and duly acknowledged in the same manner as conveyances of real estate, and recorded in the record of deeds of the county where the person making the same resides, or where the business in respect to which the same is made has been carried on. Upon the application of two or more creditors of said debtor therefor, by petition to the judge of the superior court of the county in which such assignment is or should be recorded, at any time within

Meeting of creditors to choose assignee.

thirty days from the making or recording of such assignment, it shall be the duty of said superior judge to direct the clerk of said superior court to order a meeting of the creditors of said debtors, to choose an assignee of the estate of said debtor in lieu of the assignee named by the debtor in his assignment; and thereupon the clerk of said court shall forthwith give notice to all the creditors of said debtor to meet at his office at a time stated, not to exceed fifteen days from the date of such notice, to select one or more assignees in the place of the assignee named by the debtor in his assignment. Such creditors may appear in person or by proxy, and a majority in number and value of said creditors attending such meeting shall select one or more assignees; and in the event that no one shall receive a majority vote of said creditors who represent at least one-half in amount of all claims represented at such meeting, then, and in that event, said clerk shall certify that fact to the judge of the superior court aforesaid, and thereupon said superior judge shall select and appoint an assignee.

Judge shall appoint assignee.

When such assignee shall have been selected by such creditors, or appointed by the superior judge as herein provided, then the assignee named in the debtor's assignment shall forthwith make to the assignee elected by the creditors or appointed by the superior judge, an assignment and conveyance of all the estate, real and personal, that has been assigned or conveyed to him by said debtor; and such assignee so elected by the creditors or appointed by the superior judge, upon giving the bond required of an assignee by this act, shall possess all the powers, and be subject to all the duties imposed by this act, as fully to all intents and purposes as though named in the debtor's assignment. From the time of the pending of an application to elect an assignee by the creditors, and until the time shall be terminated by an election or appointment as herein provided, no property of the debtor, except perishable property, shall be sold or disposed of by any assignee; but the same shall be safely and securely kept until the election or appointment of an assignee as herein provided. No creditor shall be entitled to vote at any such meeting called for the purpose of electing an assignee, until he

Bond.

Sale of property.

shall have presented to the clerk of the superior court, who shall preside at such meeting, a verified statement of his claim against the debtor.

SEC. 4. The assignee shall also forthwith file with the clerk of the superior court of the county where such assignment will be recorded, a true and full inventory and valuation of said estate, under oath, as far as the same has come to his knowledge, and shall then and there enter into bonds to the State of Washington, for the use of the creditors, in double the amount of the inventory and valuation, with two or more sufficient sureties, to be approved by said clerk, for the faithful performance of said trust; and the assignee may thereupon proceed to perform any duties necessary to carry into effect the intention of said assignment.

Assignee's inventory.

SEC. 5. The assignee shall forthwith give notice of such assignment, by publication in some newspaper in the county, if any, and if none, then in the nearest county thereto, which publication shall be continued at least six weeks; and shall forthwith send a notice by mail to each creditor of whom he shall be informed, directed to their usual place of residence, and notifying the creditors to present their claims, under oath, to him within three months thereafter.

Notice.

SEC. 6. At the expiration of three months from the time of first publishing notice, the assignee shall report and file with the clerk of the court a true and full list, under oath, of all such creditors of the assignor as shall have claims to be such, with a statement of their claims, and also an affidavit of publication of notice, and a list of the creditors, with their places of residence, to whom notice has been sent by mail, and the date of mailing, duly verified.

Notice of claims.

SEC. 7. Any person interested may appear within three months after filing such report and file with said clerk any exceptions to the claim or demand of any creditor, and the clerk shall forthwith cause notice thereof to be given to the creditor, which shall be served as in case of summons, returnable at the next term, and the said court shall at such term proceed to hear the proof and alleg-

Filing exception.

tion of the parties in the premises, and shall render such judgment therein as shall be just, and may allow a trial by jury thereon.

Dividends.

SEC. 8. If no exception be made to the claim of any creditor, or if the same has been adjudicated, the court shall order the assignee to make, from time to time, fair and equal dividends among the creditors of the assets in his hands, in proportion to their claims, and as soon as may be to render a final account of said trust to said court, who may allow such commissions to said assignee in the final settlement as may be considered just and right.

Report.

SEC. 9. The assignee shall at all times be subject to the order of the court or judge, and the said court or judge may, by citation and attachment, compel the assignee from time to time to file reports of his proceedings, and of the situation and condition of the trust, and to proceed in the faithful execution of the duties required by this act.

Examination of debtor.

SEC. 10. No assignment shall be declared fraudulent or void for want of any list or inventory as provided in this act. The court or judge may, upon application of the assignee, or any creditor, compel the appearance in person of the debtor before such court or judge forthwith, or at the next term, to answer under oath such matters as may then and there be inquired of him; and such debtor may then and there be fully examined under oath as to the amount and situation of his estate, and the names of the creditors, and amounts due to each, with their places of residence, and the court may compel the delivery to the assignee of any property or estate embraced in the assignment.

Additional property.

SEC. 11. The assignee shall, from time to time, file with the clerk of the court an inventory and valuation of any additional property which may come into his hands under such assignment, after the filing of the first inventory, and the clerk may thereupon require him to give additional security.

SEC. 12. Any creditor may claim debts to become due, as well as debts due, but on debts not due, a reasonable abatement shall be made when the same are not drawing

interest; and all creditors who shall not exhibit their claims within the term of three months from the publication of notice as aforesaid shall not participate in the dividends until after payment in full of all claims presented within said term and allowed by the court.

SEC. 13. Any assignee as aforesaid shall have as full power and authority to dispose of all estate, real and personal, assigned, as the debtor had at the time of assignment, and to sue for and recover, in the name of such assignee, everything belonging or appertaining to said estate, and generally to do whatever the debtor might have done in the premises; but no sale of real estate belonging to said trust shall be made without notice published, as in case of sale of real estate on execution, unless the court shall order and direct otherwise.

SEC. 14. In case any assignee shall die before closing of his trust, or in case any assignee shall fail or neglect, for the period of thirty days after the making of any assignment, to file an inventory and valuation, and give bonds as required by this act, the superior court, or judge thereof, of the county where such assignment may be recorded, on the application of any person interested, shall appoint some person to execute the trust embraced in such assignment; and such person, on giving the bond, with sureties, as required of the assignee, shall possess all the powers conferred on such assignee, and shall be subject to all the duties hereby imposed, as fully as though named in the assignment; and in case any surety shall be discovered insufficient, or on complaint before the court or judge it should be made to appear that any assignee is guilty of wasting or misapplying the trust estate, said court or judge may direct and require additional security, and may remove such assignee, and may appoint others instead, and such person so appointed, on giving bond, shall have full power to execute such duties, and to demand and sue for all estate in the hands of the person removed, and to demand and recover the amount and value of all moneys and property or estate so wasted and misapplied, which he may neglect or refuse to make satisfaction for, from such person and his sureties.

Assignor may  
be discharged.

SEC. 15. Whenever it shall appear to the satisfaction of the court, or judge thereof, when the assignment is pending upon the final report of the assignee chosen by the creditors or otherwise, that the assignor has been guilty of no fraud in making the assignment, nor concealment or division of his property, or any part thereof, in order to keep the same beyond the reach of his creditors, but that he has acted fairly and justly in all respects; that his estate has been made to realize the fullest amount possible, and not less than fifty per cent. of the full amount of his indebtedness over and above all expenses of the assignment, the said court or judge thereof shall, upon the allowance of the final account of said assignee, make an order discharging the assignor from any further liability on account of any indebtedness existing against him prior to the making of such assignment, and thereafter such assignor shall be freed from any liability on account of any unsatisfied portion of the indebtedness existing against him prior to the making of his assignment.

SEC. 16. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved March 6, 1890.

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## PENSION MONEY EXEMPT FROM ATTACHMENT.

AN ACT to exempt pension money from levy and attachment for debt.

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

SECTION 1. Any money received by any citizen of the State of Washington as a pension from the government of the United States, whether the same be in the actual

possession of such person or be deposited or loaned by him, shall be exempt from execution, attachment or seizure by or under any legal process whatever.

SEC. 2. When a debtor dies, or absconds, and leaves his family any money exempted by this act, the same shall be exempt to his family as provided in section 1 of this act.

Approved March 6, 1890.

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#### RELATING TO WITNESSES TO DEEDS, ETC.

AN ACT correcting omissions of attesting witnesses in deeds, mortgages and other instruments of writing.

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

SECTION 1. All deeds, mortgages or other instruments in writing, heretofore executed to convey real estate, or any interest therein, and which have no subscribing witness or witnesses thereto, are hereby cured of such defect and made valid, notwithstanding such omission: *Provided*, Nothing in this act shall be construed to affect vested rights or impair contracts made in good faith between parties prior to the passage of this act: *And provided further*, That nothing in this act shall be construed to give validity to, or in any manner affect, the sale or transfer of real estate made by the Territory or State of Washington, or any officer, agent or employee thereof prior to the passage of this act.

Approved March 6, 1890.

## COMMISSIONERS OF DEEDS.

AN ACT to authorize the appointment of Commissioners of Deeds,  
and declaring an emergency to exist.

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

SECTION 1. The governor may appoint in each of the United States, and the territories thereof, one or more commissioners, under the seal of this state, to continue in office for the term of four years, who shall have the power to administer oaths and to take depositions and affidavits to be used in this state.

Oath. SEC. 2. Before any commissioner appointed as aforesaid shall proceed to perform any of the duties of his office he shall take and subscribe an oath before any clerk of a court of record, or other officer having an official seal authorized to administer oaths in the state or territory for which such commissioner is appointed, that he will faithfully discharge all duties of his office, a certificate of which shall be filed in the office of the secretary of state, and shall provide and keep an official seal, upon which Seal. must be engraved his name and the words "Commissioner of Deeds for the State of Washington," and the name of the state or territory for which he is commissioned, with the date at which his commission expires, and shall pay Fee. into the state treasury the sum of five dollars for the special state library fund.

SEC. 3. Chapter CCV, entitled "Commissioners of Deeds," embodying sections 2626 and 2627 of the code of Washington, and all other acts and parts of acts on the subject matter of this act, and in conflict therewith, be and the same are hereby repealed.

SEC. 4. There being no law for the appointment of commissioners of deeds, an emergency exists, and this act shall take effect from and after its approval by the governor.

Approved March 6, 1890.

COMMISSIONERS OF DEEDS; AMENDATORY  
ACT.

AN ACT to amend an act entitled "An act to authorize the appointment of Commissioners of Deeds, and declaring an emergency to exist," approved March 6th, 1890, and declaring an emergency to exist.

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

SECTION 1. That section 1 of the above act is hereby amended to read as follows: Section 1. The governor may appoint in each of the United States and the territories thereof, one or more commissioners, under the seal of this state, to continue in office for the term of four (4) years, who shall have power to administer oaths, and to take depositions and affidavits, to be used in this state, and also to take the acknowledgment of any deed or other instrument to be used or recorded in the state.

SEC. 2. In order to perfect the original act, an emergency exists, and this act shall take effect from and after its approval by the governor.

Received by the governor March 28, 1890.

[*Note by the Secretary of State.*—The foregoing act having been presented to the governor of the state for his approval, and not having been filed in the office of the secretary of state within the time prescribed by the constitution of the state, with his objections thereto, has become a law under the provisions of the constitution.]

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EVIDENCE.

AN ACT to amend section 389, chapter XXXVI, of the Code of Washington, relating to witnesses and evidence.

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

SECTION 1. That section 389 of the code of Washington is hereby amended so as to read as follows: Sec. 389. No person offered as a witness shall be excluded from

giving evidence by reason of his interest in the event of the action, as a party thereto or otherwise, but such interest may be shown to affect his credibility: *Provided, however,* That in an action or proceeding where the adverse party sues or defends as executor, administrator or legal representative of any deceased person, or as deriving right or title by, through or from any deceased person, or as the guardian or conservator of the estate of any insane person, or of any minor under the age of fourteen (14) years, then a party in interest or to the record, shall not be admitted to testify in his own behalf as to any transaction had by him with, or any statement made to him by any such deceased or insane person, or by any such minor under the age of fourteen (14) years: *Provided further,* That this exclusion shall not apply to parties of record who sue or defend in a representative or fiduciary capacity, and who have no other or further interest in the action.

Approved March 20, 1890.

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## FINAL RECEIPTS AND CASH CERTIFICATES; RECORDING OF.

AN ACT relative to the recording of cash and final receipts and certificates of United States Registers and Receivers.

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

SECTION 1. That every cash or final receipt from any receiver, and every cash or final certificate from any register of the United States land office, evidencing that final payment has been made to the United States as required by law, or that the person named in such certificate is entitled, on presentation thereof, to a patent from the United States for land within the State of Washing-

ton, shall be recorded by the county auditor of the county wherein such land lies, on request of any party presenting the same, and any record heretofore made of any such cash or final receipt or certificate shall, from the date when this act becomes a law, and every record hereafter made of any such receipt or certificate shall, from the date of recording, impart to third persons and all the world, full notice of all the rights and equities of the person named in said cash or final receipt or certificate in the land described in such receipt or certificate.

Approved March 14, 1890.

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## RELATING TO CONFLICTING CLAIMS TO PROPERTY.

AN ACT to provide for the determination of conflicting claims to property, money or indebtedness.

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

SECTION 1. Any one having in his possession, or under his control, any property or money, or being indebted, where more than one person claims to be the owner of, entitled to, interested in, or to have a lien on, such property, money or indebtedness, or any part thereof, may commence an action in the superior court against all or any of such persons, and have their rights, claims, interest or liens adjudged, determined and adjusted in such action.

SEC. 2. In all actions commenced under the preceding section, the plaintiff may disclaim any interest in the money, property or indebtedness, and deposit with the clerk of the court the full amount of such money or indebtedness, or other property, and he shall not be liable for any costs accruing in said action. And the clerks of the various courts shall receive and file such complaint,

and all other officers shall execute the necessary processes to carry out the purposes of this act, free from all charge to said plaintiff, and the court, in its discretion, shall determine the liability for costs of the action.

SEC. 3. Either of the defendants may set up or show any claim or lien he may have to such property, money or indebtedness, or any part thereof, and the superior right, title or lien, whether legal or equitable, shall prevail. The court or judge thereof may make all necessary orders, during the pendency of said action, for the preservation and protection of the rights, interests or liens of the several parties.

Approved February 19, 1890.

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## DEFINING THE WORDS TERRITORY AND TERRITORY OF WASHINGTON.

**AN ACT** providing the words Territory and Territory of Washington shall be construed to mean State and State of Washington, and **declaring an emergency to exist.**

SECTION 1. Wherever in the laws now in force in the State of Washington or in the laws of the Territory of Washington as continued in force by virtue of the acts of congress, as under the operations and provisions of the constitution of this state the words Territory and Territory of Washington shall be used, the same shall be construed to mean State and State of Washington.

SEC. 2. Whereas, by reason of changed conditions from territory to state the use of said words "Territory" and "Territory of Washington" in the laws is inappropriate and confusing, an emergency exists; therefore, this act shall take effect and be in force from and after its passage and approval by the governor.

Approved December 13, 1889.

## RELATING TO INN-KEEPERS.

AN ACT to relieve inn-keepers from liability in certain cases, and prescribing their responsibilities therein.

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

SECTION I. No inn-keeper who constantly has in his inn an iron safe or suitable vault in good order, and fit for the safe custody of money, bank notes, jewelry, articles of gold and silver manufacture, precious stones and bullion, and who keeps a copy of this act printed by itself in large, plain Roman type, and framed, constantly and conspicuously suspended in the office, bar-room, saloon, reading, sitting and parlor-room of his inn, and also a copy printed by itself in ordinary sized plain Roman type posted upon the inside of the entrance door of every public sleeping-room of his inn, shall be liable for the loss of any such article suffered by any guest, unless such guest has first offered to deliver such property lost by him to such inn-keeper for custody in such iron safe or vault, and such inn-keeper has refused or neglected to receive and deposit such property in his safe or vault and to give such guest a receipt therefor: *Provided*, That all doors to rooms furnished to guests shall be provided with slide bolts inside of such rooms on all doors; otherwise he shall be liable; but every inn-keeper shall be liable for any loss of the above enumerated articles by a guest in his inn when caused by the theft or negligence of the inn-keeper or any of his servants.

Approved February 11, 1890.

## HOTEL AND LODGING-HOUSE KEEPERS; PROTECTION OF.

AN ACT for the protection of hotel, inn, lodging-house and boarding-house keepers.

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

SECTION 1. That hereafter all hotel keepers, inn keepers, lodging-house keepers and boarding-house keepers in this state shall have a lien upon the baggage, property, or other valuables of their guests, lodgers or boarders, brought into such hotel, inn, lodging-house or boarding-house by such guests, lodgers or boarders, for the proper charges due from such guests, lodgers or boarders for their accommodation, board or lodging and such other extras as are furnished at their request, and shall have the right to retain in their possession such baggage, property or other valuables until such charges are fully paid, and to sell such baggage, property or other valuables for the payment of such charges in the manner provided in section two hereof.

SEC. 2. That whenever any baggage, property or other valuables which have been retained by any hotel keeper, inn keeper, lodging-house keeper or boarding-house keeper, in his possession by virtue of the provision of section one hereof, shall remain unredeemed for the period of three months after the same shall have been so retained, then it shall be lawful for such hotel keeper, inn keeper, lodging-house keeper or boarding-house keeper to sell such baggage, property or other valuables at public auction, after giving the owner thereof ten days' notice of the time and place of such sale, through the post-office, or by advertising in some newspaper published in the county where such sale is made, or by posting notices in three conspicuous places in such county, and out of the proceeds of such sale to pay all legal charges due from the owner of such baggage, property or valuables, including proper charges

for storage of the same, and the overplus, if any, shall be paid to the owner upon demand.

Approved March 7, 1890.

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## RELATING TO JUDGMENTS IN U. S. COURTS.

AN ACT relating to the filing and recording of transcripts of judgments rendered in this State by the District or Circuit Courts of the United States.

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

SECTION 1. That judgments in the district or circuit court of the United States, if rendered in this state, may be made liens upon the real estate owned by the person against whom said judgment is rendered, and also upon all he may subsequently acquire for a period of five years from the date of the judgment, by filing a certified transcript of the judgment in the office of the auditor or recorder of the county in which the land lies, and no lien shall attach to the lands in any county of this state until the date of filing such transcript, except the county wherein such judgment is rendered, in which case the lien shall attach from the date of such rendition: *Provided*, That within twenty days from such rendition, a certified transcript of such judgment shall be filed in the office of the auditor of said county, and if not so filed, the lien of such judgment shall not attach until the actual filing of such certified transcript. Must file transcript.

SEC. 2. The auditor or recorder shall, on the filing of such transcript in his office, immediately proceed to docket and index the same in a separate book kept for that purpose, in the same manner as though rendered in the superior court of his own county, and he shall be allowed to charge and receive the same fee as provided by law for like service. Docket and index.

Satisfaction of  
judgment.

SEC. 3. When the amount due on any judgment is paid off or satisfied in full, the plaintiff, or those legally acting for him, must acknowledge satisfaction thereof in the margin of the record of the judgment, or by the execution of an instrument in writing, referring to the judgment, acknowledged and filed in the office of the auditor or recorder in every county where the judgment is a lien. If he fail to do so within sixty days after having been requested in writing so to do, he shall forfeit to the defendant the sum of fifty dollars.

Approved February 19, 1890.

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## PROVIDING FOR THE SOLEMNIZATION OF MARRIAGE.

AN ACT to authorize certain officers and persons to solemnize marriages.

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

SECTION 1. The following named officers and persons are hereby authorized to solemnize marriages, to-wit: Judges of the supreme court, judges of superior courts, any regular ordained minister or priest of any church or religious denomination anywhere within the state, and justices of the peace within their respective counties.

SEC. 2. Doubts have arisen as to who are authorized under existing laws to solemnize marriages, and the public interest demanding the immediate removal of any uncertainty, or question, upon this important matter, a cause of emergency is deemed to exist, and this act shall take effect and be in force from and after its passage.

Approved December 12, 1889.

## CHAPTER VI.—CRIMINAL PRACTICE.

### CRIMES AND PUNISHMENTS.

AN ACT relating to crimes and punishments.

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

SECTION 1. Any person who shall, with intent to cheat, wrong or defraud, place in or upon any mine or mineral claim any ores or specimens of ores not extracted therefrom, or exhibit any ore or certificate of assay of ore not extracted therefrom, for the purpose of selling any mine or mining claim, or any interest therein, or who shall obtain any money or property by any such false pretenses or artifices, shall be deemed guilty of a felony. Felony.

SEC. 2. Any person who shall interfere with or in any manner change samples of ores or bullion produced for sampling, or change or alter samples or packages of ores or bullion which have been purchased for assaying, or who shall change or alter any certificate of sampling or assaying, with intent to cheat, wrong or defraud, shall be deemed guilty of a felony.

SEC. 3. Any person who shall, with intent to cheat, wrong or defraud, make or publish a false sample of ore False samples. or bullion, or who shall make or publish or cause to be published a false assay of ore or bullion, shall be deemed guilty of a felony.

SEC. 4. Any person violating any of the provisions of this act shall be deemed guilty of a felony, and upon conviction thereof, shall be fined in any sum not less than fifty nor more than one thousand dollars, or by imprisonment in the penitentiary for not less than one year nor more than five years, or by both such fine and imprisonment. Penalty.

SEC. 5. All acts and parts of acts in conflict with this act are hereby repealed.

Approved February 27, 1890.

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### CRIMINAL PROCEEDING BY INFORMATION.

AN ACT to provide for prosecuting public offenses on information.

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

SECTION 1. All public offenses may be prosecuted in the superior courts by information in the following cases: *First*, whenever any person is in custody or on bail on charge of felony or misdemeanor and the court is in session, and the grand jury is not in session, or has been discharged. *Second*, whenever an indictment presented by an [any] grand jury has been quashed, and the grand jury returning the same is not in session, or has been discharged. *Third*, when a cause has been appealed to the supreme court and reversed on account of any defect in the indictment. *Fourth*, whenever a public offense has been committed, and the party charged with the offense is not already under indictment therefor, and the court is in session, and the grand jury is not in session, or has been discharged. *Fifth*, whenever the court is in session or not in session, any competent and reputable person having knowledge of the commission of any misdemeanor not within the exclusive jurisdiction of a justice of the peace, may make an affidavit before any person authorized to administer oaths, setting forth the offense and the person charged in plain and concise language, together with the names of the witnesses, and file the same with the clerk of said superior court, who shall thereupon notify the prosecuting attorney thereof. The prosecuting attorney shall at once prepare and file an information in every

case against the person charged in said affidavit, whether the court is in session or not.

SEC. 2. All informations shall be filed in the court hav- Filed in court.  
 ing jurisdiction of the offense specified therein by the prosecuting attorney of the proper county as informant; he shall subscribe his name thereto and endorse thereon the names of the witnesses known to him at the time of Names of wit-  
 nesses.  
 filing the same, and at such time before the trial of any case as the court may by rule or otherwise prescribe, he shall endorse thereon the names of such other witnesses as shall then be known to him; and said court shall possess and may exercise the same powers and jurisdiction to hear, try and determine all such prosecutions upon information, to issue writs and process, and do all other acts therein, as it possesses and may exercise in cases of like prosecutions upon indictments.

SEC. 3. All informations shall be verified by the oath Verification, in-  
 formation.  
 of the prosecuting attorney, complainant, or some other person, and the offenses charged therein shall be stated with the same fullness and precision in matters of substance as is required in indictments in like cases. Different offenses and different degrees of the same offense may be joined in one information in all cases where the same might by different counts in one indictment, and in all cases a defendant or defendants shall have the same rights as to proceedings therein as he or they would have if prosecuted for the same offense upon an indictment.

SEC. 4. That the provisions of the criminal code of the Territorial code.  
 late territory now in force in this state in relation to prosecutions, crimes and misdemeanors on indictments, and all other provisions of law applying to prosecutions upon indictments, to writs and process therein, and the issuing and service thereof, to motions, pleadings, trials and punishment, or the execution of any sentence, and to all other proceedings in cases of indictment, whether in the court of original or appellate jurisdiction, shall in the same manner and to the same extent, as near as may be, apply to information and all prosecutions and proceedings thereon.

SEC. 5. Any person who may according to law be com-

mitted to jail, or become recognized, or held to bail with sureties for his appearance in court to answer to any indictment, may in like manner so be committed to jail, or become recognized and held to bail for his appearance to answer to any information or indictment, as the case may be.

SEC. 6. It shall be the duty of the prosecuting attorney of the proper county to inquire into and make full examination of all the facts and circumstances connected with any case of preliminary examination, as provided by law, touching the commission of any offense wherein the offender shall be committed to jail, or become recognized or held to bail; and if the prosecuting attorney shall determine in any such case that an information ought not to be filed, he shall make, subscribe and file with the clerk of the court a statement in writing containing his reasons, in fact and in law, for not filing an information in such case, and that such statement shall be filed at and during the session of court at which the offender shall be held for his appearance: *Provided*, That in such case such court may examine such statement, together with the evidence filed in the case, and if upon such examination the court shall not be satisfied with such statement, the prosecuting attorney shall be directed by the court to file the proper information and bring the case to trial.

SEC. 7. Grand juries shall not hereafter be drawn, summoned or required to attend at the sittings of any court within this state unless the judge thereof shall so direct by writing under his hand and filed with the clerk of court.

SEC. 8. Whereas, there is no law in this state authorizing the prosecution of public offenses on information in criminal cases, and there is an immediate necessity therefore, an emergency exists, and, therefore, this act shall take effect and be in force from and after its passage and approval by the governor.

Approved January 29, 1890.

## TO PREVENT DECEPTION IN DAIRY PRODUCTS.

AN ACT to prevent deception in sales of dairy products, and providing a penalty therefor.

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

SECTION 1. No person or persons shall sell or exchange, Offense defined. or expose for sale or exchange, any unclean, unwholesome or adulterated milk, nor any article of food manufactured therefrom, or of cream from the same.

SEC. 2. No person or persons shall sell, supply or offer for sale or exchange, any oleaginous substance, or any compound of the same, other than that produced from wholesome and unadulterated milk or cream of the same, unless the said oleaginous substance, and the package containing the same, shall be marked so as to plainly establish its true character and distinguish it from pure and genuine dairy products; and in any public dining or eating-room where imitation dairy product or products are commonly and knowingly used as an article of food, the bill of fare used in such dining or eating-room shall state the fact in the same sized type as is used in printing the body of said bill of fare; or if no bill of fare is used, then in a conspicuous place of said dining or eating-room, easily seen by any one entering said room, shall be posted a notice Impure article must be labelled. stating the name or names of such imitation dairy products: *Provided*, That the addition of harmless coloring matter to any product manufactured from pure, unadulterated milk, or the cream thereof, shall not come within the provisions of this act: *Provided further*, That milk drawn Notice must be posted. from cows within fifteen (15) days before and five (5) days after parturition shall be construed to be unclean, impure and unwholesome. Impure milk.

SEC. 3. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of Penalty. not less than fifty dollars (\$50) nor more than two hun-

dred dollars (\$200), or by not less than one month nor more than three months' imprisonment in the county jail, or by both such fine and imprisonment.

Approved January 20, 1890.

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FEMALE EMPLOYEES; TO PROTECT THE  
HEALTH OF.

AN ACT to better protect the health of female employees.

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

SECTION 1. It shall be the duty of every agent, proprietor, superintendent or employer of female help in stores, offices or schools within the State of Washington to provide for each and every such employee a chair, stool or seat, upon which such female worker or workers shall be allowed to rest when their duties will permit, or when such rest shall or does not interfere with a faithful discharge of their incumbent duties.

SEC. 2. A violation of any of the provisions of section 1 of this act shall be deemed a misdemeanor, and upon conviction thereof by any court of competent jurisdiction, shall subject the person offending to a fine of not less than ten dollars nor more than fifty dollars.

Penalty.

Approved March 26, 1890.

## GAME; PROTECTION OF.

AN ACT for the preservation of large game.

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

SECTION 1. That it shall be unlawful to hunt or chase deer with dogs. Hunting with dogs.

SEC. 2. That it shall be unlawful to hunt deer, mule deer, carribou, elk, mountain sheep or goats for the purpose of securing their hides or horns. For hides and horns.

SEC. 3. That it shall be unlawful to hunt or kill for sale, or offer for sale, any deer, mule deer, carribou, mountain sheep, goats or elk after the first day of January or before the first day of December. Close season.

SEC. 4. Any person or persons violating either of the sections of this act shall be fined, in any court of competent jurisdiction, not less than fifty dollars nor more than two hundred dollars for each offense, and in case of non-payment of said fine, to be imprisoned in the county jail not to exceed thirty days. Penalty.

SEC. 5. That the governor of the state shall have the power to appoint a game warden, who shall serve four years without pay, and he in turn shall, by the advice and consent of the governor, appoint a deputy game warden in each county of the state, whose duties shall be to inquire into all violations and prosecute all violators of this act. Game warden. Deputy.

SEC. 6. Upon the arrest and conviction of any person or persons violating any of the provisions of this act, one-half of the fine shall be paid to the game warden of the county and the other half into the school fund of the county in which the offense may be committed. Division of fines.

Approved February 6, 1890.

## FISH; PROTECTION OF.

AN ACT to protect salmon and other food fishes in the State of Washington, and upon all waters upon which this State has jurisdiction and concurrent jurisdiction.

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

SECTION 1. It shall not be lawful to take or fish for salmon in the Columbia river or its tributaries by any means, in any year hereafter, between the first day of March and the tenth day of April, or between the tenth day of August and the tenth day of September; and also, during the weekly close time; that is to say, between the hour of six o'clock P. M. on each and every Saturday and six o'clock in the afternoon of the following Sunday, and any person or persons fishing for or catching salmon in

Offense defined.

violation of this section by catching salmon, or purchasing salmon unlawfully caught, or having in his or their possession any such unlawfully caught salmon, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined in a sum not less than fifty dollars nor more than two hundred and fifty dollars.

Penalty.

SEC. 2. It shall be unlawful to catch, kill, or in any manner destroy any salmon on or within one mile below any rack or other obstruction erected across any river or stream for the purpose of obtaining fish for propagation, and any person or persons violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined in a sum of not less than fifty dollars nor more than two hundred and fifty dollars, and any and all appliances used in the violation of this act, viz.: Boats, nets, traps, wheels, seines or other appliances, shall be subject to execution for the payment of the fine herein imposed.

Fish for propagation protected.

Property subject to execution.

SEC. 3. It shall not be lawful for any person or persons to take or fish for salmon on the waters of Shoalwater bay and the rivers with their tributaries flowing into said bay, and also on the waters of Gray's Harbor and the rivers with their tributaries flowing into said Gray's Harbor,

Shoalwater Bay.

Gray's Harbor and tributaries

from the fifteenth day of November until the fifteenth day of December during any year hereafter, and any person or persons violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined in a sum not less than fifty dollars nor more than two hundred and fifty dollars. Penalty.

SEC. 4. It shall not be lawful for any person or persons to take or fish for salmon during the months of March, April and May of each year, on the waters of Puget Sound. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined in a sum of not less than fifty dollars nor more than two hundred and fifty dollars. Puget Sound. Penalty.

SEC. 5. For the purpose of more clearly defining the provisions of section four of this act, all that portion of the tide waters emptying into the Straits of Fuca, and the bays, inlets, streams and estuaries thereof, shall be known and designated in this act as Puget Sound.

SEC. 6. It shall not be lawful for any pound net, set net, trap, weir, wheel or other fixed appliance for taking fish, to extend more than one-half of the way across the breadth of any stream, channel or slough of any waters mentioned in this act at the time and place of such fishing, and any person or persons violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined in a sum not less than fifty dollars nor more than two hundred and fifty dollars. Size of nets and traps limited. Penalty.

SEC. 7. It shall not be lawful to cast or pass, or allow to be cast or passed, into any of the rivers and streams of this state into which salmon or trout are wont to be, any lime, gas, coculus indicus, or any other substance deleterious to fish, and any person or persons violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined in a sum not less than fifty dollars nor more than two hundred and fifty dollars. Waters must be kept pure.

SEC. 8. Any person or persons now owning or maintaining, or who shall hereafter construct or maintain any dam or other obstruction across any stream in this state which any food fish are wont to ascend, without providing Fishways.

a suitable fishway or ladder for the fish to pass over such obstruction, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be punished by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars, and said dam or obstruction may, in the discretion of the court, be abated as a nuisance.

Penalty.

Nuisance.

SEC. 9. It shall not be lawful for the proprietor of any sawmill in this state, or any employee therein, or any other person, to cast sawdust, planer shavings or other lumber waste made by any lumber manufacturing concern, or suffer or permit such sawdust, shavings or other lumber waste to be thrown or discharged in any manner into the Columbia river and its tributaries, and all other streams and lakes in this state where fish resort to spawn, and any person or persons violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than one hundred dollars nor more than two hundred and fifty dollars.

Sawdust and refuse.

Penalty.

Moneys.

SEC. 10. All the moneys collected under the provisions of this act shall be paid into a fund to be known as a fish commission fund.

"Salmon" defined.

SEC. 11. Whenever the term salmon is used in this act, it shall be construed to include chinook, steelhead, blue-back, silversides and all other species of salmon.

Division of fines.

SEC. 12. One-half of all the moneys collected under the provisions of this act shall be paid to the informer, if there be one, one-quarter to the attorney prosecuting, and the remainder shall be put into a fund to be known as the fish commission fund, and it shall be the duty of the attorney prosecuting, or justice of the peace, to cause to be endorsed upon the back of the indictment or complaint, the name of any person who shall voluntarily make complaint for violation of any of the provisions of this act.

SEC. 13. Payment of any fine and cost imposed under the provisions of this act shall be enforced in the same manner as is now provided by law in other criminal actions.

Jurisdiction of courts.

SEC. 14. Justices of the peace shall have concurrent jurisdiction with the superior court of all offenses mentioned in this act.

SEC. 15. Nothing in this act shall be construed so as to prevent the taking of fish at any time of year, and in any manner, for propagation.

SEC. 16. All acts and parts of acts heretofore passed by the legislative assembly of the Territory of Washington in relation to the subject matter of this act be and the same are hereby repealed.

Approved February 11, 1890.

## PRIZE FIGHTING ; TO PROHIBIT.

AN ACT to prohibit prize fighting and sparring matches.

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

SECTION 1. Any person who, within this state, engages in, instigates, aids or encourages, or does any act to further a contention or fight, with or without weapons, between two or more persons, or a fight commonly called a sparring match, in which the combatants are provided with gloves, or who sends or publishes a challenge, or acceptance to a challenge, for such a contention, prize fight, sparring match, with or without gloves, or carries or delivers such a challenge or acceptance, or trains or assists any person or persons in training or preparing for such contention, prize fight or sparring match, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for a term of not less than thirty days nor more than one year, and by a fine of not less than fifty dollars nor more than one thousand dollars: *Provided*, That nothing in this section shall be so construed as to interfere with members of private clubs sparring or fencing for exercise among themselves.

Misdemeanor defined.

Penalty.

SEC. 2. Any person who bets, stakes or wagers money

Liability of  
gamblers.

or other property upon the result of such a fight, encounter or contention, or holds or undertakes to hold money or other property so staked or wagered, to be delivered to or for the benefit of the winner thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for a term not less than thirty days nor more than one year, or by a fine of not less than fifty dollars nor more than one thousand dollars, or by both fine and imprisonment, at the discretion of the court.

Penalty.

Approved March 26, 1890.

## FLOATING LOGS AND TIMBER; TO PROTECT THE TITLE OF.

AN ACT to protect the title of the owners of floating logs, timber and lumber, and declaring an emergency.

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

SECTION 1. That every person or co-partnership who shall put any logs or timber into any river, or its branches or tributaries, small lake or its tributaries, bayou, marsh or ditch in this state, for the purpose of rafting or floating the same to any place for manufacture or sale, shall have some mark or marks, previously selected by him or them, impressed in a conspicuous place upon the end or surface of each log or stick of timber so put into any of said waters.

Owner must  
mark.

SEC. 2. Before any such mark or marks shall be used, it shall be the duty of such person or co-partnership to cause a diagram and written description of the same, certified and signed by the owner or owners thereof, to be recorded in the office of the auditor of each county through which such logs or timber shall be floated for manufacture

Mark must be  
recorded.

or sale, and also to give notice in writing to each log-running or booming company doing business on any waters on which the logs or timber are floated, of such mark. The diagram and written description to be recorded as aforesaid, must be different from any diagram and description already recorded in said office claimed by any other party. For recording and indexing the diagram and certificate aforesaid, the auditor shall be entitled to demand and receive a fee of twenty-five cents.

SEC. 3. It shall be the duty of any such auditor to re-  
Duty and fees of auditor.

cord in a book to be kept for that purpose, all marks and descriptions of marks, furnished to him for that purpose, which are different from any other mark or description there recorded, which book shall be, at all reasonable hours, open to the inspection and examination of any person requiring it; and each of said auditors shall be entitled to receive for his fees, for each mark and description recorded, twenty-five cents, to be paid in advance by the party having the same recorded.

SEC. 4. Any logs or timber having any such recorded mark or marks impressed thereon, shall be presumed to  
Presumptive ownership.

belong to the party or parties in whose name said mark or marks shall have been recorded.

SEC. 5. Every person or co-partnership who shall neglect to have his or their mark or marks recorded, as required in the second section of this act, shall be debarred from  
Penalty of neglect.

all the benefits arising from the due recording of such mark or marks, and the vendee or assignee of any such logs or timber shall be subject to the same regulations and restrictions.

SEC. 6. If any person shall falsely make, forge or counterfeit such mark and use the same in marking logs or timber, knowing the same to be the mark of another person, and with intent to defraud, shall be guilty of felony, and shall be punished by imprisonment at hard labor in the state prison, not to exceed five years, or by fine of not  
Penalty for forgery.

less than one hundred dollars nor more than two thousand dollars.

SEC. 7. If any person, corporation or partnership shall wilfully and knowingly, or by gross carelessness, alter or

Penalty for altering.

deface, obliterate or destroy any of such brands or marks héreinbefore provided for, or shall request or order the same to be altered, defaced, obliterated or destroyed, and the same is altered, defaced, obliterated or destroyed in pursuance of said request or order, said person, corporation or partnership so altering, destroying, obliterating or defacing such brands or marks, or requesting or ordering the same to be done, and it appearing the same was done in pursuance of said order or request, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than two hundred dollars and not more than five thousand dollars.

Penalty, excepting boom companies.

SEC. 8. That it shall be unlawful for any person or persons, except boom companies who are compelled to catch and hold logs or other timber of value, to take up sawlogs, hewn, sawed or other timber and lumber of value found adrift on any river in this state, or have the same in their possession, that shall be marked with any mark or brand, without permission of the owner or agent thereof: *Provided*, The person claiming such mark or brand shall have had a copy thereof recorded in the county wherein he resides; and any person or persons violating the provisions of this section shall be deemed guilty of a felony, and, on conviction, shall be fined in any sum not exceeding three hundred dollars, or by imprisonment in the penitentiary not to exceed five years.

SEC. 9. This act shall take effect on its approval by the governor, an emergency existing therefor in the necessity for prompt legislation for the protection of the persons engaged in logging or putting timber of value in the waters of this state.

Approved March 28, 1890.

## TO PREVENT THE USE OF PUBLIC FUNDS.

AN ACT to prohibit the making of profit out of county, city, town or other public money, or using the same for any purpose not authority[ized] by law, by any officer, his agent, clerk, servant or employee, having the possession or control thereof, and providing punishment therefor.

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

SECTION 1. If any state, county, township, city, town, village, or other officer elected or appointed under the constitution or laws of this state, court commissioner, or any officer of any court, or any clerk, agent, servant or employee of any such officer, shall, in any manner not authorized by law, use any portion of the money entrusted to him for safe keeping in order to make a profit out of the same, or shall use the same for any purpose not authorized by law, he shall be deemed guilty of a felony, and on conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than ten years.

Offense defined.

Penalty.

SEC. 2. In prosecutions for the offenses named in section one hereof, it shall be sufficient to allege generally in the information, or indictment, that any such officer, court commissioner, clerk, agent, servant, or employee has made profit out of the public money in his possession, or under his control, or has used the same for any purpose not authorized by law to a certain value, or amount, without specifying any further particulars in regard thereto, and on the trial evidence may be given of all the facts constituting the offense and defense thereto.

Allegation sufficient for prosecution.

SEC. 3. Whereas, the general good requires that the public money in the possession or control of public officers, their agents or servants, should not be used by them for any purpose except as directed by law; and, whereas, this session promises to be a prolonged one, not limited by law, wherefore, an emergency exists why this act should take effect at once: therefore, this act shall take effect and be in force from and after its passage and approval by the governor.

Approved December 20, 1889.

MEDICINE; TO REGULATE THE PRACTICE OF.

AN ACT to regulate the practice of medicine and surgery in the state of Washington, and to license physicians and surgeons; to punish all persons violating the provisions of this act, and to repeal all laws in conflict therewith, and declaring an emergency.

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

Examining  
board.

SECTION 1. The governor of this state shall appoint a board of examiners; to be known as the state medical examining board, consisting of nine members, who shall be learned and skilled in the practice and theory of medicine and surgery, and who shall hold their office for three (3) years and until their successors are appointed and qualified: *Provided*, That the members thereof first appointed under this act shall be divided into three (3) classes, each class to consist of three (3). The first class shall hold office under said appointment for the period of one (1) year, the second class for two (2) years and the third class for three (3) years from the date of their appointment: *It is further provided*, That no member thereof shall be appointed to serve for more than two terms in succession.

Oath of board.

SEC. 2. The members of said medical examining board shall, before entering upon their duties as such members, take and subscribe an oath to support the constitution and laws of the State of Washington and of the United States, and to well and faithfully, and without partiality, perform the duties of such office according to the best of their knowledge and ability; which oaths shall be filed and preserved of record in the office of the secretary of said board. Said medical examining board shall elect a president, secretary and treasurer, and shall have a common seal. The president and secretary shall have the power to administer oaths; said medical examining board shall hold meetings for examination on the first Tuesday of January and July of each year; said meetings shall be held alternately in western and eastern Washington, at such places as the board may designate: *Provided*, That the first meeting be held at Olympia within thirty (30)

Organization  
and powers of  
board.

days after the appointment and qualification of said board: *And provided*, That the board may call special meetings when, in the opinion of a majority of said board, such special meetings are necessary. Said board shall keep a record of all the proceedings thereof, and also a record or Register. register of all applicants for a license, together with his or her age; the time such applicant shall have spent in the study and practice of medicine and surgery, if they shall have so practiced at all, and the name and location of all institutions granting to such applicants degrees or certificates of lectures in medicine or surgery. Said record or register shall also show whether such applicant was rejected or licensed under this act. Said books and register shall be *prima facie* evidence of all matters therein recorded.

SEC. 3. Hereafter, every person desiring to commence the practice of medicine and surgery, or either of them, in any of their or its branches in this state, shall make a written application to said board for a license so to do, Application and license. which application shall be supported and accompanied by an affidavit of such applicant setting forth the actual time spent by the applicant in the study of medicine and surgery, and when; whether such study was in an institution of learning, and if so, the name and location thereof; and if not in such institution, where and under whose tutorship such study was prosecuted; the time said applicant shall have been engaged in the actual practice, if at all, of medicine and surgery, or either of them, and where the applicant was located during the time of such practice, and the age of the applicant at the time of making such application, such application and affidavit to be filed and preserved of record in the office of the secretary of said board. Such applicant, at the time and place designated by said board, or at the regular meeting of said board, shall submit to an examination in the following Examination of applicants. branches, to-wit: Anatomy, physiology, chemistry, histology, materia medica, therapeutics, preventive medicines, practice of medicine, surgery, obstetrics, diseases of women and children, diseases of the nervous system, diseases of the eye and ear, medical jurisprudence, and such

other branches as the board shall deem advisable. Said board shall cause such examination to be both scientific and practical, and of sufficient severity to test the candidate's fitness to practice medicine and surgery; which examination shall be by written or printed, or partly written and partly printed, questions and answers, and the same shall be filed and preserved of record in the office of the secretary of said board. After examination, if the same be satisfactory, said board shall grant a license to such applicant to practice medicine and surgery in the State of Washington; which said license can only be granted by the consent of not less than five members of said board, except as hereinafter provided, and which said license shall be signed by the president and secretary of said board, and attested by the seal thereof. The fee for such examination shall be ten (\$10) dollars, and shall be paid by the applicant to the treasurer of said board toward defraying the expenses thereof; and such board may refuse or revoke a license for unprofessional or dishonorable conduct, subject, however, to the right of such applicant to appeal from the decision of said board refusing or revoking such license as hereinafter provided.

Condition and terms of license.

Fee.

Definition of terms.

SEC. 4. The words "unprofessional or dishonorable conduct," as used in section three (3) of this act, are hereby declared to mean—*First*, the procuring, or aiding or abetting in procuring, a criminal abortion; *second*, the employing of what are popularly known as "cappers" or "steerers;" *third*, the obtaining of any fee on the assurance that a manifestly incurable disease can be permanently cured; *fourth*, the wilfully betraying of a professional secret; *fifth*, all advertising of medical business in which untruthful and improbable statements are made; *sixth*, all advertising of any medicines or of any means whereby the monthly periods of women can be regulated, or the menses re-established if suppressed; *seventh*, conviction of any offense involving moral turpitude; *eighth*, habitual intemperance.

SEC. 5. In any case of the refusal or revocation of a license by said board under the provisions of this act, said board shall file a brief and concise statement of the grounds

Duty of board.

and reasons for such refusal or revocation, in the office of the secretary of said board, which said statement, together with the decision of said board, in writing, shall remain of record in said office. Before a license can be revoked by said board for unprofessional or dishonorable conduct under the provisions of this act, a complaint of some person under oath must be filed in the office of the secretary of said board, charging the acts of unprofessional or dishonorable conduct and facts complained of against the licentiate accused, in ordinary and concise language, and thereupon said board shall cause to be served upon such accused licentiate a written notice and copy of such complaint, which said notice shall contain a statement of the time and place of hearing of the matters and things set forth and charged in such complaint, and said notice shall be so served at least ten days prior to the time of such hearing. Such accused licentiate may appear at such hearing, and defend against the accusations of such complaint, personally and by counsel, and may have the sworn testimony of witnesses taken and present other evidence, in his behalf at such hearing, and said board may receive the arguments of counsel at such hearing. Rights of defendant.

SEC. 6. In any case of the refusal or revocation of a license by said board under the provisions of this act, the applicant whose application shall be so refused, and the licentiate whose license shall be so revoked by said board, shall have the right to appeal from the decision so refusing or revoking such license within thirty days after the filing of such decision in the office of the secretary of said board, as hereinbefore in this act provided. Such appeal shall be to the superior court in and for the county in which was held the last general meeting of said board, prior to the refusal of such license, in the case of such refusal; and to the superior court in and for the county in which the hearing was had upon which such license was revoked, in case of such revocation. In any case a person desiring to take such appeal shall serve, or cause to be served, upon the secretary of said board a written notice of such appeal, which shall contain a statement of the grounds of such appeal, and shall file in the office of Right of appeal.

such secretary an appeal bond, with good and sufficient surety, to be approved by said secretary, to the State of Washington, conditioned for the speedy prosecution of such appeal, and the payment of such cost as may be adjudged against him upon such appeal. Said secretary shall, within ten (10) days after the service of said notice of appeal, and the filing and approval of said appeal bond, transmit to the clerk of the superior court to which such appeal is taken, a certified copy, under the seal of said board, of the decision of said board, and the grounds thereof, in the case of the refusal of a license; and in addition thereto, a certified copy under such seal of the complaint in the case of the revocation of a license, together with the bond and notice of appeal. The clerk of such court shall thereupon docket such appeal causes, and they shall stand for trial in all respects as ordinary civil actions, and like proceedings be had thereon. Upon such appeal said cause shall be tried *de novo*. Either party may appeal from the judgment of said superior court to the supreme court of the state in like manner as in civil actions within sixty (60) days after the rendition and entry of such judgment in said superior court. If such judgment shall be in favor of the party appealing from the decision of said board, and in case said examining board does not appeal from said judgment within said sixty (60) days, then, and in that case, said board shall, at the end of said sixty (60) days, and immediately upon the expiration thereof, issue to such successful party the usual license to practice medicine and surgery in this state, and in addition thereto, shall re-instate upon the records of said board the name of such successful applicant, in case of the revocation of his license by such board. In case of such appeal to the supreme court by said board, no such license shall be issued nor re-instatement be required until the final determination of said cause, and as hereinafter provided. In case the final decision of the supreme court be against said medical examining board, then and in that case said court shall make such order in the premises as may be necessary, and said board shall act accordingly: *Provided*, That in no case shall an appeal bond be

Duty of secretary of board.

Trial of appeals.

Reinstatement.

required of said board, nor shall any costs be adjudged or taxed against the same.

SEC. 7. The person receiving said license shall file the same, or a copy thereof, with the county clerk in and for the county where he or she resides, and said county clerk shall file said certificate, or copy thereof, and enter a memorandum thereof, giving the date of said license and name of the person to whom the same is issued, and the date of such filing, in a book to be provided and kept for that purpose; and said county clerk shall each year furnish to the secretary of said board a list of all certificates on file in his office, and upon notice to him of the change of location or death of a person so licensed, or of the revocation of the license granted to such person, said county clerk shall enter, at the appropriate place in the record so kept by him, a memorandum of said fact, so that the records kept by said county clerk shall correspond with the records of the board as kept by the secretary thereof. In case a person so licensed shall move into another county of this state, he or she shall procure from the county clerk a certified copy of said license, and file the same with the county clerk in the county to which he or she shall remove. Said county clerk shall file and enter the same with like effect as if the same was the original license.

License must  
be filed.

SEC. 8. Any person practicing medicine or surgery within this state without first having obtained the license herein provided for, or contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars, or by imprisonment in the county jail not less than ten nor more than ninety days, or by both such fine and imprisonment. All such fines shall be paid into the state treasury for the use and benefit of the common schools. Any person shall be regarded as practicing within the meaning of this act who shall append the letters "M. D." or "M. B." to his or her name, or for a fee prescribe, direct or recommend for the use of any person any drug or medicine or agency for the treatment, care or relief of any wound,

Penalty for  
violation.

fracture or bodily injury, infirmity or disease: *Provided, however,* The act shall not apply to dentists. Justices of the peace and the respective municipal courts shall have jurisdiction of violations of the provisions of this act. It shall be the duty of the respective county or district attorneys to prosecute all violations of this act. In cases of appeals to the superior court, as hereinbefore provided, it shall be the duty of the district attorney of the county wherein such appeal shall be tried, to represent said board upon said appeal, and in all cases of appeal to the supreme court under the provisions of this act, the attorney general shall represent said board upon such appeal.

Dentists exempt.

Jurisdiction.

Rules.

SEC. 9. Said board shall have authority to prescribe and establish all needful rules and regulations to carry into effect the provisions of this act.

Repealing clause.

SEC. 10. Section 2289 of the general laws of Washington Territory of 1881, and section 1, to amend section 2289 of the code of Washington Territory, are hereby repealed. *It is, however, provided,* That all persons licensed under said act, or having complied with the provisions thereof, shall be taken and considered as licensed under this act. And the secretary of the board herein provided for shall enter the names of such persons upon the register so kept by him as licensed physicians and surgeons, upon the written application of such persons.

SEC. 11. Whereas, great embarrassment and inconvenience in relation to the practice of medicine and surgery in this state will arise from delay of time when this act shall take effect; it is, therefore, declared that an emergency exists, and this act shall take effect and be in force in thirty days from and after the date of approval by the governor.

Received by the governor March 28, 1890.

[*Note by the Secretary of State.*—The foregoing act having been presented to the governor of the state for his approval, and not having been filed in the office of the secretary of state within the time prescribed by the constitution of the state, with his objections thereto, has become a law under the provisions of the constitution.]

## FENCING OF MINES AND SHAFTS.

AN ACT to secure persons and animals from danger arising from mining.

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

SECTION 1. Any person or persons, company or corporation who shall hereafter dig, sink or excavate, or cause the same to be done, or being the owner or owners, or in the possession, under any lease or contract, of any shaft, excavation or hole, whether used for mining or otherwise, or whether dug, sunk or excavated for the purpose of mining, to obtain water, or for any other purpose, within this state, shall, during the time they may be employed in digging, sinking or excavating, or after they have ceased work upon or abandoned the same, erect, or cause to be erected, good and substantial fences or other safeguards, and keep the same in good repair around such works or shafts sufficient to securely guard against danger to persons and animals from falling into such shafts or excavations.

Duty of mining companies.

SEC. 2. Three persons being residents of the county, and knowing or having reason to believe that the provisions of section one of this act are being or have been violated within such county, may file a notice with any justice of the peace or police judge therein, which notice shall be in writing, and shall state—*First*, the location, as near as may be, of the hole, excavation or shaft. *Second*, that the same is dangerous to persons or animals, and has been left or is being worked contrary to the provisions of this act. *Third*, the name of the person or persons, company or corporation who is or are the owners of the same, if known, or if unknown, the persons who were known to be employed therein. *Fourth*, if abandoned and no claimant; and *Fifth*, the estimated cost of fencing or otherwise securing the same against any avoidable accidents.

Actions for violations; how begun.

SEC. 3. Upon the filing of the notice, as provided in the preceding section, the justice of the peace or judge of the police court shall issue an order, directed to the sheriff of

the county or to any constable or city marshal therein, directing such officer to serve a notice in manner and form as is prescribed by law for service of summons upon any person or persons or the authorized agent or agents of any company or corporation named in the notice on file, as provided in section two of this act.

Requirement of notice.

SEC. 4. The notice thus served shall require the said persons to appear before the justice or judge issuing the same, at a time to be stated therein, not more than ten nor less than three days from the service of said notice, and show to the satisfaction of the court that the provisions of this act have been complied with; or if he or they fail to appear, judgment will be entered against him or them for double the amount stated in the notice on file; and all proceedings had therein shall be as prescribed by law in civil cases; and such persons, in addition to any judgment that may be rendered against them, shall be liable and subject to a fine not exceeding the sum of one hundred dollars for each and every violation of the provisions of this act, which judgments and fines shall be adjudged and collected as provided for by law.

Penalty.

SEC. 5. Suits commenced under the provisions of this act shall be in the name of the State of Washington, and all judgments and fines collected shall be paid into the county treasury for county purposes.

Duty of county commissioners.

SEC. 6. If the notice filed with the justice of the peace, or police judge, as aforesaid, shall state that the excavation, shaft or hole has been abandoned, and no person claims the ownership thereof, said justice of the peace, or judge, shall notify the board of county commissioners of the county, or either of them, of the location of the same, and they shall, as soon as possible thereafter, cause the same to be so fenced, or otherwise guarded, as to prevent accidents to persons or animals; and all expenses thus incurred shall be paid as other county expenses: *Provided*, That nothing herein contained shall be so construed as to compel the county commissioners to fill up, fence or otherwise guard any shaft, excavation or hole, unless in their discretion, the same may be considered dangerous to persons or animals.

SEC. 7. It shall be unlawful for any person or persons, company or companies, corporation or corporations, to sink or work through any vertical shaft at a greater depth than one hundred and fifty feet, unless the said shaft shall be provided with an iron-bonneted safety cage, to be used in the lowering and hoisting of the employees of such person or persons, company or companies, corporation or corporations. The safety apparatus, whether consisting of eccentrics, springs or other device, shall be securely fastened to the cage, and shall be of sufficient strength to hold the cage loaded at any depth to which the shaft may be sunk, provided the cable shall break. The iron bonnet aforesaid shall be made of boiler sheet iron of a good quality, of at least three-sixteenths of an inch in thickness, and shall cover the top of said cage in such manner as to afford the greatest protection to life and limb from any matter falling down said shaft.

Protection of employees.

SEC. 8. Any person or persons, company or companies, corporation or corporations, who shall neglect, fail or refuse to comply with the provisions of section seven of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five hundred dollars nor more than one thousand dollars.

Penalty.

SEC. 9. Nothing contained in this act shall be so construed as to prevent recovery being had in a suit for damages for injuries sustained by the party so injured, or his heirs or administrator or administratrix, or any one else now competent to sue in an action of such character.

Effect of this act.

Approved March 20, 1890.

## TRESPASS ON PUBLIC LANDS DEFINED.

AN ACT defining trespass on the public lands of the state, and providing punishment therefor.

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

SECTION 1. Every person who wilfully commits any trespass by cutting down, destroying or injuring any kind of wood or timber, or any tree standing or growing upon the state, school or granted lands, or by carrying away any kind of wood or timber lying on such lands, or by maliciously injuring or severing anything attached thereto or the produce thereof, or by digging, taking or carrying away any earth, soil, stone or mineral therefrom, shall be guilty of larceny.

SEC. 2. Whereas, the best interests of the state are in immediate need of the protection to be afforded by the provisions of this act: therefore, an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1890.

## TRESPASS; TO DEFINE AND PUNISH.

AN ACT to define and punish trespass.

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

SECTION 1. If any person other than an officer on Offense defined. lawful business shall go or trespass upon any inclosed lands or premises not his own, and shall fail, neglect or refuse to depart therefrom immediately, and remain away until permitted to return, upon the verbal or printed or written notice of the owner or person in the lawful occupa-

tion of said lands or premises, such trespasser shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine not less than five nor more than fifty dollars, and shall be committed in default of payment of the fine and costs imposed, to the jail of the county in which the offense is committed, one day for each two dollars of the said fine and costs: *Provided*, That any and all lands and premises enclosed by a lawful fence shall be deemed and considered enclosed lands within the meaning of this section: *And provided further*, That any and all precipices, embankments, streams, lakes or ponds, or other natural obstructions which equally secure them from trespass of any domestic animals, or shall be made so by artificial means, constituting any part of such enclosure shall, for all purposes of this section, be deemed lawful fences. Enclosed lands.

SEC. 2. If any person other than an officer on lawful business shall trespass upon any unenclosed lands or premises not his own by the erection of any house, tent, or by continuing to camp or live thereon, after receipt from the owner or person in the lawful occupation of said lands or premises, of verbal, written or printed notice to vacate such lands or premises, such trespasser shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in section one of this act.

SEC. 3. If any person shall wilfully enter upon the garden, orchard or other improved lands of another, or in his possession, with intent to cut, take, carry away, destroy or injure the trees, grain, grass, hay, fruit or vegetable products there growing and being, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one nor more than six months, or by fine not less than five, nor more than fifty dollars. Injury to trees or product.

SEC. 4. If any person shall wilfully cut down, destroy or injure any tree standing or growing upon any lands of this state, whether known as school lands or otherwise, or shall wilfully take or remove from any such lands any timber or wood previously cut or severed from the same, or shall dig, quarry, take or remove any mineral, earth or stone from such lands, except as provided by law, such Trespass on public lands.

person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than one year, or by fine not less than fifty nor more than one thousand dollars.

On wild land of another.

SEC. 5. If any person shall wilfully cut down, destroy or injure any standing or growing tree upon the lands of another, or shall wilfully take or remove from any such lands any timber or wood previously cut or severed from the same, or shall wilfully dig, take, quarry or remove from any such lands any mineral, earth or stone, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than one year, or by fine not less than fifty nor more than one thousand dollars.

On a mining claim.

SEC. 6. Any person who shall break or rob in any manner, or who shall attempt to break or rob, any flume, rocker, quartz mill, quartz vein, or lode, bed-rock sluice, sluice-box, or mining claim not his own, or who shall trespass upon such mining claim with the intent to commit a felony, shall, upon conviction thereof, be punished by imprisonment in the penitentiary of this state not less than one nor more than five years, or by fine not less than one hundred dollars nor more than one thousand dollars, or by both such imprisonment and fine, as the court or judge thereof may direct.

On property of the U. S.

SEC. 7. Any malicious, willful, reckless or voluntary injury to, or mutilation of, the grounds, buildings or other property of the United States within this state shall subject the offender or offenders to a fine of not less than twenty dollars, to which may be added, for an aggravated offense, imprisonment not exceeding six months in the county jail or workhouse, to be prosecuted before any court of competent jurisdiction.

Injury to public improvements.

SEC. 8. If any person shall wilfully break down, injure, remove, or destroy, any free or toll bridge, railway, plank road, macadamized road, telegraph posts or wires, or any gate upon any such road, or any lock, or embankment of any canal, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not

less than six months nor more than two years, or by fine not less than fifty nor more than one thousand dollars.

SEC. 9. If any person shall maliciously or wantonly set on fire any prairie or other grounds, other than his own or those of which he is in the lawful possession, or shall wilfully or negligently permit or suffer the fire to pass from his own grounds or premises to the injury of another, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than fifty nor more than five hundred dollars.

Trespass by fire.

SEC. 10. If any person shall maliciously or wantonly cut down, destroy or injure any bush, shrub, fruit or other tree not his own, standing or growing for fruit, ornament or other useful purpose, or shall wilfully break the glass in or deface any building not his own, or shall wilfully break down or destroy any fence or hedge belonging to or inclosing land not his own, or shall wilfully throw down, or open and leave down, or open any bars, gate or fence or hedge belonging to or inclosing land not his own, or shall maliciously or wantonly sever from the land of another any produce thereof, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than ten dollars nor more than five hundred dollars.

Defacing buildings.

SEC. 11. If any person shall wilfully break down, injure, remove or destroy any monument erected or used for the purpose of designating the boundary of any town, tract or parcel of land, or any tree marked for that purpose, or shall wilfully break down, injure, remove or destroy any mile-stone, board or post, or any guide or finger-board, erected or placed upon any road or highway, or shall wilfully alter or deface the inscription upon any such stone, post or board, or shall wilfully extinguish any lamp, or break, injure, destroy or remove any lamp, lamp-post, sign or sign-post, or any railing or posts erected upon any street, highway, sidewalk, court or passage, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor

Monument or guide board.

more than one year, or by fine not less than ten dollars nor more than five hundred dollars.

Notice.

SEC. 12. Printed or written notices having attached thereto, by authority, the name of the owner or person in lawful occupation of said lands or premises, and requiring all persons to forbear trespassing on said lands or premises, and to depart therefrom, posted in three conspicuous places on said lands or premises, shall be held and deemed to be sufficient *prima facie* evidence of notice, as mentioned in sections one and two of this act.

SEC. 13. Vetoed by the governor.

SEC. 14. Inasmuch as the existing laws of this state relative to trespass are defective and insufficient, this act shall take effect and be in force from and after its approval by the governor.

SEC. 15. All acts or parts of acts in conflict with any of the provisions of this are hereby repealed.

Approved March 15, 1890.

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## BUILDERS; FOR THE PROTECTION OF.

AN ACT for the protection of builders, and declaring an emergency.

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

SECTION 1. That any person, firm or corporation contracting with another to supply labor or material for any purpose whatever, who shall fraudulently represent that the labor or material supplied has been paid for, and shall, upon such fraudulent representation, collect the price thereof, shall be deemed guilty of a felony, and upon conviction thereof, shall be fined in any sum not exceeding one thousand dollars, or imprisonment in the penitentiary for any term not exceeding two years, or both.

SEC. 2. Whereas, there is immediate necessity for the

relief of builders: therefore, an emergency is declared to exist, and that this act shall be in force after its passage and approval by the governor.

Approved February 27, 1890.

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### RECEIVERS OF STOLEN PROPERTY.

AN ACT to amend sections 849 and 850 of the Code of Washington, concerning crimes and punishments.

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

SECTION 1. Sections 849 and 850 of the code of Washington, concerning crimes and punishments, are hereby amended to read as follows: Section 849. Every person Offense defined who shall buy, receive or aid in the concealment of stolen property, money or goods, knowing the same to have been stolen, or who shall bring, or aid in bringing, into this state from any other state or territory of the United States, or from any foreign country, any such stolen property, money or goods, knowing the same to have been stolen, shall, upon conviction thereof, be imprisoned in the Penalty. penitentiary not more than four years nor less than one year, or be imprisoned in the county jail not more than two years nor less than one month, and shall be fined not exceeding five hundred dollars nor less than one hundred dollars. Section 850. In any prosecution for the offense of buying, receiving or aiding in the concealment of stolen property, money or goods known to have been stolen, or for bringing or aiding in bringing into this state any such property, money or goods known to have been stolen, it shall not be necessary to aver, nor on the trial thereof to prove, that the person who stole such property has been convicted, nor that the larceny of such property, nor that any conspiracy or agreement between the defendant and

any other person or persons concerning the stealing, buying, receiving, concealing or bringing of such stolen property was committed or entered into within the jurisdiction of the court trying the case.

Approved March 26, 1890.

## CHAPTER VII.—CITIES.

### CITIES AND TOWNS; ORGANIZATION AND GOVERNMENT OF.

AN ACT providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency.

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

#### ORGANIZATION OF MUNICIPAL CORPORATIONS.

##### CITY OR TOWN MAY INCORPORATE.

SECTION 1. Any portion of a county containing not less than three hundred inhabitants, and not incorporated as a municipal corporation, may become incorporated under the provisions of this act, and when so incorporated, shall have the powers conferred, or that may hereafter be conferred, by law upon municipal corporations of the class to which the same may belong: *Provided*, That nothing herein contained shall prevent the re-incorporation of towns and villages under the provisions of this act, whatever their population, heretofore incorporated or intended so to be, under the provision of the act approved February 2, 1888, entitled "An act for the incorporation of towns and villages in the Territory of Washington," and said re-incorporation shall be construed as a full acceptance of all the terms and conditions imposed by this act.

<sup>Towns and vil-</sup>  
<sup>lages.</sup>

##### STEPS TO BE TAKEN.

SEC. 2. A petition shall first be presented to the board of county commissioners of such county; signed by at least sixty qualified electors of the county, residents within

<sup>Petition to</sup>  
<sup>county commis-</sup>  
<sup>sioners.</sup>

the limits of such proposed corporation, which petition shall set forth and particularly describe the proposed boundaries of such corporation, and state the number of inhabitants therein as nearly as may be, and shall pray that the same may be incorporated under the provisions of this act. Such petition shall be presented at a regular or special meeting of such board, and shall be published, for at least two weeks before the time at which the same is to be presented, in some newspaper printed and published in such county, together with a notice stating the time of the meeting at which the same will be presented: *Provided*, That if the number of inhabitants contained within such proposed corporation shall be or exceed fifteen hundred, the chairman of the board of commissioners, if not in regular session, shall call a special session of the board within five days. When such petition is presented, the board of county commissioners shall hear the same, and may adjourn such hearing from time to time, not exceeding two months in all; and, on the final hearing, shall make such changes in the proposed boundaries as they may find to be proper, and shall establish and define such boundaries, and shall ascertain and determine how many inhabitants reside within such boundaries: *Provided*, That any changes made by said board of county commissioners shall not include any territory outside the boundaries described in such petition. They shall then give notice of an election to be held in such proposed corporation, for the purpose of determining whether the same shall become incorporated. Such notice shall particularly describe the boundaries so established, and shall state the name of such proposed corporation, and the number of inhabitants so ascertained to reside therein, and the same shall be published for at least two weeks prior to such election, in a newspaper printed and published within such boundaries, or posted, for the same period, in at least four public places therein. Such notice shall require the voters to cast ballots, which shall contain the words "For incorporation," or "Against incorporation," or words equivalent thereto; and also the names of persons voted for to fill the various elective municipal offices prescribed by law for municipal

Special session  
of board.

Notice of elec-  
tion.

Form of ballots.

corporations of the class to which such proposed corporation will belong.

ELECTION; HOW CONDUCTED.

SEC. 3. Such election shall be conducted in accordance with the general election laws of the state, and no person shall be entitled to vote thereat unless he shall be a qualified elector of the county, and shall have resided within the limits of such proposed corporation for at least thirty days next preceding such election. The board of county commissioners shall meet on the Monday next succeeding such election and proceed to canvass the votes cast thereat; and if, upon such canvass, it appear that a majority of the votes cast are for incorporation, the board shall, by an order entered upon their minutes, declare such territory duly incorporated as a municipal corporation of the class to which the same shall belong, under the name and style of the city (or town, as the case may be) of —— (naming it), and shall declare the persons receiving, respectively, the highest number of votes for such several offices, to be duly elected to such offices. Said board shall cause a copy of such order, duly certified, to be filed in the office of the secretary of state; and from and after the date of such filing such incorporation shall be deemed complete, and such officers shall be entitled to enter immediately upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices, respectively, only until the next general municipal election to be held in such city or town, and until their successors are elected and qualified.

Qualifications  
of voters.

Duty of county  
commissionsers.

Copy of certifi-  
cate must be  
filed.

HOW INCORPORATED CITY OR TOWN MAY INCORPORATE  
UNDER THIS LAW.

SEC. 4. The city council or other legislative body of any city or town organized or incorporated prior to the passage of this act shall, upon receiving a petition therefor, signed by not less than one-fifth of the qualified electors of such city or town, as shown by the vote cast at the last municipal election held therein, submit to the

Must be submitted to vote.

electors of such city or town at the next general or special election called for, to be held therein, the question whether such city or town shall become organized under the general laws of the state relating to municipal corporations of the class to which such city or town may belong. Notice

Notice of election.

that such question shall be so submitted shall be given by publication in a newspaper printed and published in such city or town; or if there be no newspaper printed and published therein, by printing and posting the same in at least four public places therein, including the place or places where such election is to be held. Such notice shall be so published or posted for at least two weeks prior to such election, and shall also be made a part of the general election notice. Such notice shall distinctly state the proposition to be so submitted, and shall designate the class to which such corporation belongs, and shall invite the electors thereof to vote upon such proposition by placing upon

Form of ballots.

their ballots the words "For re-organization," or "Against re-organization," or words equivalent thereto. The votes so cast shall be canvassed at the time and in the manner in which the other votes cast at such election are canvassed. If, upon such canvass, a majority of all the electors voting at such election shall be found to have voted for such re-organization, the said council or other legislative body shall, by an order entered upon their minutes, cause their clerk or other officer performing the duties of clerk, to make and transmit to the secretary of state a certified

Certified abstract to be sent to secretary of state.

abstract of such vote, which abstract shall show the whole number of electors voting at such election, the number of votes cast for re-organization and the number of votes against re-organization. Said council or other legislative

Special election for officers.

body shall immediately thereafter call a special election for the election of the officers required by law to be elected in corporations of the class to which such city or town shall belong, which election shall be held within six weeks thereafter. Such election shall be held in all respects in the manner prescribed, or that may hereafter be prescribed, by law for municipal elections in corporations of such class, and shall be canvassed by the council or other legislative body calling the same, who shall immediately declare the

result thereof, and cause the same to be entered upon their journal. From and after the date of such entry, such corporation shall be deemed to be organized under such general laws, under the name and style of the city (or town, as the case may be) of \_\_\_\_\_ (naming it), with the powers conferred, or that may hereafter be conferred, by law upon municipal corporations of the class to which the same may belong; and the officers elected at such election shall be entitled immediately to enter upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices, respectively, only until the next general municipal election to be held in such city or town, and until their successors are elected and qualified.

Term of office.

#### EFFECT OF RE-INCORPORATION.

SEC. 5. Any city or town organized under the provisions of section four of this act shall, for all purposes, be deemed and taken to be in law the identical corporation theretofore incorporated and existing, and such re-organization shall in no wise affect or impair the title to any property owned or held by such corporation, or in trust therefor, or any debts, demands, liabilities or obligations existing in favor of or against such corporation, or any proceeding then pending; nor shall the same operate to repeal or affect, in any manner, any ordinance theretofore passed or adopted and remaining unrepealed, or to discharge any person from any liability, civil or criminal, then existing, for any violation of such ordinance; but such ordinances, so far as the same are not in conflict with such general laws, shall be and remain in force until repealed or amended by competent authority: *Provided*, That proceedings theretofore commenced shall, after such re-organization, be conducted in accordance with the provisions of such general laws.

Title to property.

Validity of ordinances.

SEC. 6. All towns, villages and cities heretofore incorporated by virtue of an act entitled "An act for the incorporation of towns and villages in the Territory of Washington," approved February 2, 1888, may incorporate under the provisions of this act, in the manner provided by section 4 of chapter one of this act.

Towns and villages heretofore incorporated.

SEC. 7. When so incorporated, the debts due from such town, village or city to any person, firm or corporation may be assumed and paid by the municipal authorities of such town, village or city; and all debts due to such town, village or city from any person, firm or corporation shall be deemed ratified, and may be collected in the same manner and in all respects as though such original incorporation were valid.

#### DUTY OF OUTGOING OFFICERS.

SEC. 8. As soon as the officers elected under the provisions of either section three or section four of this act shall have qualified in accordance with law, all persons, if any, then in possession of the offices of such corporation shall immediately quit and surrender up the possession of such offices, and shall deliver to the officers elected all moneys, books, papers, or other things in their official custody, and all property of such corporation in their hands, notwithstanding that the term of office for which they were respectively elected or appointed may not then have expired; and all officers, boards and persons holding any property in trust for any public use, the administration of which use is vested by such general laws in such corporation, or in any of its officers, shall, upon demand from such corporation or such officers, convey such property to such corporation or such officers, by good and sufficient deeds of conveyance, in trust for such public use.

Property and records must be conveyed.

#### BOUNDARY; HOW CHANGED.

SEC. 9. The boundaries of any municipal corporation may be altered and new territory included therein, after proceedings had as required in this section. The council or other legislative body of such corporation shall, upon receiving a petition therefor, signed by not less than one-fifth of the qualified electors thereof, as shown by the votes cast at the last municipal election held therein, submit to the electors of such corporation, and to the electors residing in the territory proposed by such petition to be annexed to such corporation, the question whether such territory

Must be submitted to vote.

shall be annexed to such corporation and become a part thereof. Such question shall be submitted at a special election to be held for that purpose, and such legislative body shall give notice thereof, by publication in a newspaper printed and published in such corporation, and also in a newspaper printed and published outside of such corporation, and in the county in which such territory so proposed to be annexed is situated, in both cases for a period of four weeks prior to such election. Such notice shall distinctly state the proposition to be so submitted, and shall designate specifically the boundaries of the territory so proposed to be annexed; and the electors shall be invited thereby to vote upon such proposition, by placing upon their ballots the words "For annexation," or "Against annexation," or words equivalent thereto. Such legislative body shall also designate the place or places at which the polls will be opened in such territory so proposed to be annexed, which place or places shall be that or those usually used for that purpose within such territory, if any such there be. Such legislative body shall also appoint and designate in such notice the names of the officers of election. Such legislative body shall meet on the Monday next succeeding the day of such election and proceed to canvass the votes cast thereat. The votes cast in such territory so proposed to be annexed shall be canvassed separately, and if it shall appear upon such canvass that a majority of all the votes cast in such territory, and a majority of all the votes cast in such corporation, shall be for annexation, such legislative body shall, by an order entered upon their minutes, cause their clerk, or other officer performing the duties of clerk, to make and transmit to the secretary of state a certified abstract of such vote, which abstract shall show the whole number of electors voting in such territory, the whole number of electors voting in such corporation, the number of votes cast in each for annexation, and the number of votes cast in each against annexation. From and after the date of the filing of such abstract such annexation shall be deemed complete, and thereafter such territory shall be and remain a part of such corporation: *Provided*, That no

Publication of notice.

Form of ballots

Duty of officers.

Liability for  
prior indebted-  
ness.

property within such territory so annexed shall ever be taxed to pay any portion of any indebtedness of such corporation contracted prior to, or existing at the date of, such annexation. If the territory so proposed to be annexed consists in whole or in part of any municipal corporation or part thereof, such territory shall not be annexed under the provisions of this section: *Provided*, That such territory does not contain a population exceeding two thousand.

#### MUNICIPAL CORPORATIONS; HOW CONSOLIDATED.

SEC. 10. Two or more contiguous municipal corporations may become consolidated into one corporation after proceedings had as required in this section. The council, or other legislative body, of either of such corporations, shall, upon receiving a petition therefor, signed by not less than one-fifth of the qualified electors of each of such corporations, as shown by the votes cast at the last municipal election held in each of such corporations, submit to the electors of each of such corporations the question whether such corporations shall become consolidated into one corporation. Such legislative body shall designate a day upon which a special election shall be held in each of such corporations to determine whether such consolidation shall be effected, and shall give written notice thereof to the council or other legislative body of each of the other of such corporations, which notice shall designate the name of a proposed new corporation. It shall thereupon be the duty of such legislative body of each of the corporations so proposed to be consolidated to give notice of such election by publication in a newspaper, printed and published in such corporation, for a period of four weeks prior to such election. Such notice shall distinctly state the proposition to be so submitted, the name of the corporations so proposed to be consolidated, the name of the proposed new corporation, and the class to which such proposed new corporation will belong, and shall invite the electors to vote upon such proposition by placing upon their ballots the words "For consolidation," or "Against consolidation," or words equivalent thereto. The legislative bodies

Special election

Publication of  
notice.

Form of ballots.

of each of such corporations shall meet in joint convention at the usual place of meeting of the legislative body of that one of the corporations having the largest population, as shown by the last state census, on the Monday next succeeding the day of such election, and proceed to canvass the votes cast thereat. The votes cast in each of such corporations shall be canvassed separately; and if it shall appear upon such canvass that a majority of the votes cast in each of such corporations shall be for consolidation, such joint convention, by an order entered upon their minutes, shall cause the clerk, or other officer performing the duties of clerk, of the legislative body at whose place of meeting such joint convention was held, to make a certified abstract of such vote; which abstract shall show the whole number of electors voting at such election in each of such corporations, the number of votes cast in each for consolidation, and the number of votes cast in each against consolidation. Such abstract shall be recorded upon the minutes of the legislative body of each of such corporations; and immediately upon the record thereof, it shall be the duty of the clerk, or other officer performing the duties of clerk, of each of such legislative bodies, to transmit to the secretary of state a certified copy of such abstract. Immediately after such filing the legislative body of that one of such corporations having the greatest population, as shown by the last state census, shall call a special election, to be held in such new corporation, for the election of the officers required by law to be elected in corporations of the class to which such new corporation shall belong; which election shall be held within six months thereafter. Such election shall be called and conducted in all respects in the manner prescribed, or that may hereafter be prescribed, by law for municipal elections in corporations of such class, and shall be canvassed by the legislative body so calling the same, who shall immediately declare the result thereof and cause the same to be entered upon their journal. From and after the date of such entry, such corporations shall be deemed to be consolidated into one corporation under the name and style of the city (or town, as the case may be) of \_\_\_\_\_

Duty of officers.

Special election for officers.

(naming it), with the powers conferred, or that may hereafter be conferred, by law upon municipal corporations of the class to which the same shall so belong, and the officers elected at such election shall be entitled immediately to enter upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices, respectively, only until the next general municipal election to be held in such city or town, and until their successors are elected and qualified. All the provisions of sections five and six of this act shall apply to such corporation and to the officers thereof: *Provided*, That no property within either of the former corporations so consolidated shall ever be taxed to pay any portion of any indebtedness of either of the other of such former corporations, contracted prior to, or existing at, the date of such consolidation.

Liability for  
previous indebtedness.

#### CLASSIFICATION.

SEC. 11. Municipal corporations are divided into cities and towns; cities are divided into three classes—first, second and third.

SEC. 12. Existing corporations organized as cities of the first class shall remain such, and the classes of those which may be or may become cities of the first class shall be determined as follows: Those which on the first day of the month of January last had, and those which hereafter on the first day of the month of January in any year have, according to an official report or abstract of the then next preceding federal or state census, more than twenty thousand inhabitants, shall constitute the first class, and shall be organized and governed under the laws relating to cities authorized to frame and adopt their own charters. Those which on the first day of the month of January last had, and those which hereafter on the first day of the month of January in any year have, when ascertained in the same way, more than ten thousand and less than twenty thousand inhabitants, shall constitute the second class; and those which on the first day of the month of January last had, and those which hereafter on the first day of the month of January in any year have, when ascertained in

First class, 20,000  
or more.

Second class,  
less than 20,000.

the same way, more than fifteen hundred and less than ten thousand inhabitants, shall constitute the third class.

SEC. 13. All corporations organized under this act and containing not more than fifteen hundred nor less than three hundred inhabitants on the first day of the month of January last, shall be known as towns, and shall remain such until they become cities of the third class.

SEC. 14. A city of the second class shall not be advanced to the first class until it attains a population of twenty thousand inhabitants. A city of the third class shall not be advanced to the second class until it attains a population of ten thousand. A town shall not be advanced to a city of the third class until it attains a population of fifteen hundred inhabitants.

How advanced  
as to class.

SEC. 15. Municipal corporations now or hereafter organized are bodies politic and corporate under the name of the city of ———, or the town of ———, as the case may be, and as such may sue and be sued, contract or be contracted with, acquire, hold, possess and dispose of property, subject to the restrictions contained in other chapters of this act, having a common seal, and change or alter the same at pleasure, and exercise such other powers, and have such other privileges as are conferred by this act: *Provided*, That not more than one square mile in area shall be included within the corporate limits of municipal corporations of the fourth class, nor shall more than twenty acres of unplatted land belonging to any one person be taken within the corporate limits of municipal corporations of the fourth class without the consent of the owner of such unplatted land.

Limit of area.

#### CITIES AND TOWNS; HOW ADVANCED.

SEC. 16. When a petition signed by one hundred freeholders of a town, or two hundred freeholders of a city of the third class, is presented to the council of the corporation in which the signers reside, setting forth that they desire such town to be advanced to a city of the third class, or such city of the third class to a city of the second class, and that they have the population requisite for such advancement, the council shall cause notice to be given

by the mayor, as in other cases, that at the next annual election for officers of such city or town, the electors may vote for or against the advancement, their ballots to contain the words "For advancement," or the words "Against advancement."

Election for advancement.

SEC. 17. The clerks and judges of such election shall forthwith certify in duplicate to the clerk of the corporation the whole number of votes given at such election, the number given for such advancement, and the number against it.

SEC. 18. If a majority of the votes is in favor of the advancement, and the corporation, according to the last preceding federal or state census, had not the requisite population, the council shall forthwith cause a census to be taken by one or more suitable persons, of all the inhabitants of such city or town; in which census the full name of each person shall be plainly written, and the names alphabetically arranged and regularly numbered in one complete series; which census shall be verified before an officer authorized to administer oaths, and filed with the clerk of the corporation.

Census to be taken.

SEC. 19. The clerk shall lay the certificate of election and census before the council at its next regular meeting after the same shall have been filed in his office, and if it appear that all the votes cast for the advancement are not a majority of the votes cast at the election, or that the corporation does not contain the requisite population to be advanced, no further proceedings shall be had on that petition; but this shall not bar any new proceedings for such purpose.

SEC. 20. If a majority of votes is in favor of such advancement, and the corporation according to the state census, or the census taken by order of the council, contains the requisite number of inhabitants, the council shall thereupon, by resolution, declare that the inhabitants of the corporation have decided on such advancement, and direct the clerk to certify the resolution to the clerk of the board of county commissioners.

Duty of officers.

SEC. 21. It shall be the duty of the said board to cause a record of such action to be made, and when the clerk of

said board shall make the record he shall certify and forward to the secretary of state a transcript of the same, whereupon such corporation shall be a city of the third, second or first class, as the case may be, to be organized and governed under the provisions of this act; and when the corporation is actually organized by the election and qualification of its officers, notice of its existence as such shall be taken in all judicial proceedings. Judicial notice.

SEC. 22. The first election of officers of the new corporation shall be at the first annual municipal election after such proceedings, and the officers of the old corporation shall remain in office until the officers of the new corporation are elected and qualified; and the ordinances, by-laws and resolutions adopted by the old corporation shall, as far as consistent with the provisions of this act, continue in force until repealed by the council of the new corporation; and the council and officers of the old corporation shall, upon demand, after the expiration of their term of office, deliver to the proper officers of the new corporation all books of record, documents and papers in their possession belonging to the old corporation. Validity of ordinances.

#### MUNICIPAL CORPORATIONS OF THE FIRST CLASS CONTAINING A POPULATION OF MORE THAN TWENTY THOUSAND.

SEC. 23. Cities of the first class shall be organized and governed according to the law providing for the government of cities having a population of twenty thousand or more inhabitants, in accordance with section ten, article eleven (11) of the constitution of this state.

#### MUNICIPAL CORPORATIONS OF THE SECOND CLASS.

[Charter for cities having a population of more than ten thousand and not exceeding twenty thousand.]

#### GENERAL POWERS.—SECOND CLASS.

SEC. 24. Every municipal corporation of the second class shall be entitled "The city of \_\_\_\_\_" (naming it), and by such name shall have perpetual succession, may sue and be sued in all courts and places, and in all proceedings whatever; and shall have and use a common seal, and alter the same at pleasure; may purchase, receive, Must have a seal.

have, take, hold, lease, use and enjoy property of every name or description, and control and dispose of the same for the common benefit.

GENERAL PROVISIONS RELATING TO OFFICERS.—  
OFFICERS.

Officers may be  
elected.

SEC. 25. The officers of such city shall consist of a mayor, twelve councilmen, a collector who shall also be a street commissioner, an assessor, treasurer, city clerk, police judge, city attorney, chief of police, and whenever a free public library and reading room is established therein, five trustees thereof; and the council may also provide for the election, by the voters of said city or by said council, of a superintendent of irrigation, and a chief of police shall be appointed by the mayor with the advice and consent of the council. The city council may also elect a city surveyor, harbor-master, pound-keeper and city jailer, and whenever a paid fire department shall be established in such city, a chief engineer and one or more assistant engineers, and any other officer necessary to carry out the provisions of this chapter, and for whose election or appointment no provision is made, and may, by ordinance, prescribe the duties of all city officers and fix their compensation, subject to the limitations herein contained.

ELECTION UNDER THIS ACT.

Councilmen  
must be elected.

SEC. 26. On the first Tuesday after the first Monday of December of each year a municipal election shall be held, at which the qualified voters of such city shall elect a mayor and six (6) councilmen, to be voted for by the wards they may respectively represent, and each to hold office for the term of two years, and until the qualification of his successor; and also an assessor, a collector and street commissioner, city attorney, and police judge, who shall each hold office for one year and until the qualification of a successor: *Provided*, That at the first election held after the organization of such city under this act, such city shall elect twelve councilmen, who shall at the first meeting of the city council, decide by lot their terms of office; six

of said councilmen to hold for the term of two years and the others for the term of one year, and in each case until the qualification of their successors.

PROVISIONS CONCERNING ELECTIONS.

SEC. 27. All elections held under the provisions of this act shall be conducted according to the general election laws of this state.

CITY COUNCIL TO CANVASS VOTE.

SEC. 28. On the Tuesday following the election the city council shall convene and publicly canvass the result, and shall issue certificates of election to each person elected by a plurality of votes. When two or more persons have received an equal and highest number of votes for any one of the offices voted for, the city council shall thereafter, at its first regular meeting, decide by vote between the parties which shall be elected. If the city council, from any cause, fail to meet on the day named, the mayor shall call a special meeting of said council within five days thereafter, and in addition to the notice provided for calling special meetings, shall publish the same on two successive days in some newspaper published in such city. If the mayor fail to call said meeting within said five days, any four councilmen may call it. At such special meeting all elections, appointments or other business may be transacted that could have been on the day first herein named.

Duty of city council.

Publication of notices.

OFFICE; WHEN VACANT.

SEC. 29. Each officer of such city shall take the oath of office, and such as may be required to give bonds, file the same, duly approved, within ten days after receiving notice of his election or appointment; or, if no notice be received, then on or before the date fixed for the assumption by him of the duties of the office to which he may have been elected or appointed; but if any one, either elected or appointed to office, fail for ten days to qualify as required by law, or to enter upon his duties at the time fixed by law or the orders of the city council, then such

Absence with-  
out permission.

office shall become vacant; or, if any such officer shall absent himself from such city continuously for ten days, without the consent of the city council, or shall openly neglect or refuse to discharge his duties, such office may be by the city council declared vacant: *Provided*, That the penalty for absence from the city shall not apply to such officers as serve without salary or other compensation. Such officers as are elected by the voters of the city shall enter upon their duties on the second Tuesday of January next succeeding the date of their election; such officers as are elected or appointed by the city council shall enter upon their duties within ten days after receiving notice of their appointment or election.

#### UNEXPIRED TERM.

Removals.

SEC. 30. When any vacancy occurs in any elective office, except the mayor, the city council may fill the same for the unexpired term, and until the qualification of a successor. The city council, upon written charges, to be entered upon their journal, after notice to the party and after trial, by a vote of two-thirds of all the members-elect may remove any officer.

May require  
security.

SEC. 31. It shall be the duty of the city council to provide for the accountability of all officers herein provided for, by requiring from them sufficient security for the faithful performance of their duties or trust, which security shall be given by them before entering upon their respective duties. If such security shall be or become insufficient, additional security may be required, and if not given within ten days, the council by a vote of two-thirds of the members may declare the office vacant, and may thereafter fill the same.

#### COMPENSATION.

Salaries as  
board of equal-  
ization.

SEC. 32. The mayor and councilmen shall receive such salary or compensation as the city council may provide: *Provided*, That members of the city council, or a committee thereof for that purpose appointed, may receive for their services, while acting as a board of equalization, a sum to be determined by the council, not to exceed for

each one five dollars per day for each day while actually so engaged, for two weeks in each year, and no longer.

STREET COMMISSIONER.

SEC. 33. The collector and street commissioner shall receive a salary, to be fixed by the city council, which shall not exceed the sum of fifteen hundred dollars per annum.

NO ADDITIONAL COMPENSATION.

SEC. 34. The city council shall have no power to allow any extra or additional compensation to that in this chapter expressly authorized to any officer for the rendition of services that the city council have power to require the officer to perform by virtue of his office.

WARD DIVISION.

SEC. 35. In case any such city shall, at the time of its organization under this act, be divided into wards, such division shall continue, but the city council may, at any time not within three months previous to an annual city election, change the boundaries of such wards, or divide it into others, not exceeding six in number: *Provided*, That such change shall not affect the term of office of any councilman, but he shall serve out his term for the ward in which his residence may be; but if more reside in any one ward than the proportion to which it is entitled, those of the shortest unexpired term shall, by the council, be assigned for such unexpired term to a ward where there is a vacancy. The representation of each ward in the city council shall be as near as may be in proportion to its population. Terms of office.

LEGISLATIVE DEPARTMENT.—CITY COUNCIL.

SEC. 36. The mayor and councilmen of the several wards shall constitute the city council, and at its first meeting in ——— next after a city election, shall elect a city clerk, city treasurer, and one of their own body as president of the city council, and at any time when the mayor and president are both absent may elect a president *pro tem*. who shall act during such absence. They shall also at

such time designate the number of policemen for such city, to be elected as hereinafter provided.

#### MEETINGS.

Powers and duties of council.

SEC. 37. A majority of the councilmen-elect shall constitute a quorum for the transaction of business. A less number may adjourn from time to time, and they may compel the attendance of absent members. The council may punish their members for disorderly conduct, and upon written charges to be entered upon their journal for such conduct, after trial, may expel a member by a vote of two-thirds of all the members elected. The mayor shall have a vote only in case of a tie in the votes of the other members. They shall determine their rules of proceeding and the qualification of members. The sitting of the council shall be open to the public, except where the interest of the city shall require secrecy. A journal of all their proceedings shall be kept by the clerk under their direction. At any time, at the request of any two members, the ayes and noes on any question shall be taken and entered upon the journal.

#### POWERS OF COUNCIL.

Ordinances and resolutions.

SEC. 38. The city council shall have power and authority to make and pass all by-laws, ordinances, orders and resolutions not repugnant to the constitution of the United States or of the State of Washington, or the provisions of this chapter, necessary for the municipal government and the management of the affairs of the city, for the execution of the powers vested in said body corporate, and for carrying into effect the provisions of this chapter; to fix and collect a license tax on, and to regulate theatres, melodeons, balls, concerts, dances, and all theatrical, melodeon, circus or other performances, and all performances where an admission fee is charged, or which may be held in any house or place where wines or liquors are sold to the participators; also all shows, billiard tables, bowling alleys, exhibitions or amusements; to fix and collect a license tax on and to regulate all taverns, hotels, restaurants, saloons, bar-rooms, banks, brokers, manufactories, livery stable keepers, ex-

Licenses.

press companies, and persons engaged in transmitting letters or packages, railroad, stage and steamboat companies or owners, whose principal place of business is in such city, or who shall have an agency therein; to license and regulate auctioneers; to license, regulate, tax, prohibit or suppress all tippling houses, dram shops, saloons, bars, bar-rooms, raffles, hawkers, peddlers, pawn-brokers, refreshment or coffee stands, booths or sheds; to prohibit or suppress, or to license and regulate, all dance-houses, fandango-houses, or any exhibition or show of any animal or animals; to license and tax hackney-coaches, cabs, omnibuses, drays, market-wagons, and all other vehicles used for hire, and to regulate their stands, and to fix the rates to be charged for the transportation of persons, baggage and property; and to license or suppress runners for steamboats, railroads, taverns or hotels; and to fix and collect a license tax upon all occupations and trades, and all and every kind of business authorized by law not heretofore specified: *And provided*, That in the business of selling intoxicating drinks, wines, ales and beers in less quantities than one quart, or to be drunk on the premises where sold, and on any other business, trade or calling not provided by law to be licensed for state and county purposes, the amount of license shall be fixed at the discretion of the city council, as they may deem the interests and good order of the city may require; also to prevent and restrain any riot or riotous assemblage, disturbance of the peace or disorderly conduct in any place, house or street in the city; to prevent, remove and abate nuisances at the expense of the parties creating, causing or committing or maintaining the same; to establish, maintain and regulate a common pound for estrays, and to appoint a pound-keeper, who shall be paid out of the fines and fees imposed and collected of the owners of any animals impounded, and from no other source; to prevent and regulate the running at large of any and all domestic animals within the city limits or any parts thereof, and to regulate or prevent the keeping of such animals within any part of the city; to control and regulate slaughter-houses, wash-houses, laundries, tanneries,

Sanitary, forges and offensive trades, and to provide for their exclusion or removal from the city limits, or from any part thereof; to provide, by regulation, for the prevention and summary removal of all filth and garbage in streets, sloughs, alleys, back yards or public grounds of such city or elsewhere therein; to establish, alter and repair city prisons, and to provide for the regulation of the same, and for the safe keeping of persons committed thereto; to provide for the care, feeding and clothing of the city prisoners;

Prisoners. to provide for the formation of a chain-gang for persons convicted of crimes or misdemeanors, and their proper employment and compulsory working for the benefit of the city; and also to provide for the arrest and compulsory working of vagrants; to prohibit and suppress all gaming and all gambling or disorderly houses, and houses of ill-fame, and all immoral and indecent amusements, exhibitions and shows; to establish and regulate markets and market places; to fix and regulate the speed at which any railroad cars may run within the city limits, or any portion thereof; to provide for and regulate the commons of the city; to regulate or prohibit fast driving or riding in any portion of the city; to regulate or prohibit the loading or storage of gunpowder and combustible or explosive materials in the city, or transporting the same through its streets or over its waters; to have, purchase, hold, use and enjoy property of every name or kind whatsoever, and the same to sell, lease, transfer, mortgage, convey, control or improve; to build, erect or construct houses, buildings or structures of any kind needful for the use or purposes of such city; to establish, continue, regulate and maintain a fire department for such city, to change or re-organize the same, and to disband any company or companies of the said department; also, to discontinue and disband said fire department, and to create, organize, establish and maintain a paid fire department for such city: *Provided*, That nothing in this chapter shall be construed to authorize the said city council to disband or discontinue the fire department of any city having, at the time of its organization under this act, a volunteer fire department organized and existing, or to create, establish and maintain a paid

Property.

Fire department.

fire department therein without first submitting the proposition of establishing a paid fire department for such city to the legal voters thereof, at a general city election, for decision, and not after such election, unless thereat a majority of all the votes cast at such election are in favor thereof; and in the event that any time hereafter the volunteer fire department of such city shall be disorganized or disbanded and a paid fire department established in its stead, then every person who shall have been an active fireman for the space of two years next before the date of such disbanding and establishing shall be entitled to and shall receive an exempt fireman's certificate, and such certificate shall entitle the person to whom it is issued to all benefits and immunities accorded by the laws of this state in regard to exempt firemen; to institute and perfect any and all measures and means for the prevention and extinguishment of fires; to establish fire limits and the same to alter at pleasure; to regulate and prevent the erection of wooden or other buildings or structures of combustible materials; to regulate the construction of buildings, sheds, awnings, signs, or any structures of a dangerous or unsafe character; to adopt, enter into and carry out means for securing a supply of water for the use of such city or its inhabitants, or for irrigating purposes therein; to prevent the overflow of the city or to secure its drainage; to provide for the numbering of houses; to establish a board of health; to prevent the introduction and spread of disease; to establish a city infirmary and provide for the indigent sick; and to provide and enforce regulations for the protection of health, cleanliness, peace and good order of the city; to establish and maintain hospitals within or without the city limits; to control and regulate interments and prohibit them within the city limits; to build, alter, improve, keep in repair and control the water front; to erect, regulate and repair wharves, and to fix the rate of wharfage and transit wharf, and levy dues upon vessels and commodities; and to provide for the regulation of berths, landing, stationing and removing of steamboats, sail vessels, rafts, barges and all other water craft; to fix the rate of speed at which steamboats and

Water supply.

Control water front.

other steam water craft may run along the water front of the city; to build bridges so as not to interfere with navigation; to provide for the removal of obstructions to the navigation of any channel or water-courses or channels; to license steamers, boats and vessels used in any water-course in the city, and to fix and collect a license tax thereon; to license ferries and bridges under the law regulating the granting of such license; to determine and impose fines for forfeitures and penalties that shall be incurred for the breach or violation of any city ordinance, and also for a violation of the provisions of this chapter, when no penalty is affixed thereto or provided by law, and to appropriate all such fines, penalties and forfeitures for the benefit of the city; but no penalty to be enforced shall exceed for any offense the amount of five hundred dollars or three months' imprisonment, or both; and every violation of any lawful order, regulation or ordinance of the city council of such city is hereby declared a misdemeanor or public offense, and all prosecutions for the same may be in the name of the people of the State of Washington; to create and establish a city police; to prescribe their duties and their compensation, and to provide for the regulation and government of the same; to provide for conducting elections and establishing election precincts when necessary; to examine, either in open session or by committee, the accounts or doings of all officers or other persons having the care, management or disposition of moneys, property or business of the city; to make all appropriations, contracts or agreements for the use or benefit of the city and in the city's name; to provide by ordinance for the opening, laying out, altering, constructing, extending, repairing, grading, paving, planking, graveling, macadamizing or otherwise improving of public streets, avenues and other public ways, or any portion of either thereof; and for the construction, regulation and repair of sidewalks and other street improvements, all at the expense of the property to be benefited thereby, without any recourse, in any event, upon the city for any portion of the expense of such work, or any delinquency of the property holders or owners, and to provide for the

License steamers.

Fines and penalties.

Elections.

Expense of improvements.

forced sale thereof for such purposes; to establish a uniform grade for streets, avenues, sidewalks and squares, and to enforce the observance thereof; to clear, cleanse, alter, straighten, widen, fill up or close any water-way, drain or sewer, or any water-course in such city when not declared by law to be navigable; to adopt, provide for, establish and maintain a general system of sewerage, draining, or both, and the regulation thereof, the expense thereof to be borne by general taxation upon the taxable property and the inhabitants of and in such city; to provide funds for the purpose aforesaid and to determine the manner, terms and place of connection with main or central lines of pipes, sewers or drains established with funds derived from general tax, and compel compliance with and conformity to such general system of sewerage or drainage, or both, and the regulations of said council thereto relating, by the infliction of suitable penalties and forfeitures against person and property, or either, for non-conformity to, or failure to comply with, the provisions of such system and regulations, or either; to provide for all public buildings, public parks or squares, necessary or proper for the use of the city; to permit the use of the streets for railroad purposes; to order paid any final judgment against such city; but none of its lands or property of any kind or nature, taxes, revenue, franchise or rights, or interest, shall be attached, levied upon or sold in or under any process whatsoever; to regulate the sale of coal and wood in such city, and may appoint a measurer of wood and weigher of coal for the city, and define his duties, and may prescribe his term of office and the fees he shall receive for his services: *Provided*, That such fees shall in all cases be paid by the parties requiring such service.

General taxation.

Public buildings and parks.

INDEBTEDNESS NOT TO EXCEED MEANS IN THE  
TREASURY.

SEC. 39. The council shall not create, audit, allow or permit to accrue, any debt or liability in excess of one and one-half per centum of the taxable property in the town, without the assent of three-fifths of the voters of

Debt limit.

such town voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five per centum on the value of the taxable property therein, to be ascertained by the last assessment for town purposes previous to the incurring of such indebtedness.

#### COUNCIL TO AUDIT DEMANDS.

**SEC. 40.** All accounts and demands that shall lawfully arise against the city shall be submitted to the council, and if found correct, shall be allowed and an order be made that the demand be paid, upon which the clerk shall draw a warrant, which shall be countersigned by the mayor or the president of the city council, upon the treasurer, in favor of the owner or owners of the demand, specifying for what purpose and by what authority it is issued, and out of what fund it is to be paid, and the treasurer shall pay the same out of the proper fund. All accounts and demands against such city, other than such as are chargeable to or payable out of the school fund, must be presented to the city council duly itemized and accompanied with an affidavit of the party or his agent, stating the same to be a true and legitimate claim against such city for the full amount for which the same is presented, and that the same accrued as set forth, and with all necessary and proper vouchers, within one year from the date the same accrued; and any claim or demand not so presented within the time aforesaid shall be forever barred, and said council shall have no authority to allow any account or demand not so presented in manner and time as aforesaid, nor shall any action be maintained against such city for or on account of any demand or claim against the same until such demand or claim shall have first been presented to the city council for action thereon.

#### LIMITATION OF EXPENDITURE.

**SEC. 41.** The annual expenses of such city shall not exceed the sum of one hundred thousand dollars: *Provided, however,* The moneys authorized to be raised and ex-

pended for the payment of the funded or bonded indebtedness of such city, as provided to be raised by the provisions of this chapter, shall not be considered a portion of such annual expense. If at any time after the sum of one hundred thousand dollars shall have been expended in any year, it shall appear that the interests of such city demand an expenditure of an additional sum, the city council shall make a report of the same, which shall be published for at least three weeks in some newspaper printed and published in such city, particularly specifying the object or objects for which said expenditure is required, and the amount of money necessary to be raised to meet the same. At any time within ten days after the expiration of said publication, the city council shall order an election, giving ten days' notice thereof, at which time those persons who are legal voters of such city may vote for or against a tax to raise such additional sum. The election shall be conducted and returns made and canvassed in all respects as the general elections of such city, and a majority shall determine if such tax be levied or not. If the vote is in favor of such tax, the city council shall forthwith, by an order to be entered on the journal of their proceedings, order the tax to be levied, and collect upon the basis of the last municipal assessment, and shall make the proposed expenditures: *Provided*, That the special tax thus to be levied shall for no one year be more than one per cent. of the valuation of real and personal property in the city as shown by the last assessment roll. All special taxes to be levied and collected under the provisions of this section shall be levied and collected in the manner, form and ways prescribed for the levying and collection of the general taxes of such city; and as a security for their payment a lien shall attach to and against each lot of land for the amount assessed against it from the date of the order, and every person, firm or corporation against whom a tax be thus assessed shall be personally liable to pay the amount to such city. Said lien shall continue until such taxes are paid or the property becomes vested in a purchaser under a sale thereof.

Bonded indebtedness.

Special election to authorize indebtedness.

Special tax limit.

Tax lien.

## EXCESSIVE EXPENDITURE VOID.

SEC. 42. Every appropriation or payment of money made or ordered by the city council in excess of said sum of one hundred thousand dollars, unless it shall be authorized by a vote of the electors of such city, as provided for in the preceding section, shall be invalid, illegal and void, and shall be recoverable by the city from the party or parties to whom the same is made, if knowingly taken or received by such party or parties; and the members of the city council who shall have voted for the same shall be individually, jointly and severally liable for such excess, and it may be recovered from them in any court of competent jurisdiction by the party or parties with whom they have contracted, or by the city, if payment has been actually made.

City council,  
when liable.

## PUBLIC STREETS.

SEC. 43. All the streets of such city that have been or shall hereafter be laid out and dedicated by the party or parties owning the land fronting upon the same, or by the authority of such city, and declared to be public streets, and that have been or shall hereafter be used as such, shall be and are hereby declared public streets to the extent that the same may have been or shall hereafter be used, laid out or dedicated.

## CONTRACTS FOR WORK AND MATERIALS.

SEC. 44. All contracts for work to be performed, or materials to be used, ordered by or for such city, or in which it is interested, may be, and when the cost exceeds five hundred dollars shall be let to the lowest bidder. A notice, signed by the clerk, soliciting sealed proposals, shall be published a reasonable time, in no case less than ten days prior to the time fixed for opening such bids. Such notice shall designate the work to be done and the place and the time in which it may be performed, with such other specifications as may tend to give the bidders a knowledge of the object to be accomplished, and with a reference to the diagram or specifications on file in the clerk's office. On the day limited in said notice for the opening of said

Contracts to  
lowest bidder.

bids, the council, or a committee therefor appointed, shall, Mode of procedure. in open meeting, open and declare said bids and award the contract to the lowest responsible bidder: *Provided, however,* That the city council or its committee may reject all bids when considered too high or uncertain from any circumstances. The council or committee may, before considering any offer, require security that the party will enter into a contract, if awarded to him, and all contracts shall be in writing and accompanied with a bond satisfactory to the mayor. No officer of such city shall be interested in any contract to which the city is a party, and any contract contrary to the provisions hereof shall be void. May require security.

#### IMPROVEMENT OF PUBLIC HIGHWAYS.

SEC. 45. The city council is authorized and empowered Powers of city council. to establish, lay out, alter, open, improve and repair streets, avenues, sidewalks, alleys, bridges, squares and other public highways and places within the city, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, plank, pave, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks therein, or upon any part thereof; to cause to be planted, set out and cultivated shade trees along the lines thereof or therein, and generally to manage and control all such highways and places.

#### APPORTIONMENT OF EXPENSE.

SEC. 46. The city council shall have the power to provide by ordinance for doing any or all work thereupon or therein authorized by this chapter, and for the payment of the cost and expenses thereof by the levy and collection of special assessments therefor upon the property to be affected thereby. That is to say, the expense or cost of any work or improvement upon the streets, avenues or public ways of such city shall be assessed upon the lots and lands fronting thereon, each lot being separately assessed for the full debt thereof in proportion to the benefits upon the property to be benefited, sufficient to cover the total expense of the work to the center of the street on which Assessed to contiguous property.

Street improve-  
ment.

it fronts. The expense of all improvements in the space formed by the junction of two or more streets, or where one main street terminates in or crosses another main street, and also all necessary street crossings or crossways, shall be paid by such city. In all the streets constituting the water front of such city, or bounded on the one side by the property thereof, the expense of work done on that portion of said streets from the center line thereof to the said water front, or to such property of the city bounded thereon, shall be provided for by such city, but no contract for any such work shall be given, except to the lowest responsible bidder, and in the manner hereinbefore provided. When any work or improvement mentioned in this section is done, or made, on one side of the center line of said streets, avenues or public ways, the lots fronting on that side only shall be assessed to cover the expenses of said work, according to the provisions of this chapter.

#### ENACTING CLAUSE.

SEC. 47. The style of the city ordinances shall be as follows: "Be it ordained by the mayor and city council of the city of ——," and all ordinances shall be published in one or more of the newspapers published in the city.

#### PUBLICATION OF ORDINANCES.

SEC. 48. By-laws and ordinances shall be passed by the city council and approved by the mayor or the president of the city council, acting in his stead. But before any by-laws or ordinance shall have any binding validity, it shall be published in one or more newspapers published in the city and recorded in the record-book to be kept by the clerk. The clerk shall certify on the record the fact of publication; and so certified, the record shall be *prima facie* evidence of the passage thereof, and may be read as evidence of the by-laws or ordinance and its publication. A printed copy of any ordinance or by-law, or a compilation thereof printed by authority of the city council and attested by the clerk, shall be evidence thereof in same manner and with like effect.

## ENTRY OF JOURNAL.

SEC. 49. All orders of the city council to have force and legal validity shall be entered upon the journal of their proceedings, which journal shall be signed by the officer who may preside at such meeting.

## AYES AND NOES.

SEC. 50. Upon the passage of all ordinances appropriating money, imposing taxes, abolishing licenses, increasing or lessening the amount to be paid for licenses, the ayes and noes shall be entered upon the journal.

## MAJORITY NECESSARY.

SEC. 51. A majority of all the members elected shall be necessary to pass any ordinances appropriating for any purpose the sum of five hundred dollars, or upwards, or any ordinance imposing any assessment, tax or license, or in any wise increasing or diminishing the city revenue.

## FREE LIBRARY.

SEC. 52. The trustees of any free public library, created or existing in such city under the provisions of an ordinance, shall be appointed by the city council in the same manner as other officers are appointed under the provisions of this chapter, anything in the provisions of said act to the contrary notwithstanding.

## TAXATION.—TAX LEVY.

SEC. 53. The city council shall have full power and authority to assess, levy and collect annually, taxes upon all the property within the city taxable for state purposes, not exceeding one per cent. upon the assessed value thereof, which shall be paid into the general fund for current expenses. They shall provide for the payment of the principal and interest of the bonded indebtedness, if any, of such city, and for the payment of the other indebtedness of such city not funded; and they shall, each year, levy, assess and collect an additional tax upon the taxable property as aforesaid, not exceeding two per cent.

Bonded indebtedness.

in any one year, which, when collected, shall be paid into a fund, to be disbursed as follows: *First*, to pay the interest on said bonds; *second*, to a fund for the payment of the principal thereof; and, *third*, to meet any indebtedness, as aforesaid, not funded. And the city council, in making said levy, shall estimate the proportion requisite for each fund, and the same shall be expended under the direction of the city council for the purpose aforesaid, and for no other purpose. Said tax shall be levied, assessed and collected upon all property liable to taxation within such portion and such limits and so much of the territory of such city as shall be liable therefor under the laws and charters in existence at the time of the organization of such city under this act; and if, by reason of extension of territory, or from any cause, a portion only, or a certain district of such city be liable, under said laws and charters for the payment of the bonded and other indebtedness above named, or any portion of either thereof, the city council, in levying such tax, shall make such levy upon and against the property which is situated, and persons who may reside, in the territory of such city liable in each case for the payment of such indebtedness, or any particular class or portion thereof, according to such existing laws and charters. The city council shall also have power to raise annually, by tax upon all the property within the city taxable for state purposes, whatever amount of money may be requisite for the support of a free public library and reading room, such tax not to exceed in any one year the rate of ten cents on each one hundred dollars valuation.

Mode of levying taxes

Public library.

#### DUTY OF ASSESSOR.

SEC. 54. It shall be the duty of the city assessor to prepare, between the first Monday of February and the first Monday in May in each year, and present to the city clerk, with his certificate of its correctness, a list of all the real and personal property within the city taxable for state and county purposes, with a true valuation thereof, which said assessment list shall conform, as near as practicable, when not inconsistent with the provisions of this chapter

to the assessment list required by law to be made by the county assessor for state and county purposes; also to make all assessment for the improvement of streets as herein or by ordinance provided; to be present at the sessions of all boards of equalization mentioned in this chapter, and to furnish to said board such information as may be required, and to perform such other services in reference to the assessments of property in the city or otherwise appertaining to his office as the city council, by ordinance or resolution, may require. During the session of the board of equalization the city assessor shall enter upon the assessment list all the changes and corrections made by the board, and may assess and add to said list any property in such city not previously assessed. In the assessment and listing of property for taxation, and in the collection of tax upon personal property not secured by lien upon real estate, he shall have and may exercise the same powers as are conferred by law upon county assessors, and shall receive therefor the same fees and compensation. He shall receive a salary, to be fixed by the city council, which shall not exceed five hundred dollars per annum.

Board of equalization.

Powers of assessors.

## EQUALIZATION.

SEC. 55. The city council, or a committee of their number selected for that purpose by the city council, at a meeting thereof to be held on the second Tuesday of May of each year, shall constitute a board of equalization, and shall, after the assessor shall have completed and handed in his assessment list to the city clerk, and, after five days' notice published in some newspaper in such city, hold meetings to hear and determine all complaints respecting the valuation of property as fixed by the assessor in such list, and shall have power, on their own motion, with or without complaint made, to modify and change such valuation in any way they shall deem just and proper: *Provided, however,* That before making any change in any assessment the board shall notify the person interested by letter deposited in the post-office or express, post-paid, and addressed to such person, at least three days before action is taken, of the day fixed when the matter

Meetings of board.

Notice of change.

Reduction; how made.

shall be investigated: *Provided further*, That no reduction must be made in the valuation of property unless the party affected thereby, or his agent, makes and files with the board a written application therefor, verified by his oath, showing the facts upon which it is claimed such reduction should be made. Any member of said board shall have power to administer oaths and affirmations in the matters before said board, and the sessions of said board shall be held from time to time, as in its notice specified, for the period of two weeks, and no longer.

CLERK TO COMPLETE.

SEC. 56. After the board of equalization shall have completed their duties the city clerk shall add up the columns of valuation and enter the total valuation of each description of property in the list and the total value of all property assessed and listed thereon; and thus equalized and added up, the clerk shall, on the first Tuesday in June thereafter, deliver it to the city council.

LEVY OF THE TAX.

Tax lien.

SEC. 57. On the third Tuesday in June in every year, the city council by an ordinance shall levy upon all the property in the city taxable by law for state purposes, a tax for the current and general expenses of the city; and in conformity to the provisions of this chapter shall levy any and all other taxes by law directed then to be levied or assessed; and in conformity with the provisions of this chapter, shall levy a tax for the payment of the funded debt, upon the property liable therefor. Every tax so levied is made a lien, which shall attach, on said day in each year, to and against all real property assessed for the amount assessed against it; and if said property be assessed to a wrong person or by a wrong name, said lien shall in no wise be affected or invalidated, and it shall not be satisfied or removed until the taxes are paid or the property has absolutely vested in a purchaser under and by reason of a sale for such taxes. Every tax assessed upon personal property is a lien upon the real property of the owner thereof from and after the time of the levy of

such tax. The fiscal year shall begin on the first day of <sup>Fiscal year.</sup> January, and the terms "real and personal property" shall have the same meaning as the same terms used in the revenue laws of the state.

LIST TO BE DELIVERED TO COLLECTORS.

SEC. 58. As soon as the city council has declared and levied the taxes in any year as in the preceding section provided, the city clerk shall carry out in a separate money column in the list the amount of taxes assessed against each individual, firm, company, corporation or unknown <sup>Unknown owners.</sup> owner, and add and put down the aggregate of all taxes as shown by the list; and as thus carried out the city clerk shall certify to its correctness, and on or before the fifteenth (15th) day of July thereafter, deliver it to the city collector, and shall charge him with the amount of taxes as footed up, and take his receipt therefor.

COLLECTION.

SEC. 59. The collector on receiving the assessment list certified by the clerk, shall proceed to collect the taxes specified therein and pay over the same into the treasury, taking a receipt thereof. For the purpose of collecting the taxes authorized by this chapter, the city collector shall have such powers as are given by the revenue laws of this state to collectors of state and county taxes so far as the same are applicable. All taxes unpaid at the close of official business on the thirty-first (31st) day of October shall be deemed delinquent, after which time the collector shall receive no money for taxes; and he shall, upon said day, enter upon assessment roll a levy upon all property therein assessed, the taxes upon which remain unpaid, and shall immediately ascertain the total amount of taxes unpaid, and file in the office of the city clerk a <sup>Delinquent list.</sup> list of all persons and property then owing taxes, verified by his oath, which list shall be known as the delinquent list.

## DELINQUENCIES.

SEC. 60. On the thirty-first (31st) day of October of each year at six (6) o'clock P. M. of said day, all unpaid taxes are delinquent, and thereafter the collector must collect thereon, for the use of the city, an addition of five per cent.

## DELINQUENT LIST.

SEC. 61. On or before the fifteenth (15th) day of November of each year, the city collector must deliver to the city clerk a complete delinquent list of all persons and property then owing taxes; and in the list so delivered must be set down in numerical or alphabetical order all matters and things contained in the assessment roll and relating to delinquent persons or property.

## VERIFICATION.

SEC. 62. The city clerk must carefully compare such delinquent list with the assessment roll, and if satisfied that it contains a full and true statement of all taxes due and unpaid, he must foot up the total amount of taxes so remaining unpaid, credit the city collector therewith, and make a final settlement with him of all taxes charged against him on the assessment roll; and must require from him the treasurer's receipt for the full amount of taxes collected.

Final settle-  
ment.

## CERTIFICATION.

SEC. 63. After settlement with the city collector, as prescribed in the preceding section, the city clerk must charge the city collector with the amount of taxes due on the delinquent tax list, with five per cent. added thereto, and within three days thereafter deliver the list, duly certified, to such city collector.

## PUBLICATION.

SEC. 64. On or before [the] first day of December of each year, the city collector must publish the delinquent list, which must contain the names of the persons and a description of property delinquent, and the amount of

taxes and costs due, opposite each name and description, with the taxes due on personal property, added to taxes on real estate, where the real estate is liable therefor, or the several taxes are due from the same person. To said list must be appended, and with it published, a notice that unless the taxes delinquent, together with the costs and percentage, are paid, the real property upon which such taxes are a lien will be sold at public auction, and designating therein the time and place of such sale, which must take place in or in front of the city collector's office, and not less than fourteen nor more than twenty-one days from the first publication.

Property; how sold.

#### COLLECTOR TO CERTIFY.

SEC. 65. Said list must be published three times a week for two successive weeks in some newspaper or supplement thereto published in such city, and when such publication is completed, and before commencing the sale, the city collector must file with the city clerk a copy of the publication, with his affidavit attached thereto, that it is a true copy of the same, that the publication was made in a newspaper or a supplement thereto, stating the name and place of publication; such affidavit shall be *prima facie* evidence of all facts therein stated. The expense of the publication of the delinquent list is to be paid by the city.

Duty of collector.

#### ADDITIONAL AMOUNT.

SEC. 66. The city collector must collect, in addition to the taxes due on the delinquent list, and five per centum added thereto, fifty cents on each lot, piece or tract of land separately assessed, and on each assessment of personal property, one-half of which must go to the city, and the other to the city collector, in full for preparing the list.

#### SALE.

SEC. 67. On the day fixed for the sale, or on some subsequent day to which he may have postponed it, of which he must give notice, the city collector, between the hours of ten o'clock A. M. and four o'clock P. M., must commence

Order of sale.

the sale of the property advertised, commencing at the head of the list and continuing alphabetically or in the numerical order of lots and blocks until completed.

#### POSTPONEMENT.

SEC. 68. He may postpone the day of commencing the sale, or the sale, from day to day, but the sale must be completed within two weeks from the day first fixed.

#### OWNER MAY DESIGNATE PORTION.

SEC. 69. The owner or person in possession of any real estate offered for sale for taxes due thereon may designate, in writing, to the city collector, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner, or the possessor, does not, then the collector may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the taxes and costs due, including fifty cents to the city collector for the duplicate certificate of sale, is the purchaser.

#### DUPLICATE CERTIFICATE.

Form of certificate.

SEC. 70. After receiving the amount of the taxes and costs, the city collector must make out in duplicate a certificate, dated on the day of sale, stating (when known) the name of the person assessed, a description of the land sold, the amount paid therefor, that it was sold for taxes, giving the amount and year of the assessment, and specifying the time when the purchaser will be entitled to a deed.

#### DELIVERY.-

SEC. 71. The certificates must be signed by the collector, and one copy delivered to the purchaser and the other filed in the office of the county auditor.

#### RECORD OF SALES.

Form of register.

SEC. 72. The city collector, before delivering any certificate, must, in a book, enter a description of the lands

sold, corresponding with the description in the certificate, the date of sale, purchaser's name, and amount paid, regularly number the descriptions on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection, without fee, during office hours, when not in actual use.

#### LIEN VESTED IN PURCHASER.

SEC. 73. On filing the certificate with the county auditor, the lien of the city vests in the purchaser, and is only divested by the payment to him, or to the city treasurer for his use, of the purchase money and fifty per cent. thereon.

#### REDEMPTION.

SEC. 74. A redemption of the property sold may be made by the owner or any party in interest within twelve months from the date of the purchase.

#### RECORDS OF REDEMPTION.

SEC. 75. On receiving the certificate of sale, the auditor must file it and make an entry in a book similar to that required of the collector. On the presentation of the receipt of the person named in the certificate or of the city treasurer for his use of the total amount of redemption money, the auditor must mark the word "redeemed," the date, and by whom redeemed, on the certificate, and in the margin of the book where the entry of the certificate is made.

#### PURCHASER'S DEED.

SEC. 76. If the property is not redeemed within the time allowed by law for its redemption, the city collector or his successor in office must make to the purchaser or assignee a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption. The collector shall be entitled to receive from the purchaser three dollars for making such deed. <sup>Form of deed.</sup> <sup>Fee.</sup>

## WHAT THE DEED PROVES.

Requirements  
of deed.

SEC. 77. The matters recited in the certificate of sale must be recited in the deed, and such deed duly acknowledged or proved is *prima facie* evidence that—*First*, the property was assessed as required by law. *Second*, the property was equalized as required by law. *Third*, the taxes were levied in accordance with law. *Fourth*, the taxes were not paid. *Fifth*, at a proper time and place the property was sold as prescribed by law, and by the proper officer. *Sixth*, the property was not redeemed. *Seventh*, the person who executed the deed was the proper officer. *Eighth*, where the real estate was sold to pay taxes on personal property, that the real estate belonged to the person liable to pay the tax.

## DEED IS EVIDENCE OF REGULARITY.

Validity of title.

SEC. 78. Such deed duly acknowledged or proved is (except as against actual fraud) conclusive evidence of the regularity of all other proceedings from the assessment, by the assessor, inclusive, up to the execution of the deed, and conveys to the grantee the absolute title to the lands described therein, free from incumbrances.

## ASSESSMENT ROLL A GUARANTEE OF REGULARITY.

SEC. 79. The assessment roll or delinquent list, or a copy thereof, certified by the city clerk, showing unpaid taxes against any person or property is *prima facie* evidence of the assessment, the property assessed, the delinquency, the amount due and unpaid, and that all the forms of law in relation to the assessment and levy of such taxes have been complied with.

EXECUTIVE DEPARTMENT.—DUTIES AND POWERS  
OF MAYOR.Quarterly state-  
ment.

SEC. 80. The mayor shall be the chief executive officer of the city. He shall have a general supervision over the several departments of the city government and over all its interests; shall preside over the city council when present; once in three months submit a general statement of the condition of its various departments, and recommend to the city council such measures as he may deem ex-

pedient for the public good, or improvement of the city, its finances or government. He shall sign all ordinances passed by the city council, if he approves them; if he does not approve, he shall, within eight days after their sub-<sup>Veto power.</sup>mission to him, return the same to the city clerk's office with his objections in writing, and at the first meeting of the city council thereafter the same shall be entered upon their journal, and they shall then reconsider such ordinance, and unless two-thirds of the councilmen-elect vote for its passage, it shall not become a law. If the mayor shall not so return any ordinance within eight days, it shall become a law as if he had signed it. He may call special<sup>Special meet-ings.</sup> meetings of the city council at any time; he shall do so at the written request of four councilmen, by notifying each member personally, or by a written notice left at his last and usual place of abode, or at his place of business during business hours, stating the purpose of such meeting.

#### PRESIDENT OF COUNCIL.

SEC. 81. The president of the city council shall preside at all its meetings when the mayor is not present; and whenever there is a vacancy in the office of mayor, or he is absent from the city or unable from any cause to discharge the duties of his office, the president shall act as mayor, and exercise all his authority and be subject to his duties. He shall countersign<sup>Countersigning warrants.</sup> all warrants and licenses issued under and by authority of the city, but in his absence or inability to perform said duty, the mayor, or if he is absent or unable to perform said duty, the president *pro tem.*, or if none has been elected, the chairman of the finance committee, may sign the same.

#### DEPUTIES.

SEC. 82. The chief of police, city attorney, city assessor, city clerk and city collector and street commissioner may each, with the approval of the city council, only, appoint such deputies as may be necessary, by writing, to be filed with the clerk. Each deputy so appointed shall receive for his services a compensation to be fixed by the city<sup>Compensation; how fixed.</sup> council, not exceeding one hundred dollars per month, and shall perform such duties under the direction of his prin-

cipal as may by said council be prescribed. The principals shall be each responsible for his deputy, and may revoke the appointment at pleasure.

#### CHIEF OF POLICE.

SEC. 83. The chief of police shall receive a salary which shall not exceed the sum of one thousand five hundred dollars per annum, to be determined by the city council.

#### TREASURER.

SEC. 84. The city treasurer shall receive a salary which shall not exceed the sum of fifteen hundred dollars per annum, to be determined by the city council.

#### DUTIES OF TREASURER.

Record book.

SEC. 85. It shall be the duty of the city treasurer to receive and safely keep all moneys belonging to such city from whatever source derived, to place the same to the credit of the different funds to which they properly belong, in a book kept for that purpose; to disburse said moneys by the direction of the city council, and in accordance with the provisions made by them under the provisions of this chapter, and to make a report monthly to the city council of the condition of the treasury.

#### CLERK.

Resolutions and ordinances.

SEC. 86. It shall be the duty of the clerk of the city to keep the corporate seal and all papers and documents belonging to the city; to file them in his office under appropriate heads; to attend the sittings of the city council, and to keep a journal of their proceedings and records of all their by-laws, resolutions and ordinances; to sign all warrants and licenses issued in pursuance of the orders and ordinances of the city council, and to affix the corporate seal on such licenses; to keep an accurate account in a suitable book, under the appropriate heads, of expenditures of all orders drawn upon the city treasurer and all warrants issued in pursuance thereof; also to keep an account, in an appropriate book, of all licenses issued, with the names of the persons to whom issued, the date of issue, the time for which the same was granted, and the sums paid therefor, and to perform such other duties as

License record.

he may be required to perform by the provisions of this act, or by ordinance. He shall receive for his services a salary to be fixed by the city council, not exceeding the sum of one hundred and fifty dollars per month.

#### ASSESSOR.

SEC. 87. It shall be the duty of the assessor to prepare the assessment rolls, lists and books, and to make the assessment of persons and property in said city as required by this chapter; also to make and present all assessments for improvement of streets or other work of like character. He shall receive a salary to be fixed by the city council.

#### COLLECTOR AND COMMISSIONER.

SEC. 88. The city collector and street commissioner shall collect all taxes, assessments, licenses, wharfage rates and all other moneys or dues owing, accruing, belonging or coming to said city, and the same shall pay over monthly to the city treasurer, unless otherwise ordered by the city council. He shall regulate the landing and stationing of all steamers, vessels, boats or other water craft, and shall make report to the city council each month. As street commissioner he shall have the general supervision of all streets, public squares, levees, wharves, sloughs, drains, water-ways, bridges, sidewalks, cross-walks and public buildings, and shall superintend all work, repairs or improvement thereof or thereon. At the request of the street committee of the city council he shall make report to them of any of his doings, and shall do and perform all such other duties as may be required of him by ordinance of the city council. As street commissioner of such city he is hereby authorized in his official capacity to make all written contracts and receive all bonds authorized in this chapter, and to do any other act, either expressed or implied, that pertains to the street department under this chapter. He shall fix the time for the performance of the work under all contracts entered into by him in accordance with the notice given by the council; and may extend the time so fixed from time to time, under the direction of said council. All work upon the streets, avenues or in the matter

Duties and powers defined.

Street and  
bridge work.

of sidewalks or bridges, or in the improvement of public buildings, squares and places of said city provided for in this chapter, or under the orders or ordinances of the city council of such city, must in all cases be done under the direction and to the satisfaction of the street commissioner, and the materials used shall be such as are required by said commissioner, in accordance with the contracts; and all contracts made therefor must contain this condition, and also express notice, that in no case, except when it is otherwise provided in this chapter, will the city be liable for any portion of the expense, and where such expense is defrayed by assessments, in no case, for any delinquency of persons or property assessed.

Contracts.

#### POLICE FORCE.

SEC. 89. The police force of such city shall consist of the chief of police and such number of policemen as shall, from time to time, be fixed and determined by the city council.

#### POLICEMEN; HOW APPOINTED.

SEC. 90. The mayor with the consent of the city council shall appoint the policemen and other subordinate officers of the city, and may for cause remove the same with the consent of the council.

#### TRIAL COMMISSION.

SEC. 91. The president of the city council, the chairman of the finance committee and the chairman of the street committee of the city council shall constitute a police trial commission, and such commission shall have power under rules of procedure to be prescribed by ordinance of such city to receive, hear, try and determine all complaints against policemen of such city for violation of official duty, or of any rule, regulation, by-law or ordinance of such city, and shall have power in such behalf to condemn or acquit, reprimand, suspend or remove any policeman.

Powers and du-  
ties.

#### JUDICIAL DEPARTMENT.—POLICE COURT.

SEC. 92. A police court is hereby established in such city, which court shall always be open, except upon non-

judicial days, and upon such days may transact criminal business only.

#### JURISDICTION.

SEC. 93. The police court of such city shall have jurisdiction of the following public offenses committed within such city: *First*, petit larceny. *Second*, assault or battery not charged to have been committed upon a public officer in the discharge of his official duty or with intent to kill. *Third*, breaches of the peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment. *Fourth*, of proceedings respecting vagrants, loud or disorderly persons. *Fifth*, of all proceedings for violation of any ordinance of said city, both civil and criminal; of any and all suits to recover taxes, general or special, levied in such city for city purposes, and all suits to recover any assessment levied in such city for the improvement of streets, avenues, levees, sidewalks and public squares, and for the opening or laying out of the same, when the amount of said tax or assessment sought to be collected against the person, firm or corporation assessed is less than three hundred dollars: *Provided*, No lien upon the property taxed or assessed for the non-payment of the taxes or assessment is sought to be foreclosed by said suit. *Sixth*, of an action for the collection of money due to such city or from the city to any person, firm or corporation, when the amount sought to be collected is less than three hundred dollars. *Seventh*, of an action for the breach or violation of any official bond given by any city officer and for the breach of any contract and any action for damages in which the city is a party, or is in any way interested, and on all forfeited recognizances given to or for the benefit or in behalf of such city, and upon all bonds given upon any appeal taken from the judgment of said court in any action above named when the amount claimed, exclusive of cost; is less than three hundred dollars. *Eighth*, of an action for the recovery of personal property belonging to the city, when the value of the property, exclusive of the damages for

Criminal offenses.

Civil actions.

Limit of jurisdiction.

the taking or detention, is less than three hundred dollars. *Ninth*, of an action for the collection of any license required by any ordinance of the city. *Tenth*, the police court shall have exclusive jurisdiction of all proceedings mentioned in this section; and no justice of the peace in such city shall have power to try and decide any cases of the classes mentioned in said section: *Provided*, That any justice of the peace of such city, who may be designated in writing by the mayor or president of the city council thereof for the purpose, shall have power to preside in and to hold a police judge's court of said city in the cases in which the police judge is a party or in which he is directly interested, or when the judge is related to either party by consanguinity or affinity within the third degree; and also in the case of the sickness or temporary absence of the judge, or his inability to act from any cause; and in all such cases and during such sickness, temporary absence or inability, the justice so designated shall act as police judge and shall have and exercise all the powers, jurisdiction and authority which are or may be by law conferred upon said court or judge.

Disability of  
police judge de-  
fined.

#### POWERS OF JUDGE.

SEC. 94. The judge of said court shall also have power to hear cases for examination, and may commit and hold the offender to bail for trial in the proper court, and may try, condemn or acquit, and carry his judgment into execution, as the case may require, according to law; and to punish persons guilty of contempt of court, and shall have power to issue warrants of arrest in cases of a criminal prosecution for the violation of a city ordinance, as well as in case of the violation of the criminal law of the state; also all subpoenas, and all other processes necessary to the full and proper exercise of his powers and jurisdiction in all criminal trials before the police judge for the violation of a city ordinance, as well as in cases of a violation of the criminal law of the state, made triable before such court; the defendant shall be entitled, if demanded by him, to a jury trial, but a trial by jury may be waived by

Jury trial.

the defendant in all such cases, and upon such waiver the court shall proceed and try the case.

#### DOCKETS.

SEC. 95. The city council shall furnish, for the use of the police court, two dockets; one shall be styled "The city criminal docket," in which all the criminal cases shall be recorded, and each case shall be alphabetically indexed; the other shall be styled "The city civil docket," and it shall contain a record of every civil case which is prosecuted before said court, and each case shall be properly indexed, and in all cases the dockets shall contain all such entries as are required by law to be made in the justice's docket; and in any case commenced or tried before the court, the docket must show what duties were performed by each officer, and the amount of fees due to the officer for such services, and the amount of money, if any, collected.

Form of docket

#### APPEALS.

SEC. 96. Appeals from the police court may be taken to the superior court of the county in all cases cognizable by the said police court, and such appeals shall be taken, as in case of appeal from a justice's court.

#### CITY AND DISTRICT ATTORNEY.

SEC. 97. The city attorney of such city shall prosecute all cases for the violation of any lawful order, regulation or ordinance of the city council, and shall prosecute, conduct and control all proceedings in cases mentioned in section two hundred and six of this act, both in the police court and on appeal therefrom to the superior court, but the prosecuting attorney shall attend and conduct all proceedings of the nature of a preliminary examination before said police court.

Duty of prosecuting attorney

#### INCARCERATION.

SEC. 98. In all cases when the police court is authorized to impose a fine or imprisonment, or both, upon persons convicted in said court of any offense triable therein, the said court may sentence the offender to be imprisoned in the city jail, if there be one established by the city council; if not, then until said council shall designate and

establish a city jail or prison, may sentence offenders to be imprisoned in the county jail, and in addition to imprisonment, may sentence offenders to be employed to labor in the city under the direction of the chief of police, and in the manner prescribed by ordinance, for the benefit of the city during such time of imprisonment, and may, in case of imposing a fine, embrace as a part of the sentence, that, in default of the payment of such fine, the defendant shall be imprisoned and required to labor for the benefit of the city as before provided, at the rate of two dollars a day until such fine is satisfied. Offenders required to labor under the direction of the chief of police shall, until the establishment of a city jail, be returned to the county jail at the end of each day's labor during their term of imprisonment, until a city jail shall be by the city council established. It is hereby made the duty of the officer having the control or charge of the county jail of the county wherein such city is situated to receive and safely keep all persons imprisoned by any judgment or order of the police court in accordance with the order of commitment, and to allow those to be removed from the jail, under charge of the chief of police, who are required to labor for the benefit of the city, or whom the police judge may order brought forth for trial, and the keeper of the jail shall in no way be responsible for the safe keeping of such prisoners while so under the charge of the chief of police.

May sentence  
to hard labor.

Duty of county  
jailer.

SEAL.

SEC. 99. The court shall have a seal, to be provided by the city, and certified transcripts of the police judge's docket and the seal of this court shall be evidence in any court of the state of the contents of the docket; and all warrants and other processes issued out of said court, and all acts done by said police judge under its seal, shall have the same force and validity in any part of this state as though issued or done by any court of record of this state.

Validity of acts.

## JUDGE'S REPORT.

SEC. 100. The police judge shall, on the last Saturday of <sup>Monthly report.</sup> each month, make to the city council a full report of all the cases tried in this court for that month in which the city may be interested, and at the same time shall pay into the city treasury all fines and other moneys collected on behalf of the city for such month.

## SALARIES.

SEC. 101. The city council of such city shall allow the police judge an annual salary, which shall not exceed the sum of fifteen hundred dollars, and to the chief of police and the several policemen of such city, each a salary which shall be fixed by said council. The salaries of the police judge and chief of police and policemen shall be paid, from time to time, as other city officers, and as the councilmen may determine. The chief of police or any policeman of such city is hereby authorized and empowered to serve, execute and return any and all warrants of arrest and all processes directed to him by the police judge of such city, and to arrest all persons accused or guilty of the violation of any city ordinance, or of any public offense, and to do and perform all acts and duties which in criminal cases any constable of the county may lawfully do, and receive like fees for such services: *Provided*, The city council may, in their discretion, deduct the amount so received for fees from the monthly salary of such officers, or order the same paid into the city treasury, for the use and benefit of the city, as received by said officers, respectively: *Provided*, That nothing in this charter shall be construed as authorizing or entitling such officers to charge or receive from such city, or the county wherein situated, any fees or costs in any case whatever, nor shall such city or county be liable to pay any fees or costs to such officers for any service they may render in any action or proceeding, either civil or criminal. The chief of police shall attend <sup>Chief of police.</sup> the session of the police court when required, supervise and direct the police force of the city, and perform such other duties as may be required by the city council appertaining to the government of the city or the manage-

<sup>Powers and duties of policemen.</sup>

ment of its affairs, not especially devolved upon some officer named in this chapter; and the chief of police or any policeman, at his discretion, shall serve all notices by this chapter provided to be served in which the city is in any way interested, and the return of the officer so serving shall be evidence of the facts in such return stated, but none of such officers shall serve or execute any civil protest, except as provided in this chapter.

#### POWERS OF JUSTICES.

SEC. 102. The justices of the peace in and for the township embracing such city shall have the same powers as the same officers in any justice court of the county, and shall have and may exercise like powers and authority: *Provided, however,* That no justice of the peace in such city shall have power to conduct or try and decide any proceedings or cases of the classes mentioned in section two hundred and six of this act, but nothing in this section shall be construed to prevent any of the justices in said city from acting as police judge.

#### INTERESTED PARTY NOT DISQUALIFIED.

SEC. 103. The interest which an inhabitant of such city may have in a penalty for the breach of a by-law or ordinance of such city, shall not disqualify said inhabitant to act as judge, juror or witness in any prosecution to recover the penalty.

#### MUNICIPAL CORPORATIONS OF THE THIRD CLASS.

[A charter for cities having a population of more than fifteen hundred and not exceeding ten thousand.]

#### GENERAL POWERS.

SEC. 104. Every municipal corporation of the third class shall be entitled "The city of —— [naming it]," and by such name shall have perpetual succession, may sue and be sued in all courts and places, and in all proceedings whatever; shall have and use a common seal, alterable at the pleasure of the city authorities, and may purchase, lease, receive, hold and enjoy real and personal property, and control and dispose of the same for the common benefit.

Must have a  
seal.

## GENERAL PROVISIONS RELATING TO OFFICERS.

SEC. 105. The government of said city shall be vested in a mayor and a city council, to consist of six members; a treasurer, a city attorney, a clerk, a marshal, an assessor, a health officer, and such subordinate officers as are hereinafter provided for; and whenever a free public library and reading-room is established therein, five trustees thereof.

Number of members.

## ELECTION AND TERMS OF OFFICE.

SEC. 106. The mayor, members of the city council, and the assessor, treasurer and health officer, shall be elected by the qualified electors of said city, at a general municipal election to be held therein on the first Tuesday after the first Monday in December in each year. The assessor, treasurer and health officer shall hold office for the period of one year from and after the second Tuesday in January next succeeding the day of such election, and until their successors are elected and qualified. Members of the city council shall hold office for the period of two years from and after the second Tuesday in January next succeeding the day of such election, and until their successors are elected and qualified: *Provided*, That the first city council elected under the provisions of this act shall, at their first meeting, so classify themselves by lot as that three of their number shall go out of office at the expiration of one year, and three at the expiration of two years. The city attorney, marshal, city clerk and street commissioner, and such other officers as the city council may deem proper, shall be elected by the city council, and shall hold office for one year, unless sooner removed for cause. The city council may, in their discretion, appoint a pound-master, to hold office during the pleasure of the council; and a city engineer, who shall hold office during the pleasure of the council.

Classed by lot.

## OFFICIAL BONDS.

SEC. 107. The clerk, treasurer, city attorney and marshal shall, respectively, before entering upon the duties of their respective offices, each execute a bond to such city in such penal sum as the city council, by ordinance, may determine, conditioned for the faithful performance of his

duties, including in the same bond the duties of all offices of which he is made by this chapter *ex-officio* incumbent. Such bonds shall be approved by the city council. All bonds, when approved, shall be filed with the clerk, except the bond of the clerk, which shall be filed with the president of the city council. All the provisions of any law of this state relating to the official bonds of officers shall apply to such bonds, except as herein otherwise provided. Every officer of such city, before entering upon the duties of his office, shall take and file with the clerk the constitutional oath of office.

How approved  
and filed.

#### VACANCIES.

SEC. 108. Any vacancy occurring in any of the offices provided for in this act shall be filled by appointment by the city council, but if such office be elective, such appointee shall hold office only until the next regular election, at which time a person shall be elected to serve for the remainder of such unexpired term. In case a member of the city council shall absent himself for three consecutive regular meetings thereof, unless by permission of the city council, his office shall, by the council, be declared vacant, and the same filled as in case of other vacancies.

Limit of term.

#### COMPENSATION.

SEC. 109. The members of the city council shall receive no compensation whatever, except while acting as a board of equalization. The clerk, assessor, marshal, city attorney and health officer shall severally receive, at stated times, a compensation to be fixed by ordinance by the city council, which compensation shall not be increased or diminished after their election, or during their several terms of office. Nothing herein contained shall be construed to prevent the city council from fixing such several amounts of compensation, in the first instance, during the term of office of any such officer or after his election. The compensation of all other officers shall be fixed from time to time by the city council.

Fixed by ordinance

## ELECTION REGULATIONS.

SEC. 110. All elections in such city shall be held in accordance with the general election laws of the state, so far as the same may be made applicable, and no person shall be entitled to vote at such election unless he shall be a qualified elector of the county and shall have resided in such city for at least thirty days next preceding such election. The city council shall give such notice of each election as may be prescribed by ordinance, shall appoint boards of election and fix their compensation, and establish election precincts and polling places, and may change the same: *Provided*, That no part of any ward less than the whole thereof shall be attached to any other ward or part thereof in forming election precincts.

Notice to be prescribed.

## ELIGIBILITY TO OFFICE.

SEC. 111. No person shall be eligible to hold any office in such city, whether filled by election or appointment, unless he be a resident and elector therein and shall have resided in such city for one year next preceding the date of such election or appointment: *Provided*, That residence of ninety days within such city shall render any otherwise qualified elector eligible to hold any office in such city under the first election held under the provisions of this act for officers of such city.

## FREE LIBRARY.

SEC. 112. The trustees of any free public library created or existing in such city shall be appointed by the city council in the same manner as other officers are appointed under the provisions of this chapter.

## LEGISLATIVE DEPARTMENT.—MAYOR AND CITY COUNCIL.

SEC. 113. The city council, together with the mayor, shall meet on the second Tuesday in January next succeeding the date of said general municipal election, shall take the oath of office, and shall hold regular meetings at least once in each month, at such times as they shall fix by ordinance. Special meetings may be called at any time by the mayor, by written notice delivered to each member at least three hours before the time specified for

Monthly meetings.

the proposed meeting. All meetings of the city council shall be held within the corporate limits of the city at such place as may be designated by ordinance, and shall be public.

#### MEETINGS.

**Quorum.** SEC. 114. At any meeting of the city council a majority of the councilmen shall constitute a quorum for the transaction of business, but a less number may adjourn from time [to time], and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The mayor shall preside at all meetings of the council, and in case of his absence the council may appoint a mayor *pro tem.*; and in case of the absence of the clerk, the mayor or mayor *pro tem.* shall appoint one of the members of the city council clerk *pro tem.*

**Pro tem. officers.**

#### RULES.

**Conduct.** SEC. 115. The city council shall judge of the qualifications of its members and of all election returns, and determine contested elections of all city officers. They may establish rules for the conduct of their proceedings, and punish any member, or other person, for disorderly behavior at any meeting. They shall cause the clerk to keep a correct journal of all their proceedings, and, at the desire of any member, shall cause the ayes and noes to be taken on any question, and entered on the journal.

**Journal.**

#### LIMITATION ON PASSAGE OF ORDINANCES.

**Limit of time.** SEC. 116. No ordinance and no resolution granting any franchise for any purpose shall be passed by the city council on the day of its introduction, nor within five days thereafter, nor at any other than a regular meeting, nor without being submitted to the city attorney. No resolution or order for the payment of money shall be passed at any other time than at a regular meeting. And no such ordinance, resolution or order shall have any validity or effect unless passed by the votes of at least four city councilmen.

**At regular meeting.**

**Validity.**

## POWERS OF COUNCIL.

SEC. 117. The city council of such city shall have power—

*Ordinances.*—(1) To pass ordinances not in conflict with the constitution and laws of this state or of the United States.

*City Real Estate.*—(2) To purchase, lease or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of and convey the same for the benefit of the city: *Provided*, That they shall not have power to sell or convey any portion of any water front; but may rent such water front for a term not exceeding ten years, for the purpose of erecting bath-houses thereon; and may improve part of such water front by building inclines or wharves for the accommodation of shippers, and to charge and collect for the use of the same such amounts as will compensate the city for the expenses incurred and the repairs needed from time to time; to prevent and regulate the running at large of any or all domestic animals within the city limits or any part thereof.

Cannot sell water front.

*Water.*—(3) To contract for supplying the city with water for municipal purposes.

*Public Highways.*—(4) To establish, build and repair bridges; to establish, lay out, alter, keep open, open, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the city, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, plank, pave, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and cross-walks therein or upon any part thereof; to cause to be planted, set out and cultivated shade trees therein; and generally to manage and control all such highways and places.

*Sewers.*—(5) To establish, construct and maintain drains and sewers.

*Fire Extinguishment.*—(6) To provide fire-engines and all other necessary or proper apparatus for the prevention and extinguishment of fires.

*Poll Tax.*—(7) To impose on and collect from every male inhabitant between the ages of twenty-one and fifty years an annual street poll tax, not exceeding two dollars, and no other road poll tax shall be collected within the limits of such city: *Provided*, That any member of a volunteer fire company in such city shall be exempt from such tax.

*Dog Tax.*—(8) To impose and collect an annual license, not exceeding two dollars, on every dog owned or harbored within the limits of the city.

*Property Tax.*—(9) To levy and collect annually a property tax, which shall be apportioned as follows: For the general fund, not exceeding sixty cents on each one hundred dollars; for street fund, not exceeding thirty cents on each one hundred dollars; and for sewer fund, not exceeding ten cents on each one hundred dollars. The levy for all purposes for any one year shall not exceed one dollar on each one hundred dollars of the assessed value of all real and personal property within such city.

*Liquor Tax.*—(10) To license, for purposes of regulation and revenue, all and every kind of business, including the sale of intoxicating liquors, authorized by law, and transacted or carried on in such city, and all shows, exhibitions and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same, by suit or otherwise.

*River Improvements.*—(11) To improve the rivers and streams flowing through such city, or adjoining the same; to widen, straighten and deepen the channels thereof, and to remove obstructions therefrom; to improve the water front of the city, and to construct and maintain embankments and other works to protect such city from overflow; to prevent the pollution of streams of water, and for this purpose shall have jurisdiction over all streams within its limits and for two miles beyond in either direction.

*Municipal Buildings.*—(12) To erect and maintain buildings for municipal purposes.

*Tracks and Pipes.*—(13) To permit, under such restrictions as they may deem proper, the laying of railroad tracks, and the running of cars drawn by horses, steam or

other power thereon, and the laying of gas and water pipes in the public streets, and to construct and maintain, and to permit the construction and maintenance of, telegraph, telephone and electric light lines therein.

*Ward Division.*—(14) In its discretion, to divide the city, by ordinance, into a convenient number of wards, not exceeding six, to fix the boundaries thereof, and to change the same from time to time: *Provided*, That no change in the boundaries of any ward shall be made within sixty days next before the date of such general municipal election, nor within twenty months after the same shall have been established or altered. Whenever such city shall be so divided into wards, the city council shall designate by ordinance the number of councilmen to be elected from each ward, apportioning the same in proportion to the population of such wards; and thereafter the councilmen so designated shall be elected by the qualified electors resident in such ward, or by a general vote of the whole city, as may be designated in such ordinance.

Council must  
apportion.

*Policemen.*—(15) To appoint and remove such policemen and other subordinate officers as they may deem proper, and to fix their duties and compensation.

*Violation of Ordinances.*—(16) To impose fines, penalties and forfeitures for any and all violations of ordinances; and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both, but no such fine shall exceed three hundred dollars, nor the term of such imprisonment exceed three months.

*Prison Labor.*—(17) To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other public property or works within the city.

*Fire Limits.*—(18) To establish fire limits, with proper regulations.

(19) The city council may appropriate from the general fund an amount not exceeding one-fourth of one mill of the taxable property of the city for the purpose of establishing and maintaining a public library.

*Other Acts.*—(20) To make all such ordinances, by-laws, rules, regulations and resolutions not inconsistent with the constitution and laws of the State of Washington

as may be deemed expedient to maintain the peace, good government and welfare of the corporation and its trade, commerce and manufactures, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter, and to exact and enforce within the limits of such city all other local, police, sanitary and other regulations as do not conflict with general laws.

ENACTING CLAUSE.

SEC. 118. The enacting clause of all ordinances shall be as follows: "The city council of the city of \_\_\_\_\_ do ordain as follows:" Every ordinance shall be signed by the mayor, attested by the clerk, and published at least once in a newspaper published in such city, or printed and posted in at least three public places therein.

BOARD TO AUDIT DEMANDS.

SEC. 119. All demands against such city shall be presented to and audited by the city council, in accordance with such regulations as they may by ordinance prescribe; and upon the allowance of any such demand the mayor shall draw a warrant upon the treasurer for the same, which warrant shall be countersigned by the clerk, and shall specify for what purpose the same is drawn, and out of what fund it is to be paid.

INDEBTEDNESS NOT TO EXCEED MONEYS PROVIDED.

SEC. 120. The city council shall not create, audit, allow, nor permit to accrue any debts or liabilities in excess of one and one-half per cent. of the amount of the taxable property within the limits of such city or town, unless authorized by a vote of three-fifths of the qualified electors of such city or town, in which case such debts or liabilities shall not exceed five per cent. of such amount of taxable property, said amount to be determined from the last assessment roll preceding the creation of such indebtedness.

SEC. 121. That any such city or town may borrow money or contract indebtedness for strictly municipal purposes over the amount specified in the preceding section, but not exceeding in amount, together with the existing general indebtedness, five per centum of the taxable prop-

erty in such city or town, to be ascertained as provided in the preceding section through the council of such city or town, whenever three-fifths of the voters therein assent thereto at an election to be held for that purpose, at such time upon such reasonable notice and in the manner presented by the city or town council not inconsistent with the general election laws. Must be voted upon.

#### INCARCERATION.

SEC. 122. The violation of any ordinance of such city shall be deemed a misdemeanor, and may be prosecuted by the authorities of such city in the name of the people of the State of Washington, or may be redressed by civil action, at the option of said authorities. Option of city authorities. Any person sentenced to imprisonment for the violation of an ordinance may be imprisoned in the city jail, or if the city council by ordinance shall so prescribe, in the county jail of the county in which such city may be situated; in which case the expense of such imprisonment shall be charged in favor of such county and against such city.

#### NUISANCES.

SEC. 123. Every act or thing done or being within the limits of such city, which is or may be declared by law or by any ordinance of such city to be a nuisance, shall be and is hereby declared to be a nuisance, and shall be considered and treated as such in all actions and proceedings whatever; and all remedies which are or may be given by law for the prevention and abatement of nuisances shall apply thereto.

#### REPAIRS ASSESSED ON FRONTING PROPERTY.

SEC. 124. The city council are hereby authorized and empowered to order any work authorized by this chapter to be done upon the streets, avenues, highways and public places of such city. The cost and expenses incurred therefor shall be paid as follows, to-wit: The expense or cost of improving and repairing streets, sidewalks, alleys, squares and other public highways and places within the city, removing obstructions therefrom, grading, planking, paving, macadamizing, graveling and curbing the same,

and constructing gutters, culverts and sidewalks therein, shall be assessed upon the lots and lands fronting thereon, each lot or portion of a lot being separately assessed for the full debt thereof in proportion to the benefits upon the property to be benefited, sufficient to cover the total expense of the work to the center of the street on which it fronts: *Provided*, That the city council may expend from the general fund for said purposes such sums as, in their judgment, may be fair and equitable in consideration of benefits accruing to the general public by reason of such improvements. The expense of all improvements in the space formed by the junction of two or more streets, or where one main street terminates in or crosses another main street, and also all necessary street crossings or crossways at corners or intersection of streets, and the expenses of establishing, building and repairing bridges in such city, shall be paid by such city. The expense incurred in making and repairing sewers in any street shall be paid by the city out of the sewer fund. In all the streets constituting the water front of such city, or bounded on the one side by the property thereof, the expense of work done on that portion of said streets, from the center line thereof to the said water front, or to such property of the city bounded thereon, shall be paid for by such city; but no contract for any such work shall be given, except to the lowest responsible bidder, and in the manner hereinafter provided; when any work or improvements mentioned in this section is done or made on one side of the center lines of said streets, avenues or public highways, the lots or portions of lots fronting on that side only shall be assessed to cover the expenses of said work, according to the provisions of this chapter. Whenever any expenses or cost of work shall have been assessed on any lands, the amount of said expenses shall become a lien upon said lands, which shall take precedence of all other liens, and which may be foreclosed in accordance with the provisions of the code of civil procedure. Said suit shall be in the name of the city of \_\_\_\_\_ [naming it] as plaintiff. Upon the filing of a complaint in the superior court to enforce a lien of any kind hereon, the plaintiff shall be entitled, if a recovery is

Pro rata.

General fund.

Sewer fund.

Lien shall take precedence.

had or the money is paid, to include as costs the sum of twenty-five dollars as attorney's fees.

RIGHT-OF-WAY.

SEC. 125. Whenever it shall become necessary for the city to take or damage private property for the purpose of establishing, laying out, extending and widening streets and other public highways and places within the city, or for the purpose of rights-of-way for drains, sewers and aqueducts, and for the purpose of widening, straightening or diverting the channels of streams, and the improvement of water fronts, and the city council cannot agree with the owner thereof as to the price to be paid, the city council may direct proceedings to be taken according to law. Condemnation of property.

CITY TAX LEVY.

SEC. 126. The city council shall have power, and it shall be their duty, to provide by ordinance a system for the assessment, levy and collection of all city taxes not inconsistent with the provisions of this chapter, which system shall conform, as nearly as the circumstances of the case may permit, to the provisions of the laws of this state governing cities of the second class in reference to the assessment, levy and collection of municipal taxes, except as to the officers by whom such duties are to be performed. All taxes assessed, together with any percentage imposed for delinquency and the costs of collection, shall constitute liens on the property assessed from and after the first day of November in each year; which liens may be enforced by a summary sale of such property, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance or by actions in any court of competent jurisdiction to foreclose such liens: *Provided*, That any property sold for such taxes shall be subject to redemption within the time and in the manner provided, or that hereafter may be provided, by law for the redemption of property sold for state or county taxes. All deeds made upon any sale of property for taxes or special assessments under the provisions of this chapter, shall have the same force and effect in evidence as is or may hereafter be provided by law for Redemption.

deeds of property sold for non-payment of state or county taxes: *Provided*, That for the year A. D. 1890, there shall be, within sixty days after the election of officers for such city, assessed and levied a tax sufficient to meet the current expenses of said city up to the date of the first regular levy under the provisions of this act or the ordinance of such city, and the lien of said tax shall attach immediately upon the completion of the proceedings in incorporation, and the same may be collected and enforced as other taxes provided for by ordinance or the provisions of this act.

#### EQUALIZATION.

SEC. 127. The city council shall meet at their usual place of holding meetings on the second Tuesday of May of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day until all the returns of the assessor have been rectified. They shall have power to hear complaints, and to correct, modify, or strike out any assessment made by the assessor, and may, of their own motion, raise any assessment, upon notice to the party whose assessment is to be raised. The corrected list of each tax shall be the assessment roll for said tax for said year. It shall be certified by the city clerk, who shall act as clerk of the board of equalization, as being the assessment roll for said tax, and shall be the assessment roll upon which such tax is to be levied in said year.

Powers of  
board.

#### CONSTRUCTION OF ACT.

SEC. 128. Nothing in this chapter contained shall be construed to prevent any city having a bonded indebtedness, contracted under laws heretofore passed, from levying and collecting such taxes for the payment of such indebtedness, and the interest thereon, as are provided for in such laws, in addition to the taxes herein authorized for in such laws, in addition to the taxes herein authorized to be levied and collected. All moneys received from licenses, street poll tax, and from fines, penalties and forfeitures, shall be paid into the general fund.

General fund.

## WATER FRONT FUND.

SEC. 129. The city council may also levy and cause to be collected in each year, in addition to the taxes herein authorized to be levied and collected, a tax not exceeding Special tax. ten cents on each one hundred dollars of the assessed value of all real and personal property within such city subject to taxation; the proceeds of which tax shall be known as the "river and water front improvement fund," and shall be applied to the improvement of streams, bays and water fronts, and the erection of embankments and other works to protect the city from overflow, and for no other purposes whatever.

## PUBLIC WORK TO BE CONTRACTED FOR.

SEC. 130. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays or water fronts, or in or about embankments, or other works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of five hundred dollars, the Limit. same shall be done by contract, and shall be let to the lowest responsible bidder, after due notice, under such regulations as may be prescribed by ordinance: *Provided*, That the city council may reject all bids presented, and re-advertise, in their discretion. The city council shall annually, at a stated time, contract for doing all city printing and advertising, which contract shall be let to the City printing. lowest bidder after notice as provided in this section. All advertising shall be done in a newspaper printed and published in such city, and the contract therefor shall be awarded separately from all other printing.

## SIGNATURE OF CONTRACTS AND WARRANTS.

SEC. 131. The mayor shall preside over all meetings of the council at which he is present; in his absence, a mayor *pro tem.* may be chosen. The mayor, and in his absence the mayor *pro tem.*, shall sign all warrants drawn on the city treasurer, and shall sign all written contracts entered into by said city, as such mayor or mayor *pro tem.* Powers of mayor pro tem. The authority and power of the mayor *pro tem.* shall con-

tinue only during the day on which he is chosen. The mayor and mayor *pro tem.* shall have power to administer oaths and affirmations, and take affidavits and certify the same under his hands. The mayor or mayor *pro tem.* shall sign all conveyances made by said city, and all instruments which shall require the seal of the city. The mayor is authorized to acknowledge the execution of all instruments executed by said city that require to be acknowledged.

EXECUTIVE DEPARTMENT.—TREASURER.

Moneys; how paid. SEC. 132. It shall be the duty of the treasurer to receive and safely keep all moneys which shall come into his hands as city treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the city clerk. He shall pay out said moneys on warrants signed by the mayor and countersigned by the clerk, and not otherwise. He shall make quarterly settlements with the city clerk. For his compensation he shall be allowed one per cent. on all moneys received and paid by him as such treasurer. He may credit himself with such per cent. in his settlements with the city clerk. Upon each quarterly settlement he shall file a statement of his account with the city clerk.

ASSESSOR.

Tax list. Poll list. SEC. 133. It shall be the duty of the assessor, between the first Monday of February and the first Monday of May in each year, to make out a true list of all the taxable property within the city. The mode of making out said list, and proceedings relating thereto, shall be in conformity with laws now in force regulating county assessors, except as the same may be otherwise provided in this act, or by ordinance. Said list shall describe the property assessed and the value thereof, and shall contain all other matters required to be stated in such lists by county assessors. Said assessor shall verify said list by his oath, and shall deposit the same with the city clerk on or before the first Monday in May in each year. The assessor shall, during said time, also make a list of all male persons residing within the limits of such city over the age

of twenty-one years, and shall verify said list by his oath, and shall, on or before the first Monday of May in each year, deposit the same with the city clerk. Said assessor and his deputy shall have the power to administer all oaths and affirmations necessary in the performance of his duties.

## DUTIES OF CLERK.

SEC. 134. It shall be the duty of the city clerk to keep a full, true record of all the proceedings of the city council and the board of equalization. The proceedings of the city council shall be kept in a book marked "Records of the city council." The proceedings of the board of equalization shall be kept in a separate book marked "Records of the board of equalization." He shall keep a book which shall be marked "City accounts," in which shall be entered as a credit all moneys received by the city for licenses, the amount of any tax when levied, and all other moneys received, and in which shall be entered upon the debtor side all commissions deducted and all warrants drawn on the treasury. He shall also keep a book marked "Marshal's account," in which he shall charge the city marshal with all the tax lists delivered to him and all licenses delivered to him. He shall credit the marshal with the delinquent lists returned by him and with his commission for collecting. He shall also keep a book marked "Treasurer's account," in which he shall keep a full account of the transactions of the city with the treasurer. He shall also keep a book marked "City licenses," in which he shall enter all licenses issued by him, the date thereof, to whom issued, for what, the time when it expires and the amount paid. He shall also keep a book marked "City attorney's account," and shall therein charge said city attorney with all delinquent tax lists delivered to him, and shall credit him with money paid and delinquent tax lists returned. He shall also keep a book marked "City ordinances," into which he shall copy all city ordinances, with his certificate annexed to said copy, stating the forgoing ordinance is a true and correct copy of an ordinance of such city, and giving the number and title of said ordinance, and stating that the

City accounts.

Marshal's account.

Treasurer's account.

License record.

Ordinance record.

same has been published or posted according to law. Said record copy, with said certificate, shall be *prima facie* evidence of the contents of the ordinance and of the passage and publication of the same, and shall be admissible as such evidence in any court or proceedings. Said records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. Each of the foregoing books, except the records of the city council and the board of equalization, shall have a general index sufficiently comprehensive to enable a person readily to ascertain matters contained therein. The city clerk shall also keep a book marked "Demands and warrants," in which he shall note every demand against the city and file the same. He shall state therein, under the note of the demands, the final disposition made of the same; and if the same is allowed and a warrant is drawn, he shall also state the number of the warrant with sufficient dates. This book shall contain an index, in which reference shall be made to each demand. Upon the completion of the assessment roll of any of the taxes of the city, and levying of the tax thereon, the city clerk shall apportion the taxes upon such assessment roll, and make out and deliver to the marshal a tax list in the usual form, taking the receipt therefor. He may appoint a deputy, for whose acts he and his bondsmen shall be held responsible; and he and his deputy shall have the power to administer oaths and affirmations, to take affidavits and depositions to be used in any court or proceeding in the state, and to certify the same. He and his deputy shall take all necessary affidavits to demands against the city, and certify the same without charge. He shall be the custodian of the seal of such city. He shall make a quarterly statement in writing, showing the receipts and expenditures of the city for the preceding quarter and the amount remaining in the treasury. He shall, at the end of every fiscal year, make a full and detailed statement of the receipts and expenditures of the preceding year, and a full statement of the financial condition of the affairs of the city, which shall be pub-

Custody of records.

Form of records.

Apportionment of taxes.

Custodian of seal.

Clerk's report.

lished. He shall perform such other services as this act and the ordinances of the city council shall require.

ATTORNEY.

SEC. 135. It shall be the duty of the city attorney to advise the city authorities and officers in all legal matters pertaining to the business of said city. He shall receive the delinquent list, and receipt therefor; he is authorized to bring suit in the name of such city in the proper court for the collection of any tax; he shall receive for collecting taxes such per cent. on the amount collected as may be provided by ordinance, which said per cent. shall be collected of the delinquent tax-payers as provided by ordinance. In case a suit shall be brought in the superior court upon a tax upon real estate to sell such real estate for the purpose of paying such tax and costs, he shall be allowed, in addition to the said per cent., twenty-five dollars for each suit brought, to be taxed as costs in such suit, and not to be paid to said city attorney unless collected of the defendant in such suit. Said city attorney shall receive such other compensation as may be allowed by the city council.

Compensation  
of attorney.

MARSHAL.

SEC. 136. The department of police of said city shall be under the direction and control of the city marshal, subject to the direction of the city council; and for the suppression of any riot, public tumult, disturbance of the peace or resistance against the laws or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may hereafter be conferred upon sheriffs by the laws of the state, and shall in all respects be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers and watchmen in said city, and every citizen shall also lend him aid, when required, for the arrest of offenders and maintenance of public order. He shall and is hereby authorized to execute and return all process issued and directed to him by any legal authority. It shall be his duty to prosecute, before the police justice, all breaches or violations of, or non-compliance with, any city ordinance which shall

Duties and  
powers.

come to his knowledge. He shall collect all taxes levied by the city council, except as herein provided. He shall, at the expiration of every month, pay the city treasurer all taxes and other funds of said city that he has collected or received during the preceding month. He shall, upon payment of the money, file with the treasurer an affidavit, stating that the money so paid is all the taxes or funds he has collected or received during the preceding month. He shall, upon the receipt of any tax list, give his receipt for the same to the city clerk, and shall, upon depositing with the city clerk the delinquent tax list, take his receipt therefor. He shall receive from the clerk all city licenses and collect the same. He shall have charge of the city prison and prisoners, and of any chain-gang which may be established by the city council. He shall, for service of any process, receive the same as fees as constables. He may appoint, subject to the approval of the city council, one or more deputies, for whose acts he and his bondsmen shall be responsible, whose only compensation shall be fees for the service of process, which shall be the same as those allowed to the city marshal. He may also, with the concurrence of the mayor, when the same may be by them deemed necessary for the preservation of public order, appoint additional policemen, who shall discharge the duties assigned them for one day only. He shall perform such other services as this act and the ordinances of the city council shall require, and shall receive such compensation as shall be fixed by ordinance.

Receipts for records.

Deputies.

Special police.

#### BOARD TO FIX COMPENSATION.

SEC. 137. The city council shall, by ordinance not inconsistent with the provisions of this chapter, prescribe the additional duties of all officers and fix their compensation.

#### JUDICIAL DEPARTMENT.—POLICE JUSTICE.

SEC. 138. There shall also be elected, as hereinafter specified, a police justice, or so many as the council may deem necessary. The justice or justices so elected may be selected from the justices of the peace duly elected under the laws of the State of Washington, and while act-

ing in city or town matters may hold office for that purpose anywhere within the city or town. Such justices of the peace shall have jurisdiction over all offenses defined by any ordinance of the city or town, and all other actions brought to enforce or recover any penalty forfeiture declared or given by any such ordinance, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance, and to pronounce judgment in accordance therewith. All civil or criminal proceedings before such justice of the peace, under and by authority of this act, shall be governed and regulated by the general laws of the state relating to justices of the peace and to their practices and jurisdiction, and shall be subject to review in the court of the proper county by *certiorari* or appeal, the same as in other cases. All officers elected by the council are subject to removal by that body at any time, for cause deemed sufficient.

Regulating proceedings.

MISCELLANEOUS PROVISIONS.—COLLECTION OF MONEYS.

SEC. 139. Every officer collecting or receiving any moneys belonging to or for the use of such city shall settle for the same with the clerk on the first Monday in each month, and immediately pay the same into the treasury, on the order of the clerk, for the benefit of the funds to which such moneys respectively belong.

NO OFFICER TO BE INTERESTED IN CONTRACT.

SEC. 140. No officer of such city shall be interested, directly or indirectly, in any contract with such city, or with any of the officers thereof, in their official capacity, or in doing any work or furnishing any supplies for the use of such city or its officers in their official capacity; and any claim for compensation for work done, or supplies or materials furnished, in which any such officer is interested, shall be void, and if audited and allowed, shall not be paid by the treasurer. Any willful violation of the provisions of this section shall be a ground for removal from office, and shall be deemed a misdemeanor, and punished as such.

Voiding validity of claim.

## NUISANCES.

SEC. 141. Every act or thing done or being within the limits of such city, which is or may be declared by law or by an ordinance of such city to be a nuisance, shall and is hereby declared to be a nuisance, and shall be considered and treated as such in all actions and proceedings whatever; and all remedies which are or may be given by law for the prevention and abatement of nuisances shall apply thereto.

## MUNICIPAL CORPORATIONS OF THE FOURTH CLASS.

[A charter for towns having a population of not exceeding fifteen hundred.]

## GENERAL POWERS.

SEC. 142. Every municipal corporation of the fourth class shall be entitled the town of \_\_\_\_\_ (naming it), and by such name shall have perpetual succession, may sue and be sued in all courts and places, and in all proceedings whatever; shall have and use a common seal, alterable at the pleasure of the town authorities, and may purchase, lease, receive, hold and enjoy real and personal property, and control and dispose of the same for the common benefit.

## OFFICERS.

SEC. 143. The government of such town shall be vested in a mayor and council, to consist of five members; a clerk, who shall be *ex-officio* assessor; a treasurer; a marshal, who shall be *ex-officio* tax and license collector; a police justice, to be appointed by the council, and who may be one of the justices of the peace of the township in which said town is situated; and such subordinate officers as are hereinafter provided for.

## ELECTION AND TENURE OF OFFICE.

SEC. 144. The mayor, members of the council and the treasurer shall be elected by the qualified electors of said town at a general municipal election to be held therein on the Tuesday after the first Monday in December in each year. The treasurer shall hold office for the period of one year from and after the second Tuesday in January next succeeding the day of such election, and until his successor is elected and qualified. The mayor and mem-

bers of the council shall hold office for the period of two years from and after the second Tuesday in January next succeeding the day of such election, and until their successors are elected and qualified: *Provided*, That the first council elected under the provisions of this act shall, at their first meeting, so classify themselves by lot as that three of their number shall go out of office at the expiration of one year, and two at the expiration of two years. The council shall appoint a marshal and clerk, and may, in their discretion, appoint an attorney, a pound-master, a superintendent of streets, a civil engineer, and such police and other subordinate officers as in their judgment may be deemed necessary, and fix their compensation, which said officers shall hold office during the pleasure of said council.

Must be classified.

#### OFFICIAL BONDS.

SEC. 145. The clerk, treasurer and marshal shall, respectively, before entering upon the duties of their respective offices, execute a bond to such town in such penal sum as the council by ordinance may determine, conditioned for the faithful performance of his duties, including in the same bond the duties of all offices of which he is made by this chapter *ex-officio* incumbent; such bonds shall be approved by the council. All bonds, when approved, shall be filed with the clerk, except the bonds of the clerk, which shall be filed with the mayor. All the provisions of any law of this state relating to the official bonds of officers shall apply to such bonds, except as herein otherwise provided. Every officer of such town, before entering upon the duties of his office, shall take and file with the clerk the constitutional oath of office.

How filed.

#### VACANCIES ; HOW FILLED.

SEC. 146. Any vacancy occurring in any of the offices provided for in this act shall be filled by appointment by the council; but if such office be elective, such appointee shall hold office only until the next regular election, at which time a person shall be elected to serve for the remainder of such unexpired term. In case a member of the council is absent from the town for three consecutive meetings, unless by permission of the council, his office

shall, by the council, be declared vacant, and the same filled as in case of other vacancies.

#### COMPENSATION.

Cannot be changed during term.

SEC. 147. The mayor and members of the council shall receive no compensation whatever. The clerk, treasurer, marshal and police justice shall severally receive, at stated times, a compensation, to be fixed by ordinance by the council, which compensation shall not be increased or diminished after their election or during their several terms of office. Nothing herein contained shall be construed to prevent the council from fixing such several amounts of compensation in the first instance, during the term of office of any such officer, or after his election. The compensation of all other officers shall be fixed from time to time by the council.

#### ELECTION PROVISIONS.

Must give notice.

SEC. 148. All elections in such town shall be held in accordance with the general election laws of the state, so far as the same may be applicable; and no person shall be entitled to vote at such election unless he shall be a qualified elector of the county, and shall have resided in such town for at least thirty days next preceding such election. The council shall give such notice of each election as may be prescribed by ordinance, shall appoint boards of election, and fix their compensation, and establish election precincts and polling places, and may change the same.

#### ELIGIBILITY TO OFFICE.

SEC. 149. No person shall be eligible to or hold office in such town, whether filled by election or appointment, unless he be a resident and elector therein.

#### LEGISLATIVE DEPARTMENT.— COUNCIL.

Special meetings.

SEC. 150. The council shall meet on the second Tuesday in January succeeding the date of said general municipal election, shall take the oath of office, and shall hold regular meetings at least once in each month, at such times as they shall fix by ordinance. Special meetings may be called at any time by the mayor or by three councilmen, by written notice delivered to each member, at least three

hours before the time specified for the proposed meeting. All meetings of the council shall be held within the corporate limits of the town, at such place as may be designated by ordinance, and shall be public.

## MEETINGS.

SEC. 151. At any meeting of the council a majority of the councilmen shall constitute a quorum for the transac-<sup>Quorum.</sup> tion of business, but a less number may adjourn from time to time, and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The mayor shall preside at all meetings of the council, and in case of his absence the council may appoint a president *pro tem.*, and in case of the absence of the clerk, the mayor or president *pro tem.* shall appoint one of the members of the council clerk *pro tem.*

## RULES.

SEC. 152. The council shall judge of the qualifications of its members and of all election returns, and determine contested elections of all town officers. They may establish rules for the conduct of their proceedings, and punish any member or other person for disorderly behavior at any meeting. They shall cause the clerk to keep a correct journal of all their proceedings, and at the desire of<sup>Journal.</sup> any member shall cause the ayes and noes to be taken on any question and entered on the journal.

## FRANCHISES AND RESOLUTIONS TO PAY MONEY.

SEC. 153. No ordinance and no resolution granting any franchise for any purpose shall be passed by the council on the day of its introduction, nor within five days thereafter, nor at any other than a regular meeting. No resolution or order for the payment of money shall be passed<sup>How passed.</sup> at any other time than at a regular meeting; and no such ordinance, resolution or order shall have any validity or effect unless passed by the votes of at least three councilmen.

## POWERS.

SEC. 154. The council of said town shall have power: *Ordinances.*—(1) To pass ordinances not in conflict

with the constitution and laws of this state or of the United States.

*Real Estate.*—(2) To purchase, lease or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of and convey the same for the benefit of the town: *Provided*, That they shall not have power to sell or convey any portion of any water front.

*Water.*—(3) To contract for supplying the town with water for municipal purposes, or to acquire, construct repair and manage pumps, aqueducts, reservoirs or other works necessary or proper for supplying water for the use of such town or its inhabitants, or for irrigating purposes therein.

*Highways.*—(4) To establish, build and repair bridges; to establish, lay out, alter, widen, extend, keep open, open, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the town, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, plank, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks therein, or on any part thereof; to cause to be planted, set out and cultivated shade trees therein; and generally to manage and control all such highways and places.

*Sewers.*—(5) To construct, establish and maintain drains and sewers.

*Fires.*—(6) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires.

*Poll Tax.*—(7) To impose on and collect from every male inhabitant between the ages of twenty-one and fifty years an annual street poll tax, not exceeding two dollars; and no other road poll tax shall be collected within the limits of such town.

*Dog Tax.*—(8) To impose and collect an annual license, not exceeding two dollars, on every dog owned or harbored within the limits of the town.

*Property Tax.*—(9) To levy and collect annually a

property tax. The levy for all purposes, for any one year, shall not exceed one dollar on each one hundred dollars of the assessed value of all real and personal property within such town.

*Licenses.*—(10) To license, for purposes of regulation and revenue, all and every kind of business authorized by law in such town, and all shows, exhibitions and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise.

*Water Front Improvement.*—(11) To improve the rivers and streams flowing through such town, or adjoining the same; to widen, straighten and deepen the channels thereof and remove obstructions therefrom; to prevent the pollution of streams of water running through such town, and for this purpose shall have jurisdiction for two miles in either direction; to improve the water front of the town, and to construct and maintain embankments and other works to [protect] such town from overflow.

*Public Buildings.*—(12) To erect and maintain buildings for municipal purposes.

*Tracks and Pipes.*—(13) To permit, under such restrictions as they may deem proper, the laying of railroad tracks and the running of cars drawn by horses, steam, electricity or other power thereon, and the laying of gas and water pipes in the public streets; and to construct and maintain and to permit the construction and maintenance of telegraph, telephone and electric light lines therein.

*Violation of Ordinances.*—(14) To impose fines, penalties and forfeitures for any and all violation of ordinances; and for any breach or violation of any ordinances, to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed three hundred dollars, nor the term of imprisonment exceed three months.

*Prison Labor.*—(15) To cause all persons imprisoned for violation of any ordinance to labor on the streets or other public property or works within the town.

*Other Acts.*—(16) To make all such ordinances, by-laws, rules, regulations and resolutions not inconsistent with the constitution and laws of the State of Washington as may

be deemed expedient to maintain the peace, good government and welfare of the town and its trade, commerce and manufactures, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

#### ENACTING CLAUSE.

SEC. 155. The enacting clause of all ordinances shall be as follows: "Be it ordained by the council of the town of \_\_\_\_\_." Every ordinance shall be signed by the mayor, attested by the clerk and published at least once in a newspaper published in such town, or printed and posted in at least three public places therein.

#### DEMANDS.

SEC. 156. All demands against such towns shall be presented to and audited by the council in accordance with such regulations as they may by ordinance prescribe, and upon the allowance of any such demand the mayor shall draw a warrant upon the treasurer for the same, which warrant shall be countersigned by the clerk, and shall specify for what purpose the same is drawn.

#### INDEBTEDNESS NOT TO EXCEED AVAILABLE FUNDS.

SEC. 157. The council shall not create, audit, allow or permit to accrue any debt or liability in excess of one and one-half per centum of the taxable property in such town, without the assent of three-fifths of the voters of such town voting at an election to be held for that purpose; nor in cases requiring such assent shall the total indebtedness at any time exceed five per centum of the value of the taxable property, to be ascertained by the last assessment for town purposes previous to incurring such indebtedness.

#### INCURRING EXCESS DECIDED BY VOTE.

SEC. 158. That any such city or town may borrow money or contract indebtedness for strictly municipal purposes; but not exceeding in amount, together with the existing general indebtedness, five per centum of the taxable property in such city or town, to be ascertained as provided in the preceding section, through the council of

such city or town, whenever three-fifths of the voters therein assent thereto at an election to be held for that purpose, upon such reasonable notice and in the manner prescribed by the city or town council not inconsistent with the general election laws.

#### INCARCERATION.

SEC. 159. The violation of any ordinance of such town shall be deemed a misdemeanor, and may be prosecuted by the authorities of such town in the name of the people of the State of Washington, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of an ordinance may be imprisoned in the jail for such town; or if the council by ordinance shall so prescribe, in the county jail of the county in which such town may be situated, in which case the expense of such imprisonment shall be a charge in favor of such county and against such town: *Provided*, Before such persons can be imprisoned in the county jail the consent of the county commissioners shall be first obtained.

#### NUISANCES.

SEC. 160. Every act or thing done or being within the limits of such town which is or may be declared by law or by any ordinance of such town to be a nuisance, shall be and is hereby declared to be a nuisance, and shall be considered and treated as such in all actions and proceedings whatever; and all remedies which are or may be given by law for the prevention and abatement of nuisances shall apply thereto.

#### COST OF STREET WORK ASSESSED ON FRONTING PROPERTY.

SEC. 191. The council are hereby authorized and empowered to order any work authorized by this chapter to be done upon the streets, avenues, highways and public places of such town. The cost and expense incurred therefor shall be paid as follows, to-wit: The expense or cost of improving and repairing streets, sidewalks, alleys, squares and other public highways and places within the town, removing obstructions therefrom, grading, paving,

planking, macadamizing, graveling and curbing the same, and constructing gutters, culverts and sidewalks therein, shall be assessed upon the lots and lands fronting thereon, **each** lot or portion of a lot being separately assessed for the full depth thereof in **proportion** to the benefits upon the property to be benefited sufficient to cover the **total** expense of the work to the center of the street on which it fronts: *Provided*, That the council may expend from the general fund for said purposes a sum which, in their judgment, may be necessary. The expense of all improvements in the space formed by the junction of two or more streets, or where one main street terminates in or crosses another main street, and also all necessary street crossings or crossways at corners or intersection of streets, and the expense of establishing, building and repairing bridges in such town shall be paid by such town. In all the streets constituting the water front of such town, or bounded on the one side by the property thereof, the expense of work done on that portion of said streets from the center line thereof to the said water front, or to such property of the town bounded thereon, shall be paid for by such town, but no contract for any such work shall be given except to the lowest responsible bidder and in the manner hereinafter provided. When any work or improvements mentioned in this section is done or made on one side of the center line of said streets, avenues or public highways, the lots or portions of lots fronting on that side shall be assessed to cover the expenses of said work according to the provisions of this chapter. Whenever any expenses or costs of work shall have been assessed on any lands the amount of said expenses shall become a lien upon said lands, which shall take precedence of all other liens, and which may be foreclosed in accordance with the provisions of the code of civil procedure. Such suit shall be in the name of the town as plaintiff. Upon the filing of a complaint in the superior court to enforce a lien of any kind hereon, the plaintiff shall be entitled, if recovery is had or the money is paid, to include as costs the sum of twenty-five dollars as attorney's fees.

Pro rata assessment.

Must be by contract.

Lien upon property.

## RIGHT-OF-WAY.

SEC. 162. Whenever it shall become necessary for a town to take or damage private property for the purpose of establishing, laying out, extending and widening streets and other public highways and places within the town, or for the purpose of rights-of-way for drains, sewers and aqueducts, and for the purpose of widening, straightening or diverting the channels of streams and the improvement of water fronts, and the council cannot agree with the owner thereof as to the price to be paid, the council may direct proceedings to be taken under the general laws of the state to procure the same.

## LEVY OF TAXES.

SEC. 163. The council shall have power, and it shall be their duty, to provide by ordinance a system for the assessment, levy and collection of all town taxes, not inconsistent with the provisions of this chapter, which system shall conform, as nearly as the circumstances of the case may permit, to the provisions of the laws of this state governing cities of the second class in reference to the assessment, levy and collection of municipal taxes, except as to the officers by whom such duties are to be performed. All taxes assessed, together with any percentage imposed for delinquency and the costs of collection, shall constitute liens on the property assessed from and after the first day of November in each year, which liens may be enforced by a summary sale of such property, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinances or by action in any court of competent jurisdiction to foreclose such liens: *Provided*, That for the year 1890 there shall, within sixty days after the completion of incorporation proceedings under this act, be assessed and levied upon the taxable property of such town such an amount, not exceeding the limit allowed by law, as may be necessary to meet the current expenses of said town for the fraction of the year ensuing to the date of the regular assessment and levy of taxes next following, as may be provided by law or ordinance, and the lien of such

Liens for taxes;  
how enforced.

Redemption.

taxes shall attach upon the day when the proceedings for the incorporation of such town are completed, and the same may be enforced as in other cases in this act provided: *Provided*, That any property sold for such taxes shall be subject to redemption within the time and in the manner provided, or that may hereafter be provided, by law for the redemption of property sold for state or county taxes. All deeds made upon any sale of property for taxes or special assessments, under the provisions of this chapter, shall have the same force and effect in evidence as is or may hereafter be provided by law for deeds for property sold for non-payment of state or county taxes.

## EQUALIZATION.

Certified list.

SEC. 164. The council shall meet at their usual place of holding meetings on the second Tuesday of May of each year, at ten o'clock of said day, and sit as a board of equalization, and shall continue in session from day to day until all the returns of assessor have been rectified. They shall have power to hear complaints and to correct, modify or strike out any assessment made by the assessor, and may, of their own motion, raise any assessment upon notice to the party whose assessment is to be raised. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the clerk, who shall act as clerk of the board of equalization, as being the assessment roll for said tax and shall be the assessment roll upon such tax to be levied in said year.

## CONSTRUCTION OF ACT.

Bonded debt.

SEC. 165. Nothing in this chapter contained shall be construed to prevent any town having a bonded indebtedness, contracted under laws heretofore passed, from levying and collecting such taxes for the payment of such indebtedness and the interest thereon, as are provided in such laws, in addition to the taxes herein authorized to be levied and collected. All moneys received from licenses, street poll tax, and from fines, penalties and forfeitures shall be paid into the general fund.

## PUBLIC WORK TO BE DONE BY CONTRACT.

SEC. 166. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays or water fronts, or in or about embankments, or other works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of one hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after due notice, under such regulations as may be prescribed by ordinance: *Provided*, That the council may reject all bids presented, and re-advertise, in their discretion.

## SIGNATURE OF WARRANTS AND CONTRACTS.

SEC. 167. The mayor shall preside over all meetings of the council at which he is present. In his absence, a mayor *pro tem.* may be chosen. The mayor, and in his absence, the mayor *pro tem.*, shall sign all warrants drawn on the treasurer, and shall sign all written contracts entered into by said town, as such mayor or mayor *pro tem.* The authority and power of the mayor *pro tem.* shall continue only during the day on which he is chosen. The mayor and mayor *pro tem.* shall have power to administer oaths and affirmations, and take affidavits and testify the same under their hands. The mayor, or mayor *pro tem.*, shall sign all conveyances made by said town, and all instruments which shall require the seal of the town. The mayor is authorized to acknowledge the execution of all instruments executed by said town that require to be acknowledged.

Authority and  
power of mayor  
*pro tem.*

## EXECUTIVE DEPARTMENT.—TREASURER.

SEC. 168. It shall be the duty of the treasurer to receive and safely keep all moneys which shall come into his hands as treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the clerk. He shall pay out said money on warrants, signed by the mayor and countersigned by the clerk, and not otherwise. He shall make quarterly settlements with the clerk. For

Quarterly set-  
tlements.

his compensation he shall be allowed one per cent. on all moneys received and one per cent. on all moneys paid by him as such treasurer. He may credit himself with such per cent. in his settlements. Upon each quarterly settlement he shall file a statement of his account with the clerk.

## ASSESSOR.

SEC. 169. It shall be the duty of the assessor, between the first Monday of February and the first Monday of May in each year, to make out a true list of all taxable property within the town. The mode of making out said list, and proceedings relating thereto, shall be in conformity with the laws now in force regulating county assessors, except as the same may be otherwise provided in this act or by ordinance. Said list shall describe the property assessed and the value thereof, and shall contain all other matters required to be stated in such list by county assessors. Said assessor shall verify said list by his oath, and shall deposit the same with the clerk on or before the first Monday of May of each year. The assessor shall, during said time, also make a list of all male persons residing within the limits of the town over the age of twenty-one years, and shall verify said list by his oath, and shall, on or before the first Monday of May of each year, deposit the same with the clerk. Said assessor and his deputy shall have power to administer all oaths and affirmations necessary in the performance of his duty.

Verified list.

Poll list.

## CLERK.

SEC. 170. It shall be the duty of the clerk to keep a full, true record of all the proceedings of the council and of the board of equalization. The proceedings of the council shall be kept in a book marked "Records of the council." The proceedings of the board of equalization shall be kept in a separate book marked "Records of the board of equalization." He shall keep a book which shall be marked "Town accounts," in which shall be entered as a credit all moneys received by the town for licenses, the amount of any tax when levied, and all other moneys when received, and in which shall be entered upon the debtor side all commissions deducted and all warrants

Duties.

Town accounts.

drawn on the treasury. He shall also keep a book marked "Marshal's account," in which he shall charge the marshal Marshal's account. with all the tax lists delivered to him, and all licenses delivered to him. He shall credit the marshal with the delinquent list returned by him and with his commission for collecting. He shall also keep a book marked "Treasurer's account," in which he shall keep a full account of the transactions of the town with the treasurer. Treasurer's account. He shall also keep a book marked "Licenses," in which he shall enter all License record. licenses issued by him, the date thereof, to whom issued, for what, the time when they expire, and the amount paid. He shall also keep a book marked "Attorney's account," Attorney's account. and shall therein charge said attorney with all delinquent tax lists delivered to him, and shall credit him with money paid and delinquent tax lists returned. He shall keep a book marked "Ordinances," into which he shall Ordinance record. copy all town ordinances, with his certificate annexed to said copy, stating that the foregoing ordinance is a true and correct copy of an ordinance of the town, and giving the number and title of said ordinance and stating that the same has been published or posted according to law. Said record copy, with said certificate, shall be *prima facie* evidence of the contents of the ordinance, and of the passage and publication of the same, and shall be admissible as such evidence in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. Each of the foregoing books, except the records of the council and the board of equalization, shall have a general index, sufficiently comprehensive to enable a person readily to ascertain matters contained therein. Form of record book. The clerk shall also keep a book marked "Demands and warrants," in which he shall note every demand against the town and file the same. He shall state therein, under the note of the demands, the final disposition made of the same, and if the same is allowed and the warrant drawn he shall also state the number of the warrant, with sufficient dates. This book shall contain an index, in which refer-

ence shall be made to each demand. Upon the completion of the assessment roll of any of the taxes of the town and the levying of the tax thereon, the clerk shall apportion the taxes upon such assessment roll and make out and deliver to the marshal a tax list, in the usual form, taking his receipt therefor. He may appoint a deputy, for whose acts he and his bondsmen shall be responsible; and he and his deputy shall have power to administer oaths or affirmations, to take affidavits and depositions, to be used in any court or proceeding in the state, and to certify the same. He and his deputy shall take all necessary affidavits to demands against the town, and certify the same without charge. He shall be the

Custodian of  
seal.

custodian of the seal of the town. He shall make a quarterly statement in writing, showing the receipts and expenditures of the town for the preceding quarter, and the amount remaining in the treasury. He shall, at the end of every fiscal year, make a full and detailed statement of the receipts and expenditures of the preceding year, and a full statement of the financial condition of the affairs of the town, which shall be published. He shall perform such other services as this act and the ordinances of the council shall require.

#### ATTORNEY.

Duties.

SEC. 171. It shall be the duty of the attorney to advise the town authorities and officers in all legal matters pertaining to the business of said town. He shall receive the delinquent list and receipt therefor; he is authorized to bring suit in the name of the town in the proper court for the collection of any tax; he shall receive for collecting taxes such per cent. on the amount collected as may be provided by ordinance, which said per cent. shall be collected of the delinquent tax-payers as provided by ordinance. In case a suit shall be brought in the superior court upon a tax upon real estate to sell such real estate for the purposes of paying such tax and costs, he shall be

Compensation.

allowed, in addition to the said per cent., twenty-five dollars for each suit brought, to be taxed as costs in such suit, and not to be paid to said attorney unless collected of the de-

fendant in such suit. Said attorney shall receive such other compensation as may be allowed by the council.

#### MARSHAL.

SEC. 172. The department of police of said town shall be under the direction and control of the marshal, subject to the direction of the council; and for the suppression of any riot, public tumult, disturbance of the peace or resistance against the laws or public authorities, in the lawful exercise of their functions, he shall have the powers that are now and may hereafter be conferred upon sheriffs by the laws of the state, and shall in all respects be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers and watchmen in said town, and every citizen shall also lend him aid when required for the arrest of offenders and maintenance of public order. He shall and is hereby authorized to execute and return all process issued and directed to him by any legal authority. It shall be his duty to prosecute before the police justice all breaches or violations of, or non-compliance with, any ordinance which shall come to his knowledge. He shall collect all taxes levied by the council, except as herein provided. He shall, at the expiration of every month, pay to the treasurer all taxes and other funds of said town collected by him during said month. He shall, upon payment of the money, file with the treasurer an affidavit stating that the money so paid is all the taxes or funds that he has collected or received during the preceding month. He shall, upon the receipt of any tax list, give his receipt for the same to the clerk, and shall, upon depositing with the clerk the delinquent tax list, and take his receipt therefor. He shall receive from the clerk all licenses, and collect the same. He shall have charge of the prison and prisoners, and of any chain-gang which may be established by the council. He shall, for service of any process, receive the same fees as constables. He may appoint, subject to the approval of the council, one or more deputies, for whose acts he and his bondsmen shall be responsible, whose compensation shall be fixed by the council. He may also, with the con-

Duties and powers.

Collector of taxes and license money.

Fees.

Special police. currence of the mayor, when the same may be by them deemed necessary for the preservation of public order, appoint additional policemen, who shall discharge the duties assigned them for one day only. He shall perform such other services as this act and the ordinances of the council shall require, and shall receive such compensation as shall be fixed by ordinance.

COMPENSATION FIXED BY COUNCIL.

SEC. 173. The council shall, by ordinances not inconsistent with the provisions of this chapter, prescribe the additional duties of all officers and their compensation.

JUDICIAL DEPARTMENT.—POLICE JUSTICE.

Jurisdiction. SEC. 174. There shall also be elected, as hereinafter specified, a police justice, or so many as the council may deem necessary. The justice or justices so elected may be selected from the justices of the peace duly elected under the laws of the State of Washington, and while acting in town matters may hold office for that purpose anywhere within the town. Such justices of the peace shall have jurisdiction over all offenses defined by any ordinance of the town, and all other actions brought to enforce or recover any penalty or forfeiture declared or given by any such ordinance, and full power and authority to hear and determine all cases, civil or criminal, arising under such ordinance, and to pronounce judgment in accordance therewith. All civil or criminal proceedings before such police justice, under and by authority of this act, shall be governed and regulated by the general laws of the state relating to justices of the peace and to their practices and jurisdiction, and shall be subject to review in the court of the proper district by *certiorari* or appeal the same as in other cases. All officers elected by the council are subject to removal by that body at any time for cause deemed sufficient.

Practice regulations.

MISCELLANEOUS PROVISIONS.—COLLECTION OF MONEYS.

SEC. 175. Every officer collecting or receiving any moneys belonging to or for the use of such town, shall settle for the same with the clerk on the first Monday in each

month, and immediately pay the same into the treasury on the order of the clerk, for the benefit of the funds to which such moneys respectively belong.

NO OFFICER TO BE INTERESTED IN ANY PUBLIC CONTRACT.

SEC. 176. No officer of such town shall be interested, directly or indirectly, in any contract with such town, or with any of the officers thereof, in their official capacity, nor in doing any work nor furnishing any supplies for the use of such town, or its officers in their official capacity; and any claim for compensation for work done or supplies or materials furnished in which any such officer is interested shall be void, and if audited and allowed shall not be paid by the treasurer. Any willful violation of the provisions of this section shall be a ground for removal from office, and shall be deemed a misdemeanor and punished as such.

Invalid claims.

SEC. 177. There being no law in this state for the organization of, classification, incorporation and government of municipal corporations, an emergency exists; therefore, this act shall take effect and be in force from and after its approval by the governor.

Approved March 27, 1890.

CITIES OF TWENTY THOUSAND AND UPWARD; TO PROVIDE FOR THE GOVERNMENT OF.

AN ACT to provide for the government of cities having a population of twenty thousand or more inhabitants, and declaring an emergency to exist.

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

SECTION I. Any city now having, or which may hereafter have, a population of twenty thousand or more inhabitants, may frame a charter for its own government.

SEC. 2. The legislative authority of any such city now incorporated, or which may hereafter be incorporated under the laws of this state, may by ordinance provide for the appointment, by the mayor thereof, of such number of persons as shall be designated in such ordinance, to make an enumeration of all persons residing in the corporate limits of such city. The persons so appointed shall, before entering upon their duties, take an oath for the faithful performance thereof, and shall within five days after their appointment proceed, within their respective districts, to make an enumeration of all persons residing therein, with their names and places of residence, and immediately upon the completion of such enumeration, shall make return thereof upon oath to the legislative authority of said city, who shall at their next meeting, or as soon thereafter as practicable, canvass and certify the same, and if it shall appear that the whole number of persons residing within the corporate limits of such city is twenty thousand or more, the mayor and clerk shall certify, under the corporate seal of said city, the number so ascertained, to the secretary of the state, who shall file the same in his office, and when so filed, such certificate shall be conclusive evidence of the population of said city.

Census.

Duty of enumerators.

Certificate.

SEC. 3. If it shall appear by such certificate that the population of such city is twenty thousand or more, the legislative authority thereof shall, within twenty days after the filing of such certificate, provide by ordinance for an election to be held therein for the purpose of electing fifteen freeholders, who shall have been residents of said city for the period of at least two years preceding their election, and qualified electors, for the purpose of framing a charter for such city. It shall be the duty of the persons so elected to convene within ten days after their election and frame a charter for such city, and within thirty days thereafter they, or a majority of their number, shall submit such charter to the legislative authority of such city, who shall, within five days thereafter, cause the same to be published in two daily newspapers published in said city for thirty days, and upon the affidavit of the publisher of each of said papers being filed with the clerk

Election of freeholders.

Formation of charter.

Publication.

of said city, that the said proposed charter has been published in full in said papers as above provided, which affidavit shall be made immediately after the last publication of such proposed charter, the legislative authority of such city shall, within five days thereafter, provide for the submission thereof to the qualified voters of said city, and shall, for that purpose, give at least ten days' notice in each election district of said city by publishing such notice in two daily newspapers published in said city, and by causing the same to be posted at each polling place in the several election districts thereof, of an election, which notice shall specify the object for which said election is called. Said election shall be governed by the laws regulating and controlling elections in said city. The form of ballot at such election shall be: "For the proposed charter," "Against the proposed charter." In submitting such proposed charter, or amendments thereto, any alternate article or proposition may be presented for the choice of the voters of such city, and may be voted on separately without prejudice to others. In submitting such amendment, article or proposition, the form of ballot shall be: "For article No. \_\_\_\_\_ of the charter," "Against article No. \_\_\_\_\_ of the charter."

Adoption of charter.

Form of ballots.

SEC. 4. The officers conducting such election shall make returns thereof within the time and in the manner provided by the election laws of such city, and the vote thereof shall be canvassed and the result declared as provided by such laws; and if upon such canvass it shall be found that a majority of the votes so cast at such election were cast in favor of the ratification of such charter, the same shall become the organic law of said city, and shall supersede any existing charter, and all amendments thereto and all special laws inconsistent therewith, when authenticated, recorded and attested as hereinafter provided. The mayor of said city shall, thereupon, attach to said charter a certificate in substance as follows:

Election returns.

I, \_\_\_\_\_, mayor of the city of \_\_\_\_\_, do hereby certify that in accordance with the terms and provisions of section ten of article XI of the constitution, and of chapter \_\_\_\_\_ of the laws of said state, the \_\_\_\_\_ of the city of \_\_\_\_\_, duly caused a \_\_\_\_\_ election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 18—, for the purpose of electing

Certificate of election.

fifteen freeholders to prepare a charter for the city of ———; that due notice of such election was given in the manner provided by law; that on the ——— day of ———, 18—, said election was held, and the votes cast thereat were duly canvassed by the legislative authority of said city, and the following named persons were declared duly elected to prepare and propose a charter for said city, to-wit: ——— That thereafter, to-wit: On the ——— day of ———, 18—, said board of freeholders duly returned a proposed charter for the city of ———, signed by the following members thereof, to-wit: ———. That thereafter such proposed charter was duly published in two daily newspapers in said city and of general circulation therein, to-wit: For a period of ——— days, said publication in each of said papers, commencing on the ——— day of ———, 18—. That thereafter, on the ——— day of ———, 18—, at a ——— election duly called by the legislative authority of said city, the proposed charter was submitted to the qualified electors thereof, and the returns of such election were duly canvassed by the legislative authority thereof at a meeting held on the ——— day of ———, 18—, and the result of said election was found to be as follows: For said proposed charter, ——— votes; against said proposed charter, ——— votes. Majority for said proposed charter, ——— votes. Whereupon, the said charter was declared duly ratified by a majority of the qualified electors voting at said election. And I further certify that the foregoing is a full, true and complete copy of the proposed charter so voted upon and ratified as aforesaid.

In testimony whereof, I hereunto set my hand and affix the corporate seal of said city at my office this ——— day of ———, 18—.

Attest:

—————,  
Clerk of the city of ———.

—————,  
Mayor of the city of ———.  
[Corporate seal.]

Charter book.

Such charter shall immediately thereafter be recorded by the clerk of said city in a book to be provided and kept for that purpose and known as the charter book of the city of ———, and when so recorded shall be attested by the clerk and mayor of said city under the corporate seal thereof, and thereafter any and all amendments to said charter shall be in like manner recorded and attested, and, when so recorded and attested, all courts in this state shall take judicial notice of said charter and all amendments thereto.

General powers  
of city.

SEC. 5. Any such city shall have power: *First*, to provide for general and special elections for questions to be voted upon, and for the election of officers; *second*, to provide for levying and collecting taxes on real and personal property, for its corporate uses and purposes, and to provide for the payment of the debts and expenses of the corporation; *third*, to control the finances and property

of the corporation, and to acquire, by purchase or otherwise, such lands and other property as may be necessary for any of the corporate uses provided for by its charter, and to dispose of any such property as the interests of the corporation may, from time to time, require; *fourth*, to borrow money for corporate purposes on the credit of the corporation, and to issue negotiable bonds therefor, on such conditions and in such manner as shall be prescribed in its charter; but no city shall, in any manner or for any purpose, become indebted to an amount in the aggregate to exceed ten per centum of the value of the taxable property therein, to be ascertained by the last assessment for city purposes previous to the incurring of such indebtedness; *fifth*, to issue bonds in place of, or to supply means to meet maturing bonds or other indebtedness, or for the consolidation or funding of the same; *sixth*, to purchase or appropriate private property within or without its corporate limits, for its corporate uses, upon making just compensation to the owners thereof, and to institute and maintain such proceedings as may be authorized by the general laws of the state for the appropriation of private property for public use; *seventh*, to lay out, establish, open, alter, widen, extend, grade, pave, plank, establish grades, or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks and other public grounds, and to regulate and control the use thereof, and to vacate the same, and to authorize or prohibit the use of electricity at, in or upon any of said streets, or for other purposes, and to prescribe the terms and conditions upon which the same may be so used, and to regulate the use thereof; *eighth*, to change the grade of any street, highway or alley within its corporate limits, and to provide for the payment of damages to any abutting owner or owners who shall have built or made other improvement upon such street, highway or alley at any point opposite to the point where such change shall be made with reference to the grade of such street, highway or alley as the same existed prior to such change; *ninth*, to authorize or prohibit the locating and constructing of any railroad or street railroad in any street, alley or public place in such city, and to prescribe the terms

Debt limit.

Private property for public use.

Changing grades.

Regulating railroads.

and conditions upon which any such railroad or street railroad shall be located or constructed; to provide for the alteration, change of grade or removal thereof; to regulate the moving and operation of railroad and street railroad trains, cars and locomotives within the corporate limits of said city, and to provide by ordinance for the protection of all persons and property against injury in the use of such railroads or street railroads; *tenth*, to provide for making local improvements and to levy and collect special assessments on property benefited thereby, and for paying for the same or any portion thereof; *eleventh*, to acquire, by purchase or otherwise, lands for public parks within or without the limits of such city, and to improve the same; *twelfth*, to construct and keep in repair bridges, viaducts and tunnels, and to regulate the use thereof; *thirteenth*, to determine what work shall be done or improvements made at the expense, in whole or in part, of the owners of the adjoining, contiguous or proximate property, or others specially benefited thereby, and to provide for the manner of making and collecting assessments therefor; *fourteenth*, to provide for erecting, purchasing or otherwise acquiring water works within or without the corporate limits of said city, to supply said city and its inhabitants with water, or to authorize the construction of same by others when deemed for the best interests of such city and its inhabitants, and to regulate and control the use and price of the water so supplied; *fifteenth*, to provide for lighting the streets and all public places, and for furnishing the inhabitants thereof with gas or other lights, and to erect or otherwise acquire and to maintain the same, or to authorize the erection and maintenance of such works as may be necessary and convenient therefor, and to regulate and control the use thereof; *sixteenth*, to establish and regulate markets, and to provide for the weighing, measuring and inspection of all articles of food and drink offered for sale thereat, or at any other place within its limits, by proper penalties, and to enforce the keeping of proper legal weights and measures by all venders in such city, and to provide for the inspection thereof; *seventeenth*, to erect and establish hospitals and

Parks.

Bridges.

Water works.

Lights.

Markets.

Hospitals.

pest-houses, and to control and regulate the same; *eighteenth*, to erect and establish work-houses and jails, and to control and regulate the same, and to provide for the working of prisoners confined therein; *nineteenth*, to provide for establishing and maintaining reform schools for juvenile offenders; *twentieth*, to provide for the establishment and maintenance of public libraries, and to appropriate, annually, such per centum of all moneys collected for fines, penalties and licenses as shall be prescribed by its charter, for the support of a city library which shall, under such regulations as shall be prescribed by ordinance, be open for use by the public; *twenty-first*, to regulate the burial of the dead, and to establish and regulate cemeteries within or without the corporate limits, and to acquire land therefor by purchase or otherwise; to cause cemeteries, to be removed beyond the limits of the corporation, and to prohibit their establishment within two miles of the boundaries thereof; *twenty-second*, to direct the location and construction of all buildings in which any trade or occupation offensive to the senses or deleterious to public health or safety shall be carried on, and to regulate the management thereof; and to prohibit the erection or maintenance of such buildings or structures, or the carrying on of such trade or occupation within the limits of such corporation, or within the distance of two miles beyond the boundaries thereof; *twenty-third*, to provide for the prevention and extinguishment of fires, and to regulate or prohibit the transportation, keeping or storage of all combustible or explosive materials within its corporate limits, and to regulate and restrain the use of fire-works; *twenty-fourth*, to establish fire limits and to make all such regulations for the erection and maintenance of buildings or other structures within its corporate limits as the safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in safe condition; *twenty-fifth*, to regulate the manner in which stone, brick and other buildings, party walls and partition fences shall be constructed and maintained; *twenty-sixth*, to deepen, widen, dock, cover, wall, alter or change the channels of water-

Reform schools.

Libraries.

Nuisances.

Protection against fire.

Regulate buildings.

Water-ways.

ways and courses, and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, slips, public landing places, wharves, docks and levees, and to control and regulate the use thereof; *twenty-seventh*, to control, regulate or prohibit the anchorage, moorage and landing of all water crafts and their cargoes within the jurisdiction of the corporation; *twenty-eighth*, to fix the rates of wharfage and dockage, and to provide for the collection thereof, and to provide for the imposition and collection of such harbor fees as may be consistent with the laws of the United States; *twenty-ninth*, to license, regulate, control or restrain wharf-boats, tugs and other boats used about the harbor or within such jurisdiction; *thirtieth*, to require the owners of public halls or other buildings to provide suitable means of exit; to provide for the prevention and abatement of nuisances, for the cleansing and purification of water-courses and canals, for the drainage and filling up of ponds on private property within its limits, when the same shall be offensive to the senses or dangerous to health; to regulate and control, and to prevent and punish the defilement or pollution of all streams running through or into its corporate limits, and for the distance of five miles beyond its corporate limits, and on any stream or lake from which the water supply of said city is taken for a distance of five miles beyond its source of supply; to provide for the cleaning of areas, vaults and other places within its corporate limits which may be so kept as to become offensive to the senses or dangerous to health, and to make all such quarantine or other regulations as may be necessary for the preservation of the public health, and to remove all persons afflicted with any infectious or contagious disease to some suitable place to be provided for that purpose; *thirty-first*, to declare what shall be a nuisance and to abate the same, and to impose fines upon parties who may create, continue or suffer nuisances to exist; *thirty-second*, to regulate the selling or giving away of intoxicating, malt, vinous, mixed or fermented liquors: *Provided*, That no license shall be granted to any person or persons who shall not first comply

Water craft.

Public build-  
ings.

Sanitary meas-  
ures.

Quarantine.

Selling intoxi-  
cants.

License limit.

with the general laws of the state in force at the time the same is granted; *thirty-third*, to grant licenses for any lawful purpose, and to fix by ordinance the amount to be paid therefor, and to provide for revoking the same: *Provided*, That no license shall be granted to continue for longer than one year from the date thereof; *thirty-four*, to regulate the carrying on within its corporate limits of all occupations which are of such a nature as to affect the public health or the good order of said city, or to disturb the public peace, and which are not prohibited by law, and to provide for the punishment of all persons violating such regulations, and of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them; *thirty-fifth*, to restrain and provide for the punishment of vagrants, mendicants, prostitutes and other disorderly persons; *thirty-sixth*, to provide for the punishment of all disorderly conduct and of all practices dangerous to public health or safety, and to make all regulations necessary for the preservation of public morality, health, peace and good order within its limits, and to provide for the arrest, trial and punishment of all persons charged with violating any of the ordinances of said city; but such punishment shall in no case exceed the punishment provided by the laws of the state for misdemeanors; *thirty-seventh*, to project or extend its streets over and across any tide-lands within its corporate limits, and along or across the harbor areas of such city, in such manner as will best promote the interests of commerce; *thirty-eighth*, to provide in their respective charters for a method to propose and adopt amendments thereto.

SEC. 6. The legislative powers of any city organized under the provisions of this act shall be vested in a mayor and a city council, to consist of such number of members and to have such powers as may be provided for in its charter, who, together with such other elective officers as may be provided for in such charter, shall be elected at the times, in such manner and for such terms, and shall perform such duties and receive such compensation, as may be prescribed in such charter: *Provided*, That the

Officers. first election of officers to serve under the provisions of said charter shall be held at the time of the submission of such proposed charter to the legal voters of such city.

Election re- turns. Said election shall be held and the returns made and canvassed according to the general provisions of the election laws of said city; but any division of the city into wards, and any division of wards into precincts made in said proposed charter shall be in force at said election. Immediately after the vote of such election shall have been canvassed and the result thereof declared, if it shall appear that a majority of the votes cast at such election were cast in favor of the ratification of such proposed charter, the mayor and city clerk of said city shall thereupon issue notice to each officer elected at such election, notifying him of his election, and within ten days after the issuance of such notice the officers so elected shall

Qualification of officers. qualify as provided in such charter, and on the tenth day after the issuance of such notice, at 12 o'clock M. of said day, the officers so elected and qualified shall enter upon the discharge of the duties of the offices to which they have been elected, and at such time said charter shall be attested as recorded, and go into effect.

SEC. 7. Any city adopting a charter under the provisions of this act shall have all the powers which are now or may hereafter be conferred upon incorporated towns and cities by the laws of this state, and all such powers as are usually exercised by municipal corporations of like character and degree, whether the same shall be specifically enumerated in this act or not.

Rule of construction. SEC. 8. The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this act, but the same shall be liberally construed for the purpose of carrying out the objects for which this act is intended.

SEC. 9. Whereas, the statutes now in force in this state are inadequate to the present wants and necessities of the cities herein provided for, an emergency is declared to exist; this act shall, therefore, take effect from and after its approval by the governor.

Approved March 24, 1890.

## CITIES AND TOWNS MAY EXTEND THEIR CREDIT.

AN ACT authorizing and empowering cities and towns organized prior to the adoption of the state constitution to extend their credit and to fund their indebtedness, and validating certain indebtedness already contracted, and declaring an emergency to exist.

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

SECTION 1. That any city or town having a corporate existence in this state at the time of the adoption of the constitution thereof, is hereby authorized and empowered to borrow money and to contract indebtedness in any other manner for general municipal purposes, not exceeding in amount, together with the existing general indebtedness of such city or town, one and one-half per centum Debt limit. of the taxable property in such city or town, to be ascertained by the last assessment for state and county purposes, previous to the incurring of such indebtedness, except that in incorporated cities the assessment shall be taken from the last assessment for city purposes, whenever it is deemed advisable to do so by the city or town council thereof.

SEC. 2. That any such city or town may borrow money or contract indebtedness for strictly municipal purposes over the amount specified in the preceding section, but not exceeding in amount, together with the existing general indebtedness, five per centum of the taxable property in such city or town, to be ascertained as provided in the preceding section, through the council of such city or town, whenever three-fifths of the voters therein assent Three-fifths vote. thereto, at an election to be held for that purpose at such time, upon such reasonable notice and in the manner presented by the city or town council, not inconsistent with the general election laws.

SEC. 3. That any city or town described in the first section of this act shall, in addition to the power granted in the preceding sections, have the power, through its council, to borrow money or to contract indebtedness in

For water,  
lights or sewers.

an amount not exceeding five per centum of the taxable property in such city or town, ascertained as provided in the first section hereof, for the purpose of supplying such city or town with water, artificial light or sewers, when the plant or plants used for such purposes shall be owned and controlled by the city, whenever three-fifths of the voters therein assent thereto at an election to be held for that purpose, according to the provisions of section two of this act.

SEC. 4. That any city or town of the description of those included in the first section of this act may fund its indebtedness at any time in such a manner, for such time and upon such terms and interest as its council may deem advisable: *Provided*, That the indebtedness funded shall not, with all the existing indebtedness, exceed in amount one and one-half per centum of the taxable property thereof, ascertained as provided in the first section hereof, unless such indebtedness shall have been authorized by the assent of three-fifths of the voters of such city or town, as hereinbefore provided.

Validity of ob-  
ligation.

SEC. 5. That any indebtedness now owing by any such city or town, contracted strictly for municipal purposes, whether the same exceeds the amount which such city or town was authorized to contract under its charter or not, is hereby validated and declared to be a binding obligation upon such city or town when the only ground of the invalidity of such indebtedness is that it exceeds the amount authorized by the charter of such city or town: *Provided*, That if said indebtedness exceeds one and one-half per centum, including present indebtedness, upon the taxable property therein, to be ascertained as hereinbefore provided, then such indebtedness shall not be deemed to be validated by this act till three-fifths of the voters in such city or town shall assent to the same, at an election held for that purpose, in the manner provided by section two of this act: *Provided further*, That the indebtedness ratified, including all existing indebtedness, shall not exceed in amount five per centum upon the taxable property in such city or town, ascertained as hereinbefore indicated: *And provided further*, That this section shall only apply to indebtedness now existing.

SEC. 6. That when this act comes in conflict with any provision, limitation or restriction in any local or special law or charter existing at the time that the constitution of the State of Washington was adopted, this statute shall govern and control. Effect of this statute.

SEC. 7. That, whereas, many of the cities and towns of this state are seriously embarrassed in the making of needed improvements by restrictions in their charters, preventing them from extending their credit to the present constitutional limit, an emergency exists for the immediate effect of this law, and the same shall take effect therefor from and after its passage.

Approved February 26, 1890.

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## CITIES AND TOWNS MAY ENLARGE THEIR LIMITS.

AN ACT to provide for extending and enlarging the corporate limits of any city, town or village in this state, and for consolidating and uniting cities, towns and villages, and declaring an emergency.

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

SECTION 1. That on petition in writing, signed by a majority of the legal voters in any territory adjacent to any city, incorporated town or village, and not embraced within its limits, the city council or board of trustees of such city, town or village may, by ordinance, annex such territory to such city, town or village by filing a copy of such ordinance, together with a map of the territory intended to be embraced, duly certified by the mayor of the city, or president of the board of trustees of the town or village, in the office of the auditor of the county in which the annexed territory is situated, which ordinance and map shall be recorded by such auditor in the proper By petition.

Ordinance and map to be filed.

books of his office, and thereafter the territory so annexed shall be a part of said city, town or village, and all courts of this state shall take judicial notice of the change so made.

Publication of  
notice.

SEC. 2. Upon the filing of any such petition with the clerk of the city, town or village, it shall be the duty of the said clerk to publish, for ten (10) days, in a daily newspaper published in said city, a notice that such petition has been filed and that the same will be acted on by the council or board of trustees of such city, town or village, at the first regular meeting of said council or board of trustees after the expiration of said ten (10) days; and said notice shall specify the day and hour of such meeting. Upon the day fixed for said action any resident of the city, town or village, or of the territory proposed to be embraced within its limits, may appear before said council or board of trustees and show that the said petition was not signed by a majority of the voters of said territory; and it shall be the duty of said council or board of trustees to investigate and determine whether or not said petition was signed by a majority of all the legal voters aforesaid, and the determination of the said council or board of trustees upon said question shall be final and conclusive, and shall preclude any appeal to the courts. If there be no daily newspaper published in said city, town or village, then the publication herein provided for shall be made in a weekly newspaper once a week for four weeks, and action by the council or board of trustees shall be at the first regular meeting after the expiration of said four weeks. The hearing upon, and investigation of, said petition herein provided for may be postponed from time to time by vote of said council or board of trustees.

Platting ad-  
jacent property.

SEC. 3. When any owner of any tract of land adjacent to any city, incorporated town or village shall hereafter lay off and plat such tract as an addition to such city, town or village, such plat shall be filed for record in the office of the auditor of the county where such land is situated, and the same shall thereafter, for all purposes, be held and considered as a part of said city, town or village: *Provided*, That no plat shall be so filed for record before it shall

have been submitted to the city council of such city, or board of trustees of such town or village, and by them approved.

SEC. 4. Any person who shall sell or offer for sale any lot, tract or parcel of land, describing the same as an addition to, or as a part of, any city, town or village, without having first complied with all the provisions of section three of this act, shall forfeit and pay for the use of such city, town or village for each and every lot, tract or parcel of land so sold or offered for sale the sum of one hundred dollars (\$100), to be recovered by civil action, brought in the name of such city, town or village.

Plat of addition  
must be filed.

SEC. 5. Whenever the city council or board of trustees of any city, town or village shall by resolution so request, and whenever twenty-five (25) residents and freeholders of any territory over which it is proposed to extend the corporate limits of any such city, town or village shall, in writing, join in the request, it shall be the duty of the board of county commissioners of the county in which such city, town or village is located, to submit to the qualified electors of said city, town or village and of such territory, the question of extending the corporate limits of such city, town or village, and if a majority of all the qualified electors of such city, town or village and of the territory over which it is proposed to extend the same shall vote in favor of such extension, then and thereafter the said corporate limits shall be extended as prayed.

Duty of county  
commissioners.

SEC. 6. The resolution of any such city, town or village shall be certified to the board of county commissioners, under the hand and seal of the clerk of said city, town or village, if there be such officers, and if there be no such officers, then under the hand of the mayor or other chief executive officer of said city, town or village, and said resolution and the request of the residents and freeholders of adjacent territory who shall join in the request for the extension of the corporate limits, shall specify the territory over which it is proposed to extend the said corporate limits.

Resolutions  
must be certified.

SEC. 7. The said request shall be filed with the auditor of the county, and if the same be filed at a time when

the board is not in session, the said auditor shall thereupon cause to be advertised in some daily newspaper, if there be such published in such city, town or village, and if not, then in a weekly newspaper published therein, for two weeks, that such request has been filed and that such request will be acted on by the county commissioners on a day to be specified in said notice, which day shall not be less than two weeks from the first publication of said notice. If the request be filed when the said board of county commissioners is in session, the said board shall fix a day for hearing the same, and the same advertisement of said hearing shall be published by the auditor, as in cases where the request is filed with him during vacation.

Hearing petition.

SEC. 8. On the day fixed for said hearing, the said board of county commissioners shall determine whether the said resolution and the request of the residents and freeholders of the territory over which it is proposed to extend the corporate limits conforms to the requirements of this act, and if it so finds, then it shall order the holding of the election, as hereinbefore provided, upon a day to be fixed by it, which day shall be not less than thirty (30) days from the day of the making of said order. Said election shall be advertised, held and conducted in the manner provided by the general election laws of this state, so far as the same are applicable: *Provided*, That the advertisement of the same shall be published only in the city, town or village to be affected, and that the same shall contain an accurate description of the territory over which it is proposed to extend the corporate limits: *And provided further*, That the said board of county commissioners shall fix and specify in the advertisement polling places at which the electors shall vote. The returns of said election shall be made to the auditor of the county, and the said board of county commissioners shall meet on the fifth day after said election and canvass said returns and declare the result. The ballots used at such elections shall read: "For extending the corporate limits," and "Against extending the corporate limits."

Manner of conducting election.

SEC. 9. If a majority of the said electors have voted in favor of extending the corporate limits as proposed, the said board of county commissioners shall so declare and shall cause the said declaration to be made a matter of record, and thereafter the corporate limits of any such city, town or village shall be as in the said declaration stated, and all the courts in the State of Washington in which the said matter shall come in question shall take judicial notice thereof. The determination of the said board of county commissioners upon any question necessary for them to decide in and about proceedings taken and had under this act shall be final and conclusive, except that the result of elections had under this act may be contested by any qualified elector living in the territory affected by the election, in the manner provided by general law.

Effect of election.

Contesting election.

SEC. 10. This act shall apply to any territory adjacent to any city having a population of more than [than] ten thousand (10,000) persons, whether the said territory be already within an incorporated town or village or not: *Provided*, Said town or village have within its corporate limits no more than two thousand (2,000) persons. If any such town or village have a population greater than two thousand (2,000) persons, then it shall not be included within the corporate limits of any other city under the provisions of this act, unless its city council or board of trustees shall by resolution so request of the board of county commissioners, in the same manner as is provided by section five of this act, in which case, as to the territory included within the limits of such town or village, the request by the resident freeholders of such territory need not be preferred to the board of county commissioners, but the resolution of said city, town or village shall be in lieu thereof.

Application of law.

SEC. 11. Whenever it is proposed to extend the corporate limits of any city, town or village so as to embrace the corporate limits of any other city, town or village having less population than two thousand (2,000), and the corporate authorities of the latter city, town or village shall by resolution request the same, then the request of

Cities under 2,000.

twenty-five (25) residents and freeholders hereinbefore provided for may be dispensed with, and an election shall be ordered by the county commissioners, to determine whether the corporate limits of said city, town or village shall be so extended in the manner provided in this act.

SEC. 12. All courts in this state shall take judicial notice of cities, towns and villages, and of the changes of their territory made under the provisions of this act.

SEC. 13. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 14. Whereas, there is no adequate law now in force in this state for a change of their boundaries by cities or incorporated towns and villages, an emergency is declared to exist for the immediate effect of this law, and the same shall, therefore, take effect from and after its passage and approval by the governor.

Approved February 26, 1890.

## CHAPTER VIII.—COMMISSIONS.

### FISH COMMISSION.

AN ACT for the appointment of a Fish Commission, and defining its duties, and declaring an emergency to exist.

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

SECTION 1. That there shall be appointed by the governor, by and with the advice and consent of the senate, one competent person who shall be denominated the fish commissioner, whose term of office shall continue four years Term of office. from and after the first Monday in March after his appointment, and until his successor be appointed and qualified.

SEC. 2. Before entering upon his duties, said fish commissioner shall file with the secretary of state a bond with Bond. five or more sufficient sureties, and in the sum of five thousand dollars, conditional that he will discharge his duties under this act faithfully.

SEC. 3. Said commissioner may appoint three deputies, Deputies. to be known as deputy fish commissioners; they shall hold their office respectively during the pleasure of the fish commissioner, who may summarily remove any one of their number whenever, in his judgment, he shall deem such a change for any cause advisable.

SEC. 4. It shall be the duty of the fish commissioner to Duty of. give his entire time and attention to the fishing interests of the State of Washington, and by and with the help of his deputies see that all laws for the propagation, protection and preservation of food fishes and oysters in the public waters of the State of Washington, whether entirely or partially within the state boundaries, are enforced, and if necessary, to select and purchase suitable land, build,

Hatcheries. operate and manage thereon fish hatcheries for the purpose of supplying said waters with young fish; to employ necessary and competent men to successfully carry on said hatcheries. It shall also be the duty of the fish commissioner to examine into all complaints made to him by councilmen of cities or county commissioners regarding dog fish and decayed fish, which are injurious to the fishing industries or dangerous to the health of the inhabitants, and if necessary, abate said nuisance.

Annual report. SEC. 5. That said fish commissioner shall, annually, on December 1st, report to the governor of this state a full account of his actions under this act; also of the operations and results of the laws pertaining to the fish and oyster industries, the methods of taking fish, the number of young fish hatched, and where distributed, amount of expenses incurred, and make suggestions as to the needs of further legislation, if any, and full statistics of the fishing and oyster business.

Salary. SEC. 6. The fish commissioner shall receive an annual salary of two thousand dollars, to be paid in quarterly installments by the state treasurer, and he shall be allowed his actual expenses of travel in the performance of his duty, not to exceed one thousand dollars in any one year. The deputies shall receive five dollars each per day for time actually employed, not exceeding fifty days each per annum, and shall be allowed for their actual expenses of travel in the performance of their duty, not to exceed three hundred dollars each per annum; and no payment of salary or traveling expenses shall be made by the state treasurer to any deputy fish commissioner except upon the certificate of the fish commissioner that he has performed his duty in all respects to the satisfaction of such fish commissioner.

Salary and compensation of deputies.

SEC. 7. Each deputy fish commissioner shall give bonds for the sum of one thousand dollars, conditioned for the faithful performance of their duties, respectively, such bonds to be subject to the approval of the fish commissioner. The fish commissioner shall issue to his deputies such general and special orders and instructions in the execution of their duties under the law as he shall deem

Orders to deputies.

necessary; and he may, in his discretion, assign any or all of them to duty in districts to be prescribed by him, but such assignment shall not relieve any deputy from the performance of duty in any other part of the state when his services may be needed.

SEC. 8. The fish commissioner shall have authority to apply to the attorney general for his official opinion upon any question touching the construction and interpretation of the statutes, and the duties of the fish commission under the statutes for the protection of fish and oysters, wherein he shall need legal advice; and the attorney general may, in his discretion, furnish from his office such official legal assistance as he may deem useful in the conduct of any suit brought by the fish commissioner, in pursuance of the provisions of the laws for [the] protection of fish and oysters.

Duties of attorney general.

SEC. 9. That there be and hereby is appropriated out of the general fund of the state, the sum of five thousand dollars for the maintenance of the commission herein created.

SEC. 10. That all expenses incurred under the provisions of this bill [act] shall be audited by the state auditor, upon bills being presented, properly certified by the fish commissioner, and the said auditor shall, from time to time, draw warrants upon the state treasurer for the amount.

Auditing expenses.

SEC. 11. The fish industry urging immediate action in these respects, an emergency exists; therefore, this act shall take effect from and after its approval by the governor.

Approved February 20, 1890.

## CODE COMMISSIONER.

AN ACT to appoint a commissioner to compile, rearrange and annotate the laws of Washington, and to provide for the publication and distribution thereof, and for payment therefor.

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

SECTION 1. William Lair Hill is hereby appointed a commissioner to compile, rearrange and fully annotate the laws of Washington contained in the code of Washington Territory for 1881, and the laws passed at the various sessions of the legislature since, including those to be passed at the present session, and the session of 1891, and also making such use of the work prepared by the late territorial code commissioners as he may see fit:

SEC. 2. Said commissioner shall rearrange and fully annotate the general laws aforesaid, and shall prepare and suggest such amendments and repeals as in his judgment may be necessary to conform the laws to the constitution, and facilitate their administration thereunder; and shall prepare and suggest such additional laws as in his judgment may be required to form a complete and harmonious body of statute laws for the state, and shall arrange the whole in the method of a remedial code, a penal code, and an orderly arrangement of the miscellaneous statutes.

Method of arrangement.

SEC. 3. On or about the first day of January, 1891, said commissioner shall furnish to the governor of this state, for the use of the legislators and other state officers, one hundred and fifty copies of the laws so compiled and arranged, and of the amendments, repealing statutes, and additional statutes, printed in two royal octavo volumes, indexed and bound in paper.

Copies for the governor.

SEC. 4. Said commissioner shall prepare a bill providing for the enactment of such laws, amendments and repeal of laws as he shall suggest under section two of this act, and shall deliver said bill to the governor of the state on or before January 1, 1891.

SEC. 5. As soon as possible after adjournment of the legislature in 1891, and within ninety days, said commissioner shall publish in two royal octavo volumes the general statutes then in force, incorporating the general laws passed at said session, and shall deliver to the secretary of state one thousand copies of the same, printed and bound in the best style of law book publishing.

Publication of  
statutes.

SEC. 6. On the certificate of said commissioner that he has completed the editorial work of the remedial code and the penal code, the auditor of this state is hereby directed to draw his warrant in favor of said commissioner for the sum of four thousand dollars, payable out of any moneys in the treasury not otherwise appropriated; on the certificate of said commissioner that the entire editorial work except that of incorporating the general laws passed by the legislature of 1891, is completed, the auditor of this state is hereby directed to draw his warrant in favor of said commissioner for the sum of four thousand dollars, payable out of any moneys in the treasury not otherwise appropriated; on the certificate of the governor that one hundred and fifty copies of the work have been delivered to him in accordance with section three of this act, the auditor of this state is hereby directed to draw his warrant in favor of said commissioner for the sum of four thousand dollars, payable out of any moneys in the treasury not otherwise appropriated; on the certificate of the secretary of state that one thousand copies of the completed work have been delivered to him in accordance with section five of this act, the auditor of this state is hereby directed to draw his warrant in favor of said commissioner for the sum of four thousand dollars, payable out of any moneys in the treasury not otherwise appropriated.

Payment for  
services.

SEC. 7. The amounts of money provided to be paid to said commissioner in section six of this act shall be in full compensation for the editorial work provided for in this act, and for publishing said work, and for the copies furnished to the governor and secretary of state.

SEC. 8. On receipt of the one thousand copies of the laws as hereinbefore provided, the secretary of state shall

Secretary of  
state must dis-  
tribute laws.

deliver to each of the officers of the executive department of this state, one copy; to each of the judges of the supreme court of this state, one copy; and to the state librarian, for use in the library and for exchange with the librarians of other states and territories, one hundred copies; and he shall forward by mail post-paid to the librarian of congress, two copies; to each of the justices of the supreme court of the United States, one copy; to the libraries of the department of justice, and of the interior of the United States, one copy each; to each of the judges of the superior court of this state, one copy; to each county clerk, auditor, sheriff, treasurer, district attorney, superintendent of schools, and justices of the peace of this state, one copy; and to the library of the State University, one copy. Before sending such volumes to the said county officers and justices of the peace, the secretary shall indelibly mark each of such volumes with the name of the county and the office for which it is intended, and said volumes must be by the officer so receiving them turned over to his successor in office. The secretary shall retain for such further distribution as may be provided by law, two hundred and fifty copies, and the remaining copies he is hereby empowered to sell at the price of ten dollars per set.

Each copy  
marked.

SEC. 9. Said commissioner shall furnish to the state and the public such additional copies of the completed volumes herein provided for as may be required, at a price not exceeding ten dollars per set.

Approved February 18, 1890.

## HARBOR LINE COMMISSIONERS.

AN ACT to create a board of harbor line commissioners, prescribing their duties and compensation.

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

SECTION 1. There is hereby created a board of harbor line commissioners, to consist of five disinterested persons to be appointed by the governor. Number.

SEC. 2. The said commissioners shall hold office until the 15th day of January, 1893. Should a vacancy or vacancies occur in said board, by resignation or otherwise, the same shall be filled by appointment by the governor. Term of office.

SEC. 3. The duties of the said harbor line commissioners shall be to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays and inlets of this state, wherever such navigable waters lie within or in front of the corporate limits of any city or within one mile thereof upon either side, and to perform all other duties provided and prescribed in article 15 of the constitution of the State of Washington, and all such other duties as the law may prescribe, and wherever and whenever said board of harbor line commissioners shall have established the lines as herein provided, in any of the navigable waters of the harbors, estuaries, bays and inlets of this state, they shall file the plat thereof in the office of the secretary of state, and a duplicate thereof in the office of the clerk of the city or town where harbor lines shall have been located, and from and after the filing of said plat, the harbor lines established as therein and thereon designated and displayed, shall be, and the same are declared to be, the harbor line of that portion of the navigable waters of this state. Duties of board.

SEC. 4. The board of harbor line commissioners, hereby created, shall begin operations as soon as may be practicable, and are hereby authorized to employ a clerk, a competent surveyor, and such assistance as may be necessary, and to purchase such material and supplies as may be, necessary to carry out the full intent and purpose of Clerk and surveyor.

this act, at such rates of compensation as they may deem advisable. To carry into effect the provisions of this act, the sum of six thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the tide-land funds in the state treasury not otherwise appropriated.

SEC. 5. Each of the board of harbor line commissioners shall receive five dollars (\$5.00) per day for each and every day employed in the discharge of his work, and his actual traveling expenses.

SEC. 6. The board of harbor line commissioners shall examine and allow all bills incurred in the discharge of the duties provided for in this act, and upon presentation of the proper vouchers so allowed, the state auditor is authorized to draw his warrant on the state treasurer for the several amounts so allowed, and the state treasurer is hereby authorized to pay said warrants out of any money in the treasury appropriated for this purpose: *Provided*, That no expenses shall be incurred for the payment of which no appropriation shall have been made.

SEC. 7. The board of harbor line commissioners shall keep an itemized account of all expenses incurred, and report the same to the secretary of state.

Approved March 28, 1890.

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## COMMISSIONER OF INSURANCE.

AN ACT to regulate and license insurance business in this state.

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

SECTION 1. The secretary of this state shall be *ex-officio* insurance commissioner of this state, and shall receive for his services the compensation hereinafter provided. All necessary forms, circulars and blanks, together with such

pamphlet copies of the insurance laws as may be required for distribution, to any person at any time by the provisions of this act, shall be furnished at the expense of the state. Blanks furnished.

SEC. 2. It shall be the duty of the commissioner to see Duties. that all laws of this state respecting insurance companies are faithfully executed. He shall have power to examine Powers. all books and accounts of existing companies or companies organized under the laws of this state, to examine their officers and employees under oath, to issue subpoenas for witnesses to attend and testify before him, on any business touching the business of said companies, and furnish and produce for examination and investigation books, papers and documents in relation thereto, which said subpoenas must be served in the same manner as if issued from a superior court, and any person who shall fail, neglect or refuse to obey any such subpoena shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred (\$100) Penalty. dollars nor more than five hundred (\$500) dollars, or by imprisonment in the county jail not less than thirty (30) days nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 3. The commissioner must cause every corporation Requirements. or person, before engaging in the business of insurance in this state, to file in his office as follows: *First*, if incorporated under the laws of the Territory of Washington or of this state, a copy of the articles of incorporation and charter of the company, together with any amendments or alterations made therein; *second*, if incorporated under the laws of any other state or country, a copy of its articles of incorporation and charter duly certified by the officer having the custody of such articles, that such company is organized under the laws of such state or country with the amount of capital stock and assets required by this act; *third*, if not incorporated, a certificate setting forth the Certificates. nature and character of the business, the location of the principal office, the names of the persons composing the association, the amount of capital employed therein, and the names of the officers of the association; and if such

association be formed out of the United States, the certificate must contain the name of the chief executive officer or manager in the United States, together with the trustees appointed by the association to manage its affairs in the United States, and the certificate may be made by such manager.

Authority to  
transact busi-  
ness.

SEC. 4. The commissioner shall issue his certificate to any fire or marine insurance company to transact business in this state under the following conditions: *First*, if a company organized under the laws of the Territory of Washington or the laws of this state, when he is satisfied that the provisions of this act in relation to such corporation has been complied with; *second*, if a company, corporation or association of any of the United States or territories, when he is satisfied that the company, corporation or association has a paid-up and unimpaired capital of one hundred thousand dollars; *third*, if a foreign company, corporation or association, when he shall be satisfied that the company, corporation or association has made a deposit with the treasurer of this state, or with the proper officers of some other state, of not less than two hundred thousand dollars, in the bonds of the United States, the bonds of this state, or the bonds of the state of New York or Massachusetts, in trust for the benefit of its policyholders in the United States, and that the said two hundred thousand dollars is unimpaired and free from all liabilities under the provisions of this act.

Must comply.

SEC. 5. It shall not be lawful for any company, corporation or association, to transact the business of fire or marine insurance in this state, unless the company, corporation or association shall have complied with the provisions of this act, and obtained the certificate of the commissioner as provided.

Penalty for  
failure.

SEC. 6. If any insurance company, its agents or attorney, shall issue a fire or marine policy upon property within this state without having complied with the laws of this state, the agent or attorney so issuing the policy or accepting the application for the same, shall be deemed guilty of a misdemeanor, and be subject to a fine of not less than one hundred dollars or more than five hundred

dollars, and imprisonment for a term not exceeding six months, in the discretion of the court.

SEC. 7. It shall be the duty of the commissioner to make a detailed examination of all companies organized under the laws of this state or the Territory of Washington, at least once a year; upon such examination he shall ascertain if the laws relating to payment of capital, investment of moneys and methods of doing business are complied with. If upon such examination he shall find that the capital stock of such company is impaired, he shall order such impairment made good, or the capital stock reduced to the amount of such impairment: *Provided*, That no reduction of capital shall be made which will reduce the capital of any company to a less amount than is required herein, and if the company so required to make good or reduce its capital stock refuses or neglects within a reasonable time so to do, the commissioner shall revoke its certificate to do business, and shall apply to any judge of a superior court having jurisdiction for an order upon said company to show cause why its charter should not be revoked and a receiver appointed to wind up its affairs.

Examination of companies.

Impaired capital.

SEC. 8. Upon the written representation of three citizens and belief of the commissioner that any company organized outside of this state has less than the paid-up unimpaired cash capital required by this act, it shall be the duty of the commissioner to make such investigation or require such proof as shall be satisfactory to him concerning the financial condition of such company: *Provided, however*, The certificate of the insurance officer of any state having an insurance department, that such company has the required paid-up and unimpaired cash capital, shall be accepted by the commissioner as satisfactory. If such company does not, within sixty days after demand of the commissioner, produce such certificate, the commissioner shall revoke his certificate of authority to do business in this state, and in the meantime may withdraw or withhold his certificate of authority until said certificate is produced. If any officer or agent of the company shall issue or deliver, or agree to issue and deliver, any policy of the

Proof.

Revoking authority.

company covering any property in this state while such certificate of authority is withheld or withdrawn, he shall be deemed guilty of a misdemeanor, and on conviction, subjected to the penalties provided for misdemeanors.

Annual reports  
of companies.

SEC. 9. Every fire or marine insurance company doing business in this state shall file a statement with the commissioner, on or before the fifteenth day of January in each year, verified by the oath of the principal executive officer or manager residing within the state, showing the business done in this state during the year ending the thirty-first day of December next preceding. They shall also make and file with said commissioner, before the first day of March in each year, a complete statement, showing the condition of every such fire or marine insurance company on the thirty-first day of December next preceding, and

Form of reports.

such statement must show — *First*, the amount of capital stock of the company; *second*, the property or assets held by the company; *third*, liabilities of the company, which must include the re-insurance reserve, as provided by this act; *fourth*, the income of the company during the preceding year; *fifth*, the expenditures of the preceding year; *sixth*, the amount of risks written during the year, amount of risks expired during the year, and the total amount at risk on the thirty-first day of December next preceding.

Foreign com-  
panies.

SEC. 10. No insurance company organized outside of this state shall be permitted to do business in this state until such company shall have filed with the commissioner a power of attorney, which shall authorize a citizen and resident of this state to make and accept service in any proceedings in any court of this state, or the United States herein. If any attorney of any insurance company appointed under the provisions of this act shall remove from the state or become disqualified in any manner from accepting service, and if any citizen or resident of this state shall have any claim by virtue of any insurance policy issued by any company not represented by attorney in this state, valid service may be made on such company by service upon the commissioner: *Provided*, That in such case the commissioner shall immediately notify such company, and the principal agent for the Pacific coast, enclos-

Service of pro-  
cess: when may  
be made on  
commissioner.

ing a copy of the service by mail, postpaid: *And provided further*, That in such case no proceeding shall be had within forty days after such service on the commissioner.

SEC. 11. When any state shall require insurance companies of other states to deposit with some officer of such other state securities in trust for policy-holders of such companies as a prerequisite to their transacting business in such state, the treasurer of this state shall receive from any insurance company of such other state the securities required by the laws of such other state on deposit, and hold the same in trust for the policy-holders of such company, but such company may collect and receive the interest and dividends thereon, and withdraw them on depositing with the said treasurer other securities of like character and value. The treasurer shall issue a certificate under seal of such deposit for each state which shall require the same, which shall state the items and amount of securities thus deposited, and that he is satisfied that they are of the market value represented therein, but no securities shall be estimated above the par value of the same, nor shall any securities be withdrawn except as provided in this section: *Provided*, That the provisions of this section shall not take effect until after the expiration of one year from the date this act shall go into effect.

Retaliatory provision.

SEC. 12. An examination shall annually be made by the treasurer of the securities held by him in trust as aforesaid from each insurance company, and if it shall appear at any time that the amount be less than the sum required for the purpose for which such deposit was made, he shall notify said company thereof, and unless the deficiency is made up within thirty days, shall countermand all the certificates he may have issued to said company under the preceding section, and give notice thereof to the officers of the state to whom said certificate may have been transmitted.

Treasurer must examine securities.

SEC. 13. When said company shall have caused all its unexpired policies to be paid, canceled or re-insured, and all its liabilities under such policies thereby to be extinguished, or to be assumed by some other responsible company, he shall, on application of such company, verified

Re-insuring.

by the oath of its president or secretary, and on being satisfied that all its policies are so paid, canceled, extinguished or re-insured, deliver up to it such securities.

Commissioner must keep a record.

SEC. 14. The commissioner must keep and preserve in a permanent form a full record of his proceedings, including a concise statement of the condition of each company examined by him. It shall be the duty of the secretary of state to furnish each of the county clerks of this state, quarterly, a certified statement of all companies doing business in this state that have complied with the provisions of this act, and such certificate shall be posted in the office of such county clerk for the inspection of the public.

Certified statement to county clerk.

Fees.

SEC. 15. The commissioner shall require in advance the following fees: *First*, for filing the articles of incorporation or certified copy of articles, or other certificates required to be filed in his office, and issuing certificate of license, ten dollars; *second*, for filing the annual statement required to be filed, five dollars; *third*, for filing any other papers required by this chapter to be filed, one dollar; *fourth*, for furnishing copies of papers filed in his office, twenty cents per folio; *fifth*, for certifying copies, one dollar each; *sixth*, for examination of any company organized under the laws of this state, five dollars per day, which sum shall be collected from the company so examined: *Provided*, That the fees arising from this duty shall be paid into the state treasury.

Cyclone, tornado or hail-storm risks.

SEC. 16. Two or more persons may form a corporation for the purpose of making insurance against loss or damage by fire, lightning, cyclone, tornado or hail, or against loss or damage by the risk of marine or inland navigation, by complying with the statutes of this state in relation to the formation of incorporated companies.

Requirements for local companies.

SEC. 17. Any company or corporation organized under the laws of the Territory of Washington, or under the laws of this state prior to the taking effect of this act, or under the provisions of this act, for the purpose of engaging in the business of fire or marine insurance, must have a subscribed capital of not less than one hundred thousand dollars, of which not less than fifty thousand dollars must be paid in in cash before the issuance by such company or

corporation of any policy of insurance under the provisions of this act.

SEC. 18. No company formed under this act shall, directly or indirectly, deal or trade in or sell wares or merchandise, or other commodities whatsoever, except such articles as may have been insured by such company and claimed to be damaged by fire, lightning, cyclone, tornado, hail or water. Limit of business.

SEC. 19. No company organized under this act shall purchase, hold or convey real estate, excepting for the purposes and in the manner herein set forth, to-wit: *First*, such as shall be requisite for its convenient accommodation in the transaction of its business; or, *second*, such as shall have been mortgaged to it in good faith as security for loans previously contracted, or for money due; or, *third*, such as shall have been conveyed to it in satisfaction of debts previously contracted in its legitimate business; or, *fourth*, such as shall have been or may be purchased at sales upon judgments, decrees or mortgage foreclosures obtained or made for such debts. Limit of ownership of real estate.

SEC. 20. It shall not be lawful for the directors, trustees or managers of any insurance company organized under the laws of the Territory of Washington, or of this act, or incorporated under any laws of this state, to make any dividends except from the surplus profits arising from their business, and in estimating such profits there shall be reserved therefrom a sum equal to forty per cent. of the amount received on premiums on all unexpired risks and policies, which amount so reserved is hereby declared to be unearned premiums; and there shall also be reserved all sums due the company on bonds, mortgages, stocks and book accounts, of which no part of the money or interest has been paid during the year preceding such estimate of profits, and upon which suit for foreclosure or collection has not been commenced or judgment obtained thereon, which shall have remained more than two years unsatisfied and upon which interest shall not have been paid. Limit of dividends.

SEC. 21. When the capital stock of any fire or marine insurance company shall be impaired, it may reduce it as provided herein, and the par value of its shares to such Reduction of capital stock.

amount as shall be justified by its assets; but no part of its assets shall be distributed to its stockholders, and no reduction shall be made except upon the vote of the stockholders, approved by at least two-thirds of the board of directors, and certified under the corporate seal by the secretary, a copy of which shall be filed with the secretary of state.

Exchange certificates. SEC. 22. The directors, after such reduction of capital, may require each stockholder to surrender his certificate, and in lieu thereof may issue a new certificate for such number of shares as he shall be entitled to.

Limit of increase. SEC. 23. Such company, after its capital shall be so reduced, may increase its capital stock to any amount not exceeding the amount authorized by its charter.

Mode of proceeding to increase capital stock. SEC. 24. Any existing insurance company, or any company formed under the provisions of this act, may at any time increase the amount of its capital stock after giving notice once a week for four consecutive weeks, in any newspaper having a general circulation published in the county where the company is located, of such intention by filing with the secretary of state a copy of such advertisement, subscribed and sworn to by the publisher or manager of said paper as having been so advertised, together with a declaration under its corporate seal, signed by its president and two-thirds of its board of directors, and by the stockholders representing three-fourths of its capital stock, of their desire to so increase its capital.

Limit of risk. SEC. 25. No insurance company incorporated under any laws of this state shall issue its policy upon any one risk for more than ten per cent. of its capital stock, paid up in cash and unimpaired, unless such excess be at once re-insured in some other reliable insurance company.

Authority for local companies. SEC. 26. Any fire or marine insurance company organized under the laws of this state, and doing or proposing to do business in any other state, may frame and issue policies in such other state in accordance with the laws thereof, anything in its charter or by-laws to the contrary notwithstanding.

Form of policy. SEC. 27. All policies made by insurance companies must be subscribed by the president or vice president, or in case

of the death, absence or disability of those officers, by any two of the directors, and countersigned by the secretary of the company. All such policies are as binding and obligatory upon the company as if executed over the corporate seal.

SEC. 28. In the event of the total destruction of any insured building, on which the amount of the appraised or agreed loss shall be less than the total amount insured thereon, the insurance company or companies shall return to the insured the unearned premium for the excess of insurance over the appraised or agreed loss, to be paid at the same time and in the same manner as the loss shall be paid. Adjustment of losses.

Approved March 27, 1890.

## MINING BUREAU.

AN ACT to create a Mining Bureau, and to define its powers and duties, and declaring an emergency.

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

SECTION 1. For the purpose of encouraging and developing the production and reduction of ores, in which pursuits all are interested and from which all derive benefit, and reliable information concerning mines and milling being accessible only through the ministerial powers of the state, therefore, a mining bureau is hereby created, to consist of the governor, lieutenant-governor and state treasurer.

SEC. 2. The members of the mining bureau shall organize by electing from their number a president and a secretary, who shall act as such officers of said bureau.

SEC. 3. It shall be the duty of the mining bureau to collect reliable statistical information concerning the pro- Duty of bureau.

duction and reduction of all precious and useful minerals of this state, and examine the different processes for the treatment of ores used in the state; to inquire into the merits of other processes alleged or demonstrated by practical experience elsewhere to be the most successful; to inquire into the relative merits of the various inventions, machines and mechanical contrivances now in use, or which may hereafter be introduced for mining and metallurgical purposes; to keep on file in their office reports and papers, which may be published from time to time, and all correspondence on the subject of mines and milling and reducing ores, with the view of eliciting and collecting such information for the public use. They shall address circulars to corporations and individuals engaged in mining, and shall correspond with the school of mines in other states in reference to the mining and metallurgical interests; they shall make a report to the governor for transmission to the legislature, of the operations of the bureau, on or before the fifteenth day of January in each year, for the year ending on the thirty-first day of December of the preceding year, which report shall contain all statements of accounts, money received and expended, statistics, and other information which may tend to promote the development of the mineral resources of the state, and such other reports from time to time as they may deem necessary; they shall examine, audit and allow all bills which relate to expense of money received by or appropriated for this purpose, they shall co-operate with the bureau of statistics, agriculture and immigration; they shall be allowed to employ such clerical assistance as may be necessary to carry out the full intent of this act.

Report to gov-  
ernor.

Clerical assis-  
tance.

Seal.

SEC. 4. The mining bureau shall have a seal bearing the words, "Mining Bureau of the State of Washington."

SEC. 5. They shall have supervisory charge of the metallurgical cabinet of exhibits of the state which may now or hereafter be acquired, and shall provide a room properly arranged for the safe keeping and preservation of same until a permanent room is provided by law: *Provided*, The expense for providing said room shall not exceed \$250 per annum.

SEC. 6. The *ex-officio* members of the mining bureau shall receive no compensation for their services as such *ex-officio* members, but may be paid their actual traveling expenses while on business of, and as may be directed by, the said mining bureau: *Provided*, That not more than fifteen hundred dollars shall be expended under the provisions of this act.

SEC. 7. As immediate attention should be given to the development of this most important industry, this act shall take effect and be in force from and after its approval by the governor.

Approved February 25, 1890.

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## LAND COMMISSION.

AN ACT creating "The State Land Commission," to define the duties and provide for assistance for, and fix the compensation of, the commissioner of public lands, and declaring an emergency.

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

SECTION I. The secretary of state, auditor and commissioner of public lands are hereby created a commission to be styled "The State Land Commission." The commissioner of public lands shall be *ex-officio* president of said commission, and the records of the proceedings of said commission shall be kept in the office of the commissioner of public lands.

Records.

SEC. 2. The said commission shall have general supervision and control of all public lands now owned by, or the title to which may hereafter vest in, the state, to be registered, leased and sold.

Powers of commission.

SEC. 3. All records, books and papers appertaining to any of the lands described in the preceding section, in the possession of any state or county officer, and all records,

Preservation of records.

leases or any other books and papers appertaining thereto, in the possession or under the control of any county officer or commissioner in any county, shall forthwith be turned over and delivered to the commissioner of public lands and be by him preserved under the direction of the state land commission.

Abstracts of  
lands.

SEC. 4. The commissioner of public lands shall, under the directions of the state land commission, cause suitable abstracts to be made of all the lands now owned by the state, or the title to which may hereafter vest in the state, and enter into suitable and well bound books; and the said commissioner of public lands shall make reports to the legislature, to be submitted not later than the first day of each regular session, and perform such other duties as may be prescribed by law.

Seal.

SEC. 5. The commissioner of public lands shall procure a seal with the proper device and the words "The State Land Commission" engraved thereon, which seal shall be used by him officially in all matters pertaining to his office wherein a seal is required.

Bond of com-  
missioner.

SEC. 6. The commissioner of public lands shall enter into a good and sufficient bond, to be approved by the secretary of state, in the sum of ten thousand (\$10,000) dollars, for the faithful discharge of the duties of said office.

Salary.

SEC. 7. The commissioner of public lands shall receive a salary of two thousand (\$2,000) dollars annually, to be paid quarterly, as provided for the payment of other state officers.

Clerk hire.

SEC. 8. The land commissioner is authorized to expend a sum not to exceed \$2,500 per annum for such clerical assistance as may be required, and the state auditor is hereby authorized and required to draw a warrant for the amount so expended upon the presentation of properly authenticated vouchers.

Surveys.

SEC. 9. The commissioner of public lands is hereby authorized to contract for any and all surveys of the lands now owned by the state, or the title to which may hereafter vest in the state, as the same may be necessary, and all contracts for such surveys shall be let to the lowest re-

sponsible bidder, the same being a competent surveyor, and furnishing a good and sufficient bond for the faithful execution of his duties, in double the amount of such contract. All contracts for surveys made by the commissioner of public lands, and all bonds for the faithful execution of the same, shall be approved by the state land commission before such contracts shall become binding upon the state. Surveys made under the provisions of this act shall be paid for only when the same shall have been examined and approved by the commissioner of public lands, and all field notes and plats of such surveys shall be filed and preserved in the office of the commissioner of public lands. All details regulating the survey of state lands and for the government of surveyors under the provisions of this act, shall be arranged by the state land commission.

Contract to lowest bidder.

Duty and powers of commissioner.

SEC. 10. There is hereby appropriated out of any money in the general fund not otherwise appropriated the following amounts for the purpose herein named: Three hundred (\$300) dollars, or so much thereof as may be necessary, for postage; six thousand dollars, or so much thereof as may be necessary, for the purchase of maps, blanks, blank books, and such other articles for the use of the office of the commissioner of public lands as may be deemed necessary by the state land commission.

Incidentals.

SEC. 11. All moneys appropriated by this act shall be paid by the state treasurer upon warrants drawn by the state auditor.

SEC. 12. The commissioner of public lands, for services performed in his office, may charge and collect the following fees: *First*, for a copy of any document or paper on file in his office, twenty-five cents per folio; *second*, for affixing certificate and seal of the state land commission, one (\$1) dollar; *third*, for each contract of sale issued, if for one quarter section of land or less, one (\$1) dollar; *fourth*, for each copy of the plat of any township, or portion thereof, one (\$1) dollar.

Fees.

SEC. 13. The commissioner of public lands shall keep a fee book, in which must be entered all fees received by him, with the date paid, and the name of the payor; and

Fee book.

the nature of the service rendered, which book must be verified annually by his affidavit entered therein; which fees so collected by him shall be paid into the state treasury, from time to time, as collected.

SEC. 14. Whereas, there are no acts of the legislature relating to the duties of the commissioner of public lands, there being an immediate necessity therefor, therefore an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Approved March 27, 1890.

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## STATE LIBRARY.

AN ACT relating to the State Library.

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

Librarian.

SECTION 1. The state library of this state shall be kept by a librarian, who shall be appointed by the governor, by and with the advice and consent of the senate, whose term of office shall be for four years next following his appointment and until his successor is appointed and qualified, and in case of a vacancy, the governor shall appoint a librarian to fill the unexpired term: *Provided*, That the first librarian appointed under this act shall hold office for a term of three years.

Oath.

SEC. 2. The state librarian, before he enters upon the duties of his office, shall qualify by an oath, to be filed in the office of the secretary of state, that he will support the constitution of the United States and the constitution of the State of Washington, and that he will faithfully perform his duties; and he shall also give a bond in the sum of two thousand dollars, payable to the state, with two or more sureties, to be approved by the secretary of state, that he will perform his duties as required by law.

Bond.

SEC. 3. The state librarian may, at his own cost, appoint a deputy who shall, before entering upon the duties of the office, qualify in the same manner as the state librarian. Deputy.

SEC. 4. It shall be the duty of the librarian to keep a correct account of all books in the library, and keep said books in an orderly manner on the shelves of said library, except he allows them to be taken from the shelves as hereinafter provided, and to use that reasonable diligence which a careful man would do in his own private office; to make a complete catalogue of all books in said library, to be completed in manuscript before January 1, 1891, and deliver the same to either branch of the legislature, also to make and keep in library suitable card catalogues of books; to collect the books outstanding into the library; to keep all the books marked, so that it may be known to whom they belong; to report to the governor of the state biennially, in November preceding each session of the legislature, all increase or decrease in said state library, and the sources of such increase and decrease, and when his term of office expires, deliver all accounts and papers concerning said library, and all of said library, to his successor in office. Duties of. Biennial report.

SEC. 5. The librarian shall, during the session of the legislature and supreme court, keep said library open for the use of the legislature and other officers, and the attorneys and judges of said court, and all the books of the library shall at that time be collected into the library for the use of said persons and other officers of the state. Convenience of legislature and supreme court.

SEC. 6. The persons named in the preceding section shall be allowed at all times to use the books in the library room, but shall in no case be permitted to take any book therefrom unless he first deposits with the acting librarian a receipt therefor, signed by the person taking the book, in which case said party may be allowed to take such book from the library room. Must receipt for books.

SEC. 7. No books so taken shall be allowed to be taken outside the city which is the seat of government, and all persons violating the provisions of this section shall forfeit and pay to the state an amount equal to five times the value of the book so taken, to be collected as hereinafter Penalty.

Order of court. prescribed: *Provided, however,* That on an order of the court or judge, any law book may be taken out of said library beyond said city.

Limit of loan. SEC. 8. Every person who shall take a book from the library, as provided in the preceding section, shall within three days after the adjournment of the legislature or court aforesaid, return such book to the state library, and in case of failure he shall forfeit and pay to the state an amount equal to five times the value of the book, and in case said book is one of a set, then five times the value of the set to which the said book belongs.

SEC. 9. During the session of a superior court being held at the seat of government, judges, attorneys and other officers of the court may have the same privileges, under the same restrictions, penalties and other provisions as is provided in the preceding section.

State officers have access.

SEC. 10. All state officers shall have at all times, between the hours of 10 A. M. and 4 P. M. (Sundays excepted), free access to the library and use of the books to take away as above stated, in all respects and under the same regulations, penalties and provisions as aforesaid; except the time of their return of said books which, instead of being three days after the end of the session of the legislature or court, shall be one month after they receive said books.

Terms of access to general public.

SEC. 11. Any and all other persons than those above named may have free access to said library at any time the same may be open, to use the same in the library room while the same is open, and not otherwise. Any person may take a book from the said library, except when the supreme court or legislature is in session, by first depositing in money with the state librarian the value of said book, if it be one not belonging to a set; and if it be one belonging to a set, then by depositing the value of the whole set, and also by depositing with the librarian a receipt for said book, signed by the person taking the book, and any person obtaining a book under the provisions of this section shall return the same to the librarian within one month from the time the same is taken, and in all cases three days before the session of the legislature or

supreme court, under the penalty of the forfeiture of the money so deposited. The person returning the book shall be entitled to his receipt, which he gave for the same, and to his money which he deposited, less the amount of damage done to the book returned, if the book is returned within the time prescribed by this act. If any person fails to return a book within the time specified in this act, such person shall, in case said book be a single, independent book, pay a forfeiture to the state five times the value of said book, and in case such book be one of a set, then five times the value of the set to which it belongs, and the book shall remain the property of the state. Penalty for non-return.

SEC. 12. Any person who shall purposely destroy, mutilate, alter, deface, conceal or cover up the state marks on any book belonging to the state library, shall be deemed to intend to embezzle the same and guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than twenty dollars nor more than two hundred dollars, and shall also deliver up such book or books. Penalty for defacing.

SEC. 13. All actions prosecuted under this act shall be deemed criminal actions, and shall be prosecuted as other crimes and misdemeanors are prosecuted in the name of the state, and all courts of justices of the peace shall have concurrent jurisdiction with the superior courts in all cases where the penalty is one hundred dollars or less, and in all other cases the superior courts shall have the jurisdiction thereof. Nature of offense.

SEC. 14. All moneys recovered under the provisions of this act to which the state is entitled shall be paid immediately to the state treasurer, to the credit of the special state library fund. Disposition of money.

SEC. 15. The state librarian shall not at any time permit books to a greater value than one thousand dollars to be absent from the state library at one time, and said librarian shall be responsible on his state bond for any violation of his duty, and the same shall be prosecuted, in case of a breach of duty, by the prosecuting attorney of the district in which the state library is located, and the money received deposited with the state treasurer, for the Limit of value of books to be loaned.

benefit of the state library. If the librarian shall permit more books than a thousand dollars' worth to be taken from the library at one time, he shall forfeit twice the amount of the excess.

Powers of commissioners.

SEC. 16. The board of commissioners, provided in section twenty-one of this act, may exchange or sell such law books and public documents as to the said board may seem conducive to the best interest of the said library, and the said board shall buy with the proceeds of such sale or sales, or shall receive in exchange for books so exchanged, such books as they shall direct, and said board shall exercise a general supervision over the said state library.

Distribution of supreme court reports.

SEC. 17. It shall be the duty of the official supreme court reporter to deposit with the state librarian such supreme court reports of this state as the state is by law entitled to, receiving his receipt for the same. The librarian shall forward to all persons in this state entitled by law to receive such reports, an annual copy of the same, as well as to the library of congress, and to the libraries of the several states and territories practicing a like comity with this state. His account for expenses of transporting the same shall be paid out of the state treasury by warrant drawn by the state auditor, who shall receive proper vouchers for the same.

Incidentals.

SEC. 18. The state librarian is hereby authorized to pay freight and other charges upon books or other documents sent to the library, and to buy such wrapping paper, twine and postage stamps as may be found necessary for the use of said library, taking proper vouchers therefor; and upon presentation of said vouchers, approved by the secretary of state, the state auditor shall, at the end of each quarter, issue a warrant upon the state treasurer, in favor of the librarian, for the amount so found due.

Janitor duties.

SEC. 19. In addition to the duties of the state librarian hereinbefore named, he shall, under the supervision of the secretary of state, have the care and custody of the state capitol buildings and grounds, and perform such duties as usually devolve upon a janitor.

Salary of librarian.

SEC. 20. The state librarian shall be allowed an annual salary of one thousand dollars, to be paid quarterly, and

the state auditor shall draw warrants on the state treasurer for said amounts.

SEC. 21. The governor, the secretary of state and the attorney general of the state shall constitute a board of commissioners, who shall make such rules for the conduct of the library as they may deem advisable, and shall obtain, by purchase or otherwise, books, reports, etc., for the state library, and the said commissioners are hereby authorized to purchase such books at their discretion, and expend therefor in the aggregate during the year one thousand eight hundred and ninety (1890) a sum not exceeding ten thousand dollars, and during each subsequent year a sum not exceeding in the aggregate three thousand dollars: *Provided*, That at no time shall such purchases exceed the amount in the hands of the state treasurer to the credit of the special state library fund.

Personnel and powers of commission.

SEC. 22. When purchases of books for the state library are made, as provided in the preceding section, the vouchers therefor, having been certified by one or more of said commissioners, shall be presented to the state auditor, who shall issue warrants for the same upon the state treasurer, to be paid out of the special state library fund.

Vouchers,

SEC. 23. Any person who has any book belonging to the state library shall, within two months, return said book to the state library, and if any person now having such book shall fail to return such book in said time, such person shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty dollars nor more than two hundred dollars, and shall also deliver up such book or books.

Books belonging to library previously taken out.

SEC. 24. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved March 27, 1890.

## AGRICULTURAL COLLEGE AND SCHOOL OF SCIENCE.

AN ACT to create a Commission of Technical Instruction, and to establish a State Agricultural College and School of Science, and to declare an emergency.

Enabling act.

WHEREAS, By section sixteen of an act of congress approved February twenty-second, *anno domini* eighteen hundred and eighty-nine, 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," ninety thousand acres of land, (to be selected and located as provided in section ten of said act, approved February twenty-second, *anno domini* eighteen hundred and eighty-nine,) are granted to the State of Washington for the use and support of agricultural colleges in said state, as provided in the acts of congress making donations of lands for such purposes; and

Land grant for scientific school.

WHEREAS, By section seventeen of said act, approved February twenty-second, *anno domini* eighteen hundred and eighty-nine, one hundred thousand acres of land are granted to the State of Washington for the establishment and maintenance of a scientific school; and

Act of congress relative to agricultural experiment stations.

WHEREAS, By an act of congress approved March second, *anno domini* eighteen hundred and eighty-seven, and entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several states," under the provisions of an act approved July second, eighteen hundred and sixty-two, and of the acts supplementary thereto, certain moneys are appropriated to each state, entitled (under the provisions of said act, approved March second, *anno domini* eighteen hundred and eighty-seven,) to the benefits of said act: therefore,

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

SECTION 1. That a commission is hereby created and established, to be known as the commission of technical instruction, which shall be composed of three commissioners, who shall be appointed by the governor of the State of Washington, by and with the advice and consent of the senate. The commissioners first appointed under this act shall continue in office for the term of one, three and five years, respectively, from the first day of February, *anno domini* eighteen hundred and ninety, the term of each to be designated by the governor, but their successors shall be appointed for terms of four years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Any commissioner may be removed by the governor for inefficiency, neglect of duty or malfeasance in office, but he shall first be served with a copy of the charges preferred against him, and have a hearing thereon. Before any commissioner shall enter upon the duties of his office he shall take and subscribe an oath or affirmation before some person duly authorized to administer the same, that he will support the constitution of the United States and the State of Washington, and will faithfully and impartially discharge the duties of the office of commissioner of technical instruction, which oath or affirmation shall be filed in the office of the secretary of state.

SEC. 2. That the commission may conduct its proceeding in such manner as will best conduce to the proper dispatch of business. A majority of the commissioners shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. No commissioner shall participate in any proceeding in which he has any pecuniary interest. Every vote and official act of the commission shall be entered of record. Said commission shall have an official seal which shall be judicially noticed. Said commission may sue and be sued. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. At their first meeting after appointment the

Commission to be appointed.

Vacancies.

Oath; how filed.

Quorum.

Seal.

Chairman. commissioners shall elect one of their number chairman of the commission.

Object, duty and powers of commission.

SEC. 3. That it shall be the object and duty of the commission to further the application of the principles of physical science to industrial pursuits, and in particular to collect information as to schemes of technical instruction adopted in other parts of the United States and in foreign countries, to hold farmers' institutes at such times and places and under such regulations as it may determine, and to perform such other duties as may from time to time be prescribed by law, and said commission shall possess all the powers necessary or convenient to accomplish the objects and perform the duties prescribed by law.

Name of institution.

SEC. 4. That there is hereby established within the State of Washington an educational institution by the name of the Washington State Agricultural College and School of Science. The said college shall be under the management of the commission of technical instruction, and the chairman of said commission shall discharge the duties of president of the said college. Said commission shall locate the said college unless its location has been otherwise selected in accordance with law, previous to the first day of June, A. D. eighteen hundred and ninety; and in selecting said location said commission shall have in view the best interests of said college and the attainment of the object aimed at in the creation of the same.

Visitors ex-officio.

SEC. 5. That the governor of the State of Washington, the superintendent of public instruction, members of the legislature and county commissioners shall be *ex-officio* visitors of said college. But said visitors shall have no powers granted to control the action of the commission of technical instruction or to negative its powers and duties as defined by law.

Object.

SEC. 6. That the object of said college shall be to train teachers of physical science, and thereby to further the application of the principles of physical science to industrial pursuits.

Government of institution.

SEC. 7. That the commission is authorized to appoint a secretary, and such professors, demonstrators, instructors, officers, or other employees as may be deemed necessary

by it; to determine their duties, responsibilities, compensation and tenure of office, and to remove from office for inefficiency, neglect of duty or malfeasance in office any person appointed by it to any office whatsoever; but all appointments shall be made without regard to political opinion or religious belief.

SEC. 8. That the said commission shall make provisions that all instruction given in the college shall, to the utmost practicable extent, be conveyed by means of practical work in the laboratory. Said commission shall provide, in connection with said college, the following laboratories: One physical laboratory or more, one chemical laboratory or more, and one biological laboratory or more, and suitably furnish and equip the same. Said commission shall provide that all male students shall be trained in military tactics. Said commission shall establish a department of said college to be designated the department of elementary science, and in connection therewith provide instruction in the following subjects: Elementary mathematics, including elementary trigonometry; elementary mechanics, elementary and mechanical drawing, land surveying. Said commission shall establish a department of said college to be designated the department of agriculture, and in connection therewith provide instruction in the following subjects: *First*, physics, with special application of its principles to agriculture; *second*, chemistry, with special application of its principles to agriculture; *third*, morphology and physiology of plants, with special reference to the commonly grown crops and their fungus enemies; *fourth*, morphology and physiology of the lower forms of animal life, with special reference to insect pests; *fifth*, morphology and physiology of the higher forms of animal life, and in particular of the horse, cow, sheep and swine; *sixth*, agriculture, with special reference to the breeding and feeding of live stock, and the best mode of cultivation of farm produce; *seventh*, mining and metallurgy. And it shall appoint demonstrators in each of these subjects, to superintend the equipment of a laboratory and to give practical instruction in the same. Said commission shall establish an agricultural experimental station in connection with the

Character of  
institution.

Department of  
agriculture.

Character of  
instruction.

Mining and  
metallurgy.

department of agriculture of said college, appoint its officers and prescribe such regulations for its management as it may deem expedient. Said commission may establish other departments of said college, and provide courses of instruction therein, when those are, in its judgment, required for the better carrying out of the object of the college.

Regulations for admission.

SEC. 9. That said commission is authorized to prescribe regulations for the admission of students; but no discrimination shall be made in respect of race, sex, political opinion or religious belief. The commission may prescribe such rates of tuition as it may deem expedient. The commission is authorized and required to prescribe regulations for the good government and discipline of the college, with reasonable penalties for violation thereof. The commission may confer on any person or persons power to enforce the regulations provided for in this section.

Building must be insured.

SEC. 10. That said commission is authorized and required to insure against the risk of fire, with some safe fire insurance company, all the property of the state used in connection with the college and its several departments.

Regulations and penalties.

It is authorized and required to prescribe regulations for the safe custody and preservation of the buildings, libraries, laboratories, museums, cabinets, and all property whatsoever belonging to the state used in connection with the college and its several departments, with reasonable penalties and forfeitures by way of damage for violation thereof, which may be sued for and collected in the name of the commission before any court having jurisdiction of such action. The commission may confer on any person or persons power to enforce the regulations provided for in this section.

Annual report.

SEC. 11. That the commission shall, on or before the first day of October in each year, make to the governor of the State of Washington a full and detailed report of the operations of the college for the year ending June thirtieth preceding, including a detailed statement of all receipts and expenditures of the commission during that period. This report shall also contain such information

and data collected by the commission as may be considered of value in the determination of questions connected with technical instruction, together with such recommendations as to additional legislation relating thereto, and to the state agricultural college and school of science, as the commission may deem expedient. The governor shall transmit the reports to the legislature, and copies of the same shall be sent to the superintendent of public instruction and to the county clerks of each county of the State of Washington for preservation among the public records.

Duty of governor.

SEC. 12. That the commission shall each be paid his actual and necessary traveling expenses incurred in discharge of his official duties, and shall be reimbursed all other necessary expenses so incurred, and shall receive a compensation of five dollars (\$5) per day for the time actually spent in the discharge of such duties.

Payment of expenses.

SEC. 13. That said commission is authorized to expend moneys for all furniture, apparatus, matters and things, with a view to effectuate the objects and purposes of this act, except that it shall not expend any money or moneys for the purchase of lands or the purchase or erection of any building or buildings, except such purchase or erection be authorized by the express terms of the gifts, grants, appropriations, endowments or bequests of money so expended. Said commission is hereby prohibited from contracting any debts or liabilities in excess of appropriations actually made or moneys on hand.

Expenditure of money.

Limit of debt.

SEC. 14. That all vouchers for the expenditure of money under the provisions of this act must be signed and attested by at least a majority of the commissioners, and the state auditor shall, upon presentation of such vouchers, if he shall find the item or items thereof otherwise authorized by law, draw his warrant upon the state treasurer for the payment of the same, and the state treasurer shall pay such warrants out of any moneys on hand appropriated for the purpose herein set forth: *Provided*, That every voucher shall set forth the purpose for which the money, material or labor represented therein was used.

SEC. 15. That the sum of five thousand dollars is hereby appropriated out of any money in the treasury not other-

wise appropriated, for the uses and purposes of this act: *Provided*, That the state shall be reimbursed in the said amount of five thousand dollars out of the available proceeds of the first sale of lands of the ninety thousand acres donated to the college of agriculture and the mechanic arts. All appropriations shall be disbursed by said commission.

SEC. 16. That all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 17. Whereas, an emergency exists, and it is of great importance to the State of Washington that the said commission be forthwith appointed in order that appropriations heretofore made by the congress of the United States be received and the same be disbursed; this act shall take effect and be in force from and after its approval by the governor.

Approved March 28, 1890.

## WEIGHTS AND MEASURES; SEALER OF.

AN ACT to establish a uniform standard of weights and measures in this state, and to provide for a State Sealer and Inspector of the same.

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

Standard.

SECTION 1. That the standard of weights and measures in this state shall agree exactly with the standard as recognized and furnished by the United States, and shall, for the purpose of security and verification, be kept in the custody of the secretary of state.

State sealer.

SEC. 2. The secretary of state shall be *ex-officio* state sealer of weights and measures, and shall have the care and custody of the authorized public standards of weights and measures. He shall try and prove by such standards all weights and measures, scales and beams which may

belong to any county and be sent and brought to him for that purpose by the county sealer, and shall seal such, when found to be accurate, by stamping on them the letter "W" with a seal which he shall have and keep for that purpose.

SEC. 3. The county auditor of each county shall be the County sealer. sealer of weights and measures for the county, and shall have the care and custody of the county standards. He shall procure at the expense of the county, when not already provided, a full set of weights and measures, scales and beams, which he shall cause to be tried, proved and sealed by the state standards, under the direction of the secretary of state.

SEC. 4. The secretary of state shall authorize and in- Duty of secretary of state.struct the county auditor of each and every county in this state in regard to testing and verifying weights and measures within said county, and shall furnish said county auditor with a copy of this act, and the county auditor shall Duty of county auditor. immediately post in his office due notice of his authority and readiness to act as inspector and sealer of weights and measures, and shall advertise the same in two papers in said county for the month of January in each year: *Provided, however,* That in counties where no newspapers are published, that notices shall be posted in five public places.

SEC. 5. The several county sealers shall try and prove all weights and measures, scales and beams, when requested so to do, and when the same are found or made to conform to the legal standards, they shall seal and mark such weights and measures with a seal to be kept by them for that purpose.

SEC. 6. The state and county sealers of weights and measures in this state shall charge for testing or sealing any beam or scale the sum of fifty cents: *Provided,* That Fees. no charge shall be made for testing or sealing weights for counter, gold or apothecary scales, and for each and every weight or measure ten cents; for sealing and marking liquid and dry measures, if the same be a gallon or more, ten cents; if less than a gallon, five cents. They shall also be entitled to a reasonable compensation for making such weights and measures conform to the standards established by this act.

Expenses of  
county sealers.

SEC. 7. That the expense justly chargeable to any county in this state and incurred in and immediately connected with procuring county standards of weights and measures, and noticing and advertising the same in furtherance of the provisions and intentions of this act, shall, on presentation of proper and sufficient vouchers to the county commissioners, be accepted and paid by said county.

Penalty for non-  
conformity.

SEC. 8. That any person in this state who shall, after thirty days subsequent to published notice from the county sealers of weights and measures, as provided in section four of this act, be found using any false or fraudulent beam, scale, weight or measure, and who shall fail or neglect, on written notice of the same from any person aggrieved, or in any way cognizant thereof, to have said imperfect beam, scale, weight or measure duly inspected, and by proper authority adjusted and sealed, or who shall use the same scale, weight or measure subsequent to said notice without correction or adjustment, as provided in this act, any person so offending shall be liable to an action in law and penalty of twenty dollars for each and every offense, to be paid into the county fund.

Oaths of sealers.

SEC. 9. That the secretary of state and each and every county sealer of weights and measures in this state shall, before entering upon the performance of any official duties described or implied in this act, take and subscribe the following oath or affirmation: "I, ——, do swear (or affirm) that I will not seal or give any certificate of correctness for any scale, weight or measure but such as shall, as nearly as possible, agree with the standard in my keeping, as the standard of the State of Washington and of the United States, and that I will, to the best of my ability, execute and discharge truly and faithfully the trusts reposed in me. So help me God." Which oath or affirmation shall be filed in the office of the secretary of state.

How filed.

Half bushel de-  
fined.

SEC. 10. In the sale of fruits, vegetables and all other articles sold by heaped measure, one thousand two hundred and eighty-two (1,282) cubic inches shall constitute a half bushel.

SEC. 11. The hundred-weight shall consist of one hun-

dred pounds, and twenty such hundred-weights shall constitute a ton.

SEC. 12. Whenever any of the following articles shall be contracted for or sold or delivered, and no special contract or agreement shall be made to the contrary, the weight per bushel shall be as follows, to-wit: Wheat, sixty pounds; clover seed, sixty pounds; rye or Indian corn, fifty-six pounds; oats, thirty-six pounds; barley, forty-eight pounds; buckwheat, forty-two pounds; dried apples or peaches, twenty-eight pounds; potatoes, sixty pounds; green apples or pears, forty-five pounds; flax, fifty-six pounds.

Busheis by weight.

SEC. 13. Whoever, in buying any of the articles mentioned in the preceding section, shall take any greater number of pounds thereof to the bushel, or in selling any of said articles, shall give any less number of pounds thereof to the bushel than is allowed by said section, with intent to gain advantage thereby, except when expressly authorized so to do by special contract or agreement to that effect, shall be liable to the party injured in double the amount of the property so wrongfully taken or not given, and ten dollars in addition thereto, to be recovered in any court of competent jurisdiction.

Penalty for fraud.

Approved March 20, 1890.

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## SOLDIERS' HOME; COMMISSION TO ESTABLISH.

AN ACT to provide for the establishment and maintenance of a home for honorably discharged Union soldiers, sailors, marines, and also members of the state militia disabled while in the line of duty, and who are *bona fide* citizens of this state.

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

SECTION 1. That there shall be established in this state an institution under the name of the "Washington Sol-

Name of institution.

diers' Home," which institution shall be a home for honorably discharged Union soldiers, sailors, marines, and also members of the state militia disabled while in the line of duty, and who are *bona fide* citizens of this state.

Qualifications for admission to.

SEC. 2. All honorably discharged Union soldiers, sailors, marines, and also members of the state militia disabled while in the line of duty, may be admitted to the home provided for in section one hereof, under such rules and regulations as may be adopted by the board of trustees hereinafter provided for: *Provided*, Such applicants are *bona fide* citizens of this state.

Appropriation.

SEC. 3. To carry out the provisions of this act, there shall [be] and is hereby appropriated out of any moneys in the state treasury, or that may come therein to the credit of the general revenue fund, not otherwise appropriated, the sum of thirty thousand dollars, which may be drawn as required by the board of trustees provided for in this act.

Trustees to be appointed.

SEC. 4. The selection and purchase of the site and the construction of the buildings for said institution, and the general supervision and government thereof, shall be vested in five trustees, who, upon the passage of this act, shall be appointed as follows, to-wit: One for one year, one for two years, one for three years, one for four years and one for five years, and as the term of each expires, his successor shall be appointed for five years. Such trustees shall be appointed by the governor, by and with the advice and consent of the senate, and each of them, and their successors, shall, before entering upon the duties of his office, give a bond of five thousand dollars to the state, approved by the governor and filed in the office of the secretary of state, for the faithful performance of his duties.

Trustees' report.

SEC. 5. The trustees shall, within one month before the first day of meeting of any session of the legislature of the state, prepare and lay before the governor and legislature a full and detailed sworn report, exhibiting a particular statement of the condition of such soldiers' home and all its concerns, including an account of all contracts, expenditures and liabilities.

SEC. 6. Said board is authorized to select and purchase

a site for said institution, consisting of not less than forty acres of land, at an expense not exceeding ten thousand dollars, or may receive donations of land for such purpose, or purchase building or buildings, if the same may be found to the satisfaction of the board. The title to said lands must be approved by the attorney general before the same is accepted, and when accepted, shall be conveyed to the State of Washington, and the deed therefor shall be duly recorded in the proper county, and then deposited with the auditor of state.

Purchase of site.

Title to land.

SEC. 7. The trustees shall appoint a superintendent, who shall be styled "commandant of the home," and who shall hold office for five years, unless sooner removed by the trustees, for cause of which they shall be the judges. Said commandant shall have entire management and control of the institution under the rules and regulations adopted by the trustees, and he shall, with the approval of a majority of the board, appoint or employ all subordinate officers and employes of said institution, and may remove or discharge them for cause. Said commandant shall give a bond to the state in the sum of five thousand dollars, approved by the governor and filed in the office of the secretary of state, for the faithful performance of his duties.

Commandant.

Duties and powers.

Approved March 26, 1890.

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## REFORM SCHOOL; COMMISSION TO LOCATE.

AN ACT providing for the establishment and location of a State Reform School, and to declare an emergency.

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

SECTION 1. That a reform school be and is hereby established, to be known as the Washington State Reform School.

Object.

SEC. 2. Said school to be for the keeping and reformatory training of all youths between the ages of eight and eighteen who are residents of the State of Washington, and who, on presentation to the presiding officer of said school by an accompanying officer, parent or guardian, shall be accompanied by a certificate of commitment from a court legally authorized to make such commitment.

How admitted.

Commissioners to select site.

SEC. 3. The governor shall, immediately after the approval of this act, appoint three responsible citizens of the state, commissioners to choose a location for said school, and the said commissioners shall, on or before the first day of May, 1890, visit personally, in a body, the different counties asking for the location of said school, and said commissioners shall decide in which county the school shall be located, taking into consideration the best interest of the school and the state at large. After having decided upon the location of the school, so far as the county is concerned, the commissioners shall report the same to the governor in writing.

Trustees.

SEC. 4. The governor shall, on or before the first day of April, 1890, appoint three competent persons, who shall constitute a board of trustees, to be known as the trustees of the Washington State Reform School. He shall notify said trustees of such appointment as soon as it is made; and he shall have power to fill by appointment all vacancies occurring in said board, whether by death, removal, resignation or expiration of terms of office, and he shall further have power to remove, for good and sufficient cause, any one or all the members of said board.

Oath and bond of trustees.

SEC. 5. As soon as notified of his appointment, each member of the board of trustees, before entering upon the duties of his office, shall take and subscribe to an oath, before any officer qualified to administer oaths, that he will faithfully perform the duties of his office according to law, and shall each give a bond to the State of Washington in the sum of ten thousand dollars, with good and sufficient sureties, conditioned for the faithful performance of his duties, which bond shall be filed in the office of the secretary of state.

SEC. 6. As soon as each member of the board of trus-

tees shall have complied with the requirements of section 5 of this act, they shall meet at the county seat of the county in which the commissioners shall have located the school, and shall at once organize by electing one of their number president and one secretary. Immediately after such organization the board shall select a suitable tract of land of not less than five nor more than one hundred acres on which to erect such buildings and other improvements as may be necessary for the establishment of said school, and shall proceed to purchase the same in the name of the State of Washington. And said board is hereby authorized to receive, in the name of the state, any and all donations, gifts or contributions to said school, whether in money, land, labor, material or supplies. Immediately upon purchase of the land, as aforesaid in this act, the board shall establish a permanent office as near as possible to said tract, and the secretary shall there keep any and all books of the board, which shall be open for public inspection, and he shall also file with the secretary of state any and all deeds executed conveying land to the State of Washington for the use and benefit of said school. The president shall preside at all meetings of the board of trustees, superintend the performance of all contracts for labor and material which may have been authorized by the board, and see that the terms of each contract are faithfully fulfilled; and he shall perform such other duties as the board may direct.

Duties and powers of board.

SEC. 7. On or before the first day of June, 1890, the board of trustees shall select upon the land purchased for the reform school a suitable building site, and shall proceed to erect thereon the necessary buildings according to the provisions of this act; but no member of the board shall be, either directly or indirectly, interested in any agreement or contract of any kind connected with the erection of buildings, furnishing material or supplies of any kind for said school. All contracts for labor, material or supplies of any kind for or connected with said school, at any time or place, shall be let to the lowest responsible bidder, which letting shall be advertised by posting printed notices at every postoffice in the county where the school

Building site.

Contracts let to lowest bidders.

is located at least thirty days prior to such letting or time of opening bids and awarding contracts, and also by advertising in at least two leading papers in the state for the same length of time.

Erection of buildings.

SEC. 8. The board shall, as soon as possible, adopt plans, specifications and arrangements for buildings and such other improvements as are necessary for the establishment of said school, and shall erect the same as speedily as is consistent with the provisions of this act: *Provided*, That such buildings and improvements shall not exceed in cost, when completed and ready for occupancy, the sum appropriated for such purposes by this act.

Form of bids.

SEC. 9. All bids for labor, material or supplies shall be made by sealed proposals to the president of the board, and all advertisements for labor, material or supplies shall name nature, character and amount of the same as nearly as may be possible, and shall further specify the nature and amount of the bond required of the party awarded the contract.

Vouchers.

SEC. 10. All bills against the state for supplies or material furnished or labor performed in connection with said school, shall be certified to by the president and secretary of the board of trustees, and such board shall not certify to any bill or sanction the payment of any account for labor performed, or material or supplies furnished, except the same shall have been duly contracted for and the provisions of the contract fully complied with. All bills and accounts of said school shall be audited by the state auditor, who shall draw a warrant on the state treasurer for the amount so certified to by the president and secretary of the board, which warrant shall state on its face the person in whose favor it is drawn, and for what particular purpose it is drawn; but the auditor shall draw no warrant for any bill or account connected with said school except said bill or account be certified to according to the provisions of this act.

Bond of contractor.

SEC. 11. The board shall award each contract to the lowest responsible bidder, who shall furnish the required bond with sureties, to be approved by the said board: *Provided*, That the board may reject any and all bids if,

in its judgment, they are too high, and shall again advertise for proposals as in the first instance: *And provided further*, That should there be but one bid or proposal the assent of the entire board shall be necessary to such contract.

SEC. 12. The board, after the first meeting, as provided for in this act, shall meet as often as it may be necessary for the best interests of said school, at the place chosen for its permanent office, and each member shall receive for his services as trustee five dollars per day for each day's attendance at such meetings, and ten cents per mile for each mile traveled in the performance of his duties as such officer. Each member of the board shall serve six years, except in the case of the board first appointed, in which case one shall serve two years, one four years, and one six years, and they shall, at their first meeting, cast lots to determine the length of time each shall serve. Compensation of trustees.

SEC. 13. On the completion of the buildings and improvements, as provided for in this act, the board of trustees shall give notice of the same to the governor, whose duty it shall be to give public notice of the same to the state, and the board shall then employ a competent person (a male), who shall be known as director of the Washington State Reform School. It shall be the duty of said director to take charge of the school, and he shall also have immediate control of the male department of said school, and shall, by and with the consent of the board of trustees, employ a matron, who shall have immediate control of the female department of the school, and the director shall also appoint such other officers and teachers as may be necessary for the management of the school. Director. Matron.

SEC. 14. The salary of the director shall be one thousand and five hundred dollars per year, and the salary of the matron and other employes of the school shall be fixed by the board of trustees. Salary of director.

SEC. 15. The director, before entering upon the duties of this office, shall execute and file with the board of trustees a bond, with good and approved sureties, in the sum of five thousand dollars, conditioned for the faithful performance of his duties as director of said reform school. Bond of director.

## Duties.

SEC. 16. The director shall be present at all meetings of the board of trustees after his appointment and qualification, and shall there confer with the trustees regarding the management and interests of the school. He shall have entire supervision of the school, subject, however, to the control of the board, and shall hold his office during the pleasure of the same.

## Duties of board.

SEC. 17. It shall be the duty of the board of trustees to investigate any and all complaints made against the director, matron or any employe of said reform school, and for good and sufficient reason remove the person against whom such complaint shall have been made. The board shall further investigate any and all charges may [made] by the director against any inmate or inmates of the school, and if, after the investigation of such charges, any inmate or inmates of said school shall be found incorrigible, unmanageable or detrimental to the best interest of the school, such inmate or inmates, as the case may be, shall be returned to the court which made the commitment.

## Departments.

SEC. 18. Said reform school shall consist of two departments; one for the male and one for the female inmates, and the two departments shall be entirely separate. The matron shall be directly accountable to the director for the management of the female department of the school.

## Character of training.

SEC. 19. All the branches taught in the public schools of the state shall be taught in the reform schools, and the inmates shall be taught and trained in morality, temperance and frugality, and they shall also be instructed in the different trades and callings of the two sexes, as far as possible, in the scope of the institution.

SEC. 20. The board of trustees shall have full power to regulate the workings of the institution and make such rules for its management and control as may be necessary: *Provided*, That no rule made by the board shall conflict with the provisions of this act.

## Report of directors.

SEC. 21. The director shall, at the close of each year, make a full and complete report to the board, of the condition, number and standing of the inmates of the school, as well as the number received and the number dismissed

during the year, and he shall give such further information as the board may require.

SEC. 22. The board shall make a biennial report to the governor. Said report to contain a complete list of all officers and employes connected with the school; the number of inmates, male and female; the number admitted and the number dismissed each year during the period covered by the report; an account of all expenses incurred, and for what purpose; and as nearly as possible, the advancement made by the inmates. They shall also show the needs of the school, so far as supplies, buildings and other improvements are concerned, and may recommend the passage of any laws they may deem necessary for the benefit of the school. Biennial report of board.

SEC. 23. Each commissioner appointed in accordance with section 3 of this act shall receive for each day employed in the performance of his duties as such commissioner three dollars, and ten cents for each mile traveled in the performance of such duties. Compensation of commissioners.

SEC. 24. For the purpose of carrying into effect the provisions of this act, there is hereby appropriated, out of any money belonging to the state not otherwise appropriated, the sum of twenty-five thousand dollars. Appropriation.

SEC. 25. Whereas, there are now in this state a number of offenders between the ages specified in this act, and no institution established for their keeping or reformation; therefore, an emergency is hereby declared to exist, and this act shall take effect from and after its approval by the governor.

Approved March 28, 1890.

STATE NORMAL SCHOOL; COMMISSION TO LOCATE.

AN ACT to establish a State Normal School.

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

SECTION 1. There shall be established in the city of Ellensburg, county of Kittitas, a school to be called the Washington State Normal School, for the training and educating of teachers in the art of instructing and governing in the public schools of this state.

Trustees to select site.

SEC. 2. The governor of the State of Washington, the superintendent of public instruction of the said state, and the secretary of state, are hereby appointed and created trustees, with full power and authority to select a site for the permanent location of the State Normal School in the city of Ellensburg. Said trustees shall, within thirty days after this act goes into effect, examine the sites offered by the city of Ellensburg for the location of the State Normal School buildings and select therefrom a suitable location for said Normal School buildings, and the site selected by them shall be and remain the permanent site for the State Normal School buildings.

Conveyance of site.

SEC. 3. The mayor and common council of the city of Ellensburg are hereby authorized, empowered and directed, immediately after such site shall have been selected by said trustees, to convey such site by good and sufficient conveyance to the trustees of the State Normal School, who are hereby authorized and empowered to receive and hold the same and the title thereto in trust and for the use of said State Normal School.

Trustees of school.

SEC. 4. The governor, the state superintendent of public instruction, and three others to be appointed by the governor, shall constitute the board of normal school trustees. The appointed members, at the first meeting of the board of trustees, shall determine, by lot, their respective terms of office, which shall be for two, four and six years.

Powers of board.

SEC. 5. Said board of trustees shall have power to ex-

pend all moneys appropriated or donated for building school-rooms and boarding-houses, and for furnishing the same, as well as all moneys for the current expenses of the school.

SEC. 6. The board of trustees shall have power to elect a principal and all other teachers that may be deemed necessary; to fix the salaries of the same, and to prescribe their duties.

SEC. 7. It shall be the duty of the board of trustees to prescribe the course of study and the time and standard of graduation, and to issue such certificates and diplomas as may from time to time be deemed suitable. These certificates and diplomas shall entitle the holders to teach in any county in this state for the time and in the grade specified in the certificate or diploma. Duties of board.

SEC. 8. The board of trustees shall prescribe the text-books, apparatus and furniture, and provide the same, together with all necessary stationery for the use of pupils.

SEC. 9. Said board shall, when deemed expedient, establish and maintain a training or model school or schools, in which the pupils of the normal school shall be required to instruct classes under the supervision and direction of experienced teachers. Training school.

SEC. 10. Said board shall make rules for the government of the boarding-house or houses; shall superintend the same, and make all necessary arrangements for conducting the same in the most economical manner that will make them self-sustaining.

SEC. 11. At each annual meeting, the board shall determine what number of pupils may be admitted into the school; and this number shall be apportioned among the counties of this state according to the number of representatives from said counties in the legislature: *Provided*, That teachers holding first or second grade certificates may be admitted from the state at large. The county superintendents and the county boards of examination shall hold competitive examinations before the first of May in each year, of all persons desiring to become pupils of the normal school, which examinations shall be conducted in the same manner as examinations for teachers' certificates. Apportionment of pupils among counties.

A list shall be made of the applicants thus examined, and they shall receive recommendation in the order of standing in examination: *Provided*, That superintendents may discriminate in favor of those whose age and experience specially fit them to become normal pupils. After the expiration of the year a new list must be prepared, and those not recommended must be re-examined or forfeit their right to recommendation.

Conditions pre-requisite for admission.

SEC. 12. To secure admission into the junior class of the normal school, the applicant, if a male, must be not less than seventeen years of age, or if a female, not less than sixteen years of age; to enter an advanced class, the applicant must be proportionately older. Applicants must also present letters of recommendation from their county superintendent, certifying to their good moral character and their fitness to enter the normal school. Before entering, all applicants must sign the following declaration: "We hereby declare that our purpose in entering the Washington State Normal School is to fit ourselves for the profession of teaching, and that it is our intention to engage in teaching in the public schools of this state."

Pupils from abroad.

SEC. 13. Pupils from other states and territories may be admitted to all the privileges of the school, on presenting letters of recommendation from the executive or state school superintendents thereof, and the payment of one hundred dollars. The money thus received shall be appropriated to the purchase of library and apparatus. Pupils from other states shall not be required to sign the declaration named in section twelve.

Duty of superintendent of public instruction.

SEC. 14. The superintendent of public instruction shall be the executive agent and secretary of the board of trustees of the normal school. He shall visit the school from time to time, inquire into its condition and management, enforce the rules and regulations made by the board, require such reports as he deems proper from the teachers of the school and officers of the boarding house, and exercise a general supervision of the same. He shall, in connection with the executive committee appointed by the board, expend all moneys appropriated for salaries and incidental expenses, and shall make a semi-annual state-

ment in writing to the board, of all moneys received and expended.

SEC. 15. It shall be the duty of the principal of the school to make a detailed annual report to the board of trustees, with a catalogue of the pupils and such other particulars as the board may require or he may think useful. It shall also be his duty, authorized by the board, to attend county institutes and lecture before them on subjects relating to public schools and the profession of teaching.

SEC. 16. The board of trustees shall hold two regular meetings annually at such time and place as may be determined, but special meetings may be called by the secretary by sending written notice to each member.

SEC. 17. The board shall have power to make all rules and regulations necessary for discharging the duties named above.

SEC. 18. All classes may be admitted into the normal school who are admitted without restriction into the public schools of the state.

Approved March 28, 1890.

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## STATE NORMAL SCHOOL; TO PROVIDE FOR ITS LOCATION AT CHENEY.

AN ACT to establish a Normal School for the State of Washington, in the City of Cheney, in Spokane county, and for the government, management and control of the same.

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

SECTION 1. That a normal school for the State of Washington is hereby established in the city of Cheney, in Spokane county, the exclusive purpose of which shall be the instruction of persons, both male and female, in the art of teaching the various branches that pertain to a good

Proviso. common school education; also, to give instruction in mechanical arts and in husbandry, in the fundamental laws of the United States, and in what regards the rights and duties of citizens: *Provided*, That the trustees of the Benjamin P. Cheney Academy shall, prior to the first day of September (1890), eighteen hundred and ninety, donate to the state the building and one block of ground containing eight acres, now occupied by said Benjamin P. Cheney Academy, within the limits of the city of Cheney, and valued at not less than thirty thousand (\$30,000) dollars, and shall convey the same to the State of Washington by a good and perfect title in fee simple, to be approved by the attorney general and accepted by the board of trustees hereinafter mentioned.

Trustees. SEC. 2. That said normal school shall be under the direction of a board of trustees, and shall be governed and supported as hereinafter provided.

Number of; how appointed. SEC. 3. The said board of trustees shall consist of five members, who shall be appointed by the governor, by and with the consent of the senate, two of whom shall hold their office for six years, two for four years, and the other for two years, and the governor shall designate the tenure of office of each member so appointed. The board of trustees shall annually elect from their number a president and secretary. It shall be the duty of the secretary to keep an exact and detailed account of the doings of said board, and he shall make such reports to the legislature as are required by this act; and no member of said board of trustees shall, during his continuance in office as a member of said board, act as agent of any publisher or publishers of school books or school library books, or be or become interested in the publication or sale of such books, as agent or otherwise; and the governor of the state is hereby authorized and required, upon satisfactory evidence being produced to him that any member of said board is employed as such agent, or interested as aforesaid, to remove such member of said board from office and appoint another in his place.

Members of board must be disinterested. Trustees' meetings. SEC. 4. That the board of trustees shall hold two regular meetings in each year, viz.: During the first week

in January and the first week in June in each year, at which second meeting the officers of the board shall be elected. All meetings of the board shall be held in the city of Cheney, and when practicable be in the normal school building; and all financial matters, allowances of claims and accounts, shall be disposed of at such regular meetings only. Special meetings of the board may be called upon written order of the president of the same, which order shall specify the object of the meeting. An adjournment may be had from a regular or special meeting, but the journal must in either case state the reason in full for the same, and no regular, special or adjourned meeting shall continue in session for more than ten days at any one time. A majority of the board shall constitute a quorum to transact business. A true and faithful journal of their proceedings shall be kept at any reasonable time open to the inspection of any member of the board.

SEC. 5. The said board of trustees shall have power to appoint a principal and assistant to take charge of said school, and such other teachers and officers as may be required in said school, and to fix the salary of each and prescribe their several duties. They shall have power to remove either the principal, assistant or teachers and appoint others in their stead. They shall prescribe the various books to be used in said school, and shall make all the regulations and by-laws necessary for the good government and management of the same.

SEC. 6. That the said board of trustees are hereby authorized and it is made their duty to take and at all times to have general supervision and control of all buildings and property appertaining to said normal school, and to have general charge and control of the construction of all buildings to be built after the acceptance of the building mentioned in the first section of this act. They shall have the power to let contracts for building and completion of any such buildings and the entire supervision of their construction: *Provided*, That all contracts connected with the erection of any such buildings shall be let to the lowest responsible bidder, after notices of the letting of such contracts shall have been published in at least four

Special meetings.

Quorum.

Powers of board.

Contracts must be let to lowest bidder.

of the leading newspapers located in different parts of the state, for at least thirty days before the letting of said contracts, and the said board shall have power to reject any or all bids.

Duty of state superintendent.

SEC. 7. That as soon as said normal school is prepared to receive pupils, the superintendent of public instruction shall give notice of the fact to each county clerk in the state, and shall publish said notice in a newspaper published in each judicial district.

Rules and regulations.

SEC. 8. That the said board of trustees shall ordain such rules and regulations for the admission of pupils to said school as they shall deem necessary and proper. Every applicant for admission shall undergo an examination in such manner as shall be prescribed by the board, and if it shall appear that the applicant is not a person of good moral character, or will not make an apt and good teacher, such applicant shall be rejected. The board of trustees may, in their discretion, require any applicant for admission into said school other than such as shall, prior to such admission, sign and file with said board a declaration of intention to follow the business of teaching schools in this state, to pay, or secure to be paid, such fees or tuition as to said board shall seem reasonable.

SEC. 9. That any person may be admitted as a pupil of said normal school who shall pass a satisfactory examination: *Provided*, That the applicant shall, before admission, sign a declaration of intention to follow the business of teaching schools in this state: *And provided further*, That the pupils may be admitted without signing such declaration of intention on such terms as the said board of trustees may require or prescribe.

Special visitors.

SEC. 10. That after said normal school shall have commenced its first term, and at least once in each year thereafter, it shall be visited by three suitable persons not members, to be appointed by the board of trustees, who shall examine thoroughly into the affairs of the school and report to the superintendent of public instruction their views in regard to its condition, success and usefulness, and any other matter they may judge expedient. Such visitors shall be appointed annually.

SEC. 11. That lectures in chemistry, comparative anatomy, the mechanical arts, agricultural chemistry, and any other science or any other branches of literature that the board of trustees may direct, may be delivered to those attending such school in such manner and on such conditions as the board of trustees may prescribe. Lectures.

SEC. 12. That as soon as any person has attended said institution twenty-two weeks said person may be examined in the studies required by the board in such manner as may be prescribed by them, and if it shall appear that such person possesses learning and other qualifications necessary to teach a common school, said person shall receive a certificate. Examinations.

SEC. 13. That services and all other necessary traveling expenses, as herein provided, incurred by the board of trustees in carrying out the provisions of this act shall be paid on the proper certificate out of any funds belonging to said institution in the hands of the treasurer; and the principal, assistants, teachers and other officers employed in said school shall be paid out of said normal school fund and from the receipts for tuition. The members of the board of trustees shall be entitled to four dollars per day during the meetings of said board, and ten cents for each mile necessarily traveled in attending said meetings. Compensation and expenses of trustees.

SEC. 14. That all funds appropriated for the use and benefit of said normal school shall be under the direction and control of the board of trustees, subject to the provisions herein contained. The treasurer of the state shall pay out of such funds all orders or drafts for money to be expended under the provisions of this act; such orders or drafts to be drawn by the state auditor on certificates of the secretary, countersigned by the president of said board. No such certificates shall be given except upon accounts audited and allowed by the board at their regular meetings. Vouchers.

SEC. 15. That it shall be the duty of the governor to fill by appointment all vacancies that may from any cause occur in the board of trustees of the said state normal school, and he may, for neglect of any duty, or any violation of the trust reposed, or the arbitrary exercise of the power Vacancies.

conferred, remove any member of said board, and appoint a suitable person in his stead.

Annual report.

SEC. 16. That the clerk of the board of trustees shall on the 15th day of October in each year, transmit to the governor a full report of the expenditures of the same, for the previous year, setting forth each item in full, and the date thereof.

Morals.

SEC. 17. That the board of trustees in their regulations, and the principal in his supervision and government of the school, shall exercise a watchful guardianship over the morals of the pupils at all times during their attendance upon the same, but no religious or sectarian tests shall be applied in the selection of teachers, and none shall be adopted in the school.

SEC. 18. That all acts and parts of acts in conflict with these provisions are hereby repealed.

Approved March 22, 1890.

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## INDEMNITY SCHOOL LANDS; COMMISSION TO SELECT.

AN ACT to provide for the selection of indemnity lands for support of the common schools in lieu of sections 16 and 36, or any parts thereof, that have been sold or otherwise disposed of by or under the authority of any act of congress, and declaring an emergency.

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

Personnel of board.

SECTION 1. That the governor, the secretary of state and the commissioner of public lands shall constitute and are hereby constituted as a board of commissioners for the selection of indemnity lands for support of the common schools, in lieu of sections 16 and 36, or any parts thereof, of every township of the state that have been sold or otherwise disposed of by or under the authority of any act of congress.

SEC. 2. The board of commissioners constituted by section one shall meet within ten days after the passage and approval of this act at Olympia, and shall organize as follows, to-wit: The governor shall be president of the board, and he shall designate one of the other members as secretary.

Organization of board.

SEC. 3. With the least practicable delay after organization the board of commissioners herein provided for shall proceed to segregate lands for the support of common schools, in lieu of sections 16 and 36, or any parts thereof, of every township of the state that have been sold or otherwise disposed of by or under the authority of any act of congress, and when such segregation is completed the board of commissioners shall report the fact to the secretary of the interior and request his approval of the selections made: *Provided*, That the selections shall be made in conformity with the provisions of sections ten and nineteen of the act of congress enabling the states of North and South Dakota, Montana and Washington to be admitted into the Union.

Duties of board

Regulating selections.

SEC. 4. Whereas, the best interests of the common schools of the State of Washington require the early operation of the provisions of sections one, two and three of this act; therefore an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval.

Approved March 26, 1890.

## CHAPTER IX.—CORPORATIONS.

### CONCERNING FOREIGN CORPORATIONS.

AN ACT relating to foreign corporations, and to repeal certain laws in conflict therewith.

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

SECTION 1. That any corporation incorporated under the laws of any state or territory in the United States, or of any foreign country, state or colony, for any of the purposes for which domestic corporations are authorized to be formed under the laws of this state, shall have full power, and is hereby authorized, to sue and to be sued in any court having competent jurisdiction; to acquire, purchase, hold, mortgage, sell, convey, or otherwise dispose of in the corporate name all real estate or personal property necessary or convenient to carry into effect the objects and purposes of its corporation, and also any interest in real estate by mortgage or otherwise do [due] to, or loans made by such foreign corporations within the boundaries of this state, either prior to or after the passage of this act, and generally do and perform every act and transact every kind of business within this state, in the same manner and to the same extent as corporations incorporated and organized under the laws of this state are authorized to do under the laws of this state, by a compliance with all the conditions prescribed by the second and third sections of this act: *Provided, however,* That this act shall not be construed as to allow such foreign corporation to transact business within the state on more favorable conditions than are prescribed by law for similar corporations organized under the laws of this state: *And provided further,* That no corporation the majority of the capital stock of which is owned by

Powers of foreign corporations.

Equality of terms.

aliens other than those who in good faith have declared their intentions to become citizens of the United States, shall acquire the ownership of any lands in this state, other than lands containing valuable deposits of minerals, metals, iron, coal or fire-clay, and the necessary land for mills and machinery to be used in the development thereof, and the manufacture of products therefrom, except where acquired under mortgage or in good faith in the ordinary course of justice in the collection of debts: *Provided further*, That no foreign corporation which is hereafter organized, which has among its other powers the business of dealing in real estate, and buying and selling the same, and for the purpose of carrying on a real estate brokerage business, shall be permitted to transact such business of buying and selling, and dealing in real estate and carrying on a brokerage business therein in this state; but this prohibition shall not extend to any other business for the transaction of which such corporation may be organized.

Limit of ownership of lands.

Shall not transact real estate business.

SEC. 2. Such corporations shall cause to be filed and recorded in the office of the secretary of state a certified copy of its charter, articles of incorporation, memorandum of association, or certificate of incorporation certified to by the officer who is the custodian of the same, according to the laws of the state or territory, country or colony, where such corporation is incorporated, or who is authorized to issue certificates of incorporation, according to the laws of such state, territory, or foreign country or colony. The instruments herein required to be filed and recorded shall be attested by such certifying officer, under his hand and seal of office, which attestation shall be *prima facie* proof of the facts therein stated, and of the genuineness of the certificate. If such officer has no official seal, his certificate shall state that fact over his signature, and thereupon the secretary of state, or of the territory, in case of corporations within the United States, and the consul general, consul, vice consul, deputy consul, consular agent, or commercial agent of the United States, at or nearest to the place where such certificate is made, in the case of corporations not within the United States, shall certify, under his hand and seal of office, to the genuineness of the

Must file and record papers.

signature of the officer making the certificate, and to the fact that at the time of making such certificate the person making the same held the office described in the certificate.

Must appoint a resident agent.

SEC. 3. Such corporations shall also constitute and appoint an agent who shall reside at the place in the state where the principal business of the corporation is to be carried on, to be designated as hereinafter required. Such appointment shall be in writing, signed by the president or chief officer of such corporation, and shall be attested by its corporate seal, and shall contain the name of the agent, his place of residence and the place where the principal business of such is to be carried on, and shall authorize such agent to accept service of process in any action or suit pertaining to the property, business or transactions of such corporation within this state in which such corporation may be a party. The signature of such president or chief officer, attested by the corporate seal to such written appointment, shall be sufficient proof of the appointment of such agent. Such appointment, when duly executed, shall be filed for record in the office of the secretary of state by such corporation, and shall be there recorded; and such corporation shall have and keep continually some resident agent, empowered as aforesaid during all the time such corporation shall conduct or carry on any business within this state, and service of any process, pleading, notice or other paper shall be taken and held as due service on such corporation. Such corporation may change its agent or its principal place of business, from time to time, by filing and recording with the secretary of state a new appointment, stating the change of such agent or the change in the principal place of business.

Appointment must be recorded.

SEC. 4. No corporation which has heretofore complied with the laws of the State or Territory of Washington hitherto existing regarding foreign corporations, and has kept a duly appointed agent within the boundaries of the state as heretofore required, shall be required to file for record or cause to be recorded the certified copies required by this act, or to execute or file for record or cause to be recorded a new appointment of agent as herein required.

SEC. 5. All acts and parts of acts heretofore passed by the Territory of Washington in conflict with any of the provisions of this act be and the same are hereby repealed.

Approved March 28, 1890.

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## RELATING TO TRANSPORTATION COMPANIES.

AN ACT requiring all transportation companies to promptly forward all freight, and making them liable for damages when failing promptly to forward the same.

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

SECTION 1. That all transportation companies doing business wholly or in part within this state shall, upon receipt of any article of freight, promptly forward the same to its marked destination, by the route directed by the shipper, or if no directions are given by shipper, then to any connecting company whose line or route reaches nearest to the point to which such freight is marked.

Must forward  
without delay

SEC. 2. Any transportation company failing to comply with section one of this act shall be liable for any damages that may be sustained, either to the shipper or consignee, from any cause, upon proof that said damages resulted on account of a failure of the transportation company to comply with section one of this act.

Penalty for  
failure to comply.

SEC. 3. Suit for damages may be instituted either at the place of shipping or destination, either by the shipper or consignee, and before any court competent and qualified to hear and determine like causes between individuals resident of the district in which said court is holding.

Jurisdiction.

Approved March 6, 1890.

TELEGRAPH AND TELEPHONE COMPANIES;  
TO PROVIDE FOR THE REGULATION OF.

AN ACT to define and establish the rights and obligations of telegraph and telephone corporations and companies.

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

Eminent domain.

SECTION 1. The right of eminent domain is hereby extended to all telegraph and telephone corporations and companies organized or doing business in this state.

Must receive and transmit messages.

SEC. 2. Said corporations and companies shall receive, exchange and transmit each other's messages without delay or discrimination, and all telephone companies shall receive and transmit messages for any person.

Right-of-way over railroad lines.

SEC. 3. Every railroad operated in this state, and carrying freight and passengers for hire, or doing business in this state, is and shall be designated a "post road," and the corporation or company owning the same shall allow telegraph and telephone companies to construct and maintain telegraph and telephone lines on and along the right-of-way of such railroad.

Equal privileges.

SEC. 4. No railroad corporation or company organized or doing business in this state shall allow any telegraph or telephone company, or any individual, any facilities, privileges or rates for transportation of men or material, or for repairing their lines, not allowed to all telegraph and telephone companies and individuals.

General rights.

SEC. 5. Any telegraph or telephone corporation or company, or the lessees thereof, doing business in this state, shall have the right to construct and maintain all necessary lines of telegraph or telephone for public traffic along and upon any public road, street or highway, along or across the right-of-way of any railroad corporation, and may erect poles, posts, piers or abutments for supporting the insulators, wires and any other necessary fixture of their lines, in such manner and at such points as not to incommode the public use of the railroad or highway, or interrupt the navigation of the waters: *Provided*, That when the right-of-way of such corporation has not been

acquired by or through any grant or donation from the United States, or this state, or any county, city or town therein, then the right to construct and maintain such lines shall be secured only by the exercise of right of eminent domain, as provided by law: *Provided further*,<sup>Eminent domain.</sup> That where the right-of-way as herein contemplated is within the corporate limits of any incorporated city, the consent of the city council thereof shall be first obtained before such telegraph or telephone lines can be erected thereon.<sup>Within incorporated cities.</sup>

SEC. 6. Any person who injures or destroys, through want of proper care, any necessary or useful fixtures of any telegraph or telephone corporation or company, is liable to the corporation or company for all damages sustained thereby. Any vessel which, by dragging its anchor or otherwise, breaks, injures or destroys the sub-aqueous cable of a telegraph or telephone corporation or company, subjects its owners to the damages hereinbefore specified.<sup>Liability for injuring or destroying property.</sup>

SEC. 7. Any person who wilfully and maliciously does any injury to any telegraph or telephone property mentioned in the preceding section, is liable to the corporation or company for five times the amount of actual damages sustained thereby, to be recovered in any court of competent jurisdiction.<sup>Willful or malicious injury.</sup>

SEC. 8. In case of the refusal or neglect of any telegraph or telephone corporation to comply with the provisions of section number two, the penalty for the same shall be a fine of not more than five hundred nor less than one hundred dollars for each offense.<sup>Penalty.</sup>

SEC. 9. In case of the refusal or neglect of any railroad company or corporation to comply with the provisions of section number three, said company or corporation shall be liable for damages in the sum of not less than one thousand dollars nor more than five thousand dollars for each offense, and one hundred dollars per day during the continuance thereof.<sup>Penalty as to section 3.</sup>

SEC. 10. No telegraph or telephone corporation or company can recover damages for the breaking or injury of any sub-aqueous telegraph cable, unless such corporation or company has previously erected on either bank of the

Marking location of cables.

waters under which the cable is placed, a monument indicating the place where the cable lies, and publishes for one month, in some newspaper most likely to give notice to navigators, a notice giving a description and the purpose of the monuments, and the general course, landings and termini of the cable.

SEC. 11. All laws and parts of laws in conflict with this act are hereby repealed.

Received by the governor March 28, 1890.

[*Note by the Secretary of State.*—The foregoing act having been presented to the governor of the state for his approval, and not having been filed in the office of the secretary of state within the time prescribed by the constitution of the state, with his objections thereto, has become a law under the provisions of the constitution.]

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## APPROPRIATION OF LANDS BY CORPORATIONS ; TO REGULATE PROCEEDINGS FOR.

AN ACT to regulate the mode of proceeding to appropriate lands, real estate or property, by corporations for corporate purposes, and of ascertaining and securing compensation therefor, and repealing laws in conflict with this act, and declaring an emergency.

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

SECTION 1. Any corporation authorized by law to appropriate land, real estate, premises or other property for right-of-way or any other corporate purposes, may present to the superior court of the county in which any land, real estate, premises or other property sought to be appropriated shall be situated, or to the judge of such superior court in any county where he has jurisdiction or is holding court, a petition in which the land, real estate, premises or other property sought to be appropriated shall be described with reasonable certainty, and setting forth the name of each and every owner, incumbrancer or other

Petition to superior court.

person or party interested in the same, or any part thereof, so far as the same can be ascertained from the public records, the object for which the land is sought to be appropriated, and praying that a jury be impaneled to ascertain and determine the compensation to be made in money, irrespective of any benefit from any improvement proposed by such corporation, to such owner or owners, respectively, and to all tenants, incumbrancers and others interested, for the taking or injuriously affecting such lands, real estate, premises or other property, or in case a jury be waived as in other civil cases in courts of record in the manner prescribed by law, then that the compensation to be made, as aforesaid, be ascertained and determined by the court, or judge thereof.

SEC. 2. A notice, stating briefly the objects of the petition, and containing a description of the land, real estate, premises or property sought to be appropriated, and stating the time and place, when and where the same will be presented to the court, or the judge thereof, shall be served on each and every person named therein as owner, incumbrancer, tenant, or otherwise interested therein, at least ten days previous to the time designated in such notice for the presentation of such petition. Such service shall be made by delivering a copy of such notice to each of the persons or parties so named therein, if a resident of the state; or, in case of the absence of such person or party from his or her usual place of abode, by leaving a copy of such notice at his or her usual place of abode; or, in case of a foreign corporation, at its principal place of business in this state, with some person of more than sixteen years of age. In case of domestic corporations, such service shall be made upon the president, secretary or other director or trustee of such corporation. In case of minors, on their guardians, or in case no guardian shall have been appointed, then on the person who has the care and custody of such minor; in case of idiots, lunatics or distracted persons, on their guardian, or in case no guardian shall have been appointed, then on the person in whose care or charge they are found. In case the land, real estate, premises or other property sought to be appropriated is

Notice must be served.

In case of domestic corporations.

Minors.

State lands. state, school or county land, the notice shall be served on the auditor of the county in which the land, real estate, premises or other property sought to be appropriated is situated. In all cases where the owner or person claiming an interest in such real or other property, is a non-resident of this state, or where the residence of such owner or person is unknown, and an affidavit of the agent or attorney of the corporation shall be filed that such owner or person is a non-resident of this state, or that after diligent inquiry his residence is unknown, or can not be ascertained

As to non-resident owners. by such deponent, service may be made by publication thereof in any newspaper published in the county where such lands are situated once a week for two successive weeks; and in case no newspaper is published in said county, then such publication may be had in a newspaper published in the county nearest to the county in which lies the land sought to be appropriated. And such publication shall be deemed service upon each of such non-resident person or persons whose residence is unknown. Such notice shall be signed by the president, manager, secretary or attorney of the corporation; and in case the proceedings provided for in this act are instituted by the owner or any other person or party interested in the land, real estate, or other property sought to be appropriated, then such notice shall be signed by such owner, person or party interested, or his, her or its attorney. Such notice may be served by any competent person over twenty-one

Service by publication. years of age. Due proof of the service of such notice by affidavit of the person serving the same, or by the printer's affidavit of publication, shall be filed with the clerk of such superior court before or at the time of the presentation of such petition. Want of service of such notice shall render the subsequent proceedings void as to the person not served, but all persons or parties having been served with notice as herein provided, either by publication or otherwise, shall be bound by the subsequent proceedings. In all other cases not otherwise provided for, service of notices, orders and other papers in the proceedings authorized by this act may be made as the superior court or the judge thereof may direct.

Proof of service.

SEC. 3. The court or judge may, upon application of <sup>Powers of court.</sup> the petitioner or of any owner or party interested, for reasonable cause, adjourn the proceedings from time to time, and may order new or further notice to be given to any party whose interest may be affected.

SEC. 4. At the time and place appointed for hearing said petition, or to which the same may have been adjourned, if the court or judge thereof shall have satisfactory proof that all parties interested in the land, real estate, premises or other property, described in said petition, have been duly served with said notice as above prescribed, and shall be further satisfied by competent proof that the contemplated use for which the land, real estate, premises or other property sought to be appropriated is really a public use and that the public interest requires the prosecution of such enterprise, and that the land, real estate, premises or other property so sought to be appropriated are required and necessary for the purposes of such enterprise, the court or judge thereof may make an order, to be recorded in the minutes of said court, directing the sheriff to summon from the citizens of the county in which any land, real estate, premises or other property sought to be appropriated shall be situated, as many qualified persons as may be necessary in order to form a jury of twelve persons, unless the parties to the <sup>Jury.</sup> proceedings consent to a less number (such number to be not less than three), and such consent shall be entered by the clerk in the minutes of the trial. If necessary to complete the jury, the sheriff, under direction of the court or judge thereof, shall summon as many qualified persons as may be required to complete the jury from the bystanders, citizens of the county where the land, real estate, premises or other property is situated.

SEC. 5. A judge of the superior court shall preside at the trial which shall be held at such time as the court or the judge thereof may direct, at the court house in the county where the land, real estate, premises or other property sought to be appropriated is situated, and the jurors at such trial shall make in each case a separate <sup>Separate assessment for each owner.</sup> assessment of damages which shall result to any person,

corporation or company, or to the state, or to any county, by reason of the appropriation and use of such land, real estate, premises or other property by such corporation as aforesaid for any and all corporate purposes, and shall ascertain, determine and award the amount of damages to be paid to said owner or owners respectively, and to all tenants, incumbrancers and others interested, for the taking or injuriously affecting such land, real estate, premises or other property for the purpose of such enterprise, irrespective of any benefit from any improvement proposed by such corporation. Upon the trial, witnesses may be examined in behalf of either party to the proceedings as in civil actions; and a witness served with a subpoena in such proceedings shall be punished for failure to appear at such trial, or for perjury, as upon a trial of a civil action. Upon the verdict of the jury, judgment shall be entered for the amount of the damages awarded to such owner or owners respectively, and to all tenants, incumbrancers and others interested, for the taking or injuriously affecting such land, real estate, premises or other property. In case a jury is waived as in civil cases in courts of record in the manner prescribed by law, the compensation to be paid for the property sought to be appropriated shall be ascertained and determined by the court or the judge thereof, and the proceedings shall be the same as in trials of an issue of fact by the court.

Basis of estimate of damages.

Judgment for damages.

Judgment for appropriation of lands.

SEC. 6. At the time of rendering judgment for damages, whether upon default or trial, the court or judge thereof shall also enter a judgment or decree of appropriation of the land, real estate, premises, right-of-way or other property sought to be appropriated, thereby vesting the legal title to the same in the corporation seeking to appropriate such land, real estate, premises, right-of-way or other property for corporate purposes. Whenever said judgment or decree of appropriation shall affect lands, real estate or other premises, a certified copy of such judgment or decree of appropriation may be filed for record in the office of the auditor of the county where the said land, real estate, or other premises are situated, and shall be recorded by said auditor like a deed of real estate, and with like effect.

If the title to said land, real estate, premises or other property attempted to be acquired is found to be defective from any cause, the corporation may again institute proceedings to acquire the same, as in this act provided.

SEC. 7. Upon the entry of judgment upon the verdict of the jury or the decision of the court or judge thereof, awarding damages as hereinbefore prescribed, the petitioner, or any officer of, or other person duly appointed by said corporation, may make payment of the damages assessed to the parties entitled to the same, and of the costs of the proceedings, by depositing the same with the clerk of said superior court, to be paid out under the direction of the court or judge thereof; and upon making such payment into the court of the damages assessed and allowed, and of the costs, to any land, real estate, premises or other property mentioned in said petition, such corporation shall be released and discharged from any and all further liability therefor, unless upon appeal the owner or other person or party interested shall recover a greater amount of damages; and in that case only for the amount in excess of the sum paid into said court, and the costs of appeal: *Provided*, That in case of an appeal to the supreme court of the state by any party to the proceedings, the money so paid into the superior court by such corporation as aforesaid, shall remain in the custody of said court until the final determination of the proceedings by the said supreme court.

SEC. 8. Any person, corporation, state or county, claiming to be entitled to any money paid into court, as provided in this act, may apply to the court therefor, and upon furnishing evidence satisfactory to the court that he or it is entitled to the same, the court shall make an order directing the payment to such claimant the portion of such money as he or it shall be found entitled to; but if, upon application, the court or judge thereof shall decide that the title to the land, real estate, premises or other property specified in the application of such claimant was in such condition as to require that an action be commenced to determine the conflicting claims thereto, he shall refuse such order until such action is commenced and the con-

flicting claims to such land, real estate, premises or other property be determined according to law.

Right of appeal.

SEC. 9. Either party may appeal from the judgment for damages entered in the superior court, to the supreme court of the state, within thirty days after the entry of judgment as aforesaid, and such appeal shall bring before the supreme court the propriety and justness of the amount of damages in respect to the parties to the appeal: *Provided, however,* That no bond shall be required of any person interested in the property sought to be appropriated by such corporation, but in case the corporation appropriating such land, real estate, premises or other property is appellant, it shall give a bond like that prescribed in the next following section, to be executed, filed and approved in the same manner: *And provided further,* That if the owner of the land, real estate, premises or other property accepts the sum awarded by the jury, the court or the judge thereof, he shall be deemed thereby to have waived conclusively an appeal to the supreme court, and final judgment by default may be rendered in the superior court as in other cases.

Bond of corporation

SEC. 10. The construction of any railway or canal, or the prosecution of any works or improvements, by any corporation as aforesaid, shall not be hindered, delayed or prevented by the prosecution of the appeal of any party to the proceedings: *Provided,* The corporation aforesaid shall execute and file with the clerk of the court in which the appeal is pending, a bond to be approved by said clerk, with sufficient sureties, conditioned that the persons executing the same shall pay whatever amount may be required by the judgment of the court therein, and abide any rule or order of the court in relation to the matter in controversy.

In case of proper bond, corporation not delayed.

Actions pending.

SEC. 11. No rights acquired in actions now pending under existing laws shall be affected by anything herein contained, and as to all pending actions, such laws are continued in full force and effect. Except as provided in this section, all laws and parts of laws relating to the appropriation of lands or other property by corporations for corporate purposes are hereby repealed.

SEC. 12. Any railroad company whose right-of-way <sup>Rights-of-way.</sup> passes through any canon, pass or defile shall not prevent any other railroad company from the use and occupancy of said canon, pass or defile for the purpose of its road in common with the road first located or the crossing of other railroads at grade, and any railroad company authorized by law to appropriate land, real estate, premises or other property for right-of-way or any other corporate purpose may present a petition, in the manner and form herein- <sup>Petition to court.</sup> before provided, for the appropriation of a right-of-way through any canon, pass or defile for the purpose of its road where right-of-way has already been located, condemned or occupied by some other railroad company through such canon, pass or defile for the purpose of its road, and thereupon, like proceedings shall be had upon such petition as herein provided in other cases; and at the time of rendering judgment for damages, whether <sup>Proceedings.</sup> upon default or trial, the court or judge thereof shall enter a judgment or decree authorizing said railroad company to occupy and use said right-of-way, road-bed and track, if necessary, in common with the railroad company or companies already occupying or owning the same, and defining the terms and conditions upon which the same shall be so occupied and used in common.

SEC. 13. Whereas, it is evident that unless this act shall take effect immediately, great embarrassment, inconvenience and delay will arise in the construction of railway lines and canals, and the prosecution of any works or improvements by any corporation as aforesaid, with great detriment to the public interest; therefore, this act shall take effect and be in force from and after its approval by the governor.

Approved March 21, 1890.

## CHAPTER X.—COUNTIES.

### FEES AND SALARIES OF COUNTY OFFICERS.

AN ACT classifying the counties according to population, enumerating the county officers, fixing the salaries thereof, providing for deputies, collection of fees and payment of salaries.

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

#### CLASSIFICATION OF COUNTIES.

SECTION 1. For the purpose of regulating the compensation of county officers herein provided for, the several counties of this state are hereby classified according to their population as will be ascertained by the federal census of 1890, and thereafter every two years by the county or precinct assessors' enumeration of the census of the different counties of this state as follows, to-wit: Counties containing a population of eighty thousand and under ninety thousand shall belong to and be known as counties of the first class. Counties containing a population of seventy thousand and under eighty thousand shall belong to and be known as counties of the second class. Counties containing a population of sixty thousand and under seventy thousand shall belong to and be known as counties of the third class. Counties containing a population of fifty thousand and under sixty thousand shall belong to and be known as counties of the fourth class. Counties containing a population of forty-five thousand and under fifty thousand shall belong to and be known as counties of the fifth class. Counties containing a population of forty thousand and under forty-five thousand shall belong to and be known as counties of the sixth class. Counties containing a population of thirty-five thousand and under forty thousand shall belong to and be known

Classified by  
population.

as counties of the seventh class. Counties containing a population of thirty thousand and under thirty-five thousand shall belong to and be known as counties of the eighth class. Counties containing a population of twenty-five thousand and under thirty thousand shall belong to and be known as counties of the ninth class. Counties containing a population of twenty thousand and under twenty-five thousand shall belong to and be known as counties of the tenth class. Counties containing a population of eighteen thousand and under twenty thousand shall belong to and be known as counties of the eleventh class. Counties containing a population of sixteen thousand and under eighteen thousand shall belong to and be known as counties of the twelfth class. Counties containing a population of fourteen thousand and under sixteen thousand shall belong to and be known as counties of the thirteenth class. Counties containing a population of twelve thousand and under fourteen thousand shall belong to and be known as counties of the fourteenth class. Counties containing a population of ten thousand and under twelve thousand shall belong to and be known as counties of the fifteenth class. Counties containing a population of nine thousand and under ten thousand shall belong to and be known as counties of the sixteenth class. Counties containing a population of eight thousand and under nine thousand shall belong to and be known as counties of the seventeenth class. Counties containing a population of seven thousand and under eight thousand shall belong to and be known as counties of the eighteenth class. Counties containing a population of six thousand and under seven thousand shall belong to and be known as counties of the nineteenth class. Counties containing a population of five thousand five hundred and under six thousand shall belong to and be known as counties of the twentieth class. Counties containing a population of five thousand and under five thousand five hundred shall belong to and be known as counties of the twenty-first class. Counties containing a population of four thousand five hundred and under five thousand shall belong to and be known as counties of the twenty-second class. Counties containing a population of

four thousand and under four thousand five hundred shall belong to and be known as counties of the twenty-third class. Counties containing a population of three thousand five hundred and under four thousand shall belong to and be known as counties of the twenty-fourth class. Counties containing a population of three thousand and under three thousand five hundred shall belong to and be known as counties of the twenty-fifth class. Counties containing a population of two thousand five hundred and under three thousand shall belong to and be known as counties of the twenty-sixth class. Counties containing a population of two thousand and under two thousand five hundred shall belong to and be known as counties of the twenty-seventh class. Counties containing a population of one thousand five hundred and under two thousand shall belong to and be known as counties of the twenty-eighth class. Counties containing a population of one thousand or less and under one thousand five hundred shall belong to and be known as counties of the twenty-ninth class.

SEC. 2. The officers of the county shall be: One county sheriff, one county clerk, one county auditor, one county treasurer, one county attorney, one county assessor, one county superintendent of public [common] schools, one county surveyor, one county coroner, and three county commissioners, but in the counties with a population of three thousand or less, whenever the county commissioners, at the regular August term prior to any general state election, shall so order and enter said order on their journal, any two or more offices which do not conflict so far as the duties are concerned, may be combined, and one person elected to fill the offices thus combined. The officers in the different counties in this state shall each receive the salary hereinafter set forth, and in cases where one officer perform[s] the duties of one or more offices he shall receive the combined salaries thereof. And in all cases where the duties of any office are greater than can be performed by the person elected to fill the same, said officer may employ, with the consent of the county commissioners, the necessary help, who shall receive a just and reasonable pay for services. The officer appointing such deputies or

clerks shall be responsible for the acts of such appointees upon his official bond. In all counties from the eighth to the first class inclusive, the assessor shall receive an annual salary as hereinafter set forth; and [in] all counties from the ninth to the twenty-ninth class inclusive, the assessor shall receive five dollars per day for each day actually employed. The county commissioners in all counties shall receive five dollars per day for each day employed in performance of their duties. The county surveyor shall also receive five dollars per day for each day actually engaged in his duties as such officer; and the coroner shall receive such fees as are now prescribed by law.

#### COUNTIES OF THE FIRST CLASS.

SEC. 3. County auditor, three thousand three hundred dollars; county clerk, three thousand one hundred dollars; county treasurer, three thousand one hundred dollars; county sheriff, three thousand three hundred dollars; county attorney, three thousand dollars; county superintendent [ot] common schools, one thousand eight hundred dollars; county commissioners, five dollars per day; county assessor, two thousand dollars; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

#### COUNTIES OF THE SECOND CLASS.

SEC. 4. County auditor, three thousand two hundred dollars; county clerk, three thousand dollars; county treasurer, three thousand dollars; county sheriff, three thousand two hundred dollars; county attorney, three thousand dollars; county superintendent [of] common schools, one thousand seven hundred dollars; county commissioners, five dollars per day; county assessor, one thousand nine hundred fifty dollars; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

#### COUNTIES OF THE THIRD CLASS.

SEC. 5. County auditor, three thousand one hundred dollars; county clerk, two thousand nine hundred dollars; county treasurer, two thousand nine hundred dollars; county sheriff, three thousand one hundred dollars; county attorney, two thousand nine hundred dollars; county su-

perintendent [of] common schools, one thousand six hundred dollars; county assessor, one thousand nine hundred dollars.

COUNTIES OF THE FOURTH CLASS.

SEC. 6. County auditor, three thousand dollars; county clerk, two thousand eight hundred dollars; county treasurer, two thousand eight hundred dollars; county sheriff, three thousand dollars; county attorney, two thousand eight hundred dollars; county superintendent [of] common schools, one thousand five hundred fifty dollars; county assessor, one thousand eight hundred fifty dollars.

COUNTIES OF THE FIFTH CLASS.

SEC. 7. County auditor, two thousand nine hundred dollars; county clerk, two thousand seven hundred dollars; county treasurer, two thousand seven hundred dollars; county sheriff, two thousand nine hundred dollars; county attorney, two thousand seven hundred dollars; county superintendent of common schools, one thousand five hundred dollars; county assessor, one thousand eight hundred dollars.

COUNTIES OF THE SIXTH CLASS.

SEC. 8. County auditor, two thousand eight hundred dollars; county clerk, two thousand six hundred dollars; county treasurer, two thousand six hundred dollars; county sheriff, two thousand eight hundred dollars; county attorney, two thousand six hundred dollars; county superintendent of common schools, one thousand four hundred fifty dollars, county commissioners, five dollars per day; county assessor, one thousand seven hundred fifty dollars; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

COUNTIES OF THE SEVENTH CLASS.

SEC. 9. County auditor, twenty-seven hundred dollars; county clerk, twenty-five hundred dollars; county treasurer, twenty-five hundred dollars; county sheriff, twenty-seven hundred dollars; county attorney, twenty-five hundred dollars; county superintendent of common schools, fourteen hundred dollars; county commissioners, five dollars per

day; county assessor, seventeen hundred dollars; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

COUNTIES OF THE EIGHTH CLASS.

SEC. 10. County auditor, twenty-six hundred dollars; county clerk, twenty-four hundred dollars; county treasurer, twenty-four hundred dollars; county sheriff, twenty-six hundred dollars; county attorney, twenty-four hundred dollars; county superintendent of common schools, thirteen hundred fifty dollars; county commissioners, five dollars per day; county assessor, sixteen hundred fifty dollars; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

COUNTIES OF THE NINTH CLASS.

SEC. 11. County auditor, twenty-five hundred dollars; county clerk, twenty-three hundred dollars; county treasurer, twenty-three hundred dollars; county sheriff, twenty-five hundred dollars; county attorney, twenty-three hundred dollars; county superintendent of common schools, thirteen hundred dollars; county commissioners, five dollars per day; county assessor, sixteen hundred dollars; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

COUNTIES OF THE TENTH CLASS.

SEC. 12. County auditor, twenty-four hundred dollars; county clerk, twenty-two hundred dollars; county treasurer, twenty-two hundred dollars; county sheriff, twenty-four hundred dollars; county attorney, twenty-two hundred dollars; county superintendent of common schools, twelve hundred fifty dollars; county commissioners, five dollars per day; county assessor, five dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

COUNTIES OF THE ELEVENTH CLASS.

SEC. 13. County auditor, twenty-three hundred dollars; county clerk, twenty-one hundred dollars; county treasurer, twenty-one hundred dollars; county sheriff, twenty-three hundred dollars; county attorney, twenty-one

hundred dollars; county superintendent of common schools, twelve hundred dollars; county commissioners, five dollars per day; county assessor, five dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

COUNTIES OF THE TWELFTH CLASS.

SEC. 14. County auditor, twenty-two hundred dollars; county clerk, two thousand dollars; county treasurer, two thousand dollars; county sheriff, twenty-two hundred dollars; county attorney, two thousand dollars; county superintendent of common schools, eleven hundred dollars; county commissioners, five dollars per day; county assessor, five dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

COUNTIES OF THE THIRTEENTH CLASS.

SEC. 15. County auditor, two thousand dollars; county clerk, eighteen hundred dollars; county treasurer, eighteen hundred dollars; county sheriff, two thousand dollars; county attorney, eighteen hundred dollars; county superintendent of common schools, one thousand dollars; county commissioners, five dollars per day; county assessor, five dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

COUNTIES OF THE FOURTEENTH CLASS.

SEC. 16. County auditor, nineteen hundred dollars; county clerk, seventeen hundred dollars; county treasurer, seventeen hundred dollars; county sheriff, nineteen hundred dollars; county attorney, sixteen hundred dollars; county superintendent of common schools, eight hundred dollars; county commissioners, five dollars per day; county assessor, five dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

COUNTIES OF THE FIFTEENTH CLASS.

SEC. 17. County auditor, eighteen hundred dollars; county clerk, sixteen hundred dollars; county treasurer, sixteen hundred dollars; county sheriff, eighteen hundred dollars; county attorney, fourteen hundred dollars; county

superintendent of common schools, seven hundred dollars; county commissioners, five dollars per day; county assessor, five dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

COUNTIES OF THE SIXTEENTH CLASS.

SEC. 18. County auditor, eighteen hundred dollars; county clerk, sixteen hundred dollars; county treasurer, sixteen hundred dollars; county sheriff, eighteen hundred dollars; county attorney, thirteen hundred dollars; county superintendent of common schools, seven hundred dollars; county commissioners, five dollars per day; county assessor, five dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

COUNTIES OF THE SEVENTEENTH CLASS.

SEC. 19. County auditor, seventeen hundred dollars; county clerk, fifteen hundred dollars; county treasurer, fifteen hundred dollars; county sheriff, seventeen hundred dollars; county attorney, twelve hundred dollars; county superintendent of common schools, six hundred and fifty dollars; county commissioners, five dollars per day; county assessor, five dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

COUNTIES OF THE EIGHTEENTH CLASS.

SEC. 20. County auditor, sixteen hundred and fifty dollars; county clerk, fifteen hundred dollars; county treasurer, fifteen hundred dollars; county sheriff, sixteen hundred and fifty dollars; county attorney, eleven hundred dollars; county superintendent of common schools, six hundred dollars; county commissioners, five dollars per day; county assessor, five dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

COUNTIES OF THE NINETEENTH CLASS.

SEC. 21. County auditor, sixteen hundred dollars; county clerk, fourteen hundred dollars; county treasurer, fourteen hundred dollars; county sheriff, sixteen hundred dollars; county attorney, nine hundred dollars; county superintendent of common schools, five hundred dollars; county commissioners, five dollars per day; county assessor, five

dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

COUNTIES OF THE TWENTIETH CLASS.

SEC. 22. County auditor, fifteen hundred and fifty dollars; county clerk, thirteen hundred and fifty dollars; county treasurer, thirteen hundred and fifty dollars; county sheriff, fifteen hundred and fifty dollars; county attorney, eight hundred dollars; county superintendent of common schools, four hundred and fifty dollars; county commissioners, five dollars per day; county assessor, five dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

COUNTIES OF THE TWENTY-FIRST CLASS.

SEC. 23. County auditor, fifteen hundred dollars; county clerk, thirteen hundred dollars; county treasurer, thirteen hundred dollars; county sheriff, fifteen hundred dollars; county attorney, seven hundred dollars; county superintendent of common schools, four hundred dollars; county commissioner, five dollars per day; county assessor, five dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

COUNTIES OF THE TWENTY-SECOND CLASS.

SEC. 24. County auditor, fourteen hundred dollars, county clerk, twelve hundred dollars; county treasurer, twelve hundred dollars; county sheriff, fourteen hundred dollars; county attorney, six hundred dollars; county superintendent of common schools, four hundred dollars; county commissioners, five dollars per day; county assessor, five dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

COUNTIES OF THE TWENTY-THIRD CLASS.

SEC. 25. County auditor, twelve hundred dollars, county clerk, one thousand dollars; county treasurer, eight hundred dollars; county sheriff, twelve hundred dollars; county attorney, four hundred dollars; county superintendent of common schools, three hundred and fifty dollars; county commissioners, five dollars per day; county assessor, five

dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

COUNTIES OF THE TWENTY-FOURTH CLASS.

SEC. 26. County auditor, one thousand dollars; county clerk, eight hundred dollars; county treasurer, eight hundred dollars; county sheriff, one thousand dollars; county attorney, four hundred dollars; county superintendent of common schools, three hundred dollars; county commissioners, five dollars per day; county assessor, five dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

COUNTIES OF THE TWENTY-FIFTH CLASS.

SEC. 27. County auditor, eight hundred dollars; county clerk, six hundred dollars; county treasurer, six hundred dollars; county sheriff, eight hundred dollars; county attorney, two hundred and fifty dollars; county superintendent of common schools, two hundred dollars; county commissioners, five dollars per day; county assessor, five dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

COUNTIES OF THE TWENTY-SIXTH CLASS.

SEC. 28. County auditor, seven hundred dollars; county clerk, five hundred dollars; county treasurer, six hundred dollars; county sheriff, seven hundred dollars; county attorney, two hundred dollars; county superintendent of common schools, two hundred dollars; county commissioners, five dollars per day; county assessor, five dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

COUNTIES OF THE TWENTY-SEVENTH CLASS.

SEC. 29. County auditor, seven hundred dollars; county clerk, four hundred dollars; county treasurer, six hundred dollars; county sheriff, six hundred dollars; county attorney, one hundred and fifty dollars; county superintendent of common schools, one hundred and fifty dollars; county commissioners, five dollars per day; county assessor, five dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

## COUNTIES OF THE TWENTY-EIGHTH CLASS.

SEC. 30. County auditor, six hundred dollars; county clerk, four hundred dollars; county treasurer, six hundred dollars; county sheriff, six hundred dollars; county attorney, one hundred and fifty dollars; county superintendent of common schools, one hundred and fifty dollars; county commissioners, five dollars per day; county assessor, five dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

## COUNTIES OF THE TWENTY-NINTH CLASS.

SEC. 31. County auditor, four hundred dollars; county clerk, two hundred and fifty dollars; county treasurer, two hundred and fifty dollars; county sheriff, two hundred dollars; county attorney, fifty dollars; county superintendent of common schools, fifty dollars; county commissioners, five dollars per day; county assessor, five dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

SEC. 32. In accordance with the classification herein made, the county officers of the counties of this state, according to their class, shall receive as a salary for the services required of them by law, or by virtue of their office, which salary shall be full compensation for all services of every kind and description rendered by the officers named herein; *Provided*, That in case the salaries herein provided for are, in the judgment of the board of county commissioners, inadequate for the services required of the officers named herein, then the said board of county commissioners may allow such officer a deputy, or such number of deputies as, in their judgment, may be required to do the business of such office in connection with the principal for such time as may be necessary, and at such salary as they may designate; the said deputies shall be paid in the same manner and time as their principals: *Provided*, That the county commissioners shall pay the actual traveling expenses of the sheriff while on official duties, to be audited by the board of county commissioners.

County commissioners may allow additional clerks.

## FEES.

SEC. 33. All salaried officers of the several counties of this state shall charge and collect for the use of their respective counties, and pay into the county treasury on the first Monday in each month, all the fees now or hereafter allowed by law, paid or chargeable in all cases except such fees as are a charge against the county or state.

## FEE-BOOK.

SEC. 34. Each of the officers authorized to receive fees under the provisions of this act shall keep a fee-book, open to public inspection during office hours, in which must be entered at once and detailed all fees or compensation of whatever nature, kind or description, collected or chargeable. On the first Monday of each and every month the officer must add up each column in his fee-book to the first of the month, and set down the totals. On the expiration of the term of such officer he must deliver to the county auditor all fee-books kept by him.

## AFFIDAVIT.

SEC. 35. The fees and compensation collected and chargeable for the county in each month shall be paid to the county treasurer on the first Monday of the following month, and must be accompanied by a statement and copy of the fee-book for the month last passed, duly verified by the officer making such payment. The affidavit shall be in the following form:

STATE OF WASHINGTON, COUNTY OF \_\_\_\_\_, ss.

I, \_\_\_\_\_, county \_\_\_\_\_, do swear that the fee-book in my office contains a true statement in detail of all fees and compensations of every kind and nature, for official services rendered by me, paid or chargeable, my deputies or assistants, for the month of \_\_\_\_\_, A. D. 18—, and that said fee-book shows the full amount received or chargeable in said month, and since my last monthly payment; and neither myself, nor to my knowledge or belief, any of my deputies or assistants, have rendered any official services, except for the county or state, which is not fully set out in said fee-book; and that the foregoing statement thereof is a full, true and correct copy thereof. Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 18—.

The treasurer shall file and preserve in his office said statements and affidavits, and shall issue to the officer

one original and one duplicate receipt therefor, and the officer receiving said receipts shall preserve one in his office and file the duplicate with the county auditor, whereupon the auditor shall charge the treasurer with the amount shown by the receipt.

#### SALARY FUND.

SEC. 36. For the purpose of paying the salaries provided for in this act, all fees directed to be paid into the county treasury shall be set apart therein as a separate fund, to be known as the salary fund, to be applied to the payment of said salaries; should the amount received from such source be insufficient, it shall be the duty of the county treasurer, from time to time, to transfer to said fund from the general county fund such sums as may be necessary to pay said salaries as they become due, notifying the county auditor of such transfer. At the regular term of county commissioners' court, they shall transfer any excess of the salary fund to the general county fund, should they deem it expedient so to do.

#### PAYMENT OF SALARIES.

SEC. 37. The salaries of such officers named in this act as are entitled to salaries shall be paid monthly out of the county treasury and from the funds hereinbefore provided, and it shall be the duty of the county auditor, on the first Monday of each and every month, to draw his warrant upon the county treasurer in favor of each of said officers for the amount of salary due him, under the provisions of this act, for the preceding month: *Provided*, The county commissioners shall have entered an order on the record journal empowering him so to do.

#### LIMITATION.

SEC. 38. The auditor shall not draw his warrant for the salary of any such officer for any month until the latter shall have first filed his duplicate receipt with the auditor, properly signed by the treasurer, showing that he has made the statement and settlement for that month required in this act.

## SERVICES WITHOUT FEE.

SEC. 39. The officers mentioned in this act shall not, in any case, except for the state or county, perform any official services unless the fees prescribed for such service are paid in advance, and on such payment the officer must perform the services required. For every failure or refusal to perform official duty when the fees are tendered, the officer is liable on his official bond.

## FOR RECEIPT.

SEC. 40. Every officer, upon receiving any fees for official duty, service or reward, may be required by the person paying the same to make out in writing, and deliver to such person, a particular account of such fees, specifying for what they accrued, respectively, and shall receipt the same, and if he refuse or neglect so to do when required, he shall be liable to the party paying the same in treble the amount so paid.

## PUBLICATION OF LEGAL FEES.

SEC. 41. It shall be the duty of each county officer entitled to collect fees herein from the public to keep posted in his office a plain and legible statement of the fees allowed by law; a failure so to do shall subject the officer to a fine of one hundred dollars and costs, to be recovered in any court of competent jurisdiction.

## VACANCY.

SEC. 42. The board of county commissioners of any county in this state, upon receiving a certified copy of the record of conviction of any officer for receiving illegal fees, or where the officer collects fees and fails to account for the same, upon proof thereof, must declare his office vacant and appoint his successor.

## INCOMPLETE BUSINESS.

SEC. 43. It shall be the duty of all officers in this act named to complete the business of their respective offices, to the time of the expiration of their respective terms, and in case any officer, at the close of his term, shall leave to his successor official labor to be performed which it was

his duty to perform, he shall be liable to his successor for the full value of such services.

PRESENT INCUMBENTS NOT AFFECTED.

SEC. 44. The provisions of this act shall not affect present incumbents of the various county offices of this state during their present term of office.

SEC. 45. The clerks of the superior courts in the various counties shall be entitled to the fees of their respective offices which they may have received prior to the date this act takes effect: *Provided*, That the same shall be in lieu of any salary herein provided.

SEC. 46. Any and all officers of a county, or their deputies, who shall collect fees for the county and neglect to turn the money into the county treasury as herein provided, shall be guilty of a misdemeanor, and on conviction, shall be fined in any sum not exceeding two hundred dollars for each offense.

COUNTY COMMISSIONERS TO NAME CLASS.

SEC. 47. Counties created or organized after the passage and approval of this act shall immediately come under and be governed by its provisions, so far as the same are applicable thereto: *Provided*, That when the population of any existing county shall have been reduced, by reason of the creation of any new county from the territory thereof, below the class and rank to which it was first entitled hereunder, it shall then be the duty of the county commissioners to designate, by order, the class to which said county has been reduced by reason thereof, and such county shall then enter the list of such class: *Provided further*, That the salary of county officers shall in no way be affected by reason of such division for the time for which they were elected.

Duty of commissioners.

SEC. 48. All laws or parts of laws in conflict with this act are hereby repealed.

Received by the governor March 26, 1890.

[*Note by the Secretary of State.*—The foregoing act having been presented to the governor of the state for his approval, and not having been filed in the office of the secretary of state within the time prescribed by the constitution of the state, with his objections thereto, has become a law under the provisions of the constitution.]

## COMMISSIONER DISTRICTS.

AN ACT providing for the dividing the counties of this state into commissioner districts.

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

SECTION 1. Each county in the state, not heretofore divided by law, shall be divided into three districts, and all counties heretofore divided into three districts may be re-districted and re-divided into three districts by the county commissioners thereof at their first session after this law goes into effect. Said districts shall comprise not less than two voting precincts or townships of compact and contiguous territory, and shall embrace, as near as may be possible, one-third of the population of the county, and shall be designated and known as districts Nos. 1, 2 and 3: *Provided*, That any county that contains less than six voting precincts shall be divided into districts as nearly as possible according to population.

Manner of dividing counties.

SEC. 2. The lines of the districts provided for by this act shall not be changed oftener than once in four years, and only when a full board of county commissioners is present.

Changing lines of districts.

SEC. 3. One county commissioner shall be elected from among the qualified electors of each of said districts by the qualified electors of the county, and the person receiving the highest number of votes for the office of commissioner for the district in which he resides shall be declared duly elected for that district.

SEC. 4. All laws or parts of laws of a general or local nature providing for creating county commissioner districts, passed by the legislature of the late Territory of Washington, be and the same are hereby repealed.

Approved March 26, 1890.

## COUNTY SEATS; REMOVAL OF.

AN ACT for the removal and location of county seats.

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

Petition to commissioners.

SECTION 1. Whenever the inhabitants of any county of this state desire to remove the county seat of the county from the place where it is fixed by law or otherwise, they shall present a petition to the board of county commissioners of their county, praying such removal, and that an election be held to determine to what place such removal must be made: *Provided*, That the petition for removal shall set forth the names of the towns or cities to which such county seat is proposed to be removed.

Must be submitted to vote.

SEC. 2. If the petition is signed by qualified electors of the county equal in number to at least one-third of all the votes cast in the county at the last preceding general election, the board must, at the next general election of county officers, submit the question of removal to the electors of the county.

Notice of election.

SEC. 3. Notice of such election, clearly stating the object, shall be given, and the election must be held and conducted and the returns made in all respects in the manner prescribed by law in regard to elections for county officers.

SEC. 4. In voting on the question, each elector must vote for or against the place named in the petition, plainly designating same on his ballot.

Three-fifths vote.

SEC. 5. When the returns have been received and compared, and the results ascertained by the board, if three-fifths of the legal votes cast by those voting on the proposition are in favor of any particular place, the board must give notice of the result by posting notices thereof in all the election precincts in the county.

SEC. 6. In the notice provided for in section 5 of this act, the place selected to be the county seat of the county must be so declared from a day specified in the notice not more than ninety days after the election. After the day

named in the notice the place chosen is the seat of the county; and it shall be the duty of the several county officers whose offices are required by law to be kept at the county seat, to remove their respective offices, files, records, office fixtures, furniture, and all public property pertaining to their respective offices, to said county seat.

Removal of offices.

SEC. 7. Whenever any election has been held as provided for in the preceding sections of this act, the statement made by the board of county commissioners showing the result thereof must be deposited in the office of the county clerk, and whenever the board gives the notice prescribed by section 6 of this act they must transmit a certified copy thereof to the secretary of state.

Copy of notice to secretary of state.

SEC. 8. When an election has been held and no one place receives three-fifths of all the votes cast at such election on such question, the former county seat shall remain the county seat, and no second election must be held within four years thereafter.

Limit of time for second election.

SEC. 9. When the county seat of a county has been removed by a popular vote of the people of the county, it may be again removed, from time to time, in the manner provided by this act: *Provided*, No two elections to effect such removal be held within four years.

Approved March 26, 1890.

## CHAPTER XI.—COURTS.

### REPORTER OF SUPREME COURT.

AN ACT to prescribe the duties and fix the compensation of the Reporter of the Supreme Court.

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

SECTION 1. The reporter of the decisions of the supreme court must prepare a report of such cases decided as he may, by the court, be directed to report.

Reporter shall prepare syllabus.

SEC. 2. He shall prepare such decisions for publication by giving the title of each case, a *syllabus* of the points decided, a brief statement of the facts bearing on the points decided, the names of the counsel, and a reference to such authorities as are cited from standard reports and text-books that have a special bearing on the case, and he shall prepare a full and comprehensive index to each volume, and prefix a table of cases reported.

Reports must be published.

SEC. 3. The reports must be published under the supervision of the court, and to that end each of the judges must be furnished by the reporter with proof-sheets of each volume thirty days before its final publication.

SEC. 4. Within thirty days after such proof sheets are furnished, the judges must return the same to the reporter, with corrections or alterations, and he must make the corrections or alterations accordingly.

SEC. 5. The reporter may take the original opinions and papers in each case from the clerk's office and retain them in his possession not exceeding sixty days.

SEC. 6. The annual salary of the reporter of the decisions of the supreme court shall be 1,500 dollars, payable the same as the salary of other state officers.

Approved December 20, 1889.

## ORGANIZATION OF THE SUPREME COURT.

AN ACT relating to the organization, powers and duties of the Supreme Court, and declaring an emergency to exist.

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

SECTION 1. The supreme court shall consist of five Number of judges. judges, who shall be elected by the qualified electors of the state at large at the general state election, at the time and places at which state officers are elected, next preceding the expiration of the term of office of their predecessors respectively, and hold their offices for the term of six Terms of office. years from and after the second Monday in January next after their election: *Provided*, That the justices elected on the first Tuesday of October, 1889, shall have so classified or shall so classify themselves by lot, that two of them shall go out of office at the end of three years, two of them at the end of five years, and one at the end of seven years from the second Monday in January, 1890; and an entry of such classification shall have been or shall be made in the minutes of the court, signed by such judges, and they shall cause the result thereof to be certified to the secretary of state and filed in his office.

SEC. 2. The judge having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be the chief justice, and shall preside at all Chief Justice. sessions of the supreme court, and in case there shall be two judges having in like manner the same short term, the other judges of the supreme court shall determine which of them shall be chief justice, and in case of the absence of the chief justice, the judge having in like manner the shortest or next shortest term to serve shall preside.

SEC. 3. If a vacancy occur in the office of a judge of Vacancy. the supreme court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so

ected shall hold the office for the remainder of the unexpired term.

Regular and special sessions.

SEC. 4. The supreme court shall always be open for the transaction of business, except on non-judicial days. It shall hold regular sessions for the hearing of causes at the seat of government, commencing on the second Mondays of January, May and October of each year, and special sessions at the same place, at such other times as may be prescribed by the justices thereof. If proper rooms in which to hold the court, and for the accommodation of the officers thereof, are not provided by the state, together with attendants, furniture, fuel, lights, record books and stationery, suitable and sufficient for the transaction of business, the court, or any three justices thereof, may direct the clerk of the supreme court to provide the same; and the expense thereof, certified by any three justices to be correct, shall be paid out of the state treasury out of any funds therein not otherwise appropriated. Such moneys shall be subject to the order of the clerk of the supreme court, and be by him disbursed on proper vouchers, and accounted for by him in annual settlements with the state auditor.

Money disbursed by clerk.

Quorum.

SEC. 5. It shall require a majority of the justices of the supreme court to form a quorum and pronounce a decision. In the determination of causes all decisions of the court shall be in writing, and the grounds of the decision shall be stated.

Jurisdiction.

SEC. 6. The supreme court shall have original jurisdiction in habeas corpus and quo warranto and mandamus as to all state officers, and appellate jurisdiction in all actions and proceedings excepting that its appellate jurisdiction shall not extend to civil actions at law for the recovery of money or personal property when the original amount in controversy or the value of the property does not exceed the sum of two hundred dollars, unless the action involves the legality of a tax, impost, assessment, toll, municipal fine, or the validity of a statute. The supreme court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari, and all other writs necessary and proper to the complete exercise of its

Appeal limits.

appellate and revisory jurisdiction. Each of the judges shall have power to issue writs of habeas corpus to any part of the state, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or before the supreme court, or before any superior court of the state, or any judge thereof. Habeas corpus.

SEC. 7. Adjournments from day to day, or from time to time, are to be construed as recesses in the sessions, and shall not prevent the court from sitting at any time. Adjournments.

SEC. 8. The judgments and decrees of the supreme court shall be final and conclusive upon all the parties properly before the court. Decrees final.

SEC. 9. The supreme court may affirm, reverse or modify any judgment or order appealed from, and may direct the proper judgment or order to be entered, or direct a new trial or further proceedings to be had. The decision of the court shall be given in writing; and in giving its decision, if a new trial is granted, the court shall pass upon and determine all the questions of law involved in the case presented upon such appeal and necessary to the final determination of the case. Its judgments in appealed cases shall be remitted to the court from which the appeal was taken. Written decisions.

SEC. 10. The supreme court shall be a court of record, and shall be vested with all power and authority necessary to carry into complete execution all its judgments, decrees and determinations in all matters within its jurisdiction, according to the rules and principles of the common law, and the constitution and laws of this state. Court of record.

SEC. 11. Its process shall run in the name of the "State of Washington," bear test in the name of the chief justice, be signed by the clerk of the court, dated when issued, sealed with the seal of the court, and made returnable according to law, or such rule or orders as may be prescribed by the court. Form of process.

SEC. 12. The supreme court may, from time to time, institute such rules of practice and prescribe such forms of process to be used, and for the keeping of the dockets, records and proceedings for the regulation of the said court Rules of practice.

as shall be deemed most conducive to the due administration of justice, except as otherwise provided by law.

Clerk and reporter.

SEC. 13. The judges of the supreme court shall appoint a clerk and a reporter of the decisions of the court, removable at their pleasure, each of whom shall receive an annual salary, as shall be provided by law: *Provided*, That the legislature may at any time provide for the election of such clerk, and prescribe the term of his office.

Oath of office.

SEC. 14. The several judges of the supreme court, before entering upon the duties of their office, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be), that I will support the constitution of the United States and the constitution of the State of Washington, and that I will faithfully and impartially discharge the duties of the office of judge of the supreme court of the State of Washington to the best of my ability." Which oath or affirmation may be administered by any person authorized to administer oaths, a certificate whereof shall be affixed thereto by the person administering the oath. And the oath or affirmation so certified shall be filed in the office of the secretary of state.

Pending cases.

SEC. 15. All causes pending in the supreme court of the territory, except such causes as would have been within the exclusive jurisdiction of the United States circuit court, had such court existed at the time of the commencement of such causes, 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 act had not been adopted.

Report to governor.

SEC. 16. The judges of the supreme court shall, on or before the first day of January in each year, report in writing to the governor such defects and omissions in the laws as they may believe to exist.

Seal.

SEC. 17. The seal of the supreme court shall be the vignette of General George Washington, with the words

“Seal of the supreme court, State of Washington,” surrounding the vignette.

SEC. 18. Whereas, there are no acts of the legislature relating to the organization, powers and duties of the supreme court, and there being an immediate necessity therefor, therefore, an emergency is declared to exist, and this act shall take effect and be in force from and after its passage.

Approved December 23, 1889.

#### PETIT JURORS FOR SUPERIOR COURTS.

AN ACT to provide petit jurors for the superior courts of this state.

WHEREAS, An emergency exists in relation to petit jurors in the superior courts of this state; and

WHEREAS, A temporary act is desirable to settle questions relative to the selecting, drawing and summoning of petit jurors for said superior courts: therefore,

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

SECTION 1. That until otherwise provided the judges of the superior courts may order, at such times as they see fit, a panel of not less than twelve nor more than twenty-Size of panel. four petit jurors, to be drawn from the last jury list certified by the county commissioners (whether same has been previously drawn from or not is not to be considered), and the clerk of the superior court, or his deputy, and the sheriff and county auditor, shall place ballots prepared from such list in a box, and having thoroughly mixed them, the clerk, or his deputy, being blindfolded, shall draw the requisite number to serve as such petit jurors. Drawing names. The list thus drawn shall be certified to by the sheriff and auditor, and within three days the clerk shall issue to the sheriff of the county a venire containing the names of the

Venire. persons thus drawn as petit jurors, returnable at a day and hour to be named by the judge of said court; and until  
 Qualifications. otherwise provided, previous service as jurors within one or two years, or having been previously drawn from said list shall be no excuse for service on said jury, the party being otherwise qualified to serve as a juror.

Validity of drawing. SEC. 2. The failure on the part of any officer to perform the duties required within the time, or other irregularity in said drawing, shall in no way invalidate the selecting, drawing or summoning of said jurors.

Open venire. SEC. 3. If for any cause the court shall see fit to set aside the venire returned as above provided, an open venire may thereupon issue to the sheriff, who shall thereupon complete the panel by such open venire as speedily as possible.

Court may fill panel. SEC. 4. If for any cause a sufficient number of jurors are not returned by the sheriff in the manner first herein contemplated, the court may order the panel filled from the by-standers by the sheriff, or may fill such panel by an open venire, for a sufficient number, directed to the sheriff.

Validity of previous summoning. SEC. 5. All jurors and juries heretofore summoned by said superior courts, or any of them, under the practice heretofore adopted, are hereby declared legal and regular, and all venires, open or otherwise, issued by said courts for jurors before the passage of this act, are hereby declared regular and valid as if issued as herein provided.

SEC. 6. This act being deemed of immediate importance, shall take effect and be in full force from and after its passage.

Approved December 23, 1889.

## SUPREME COURT REPORTS.

AN ACT entitled "An act to provide for the publication and distribution of the Supreme Court Reports of Washington."

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

SECTION 1. The reports of the supreme court of the State of Washington shall be published in volumes of not less than seven hundred (700) pages each. The style of type used, the general typography, and the paper and binding shall be equal in quality and generally similar to that used in volume three of the Washington Territory reports. Style of book.

SEC. 2. The reporter shall have no pecuniary interest in the volumes of reports, but they must be published under the supervision of the court and reporter by contract, to be entered into by the reporter, secretary of state and attorney general with the person or persons who shall agree to publish and sell the said reports for a period of five years, said price not to exceed two dollars and fifty cents (\$2.50) per volume: *Provided*, That the work shall be done in the State of Washington by the lowest responsible bidder: *Provided further*, That the person or persons who print and publish the said report shall not copyright the volumes thereof, or any portion of such volumes, or any notes, indexes or tables of contents that may be published in connection therewith, and the bond given by such person or persons for the fulfillment of the terms of the contract shall contain an acceptance of the requirements herein as to such copyright. Reporter must be disinterested. Price. Lowest bidder. Bond of contractor.

SEC. 3. The contract must require the publisher to print and publish each volume within sixty days from the time at which the manuscript is delivered by the reporter. The said contract must require the publisher — *First*, to sell three hundred (300) copies of each volume as published to the state, at the price fixed in the contract; *second*, to keep on hand and for sale, at the price stipulated in the contract, a sufficient number of copies of each volume to Contract limited.

supply all demands for five years from the publication thereof; *third*, to make stereotype plates of the pages of each volume, to the end that the same may never be out of print; *fourth*, to re-print, without state aid, volume one of Washington Territory reports, and to sell the same to the state and public at the uniform price stipulated for the future volumes in said contract; *fifth*, to give bonds for the fulfillment of the terms of the contract in the sum of ten thousand dollars (\$10,000).

Amount of bond.

SEC. 4. On the publication of each volume of reports the secretary of state must purchase, for the use of the state, three hundred copies of said volume at the price named in the contract, and after having distributed the same, as required by section 5, shall deposit the surplus copies, if any there be, in the state library.

Secretary of state must purchase.

Surplus.

SEC. 5. The secretary of state must distribute the bound volumes of the decisions of the supreme court as follows: *First*, to each state and territory, one copy; *second*, to the state library, ten copies, and other public libraries in the state, one copy; *third*, to each department of this state, and to each of the United States district judges for this state, supreme and superior judges, one copy; *fourth*, to each district attorney and county clerk, one copy; *fifth*, to reporters of decisions, one copy.

Distribution of copies.

Books marked.

SEC. 6. The secretary of state must indelibly mark each book distributed to officers in this state (except the reporters) with the name of county to which and the designation of the office to whom it is sent. Each book remains the property of the state and must be, by the officers receiving the same, delivered to their successors.

Approved January 20, 1890.

## SALARIES OF JUDGES OF THE SUPREME AND SUPERIOR COURTS.

AN ACT providing for the payment of certain expenses of and the manner in which the salaries of the Judges of the Supreme and Superior Courts shall be paid, and declaring an emergency to exist.

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

SECTION 1. The auditor of state shall draw his warrant on the treasurer of state, at the end of each quarter, for the amount of salary then due under the constitution from the state to each of the judges of the supreme court and superior courts of this state, and said warrant shall be paid by the treasurer out of any funds in the state treasury not otherwise appropriated. Quarterly payment.

SEC. 2. The county auditor of each county shall draw his warrant on the treasurer of such county, at the end of each quarter, for the amount of salary then due from such county to the judge of the superior court thereof, and said warrant shall be paid by said treasurer out of any funds in the county treasury not otherwise appropriated. Proportionate payment by counties.

SEC. 3. Where there is only one judge of the superior court for two or more counties, the auditors thereof, acting together, shall apportion among or between such counties, according to the assessed valuation of their taxable property, the amount of such judge's salary that each county shall pay. When two or more counties in district.

SEC. 4. When the judge of any superior court is called to hold court in any county for which he was not elected, his actual traveling and incidental expenses in going to and from and while holding such court shall be paid by such county, and the auditor of such county shall, upon a verified statement of expenses made by such judge, draw his warrant for the amount thereof upon the treasurer of such county, who shall pay the same out of any funds not otherwise appropriated. Traveling and incidental expenses.

SEC. 5. Whereas, the constitution provides that the salary of the judges of the supreme and superior courts shall

be paid quarterly; and whereas, the laws enacted by this legislature will probably not take effect for more than six months from this date (unless by reason of an emergency clause), it is, therefore, declared that an emergency exists for the immediate taking effect of this act, and the same shall be in force from and after its passage and approval by the governor.

Approved January 27, 1890.

#### CLERK SUPREME COURT; SALARY OF.

AN ACT fixing the salary of the Clerk of the Supreme Court, and providing for the payment of the same, and declaring an emergency.

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

\$2,000 a year.

SECTION 1. That the clerk of the supreme court shall receive an annual salary of two thousand dollars, the same to be paid out of the funds appropriated for paying the expenses of the said court.

Quarterly payment.

SEC. 2. He shall draw his salary from the time of entering upon the duties of his office, and at the end of each quarter the state auditor shall draw a warrant on the state treasurer in favor of said clerk of the supreme court for one-fourth the amount of his annual salary.

SEC. 3. Whereas, no law now in force makes any provision for paying the clerk of the supreme court for his services, an emergency is declared to exist, and this act shall take effect and be in force from and after its passage.

Approved February 28, 1890.

## BAILIFFS OF SUPREME COURT; SALARIES OF.

AN ACT to provide for the payment of the salary of Supreme Court Bailiffs.

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

SECTION 1. Bailiffs of the supreme court are hereby entitled to, and shall be paid three (\$3) dollars per diem.

SEC. 2. The state auditor shall issue his warrant for salary of supreme court bailiffs upon receipt of certificate of time served, signed by any one or more of the supreme court judges, and attested by the clerk of the supreme court.

SEC. 3. The immediate operation of this act is hereby declared an emergency.

Approved March 7, 1890.

## GRAND JURORS FOR SUPERIOR COURTS.

AN ACT to provide Grand Jurors for the Superior Courts of this state.

WHEREAS, An emergency exists in relation to grand jurors in the superior courts of this state; and

WHEREAS, A temporary act is desirable to settle questions relative to selecting, drawing and summoning of grand jurors for said courts: therefore,

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

SECTION 1. That until otherwise provided, the judges of the superior courts may, at such times as they see fit, order a panel of grand jurors to be drawn from the last jury lists certified by the county commissioners (whether the same has previously been drawn from or not), and the clerk of the superior court, or his deputy, and the sheriff

Manner of drawing.

and county auditor shall place ballots prepared from such list in a box, and having thoroughly mixed them, the clerk, or his deputy, being blindfolded, shall draw the requisite number to serve as such grand jurors. The list thus drawn shall be certified to by the sheriff and auditor, and within three days the clerk shall issue to the sheriff of the county a venire containing the names of the persons thus drawn as grand jurors, returnable at a day and hour to be named by the judge of said court, and until otherwise provided, previous service as jurors within two years, or having been previously drawn from said list, shall be no excuse for service on said jury, the party being otherwise qualified to serve as a grand juror.

Validity of drawing.

SEC. 2. The failure on the part of any officer to perform the duties required within the time, or other irregularity in said drawing, shall in no way invalidate the selecting, summoning or drawing of said jurors.

Open venire.

SEC. 3. If for any cause the court shall see fit to set aside the venire returned as above provided, an open venire may thereupon issue to the sheriff, who shall thereupon complete the panel by such open venire as speedily as possible.

SEC. 4. If for any cause a sufficient number of jurors are not returned by the sheriff in the manner first herein contemplated, or if a sufficient number of jurors are not in attendance, the court may order the panel filled by summoning a sufficient number by an open venire issued and directed to the sheriff.

Jurors heretofore drawn.

SEC. 5. All jurors and juries heretofore summoned by said superior courts, or any of them, under the practice heretofore adopted, are hereby declared legal and regular, and all venires, open or otherwise, issued by said courts for grand jurors before the passage of this act are hereby declared regular and valid, as if issued as herein provided.

SEC. 6. This act being of immediate importance, shall take effect and be in full force and effect from and after its passage.

Approved February 11, 1890.

## REMOVAL OF CAUSES FROM SUPERIOR TO SUPREME COURT.

AN ACT to provide a single and uniform method of removing causes from the superior courts to the supreme court, and to regulate the practice in the supreme court in such causes.

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

SECTION 1. An appeal may be taken to the supreme court from the following decisions, orders or judgments of superior courts, and from none other: *First*, from all final decisions; *second*, from a final order made in special proceedings affecting a substantial right therein, or made on a summary application in an action after judgment; *third*, from an order granting a new trial, or granting or refusing, continuing or modifying a temporary injunction or restraining order in cases where the principal object of the action is to obtain injunctive relief; *fourth*, from a final order or judgment on *habeas corpus*.

When appeals may be taken.

SEC. 2. A person desiring to appeal from any such decision, order or judgment may, by himself or attorney, give notice in open court, or before the judge, if the decision, order or judgment appealed from be rendered or made at chambers, at the time said decision, order or judgment is made, that he appeals from such decision, order or judgment to the supreme court, and such notice shall, by order of the court or judge, be entered in the journal of the court. If the appeal be not taken at the time the decision, order or judgment is rendered or made, then the party desiring to appeal may, by himself or attorney, at any time within six months after the decision, order or judgment complained of was made, give notice in writing to the prevailing party or his attorney, that he appeals from said decision, order or judgment to the supreme court, and shall file with the clerk of the superior court the original of such notice, with a return of service or acceptance of service thereon, and it shall then be the duty of the clerk of the superior court to enter said notice, with the return or acceptance of service thereon, in the journal of the court.

Limit of time.

Filing notice.

SEC. 3. Upon the giving of the notice or the filing of the written notice, as provided in the preceding section, it shall be the duty of the clerk of the superior court, as soon as may be, in due course of business, to make and certify a full and complete transcript of the record in such cause or proceeding, up to the time of the giving notice of appeal, and to cause such transcript to be filed with the clerk of the supreme court within the time provided by law.

AS TO FACTS NOT IN RECORD.

SEC. 4. In all cases and proceedings in which an appeal lies to the supreme court, any party feeling himself aggrieved may have any material fact or facts, not already a part of the record, made so by a statement of facts. Such facts shall be settled and agreed on in the following manner: The party desiring to settle a statement of facts shall prepare and file with the clerk of the superior court a statement of facts, complete and ready for signing, and shall, within thirty days after the decision, order or judgment to be appealed from was made or rendered, give notice to the opposite party, or his attorney, that the said statement has been prepared and filed, and that upon a day to be named in said notice, he will apply to the court or judge who tried the cause or made the decision, order or judgment complained of, at a place to be named in said notice, to settle and certify said statement of facts. Said notice shall be given within thirty days after the decision, order or judgment is made, and the day fixed for the settling and certifying of the statement shall be at least ten days and not more than thirty days after the day of service. The party upon whom such notice is served shall, within ten days thereafter, serve upon the opposite party a written notice in which shall be stated whether or not the correctness of said statement of facts is contested; and if contested, in what particular or particulars the said statement is deficient, incorrect or incomplete. Upon the day named in said notice the said parties, or their attorneys, may appear before the said court or judge, and it shall be the duty of said court or judge to settle between the parties what is the proper statement and to certify the same. The settling of said statement may be adjourned to a later day by order of said court or judge.

Duty of clerk.

Limit of time.

Duty of court.

SEC. 5. The certificate of the judge that said statement <sup>Certificate of judge.</sup> contains all the material facts in the cause or proceeding shall be sufficient. In causes of equitable cognizance where the appeal is from the final judgment, the said statement of facts shall contain all the testimony on which the cause was tried below, together with any exceptions or objections taken to the reception or rejection of testimony. In cases at law, the statement of facts need contain no more than was necessary or proper in a bill of exceptions.

SEC. 6. In actions at law and in special proceedings which are appealable, the appellant instead of settling a statement of facts, as provided by this act, may have his exceptions and such facts as are material to the same made <sup>Exceptions.</sup> a part of the record by bill of exceptions, as provided by chapter nineteen (19) of the code of Washington relating to "exceptions."

SEC. 7. The supreme court is hereby authorized to make <sup>Rules of supreme court.</sup> all needful rules and regulations not inconsistent with law concerning practice and procedure in the supreme court in causes appealed thereto, and concerning the settlement of bills of exceptions and statement of facts, and concerning the time and manner of filing transcripts and briefs.

SEC. 8. A statement of facts or bill of exceptions may <sup>Bill of exceptions.</sup> be settled and certified by the judge trying the cause, or who rendered the decision, order or judgment to be appealed from, at any place in the state, but the time and place shall be stated in the notice given for the settling and certifying the same.

SEC. 9. The provisions of the code of Washington relating to procedure and practice in the supreme court upon appeals and upon writs of error in civil and criminal cases shall, as far as applicable, govern the procedure and practice in causes appealed under this act. <sup>Procedure.</sup>

SEC. 10. All appeals under this act shall be prosecuted <sup>Limit for appeals.</sup> within six months after the rendition of the decision, order or judgment complained of: *Provided*, That appeals in criminal cases may be prosecuted at any time within one year after final judgment, and the notice of appeal in such cases may be given within the same time.

SEC. 11. The method provided by this act for removing causes to the supreme court, and for securing a revision of the same shall be exclusive, and shall supersede all other methods heretofore provided.

Repealing.

SEC. 12. The act entitled "An act to amend chapter nineteen (19) of the code of Washington Territory; exceptions," approved February 3, 1886, which said act relates to the taking of exceptions and the settling of the same, is hereby repealed.

SEC. 13. The supreme court shall hear and determine all causes removed thereto, in the manner hereinbefore provided, upon the merits thereof, disregarding all technicalities.

Approved March 22, 1890.

## REMOVING CAUSES FROM THE SUPERIOR TO THE SUPREME COURT.

AN ACT to amend section 1 of an act entitled "An act to provide a single and uniform method of removing causes from the Superior Courts to the Supreme Court, and to regulate the practice in the Supreme Court in such causes," approved March 22, 1890.

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

SECTION 1. That section 1 of an act entitled "An act to provide a single and uniform method of removing causes from the superior courts to the supreme court, and to regulate the practice in the supreme court in such causes," approved March 22, 1890, is amended to read as follows: An appeal may be taken to the supreme court from the superior courts in all actions and proceedings, excepting that its appellate jurisdiction shall not extend to civil actions at law for the recovery of money or property when the original amount in controversy or the value of the property does not exceed the sum of two hundred (200)

dollars, unless the action involves the legality of a tax, impost, assessment, toll, municipal fine or the validity of a statute.

Approved March 27, 1890.

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### SUPERIOR COURTS ; COSTS IN.

AN ACT relating to costs in the Superior Court.

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

SECTION 1. In any action in the superior court of Washington the prevailing party shall be entitled to his costs and disbursements; but the plaintiff shall in no case be entitled to costs taxed as attorneys' fees in actions within the jurisdictions of a justice of the peace when commenced in the superior court.

SEC. 2. All acts conflicting in any manner with this act are hereby repealed.

Approved March 27, 1890.

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### COURT RECORDS ; TO PROVIDE FOR THE RESTORATION OF LOST.

AN ACT to provide for the restoration of court records and files which have been lost or destroyed by fire or otherwise, and declaring an emergency.

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

SECTION 1. Whenever a pleading, process, return, verdict, bill of exceptions, order, entry, stipulation or other act, file or proceeding in any action or proceeding pending

Papers in proceeding.

in any court of this state shall have been lost or destroyed by fire or otherwise, or is withheld by any person, such court may, upon the application of any party to such action or proceeding, order a copy or substantial copy thereof to be substituted.

Record of judgment or decree.

SEC. 2. Whenever the record required by law of the proceedings, judgment or decree in any action or other proceeding of any court in this state in which a final judgment has been rendered, or any part thereof, is lost or destroyed by fire or otherwise, such court may, upon the application of any party interested therein, grant an order authorizing such record or parts thereof to be supplied or replaced — *First*, by a certified copy of such original record, or part thereof, when the same can be obtained; *second*, by a duly certified copy of the record in the supreme court of such original record of any action or proceeding that may have been removed to the supreme court and remain recorded or filed in said supreme court; *third*, by the original pleadings, entries, papers and files in such action or proceeding when the same can be obtained; *fourth*, by an agreement in writing signed by all the parties to such action or proceeding, their representatives or attorneys, that a substituted copy of such original record is substantially correct.

Any interested party may apply.

SEC. 3. Whenever the record required by law, or any part thereof, of the proceedings or judgment or decree in any action or other proceeding of any court in this state in which the final judgment has been rendered, is lost or destroyed by fire or otherwise, and such loss cannot be supplied or replaced as provided in section two of this act, any person or party interested therein may make a written application to the court to which said record belongs, setting forth the substance of the record so lost or destroyed, which application shall be verified in the manner provided for the verification of pleadings in a civil action, and thereupon summons shall issue and actual service, or service by publication, shall be made upon all persons interested in or affected by said original judgment or final entry in the manner provided by law for the commencement of civil actions, provided the parties may

waive the issuing or service of summons and enter their appearance to such application; and upon the hearing of such application without further pleadings, if the court finds that such record has been lost or destroyed and that it is enabled by the evidence produced to find the substance or effect thereof material to the preservation of the rights of the parties thereto, it shall make an order allowing a record, which record shall recite the substance and effect of said lost or destroyed record, or part thereof, and the same shall thereupon be recorded in said court, and shall have the same effect as the original record would have if the same had not been lost or destroyed, so far as it concerns the rights of the parties so making the application, or persons or parties so served with summons, or entering their appearance, or persons claiming under them by a title acquired subsequently to the filing of the application.

Court shall order new record.

SEC. 4. Upon the hearing of the application provided in section three, the court may admit in evidence oral testimony and any complete or partial abstract of such record, docket entries or indices, and any other written evidence of the contents or effect of such records and published reports concerning such actions or proceedings, when the court is of opinion that such abstracts, writings and publications were fairly and honestly made before the loss of such records occurred.

Competent evidence.

SEC. 5. Whenever a lost or destroyed judgment or order is one to which either party has a right to a proceeding in error or of appeal, the time intervening between the filing of the application mentioned in section three and the final order of the court thereon shall be excluded in computing the time within which such proceeding or appeal may be taken as provided by law.

In cases where right to appeal exists.

SEC. 6. The costs to be taxed, upon an application to restore a lost or destroyed record, shall be the same as are provided for like service in civil actions, and may be adjudged against either or any party to such proceeding or application, or may, in the discretion of the court, be apportioned between such parties.

Costs.

SEC. 7. In case of the loss or destruction by fire or otherwise of the records, or any part thereof, of any probate court or superior court having probate jurisdiction, the judge of any such court may proceed, upon its own motion or upon application in writing of any party in interest, to restore the records, papers and proceedings of either of said courts relating to the estates of deceased persons, including recorded wills, wills probated, or filed for probate in such courts, all marriage records and all other records and proceedings, and for the purpose of restoring said records, wills, papers or proceedings, or any part thereof, may cause citations or other process to be issued to any and all parties to be designated by him, and may compel the attendance in court of any and all witnesses whose testimony may be necessary to the establishment of any such record or part thereof, and the production of any and all written or documentary evidence which may be by him deemed necessary in determining the true import and effect of the original record, will, paper, or other document belonging to the files of said court; and may make such orders and decrees establishing such original record, will, paper, document or proceeding, or the substance thereof, as to him shall seem just and proper. The judge of the probate court may, in vacation, perform any of the duties imposed upon him by this section.

Relating to estates.

Marriage records, wills, etc.

Power of court.

SEC. 8. The costs incurred in the probate and superior courts in proceedings under sections six and seven shall be paid by the party or parties interested in such proceedings, or in whose behalf such proceedings are instituted.

SEC. 9. Whereas, by reason of the destruction by fire of the records of the courts of one or more counties of this state, an emergency exists for this act to take effect immediately; therefore, this act shall take effect and be in force from and after its passage.

Received by the governor March 28, 1890.

[*Note by the Secretary of State.*—The foregoing act having been presented to the governor of the state for his approval, and not having been filed in the office of the secretary of state within the time prescribed by the constitution of the state, with his objections thereto, has become a law under the provisions of the constitution.]

## SUPERIOR COURTS; ORGANIZATION OF.

AN ACT in relation to the organization, powers and duties of the Superior Courts, and declaring an emergency.

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

SECTION 1. There shall be in each of the organized counties of this state a superior court for which at least one judge shall be elected by the qualified electors of the county at the time provided by law: *Provided*, That until otherwise authorized by law, one judge shall be elected for the counties of Spokane and Stevens, and one additional judge for the county of Spokane; one judge shall be elected for the county of Whitman; one judge for the counties of Lincoln, Okanogan, Douglas and Adams; one judge for the counties of Walla Walla and Franklin; one judge for the counties of Columbia, Garfield and Asotin; one judge for the counties of Kittitas, Yakima and Klickitat; one judge for the counties of Clarke, Skamania, Pacific, Cowlitz and Wahkiakum; one judge for the counties of Thurston, Chehalis, Mason and Lewis; three judges for the county of Pierce; three judges for the county of King; one judge for the counties of Jefferson, Island, Kitsap, San Juan and Clallam, and one judge for the counties of Whatcom, Skagit and Snohomish: *Provided*, That this section shall be construed as including the additional superior judges authorized by law, passed during the present session of the state legislature, providing for additional judges of the superior courts for the counties of Spokane, Pierce and King.

Districts defined.

SEC. 2. In any county where there shall be more than one superior judge, there may be as many sessions of the superior court at the same time as there are judges thereof, and whenever the governor shall direct a superior judge to hold court in any county other than that for which he has been elected, there may be as many sessions of the superior court in said county at the same time as there are judges therein or assigned to duty therein by the governor, and the business of the court shall be so

In case of more than one judge in a county.

distributed and assigned by law, or, in the absence of legislation therefor, by such rules and orders of court as shall best promote and secure the convenient and expeditious transaction thereof. The judgments, decrees, orders and proceedings of any session of the superior court held by any one or more of the judges of such court shall be equally effectual as if all the judges of said court presided at such session.

**Terms of office.** SEC. 3. The superior judges elected under the constitution, at the election held October 1st, 1889, shall hold their offices for the period of three years, and until their successors shall be elected and qualified, and the additional judge to be elected at the general election of 1890, and thereafter the term of office of all superior judges in this state shall be for four years from the second Monday in January next succeeding their election, and until their successors are elected and qualified.

**Vacancies.** SEC. 4. If a vacancy occur in the office of judge of the superior court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall be at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

**Original jurisdiction.** SEC. 5. The superior court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll or municipal fine, and in all other cases in which the demand or the value of the property in controversy amounts to one hundred dollars, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce and for annulment of marriage, and for such special cases and proceedings as are not otherwise provided for; and shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court, and shall have the power of naturalization and to issue papers therefor. Said courts

and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition and writs of habeas corpus on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued on legal holidays and non-judicial days. Powers.

SEC. 6. The superior courts shall have such appellate jurisdiction in cases arising in justice's and other inferior courts in their respective counties as may be prescribed by law. Appellate jurisdiction.

SEC. 7. The superior courts are courts of record, and shall be always open, except on non-judicial days. They shall hold their sessions at the county seats of the several counties, respectively. They shall hold regular and special sessions in the several counties of this state at such times as may be prescribed by the judge or judges thereof. Open except on non-judicial days.

SEC. 8. Adjournments from day to day, or from time to time, are to be construed as recesses in the sessions, and shall not prevent the court from sitting at any time. Recess.

SEC. 9. The process of the superior courts shall extend to all parts of the state: *Provided*, That all actions for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon, real estate, shall be commenced in the county in which the real estate, or any part thereof, affected by such action or actions is situated. Process.

SEC. 10. A judge of any superior court may hold the superior court in any county, at the request of the judge or judges of the superior court thereof, and upon the request of the governor it shall be his duty to do so, and in either case the judge holding the court shall have the same power as a judge thereof. Powers of judge beyond his district.

SEC. 11. A case in the superior court of any county may be tried by a judge *pro tempore*, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the case; and his action in the trial of such cause shall have the same effect as if he were a judge of such court. A judge *pro tempore* shall, before entering upon his duties in any cause, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm, Temporary judge.

as the case may be,) that I will support the constitution of the United States and the constitution of the State of Washington, and that I will faithfully discharge the duties of the office of judge *pro tempore* in the cause wherein \_\_\_\_\_ is plaintiff and \_\_\_\_\_ defendant, according to the best of my ability." He shall receive a compensation of ten dollars for each day engaged in said trial, to be paid in the same manner as the salary of the superior judge.

Compensation.

SEC. 12. Every case submitted to a judge of a superior court for his decision shall be decided by him within ninety days from the submission thereof: *Provided*, That if within said period of ninety days a rehearing shall have been ordered, then the period within which he is to decide shall commence at the time the cause is submitted upon such rehearing, and upon willful failure of any such judge so to do, he shall be deemed to have forfeited his office.

Must decide within.

SEC. 13. The judges of the superior courts shall, from time to time, establish uniform rules for the government of the superior courts.

Rules.

SEC. 14. Superior judges shall, on or before the first day of November in each year, report in writing to the judges of the supreme court, such defects and omissions in the laws as their experience may suggest.

Report to supreme court.

SEC. 15. Every judge of a superior court shall, before entering upon the duties of his office, take and subscribe an oath that he will support the constitution of the United States and the constitution of the State of Washington, and will faithfully and impartially discharge the duties of judge to the best of his ability, which oath shall be filed in the office of the secretary of state. Such oath or affirmation to be in form substantially the same as prescribed for judges of the supreme court.

Oath of office.

SEC. 16. Whenever the judge of the superior court of any county, elected or appointed, shall have qualified, the several causes then pending in the district court of the territory, except such causes as would have been within the exclusive jurisdiction of the United States district court, had such court existed at the time of the commencement of such causes within such county, and the records, papers and proceedings of said district court, and

How filed.

Disposition of pending causes, records and seals.

the seal and other property pertaining hereto, shall pass into the jurisdiction and possession of the superior court for such county. And where the same judge is elected for two or more counties it shall be the duty of the clerk of the district court having custody of such papers and records to transmit to the clerk of such county or counties other than that in which such records are kept, the original papers in all cases pending in such district court, and belonging to the jurisdiction of such county or counties, together with transcript of so much of the records of said district court as relates to the same; 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.

Duty of clerk of district court.

Transition.

SEC. 17. The seals of the superior courts of the several counties of the state shall be, until otherwise provided by law, the vignette of General George Washington, with the words "Seal of the superior court of ——— county, State of Washington," surrounding the vignette.

Form of seals.

SEC. 18. On the organization of the superior courts in the respective counties, the books, records, papers and proceedings of the probate court in each county, and all causes and matters of administration pending therein, shall, upon the expiration of the term of office of the probate judges, on the second Monday in January, 1891, pass into the jurisdiction and possession of the superior court of the same county or district, 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. And until the expiration of the term of office of the probate judges, such probate judges shall perform the duties now imposed upon them by the laws of the territory. The superior courts shall have appellate and revisory jurisdiction over the decisions of the probate courts, as now provided by law, until such latter courts expire by limitation.

Records of probate courts.

Appellate and revisory jurisdiction of superior courts.

SEC. 19. Whereas, there are no acts of the legislature relating to the organization, power and duties of the supe-

rior courts, and there being an immediate necessity therefor, therefore an emergency is declared to exist, and this act shall take effect and be in force from and after its passage.

Approved March 27, 1890.

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ADDITIONAL JUDGES FOR THE COUNTIES OF  
SPOKANE, KING AND PIERCE.

AN ACT providing for an additional number of Superior Court Judges,  
and declaring an emergency to exist.

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

SECTION 1. That in each of the following named counties, additional superior court judges shall be elected as follows, that is to say: One superior judge in the county of Spokane, two superior judges in the county of Pierce, and two superior judges in the county of King, with like powers and jurisdiction as are conferred by the constitution and laws of the State of Washington upon the judges of superior courts.

The governor shall appoint.

SEC. 2. The governor shall appoint in each of said counties persons learned in the law judges of the superior courts, as hereinbefore provided to be elected, who shall hold their offices until the next general election, and until their successors shall have been elected and qualified: *Provided, however,* That one of the said additional superior court judges hereby authorized for the county of Pierce shall be appointed by the governor, and hold his office until the next general election; the intent of this act, so far as the additional superior court judges for said Pierce county, being that one shall be appointed upon the passage of this act, and that two additional superior court judges shall be elected at the general election in 1890, as provided in section 3 of this act.

Appointees serve until next election.

SEC. 3. At the general election in 1890, there shall be elected in the county of Spokane one superior judge, and in the county of Pierce two superior judges, and in the county of King two superior judges, for said counties, in addition to the judges now provided for by law in said counties, who shall hold their offices for the term of four years from and after the second Monday in January, 1891.

SEC. 4. Whereas, the business of said superior courts in said counties named has accumulated so greatly as to render it impossible for the dispatch of business, and such accumulation and growing business so delays the trial of causes as to amount, practically, to a denial of justice, an emergency is declared to exist; therefore, this act shall take effect and be in force from and after its approval by the governor.

Approved March 3, 1890.

## CHAPTER XII.—EDUCATIONAL.

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### SCHOOLS AND SCHOOL DISTRICTS.

AN ACT to establish a general uniform system of Common Schools in the State of Washington, and declaring an emergency.

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

#### TITLE I.—OUTLINE OF SYSTEM.

SECTION 1. A system of common schools shall be maintained throughout the State of Washington.

SEC. 2. The administration of the common school system shall be entrusted to the state superintendent of public instruction, a state board of education, county superintendents of common schools, boards of directors, and a district clerk for each district.

#### TITLE II.—SUPERINTENDENT OF PUBLIC INSTRUCTION.

State superintendent of public instruction.

SEC. 3. The superintendent of public instruction shall be elected by the qualified electors of the state on the first Tuesday after the first Monday in November of the years in which state officers are elected, and shall hold his office for the term of four years, and until his successor is elected and qualified, and his powers and duties shall be as hereinafter enumerated: *First*, he shall have supervision over all matters pertaining to the common schools of the state. He shall receive an annual salary of twenty-five hundred dollars, payable quarterly upon warrant of the state auditor drawn upon the state treasurer in the same manner as other state officers are paid. *Second*, he shall report to the governor biennially on or before the first day of November preceding the regular session of the legislature. The governor shall transmit said report to the legislature, and three thousand copies thereof shall be printed and delivered to the superintendent of public in-

Biennial report of superintendent.

struction, who shall furnish two copies to be deposited in the state library, one copy to each county superintendent of schools, to be held by him as public property and delivered to his successor in office, and one copy to each district clerk within the state, for the district library. Said report shall contain a statement of the general condition of the common schools of the state, with full statistical tables, by counties, showing the number of schools and the attendance; the state and county school fund apportioned, amount received by special tax or from other sources, amount expended for salaries of teachers, the salaries paid by the several counties to the superintendent of schools, the amount they are paid for visiting schools, and the mileage they draw for same; building and providing school houses, the amount of bonded or other school indebtedness, with rate of interest paid; a list of the school officers of the state, together with such other facts as he may deem of general interest. He shall also include in his report a statement of plans for the management and improvement of the schools. *Third*, he shall prepare and superintend the printing and distribution to county superintendents of such blanks, forms, registers and blank books as may be necessary to the proper discharge of the duties of county superintendents, teachers, and all other school officers charged with the administration of the laws relating to common schools; also the rules and regulations for the use and government of the common schools, and the questions prepared for the examination of teachers. *Fourth*, to travel in the different counties of the state where common schools are taught, as far as possible, without neglecting his other official duties as superintendent of public instruction, for the purpose of visiting schools, of consulting the county superintendents, and addressing public assemblies on subjects pertaining to common schools; also, to open such correspondence as may enable him to obtain all necessary information relating to the system of common schools in other states. He shall submit, quarterly, a statement of expenditures for traveling expenses, which shall be audited by the state auditor, who shall issue a warrant on the state treas-

Form and scope  
of report.

Must prepare  
and distribute  
blanks to  
county superin-  
tendents.

Quarterly state-  
ments.

Limit of ex-  
penses.

President of  
board of educa-  
tion.

Must certify ap-  
portionment.

urer for the payment of such amounts as shall be found to have been properly incurred: *Provided*, That said expenditures shall not exceed eight hundred dollars in any one year: *And provided further*, That the postage, stationery and other office expenses shall be paid for in the same manner as in case of other state officers. *Fifth*, he shall cause to be printed, with an appendix of appropriate forms and instructions for carrying into execution, the laws relating to common schools, and distribute to each county superintendent a sufficient number of copies to supply each school and district officer, and shall cause the same to be re-printed and distributed as often as any change in the laws is made of sufficient importance, in his opinion, to justify the same. *Sixth*, he shall be *ex-officio* president of the board of education. *Seventh*, he shall biennially, on or before the first day of May following the election of county superintendents, call a convention of county superintendents of this state, at such time and place as he may deem most convenient, for the discussion of questions pertaining to the supervision and administration of the school laws, and such other subjects affecting the welfare and interests of the common schools as may be properly brought before it. *Eighth*, he shall, between the first and tenth days of March and September of each year, apportion the state common school funds, subject to apportionment, among the several counties of the state, in proportion to the number of children in each county between the ages of five and twenty-one years, as the same shall appear by the reports of the several county superintendents for the school year just closed: *Provided*, That in case no report of the enumeration of any county for the school year last closed has been received, the apportionment shall be made on the basis of the number of children in said county as shown by the last census received from said county. He shall certify said apportionment to the state auditor, and upon said certification the state auditor shall draw his warrant on the state treasurer in favor of the county treasurer of each county for the amount apportioned to said county, and transmit the same to the several county treasurers. The superintendent of

public instruction shall also certify to the county superintendents of schools of each county, the amount apportioned to that county. It shall be the duty of the state auditor to notify the superintendent of public instruction on or before the first day of March and September of each year the amount of the state common school fund subject to apportionment. *Ninth*, he shall annually require of the president, manager or principal of every seminary, academy and private school, a report of such facts arranged in such form as he may prescribe, and he shall furnish blanks for such reports, and it is made the duty of every such president, manager or principal to fill up and return such blanks within such time as the state superintendent may direct. Other duties.

SEC. 4. The superintendent of public instruction shall have his office at the capital of the state, where he shall keep all books and papers appertaining to the business of his office, and shall keep and preserve in his office a complete record of statistics and all matters pertaining to the educational interests of the state, as well as a record of the meetings of the state board of education. He shall file all papers, reports and public documents transmitted to him by the school officers of the several counties of the state each year, separately. Location of office. Copies of all papers filed in his office, and his official acts, may be certified by him and attested by his official seal, and when so certified shall be evidence equally and in like manner as the original papers. File papers separately. He shall decide all points which may be submitted to him in writing by any school officer, teacher or person in this state, on appeal from the decision of the county superintendents of schools, and his decision shall be final unless set aside by a court of competent jurisdiction. Judicial duties. He shall, at the expiration of his term of office, deliver over to his successor all records, books, maps and documents, and papers of whatever kind belonging to his office, or which may have been received by him for the use of his office.

SEC. 5. The superintendent of public instruction shall be allowed, and is hereby authorized, to appoint a clerk for his office, whose compensation shall not exceed five Clerk.

hundred dollars per annum, to be paid in the manner prescribed for the payment of state officers.

TITLE III.—BOARD OF EDUCATION.

SEC. 6. The governor shall appoint, by and with the  
 Four members. advice and consent of the state senate, four suitable persons, at least two of whom shall be selected from those actually engaged in teaching in the common schools of this state, who, together with the superintendent of public instruction, shall constitute the state board of education. The persons appointed shall hold their office for two years from the first Monday in March next following their appointment, and shall serve until their successors are appointed and qualified: *Provided*, That the term of office of the first board appointed in accordance with this act shall expire on the first Monday in March, 1891.

Annual meetings of board.

SEC. 7. The state board of education shall hold an annual meeting at the capital of the state on the first Tuesday in June of each year, and may hold such special meetings as deemed necessary for the transaction of public business, such special meetings to be called by the superintendent of public instruction. The persons appointed as members of the board of education shall be paid for their services at the rate of five dollars per diem for the actual number of days' attendances at said meetings, and shall be further entitled to actual traveling expenses in attending said meeting, compensation and traveling expenses to be paid by the state treasurer, on warrant of the state auditor, out of funds not otherwise appropriated, upon the certificate of the superintendent of public instruction: *Provided*, That the expenses of the whole board shall not exceed the sum of one thousand dollars in any one year.

Expense limit.

Powers of board.

SEC. 8. The said board shall have power—*First*, to adopt or re-adopt, at their first regular meeting in June, eighteen hundred and ninety, a uniform series of textbooks for the use of the common schools, including graded common schools, throughout the state: *Provided*, They can secure an exchange of books at any time in use for those of the same grade, or an exchange of those of a lower

grade for those of the next higher grade, without a greater average cost to the people than two-fifths of the contract retail price of the books in use at the time of adoption; and enter into contract with the publishers for the supply of the same, to take effect on the first day of the following September; and the books so adopted shall not be changed within five years thereafter, unless the publishers of such adopted books shall fail to comply with the terms of the contract. Before making any adoption, the superintendent of public instruction shall advertise for at least six weeks in such papers or periodicals of general circulation, as he may determine, that the board of education will receive sealed proposals for the supply of text-books to the people of the state. Said advertisements shall state the day and hour upon which said proposals shall cease to be received. It shall, also, name all the kinds of books for the supply of which proposals are invited, and be signed by the superintendent of public instruction, and that proposals so advertised for shall state the price at which the books proposed shall be exchanged for the books in use at the time of making such proposals, and it shall state the wholesale price which shall be maintained in the state, and also the uniform retail price which shall be maintained in at least one place in every county in this state during the time the books shall continue in use. Said proposals shall be marked "Sealed proposals to furnish text-books for the common schools of the state of Washington," and shall be addressed to the superintendent of public instruction, and shall not be opened before the hour advertised, nor in the presence of less than three members of the board. Immediately upon the opening of the bids they shall be read in open board, and adoption of books and award of the contract shall be made within ten days following. No books shall be adopted without a majority vote of the whole board: *Provided*, That the board shall have power to reject any and all proposals and to advertise again as before for new proposals, which may be considered at a special meeting to be called by the superintendent of public instruction, who shall re-advertise for proposals as above pro-

Must advertise for bids for supply of text-books.

Form of bids.

Powers of board.

vided. The publishers awarded the contract by the board shall guarantee all the terms of the proposal on which it is made, by a bond, with two or more sufficient sureties for faithful performance, which sureties shall be citizens of the state, and shall cover such period as the books may remain in use, said bond to be approved by the board and the attorney general. *Second*, to prepare a course of study for the common schools, except graded schools, and to prescribe such rules for the general government of the common schools as shall secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interests of the common schools. *Third*, to use a common seal and elect one of their own members secretary. He shall keep a correct record of all proceedings of the board, and shall file a certified copy of the same in the office of the superintendent of public instruction. *Fourth*, to sit as a board of examination at their annual or special meetings, and grant state certificates and life diplomas. State certificates shall be granted only to such applicants as shall file with the board satisfactory evidence that they have taught successfully twenty-seven months, at least nine months of which have been in the public schools of this state. The applicant must also either pass a satisfactory examination in all the branches required for first grade county certificates, also pedagogy, plane geometry, geology, natural history, civil government, psychology, book-keeping, composition, English literature and general history, or file with the board a certified copy of a diploma from some state normal school, or of a state or territorial certificate from any state or territory, the requirements to obtain which shall not have been less than those required by this act. State certificates shall be valid for five years, and may be renewed without examination, and shall entitle the holder to teach in any common school in the state. They may be revoked at any time for cause deemed sufficient by the board. Life diplomas shall be granted to such applicants only as shall file with the board satisfactory evidence that they have taught successfully for ten years, not less than one of which shall have been in the common schools of this state. In other respects the requirements

Course of study.

Seal.

Certificates and life diplomas.

State certificates valid for five years.

shall be the same as those required for state certificates; but life diplomas shall be valid during the life of the holder, unless revoked for cause deemed sufficient by the board, and shall entitle the holder to teach in any common school in the state. The fee for state certificates shall be three dollars, and for life diplomas five dollars. Said fees must be deposited with the application, and cannot be refunded to the applicant unless the application be withdrawn before it has been considered by the board. The fees collected shall be paid into the state treasury. *Fifth*, to prepare a uniform series of questions to be used by the county boards of examiners in the examination of teachers. Any member of said board who shall, directly or indirectly, disclose any questions thus prepared, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than one hundred nor more than five hundred dollars.

Fees.

Questions for county examiners.

SEC. 9. Whenever any vacancy in the board shall occur, whether by death, removal, resignation or otherwise, the governor shall fill the vacancy by appointment.

Vacancies.

#### TITLE IV.—COUNTY SUPERINTENDENTS.

SEC. 10. A county superintendent of common schools shall be elected in each county of the state at each general election, whose term of office shall begin on the second Monday in January next succeeding his election, and continue for two years, and until his successor is elected and qualified. He shall take the oath or affirmation of office, and shall give an official bond in a sum to be fixed by the board of county commissioners. He may, at his own cost, appoint a deputy, who shall qualify in the same manner as the county superintendent, and perform all the duties of the office, subject, however, to revision by the county superintendent. The county commissioners of each county shall fill any vacancy that may occur in the office of county superintendent until the next general election.

Term of office.

Deputy.

Vacancy.

SEC. 11. Each county superintendent shall have the power, and it shall be his duty — *First*, to exercise a careful supervision over the schools of his county, and to see that all the provisions of this act are observed and followed

Duties of county superintendents.

by teachers and school officers. *Second*, to visit each school in his county not less than one nor more than three times in each year: *Provided*, That in incorporated towns and cities where city superintendents are employed, the county superintendent shall be entitled to pay for one visit only in each year: *Provided*, That he shall receive mileage in going to and returning from said school for not more than two trips annually. *Third*, to distribute promptly all reports, laws, forms, circulars and instructions which he may receive for the use of the schools and the teachers. *Fourth*, to enforce the course of study adopted by the board of education, and to enforce the rules and regulations required in the examination of teachers. *Fifth*, to keep on file and preserve in his office the biennial report of the superintendent of public instruction. *Sixth*, to keep in a good and well bound book, to be furnished by the county commissioners, a record of his official acts. *Seventh*, to carefully preserve all reports of school officers and teachers, and at the close of his term of office deliver to his successor all records, books, documents and papers belonging to the office, taking a receipt for the same, which shall be filed in the office of the county auditor. *Eighth*, to administer oaths and affirmations to school directors, teachers and other persons, in all official matters connected with or relating to schools, but shall not make or collect any charge or fee for so doing. *Ninth*, to keep in a suitable book an official record of all persons examined for teachers' certificates, showing the name, age, nationality, date of the examination and grade of certificate issued. He shall also retain, for six months, a list of the questions and the written answers to the same, of all applicants, and hold the same subject to the order of the superintendent of public instruction, and in case a certificate is refused by the county board of examiners, or revoked by the county superintendent, the right of appeal to the superintendent of public instruction shall not be denied the teacher or applicant: *Provided*, That said appeal be taken within thirty days from the date of the notice of such revocation or refusal. *Tenth*, to make an annual report to the superintendent of public instruction, on the first day of August

Records of  
office.

Preserve cer-  
tain papers.

Annual report.

of each year, for the school year ending June 30th, next preceding. The report shall contain an abstract of the reports made to him by the district clerks, and such other matters as the superintendent of public instruction shall direct. The county superintendent shall retain a copy of said report and file the same in his office. *Eleventh*, to keep in his office a full and correct transcript of the boundaries of each school district in the county. Boundaries of districts. In case the boundaries of districts are conflicting or incorrectly described, he shall change, harmonize and describe them, and make a report of said action to the county commissioners, who shall cause said report to be entered on their records. The county superintendent shall, on request, furnish the district clerks with descriptions of the boundaries of their respective districts. *Twelfth*, to appoint directors and district clerks to fill vacancies; to appoint directors and district clerks for any new districts: *Provided*, That when any new district is organized, such of the directors and district clerk of the old district as reside within the limits of the new one shall be directors and district clerk of the new one, and the vacancies in the old district shall be filled by appointment. *Thirteenth*, to apportion, Apportion funds. on or before the first Monday in January, April, July and October of each year, the county school fund and such state common school funds as have been apportioned to his county, in the following manner: He shall apportion one-fourth of the total amount to be apportioned to each district, in proportion to the number of teachers employed therein, and shall determine the number of teachers by allowing one teacher for every seventy school census children and fraction thereof over thirty: *Provided*, That each school district shall be entitled to at least one teacher, except that to joint or union districts he shall give such proportionate amount as will be just and equitable. The remaining three-fourths to be apportioned to each district in proportion to the number of census children as shown by the reports of the district clerks for the school year last closed. He shall certify the result of the apportionment to the county treasurer, and also notify each district clerk of the amount apportioned to that district. Certify apportionment.

*Fourteenth*, to appoint, for one year, two persons holding the highest grade certificate in his county, and such persons, with the county superintendent, shall constitute a board of examiners for the examination of teachers. It shall be the duty of the county board of examiners in all counties having one thousand or more children of school age to be at the county seat on the second Thursday of the months of February, May, August and November of each year, for the purpose of examining teachers; but in counties having less than one thousand children of school age, the county board of examiners shall meet the second Thursday of the months of May and November for the purpose of examining teachers. The superintendent shall give ten days' notice of the same by publication in some newspaper of general circulation, published in his county, or if there be no newspaper, then by posting up handbills, or otherwise. Such examination shall be conducted according to the rules prescribed by the state board of education, and no other questions shall be used except those furnished by the said board.

Duties of county examiners.

Rules for examinations.

Grades of certificates.

SEC. 12. There shall be three grades of certificates—first, second and third. Unless revoked for cause, first grade certificate shall entitle the holder to teach for three years; second grade for two years, and third grade for one year; but the issuing of more than one third grade certificate to any person shall be left to the discretion of the county board of examiners. No first grade certificate shall be granted until the applicant shall have filed with the county superintendent satisfactory written evidence of having taught successfully one school year of nine months. Boards of examiners may, in their discretion, issue certificates without examination to the graduates of the normal department of the State University of Washington, or to the graduates of any state normal school, or to the holder of a state certificate or life diploma from any state or territory. Those holding first grade county certificates, and who shall have been actually engaged in teaching for three years, shall be eligible to examination for state certificates. Any teacher holding a certificate in force and effect, granted by any county board of examiners in this state, or by a

lawful board of examiners in any other state, the requirements to obtain which shall not be less than those required in this state, shall be entitled to exercise all the duties of teacher in any county in this state, upon presenting such certificate to the county superintendent of the county in which said certificate is desired to be used, whose duty it shall be to endorse it, and such certificate shall be in full force and effect until the next meeting of the county board of examiners, and no longer: *Provided*, That the county board may, at their discretion, endorse certificates from other counties in this state for the unexpired term thereof. All applicants for certificates shall be at least seventeen years of age, shall have attended a teachers' institute, and shall be examined in reading, penmanship, orthography, written and mental arithmetic, geography, English grammar, physiology and hygiene, history and constitution of the United States, school law and constitution of the State of Washington, and the theory and art of teaching; but no person shall receive a first grade certificate who does not pass a satisfactory examination in the additional branches of natural philosophy, English literature and algebra.

Effect of certificate.

Age of applicants.

SEC. 13. County examiners appointed by the county superintendent shall receive not less than three nor more than five dollars per day for the time actually employed in the examination of teachers and, in addition thereto shall receive mileage from their homes to the place of meeting of said board and return by the most usual route, at the rate of ten cents per mile.

Compensation of examiners.

SEC. 14. The county commissioners shall provide the county superintendent with a suitable office at the county seat, and all necessary blanks, books, stationery, postage and other expenses of his office shall be paid by the county treasurer out of the county fund upon a statement made quarterly and certified to by him, and allowed by the board of county commissioners. He shall keep his office open for the transaction of official business such days each week as the duties of the office may require, and shall keep posted on the door of his office a notice of said office days and hours of such days.

Office of superintendent at county seat.

Penalty for failure to make full report.

SEC. 15. If the county superintendent fails to make a full and correct report to the superintendent of public instruction of all statements required by him, he shall forfeit the sum of fifty dollars from his salary, and the board of county commissioners are hereby authorized and required to deduct therefrom the sum aforesaid, upon information from the superintendent of public instruction that such reports have not been made.

Appeal.

SEC. 16. Any person or board of directors aggrieved by any decision or order of the county superintendent may, within thirty days after the rendition of such a decision or making of such order, appeal therefrom to the superintendent of public instruction. The basis of the proceeding shall be an affidavit by the party aggrieved, filed with the superintendent of public instruction within the time for taking the appeal. The affidavit shall set forth the errors complained of in a plain and concise manner. The superintendent of public instruction shall, within five days after the filing of such affidavit in his office, notify the county superintendent in writing of the taking of such appeal, and the county superintendent shall, within ten days after being thus notified, file in the office of the superintendent of public instruction a complete transcript of the record and proceedings relating to the decision complained of, which shall be certified to be correct by the county superintendent. The superintendent of public instruction shall examine the transcript of such proceedings and render a decision thereon, but no new testimony shall be admitted, and his decision shall be final unless set aside by a court of competent jurisdiction. When an applicant for a certificate at a regular examination shall feel aggrieved at the decision of the county board of examiners, and shall appeal to the superintendent of public instruction, the questions used and the answers given shall be examined by him, and if the decision of the county board of examiners be reversed, the superintendent of public instruction shall instruct the county board of examiners to issue to the applicant a certificate of such grade as the answer shall warrant: *Provided*, That a good moral character can

Transcript of proceedings.

be shown by the applicant to the satisfaction of the superintendent of public instruction.

SEC. 17. The county superintendent shall, in addition to the salary fixed by law, be allowed three dollars for each school visited, and mileage at the rate of ten cents per mile for each mile actually and necessarily traveled in making such visits and attending convention of county superintendents, called by the superintendent of public instruction, but shall not be allowed to charge or collect any fee for the performance of any other duty herein named: *Provided*, That no constructive mileage shall be charged.

Compensation and mileage of county superintendent.

#### TITLE V.—SCHOOL DISTRICTS.

SEC. 18. The term "school district," as used in this act, is declared to mean the territory under the jurisdiction of a single school board, designated as "board of directors," and shall be organized in form and manner as hereinafter provided, and shall be known as district No. ———, ——— county: *Provided*, That all school districts now existing, as shown by the records of the county superintendents, are hereby recognized as legally organized districts.

Definition.

SEC. 19. For the purpose of organizing a new district, a petition in writing shall be made to the county superintendent, signed by at least five heads of families residing within the boundaries of the proposed new district, which petition shall describe the boundaries of the proposed new district and give the names of all children of school age residing within the boundaries of such proposed new district at the date of presenting said petition. The county superintendent shall give notice to parties interested by posting notices at least twenty (20) days prior to the time appointed by him for considering said petition, in at least three of the most public places in the proposed new district, and one on the school-house door of each district affected by the proposed change, or if there be no school-house, then in one of the most public places of said old district, and shall, on the day fixed in the notice, proceed to hear said petition, and if he deem it advisable to grant the petition, he shall make an order establishing said dis-

Organizing new districts.

County superintendent must give notice.

tract and describing the boundaries thereof, from which order an appeal may be taken by three resident taxpayers of said new district to the board of county commissioners, in the same manner that appeals may be taken from justices courts to the superior courts, and their decision shall be final.

Transfer of territory.

SEC. 20. For the purpose of transferring territory from one district to another, or enlarging the boundaries of any school district, a petition in writing shall be presented to the county superintendent, signed by a majority of heads of families residing on the territory which it is proposed to transfer or include, which petition shall describe the change which it is proposed to have made. It shall also state the reason for desiring said change, and the number of children of school age residing on the territory to be transferred. The county superintendent shall file said petition in his office, and shall give notice to parties interested by posting notices at least twenty days prior to the time appointed by him for considering said petition, one of which shall be in a public place in the territory which it is proposed to be annexed or transferred, and one on the door of the school-house in each district affected by the change, or if there be no school-house in such district, then in some public place in such district or districts, and at the time stated in said notices he shall proceed to hear said petition, and if he deem it advisable, he shall grant the same and make an order fixing the boundaries, and unless an appeal be taken to the board of county commissioners, or upon the decision of said board, he shall certify his action to the county commissioners at their next regular session, stating the change or changes in boundaries so made, and they shall cause such certificate to be entered in their records, with the description of said boundaries.

Certify action to commissioners.

Rights of new district.

SEC. 21. No new district formed by the subdivision of an old one shall be entitled to any share of public money belonging to the old district until the school has actually been taught one month in the new district, and unless within eight months from the order of the county superintendent granting such new district a school is opened,

the action making a new district shall be void, and all elections or appointments of directors or clerks made in consequence of such action, and all rights and office of parties so elected or appointed shall cease and determine; and all taxes which may have been levied in such old district shall be valid and binding upon the real and personal property of new districts, and shall be collected and paid into the school fund of the old district.

SEC. 22. When a new district is formed by the division of an old one, it shall be entitled to a just share of the school moneys to the credit of the old district after the payment of all outstanding debts at the time when school was actually commenced in such new district, and the county superintendent shall divide such remaining moneys, and such as may afterwards be apportioned to the old district, according to the number of school children resident in each district, for which purpose he shall order a census to be taken: *Provided*, That the new district shall be entitled to such portion of any special tax levied and collected for the year in which the new district is created, as the amount of such tax paid by that portion of the old district which is embraced in the new bears to such old district.

Superintendent shall apportion surplus money.

SEC. 23. No school district shall be entitled to receive any apportionment of any school moneys, unless the teachers who have been employed in the schools of such districts held legal certificates of fitness for the occupation of teaching, in full force and effect. Any district using text-books other than those prescribed by the board of education, or any district failing to comply with the course of study prescribed by the board of education, shall forfeit twenty-five per cent. of their school fund for that year, and it is hereby made the duty of the county superintendent to deduct said amount from the apportionment to be made to any district failing in either or both of the above named requirements, and the amount thus deducted shall revert to the general school funds of the county.

Must use proper text-books.

SEC. 24. No school district shall be entitled to receive any apportionment of county school moneys which shall not have maintained school for at least three months dur-

ing the preceding year: *Provided*, That any new district formed by the division of an old one shall be entitled to its just share of school moneys when the time that school was maintained in the old district before division, and in the new one after division, shall be equal to at least three months.

Must maintain school three months each year.

#### TITLE VI.—BOARDS OF DIRECTORS.

SEC. 25. Directors of school districts shall be elected at the regular annual school election. At the first annual election in all new districts three directors shall be elected, for one, two and three years, respectively. The ballots shall specify the term for which each is to be elected. In all districts in which elections have been previously held, one director shall be elected for the term of three years, and if any vacancies are to be filled, a sufficient number to fill them for the unexpired term or terms, and the ballots shall specify the respective term for which each director is to be elected. Directors-elect shall take office immediately after qualifying, and shall hold their office until their successors are elected and qualified. Any director who fails to qualify within ten days after his election, shall forfeit all rights to his office, and the county superintendent shall fill the office by appointment, to hold until the next annual election. Upon the death, removal or resignation of any director, the county superintendent shall fill such vacancy by appointments, to hold office until the next annual election.

How elected.

Vacancies.

Powers and duties of directors.

SEC. 26. Every board of directors, unless otherwise specially provided by law, shall have power, and it shall be their duty—*First*, to employ, and for sufficient cause discharge, teachers, mechanics or laborers, and to fix, alter, allow and order paid their salaries and compensation; *second*, to enforce the rules and regulations prescribed by the superintendent of public instruction and the state board of education for the government of the schools, pupils and teachers, and to enforce the course of study prescribed by the state board of education; *third*, to provide and pay for school furniture and apparatus, and such other articles, materials and supplies as may be necessary for the use of the schools; *fourth*, to rent, repair, furnish

and insure school-houses; *fifth*, to build or remove school-houses, purchase or sell lots or other real estate, when directed by a vote of the district so to do; *sixth*, to purchase personal property in the name of the district, and to receive, lease and hold for their district any real or personal property; *seventh*, to suspend or expel pupils from school, who refuse to obey the rules thereof, and may exclude from school all children under six years of age; *eighth*, to provide books for the children of indigent parents on the written statement of the parents of such children that they are unable to purchase the same; *ninth*, to require all pupils to be furnished with such books as may have been adopted by the state board of education, as a condition to membership in the schools; *tenth*, to exclude from school and school libraries all books, tracts, papers and other publications of any immoral or pernicious tendency or of a sectarian or partisan character; *eleventh*, to authorize the school room to be used for summer and night schools, literary, scientific, religious, political, mechanical or agricultural societies with the consent of and under such regulations as the board of directors may adopt; *twelfth*, to require teachers to conform to the provisions of the school law.

SEC. 27. Any board of directors shall be liable as directors in the name of the district for any judgment against the district for any salary due any teacher and for any debts legally due, contracted under the provisions of this act, and they shall pay such judgment or liability out of the school funds to the credit of the district.

Liability for debts.

SEC. 28. Any board of directors shall have power to make arrangements with the directors of an adjoining district for the attendance of such children in the school of either district as may be best accommodated therein, and to transfer the school money due by apportionment to such children to the district in which they may attend school: *Provided*, That in case such arrangements are not made, or children from school districts not adjoining desire to attend school in their district, they may charge reasonable tuition for such attendance, and the moneys so collected shall be used in payment of salaries of teachers.

Children from adjoining district.

SEC. 29. Any board of directors shall have the power to make such by-laws for their own government, and for the government of the common schools under their charge, as they deem expedient, not inconsistent with the provisions of this act, or the instructions of the superintendent of public instruction, or the state board of education.

Regular meet-  
ings.

A regular meeting of each board of directors shall be held on the last Saturday of March, June, September and December. They may, however, hold such other special or adjourned meetings as they may from time to time determine, or as may be specified in their by-laws.

SEC. 30. The board of directors of each school district shall have custody of all school property belonging to the district, and shall have power, in the name of the district or in their own names as directors of the district, to convey by deed all the interest of their district in or to any school-house or lot directed to be sold by vote of the district, and all conveyances of real estate made to the district, or to the directors thereof, shall be made to the board of directors of the district and to their successors in office; said board in the name of the district shall have power to transact all business necessary for maintaining schools and protecting the rights of the district.

School prop-  
erty.

SEC. 31. It shall be unlawful for any director to have any pecuniary interest, either directly or indirectly, in any erection of school-houses, or for warming, ventilating, furnishing or repairing the same, or be in any manner connected with the furnishing of supplies for the maintenance of the schools, or to receive or accept any compensation or reward for services rendered as director.

SEC. 32. Any person aggrieved by any decision or order of the board of directors may, within thirty days after the rendition of such decision or making of such order, appeal therefrom to the county superintendent of the proper county; the basis of such proceeding shall be an affidavit filed by the party aggrieved with the county superintendent within the time for taking the appeal. The affidavit shall set forth the errors complained of in a plain and concise manner. The county superintendent shall, within five days after the filing of such affidavit in his office, notify

Appeal.

Form of pro-  
cedure.

the clerk of the proper district, in writing, of the taking of such appeal, and the latter shall, within ten days after being thus notified, file in the office of the county superintendent a complete transcript of the record and proceeding relating to the decision complained of, which shall be certified to be correct by the clerk of the district. After the filing of the transcript aforesaid in the office, he shall notify, in writing, all persons interested, of the time and place where the matter of the appeal will be heard by him. At the time thus fixed for hearing he shall hear testimony for either party, and for that purpose may administer oaths if necessary, and he shall make such decision as may be just and equitable, which shall be final unless appealed from, as provided for in this act.

#### TITLE VII.—DISTRICT CLERKS.

SEC. 33. A district clerk shall be elected in each district at each annual school election, to hold office for one year, and until his successor is elected and qualified. In case of the death, removal or resignation of the district clerk, the county superintendent shall fill the vacancy by appointment.

SEC. 34. The duties of the district clerk shall be as follows: *First*, to attend all meetings of the board of directors; but if he shall not be present, the board of directors shall select one of their number to act as clerk, who shall certify the proceedings of the meeting to the clerk of the district, to be recorded by him. He shall keep his records in a book, to be furnished by the board of directors, and he shall preserve copies of all reports made to the county superintendent, and safely preserve and keep all books and documents belonging to his office, and shall turn the same over to his successor. *Second*, to keep accurate and detailed accounts of all receipts and expenditures of school money. At each annual school meeting the district clerk must present his record book for public inspection, and shall make a statement of the financial condition of the district and of the action of the directors, and such record must always be open for public inspection. *Third*, to take, annually, between the first and the twentieth of June

Duties of clerk

School census. . . of each year, an exact census of all children and youth between the ages of five and twenty-one years who were *bona fide* residents of the district upon the first day of June of that year: *Provided*, That Indian children not living under the guardianship of white persons, or who have not severed their tribal relations, or Mongolian children not native born, shall not be included in said census, and shall specify the number and sex of such children, and the names of their guardians or parents. He shall also note all defective youth between the ages of five and twenty-one years. He shall, under oath, make a full report thereof, on blanks furnished for that purpose, to the county superintendent on or before the first day of July thereafter. He shall also, at the same time, make out and file in the office of the county superintendent a report of the affairs of his district. Said report shall be made upon blanks furnished by the superintendent of public instruction, and contain such items of information as said superintendent or the state board of education shall require, including the following:

Defective youth.

Report.

Form of report. The number of persons, male and female, in his district between the ages of five and twenty-one years; the number of schools and the branches taught in each; the number of pupils enrolled in each school during the year; the number of teachers employed in each school, and the compensation of each per month; the number of days school was taught during the year then passed, and by whom; the number of pupils enrolled during the year, and the average daily attendance; the average cost of school per month for each pupil, based upon the total enrollment, and also the average cost, based upon the average daily attendance. In estimating these averages the clerk shall take account of the teachers' salaries and all current expenses, the text-books used in each school by name, the number of volumes in the library in each school, the aggregate amount paid teachers during the year, the number of school-houses and the estimated value of each, the amount raised by tax in the district during the year for the support of schools, and for buildings, sites and furniture, the amount raised by subscription or by other means than tax, the amount of bonded indebtedness of the district and

the rate of interest paid; also such other items as he may deem of importance and as may be required by the blanks furnished for said report, and record a copy of all reports in his record book. *Fourth*, to keep an accurate account of all the expenses incurred by him in his district in keeping the school-house in repair, in providing for necessary janitor work, and in providing school supplies, and for other expenses incurred by him on account of the school, which accounts must be audited by the board of directors and paid out of the district school fund. *Fifth*, to give the required notice of all annual or special elections; also, to give notice of the regular and special meetings of the board of directors as herein authorized. *Sixth*, to report to the county superintendent at the beginning of each term of school, the name of the teacher and the proposed length of the term, and to supply the teacher with the school register furnished by the superintendent of public instruction.

Record of expenses.

Notice of election.

SEC. 35. The district clerk shall be paid three dollars per day for time actually and necessarily spent in taking the census, to be determined and paid by the directors out of the funds of the district. He shall receive such other compensation for other services as may be allowed by the board of directors.

Compensation of clerk.

SEC. 36. In case the district clerk fails to make the reports herein provided at the proper time, he shall forfeit and pay to the district the sum of twenty-five dollars for each and every such failure. He shall also be liable if, through such neglect, the district fails to receive its just apportionment of school moneys, for the full amount so lost, to be recovered in a suit brought by any citizen of such district, in the name of and for the benefit of such district.

Penalty for failure to report.

#### TITLE VIII.—TEACHERS.

SEC. 37. No person shall be accounted as a qualified teacher, within the meaning of the school law, who has not first appeared before the board of examiners of the county in which he proposes to teach, and received a certificate setting forth his qualifications; or has not a state certificate, or life diploma from the state board of educa-

Qualifications.

tion, or a certificate from some other county or state endorsed by the county superintendent.

Teachers must report to county superintendent.

SEC. 38. Every teacher employed in any common school shall make a report to the county superintendent at the time of the contract to teach such school, the number of the district in which he is to teach, the grade of his certificate, date it expires, and the proposed length of term, and at the close of any school to report to the county superintendent on the blanks prescribed by the superintendent of public instruction. Any teacher who shall be teaching at the close of the school year, shall make a report to the county superintendent immediately upon the close of such school year. Copies of all reports made by teachers shall be furnished to the clerk of the district, to be by him filed in his office. No board of directors shall draw any order or warrant for the salary of any teacher for the last month of his service until the reports herein required shall have been made and received: *Provided*, That in all schools acting under the direction of a city superintendent, the report of such superintendent shall be accepted by the county superintendent and the directors in lieu of the teacher's report; and that when there is no city superintendent, the report of the principal shall be accepted in lieu of the teacher's report.

School register.

SEC. 39. Every teacher shall keep a school register in the manner provided for, and no board of directors shall draw any warrant for the salary of any teacher for the last month of his service in the school, at the end of any term or year, until they shall have received a certificate from the district clerk that the said register has been properly kept, the summaries made and the statistics entered, or until, by personal examination, they shall have satisfied themselves that it has been done. Teachers shall faithfully enforce in school the course of study and regulations prescribed, and if any teacher shall wilfully refuse or neglect to comply with such regulations, then the board of directors shall be authorized to withhold any warrant for salaries due until such teacher shall comply therewith. No teacher shall be employed except by written order of a majority of directors, at a regular or special meeting

thereof, nor unless the holder of a legal teacher's certificate in full force and effect.

SEC. 40. In every contract between any teacher and board of directors, a school month shall be construed to be twenty school days, or four weeks of five days each, and no teacher shall be required to teach school on Saturdays or any legal holiday, and no deduction from the teacher's time or salary shall be made by reason of the fact that a school day happens to be one of the days referred to in this section as a day on which school shall not be taught.

SEC. 41. Every teacher shall have the power to hold every pupil to a strict accountability in school for any disorderly conduct on the way to or from school, or on the grounds of the school, or during intermission or recess; to suspend from school any pupil for good cause: *Provided*, That such suspension shall be reported to the directors as soon as practicable for their decision.

SEC. 42. It shall be the duty of all teachers to endeavor to impress on the minds of their pupils the principles of morality, truth, justice, temperance and patriotism; to teach them to avoid idleness, profanity and falsehood; to instruct them in the principle of free government, and to train them up to the true comprehension of the rights, duty and dignity of American citizenship.

SEC. 43. Any teacher who shall maltreat or abuse any pupil by administering any undue or severe punishment, or inflict punishment on the head or face, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be fined in any sum not exceeding one hundred dollars.

#### TITLE IX.—SCHOOLS.

SEC. 44. A common school is hereby defined to be a school that is maintained at the public expense in each school district and under the supervision of boards of directors. Every common school, not otherwise provided for by law, shall be open to the admission of all children between the ages of six and twenty-one years residing in that school district, and the board of directors shall have

the power to admit adults and children not residing in the district, as hereinbefore provided, and to fix the terms of such admission as hereinbefore provided.

*Course of study.* SEC. 45. All common schools shall be taught in the English language, and instruction shall be given in the following branches, viz.: Reading, penmanship, orthography, written arithmetic, mental arithmetic, geography, English grammar, physiology and hygiene, with special reference to the effects of alcoholic stimulants and narcotics on the human system, history of the United States, and such other studies as may be prescribed by the board of education. Attention must be given during the entire course to the cultivation of manners, to the laws of health, physical exercise, ventilation and temperature of the school room.

*Hours of study.* SEC. 46. The school day shall be six hours in length, exclusive of any intermission at noon, but any board of directors may fix as the school day a less number of hours than six: *Provided*, That it be not less than four hours for primary schools under their charge, and any teacher may dismiss any or all scholars under eight years of age, after an attendance of four hours, exclusive of an intermission at noon.

*Contagious disease.* SEC. 47. No teacher or scholar shall be permitted to attend school from any house in which small-pox, varioloid, scarlet fever, diphtheria, or any other contagious or loathsome disease is prevalent. No teacher or scholar shall be permitted to return to school from any house where the above mentioned diseases, or any form of them, has prevailed, until three weeks shall have elapsed from the beginning of convalescence of the patient. In case several individuals have been affected with such disease within the same house, the period of the time must be reckoned from beginning of convalescence of the last case.

*Requirements of pupils.* SEC. 48. All pupils who may attend common schools, shall comply with the regulations established in pursuance of the law for the government of the schools, shall pursue the required course of studies and shall submit to the authority of the teachers of such school. Continued and willful disobedience and open defiance of authority of the teacher shall constitute good cause for expulsion from

school. Any pupil who shall, in any way, cut, deface or otherwise injure any school-house, furniture, fence or out-building thereof, or any book belonging to other pupils, or any books belonging to the district library, shall be liable to suspension and punishment, and the parent or guardian of such pupil shall be liable for damage on complaint of the teacher or any director, and upon proof of the same.

SEC. 49. The school year shall begin on the first day of <sup>School year.</sup> July and end on the last day of June.

#### TITLE X.—SUPPORT OF SCHOOLS.

SEC. 50. The principal of the state school fund shall <sup>School fund irreducible.</sup> remain irreducible and permanent. The said fund shall be derived from the following sources, to-wit: Appropriations and donations by the state to this fund; donations and bequests by individuals to the state or common schools; the proceeds of land and other property which revert to the state by escheat and forfeiture; the proceeds of all property granted to the state, when the purpose of the grant is not specified or is uncertain; funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law; the proceeds of the sale of timber, stone, minerals or other property from school and state lands other than those granted for specific purposes, and all moneys other than rental recovered from persons trespassing on said lands; five per centum of the proceeds of the sale of public lands lying within the state, which shall be sold by the United States subsequent to the admission of the state into the Union as approved by section fifteen (15) of the act of congress enabling the admission of the state into the Union; the principal of all funds arising from the sale of lands and other property which have been and hereafter may be granted to the state for the support of common schools, and such other funds as may be provided by legislative enactment.

SEC. 51. The interest accruing on said fund, together with rentals and other revenues derived therefrom from lands and other property devoted to the common school fund shall be exclusively applied to the current use of the common school. All schools maintained or supported

Sectarian control or influence.

wholly or in part by the public funds shall be forever free from sectarian control or influence. All losses to the permanent common school fund which shall be occasioned by defalcation, mismanagement or fraud of the agent or officers controlling or managing the same, shall be audited by the proper authorities of the state. The amount so audited shall be a permanent funded debt against the state in favor of the particular fund sustaining such loss, upon which not less than six per cent. annual interest shall be paid.

County tax.

SEC. 52. In addition to the provisions for the support of the common schools hereinbefore provided, it shall be the duty of the county commissioners of each county in the state to levy an annual tax, which levy shall be made at the time and in the manner provided by law for the levying of taxes for county purposes, and said levy shall not be less than four mills on a dollar and not more than ten mills on a dollar of the assessed value of all taxable property, real and personal, within the county, which tax shall be collected by the county treasurer at the same time and in the same manner as state and county taxes are collected. For the support of the common schools there shall also be set apart by the county treasurer all moneys paid into the county treasury arising from fines for breach of any law regulating license for the sale of intoxicating liquors, or for keeping of bowling alleys or billiard saloons, or of any penal law of the state.

#### TITLE XI.—SPECIAL TAXES.

Directors may submit question to vote.

SEC. 53. The board of directors of any district may, at any time when in their judgment it is advisable, submit to the qualified school electors of the district the question whether a tax not to exceed ten mills on each dollar on the taxable property in the district shall be levied to furnish additional school facilities for said district, or for building one or more school-houses, or for removing or building additions to one already built, or for the purchase of supplies, globe[s], maps, charts, books of reference and other appliances or apparatus for teaching, or for any or all of these purposes. Such election shall be called and

conducted, as nearly as practicable, according to the provisions herein made for holding annual school elections. At such elections the ballot shall contain the words, "Tax, yes;" or "Tax, no." If a majority of votes cast are "Tax, yes," the officers of the election shall certify the fact to the district clerk, who shall proceed at once to copy from the assessment roll of the county the list of persons and property liable to taxation situated in or owned by residents of the district, and shall certify to the correctness of the list and attach to said list the certification of the election board, showing the result of the election and the rate of tax levied, and deliver the same to the county auditor on or before the first day of October of the year in which said special tax is levied. The county auditor shall extend the same upon the general assessment roll of the county, showing the amount and kind of property so assessed, and certify the same to the county treasurer. The county treasurer shall proceed to collect the tax in the same manner, and at the same time, and with the same power and authority to enforce payment of the same, as in the case of county and state taxes. The county treasurer shall place any tax so collected to the credit of the district to which it belongs.

Collecting  
special tax.

#### TITLE XII.—ELECTIONS.

SEC. 54. The election of directors and district clerks shall be held on the first Saturday of November of each year, at the district school-house, if there be one, or if there be none, or if there be more than one, then at a place to be designated by the board of directors.

Directors and  
clerk.

SEC. 55. The district clerk must at least give ten days' notice of such election, by posting, or by causing to be posted, written or printed notices thereof in at least three public places in the district, one of which must be the place of holding the election. Said notice must designate the place of holding the election, day of holding the election, hours between which polls are to be kept open, names of offices for which persons are to be elected, and terms of office, with a statement of any other questions which the board of directors may desire to submit to the electors of said district. Notices must be signed by the district clerk

Notice of elec-  
tion.

“by order of the board of directors.” Unless otherwise designated in the notice of election, the polls shall be open at one o'clock in the afternoon and close at four o'clock in the afternoon, but the board of directors may, previous to giving notice of election, determine on a longer time during which the polls shall be kept open: *Provided*, That in

Rules of election.

In no case shall the polls be opened before nine o'clock in the forenoon nor kept open later than eight o'clock in the afternoon. In no case shall the polls be opened before the hour named in the notice, nor kept open after the hour fixed for closing the polls, but if there is not a sufficient number of electors present at the hour named for opening the polls to constitute a board of election, it shall be lawful to open the polls as soon thereafter as a sufficient number of electors is present: *Provided*, That in cities and incorporated towns the polls shall open not later than one o'clock P. M. and close not earlier than eight o'clock P. M.

SEC. 56. At the hour fixed for opening the polls the electors present shall select two electors to act as judges of the election, and one elector to act as clerk of the election, and the three selected shall constitute the election board, and no election shall be held unless a sufficient number of electors is present to constitute the board. The judges and clerk aforesaid shall, before entering upon the duties of their office, severally take and subscribe an oath or affirmation faithfully to discharge the duties as such officers of the election, said oath or affirmation to be administered by any school officer or other person authorized to administer oaths. The judges shall, before they commence receiving ballots, cause to be proclaimed aloud at the place of voting that the polls are now open.

Officers must be sworn.

Manner of voting.

SEC. 57. The voting shall be by ballot. The ballot shall be a paper ticket, containing the names of the persons for whom the electors intend to vote, and designating the office to which such persons so named is intended by him to be chosen. Whenever any person offers to vote, one of the judges shall pronounce his name in an audible voice, and if there be no objections to the qualification to such person as an elector, he shall receive the ballot in the presence of the election board and deposit

the same, without being opened or examined, in the ballot-box, and the clerk shall immediately enter the name upon the list headed "Names of voters."

SEC. 58. Every person, male or female, over the age of <sup>Qualifications of voters.</sup> twenty-one years, who shall have resided in the school district for thirty days immediately preceding any school election, and in the state one year, and is otherwise, except as to sex, qualified to vote at any general election, shall be a legal voter of any school election, and no other person shall be allowed to vote. Persons offering to vote may be challenged by any legally qualified school elector of the district, and one of the judges of election shall thereupon administer to the person challenged an oath, in substance as follows: "You do swear (or affirm) that you are a citizen of the United States, or have declared your intention to become such; that you are twenty-one years of age, according to your information and belief, that you have resided in this district thirty days next preceding this election, and in the state one year, and that you have not voted before on this day." If he shall refuse to take the oath, his vote shall be rejected. Any person guilty of illegal voting shall be punished as provided in the general election laws of the state.

SEC. 59. When the polls are closed, proclamation thereof shall be made at the place of voting and no vote shall afterward be received. As soon as the polls are closed, <sup>Counting ballots.</sup> the judges shall open the ballot-box and commence counting the votes, and in no case shall the box be removed from the room in which the election is held until all the votes are counted. The counting shall be in public. The ballots shall be taken out one by one, by one of the judges, who shall open them and read aloud the name of each person contained therein, and the office for which such person was voted for. The clerk shall write down each office to be filled and the name of each person voted for such office, and shall keep the number of votes by tallies as they are read aloud by one of the judges. The counting of the votes shall continue without adjournment until all the votes are counted. No ticket shall be rejected on account of form or mistake in the initials of

names, if the judges can determine to their satisfaction the person voted for and the office intended.

*Duty of clerk.* SEC. 60. Persons having the highest number of votes given for each office shall be declared duly elected, and the clerk of election shall immediately make out and deliver to each person so elected a certificate of election. The clerk of election shall also make out a certificate showing the persons elected to each office at such election, with oath of office of persons elected attached, and mail such certificate to the county superintendent of schools of the county in which the election is held. If two persons have an equal and highest number of votes for one and the same office, they shall, within ten days after the election, appear before the clerk of election of said district and publicly decide by lot which of the persons so having an equal number of votes shall be declared elected, and the clerk of election shall make out and deliver to the person thus elected a certificate of his election and notify the county superintendent of the county as before provided. If the persons above named do not, within ten days after the election, thus decide, the office shall be declared vacant, and the county superintendent shall, when notified of the vacancy, fill the same by appointment.

*Deciding a tie.*

#### TITLE XIII.—UNION SCHOOLS.

*How formed.* SEC. 61. Whenever the residents of two or more school districts may wish to unite for the purpose of establishing a graded school, the clerks of said districts shall, upon a written application of five heads of families of their respective districts, call a meeting of the voters of such district at some convenient place by posting up written or printed notices in like manner as provided for calling district election, and if a majority of the voters of each district shall vote to unite for the purpose herein stated, they shall, at their meeting, or any adjourned meeting, elect three directors and a clerk for such union district.

SEC. 62. The board of directors and clerk provided for in the preceding section shall, in all matters relating to graded schools, possess all the power, discharge all the duties, and be governed by the laws herein provided for

district directors, and they shall be elected in the same manner as provided in the preceding section.

SEC. 63. The union district thus formed shall be entitled to an equitable share of the school fund, to be apportioned in accordance to section 11, clause thirteen (13) of this act.

TITLE XIV.—GRADED SCHOOLS IN INCORPORATED CITIES AND TOWNS.

SEC. 64. Each incorporated city or town in this state shall be comprised in one district and under one board of school directors, and in all such cities or towns where the enumeration of school children entitled to draw school money is three hundred or more, the directors shall be required to adopt the graded system of teaching in their schools: *Provided*, That nothing in this section shall be so construed as to prevent the extension of such city or town districts a reasonable distance outside the limits of such incorporated city or town: *And provided further*, That the schools of such cities and towns may be graded in such manner as the directors thereof may deem best suited to the wants of such districts.

Extension of districts.

SEC. 65. The directors of incorporated city or town districts may, in their discretion, elect one city or town school superintendent in each district, who may be a teacher of the district, and who shall have the control or management of all the schools in his district, subject to the concurrence of the board of directors.

City superintendent.

SEC. 66. When two or more districts in any town or city are united by the provisions of this act, all the directors of the districts so united shall act as directors of the said new district, and shall have all the powers and authority conferred by the laws of this state upon school directors, and they may designate the person to act as clerk of said district until the next annual school meeting in said district, at which time there shall be three directors and one clerk elected for said district, in the manner provided by law, who shall hold their respective offices as provided for officers of new districts.

Directors of union district.

SEC. 67. Districts thus formed shall be entitled to their full share of common school moneys.

Penalty for neglect or failure.

SEC. 68. Directors failing to organize their districts as herein provided within one hundred and twenty days after the incorporation of such cities or towns, as herein provided, shall be deemed guilty of a misdemeanor, and fined in a sum not exceeding five hundred dollars: *Provided*, That they are supplied with sufficient money to organize the same.

#### TITLE XV.—SCHOOL OFFICERS.

Officers liable.

SEC. 69. When any school officer is superseded, by election or otherwise, he shall immediately deliver to his successor in office all books, papers and moneys pertaining to his office, and every officer who shall refuse to do so, or who shall wilfully mutilate or destroy any such books or papers, or any part thereof, or who shall misapply moneys entrusted to him by virtue of his office shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by any fine not to exceed one hundred dollars.

Oath of office.

SEC. 70. Every person elected or appointed to any office mentioned in this act shall, before entering upon the discharge of the duties thereof, take an oath or affirmation to support the constitution of the United States and of the State of Washington, and to promote the interest of education, and faithfully discharge the duties of his office according to the best of his ability. In case any officer has a written appointment or commission, his oath or affirmation shall be endorsed thereon and sworn to before any officer authorized to administer oaths. School officers are hereby authorized to administer all oaths or affirmations appertaining to their respective offices without charge or fee.

#### TITLE XVI.—COUNTY TREASURER.

Special deposit.

SEC. 71. It shall be the duty of the county treasurer of any county — *First*, to receive and hold all school moneys as a special deposit and keep separate accounts of their disbursements to the school districts which shall be entitled to receive the same, according to the apportionment of the county superintendent of common schools; *second*, to notify the county superintendent of common schools of the amount of county school fund in the county treasury at the time fixed for making the apportionment, and to

inform such superintendent of the amount of school money belonging to any other fund subject to apportionment; *third*, to pay the amount of common school tax levied and such other moneys paid into the school fund on the warrant of the directors whenever such warrants are countersigned by the district clerk and properly endorsed by the holder; *fourth*, to make, annually, on the 30th day of June of each year, to the county superintendent of common schools a financial report showing the amount of money on hand at the beginning of the school year, the amount expended during the year and the sum to the credit of the school districts at the close of the school year, on such blanks as may be furnished by the superintendent of public instruction. Annual report.

#### TITLE XVII.—TEACHERS' INSTITUTE.

SEC. 72. Whenever the number of school districts in any county is twenty-five or more, the county superintendent must hold a teachers' institute each year, and every teacher employed in a common school in the county must attend such institute during its whole time.

SEC. 73. In any county where there are less than twenty-five school districts, the county superintendent may, in his discretion, hold an institute. Superintendent may hold institute.

SEC. 74. Each session of the institute must continue not less than three days.

SEC. 75. When the institute is held during the time the teachers are employed in teaching, their pay shall not be diminished by reason of their attendance when certified to by the county superintendent.

SEC. 76. The county superintendent must keep an accurate account of the actual expenses of the institute, with vouchers for the same, and present the bill to the county commissioners, who shall allow the same: *Provided*, That such amount shall not exceed the sum of two hundred dollars for any year. Expenses of institute.

SEC. 77. Any teacher failing to attend the institute in the county in which he holds a certificate to teach, unless on account of sickness, or for other good and sufficient reasons, shall be deemed to have forfeited his certificate. Teachers must attend.

## MISCELLANEOUS.

SEC. 78. Whenever the word he or his occurs in this act, referring to either the members of the board of education, county superintendents, city superintendents, teachers, or other school officers, it shall be understood to mean also she or her.

Text-books.

SEC. 79. Any series of text-books adopted by the board of education shall remain in use not less than five years.

SEC. 80. All school districts in the state shall maintain school during at least three months each year. All graded school districts in incorporated cities and towns shall maintain school at least six months each school year, and no district which has been organized more than one year shall receive any portion of the school fund which has not, during the preceding school year, complied with the provisions of this section.

Compulsory education.

SEC. 81. All parents, guardians and other persons in this state having, or who may hereafter have, immediate custody of any child or children between the ages of eight and fifteen years, shall send the same to school at least three months in each year said child or children may remain under their supervision.

Penalty.

SEC. 82. Any person mentioned in the preceding sections who shall fail or refuse to comply with the provisions of said sections shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten (\$10) dollars or more than twenty-five (\$25) dollars, and the fine so collected shall be paid into the school fund of the district.

Report as to orphans.

SEC. 83. District clerks shall report to the superior judge before the first day of December of each year the name and residence of every orphan child that failed to attend school, and the superior judge shall have power to remove such child and place it in the care of some other person who will be likely to send such child to school.

Validity of certificates heretofore granted.

SEC. 84. Nothing in this act shall be construed to invalidate life diplomas or territorial certificates granted under the laws of the Territory of Washington, but the same shall continue in effect the same as life diplomas and state

certificates granted under the provisions of this act, and all county certificates heretofore granted by any county board of examiners shall continue in full force and effect until the expiration thereof, and any contract made in good faith by any teacher, school officer or other person under the provisions of the territorial school law is hereby recognized as a valid contract the same as if made under the provisions of this act.

SEC. 85. Specialists in music, languages, drawing and painting shall not be required to pass a regular teachers' examination: *Provided*, That satisfactory evidence of fitness to teach these branches is furnished to the board of directors.

Teachers of music, languages, drawing and painting.

SEC. 86. Any parent, guardian or other person who shall insult or abuse a teacher in the presence of the school, or anywhere on the school grounds or premises, shall be deemed guilty of a misdemeanor, and liable to a fine of not less than ten dollars nor more than one hundred dollars.

Penalty for abusing a teacher.

SEC. 87. Any person who shall wilfully disturb any school or school meeting shall be deemed guilty of a misdemeanor, and upon conviction be fined in any sum not less than fifty dollars.

Disturbance.

SEC. 88. It shall be the duty of the county auditor to notify the superintendent of public instruction of the election of the county superintendent, or of his appointment to fill a vacancy, at the time said election or appointment is ascertained.

Duty of auditor.

SEC. 89. All fines, penalties and forfeitures provided by this act may be recovered by action of debt, in the name of the people of the State of Washington, for the use of the proper school district or county, and shall, when they accrue, belong to the respective districts or counties in which the same may have been incurred; and the county treasurers for their counties are hereby authorized to receive and cause to be placed to the proper credit such forfeitures. Except as otherwise provided by law, all sums of money derived from fines imposed for violations of orders of injunction, mandamus, and other like writs, or for contempt of court, shall be paid into the school fund of the county wherein the contempt or such violation

Fines and penalties.

was committed, and the clear proceeds of all fines collected within the several counties of the state for breach of the penal laws, and all funds arising from the sale of lost goods and estrays, shall be paid over in cash by the person collecting the same, within twenty days after the collection, to the county treasurer of the county in which the same have accrued, and shall be by him credited to the general county school fund. He shall indicate in such entry the source from which such money was derived.

Penalty for neglect or failure to pay over moneys from fines.

Any officer or person collecting or receiving any such fines, forfeitures or other moneys, and refusing or failing to pay over the same, as required by law, shall forfeit double the amount so withheld, and interest thereon at the rate of five per cent. per month during the time of so withholding the same; and it shall be a special duty of the county superintendent of schools to supervise and see that the provisions of this section are fully complied with, and report thereon to the county commissioners semi-annually, or oftener.

Complaints for violation of law.

SEC. 90. Upon complaint, in writing, being made to any county superintendent by any district clerk, or by any head of family, that the board of directors of the district of which said clerk shall hold his office, or said head of family shall reside, have failed to make provision for the teaching of hygiene, with special reference to the effects of alcoholic drink, stimulants and narcotics upon the human system, as provided in this act, in the common schools of such district, it shall be the duty of such county superintendent to at once investigate the matter of such complaints, and if found to be true he shall immediately notify the county treasurer of the county in which such school district is located, and after the receipt of such notice it shall be the duty of such county treasurer to refuse to pay any warrants drawn upon him by the board of directors of such district subsequent to the date of such notice, and until he shall be notified to do so by such county superintendent. Whenever it shall be made to appear to the said county superintendent, and he shall be satisfied, that the board of directors of such district are complying with the provisions of said section of this act,

Duty of county superintendent.

Duty of treasurer.

and are causing physiology and hygiene to be taught in the public schools of such district as hereinbefore provided, he shall notify said county treasurer, and said treasurer shall thereupon honor the warrants of said board of directors.

SEC. 91. Any county superintendent of common schools who shall fail or refuse to comply with the provisions of the preceding section shall be liable to a penalty of one hundred dollars, to be recovered in a civil action in the name of the state in any court of competent jurisdiction, and the sum recovered shall go into the common school fund of the county in which suit is brought, and it shall be the duty of the prosecuting attorneys of the several counties of the state to see that the provisions of this section are enforced. Penalty for failure or neglect.

SEC. 92. All acts and parts of acts upon any subject matter contained in this act shall be and the same are hereby repealed: *Providing*, That nothing herein contained shall repeal or in any wise affect any law passed, or which may be passed, during the present session of the legislature, relating to schools in cities having a population of ten thousand and upwards. Qualified repealing clause.

SEC. 93. Whereas, many new conditions exist with regard to the common schools of the state, and the appointment and confirmation of the members of the board of education, and the first meeting of said board, requires the immediate taking effect of this act; therefore, an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor. Emergency clause.

Approved March 27, 1890.

## SCHOOLS IN CITIES OF MORE THAN TEN THOUSAND INHABITANTS.

AN ACT to establish a system of common schools in cities of ten thousand or more inhabitants, and to provide for properly maintaining, governing and grading the same.

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

SECTION 1. Whenever any incorporated city in this state shall have a population of ten thousand or more inhabitants, as shown by any regular or special census, together with any adjacent or contiguous territory that now is or may be hereafter attached to said city for school purposes, it shall constitute one school district, and be known by the name "——— [name of city] school district No. —," in —— county, State of Washington, and the board of directors shall constitute the city board of education, and as such in that name shall be a body corporate and possess all the usual powers of a corporation for public purposes, and in that name and style may sue and be sued, purchase, hold and sell such personal and real estate, and enter into such obligations as are authorized by law; and the title to all school buildings or other property, real or personal, owned by any school district within the corporate limits of any city shall, upon the organization of a district under the provisions of this act, vest immediately in the new district; and the board of directors by this act provided shall have exclusive control of the same for all the purposes herein contemplated.

City board of directors.

Powers of.

Number.

Length of term.

SEC. 2. The said board of education shall consist of five members, who shall be elected by ballot by the qualified electors of the district, and shall hold their office for the term of three (3) years and until their successors are elected and qualified: *Provided*, That the board or boards of directors, should there be more than one in any city, to which the provisions of this act apply, shall continue to serve out their unexpired term and shall constitute the board of education of the school district, as provided for in this act: *Provided*, That at the first regular election, and

annually thereafter, there shall be elected one or more directors as may be necessary to perpetuate a board of five members for the full term of three years.

SEC. 3. The regular district election for the election of Annual election. members of the board of education shall be held annually in each district contemplated by this act on the first Saturday of November. The board of education shall cause written or printed notices to be posted, specifying the day Notice of. and the places of such election, and the time during which the ballot-box shall be kept open; not less, however, than six (6) hours. Said notices shall be posted in at least three (3) places in the district at least twenty (20) days previous to the time of the election. Said notices shall also be published for the same length of time in two daily papers published in the district, and if there be no daily or dailies, then in the weekly paper or papers in three (3) regular issues next preceding the day of such election. If the board of education fail to give notice at such time as herein provided, then any five (5) legal voters residing in the district may give such notice over their own names, and such election may be held after the day fixed by this act for such election. All elections shall be by ballot, and How conducted. in the absence of any notice specifying the hour, the ballot-box shall be open at 2 o'clock P. M. and be closed at 8 o'clock P. M.

SEC. 4. The board of education, at a regular meeting, shall determine the number and location of the voting places, and shall also be judges of said election, with authority to appoint additional judges and clerks of election, who shall observe and cause to be observed at such election all the election laws of this state applicable thereto. Should any of the judges be absent at the opening of the polls, the electors present shall appoint a legal voter, who, upon taking oath, shall be qualified to fill the vacancy. Board of education shall regulate.

SEC. 5. The board of education shall immediately, upon closing the polls, if there be but one voting place, proceed to count the votes, and shall issue certificates of election in accordance with the results. But if there be more than one voting place, then the board of education shall receive the returns at the time and place it shall direct, and shall,

Canvassing  
board.

within five (5) days from said election, meet as a canvassing board, and in the presence of any duly qualified justice of the peace in and for said county, canvass the returns and ascertain the result. The result of said election shall be certified by the board of election to the county school superintendent, who shall preserve said certificate, entering upon his records the receipt of said certificate and the names of the person or persons elected as members of such board of education for said district, together with the term for which elected.

Must qualify  
within ten days.

SEC. 6. That all persons elected as members of the board of education shall, within ten (10) days thereafter, appear before some officer authorized to administer oaths, take and subscribe the usual oath of office, and deliver the same to the county superintendent of schools. In case any person elected shall fail so to do, his election shall be void, and the vacancy occasioned thereby shall be filled by the board as hereinafter provided.

Officers of  
board.

SEC. 7. The members of each board of education at their first regular meeting succeeding the election each year, shall also elect a president and vice-president from their number, who shall serve for a term of one year or until their successors are elected. They shall elect annually a secretary, at such salary as they, the board, may deem just. Said secretary shall not be a member of the board of education, and may be removed by the board at any time.

How elected.

SEC. 8. The election of the officers of the board of education, the city superintendent, the secretary, teachers and janitors shall be by *viva voce* vote upon a call of the roll of all the members, and no person shall be declared elected except he receive a majority vote of all the members of the board.

Duty of presi-  
dent.

SEC. 9. It shall be the duty of the president to preside at all meetings of the board and to perform such other duties as the board may prescribe.

SEC. 10. It shall be the duty of the vice president to perform all the duties of the president in case of his absence or disability.

Vice president.

SEC. 11. It shall be the duty of the secretary to be

present at all the meetings of the board, to keep an accurate journal of the proceedings, to take charge of its books and documents, to countersign all warrants for school moneys drawn upon the county treasurer by order of the board; he may be authorized by the board of education to purchase needed supplies for the schools, and also shall act as superintendent of buildings, and shall be charged with the special care of the school buildings of the district; he shall also perform such other duties as the board may direct. Secretary.

SEC. 12. Before entering upon the discharge of his duties the secretary of the board shall give bonds in such sum as the board of education may fix from time to time, but not less than five thousand dollars (\$5,000), with good and sufficient sureties, and shall take and subscribe an oath or affirmation, before a proper officer, that he will support the constitution of Washington and faithfully perform the duties of his office. He shall, from time to time, as he may be required by the board, make a complete and detailed record of his transactions as purchasing agent of the board and as superintendent of buildings, which shall be combined with his annual report, to be published in the manner determined by the board. Secretary's bond.

SEC. 13. The regular meetings of the board of education shall be held monthly at such a time as the by-laws of the board may prescribe, but special meetings may be held from time to time as circumstances may demand, at the call of the board, or on petition of a majority of the members thereof, and all meetings shall be open to the public unless otherwise specially ordered. Meetings of board.

SEC. 14. The board of education shall maintain an office where all regular meetings shall be held, and all records, vouchers and other important papers belonging to the board may be preserved and at all times ready for inspection of resident taxpayers. Office of board.

SEC. 15. The county treasurer shall be the *ex-officio* treasurer of the board of education; he shall prepare and submit to the secretary, in writing, on the first day of March, May, August and November of each year a report of the state of the finances, and shall pay school moneys Treasurer.

placed to the credit of the district only upon warrants signed by the president or by a majority of the board of education and countersigned by the secretary.

Vacancies.

SEC. 16. That the board of directors shall have the power to fill any vacancy which may occur in its body, but such appointment to fill vacancy shall be valid only until the next regular district election, and the ballots and returns shall be designated as follows: "To fill unexpired term."

Quorum.

SEC. 17. A majority of all members of the board of education shall constitute a quorum, but a less number in attendance at any regular meeting shall have, and a quorum at any special meeting may have, power to compel the attendance of absent members in such manner and under such penalties as the board may see fit to prescribe; and the absence of any member from four consecutive regular meetings of the board, unless on account of sickness, or by resolution of the board, shall vacate his position in the board, which facts shall be passed on by the board of education and spread upon their records.

Auditing accounts.

SEC. 18. All accounts shall be audited and approved by a committee, to be styled the "auditing committee," and no expenditure greater than five hundred dollars (\$500) shall be voted by the board except in accordance with a written contract, nor shall any money or appropriation be paid out of the school fund except on a recorded affirmative vote of a majority of all members of the board, and said accounts and the records of said board in cities organized under the provisions of this act shall, at all times, be subject to the inspection and examination of the county superintendent of said county, whose duty it shall be, annually, to examine said records and check said accounts, and report in writing to the board of county commissioners of said county, the nature and state of said accounts, and any facts that may be required concerning said records.

Powers and duties of board.

SEC. 19. Every board of education shall have the power, and it shall be their duty — *First*, to employ a city superintendent of schools of the district, and for cause to dismiss him, and to fix his duties and compensation. *Second*, to enforce the rules and general regulations of the state superintendent and the state board of education; to pre-

scribe the course of study, the exercises and the kind of Course of study. text-books to be used, in addition to the text-books prescribed by the state board of education, for use of the common schools of this state: *Provided*, That after the adoption of any text-book, it shall not be changed in less than five (5) years, unless the price thereof shall be unwarrantably advanced, or the mechanical quality lowered, or the supply stopped. Text-books cannot be changed under five years. *Third*, to provide for school furniture and for everything needed in the school-houses. *Fourth*, to make necessary by-laws for more effectively carrying out the provisions of this act, and for facilitating the work of the board, as required by law. *Fifth*, to adopt and enforce such rules and regulations as may be deemed Rules. essential to the well being of the schools, and to establish and maintain such grades and departments, including night schools, as shall, in the judgment of the board, best promote the interests of education in that district. *Sixth*, to suspend or expel pupils from school who refuse to obey the rules thereof. *Seventh*, to employ, and for cause to dismiss, teachers, to determine the length of time over and above eight (8) months that school shall be maintained; to fix the time for the annual opening and closing of schools, and for the daily dismissal of primary pupils before the regular time for closing schools. *Eighth*, to provide books for indigent children on the written statement of the superintendent that the parents of such children are not able to purchase them. Books for indigent children. *Ninth*, to require successful vaccination Vaccination. as a condition of school membership, and to provide free vaccination for all who are unable to pay for the same. *Tenth*, to make, as soon as possible after the close of the school year, an annual printed report to the taxpayers of Annual report. the district, showing in detail the receipts and disbursements of the school funds.

SEC. 20. The boards of education shall annually cause Annual census. to be taken an enumeration of all persons between the ages of five and twenty-one years residing in the district, and shall report the same, together with such information as required by the general school laws of Washington, to the county superintendent of schools at the time and in the manner specified by law for like returns in other dis-

tricts. The census shall be taken by the secretary and such census marshals as he shall select, subject to approval of the board or its proper committee. The census marshals shall receive such compensation as the board may deem just. Each census marshal shall verify by oath the correctness of his report in the same manner as by law required of the district clerk.

No member of board must be pecuniarily interested.

SEC. 21. It shall be unlawful for any member of the board of education, or any of its officers, to have any pecuniary interest, either directly or indirectly, in any contract for the erection of school-houses, or for warming, ventilating, furnishing or repairing the same, or be in any manner connected with the furnishing of supplies for the maintenance of the schools, or to receive or accept any compensation for services performed in discharging the duties of his office, except as provided in sections 24 and 29 of this act.

Sale of property.

SEC. 22. No school property of any kind shall be sold by the board of education without the consent of the district be first obtained, except it be personal property, the value of which shall not exceed five hundred dollars (\$500).

Purchase of supplies.

SEC. 23. In all districts contemplated by this act, when in the opinion of the board the cost of any lot of furniture, stationery, apparatus, fuel, buildings or improvements, or repairs to the same, will equal or exceed the sum of five hundred dollars (\$500), it shall be the duty of the board to give due notice by publication in at least one daily newspaper published within the said city, and if there be no daily, then in one or more weekly papers in three (3) regular consecutive issues, of the intention to receive bids for such lot of furniture, stationery, fuel and other supplies, or for said improvements and repairs. The board shall determine the specifications for such bids, which shall be public.

Board of examination.

SEC. 24. In all districts contemplated by this act there may be a board of examination, which shall consist of the city superintendent of schools, as *ex-officio* chairman, and four (4) other members, two of whom shall be members of the board of education, and the other two experienced

teachers elected by the board of education for a term of one year.

SEC. 25. Public examinations of teachers shall be held at such times and places as the examining board may determine, and a certified record of the proceedings shall be made to the board of education. Examination of teachers.

SEC. 26. Each board of examination has the power, and it shall be the duty of such board — *First*, to adopt rules and regulations not inconsistent with the general school law of this state, subject to the approval of the board of education, for its own government and for the examination of teachers. *Second*, to examine applicants and to prescribe standards of proficiency, which shall entitle the person examined to a certificate, and to grant city certificates of four grades: (1) High school certificates, valid for six years, and authorizing the holder to teach in any public school in the city; (2) grammar school certificates, valid for five years, and authorizing the holder to teach any primary or grammar school in such city; (3) primary school certificates, valid for five years, and authorizing the holder to teach in any primary school in such city: *Provided*, That a second-class grammar school or primary certificate may, at the discretion of the board of examiners, be issued for two years, but no applicant shall receive a second-class certificate a second time; (4) special city certificates, valid for five years, may be issued to applicants to teach such special branches as may be authorized by the board of education of such city. Powers and duties of examining boards.

SEC. 27. The board of examiners may also, without examination, grant city certificates and fix the grade thereof to holders of state and life diplomas or certificates, and city certificates issued by other cities in Washington; and may also, without examination, renew, and for immoral or unprofessional conduct, profanity, intemperance or evident unfitness for teaching, gross negligence of duty or incompetency, revoke any certificate previously granted in such city. Such board may also issue a permit to such teachers as may not have the opportunity to pass the regular examination, but such permit shall be valid not to exceed Granting and revoking certificates. Temporary permits.

six (6) months, and shall not in any case be renewed or extended.

SEC. 28. The city certificates issued in accordance with this act shall be valid only in the district in and for which the same were granted: *Provided*, That no city certificate shall be granted to any person who is not the holder of a county certificate in full force and effect, granted in the county in which such city is located, or the holder of a life diploma or state certificate, issued by the board of education of this state; and no teacher shall be employed in such city schools who does not hold a valid county or state certificate in full force and effect.

Compensation  
of board.

SEC. 29. The members of the board of examiners shall receive such compensation as may be allowed them by the board of education, payable out of the funds of the district.

Annual esti-  
mate of funds  
required.

SEC. 30. The board of education shall annually, at a meeting next preceding the annual tax levy for state and county purposes, report to the county commissioners an estimate of the amount of funds required for the support of the schools, for the purchase of school sites, the erection and furnishing of school buildings, the payment of interest upon all bonds issued for school purposes, and the creation of a sinking fund for the payment of such indebtedness, if any, and the county commissioners are hereby authorized and required to levy and collect said amount the same as other taxes: *Provided, however*, That in case the purchase of school sites and erection of buildings shall require an expenditure exceeding twenty-five thousand dollars (\$25,000) for any one calendar year, the question shall be submitted to a vote of the electors of the district, at the time and places the board of education may appoint. The board of education shall, previous to such election, designate in at least one daily paper published in the district, if there be one, if not, then in such weekly papers as may be selected by the board, the place or places where such an election shall be held, the locality of the site or sites required, and the proposed cost of the buildings to be erected thereon.

When sub-  
mitted to vote.

Aggregate  
school tax.

SEC. 31. The aggregate school tax shall in no one year

exceed one per cent. upon all the taxable property of the district.

SEC. 32. No county tax for school purposes shall be levied upon the property situate within the limits of any school district provided for in this act, nor shall any such district be entitled to or receive any portion of the common school fund raised by county tax. County school tax.

SEC. 33. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Approved March 26, 1890.

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## STATE UNIVERSITY.

AN ACT in relation to the establishment and government of the University of the State of Washington.

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

SECTION 1. There shall be established in this state, at or near the city of Seattle, in the county of King, on grounds secured for that purpose, or that may be secured pursuant to subsequent acts of the legislature of the State of Washington, an institution of learning under the name and style of the University of Washington. Location.

SEC. 2. The objects of the University of Washington shall be to provide the best and most efficient means of imparting to young men and women on equal terms a liberal education and thorough knowledge of the different branches of literature the arts and sciences with their varied applications. The university, so far as practicable, shall begin the course of study in the collegiate and scientific departments at the points where the same are completed in the high schools, and no student shall be admitted who has not previously completed the elementary studies, and such branches as are taught in the common schools Object and character.

throughout the state: *Provided*, That nothing in this section shall be construed to apply to any student now attending the university.

Board of regents.

SEC. 3. The government of the university shall vest in the board of regents, to consist of seven members, who shall be appointed as hereinafter provided, and the state superintendents of public instruction shall also, during their respective terms of office, be *ex-officio* members of said board; four members of said board shall constitute a quorum for the transaction of business. The members of the board of regents shall be appointed by the governor of the state, by and with the advice and consent of the senate, and shall hold their offices for a term of six years from the second Monday in March next succeeding their appointment, and until the appointment of their successors: *Provided*, That those appointed on the first board under this act shall hold their offices: two for five years, two for three years, and three for one year, the length of their respective terms to be decided by lot at the first meeting of the board after their appointment.

Number and terms of office.

Vacancies.

SEC. 4. Whenever there shall be a vacancy in the office of the regents of the university, from any cause whatever, it shall be the duty of the governor to fill such office by appointment, and the person or persons so appointed shall continue in office until the close of the legislature then next thereafter, and until others are appointed in their stead.

Free from sectarian control.

SEC. 5. The university shall never be under the control of any religious or sectarian denomination or society whatever.

Secretary and treasurer.

SEC. 6. The regents shall appoint a secretary, a treasurer and librarian, who shall hold their respective offices during the pleasure of the board. It shall be the duty of the secretary to record all proceedings of the board and carefully preserve the same, and all the books and papers. The treasurer shall keep a true and faithful account of all moneys received and paid out by him, and shall give bonds for the faithful performance of the duties of his office in such amount as the regents may require.

SEC. 7. The regents shall have power, and it shall be

their duty, to enact laws for the government of the university, to elect a chancellor, who shall be *ex-officio* president of the board of regents, or when absent the board may appoint a president *pro tem*. They may also appoint the requisite number of professors and tutors, and such other officers as they may deem expedient, and also determine the amount of their respective salaries. The method and course of instruction in each department shall be prescribed by the board of regents, who shall grant to every student, upon graduation, a suitable diploma or degree, such student having been recommended for such honor by the faculty of the college in which he shall have pursued his studies. The regents shall also have power, upon the recommendation of the faculty, to confer the usual honorary degrees upon other persons than graduates of this university, in recognition of the learning or devotion to literature, art or science; but no degree shall be conferred in the consideration of the payment of money or other valuable thing. Any diploma granted by the normal college shall entitle the holder to teach in any public school in this state during life.

Powers and duties of regents.

Honorary degrees.

SEC. 8. The board of regents is authorized to expend such portion of the income of the university fund as it may deem expedient for the purchase of apparatus, library and cabinets of natural history, providing suitable means to keep and preserve the same, and in the procurement of other means of facility for instruction.

Apparatus and cabinets.

SEC. 9. The regents of the university shall receive as compensation four dollars for each day actually employed in the business of the university, including time necessarily spent in going to and from the meetings of the board, which shall be at the same rate and computed in the same manner as the mileage allowed to members of the legislature, and they shall receive no other pay, fees or allowance whatever. The claims of the regents shall be submitted under oath to the auditor of the state, who is hereby authorized to audit and allow the same for such attendance and mileage.

Compensation of regents.

SEC. 10. All students residing within the state, outside the county of King, once during their term of scholarship,

Traveling ex-  
penses of  
students.

shall have deducted from their tuition the actual fare for traveling to and from the university to their respective homes, by the shortest route: *Provided, always,* That deduction shall be made in no cases of non-resident students of this state: *Provided further,* The board of regents is authorized to prescribe regulations for the admission of students, and prescribe such rates of tuition as it may deem expedient.

Annual report  
of regents.

SEC. 11. The board of regents shall transmit, on the first day of January preceding each regular session of the legislature, to the governor, to accompany his message, a printed report of all their doings since their last report, giving in detail all receipts and expenditures of money, and furnishing an estimate of future income and expenses, a catalogue of professors, officers and students at the commencement of the last summer vacation.

Instructors.

SEC. 12. The regents shall, when the number of students in any particular branch of study shall require, elect one or more instructors to teach such branch of study, but such instructors shall not be considered as belonging to the faculty of the college in which they may be employed.

Government of.

SEC. 13. The immediate government of each college shall be by its own faculty, which shall consist of the professors thereof and the president of the university.

Employment of  
professors.

SEC. 14. In the organization of the university the regents shall fill only such chairs in the several colleges as the wants of the institution shall demand, and may require the several professors chosen to perform duties in their respective branches of education, in more than one department or college, until the students shall so increase in number as to demand exclusive attention in their own respective departments.

Funds: how  
derived.

SEC. 15. The fund of the university shall be derived from the proceeds of the sales of lands donated by the United States for the endowment of a university, and the admission and tuition fees of the students, and such appropriations as the legislature may make.

SEC. 16. None of the lands now located and belonging to the University of Washington, nor any lands donated to the University of Washington by the congress of the

United States that hereafter may be located, shall be sold Lands; how sold. except as may be provided by the legislature of the State of Washington, and whenever the said lands are sold the proceeds of such sale, being for the whole or in part of said lands, must be paid into the state treasury, and cannot be drawn therefrom except as provided for in this act. Said money so paid shall be forever kept as the state university fund, and no part of the principal shall ever be expended for any purpose whatever, but the income of said fund may be used under the direction of the board of regents for the general purposes of the university, at the discretion of the board of regents.

SEC. 17. The funds arising from the sale of the lands Investment of funds. belonging to the university shall be invested by the state: first, in bonds of the State of Washington, if such are to be had; but if not, then in the bonds of the United States, and said funds shall not be invested in any other manner or upon any other securities whatever.

SEC. 18. All donations of money, security or other Donations. property shall be paid into the state treasury and invested as other funds of the university, and donations may be made to and for the sole use of any one of the departments of the university, and donations so made shall be kept as a separate fund for the use of such department.

SEC. 19. The attorney general of the state shall be the Legal adviser. legal adviser of the president and board of regents of the university, and he shall institute and prosecute or defend all suits in behalf of the same.

SEC. 20. The board of regents are hereby prohibited Debt or incumbrance. from creating any debt as against the university, or in any manner encumbering the same, or of incurring any expense beyond their ability from the annual income of the university for the then current year.

SEC. 21. The sum of ten thousand dollars is hereby ap- Appropriation. propriated out of the state treasury, not otherwise appropriated, to carry into effect the provisions of this act.

SEC. 22. All laws or parts of laws in conflict with this law be and the same are hereby repealed.

Approved March 27, 1890.

## CHAPTER XIII.—ELECTION LAWS.

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### PROVIDING FOR THE DISTRIBUTION OF BALLOTS, AND THE CONDUCT OF ELECTIONS.

AN ACT providing for printing and distributing ballots at public expense, and to regulate voting at State and other elections.

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

Ballots printed and distributed at public expense.

SECTION 1. All ballots cast at elections for public officers within this state (except school and irrigation district officers and road overseers) shall be printed and distributed at public expense, as hereinafter provided. The printing of ballots and cards of instruction for the electors in each county, and the delivery of the same to the election officers, as hereinafter provided, shall be a county charge, the payment of which shall be provided for in the same manner as the payment of other county expenses; but the expense of printing and delivering the ballots shall, in the case of municipal elections, be a charge upon the city or town in which such election shall be held.

Convention or primary.

SEC. 2. Any convention, primary meeting or primary election, as hereinafter defined, held for the purpose of making nominations for public office, and also electors to the number hereinafter specified may nominate candidates for public office, to be filled by election within the state. A convention, or primary meeting, within the meaning of this act, is an organized assemblage of electors or delegates, representing a political party or principle, and a primary election is a legally conducted election for the nomination of candidates for public office.

Certificate of nomination.

SEC. 3. All nominations made by such convention, primary meeting or primary election shall be certified as follows: The certificate of nomination, which shall be in

writing, shall contain the name of each person nominated, his residence, his business, his address, and the office for which he is named, and shall designate, in not more than five words, the party or principle which such convention, primary meeting or primary election represents, and it shall be signed by the presiding officer and secretary of such convention or primary meeting, or in case of a primary election by one of the judges and the clerk thereof, who shall add to their signatures their respective place of residence, their business and addresses. Such certificate, made out as herein required, shall be delivered by the secretary or president of such convention or primary meeting, clerk or judge of the primary election, to the secretary of state, or to the clerk of the board of county commissioners, as hereinafter required. Certificates must be filed.

SEC. 4. Certificates of nomination of candidates for offices to be filled by the electors of the entire state, or of any division or district greater than a county, shall be filed with the secretary of state. State or district nominations. Certificates of nomination for county and precinct offices shall be filed with the clerks of the boards of county commissioners of the respective counties wherein the officers are to be elected. Certificates of nomination for municipal offices shall be filed with Municipal. the clerks of the respective municipal corporations wherein the officers are to be elected. The certificate of a nomination for an office in a district composed of more than one county, shall be filed in the offices of the clerks of the boards of county commissioners of all the counties to be represented by such joint officer or member.

SEC. 5. Candidates for public office may be nominated otherwise than by convention or primary meeting, or primary election, in the manner following: A certificate of nomination, containing the name of a candidate for the office to be filled, with such information as is required to be given in certificates provided for in section three of this act, shall be signed by electors residing within the district or political division in and for which the officer or officers are to be elected, in the following numbers: The number of signatures shall not be less than one hundred when the nomination is for an office to be filled by the Candidates: how nominated.

electors of the entire state, and need not exceed fifty when the election is for an office to be filled by the electors of a county, district or other division less than the state, and need not exceed ten when the nomination is for an office to be filled by the electors of a township, precinct or ward: *Provided*, That the said signatures need not all be appended to one paper. Each elector signing a certificate shall add to his signature his place of residence, his business and his address. Such certificate may be filed as provided for in section four of this act, in the same manner and with the same effect as a certificate of nomination made by a party convention, or primary meeting or primary convention.

Limit of certificate and nomination.

SEC. 6. No certificate of nomination shall contain the name of more than one candidate for each office to be filled. No person shall join in the nomination of more than one person for each office to be filled, and no person shall accept a nomination to more than one office.

Duty of secretary of state and clerk of commissioners.

SEC. 7. The secretary of state and the clerks of boards of county commissioners of the several counties, and of the several municipal corporations, shall cause to be preserved in their respective offices for six months all certificates of nomination filed in their respective offices under the provisions of this act. All such certificates shall be open to public inspection under proper regulations, to be made by the officers with whom the same are filed. The board of county commissioners of each county in the state shall, at their first session after the taking effect of this act, divide their respective counties into election precincts, and establish the boundaries of the same. Such board of commissioners shall designate one voting place in each precinct, and each precinct shall contain two hundred and fifty electors, or less, based on the number of votes cast at the last general election; but no precinct shall contain more than three hundred electors. If at any election hereafter three hundred or more votes shall be cast at any voting place, it shall be the duty of the inspector in such precinct to report the same to the board of county commissioners, who shall, at their next regular meeting, divide such precinct as nearly as possible so that the new

Election precincts.

precincts formed thereof shall each contain two hundred and fifty electors, as nearly as practicable.

SEC. 8. Certificates of nominations to be filed with the secretary of state, shall be filed not more than sixty days, and not less than thirty days, before the day fixed by law for the election of the persons in nomination. Certificates of nomination herein directed to be filed with the clerk of the board of county commissioners, shall be filed not more than sixty days, and not less than twenty days, before the election. Certificates for the nomination of candidates for municipal offices shall be filed with the clerks of the respective municipal corporations not more than thirty days, and not less than three days, previous to the day of election: *Provided*, That the provisions of this section shall not be held to apply to nominations for special elections to fill vacancies caused by death, resignation or otherwise.

SEC. 9. Not less than twenty nor more than thirty days before an election to fill any state or district office, the secretary of state shall certify to the clerk of the board of county commissioners of each county within which any of the electors may by law vote for candidates for such office, the name and place of residence of each person nominated for such office, as specified in the certificates of nomination filed with the secretary of state.

SEC. 10. At least ten days before an election to fill any public office other than a municipal office, the clerk of the board of county commissioners of each county shall cause to be published in one or more newspapers within the county the nominations to office certified to him under the provisions of this act. The clerk of the board of county commissioners shall make such publications daily, until the elections, in counties where daily newspapers are published; but if there be no daily newspaper published within the county, two publications in each newspaper will be sufficient; and if there be no paper published in any county, written or printed notices shall be posted in not less than three conspicuous places in such precinct. One of such publications in each newspaper shall be upon the last day upon which such newspaper is issued before election. In the case of municipal elections, such publi-

Limit for filing certificates.

Secretary of state must certify.

Publication of nominations.

cations shall be made in one or more newspapers devoted to the dissemination of general news, and published within the municipal corporation in which the election is to be held at least three days before the election, the publication to be daily until election, where there are daily newspapers; but if there be no daily newspaper published within the municipal corporation, one publication in each newspaper shall be sufficient, and if there be no newspaper, the notices shall be posted as above provided.

When nomination is void.

SEC. 11. Whenever any person nominated for public office, as in this act provided, shall, at least twenty days before election, except in the case of municipal elections, in a writing signed by him, notifying the officer with whom the certificate nominating him is by this act required to be filed that he declines such nomination, such nomination shall be void. In municipal elections such declination must be made at least two days before the election.

Vacancies.

SEC. 12. Should any person so nominated die before the printing of the tickets, or decline the nomination as in this act provided, or should any certificate of nomination be or become insufficient or inoperative from any cause, the vacancy or vacancies thus occasioned may be filled in the manner required for original nominations. If the original nomination was made by a party convention which had delegated to a committee the power to fill vacancies, or by primary election, the committee of the political party he represents may, upon the occurring of such vacancy, proceed to fill the same. The chairman and secretary of such committee shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which he was nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and such further information as is required to be given in an original certificate of nomination. The certificate so made shall be executed in the manner prescribed for the original certificate of nomination, and shall have the same force and effect as an original certificate of nomination. When such certificate shall be filed with the secretary of

state, he shall, in certifying the nominations to the various county clerks, insert the name of the person who has thus been nominated to fill a vacancy in place of that of the original nominee. And in the event that he has already sent forth his certificate, he shall forthwith certify to the clerks of the boards of county commissioners of the proper counties the name and place of residence of the person so nominated to fill a vacancy, the office he is nominated for, the party or political principle he represents, and the name of the person for whom such nominee is substituted.

Duty of secretary of state.

SEC. 13. When any vacancy occurs before election day and after the printing of the tickets, and any person is nominated according to the provisions of this act to fill such vacancy, the officer whose duty it is to have the tickets printed and distributed shall thereupon have printed a requisite number of stickers and shall mail them by registered letter to the judges of election in the various precincts interested in such election, and the judges of election whose duty it is made by the provisions of this act to distribute the tickets shall affix such stickers in the proper place on each ticket before it is given out to the elector.

Changing tickets.

SEC. 14. Whenever a proposed constitution or constitutional amendment or other question is to be submitted to the people of the state for popular vote, the secretary of state shall duly, and not less than thirty days before election, certify the same to the clerk of the board of county commissioners of each county in the state, and the clerk of the board of county commissioners of each county shall include the same in the publication provided for in section ten of this act. Questions to be submitted to the people of a county or municipality shall be advertised as provided for nominees for office by said section.

Submitting question to vote.

SEC. 15. Except as in this act otherwise provided, it shall be the duty of the clerk of the board of county commissioners of each county to provide printed ballots for every election for public officers in which electors, or any of the electors within the county, participate, and to cause to be printed on the ballot the name of every candidate whose name has been certified to or filed with the county

Duty of clerk of commissioners.

clerk in the manner provided for in this act. Ballots other than those printed by the respective clerks of boards of county commissioners, according to the provisions of this act, shall not be cast or counted in any election. Nothing in this act contained shall prevent any voter from writing or pasting on his ballot the name of any person for whom he desires to vote for any office, and such vote shall be counted the same as if printed upon the ballot and marked by the voter, and any voter may take with him into the polling place any printed or written memorandum or paper to assist him in making or preparing his ballot, except as hereinafter otherwise provided.

Privilege of voter.

For school and irrigation district officers.

SEC. 16. Elections for school and irrigation district officers and road overseers are excepted from the provisions of the preceding section, and in all municipal elections the duties specified in the preceding section as devolving on the clerk of the board of county commissioners shall devolve on the municipal clerk.

Requirements for ballots.

SEC. 17. All ballots prepared under the provisions of this act shall be white and of a good quality of paper, and the names shall be printed thereon in black ink. Every ballot shall contain the name of every candidate whose nomination for any office specified in the ballot has been certified or filed according to the provisions of this act, and no other names. The names of candidates for office shall be arranged under the designation of the office in alphabetical order, according to surnames, except that the names of electors of president and vice president of the United States presented in one certificate of nomination shall be arranged in a separate group. Every ballot shall also contain the name of the party or principle which the candidates represent, as contained in the certificates of nominations. At the end of the list of candidates for each office shall be left a blank space large enough for the name of a candidate to be written in. There shall be a margin on each side at least half an inch in width, and a reasonable space between the names to be printed thereon, so that the voter may clearly indicate, in the way hereinafter provided, the candidate or candidates for whom he wishes to cast his ballot. Whenever the secretary of state has

duly certified to the clerk of the board of county commissioners any question to be submitted to a vote of the people, the clerk of the board of county commissioners shall have printed on the regular ballots the question in such form as will enable the electors to vote upon the question so presented in the manner hereinafter provided. The clerk of the board of county commissioners shall also prepare the necessary ballots whenever any question is required by law to be submitted to the vote of the electors of any locality, and not to the state generally: *Provided, however,* That in all questions submitted to the voters of a municipal corporation alone, it shall be the duty of the municipal clerk to provide the necessary ballots. Municipal clerks.

SEC. 18. The clerk of the board of county commissioners of each county shall provide for each election precinct in the county three hundred ballots for every fifty or fraction of fifty electors registered in the precinct. If there is no registry in the precinct, the clerk of the board of county commissioners shall provide ballots to the number of three hundred for every fifty or fraction of fifty electors who voted at the last preceding election in the precinct: *Provided, however,* That in municipal elections it shall be the duty of the municipal clerk to provide tickets as specified in this section. Number or supply of ballots.

SEC. 19. Whenever it shall appear by affidavit that an error or omission has occurred in the publication of the names of the candidates nominated for office, or in the printing of the ballots, the superior court of the county may, upon application of any elector, by order, require the clerk of the board of county commissioners or municipal clerk to correct such error, or to show cause why such error should not be corrected. Error or omission.

SEC. 20. Before the opening of the polls, the clerk of the board of county commissioners of the county (or the municipal clerk in the case of municipal elections), shall cause to be delivered to the judges of election of each election precinct which is within the county (or within the municipality in case of municipal elections), and in which the election is to be held, at the polling place of the precinct, the proper number of ballots as provided for in sec-

Official tickets. tion eighteen of this act. He shall also deliver to the said judges a rubber or other stamp, with ink-pad, for the purpose of stamping or designating the official tickets, as hereinafter provided. Said stamp shall contain the words "official ballot," the name or number of the election precinct, the name of the county, the date of the election, and the name and official designation of the clerk who furnishes the tickets. The stamps and ballots shall be given to the inspector of each election precinct; but in case it may be impracticable to deliver such stamps and ballots to such inspector, then they may be delivered to one of the judges of election of any such precinct. And in making the appointment of judges of election under this act, and other election laws of this state, not more than a majority of such judges of election shall be appointed from any one political party for each precinct.

Polling places. SEC. 21. The inspectors of election shall provide in their respective polling places a sufficient number of places, booths or compartments, which shall be furnished with such supplies and conveniences as shall enable the voter conveniently to prepare his ballot for voting, and in which electors may mark their ballots, screened from observation, and a guard rail so constructed that only persons within such rail can approach within fifty feet of the ballot-boxes, or the places, booths or compartments herein provided for. The number of such places, booths or compartments shall not be less than one for every fifty electors or fraction thereof registered in the precinct, or voting at the last preceding election where there is no registration. In precincts containing less than twenty-five voters, the election may be conducted under the provisions of this act without the preparation of such booths or compartments as required in this section. No person other than electors engaged in receiving, preparing or depositing their ballots, or a person present for the purpose of challenging the vote of an elector about to cast his ballot, shall be permitted to be within said rail, and in case of small precincts where places, booths or compartments are not required, no person engaged in preparing their ballots shall in any way be interfered with by any person, unless it be some one

authorized by the provisions of this act to assist him or them in preparing his or their ballot. The expense of providing such places or compartments and guard rails shall be a public charge, and shall be provided for in the same manner as the other election expenses. On or before the first day of September of each year in which an election is to be held, the officers now charged by law with the division or alternation of election precincts shall, as far as necessary, alter or divide the existing election precincts in such manner that each election precinct shall not contain more than three hundred voters.

Expense of preparing compartments.

SEC. 22. At any election it shall be the duty of the inspector or one of the judges of election, to deliver ballots to the qualified electors. Before delivering any ballot to an elector, the said inspector or judge shall print on the back and near the top of the ballot, with the rubber or other stamp provided for the purpose, the designation "official ballot," and the other words on the said stamp as provided for in section twenty of this act, and also write his initials thereon. Each qualified elector shall be entitled to receive from the said judges one ballot.

Duty of inspector.

SEC. 23. On receipt of his ballot, the elector shall forthwith, and without leaving the polling place, retire alone to one of the places, booths or compartments provided, to prepare his ballot. He shall prepare his ballot by marking a cross before or after the name of the person or persons for whom he intends to vote. For example, "x," or in case of a ballot containing a constitutional amendment, or other question, to be submitted to the vote of the people, by crossing out therefrom parts of the ballot in such a manner that the remaining part shall express his vote upon the question submitted, or the elector may write in the blank spaces or paste over any other name the name of any person for whom he may wish to vote. In marking a ballot, any elector shall be at liberty to use or copy any unofficial sample ballot which he may choose to mark or to have had marked in advance of entering the polling place or booth; but no elector shall be at liberty to use or bring into the polling place any unofficial sample ballot printed in the exact style, manner, width or character of

Preparing ballot.

Unofficial ballots.

paper of the official ballot. After preparing his ballot the elector shall fold it so that the face of the ballot will be concealed, and so that the endorsement stamped thereon may be seen. He shall then vote forthwith and before leaving the polling place: *Provided, however,* That any elector who desires to vote for an entire group may mark a cross as above described against the political designation of such group, and shall then be deemed to have voted for all the persons named in such group whose names shall not have been erased.

Limit of occupancy.

SEC. 24. Not more than one person shall be permitted to occupy any one booth at one time, and no person shall remain in or occupy a booth or compartment longer than may be necessary to prepare his ballot, and in no event longer than five minutes: *Provided,* That the other booths or compartments are occupied.

SEC. 25. Any voter who shall, by accident or mistake, spoil his ballot may, on returning said spoiled ballot, receive another in place thereof.

Ignorant or physically disabled may be assisted.

SEC. 26. Any voter who declares to the judges of election, or when it shall appear to the judges of election that he can not read, or that by blindness or other physical disability he is unable to mark his ballot, shall, upon request, receive the assistance of one or two of the election officers in the marking thereof, and such officer or officers shall certify on the outside thereof that it has been so marked with his or their assistance, and shall thereafter give no information regarding the same. The judges may, in their discretion, require such declaration of disability to be made by the voter under oath before them, and they are hereby qualified to administer the same. No elector, other than one who may, because of his inability to read, or physical disability, be unable to mark his ballot, shall divulge to anyone within the polling place the name of any candidate for whom he intends to vote, or to ask or receive the assistance of any person within the polling place in the preparation of his ballot.

Duty of election officers.

SEC. 27. No inspector or judge of election shall deposit in any ballot-box any ballot upon which the official stamp as hereinbefore provided for does not appear. Every per-

son violating the provisions of this section shall be deemed guilty of a misdemeanor.

SEC. 28. The clerk of the board of county commissioners of each county shall cause to be printed in large type, on cards, in English, instructions for the guidance of electors in preparing their ballots. He shall furnish ten such cards to the judges of election in each election precinct, and one additional card for each fifty electors or fractional part thereof in the precinct, at the same time and in the same manner as the printed ballots. The judges of election shall post not less than one of such cards in each place or compartment provided for the preparation of ballots, and not less than three of such cards elsewhere in and about the polling places upon the day of election. Said cards shall be printed in large, clear type, and shall contain full instructions to the voters as to what should be done, viz.: *First*, to obtain ballots for voting; *second*, to prepare the ballots for deposit in the ballot-boxes; *third*, to obtain a new ballot in the place of one spoiled by accident or mistake. Said card shall also contain a copy of sections thirty, thirty-one, thirty-two and thirty-three of this act. There shall also be posted in each of the apartments or booths one of the official tickets without the official stamp hereinbefore provided for, and not less than three such tickets posted elsewhere in and about the polling places upon the day of election.

SEC. 29. In the canvass of the votes, any ballot which is not indorsed, as provided in this act, by the official stamp and initials, shall be void and shall not be counted, and any ballot or parts of a ballot from which it is impossible to determine the elector's choice shall be void and shall not be counted: *Provided*, That when a ballot is sufficiently plain to gather therefrom a part of the voter's intention, it shall be the duty of the judges of election to count such part.

SEC. 30. Any person who shall falsely make, or make oath to or fraudulently deface or fraudulently destroy any certificate of nomination, or any part thereof, or file or receive for filing any certificate of nomination knowing the same or any part thereof to be falsely made, or suppress

any certificate of nomination which has been duly filed, or any part thereof, or forge or falsely make the official indorsement on any ballot, shall be deemed guilty of a felony, and upon conviction thereof, in any court of competent jurisdiction, shall be punished by imprisonment in the penitentiary for a period of not less than one year nor more than five years.

Penalty for destroying or defacing.

SEC. 31. Any person who shall during the election wilfully remove or destroy any of the supplies, or other conveniences placed in the booths or compartments for the purpose of enabling the voter to prepare his ballot, or prior to or on the day of election, wilfully deface or destroy any list of candidates posted in accordance with the provisions of this act, or who shall during an election tear down or deface the cards printed for the instruction of voters, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not exceeding one hundred dollars.

General penalty.

SEC. 32. Any public officer upon whom any duty is imposed by this act, who shall wilfully do or perform any act or thing herein prohibited, or wilfully neglect or omit to perform any duty as imposed upon him by the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit his office, and shall be punished by imprisonment in the county jail for a term of not less than one month nor more than six months, or by a fine of not less than fifty dollars and not more than five hundred dollars, or by both such fine and imprisonment.

Limit of electioneering.

SEC. 33. No officer of election shall do any electioneering on election day. No person shall do any electioneering on election day within any polling place, or any building in which an election is being held, or within fifty feet thereof, nor obstruct the doors or entries thereto, or prevent free ingress to and egress from said building. Any election officer, sheriff, constable, or other peace officer, is hereby authorized and empowered, and it is hereby made his duty, to clear the passageway and prevent such obstruction, and to arrest any person creating such

obstruction. No person shall remove any ballot from the polling place before the closing of the polls. No person shall show his ballot after it is marked to any person in such a way as to reveal the contents thereof, or the name of any candidate or candidates for whom he has marked his vote, nor shall any person solicit the elector to show the same; nor shall any person except a judge of election receive from any elector a ballot prepared for voting. No elector shall receive a ballot from any other person than one of the judges of election having charge of the ballots, nor shall any person other than such inspector or judges of election deliver a ballot to such elector. No elector shall vote or offer to vote any ballot except such as he has received from the judges of election having charge of the ballots. No elector shall place any mark upon his ballot by which it may afterwards be identified as the one voted by him. Any elector who does not vote a ballot delivered to him by the judges of election having charge of the ballots shall, before leaving the polling place, return such ballot to such judges. Whoever shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be fined in any sum not exceeding one hundred dollars, and adjudged to pay the cost of prosecution.

Secrecy.

Ballots must not be marked.

SEC. 34. It shall be the duty of the secretary of state to cause to be published, in pamphlet form, and distributed through the clerks of the boards of county commissioners of the respective counties, a sufficient number of copies of this law, together with the registration law of the state and such other laws as bear upon the subject of election, as will place a copy thereof in the hands of all officers of elections.

Duty of secretary of state.

SEC. 35. At all elections held under the provisions of this act, the polls shall be opened at nine o'clock A. M. and closed at seven o'clock P. M.

SEC. 36. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved March 19, 1890.

## REGISTRATION OF VOTERS.

AN ACT to provide for and to regulate the registration of voters in cities and towns, and in precincts having a voting population of two hundred and fifty (250) or more.

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

SECTION 1. In all cities and towns, and all voting precincts having a voting population of two hundred and fifty (250) or more, who are entitled to the right of suffrage, as shown by the number of votes cast at the preceding general election, there shall be a registration of voters, prior to all general or municipal elections, as herein provided.

*Duty of mayor.* SEC. 2. It shall be the duty of the mayor or chief executive officer of each city or town, immediately upon the taking effect of this act, to procure and open for the registration of voters a poll-book for each ward or voting precinct of such city or town, and on the first Monday of January in each year to procure and open a like book of registration for each of said wards and voting precincts; and for all precincts having a voting population of two hundred and fifty (250) or more, outside of any city or town, the board of county commissioners for the county in which any such precinct exists shall, in like manner, procure and open a poll-book for the registration of voters in such precinct or precincts, and shall designate a legal voter in each of said precincts, who shall be the officer of registration in such precinct, whose duties shall be the same as those devolving upon the city or town clerk, under the provisions of this act; and the board of county commissioners shall fix the compensation of such officer of registration, which shall be paid the same as other election expenses.

*Poll-book.*

SEC. 3. Such poll-books shall at all times be kept at the office of such city or town clerk or officer of registration of such city, town or precinct; and the city or town clerk and the person designated by the board of county commissioners, as herein provided, shall be the officers of registration of such city, town or precinct, and it shall be his

duty to register all citizens of said city, town or voting precinct on such poll-books, as hereinafter provided. Duty of register.

SEC. 4. It shall be the duty of all citizens of such city, town or voting precinct, after the opening of the books as herein provided, to apply to the city or town clerk, or officer of registration, and be registered therein, at such time or times as said books shall be open for that purpose, as provided in this act; and such registration when made, as in this act provided, shall entitle such citizens to vote in their respective wards and precincts. Effect of registration. If such citizens are otherwise legally qualified voters at such election, and have so caused themselves to be registered, such registration shall be *prima facie* evidence of the right of such citizens to vote at any election held in such city, town or precinct subsequent to such registration, and preceding the first Monday of January next thereafter.

SEC. 5. It shall be the duty of the city or town clerk or officer of registration, upon the receipt of the poll-books in this act provided for, to cause to be published a notice in a newspaper of general circulation in such city, town or precinct for ten days, notifying the citizens of said city, town or precinct that they can register at his office, according to the provisions of this act; and a like notice shall be published each year, within twenty days after the first Monday in January of each year. The notice for the year 1890 shall be published within thirty days after the taking effect of this act. Publishing notice.

SEC. 6. The poll-books in this act provided for shall be open at all times during the year for the registration of voters, except that they shall be closed for the purpose of organization ten days preceding any election to be held in such city, town or precinct. The city or town clerk or officer of registration shall give notice of the closing of such books by a notice published at least five days preceding the day of such closing, which notice shall be published in a newspaper of general circulation in said city, town or precinct for three days, and shall state the time of closing such books. Poll-books always open.

SEC. 7. The registration shall be in the following form in said book:

Form of registry.

DATE OF REGISTRATION.	NAMES.	CHECK LINE.	AGE.	OCCUPATION.	RESIDENCE.	REMARKS.

The names of the persons registered shall be entered in alphabetical order, and an entry shall be made opposite the name of each person to correspond to each of the heads contained in the head of the registry list. Under the head of "Residence" the number and street of the house or building, or the number of the lot and block, or other description of the location whereon the house or building is situated where the person registered resides shall be entered.

Must register in person.

SEC. 8. No person shall be registered unless he appears in person before the city or town clerk or officer of registration, at his office during usual office hours, and apply to be registered, and give his name, age, occupation and particular place of residence, as required to make the proper entries in the poll-books.

Registration necessary.

SEC. 9. No person shall be entitled to vote at any election in any such city, town or precinct who is not registered according to the provisions of this act. The registration shall not be conclusive evidence of the right of any registered person to vote, but said person may be challenged and required to establish his right at the polls in the manner as may be required by law. And every person when offering his vote shall, if challenged, hand his registration certificate to one of the judges of election, who shall receive and file the same, and at the close of said election deliver said certificates as a part of the election returns to such city, town, county or state officer as by law provided.

SEC. 10. It shall be the duty of the city or town clerk, or officer of registration to give to each citizen registered, according to the provisions of this act, a certificate of registration, which shall be substantially in the following form:

\_\_\_\_\_, Washington, \_\_\_\_\_, 18—. Certificate of registration.

This is to certify that \_\_\_\_\_, a citizen of the city, town or precinct of \_\_\_\_\_, has this \_\_\_\_\_ day of \_\_\_\_\_, 18—, been duly registered as a voter in the \_\_\_\_\_ ward or \_\_\_\_\_ precinct of \_\_\_\_\_ ward, or \_\_\_\_\_ precinct of \_\_\_\_\_ county poll-book of said city, town or precinct, and is entitled to vote at any election held in said city, town or precinct preceding the first Monday in January, A. D. 18—, if he is otherwise a qualified voter under the laws of the State of Washington.

Witness my hand and the seal of said city or town, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18—.

\_\_\_\_\_, clerk or officer of registration.

*Provided*, That in precincts outside of cities and towns, and in which registration is required under the provisions of this act, the signature of the officer of registration will be sufficient, without a seal affixed: *Provided further*, That no fee shall be charged the voter for such certificate. No fee for certificate.

SEC. 11. The city or town clerk, or officer of registration, is hereby empowered to administer all necessary oaths to examine the applicant for registration, or any witness he may offer in his behalf, in order to ascertain his right to be registered under the provisions of this act. If the applicant for registration will be entitled to vote at the next ensuing election, he shall be entitled to registration, otherwise he shall not be registered. Powers of registration officer.

SEC. 12. If a citizen of any city, town or voting precinct shall, during the year for which he has been registered, change his residence from one ward or voting precinct in said city or town to another ward or voting precinct in said city or town, or from any precinct outside a city or town in which registration is required to another voting precinct in the same county, in which such registration is required under the provisions of this act, he shall apply to the city or town clerk or officer of registration to have said removal noted on said poll-books when the same are open. The clerk or officer of registration shall register said person in the ward or voting precinct to which he has removed, and run a red ink line across his name in the ward or precinct book of his former residence, and likewise note the transfer in the column "Remarks" in said poll-book, and also endorse on the certificate of registration of said person the facts of said removal. Change of residence.

SEC. 13. It shall be the duty of the clerk or officer of

Copies of poll-books. registration, immediately upon the close of the poll-books preceding any election to be held in said city, town or voting precinct, to prepare a true and correct copy of said poll-books, certified to by him to be such copy, and in time for the opening of polls, as provided by law, to have said copies at the voting precincts and deliver the copy for such ward or precinct to one of the judges of said election and take his receipt therefor.

Duty of judges. SEC. 14. At every election one of the judges of election shall, as each person registered votes, enter on the said certified copy, in the check line opposite the name of such person the word "Voted," said certified copy to be returned to the city or town clerk or officer of registration after said election, and by him preserved.

Penalty for neglect of duty or defacing records. SEC. 15. If any officer shall neglect or refuse to perform any duty required by this act, or in the manner required by this act, or shall neglect or refuse to enter upon the performance of any such duty, or shall enter, or cause or permit to be entered, on the registry books the name of any person in any other manner, or at any other time than as prescribed by this act, or shall enter, or cause or permit to be entered, on such lists the name of any person not entitled to be registered thereon according to the provisions of this act, or shall destroy, secrete, mutilate, alter or change any such registry books, he shall, upon conviction, be punished by confinement and hard labor in the penitentiary not more than five nor less than one year, and shall forfeit any office he may then hold.

Penalty for falsely impersonating another. SEC. 16. If any person shall falsely personate another and procure the person so personated to be registered, or if any person shall represent his name to the city or town clerk or officer of registration to be different from what it actually is, and cause such name to be registered, or if any person shall cause any name to be placed upon the registry lists otherwise than in the manner provided in this act, he shall, upon conviction, be punished by confinement and hard labor in the penitentiary not more than five nor less than one year.

SEC. 17. The provisions of this act shall apply to all elections for national, state, congressional, district, county

or municipal officers, and the wards or voting precincts established by the authorities of any such city, town or precinct shall be the same for all county, district, state, congressional or national elections.

Approved March 27, 1890.

### PRIMARY ELECTIONS; TO REGULATE.

AN ACT to authorize and regulate primary elections of voluntary political associations, to provide for punishment of frauds therein, and declaring an emergency.

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

SECTION 1. All elections hereafter to be held by any voluntary political association or party for any delegates or managing committee, or for the nomination of candidates for public office, shall be held under the provisions of this act whenever any committee or body authorized by the rules or customs of such political association shall elect to accept and act under such provisions. Not compulsory.

SEC. 2. Whenever it shall be the desire of any such committee or body that such election shall be held under the provisions of this act, such desire and acceptance shall be expressed by a resolution duly passed by such committee or body. Decide by resolution.

SEC. 3. The resolution must declare — *First*, the time and place of holding the election, and the hours between which the polls are to be kept open; and the polls shall, in all cases, be kept open from 12 o'clock noon to 7 o'clock P. M. of the day on which the election is held; *second*, the names of three reputable persons to act as judges; *third*, the object of the election; *fourth*, that such election will be held under the provisions of the primary election law; *fifth*, the qualifications required for voters, in addition to those prescribed by law. Form of resolution.

Publication of  
notice.

SEC. 4. At least five days prior to any such election, a notice of such election shall be published in some newspaper or newspapers of general circulation in the district, ward, precinct, township, city or county in and for which the election is called, and shall be posted in at least three public places in each polling precinct or district for which such election is to be held. Such notice must be signed by the secretary of the committee or body calling such election, and must state the purpose, time, manner and conditions, together with the place or places of holding such election; also, the authority by which the call or notice is published, and the three persons shall be named therein who are appointed for each polling place to act as judges of said election, and who shall supervise or preside at such election in the polling precinct or district for which they are respectively appointed, and such judges shall be legal voters of, and householders in, the township, precinct, ward or election district for which they are named. And said notice shall likewise declare the qualifications of the persons to vote at such election: *Provided*, That such prescribed qualifications shall not be inconsistent with those expressed in this act. Such notice shall also declare that such election therein called will be held in pursuance of, and subject to, the provisions of this act, under the title of "Primary Election Law;" and any election held in pursuance of any notice calling for an election under the "Primary Election Law" shall be taken and deemed to be a primary election within the meaning of this act.

Requirements.

Oath of judges.

SEC. 5. The persons named as judges of election in the notice required by section four of this act, or any persons assuming or chosen to be such judges, in the absence, refusal or failure to act of any of the judges named in such notice, shall first make oath or affirmation that they are legal voters of and householders in the precinct, ward or election district for which they are appointed to serve; that they will faithfully and correctly conduct such election, protect it against all frauds and unfairness, carefully and truly canvass all votes cast thereat, and in every way conform to the provisions of this act, and of the notice or call for the election, which oath may be administered by

any one of the judges, or by any person authorized under the laws of this state to administer oaths. And if one or all of the judges appointed to serve at the election be absent, or refuse, or fail to serve at the hour appointed for the election to begin, then the electors present, to the number of not less than five, possessing the qualifications of persons entitled to vote at said election, shall choose a person or persons to fill any vacancy or vacancies that may exist. The judges, before proceeding with the election, shall appoint two clerks to assist them in receiving and counting the votes cast, to each of whom shall be administered, by one of the judges, an oath similar to that taken by the judges of election, omitting the statement that affiant is a householder. Any violation of the provisions of this section shall be deemed a misdemeanor, and shall subject the offender, on conviction, to punishment by a fine of not less than fifty dollars, nor more than two hundred dollars, or by imprisonment in the county jail not less than one nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 6. It shall be the duty of the judges of said election to entertain objections made by any qualified elector under said published call or notice to any vote which may be offered, on the ground that the person offering it is not entitled to vote under the terms of said call for said election, or that he is not a citizen of the United States, or a legal resident and voter under the general election laws of the State, in the election precinct, ward, township or district for which the election is held; or that he has received or been promised, directly or indirectly, any money, fee or reward for his vote for any candidate, or that he has voted before at that place, or some other place on that day, or at the same election; and it shall be the duty of one of the judges of the election, if such objection be not withdrawn, to administer to the person so offering to vote an oath or affirmation to the general effect that he will truly testify to all matters relating to his qualifications, under said published call or notice and under the general election laws of the state. It shall then be the duty of the judges to interrogate the person so objected to as to all matters in

When vote may  
be rejected.

particular upon which said objection was made, and generally as to all of his qualifications as an elector at such election. If the person so objected to shall refuse to answer any questions asked, after said oath or affirmation shall have been administered, or shall refuse to take such oath, it shall be the duty of the judges to reject such vote; and they shall also reject such vote unless such person shall file with them a written or printed, or partly written and partly printed, statement, by him signed, that he is a qualified voter of the election district in which such election is held, and entitled to vote at such election; and unless such statement shall be accompanied by a similar statement of some person known to at least one of the judges to be a qualified voter in that district, to the effect that he knows the person so challenged, and that his statement is true, which said last statement must also be subscribed by the party making it. If such statements shall be filed, and such oath be taken, and such questions answered in such a manner as to show that the applicant is qualified to vote at such election, it shall be the duty of the judges of the election to receive such vote, and the word "sworn" shall be noted opposite the person's name on the poll list, to be kept as hereinafter provided. Any violation of the provisions of this section by the judges or clerks of the election, or either of them, shall be deemed a misdemeanor, and upon conviction, shall subject the party so offending to punishment by a fine of not less than one hundred dollars nor more than three hundred dollars, or by imprisonment in the county jail for not less than two nor more than six months, or by both such fine and imprisonment, in the discretion of the court; and any person who shall, upon taking such oath or affirmation, and under the examination herein authorized, wilfully make a false statement as to a matter pertinent and material in such examination, shall be deemed guilty of perjury, and upon conviction thereof, be punished as prescribed by law for such offense.

Penalty for falsifying.

SEC. 7. Whoever fraudulently votes at any primary election, or offers to vote after having once voted at such election, or knowing that he is not a qualified voter at

such election, wilfully votes, or offers to vote, at such election; or (2) wilfully aids or abets any one not qualified to vote at such primary election in voting or attempting to vote at such election; or (3) by offering a reward or bribe, or by treating or giving to him any spirituous, malt or other liquors, either directly or indirectly, influences or attempts to influence any voter in giving or withholding his vote at such election; or (4) furnishes a voter with a ticket or ballot, informing him that it contains a name or names different from those which appear thereon, with intent to induce him to vote contrary to his intention; or (5) fraudulently or deceitfully changes a ballot of a voter with intent to prevent such voter from voting for such person as he intended; or (6) endeavors to prevent the voting of any voter, or the exercise of [un]lawful influence by any person over a voter at any such election, for himself or for or against any person, by means of violence or threats of violence, or threats of withdrawing custom, or dealing in business or trade, or enforcing the payment of a debt, or bringing a suit or criminal prosecution, or any other threat of injury to be inflicted by him or by such means; or (7) by bribery, or by corrupt or unlawful means, prevents, or attempts to prevent, any voter from attending or voting at such election; or (8) gives or offers to give any valuable thing or bribe to any judge or clerk of such election, as a consideration for some act to be done, or omitted to be done, contrary to his duty in relation to such election, or shall interfere with or disturb, in any manner, any election held under the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not less than two nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

Penalty for illegal voting, bribery or fraud.

SEC. 8. Each clerk must keep a list of persons voting, and the name and residence of each person who votes must be entered thereon and numbered in the order of voting.

Poll list.

SEC. 9. The judges must cause one of the clerks to keep a list showing — *First*, the names and residences of

all persons challenged; *second*, the grounds of such challenge; *third*, the determination of the board upon the challenge.

SEC. 10. The following is substantially the form of the poll lists and tally lists to be kept by the clerks of election:

Form.

POLL LIST

Of the primary election held in the — precinct of the — ward of —, in the county of —, on the — day of —, in the year —. A. B., C. D. and E. F., judges, and G. H. and J. K., clerks of said — election, were respectively sworn (or affirmed) as the law directs, previous to their entering on the duties of their respective offices.

Numbers and names of electors voting:

NO.	NAME AND RESIDENCE.		NO.	NAME AND RESIDENCE.	
1	A.	B.	3	E.	F.
2	C.	D.	4	G.	H.

We hereby certify that the number of electors voting at this election is —.

Attest: A. B. }  
C. D. } *Judges of Election.*  
E. F. }  
G. H. }  
J. K. } *Clerks.*

TALLY LIST.

Names of persons voted for and for what position, and number of votes given for each candidate.

We hereby certify that A. B. had — votes for —; and that C. D. had — votes for —; that E. F. had — votes for —, etc.

A. B. }  
C. D. } *Judges of Election.*  
E. F. }  
G. H. }  
J. K. } *Clerks.*

SEC. 11. Any one of the judges or either clerk may administer and certify oaths required to be administered during the progress of an election held under this act.

Ballot-box.

SEC. 12. Before receiving any ballots, the judges must, in the presence of the persons assembled at the polling place, open and exhibit and then close the ballot-box; and thereafter it must not be removed from the polling place, nor the view of the bystanders, until all the ballots are counted, nor must it be opened until after the polls are finally closed.

Opening polls.

SEC. 13. Before the judges receive any ballots they must cause it to be proclaimed aloud, at the place of elec-

tion, that the polls are open. All ballots cast shall contain the full name or initial of the candidate voted for.

SEC. 14. Fifteen minutes before the time when the polls are to be closed, that fact must be proclaimed aloud at the place of election; and after the polls are closed no ballots must be received. Closing.

SEC. 15. As soon as the polls are finally closed the judges must immediately proceed to canvass the votes given at such election. The canvass must be public, in the presence of the bystanders, and must be continued without adjournment until completed and the result thereof is declared; and must also be conducted at the polling place where the election is held; where, also, the result as to each candidate voted for must be, immediately on the completion of such canvass, publicly proclaimed by one of the judges, in a loud voice, and such proclamation shall be *prima facie* evidence of the result. Canvassing ballots.

SEC. 16. In conducting the canvass the judges shall first count the whole number of ballots in the box, and if the number of such ballots shall be found to exceed the number of names entered on the polling lists, they shall reject so many thereof, without opening the same or examining or looking at the names thereon, as may be necessary to make the number of ballots correspond to the number of names entered on the polling lists. Counting ballots.

SEC. 17. The number of ballots agreeing, or being thus made to agree, with the number of names on the list, the lists must be signed by the judges of election and attested by the clerks, and the number of names thereon must be set down in words and figures at the foot of each list, and over the signatures of the judges and the attestation of the clerks, substantially in the form prescribed in section ten. Verifying number.

SEC. 18. After the lists are thus signed the judges must proceed to count and ascertain the number of votes cast for each person voted for. The ballots must be taken out and opened by one of the judges, and by him distinctly read aloud, and inspected by the other two judges. Counting.

SEC. 19. Each clerk must write down each office or position to be filled, and the name of each person voted Tallying.

for to fill such office, and keep the number of votes for each person for each office by tallies as they are read aloud.

Verified tally lists.

SEC. 20. As soon as all the votes are counted there must be attached to the tally lists, lists containing the names of persons voted for and for what office, and the number of votes given for each candidate, the number being written at full length, and such lists must be signed by the judges and attested by the clerks substantially in the form in section ten given.

Duty of judges.

SEC. 21. After counting the votes, proclaiming the result, and signing the lists as above provided, the judges must cause the statements provided for in section six, the ballots and one copy of the lists, to be delivered to the clerk signing the notice of election, and one of the judges must retain the other lists for twenty days after the election, and such statements, ballots and lists returned to the said clerk shall be by him, after the expiration of twenty days, delivered to the county clerk of the county in which such election was held, and by that officer kept with the books and papers of his office, open like other public records to public inspection, for the space of three months, at the end of which time, if no legal proceedings have been instituted in which such lists, ballots or statements may be useful as evidence, said county clerk may then destroy the same.

Certificates of election.

SEC. 22. The board of election must issue certificates of election to all persons who are chosen to fill any position by the vote of their election district.

SEC. 23. It shall be unlawful for any person to vote at any primary election, or at any election to select delegates to any convention, called either for the purpose of nominating a candidate or candidates for any elective office, or for the purpose of selecting other delegates to such convention, unless such person so voting, or offering to vote, has the qualifications of an elector in the district embraced within the call for said primary election, at a general or special election, held under and in conformity with the general election laws of this state.

Penalty for illegal voting.

SEC. 24. Any person violating the provisions of the foregoing section shall, on conviction thereof, be fined in

any sum not less than one hundred nor more than five hundred dollars, or imprisoned in the county jail not less than two nor more than six months, or both, in the discretion of the court.

SEC. 25. Any person who shall be convicted of the violation of any of the provisions of this act for which no punishment is herein especially provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars nor more than two hundred dollars, or imprisoned in the county jail not less than one month nor more than six months, or punished by both such fine and imprisonment, in the discretion of the court.

General penalty.

SEC. 26. There is no law in this state to authorize and regulate primary elections, and as it is desirable that such law be made operative prior to the elections soon to occur in several cities and towns in this state, an emergency exists; therefore, this act shall take effect and be in force from and after its approval by the governor.

Approved March 27, 1890.

## CHAPTER XIV.—LAND LAWS.

### GRANTING CERTAIN LANDS TO THE UNITED STATES.

AN ACT granting to the United States, for public purposes, the use of certain tide-lands belonging to the State of Washington.

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

SECTION 1. That the use of any tide-lands belonging to the State of Washington, and adjoining and bordering on any tract, piece or parcel of land held or reserved by the government of the United States for the purpose of erecting and maintaining thereon forts, magazines, arsenals, dock yards and other needful buildings, be and the same is hereby granted to the United States so long as the upland adjoining such tide-lands shall continue to be held by the government of the United States for any of the public purposes above mentioned: *Provided*, That this grant shall not extend to or include any lands covered by more than four fathoms of water at ordinary low tide: *And provided further*, That whenever the government of the United States shall cease to hold for public purposes any such tract, piece or parcel of land, the use of the tide-lands bordering thereon shall revert to the State of Washington.

Approved March 20, 1890.

GRANT OF LANDS FOR AGRICULTURAL COLLEGE; ACCEPTANCE OF.

AN ACT to assent to the provisions of an act of Congress approved July second, *anno domini* eighteen hundred and sixty-two, and of the acts supplementary thereto, to create a permanent fund, and to assent to the provisions of an act of Congress approved March second, *anno domini* eighteen hundred and eighty-seven, and to declare an emergency.

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

SECTION 1. That the assent of the legislature of the State of Washington is hereby given to carry out all and singular the provisions contained in an act of congress approved July second, *anno domini* eighteen hundred and sixty-two, and entitled An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts, and in the acts supplementary thereto, and the governor of the State of Washington is hereby authorized and instructed to give due notice thereof to the government of the United States.

SEC. 2. That all moneys derived by virtue of said acts of congress from the sale of lands, and of land scrip, shall be immediately deposited with the treasurer of the State of Washington, who shall invest and hold the same in accordance with the provisions of the fourth section of the aforementioned act of congress approved July second, *anno domini* eighteen hundred and sixty-two, and the moneys so invested shall constitute a permanent and irreducible fund, to be entitled ["The fund for the promotion of instruction in agriculture and the mechanic arts,"] and the income derived from said fund shall be expended under the direction of the commission of technical instruction.

Disposition of funds.

SEC. 3. That the assent of the legislature of the State of Washington is hereby given in pursuance of the requirements of section nine of an act of congress approved March second, *anno domini* eighteen hundred and eighty-seven, and entitled ["An act to establish agricul-

Agricultural experiment stations.

tural experiment stations in connection with the colleges established in the several states under the provisions of an act approved July second, eighteen hundred and sixty-two, and of the acts supplementary thereto, to the purposes of the grants authorized by said act of congress, approved March second, *anno domini* eighteen hundred and eighty-seven,["] and assent is hereby given to carry out all and singular the provisions of said act of congress; and the governor of the State of Washington is hereby authorized and instructed to give due notice thereof to the government of the United States.

Duty of state  
treasurer.

SEC. 4. The treasurer of the State of Washington is hereby authorized to receive all the moneys to which the State of Washington may become entitled under the provisions of said act of congress, approved March second, *anno domini* eighteen hundred and eighty-seven, and moneys so received by the said treasurer shall be applied under the direction of the commission of technical instruction to the uses and purposes of the agricultural experiment station established in connection with the department of agriculture of the Washington Agricultural College and State School of Science.

SEC. 5. Whereas, an emergency exists and is of importance to the State of Washington that the assent of the legislature of said state to the provisions of the acts of congress hereinbefore referred to be forthwith notified to the government of the United States, in order that appropriations heretofore made by the congress of the United States be received and the same be disbursed. This act shall take effect and be in force from and after its approval by the governor.

Approved March 28, 1890.

TIDE AND SHORE-LANDS ; APPRAISEMENT  
AND DISPOSAL OF.

AN ACT for the appraising and disposing of the tide and shore-lands  
belonging to the State of Washington.

*Be it enacted by the Legislature of the State of Washing-  
ton :*

SECTION 1. The tide and shore-lands in the State of Appraisal and  
sale. Washington shall be appraised, and the same shall be dis-  
posed of by the commissioner of public lands as in this  
act provided, which are not by the constitution and laws of  
the state reserved from sale.

SEC. 2. There shall be a board of equalization, which Board of  
equalization. shall be composed of five members, as follows: The secre-  
tary of state, the state auditor, and three qualified electors,  
residents of counties of this state in which no tide-lands  
exist, who shall be appointed by the governor, and the  
same are hereby created a board of equalization and appeal  
as hereinafter provided, who shall serve for one year, or  
until their successors are appointed and qualified.

SEC. 3. The governor shall appoint, in each county of Local apprais-  
ers. the state where shore and tide-lands exist, a board of ap-  
praisers consisting of three disinterested resident free-  
holders, whose duty it shall be to examine and appraise  
the shore and tide-lands in their respective counties, as  
hereinafter provided.

SEC. 4. For the purpose of survey and appraisal, the tide-  
lands of the State of Washington are hereby divided into Tide-lands  
classified. three classes. The first class shall embrace all tide-lands  
situated within or in front of the corporate limits of any  
city, or within two miles thereof upon either side. The  
second class shall embrace all tide-lands situated at a  
greater distance than two miles from either side of an in-  
corporated city or town, and upon which are located valu-  
able improvements. The third class shall embrace all other  
tide-lands. Tide-lands of the first class shall be surveyed  
and appraised as rapidly as practicable, and the state  
board of equalization shall order such lands surveyed, as  
hereinafter provided. Tide-lands of the second class

shall be surveyed and appraised only upon the application of the person or corporation having thereon valuable improvements. Such application to be made in writing to the state board of equalization. Tide-lands of the third class shall only be surveyed and appraised when the person or corporation desiring to purchase the same shall have deposited with the state treasurer the estimated amount of the cost of surveying, platting and appraising the same. Such estimate shall be furnished by the commissioner of public lands upon the application of any person or corporation; any such person or corporation depositing such amount of estimated cost of survey with the state treasurer shall receive therefor a certificate to be known as a "tide-land survey certificate," and such certificate shall be received by the state treasurer on the purchase price of the tract upon which it is issued the same as cash. All unsurveyed tide-lands shall be subject to survey under the following conditions, to-wit: When any person or corporation shall desire the survey of any tract of tide-lands, he or they may call upon the state board for an estimate of the cost of surveying and platting said tract, together with a reasonable estimate for office expenses, and said state board shall at once furnish such estimate. If upon the receipt of such estimate by such person or corporation he or they shall deposit with the state treasurer the amount of such estimate, together with a request for such survey, it shall then be the duty of said state board to have said tract surveyed, platted and appraised, and the party applying for such survey shall be entitled to receive credit for the amount of such deposit in case he or they shall purchase such tract; but in case he or they shall fail to purchase said tract, then such deposit shall be forfeited to the State of Washington and shall be placed in the tide-land fund.

Applicant must deposit cost of survey and plat.

Certificates.

Duty of state board.

Deposit; when forfeited.

Organization of local boards.

SEC. 5. Said board of appraisers shall meet at the county seat of their respective counties within thirty days after the location of the harbor lines in front of incorporated cities and towns, and, after taking an oath to support the constitution and the laws of Washington, and faithfully and impartially discharge their duties, shall organize by

electing one of their number chairman and appointing a secretary. After the organization of the board as provided, they shall, within ninety days thereafter, examine, survey and appraise so much of the shore and tide-lands in their respective counties as lies within or in front of the corporate limits of any incorporated city or town, and within two miles thereof, upon either side, and thereafter, from time to time, such other lands as application to purchase may render necessary, classifying the same and fixing the valuation of each lot, block or tract separately, noting the improvements thereon and by whom claimed, and excluding the improvements from such valuation.

SEC. 6. Said board shall prepare plats showing all shore and tide-lands surveyed and appraised by them in their respective counties, on which shall be marked the location of all such lands, extending the lines of United States survey over the same, and shall prepare and keep in a well bound book a record of their proceedings, including a list of said shore and tide-lands and their appraisal of the same, which plat and book shall be in duplicate.

Plats of shore and tide lands.

SEC. 7. When said board shall have discharged their duties as aforesaid, they shall deposit one copy of the plat and record as aforesaid with the county auditor in their respective counties, who shall file and safely keep the same in his office, and they shall deliver one copy of the plat and record to the state board of equalization.

Disposition of plats.

SEC. 8. Any person, association or corporation entitled to purchase or hold real estate in the State of Washington, who shall desire to purchase under this act, may file with the commissioner of public lands an application to purchase any of the lands herein described, which application shall contain a description of the land applied for by metes and bounds. The commissioner of public lands shall furnish the state board of equalization and appeal with a true copy of said application. Upon receipt of said application the commissioner of public lands shall, at the expense of the applicant, publish for three weeks, in any newspaper printed in the county in which the land is situated, a notice of such application to purchase, with a description thereof. If, at the expiration of thirty (30) days, no notice of con-

Applications to purchase.

Form of.

test is filed with the said state board of equalization and appeal, said appraisement shall stand confirmed and be the price at which said land shall be sold, as hereinafter provided.

Contest.

SEC. 9. Any person may contest any application for purchase or appraisal by filing notice of said contest with the board of equalization and appeal, and also serving a copy of said contest upon the applicant for purchase, or

Duty of board.

his agent or attorney, whereupon it shall be the duty of said board of equalization and appeal to fix a time and place to hear and determine said contest, whose decision shall be final, except as hereinafter provided: *Provided, however,* That either party dissenting from the decision of said board of equalization and appeal on questions of law,

Appeal.

fact or priority of right to purchase, may appeal to the superior court of the county in which said lands are situated, within ten (10) days after said hearing, which appeal shall bring before the court the question whether the appraisal represents the actual value of the land; and the matter shall be submitted to a jury and tried as other appealed cases are tried, and the jury shall re-appraise the lands with right to appeal, as in other cases: *And be it further provided,* That upon the application of three freeholders, residents of the county wherein the said lands are situated, it shall be the duty of the prosecuting attorney of said county to take an appeal from the decision of said board of equalization to the superior court of such county, and conduct the trial of the same. In case the judgment rendered on such appeal should not be in excess of the appraised value of said lands, the cost of the appeal shall be taxed against the said appellants.

Duty of prosecuting attorney.

Certificate of findings.

SEC. 10. Where no appeal is taken the board of equalization and appeal shall certify to the commissioner of public lands their findings, upon receipt of which said commissioner shall deliver a certificate of purchase to parties entitled thereto: *Provided,* Where an appeal has been taken, upon the determination of the case the clerk of the court shall certify the proceedings to the commissioner of public lands, who shall issue a certificate of purchase to

the person or persons entitled to purchase according to the decree of said court.

SEC. 11. The owner or owners of any lands abutting, or Abutting owners. fronting upon, or bounded by the shore of the Pacific ocean, or of any bay, harbor, sound, inlet, lake or water-course shall have the right for sixty (60) days following the filing of the final appraisal of the tide-lands to purchase all or any part of the tide-lands in front of the lands so owned: *Provided*, That if valuable improvements in Rights of owners of valuable improvements. actual use for commerce, trade or business have been made upon said tide-lands by any person, association or corporation, the owner or owners of such improvements shall have the exclusive right to purchase the land so improved for the period aforesaid: *Provided further*, That Oyster beds. the occupant who has, prior to the passage of this act, planted oysters in any bay or arm of the sea upon ground not covered with natural oysters, or who has, prior to the passage of this act, acquired by purchase the rights of any other person or corporation to such occupancy, the same being not within, or in front of, the limits of any incorporated city or town, or within two miles on each side thereof, shall have the exclusive right to purchase the land so occupied for the period aforesaid, to an extent not exceeding eighty (80) acres: *Provided*, That nothing in this act shall be so construed to apply to any improvements made after the passage of this act.

SEC. 12. When the abutting upland owner has attempted Purchasers of upland owner rights. to convey by deed to a *bona fide* purchaser, any portion of the tide-lands in front of such uplands, or littoral rights therein, such right of purchase herein given to the upland owner shall be construed to belong to such purchaser, or to any person, association or corporation claiming by, through or under such purchaser, to the extent of the tract or rights so conveyed.

SEC. 13. In case the persons mentioned in sections eleven Default. and twelve of this act do not, within the time limited, exercise the right to purchase herein given, then said lands shall be open to the public for sale as herein provided. The commissioner of public lands may sell the surveyed and platted tide-lands remaining unsold, upon the follow-

General conditions of sale.

ing terms and conditions, to-wit: He shall advertise in some newspaper of general circulation, published in the county in which said lands are located, a notice that he will on a day named, and not less than thirty days after the first publication of said notice, receive sealed bids for each parcel or lot of said land. Said notice shall contain a description of each lot, block or parcel of land to be sold, together with the number thereof on the plat of such tide-lands, and the terms of sale. Each subdivision of said land as surveyed and platted shall be sold separately. Each bidder shall be required to deposit with his bid a sum of money or certified check on some bank in this state equal in amount to the first payment to be made on said land, according to his bid. Within five days after receiving said sealed bids as aforesaid, the said commissioner of public lands shall open the said sealed bids in the presence of the board of equalization, and the bid of the person offering the highest price for each lot or parcel of said land shall be accepted and a certificate of sale issued to the successful bidder, and the money deposited by such person be retained and applied to the first payment on the land so sold, and the money or checks deposited by persons whose bids are rejected shall be forthwith returned to them: *Provided*, That no bid shall be accepted which does not equal or exceed the appraised value of the land bid for: *And provided further*, That the said board of equalization shall have the right to reject any or all bids when there has been fraud or collusion by or among the bidders.

Opening bids.

Bid must equal appraised value.

Terms of payment.

SEC. 14. Any person entitled to purchase such tide-lands, upon paying the commissioner of public lands, within the time prescribed by this act, one-tenth of the appraisal value, and executing his nine promissory notes of equal amounts for the remaining nine-tenths, bearing interest at six per cent. per annum, payable annually, one of such notes payable in one year, one payable in two years, one payable in three years, one payable in four years, one payable in five years, one payable in six years, one payable in seven years, one payable in eight years, one payable in nine years from the date of such purchase, shall be entitled to receive from the commissioner of pub-

lic lands a certificate that he has purchased the land therein described. After all payments have been made in full, or by notes as above provided, the said land commissioner shall pay over said moneys, together with said notes, to the state treasurer, taking his receipt therefor. Said moneys shall be placed to the credit of a fund designated Tide-land fund. and known as the tide-land fund. Upon the payment of said purchase price in full, the said treasurer shall execute and issue to said purchaser a certificate of purchase for the land described in the certificate from the commissioner of public lands, entitling said purchaser to a deed. Said deed shall be executed by the governor, attested by the secretary of state, with the seal of the state thereto affixed. Deeds; how executed. The purchaser shall be entitled to pay the whole or any part of said purchase price at any time prior to the maturity of said notes, and interest upon the amount so paid shall then cease.

SEC. 15. All officers appointed by the governor under the provisions of this act shall receive as compensation Compensation. the sum of five (\$5) dollars per day while actually engaged in the duties herein prescribed, together with the mileage at the rate of ten cents per mile. The secretary of said boards shall receive as compensation the same per diem and mileage as members of the board. All expenses incurred in carrying out the provisions of this act relating to the boards of appraisers shall be certified to by the chairman to the auditor of the state, who is hereby authorized to draw his warrant in favor of the persons named in said certificate on the state treasurer, who shall pay the same out of any money to the credit of the tide-land fund not otherwise appropriated.

Approved March 26, 1890.

## SCHOOL LANDS; SALE AND LEASE.

AN ACT to provide for the sale and leasing of school lands, and declaring an emergency.

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

Personnel of  
commission.

SECTION 1. The secretary of state, auditor and commissioner of public lands are hereby created a commission, to be styled "The State School Land Commission." The commissioner of public lands shall be *ex-officio* president of said commission, and the records of the proceedings of said commission shall be kept in the office of said commissioner of public lands.

Powers.

SEC. 2. The said commission shall have general supervision and control of the sale of all lands which have been and hereafter may be granted to the state for the support of common schools, and may make all necessary rules and regulations concerning the same not inconsistent with law; and said commission shall obtain from the surveyor general plats of all the townships in the state, and shall obtain from the United States land office statements showing the sixteenth and thirty-sixth sections belonging to the state.

Duty of county  
commissioners.

SEC. 3. It is hereby made the duty of the county commissioners of each county in the state, as soon as may be practicable after this act becomes a law, to personally inspect each and every section of land (or so much thereof as may be sold or leased within five years) in their respective counties, granted to the state for the support of the common schools, to note the character of the same, whether chiefly valuable for timber, stone, mineral, agricultural purposes, or as grazing land, and any other fact or facts necessary to an understanding of its character and value, and prospective value, and whether the same be wholly or partially (and if partially, to what extent) in, or within two miles of the corporate limits of any incorporated city, town or village, and also to appraise, according to their best judgment, each quarter section of such land at its true and full market value.

SEC. 4. Immediately after performing said duty, the said

county commissioners shall prepare in duplicate a report of their proceedings, which shall show in detail the facts which they are required by the preceding section to acquaint themselves with and to note, one copy of which shall be filed by them in the office of the county auditor of their respective counties, and the other copy of which shall be forwarded by them to the president of the state school land commission. It shall also be the duty of the said county commissioners to immediately give notice by advertisement for thirty days in at least three newspapers in their county, if there be that number, and if not, then in so many newspapers as there may be in their county, that they have performed said duty, and that their report is on file in the office of the county auditor, and subject to the inspection of any person desiring to inspect the same. If there be no newspaper in their county, then such notice shall be posted conspicuously in some public place in each election precinct in their said county for at least thirty days.

Report of commissioners.

Publication of notice.

.SEC. 5. So soon as may be practicable after the expiration of sixty days from the reception of the reports of the county commissioners of the several counties, the said state land commission shall determine what, if any, of said school lands shall be sold prior to January first, eighteen hundred and ninety-five, taking care that no more than one-fourth in quantity of said lands shall be sold, or listed for sale, prior to said date: *Provided*, That each county shall have, if desired, one-fourth of the school lands in such county offered for sale prior to January 1, 1895, and not more than one hundred and sixty acres shall be offered for sale in one parcel: *And provided further*, When ten or more electors, being heads of families, living in the vicinity of any school land shall petition to the board of county commissioners to subdivide said land into lots of not less than two acres, it shall be the duty of said board to examine said land and hear evidence as to the advisability of subdividing the same; if in their opinion the value of the land will be enhanced by such subdivision, they may divide said land and offer the same for sale as hereinbefore provided: *And provided further*, That where said land is in or within two miles of the corporate limits

Duty of state land commissioners.

Subdivision of lands.

- of any incorporated city, town or village, where the valuation of such lands shall be found by appraisement to exceed \$100 per acre, be platted into lots and blocks of not more than five acres in one block, said plat to conform as nearly as is practicable to the part of the city, town or village to which it may become a part, and that not more than one block shall be offered for sale in one parcel. The said state school land commission may confirm or reject the appraisement of the board of county commissioners from any county, in whole or in part, or may itself appraise the said lands, and for this purpose may (at the expense of the state) visit and inspect any parcel of land lying within two miles of any incorporated city, town or village about which it has not sufficient information to act intelligently.
- Platting.**
- Powers of state board.**
- Appraisal, stone and timber.**
- Improvements, damages and waste.**
- Rights of owner of improvements.**
- Rights of occupant.**
- SEC. 6. The said state school land commission may also appraise the value of any stone or timber on or within any of the said lands separate and apart from the land itself, and may cause said stone or timber to be sold at any time in the manner hereinafter provided.
- SEC. 7. The appraisers shall also appraise all improvements found upon school lands, and shall also appraise all damages and waste to the premises by cutting timber, or the removal of timber, stone or other materials from the premises by the person claiming the improvements, or by his consent, and the balance, after deducting damages and waste, appraised as aforesaid, shall be set down as the value of the improvements upon the lands so appraised: *Provided*, That this section shall not be construed to affect the right of the state to the value of such lands appraised: *Provided further*, If the purchaser be not the owner of the improvements, he shall pay to the said owner in cash the appraised value thereof at the time of sale, within thirty days from the day of sale.
- SEC. 8. Whenever the appraisers shall find any portion of the school lands under cultivation and in actual occupancy of any person or persons, they shall demand of such person or persons a statement in writing, under his or their hands, setting forth what portions of such lands in legal subdivisions, containing no more than one hundred and sixty acres nor less than five acres, he or they are oc-

cupying, and are desirous of continuing to occupy, which shall embrace all lands upon which such occupant has made improvements: *Provided*, The same does not exceed 160 acres, and if it is his only home, the said occupant shall, upon complying with the provisions of this act, be entitled to retain the possession and occupancy of such lands until the time of its being offered for sale or lease as provided in this act, upon such terms as the board may prescribe. The appraisers shall file such written statement in the office of the auditor of the proper county, and all persons are hereby prohibited from taking possession of or entering upon, for the purpose of settlement or use, any school lands belonging to this state, except as a purchaser or lessee, or as above provided in this section, under a penalty of three hundred dollars, and every person entering upon school lands or occupying the same unlawfully shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine not exceeding three hundred dollars nor less than one hundred dollars: *Provided*, This section shall not apply to any land within two miles of any incorporated city, town or village.

Unlawful  
occupancy.

Penalty.

SEC. 9. As soon as practicable after the performance of the duties prescribed by section three of this act, the state school land commission shall certify to the board of county commissioners of the several counties, under the hand of its president, the several parcels of school land in their counties which it has been determined may be sold, describing the same, and whether in any incorporated city, town or village, or within two miles of the limits thereof, and giving the appraisement thereof fixed by the board. It shall thereupon be the duty of the board of county commissioners to fix a day in their several counties on which will be sold all such lands as may be sold in parcels of more than five acres, and the said boards of county commissioners shall give notice by advertisement published once a week for six weeks in at least one newspaper in such county in which a newspaper is printed, of the time, place and terms of the sale, and in a newspaper having a general circulation in such county, and describing with particularity the several parcels of land to be sold and the

Duty of state  
commission.

Duty of county  
commissioners.

Advertising  
sale.

Auction.

appraised value thereof. In counties in which no newspaper is published, such notice shall be posted as provided in section four of this act. Such sale shall take place on the day advertised, in front of the court-house, or of the building in which court is held in counties where there be no court-house, and shall be at public auction and to the highest bidder: *Provided*, That no land shall be sold for less than the appraised value.

Appraisal and sale of stone or timber separate.

SEC. 10. At the time of making the inspection provided for in section three of this act, the board of county commissioners shall note those sections, or subdivisions of sections, on which there is a valuable growth of timber, or on which there are valuable deposits of stone or mineral, which might be advantageously sold separate and apart from the land, and shall appraise the value of such stone or mineral and timber, and report the same to the school land commission, along with the report provided to be made by section four of this act, and the said commission shall have power to determine that said stone or mineral or timber, or any part thereof, in such subdivisions as they may determine shall be sold, and the like proceedings shall be had for the sale of said stone or mineral and timber, and the appraisal of the value of the same, as for the sale of lands ordered sold.

Within corporate limits of a city.

SEC. 11. Whenever any school land, which is within the incorporated limits of any city, town or village, or within two miles thereof, and which is of the appraised value of more than one hundred dollars per acre, is ordered sold, it shall be the duty of the board of county commissioners of the county in which said land is situated to cause the same to be platted into lots, blocks, streets and alleys of convenient size, the blocks not to exceed five acres in size, and to appraise said lots and blocks at their true and full market value: *Provided*, That all school lands lying within or adjoining the limits of any incorporated city, town or village shall be so platted as to conform to the plat of such city, town or village, or additions adjacent thereto, and such plat shall be approved by the city, town or village authorities before the same shall be recorded. The said plat shall be submitted to the state school land

Platting and sale of land.

commission; and said commission shall have power to direct such changes therein as in its judgment may be expedient, and shall exercise the same supervisory power over the appraisement of the lots and blocks as over other lands, and shall direct whether the said lands shall be sold in lots or blocks. And thereafter the same procedure shall be had for the sale of such lots or blocks as is required for the sale of other lands: *Provided*, That the sale shall take place in the city, town or village in which, or near which, the land is situated; and if it be not the county seat of the county, at a public place therein, to be specified in the advertisement: *Provided further*, That the advertisement shall be made as provided in section four of this act.

SEC. 12. All lands suitable for agricultural or grazing Terms for agricultural lands. purposes shall be sold on the following terms: One-tenth cash at the time of sale, and one-tenth annually thereafter until the whole is paid. Lands platted into lots or blocks shall be sold on the following terms: One-fifth cash at the time of sale, and one-tenth of the balance annually thereafter until the whole is paid: *Provided*, That any purchaser of any of the school lands may make full payment at any time. All deferred payments shall draw interest at the rate of six per cent. per annum, payable annually. All timber growing on school lands shall be sold for cash to Sale of timber. the highest bidder, in lots not exceeding one hundred and sixty acres, if, in the judgment of the county commissioners, it is for the interest of the school fund to sell the timber separate from the land, but before such sale shall be made, it shall be the duty of the county commissioners of each county to cause each parcel of school lands in their county to be examined in tracts of forty acres or less by a competent person, to ascertain the approximate amount of timber on each tract or parcel. Such person shall be a competent "cruiser," capable of judging quality and quantity of timber. Cruiser. Before entering upon the discharge of his duties the said "cruiser" shall take and subscribe the following oath, to-wit:

"I, ———, do solemnly swear that I will faithfully discharge Form of oath. the duties of cruiser of timbered school lands within the county of

———. That to the best of my knowledge and ability, I will carefully and industriously examine each tract or parcel of school lands as directed, and make an honest, fair and impartial estimate of the value and quality of timber thereon. That I am not now, nor will I become interested, either directly or indirectly, in the sale or purchase of said lands within said county. That I will not give any aid or information to any person or persons whereby to influence the sale or price of said lands, or the amount of timber on said lands, but that I will faithfully guard the interests of the county and state, and faithfully and truly report every material fact connected with such lands necessary to the information of the board of county commissioners of the situation, value, character and quantity of said timber. So help me God. ————.”

Bond.

And such “cruiser” shall give bonds in the sum of five thousand dollars for the faithful discharge of his duties, and shall receive five dollars per day for each day necessarily engaged in the discharge of his duties. All purchasers of the timber growing on school lands shall have power to enter upon said lands and remove the timber therefrom, such removal to be completed within a period of five years from the date of purchase, at the discretion of the county commissioners, and if not removed within five years or less, then all timber sold under the provisions of this act and not removed shall revert to the state for the use and benefit of the common schools, and may be again sold, as provided for the original sale: *Provided*, That the timber upon school lands lying in or adjoining any incorporated city, town or village, when sold shall be removed within one year from the date of such purchase: *Provided further*, That no timber shall be sold from any school land by a purchaser of any tract until the whole purchase price of such tract shall have been paid therefor.

Limit for removing timber.

Disposition of moneys.

SEC. 13. Moneys derived from the sale of school lands shall be conveyed into the state treasury under such rules and regulations as shall be prescribed by the said state school land commission, and public officers into whose hands such moneys shall come shall be liable to the state for the same on their official bonds, as in the case of other public moneys. Officers appointed to handle such moneys in the several counties, under the rules and regulations prescribed by said commission may, in the discretion of said commission, be required to give additional bond for the safe keeping and delivery to the state treasurer of

such moneys. The said commission shall also prescribe the compensation to which said officers shall be entitled for receiving and paying over such moneys.

SEC. 14. The said county commissioners, as soon as practicable after any sale of school lands, shall report the same to the president of the state school land commission, together with such information touching the same as the said commission shall have prescribed, and at the end of thirty days from the date of the reception of such report, if the said commission have no reason to believe that said sale was brought about by fraud or collusion, it shall confirm the sale, and upon such evidence as may have been prescribed by said commission of the payment of the money due thereon, shall certify the same under the hand of the president of the board to the governor, who shall thereupon patent the land to the purchaser. Patents shall be signed by the governor, and shall be attested by the secretary of state, with the seal of the state attached. If the said commission shall have reason to believe that any sale of school lands was brought about or influenced by fraud or collusion on the part of the board of county commissioners, or by collusion between "cruisers" and bidders, to depreciate the price of said lands, or if the same shall be charged on the affidavit of any resident, it shall be the duty of said commissioners to investigate the same, and if satisfied of the truth of said charge, to vacate said sale and to order a re-sale of said land. Such re-sale shall take place upon advertisement, as in the case of the original sale.

County commissioners must report.

Confirmation of sales.

Patents.

In case of fraud or collusion.

SEC. 15. The time for making the payments provided for in this act may be extended for one year by the state school land commission on a satisfactory showing being made to the commission, but no extension shall be granted for the payment of such principal unless the interest on the whole sum unpaid for the preceding year be paid. The purchaser of land under the provisions of this act shall enter into a contract with the state (in form to be prescribed by the state school land commission) that he will make the payment of principal and interest when due, and that he will pay all taxes or assessments that may be levied

Extension of time for payments.

or assessed on such land, and that on a failure to make the payments prescribed by this act, when due, and for six months thereafter, that he will surrender the said premises, and the said contract shall be declared forfeited and canceled by the state land commission, and the state shall then be released from all obligations to convey the said land. When the payments provided for in this act shall have been made in full, the state school land commission shall cause the proper deed or patent to be made to the purchaser, but in no case shall final patent or deed be issued until all the purchase money has been paid for such land. The contract provided for by this act shall be executed in duplicate, and one copy shall be retained by the purchaser and the other shall be filed in the office of the commissioner of public lands. All contracts provided for in this act shall be signed by the purchaser, and also by the commissioner of public lands on the part of the state land commission, and shall be attested by two disinterested witnesses.

When conveyed.

Duplicate contracts.

Re-advertising and sale.

SEC. 16. If any land offered for sale by order of the state school land commission be not bid off at the sale held thereunder, the same may be again advertised for sale whenever, in the opinion of the board of county commissioners, it shall be expedient to do so, and such land shall be again advertised for sale, as provided in section four of this act, whenever any person shall apply to the county commissioners in writing to do so, and shall agree to bid the appraised price therefor, and shall deposit with said application a sufficient sum of money to pay the cost of advertising.

Lease of lands.

SEC. 17. The county commissioners of the several counties shall have the same power to lease school lands not ordered sold by the state school land commission prior to January 1st, 1895, that they have heretofore had under the laws of the territory: *Provided*, That no lease shall be so drawn as to interfere with the sale of lands ordered by the state school land commission to be sold: *Provided further*, That all leases shall be made to the highest bidder. Immediately after any regular session of the board of county commissioners the clerk of the board shall certify

Leases to highest bidder.

to the commissioner of public lands a statement of all lands that have been leased by the board at that session of the board, and all money paid for rental of school lands shall be forwarded to the commissioner of public lands and by him paid into the state treasury.

SEC. 18. The board of county commissioners, when engaged in inspecting and appraising school lands agreeably to the provisions of this act, and when engaged in performing other duties under this act, at times other than during their regular or special sessions, shall receive the same per diem as they are entitled to by law to receive when in session, and in addition thereto, shall receive their actual and necessary traveling expenses, and such expenses and all other expenses incurred by any county under the provisions of this act shall be certified by the clerk of the board of county commissioners to the state auditor, who shall draw his warrants on the state treasury for the payment of such expenses, and such warrants shall be paid out of the same funds that other expenses of the management of school lands are paid from.

Compensation  
of county com-  
missioners.

SEC. 19. The county auditor of each county shall be the clerk of the board of county commissioners for the purposes of this act, and an accurate record of all proceedings taken by the said board in pursuance of this act shall be kept in the office of the auditor.

Records of  
proceedings.

SEC. 20. The commissioner of public lands shall, under the direction of the state land commission, cause suitable abstracts to be made of all the lands owned by the state for educational purposes, and entered in suitable and well bound books. Such abstracts shall show, in proper columns and pages, the section or part of section, township and range in which each tract is situated, whether timber or prairie, improved or unimproved, the appraised value per acre, the value of improvements, and the value of damages, and the total value, the date of sale, date of lease, name of purchaser, name of lessee, price per acre, amount of lease per acre, amount of cash paid, amount unpaid and when due, amount of annual interest, and such other columns as may be necessary to show a full and complete abstract of the condition of each tract or parcel

Abstracts.

Form of.

of land from the time title was acquired by the state until final payment by the purchasers and the issuance of a patent by the state for the land.

Investment of funds.

SEC. 21. Whenever there shall be in the state school fund, applicable to investment, the sum of five thousand (5,000) dollars or more, the state school land commission may invest the said amount in the bonds of the several counties of this state, in accordance with the provisions of this act.

Right-of-way.

SEC. 22. Any person, firm or corporation engaged in the business of logging shall have a right-of-way over said school land for the purpose of hauling or removing timber from lands contiguous thereto.

SEC. 23. Whereas, an act is necessary to regulate the future sale and leasing of school lands, an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Approved March 28, 1890.

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## SCHOOL LANDS; FOR THE RELIEF OF PURCHASERS OF.

AN ACT for the relief of *bona fide* purchasers of school or university lands heretofore sold under the authority of laws enacted by the Territory of Washington, and declaring an emergency.

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

SECTION 1. All persons who have purchased school and university lands from the commissioners of any county, county school superintendent or other agent of the county, or the university commissioners of the Territory of Washington, acting under the authority of any law passed by the Territory of Washington, where the full purchase price for such land has been paid in good faith to such county

or university commissioners, or other authorized agent, may secure title thereto as hereinafter provided.

SEC. 2 That any person, or his executors, administrators, heirs, assignee or successor in interest, being the legal and *bona fide* holder and owner, assignee or legal representative of the person to whom has been made a conveyance of such school or university land, which conveyance has been executed by the county commissioners or county school superintendent of any county, or the university commissioners of the said Territory of Washington, or an authorized commissioner or regent of the university of said territory, or by any other officer, commissioner or agent acting under authority conferred by any law of the said Territory of Washington, where the grantee named in such conveyance has paid the full purchase price for said land, and for any reason such grantee has not been vested with a title thereto, such purchaser, his assignee or legal representative shall have a right of action against the State of Washington, in the superior court of the county in which the land is situated, to secure a confirmation of title to the land described in said deed, or to a specific performance of the conditions of the deed or instrument, and the court in its decree may order a deed to be executed by the commissioner of public lands of the State of Washington confirming to the grantee, or assignee, or legal representative the tract described in such conveyance, or intended to have been granted thereby.

Conditions of  
action to con-  
firm title.

SEC. 3. Any person having or claiming any right or interest in any land which shall be the subject of said action, shall be made a party to said suit, and such right or interest of said claimant, whether legal or equitable, shall be tried and determined by said court, and the decree of the court shall have full power to adjudge and settle the respective rights of the claiming parties.

Parties to suit.

SEC. 4. In all cases where the land or tracts of land described in such deed or conveyance shall have been granted to any other person or persons under any law of the United States, or not granted to the State of Washington, by reason whereof said State of Washington is unable to confirm to the *bona fide* purchasers of such tract

When state  
must refund.

who has duly paid the consideration in such deed recited, or his legal representative or successor in interest, the said State of Washington shall refund to such purchaser or his successor in interest the full consideration by him paid, together with lawful interest from the date of such purchase.

Rules of pro-  
cedure.

SEC. 5. In such suits and actions instituted under the provisions of this act, the practice and procedure shall conform to the practice in superior courts regulating civil actions, and an appeal or writ of error shall lie to the supreme court of the State of Washington as in other civil actions.

SEC. 6. In order to facilitate confirmation of title in the cases herein recited, an emergency is hereby declared to exist, and this act shall take effect on and after its passage and approval.

Received by the governor March 28, 1890.

[*Note by the Secretary of State.*—The foregoing act having been presented to the governor of the state for his approval, and not having been filed in the office of the secretary of state within the time prescribed by the constitution of the state, with his objections thereto, has become a law under the provisions of the constitution.]

## CHAPTER XV.—LIVE STOCK.

### STOCK BREEDERS; PROTECTION OF.

AN ACT to protect stock breeders in the State of Washington, and declaring an emergency.

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

SECTION 1. That in order to secure to the owner or owners of sires payment for service, the following provisions are enacted: That every owner of a sire having a service fee, in order to have a lien upon the female served, and upon the get of any such sire, under the provisions of this act, for such service, shall file for record with the county auditor of the county where said sire is kept for service a statement, verified by oath or affirmation, to the best of his knowledge and belief, giving the name, age, description and pedigree, as well as the terms and conditions upon which such sire is advertised for service: *Provided*, That owners of sires who are not in possession of pedigrees for such sires shall not be debarred from the benefits of this act.

SEC. 2. The county auditor, upon the receipt of the statement as specified in section one of this act, duly verified by affidavit, shall issue a certificate to the owner or owners of said sire, which shall be posted by the owner in a conspicuous place where said sire may be stationed, which certificate shall state the name, age, description, pedigree and ownership of such sire, the terms and conditions upon which the said sire is advertised for service, and that the provisions of this act, so far as relates to the filing of the statement aforesaid, has been complied with.

SEC. 3. The owner or owners of any such sire receiving such certificate, by complying with sections one and two

of this act, shall obtain and have a lien upon the female served for the period of one year from the date of service, or upon the get of any such sire for the period of one year from the date of birth of such get: *Provided*, Said owner or owners shall file for record a statement of account, verified by affidavit, with the county auditor of the county wherein the service has been rendered, of the amount due such owner or owners for said service, together with a description of the female served, within six months from the date of service or date of birth, as the case may be: *Provided further*, That the lien upon the get of any such sire shall be a preferred lien.

Owner must file statement of account.

Foreclosure.

SEC. 4. Liens under this act to be foreclosed in the same manner as liens upon other personal property are foreclosed.

Fees.

SEC. 5. For filing certificate, making copy of such affidavit, and the certificate of date of such filing, the clerk of record shall be entitled to the same fees as are provided by law for similar service in regard to chattel mortgages.

SEC. 6. Whereas, an emergency exists, therefore this act shall be in force from and after its passage.

Approved February 14, 1890.

## BREEDING ANIMALS; LICENSING OF; ACT REPEALED.

AN ACT to repeal Chapter 70 of the laws enacted by the Legislature of the Territory of Washington, approved February 2, A. D. 1888, relating to licensing of animals kept for breeding purposes for hire.

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

SECTION 1. That an act entitled "An act relating to licensing of animals kept for breeding purposes for hire," approved February 2, A. D. 1888, is hereby repealed.

SEC. 2. Whereas, an emergency exists; therefore, this act shall be in force from and after its approval by the governor.

Approved February 28, 1890.

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BULLS; TO PROHIBIT THE RUNNING AT  
LARGE OF.

AN ACT to prevent bulls from running at large during certain seasons,  
and providing remedies therefor.

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

SECTION 1. It shall be lawful for any person having cows or heifers running at large in this state to take up or capture and castrate, at the risk of the owner, at any time between the first day of March and the fifteenth day of June, any bull above the age of ten months found running at large out of the enclosed grounds of the owner or keeper, and if the said animal shall die, as a result of such castration, the owner shall have no recourse against the person who shall have taken up or captured and castrated, or caused to be castrated, the said animal: *Provided*, Such act of castration shall have been skilfully done by a person accustomed to doing the same: *And provided further*, That if the person so taking up or capturing such bull, or causing him to be so taken up or captured, shall know the owner or keeper of such animal, and shall know that said animal is being kept for breeding purposes, it shall be his duty forthwith to notify such owner or keeper of the taking up of said animal, and if such owner or keeper shall not within two days after being so notified pay for the keeping of said animal at the rate of fifty cents per day, and take and safely keep said animal thereafter within his own enclosures, then it shall be lawful for the taker-up of

Limit of age.

Notice to owner.

said animal to castrate the same, and the owner thereof shall pay for such act of castration the sum of one dollar and fifty cents, if done skilfully, as hereinbefore required, and shall also pay for the keeping of said animal as above provided, and the amount for which he may be liable therefor may be recovered in an action at law in any court having jurisdiction thereof: *And provided further*, That if said animal should be found running at large a third time within the same year, and within the prohibited dates hereinbefore mentioned, it shall be lawful for any person to capture and castrate him without giving any notice to the owner or keeper whatever.

Animals found  
at large third  
time within one  
year.

SEC. 2. This act shall take effect and be in force from and after its approval by the governor, an emergency existing therefor in the fact that, without this clause, it would not become effective in time to protect stock raisers before the spring of the year eighteen hundred and ninety-one.

Approved March 14, 1890.

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## SWINE; TO PROHIBIT THE RUNNING AT LARGE OF.

AN ACT to restrain swine from running at large, providing penalties, and prescribing the manner of appraisement and collection of damages.

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

SECTION 1. That it shall be unlawful for the owner or owners of any swine to allow them to run at large in any county in the state.

Trespass.

SEC. 2. If any swine shall be suffered to run at large in any county of this state contrary to the provisions of this act, and shall trespass upon the land of any person, the owner or person having possession of such swine shall be liable for all damages the owner or occupant of such land

may sustain by reason of such trespass; and for a second or subsequent act of trespass by such swine, such owner or person shall be liable for treble the amount of damages done by the same, such damages may be recovered in a civil action before any justice of the peace. Owner liable.

SEC. 3. If any swine shall be found running at large contrary to the provisions of this act, it shall be lawful for any person to restrain the same forthwith and give the owner, if known, notice in writing that he has restrained said swine, and the amount of damages he claims in the premises, and requiring the owner to take said swine away and pay such damages. If such owner fails to comply with the provisions of this section within three days after receiving such notice, or if the owner of such swine be unknown, such swine shall be deemed to be strays, and shall be dealt with in the same manner and under like proceedings as required by the estray law. Lawful to restrain. Notice to owner.

SEC. 4. If the owner of such swine so restrained shall object to the damages claimed by the person having such swine in possession, and the parties cannot agree upon the same, either party may apply to any justice of the peace of the precinct, and if there be no justice of the peace in the precinct, then the nearest justice in [the] county, for the appointment of appraisers to assess the damages done by such swine, and the reasonable cost of taking up and keeping the same; and it shall be the duty of such justice of the peace to issue notice to three disinterested freeholders of the precinct to appear upon the premises where such swine may be and assess the damages as herein required. Arbitration of damages.

SEC. 5. The persons so notified, or any two of them attending, shall take an oath that they will fairly and impartially assess the damages in controversy, and they shall make out, sign and deliver to each party a written statement of their appraisal of damages in the premises, and upon the payment of the damages and expenses allowed by such appraisers the owner shall be entitled to take his swine away; and if refused, the same may maintain an action therefor, as in other cases of wrongful taking or detention of property.

SEC. 6. The justice of the peace shall be allowed a fee Justice's fees.

of fifty cents for issuing the notice and swearing the appraisers, and the constable or person serving the notice shall be allowed a fee of one dollar for each appraiser notified, and mileage to and from the place of service; each appraiser shall be allowed a fee of one dollar, which fee shall be paid by the owner of such swine before he shall be entitled to take them away. Or if such owner fails to pay such fees, the person having such swine shall pay the same and may add the same to the damages allowed him in the premises.

Not necessary  
to fence.

SEC. 7. It shall not be necessary for any person to fence against swine in this state, and it shall be no defence to any action or proceeding brought or had under the provisions of this act that the party injured or taking up any swine did not have his lands enclosed by a lawful fence.

SEC. 8. Nothing in this act shall be so construed as to prevent owners or other persons from driving swine from one place to another along any public highway, the owner or owners being responsible for all damages that any person or persons may sustain in consequence.

SEC. 9. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 14, 1890.

## CHAPTER XVI.—MISCELLANEOUS.

### SEAT OF GOVERNMENT; TO PROVIDE FOR ELECTION OF.

AN ACT to provide for submitting the question of the permanent location of the seat of government to a vote of the people.

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

SECTION 1. At the general election to be holden on the first Tuesday after the first Monday in November, 1890, the qualified electors of the state shall vote for the location of the permanent seat of government, in accordance with article XIV of the constitution, and, at said election, each elector shall be restricted in his choice of location to one of the three following named places, viz.: Olympia, North Yakima and Ellensburg, and no vote cast for any other than one of said places shall be counted or returned on said subject. Choice re-  
stricted.

SEC. 2. The votes cast at the several polling places of the state shall be canvassed and returned, and the result determined in all respects substantially as is or may be required by law for the election of state officers.

SEC. 3. In case neither of the three places herein named shall receive a majority of all the legal votes cast in the state at said election, the question shall be re-submitted to the qualified electors of the state at the next succeeding general election, to be holden on the first Tuesday after the first Monday in November, 1892; but at said last mentioned election each elector shall be restricted in his choice of location to one of the two places receiving the highest number of votes at the said election in the year 1890, and the place receiving the majority of all the votes cast on said question at the election in 1892 shall be the perma- When re-sub-  
mitted.

Permanent seat  
of government.

nent location of the seat of government, until changed by the people in accordance with the provisions of the constitution: *Provided*, That the session of the legislature commencing on the first Wednesday after the first Monday in January, 1891, shall be held at Olympia.

Approved March 14, 1890.

### RELATING TO AUCTIONEERS.

AN ACT regulating the sale of property by auctioneers in all cases where there is any doubt as to ownership.

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

SECTION 1. That auctioneers are hereby required in all cases where property is offered them to be sold at auction, and when there is doubt or uncertainty on the part of the auctioneer as to the rightful ownership of such property, to keep in a book provided for the same, a record or inventory of the property so offered for sale, together with any marks or brands found on such property; also a minute description and record of the person or persons offering such property for sale.

SEC. 2. The records required to be kept in section one of this act shall be open at all times to inspection by any one who may be interested in property which may have been stolen or unlawfully acquired, and auctioneers are hereby required in any case to give all information they may have of property received and sold, or offered for sale by them.

SEC. 3. Any person or persons violating any of the provisions of this act shall, upon conviction thereof, be fined in any sum not less than one hundred (\$100) dollars nor more than one thousand (\$1,000) dollars, or be imprisoned

in the county jail not to exceed one year, or both fine and imprisonment, at the discretion of the court.

SEC. 4. All acts or parts of acts in conflict with this act are hereby repealed.

Approved February 28, 1890.

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## CONSENTING TO THE PURCHASE OF LANDS BY THE UNITED STATES.

AN ACT giving the consent of the Legislature of the State of Washington to the purchase and reservation by the United States of land within this State for public purposes, and expressing an emergency.

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

SECTION 1. That the consent of the legislature of the State of Washington be and the same is hereby given to the purchase, by the government of the United States or under the authority of the same, of any tract, piece or parcel of land from any individual or individuals, bodies politic or corporate, within the boundaries of this state, for the purpose of erecting and maintaining thereon armories, arsenals, fortifications, magazines, navy-yards, dock-yards, custom-houses, light-houses and other needful public buildings or establishments whatsoever; the consent herein and hereby given being in accordance with the provisions of the seventeenth clause of the eighth section of the first article of the constitution of the United States, and with the acts of congress in such cases made and provided. And like consent of the legislature of the State of Washington is hereby given in the cases of all such tracts or parcels of land as have been heretofore purchased by the government of the United States, or which have been or may hereafter be reserved by the said government, out of any public land

Tracts heretofore purchased.

Description of  
lands.

Process may be  
served.

belonging to the United States, for any of the purposes before mentioned: *Provided*, That a sufficient description by metes and bounds and an accurate plat or map of each such tract or parcel of land be filed in the proper office of record in the county in which the same is situated; together with copies of the orders, deeds, patents or other evidences in writing of the title of the United States: *And provided further*, That all civil process issued from the courts of this state, and such criminal process as may issue under the authority of this state against any person charged with crime, in cases arising outside of such purchases or reservations, may be served and executed thereon in the same mode and manner and by the same officers as if the consent herein given had not been made.

SEC. 2. In order to facilitate the operations of the government of the United States in the defense and proper lighting of the coasts of this state, and in continuing works of public improvement undertaken by the government of the United States, this act shall take effect immediately upon its passage.

Approved January 23, 1890.

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## TO PREVENT THE UNAUTHORIZED MAILING OF NEWSPAPERS.

AN ACT to regulate the voluntary sending of newspapers and other publications.

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

SECTION 1. That whenever any person, company or corporation owning or controlling any newspaper or periodical of any kind, or whenever any editor or proprietor of any such newspaper or periodical shall mail or send any

such newspaper or periodical to any person or persons in this state without first receiving an order for said newspaper or periodical from such person or persons to whom said newspaper or periodical is mailed or sent, shall be deemed to be a gift, and no debt or obligation shall accrue against such person or persons, whether said newspaper or periodical is received by the person or persons to whom it is sent or not.

Approved January 23, 1890.

#### AUDITOR OF LEWIS COUNTY.

AN ACT repealing sections 1, 2, 3 and 4 of an act fixing compensation of auditor of Lewis county, as contained in the laws of 1883 of Washington Territory, and declaring an emergency to exist.

SECTION 1. *Be it enacted by the Legislature of the State of Washington:* That sections one (1), two (2), three (3) and four (4) of an act fixing the compensation of auditor of Lewis county, as contained in the laws of 1883 of Washington Territory, be and the same are hereby repealed.

SEC. 2. Inasmuch as there is no adequate mode of compensating the auditor of the county of Lewis under the existing laws of this state, and inasmuch as the present legislature of the state of Washington is unlimited and liable to be a long and continued one, and inasmuch furthermore, as the time set by the constitution for this law to go into effect would render it inoperative for many months hence, whereby great inconvenience might be occasioned to the said county of Lewis; therefore, an emergency is declared to exist, such as is contemplated by section 31 of article 2 of the constitution: therefore, this act shall take effect and be in force from and after its passage and approval by the governor.

Approved January 23, 1890.

## STATE PRINTING.

AN ACT to provide for the State printing and binding, fixing the compensation of the State Printer, prescribing his duties, and to provide for the purchase of printing and binding materials, and declaring an emergency.

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

Secretary of state must superintend work and audit.

SECTION 1. All printing and binding shall be done under the general superintendence of the secretary of state, and all such matters when completed, except such printing as shall be done in a newspaper and such books as are required by law to be delivered to some other public officer, shall be delivered to the secretary of state. Said secretary shall carefully examine all such work so delivered to him, and every bill presented for such work, and shall see that the work charged for has been done according to law. No bill or claim shall at any time be audited or allowed for or on account of any uncompleted job or work, nor until the entire job or work charged for shall be finished and delivered in all respects as required by law. When any book, pamphlet, blank, report, or job of any kind shall be completed and delivered, the state printer shall make out and deliver to the secretary of state, in duplicate, a bill therefor, stating what the book, work or job is, when the copy therefor was received by him, and when the same was finished and delivered, and specifying particularly by items everything charged for in such bill, grouping the items by classes, as hereinafter designated, and giving the prices and amount charged for each item, and the aggregate amount charged for such job or work, and the number of copies or quires thereof printed and delivered. One copy of such bill shall be attached to a copy of the book, job or work therein mentioned, and the same shall remain on file and of record in the office of the secretary of state. No bill shall cover more than one book, report, blank, or job of any kind. All bills shall be numbered, and the secretary of state shall record all bills in numerical order in a book prepared and ruled

Duplicate bills.

Bills must be numbered and recorded.

for such purpose, and so ruled that he can enter in red ink opposite the amount charged by the state printer for any item, the amount allowed by the secretary of state as auditor for such item; and the amount so audited and allowed, if less than the amount claimed in said bill, shall, in all cases, be so entered by such secretary. Immediately after the record of any bill, the secretary of state shall enter in such book the date of the filing of the bill, and the amount by him audited and allowed thereon, and he shall designate on the duplicate of said bill such item or items as he shall disallow in whole or in part, and shall certify thereon, to the auditor of state, the amount by him allowed on such bill, and re-deliver said duplicate to the state printer. On presentation of such certified duplicate to the auditor of state, such officer shall issue a Duty of auditor. warrant therefor on the state treasury, payable out of any funds appropriated for that purpose. The auditor of state, if requested so to do, may include in one warrant the aggregate of any number of bills as audited and certified by the secretary of state, when such bills are payable out of the same funds. Separate bills for all printing or advertising mentioned in section three of this act shall be made out in duplicate, designating the printing or advertising charged for, the rate and the number of insertions, and date or dates thereof; and a copy of such publication or advertisement, cut from such newspaper, shall be attached to each copy of the bill therefor. Such duplicate bills shall be verified by the affidavit of the publisher, or foreman of the publisher, of the newspaper in which printing was done or advertisement was published, and one copy of such duplicate bill shall be filed and recorded and audited by the secretary of state in the manner hereinbefore provided for other bills for public printing and binding: Bills for advertising. *Provided*, That in recording such bills the copy of the advertisement or publication cut from such newspaper and attached to the bill shall not be transcribed or recorded. The secretary of state shall make similar endorsements and certificates on the duplicates of such bills as hereinbefore required for other duplicate bills, and the auditor

of state shall issue warrants for the amounts due thereon, as in other cases.

SEC. 2. All the public printing shall be done in a neat, substantial and workmanlike manner; and shall be promptly performed and delivered, so that the public business shall not be delayed nor the public interests permitted to suffer from any failure to have the work done in proper time.

Classification of  
printing

SEC. 3. For the purpose of establishing and providing for the payment of the state printer for his services, the public printing shall be divided into the following classes, and be paid for as herein stated. *First Class:* Bills, resolutions and other matters that may be ordered to be printed by the legislature, or either branch thereof, in bill form, shall constitute the first class, and shall be printed on half sheet flat cap paper, weighing not less than twelve pounds to the ream, in small pica type, each page to contain not less than forty-four lines of solid matter of the usual length, and the lines shall be successively numbered, with a nonpareil slug between the lines; and in measuring the composition upon bills the same shall be measured as solid matter, and every necessary fraction of a page shall be measured as a full page, but no blank page shall be counted or paid for. The price to be paid for composition in this class of printing shall be sixty cents per one thousand ems; for press work, per token, fifty cents. *Second Class:* The second class shall consist of the journals of the senate and house of representatives, and shall be printed and paid for as follows, to-wit: They shall be printed on what is known as book paper, weighing not less than forty pounds to the ream, and they shall be printed in "super-royal octavo" form, on long primer type, with a six-to-pica lead between the lines, without unnecessary blanks, broken pages or paragraphs; the blanks between the proceedings of each day and between the different sessions of the same day, not to exceed four pica lines, the pages to be four by seven inches in size, and the printer shall be paid seventy-five cents per one thousand ems for the composition in said journals, and shall be paid for press-work forty-five cents per token, a token to consist of two hundred and fifty impressions of eight pages each; and in measur-

Rates to be  
paid.

ing, each fraction of a token less than one-half shall be counted as one-half a token, and each fraction of a token exceeding one-half shall be counted as a full token. The general style and arrangement of the legislative journals of 1887, as modified by this act, shall be followed in the printing of the journals hereafter; but in the house and senate messages, so much as relates to any one bill or resolution shall constitute and be made a separate paragraph. In all cases, whether under this or any other class of printing, where the edition or run of any book or work shall exceed three thousand copies, the price for press-work shall be forty-five cents per token of eight pages each, and no more. *Third Class:* The printing of all reports, communications, and all other documents that may be ordered to be printed in book form by the legislature, or either branch thereof (except such as enter into and make a part of either journal), together with the volume of public documents, and all reports and other things specified in this class, shall be printed in the same kind of type and on the same kind of paper, and the pages to be of the same size, and printed and leaded as specified in the second class, and shall be paid for the same as in the second class. *Fourth Class:* The printing of the session laws shall constitute the fourth class, and shall be printed in royal octavo form, on good small pica type, the pages to be of the same size and form as the session laws published by the state of Kansas in 1887, with similar marginal notes, and shall be on book paper weighing not less than fifty pounds to the ream. Press-work shall be paid for at the rate fixed for the second class, composition at the rate of eighty cents per one thousand ems, and marginal notes shall be measured in the type in which notes are set, separate from the body of the page. Reprints of session laws, when authorized by law, shall be done and paid for as of this class of printing. The laws and joint resolutions of each session shall be substantially full bound in sheep in one volume and lettered. *Fifth Class:* The printing of the reports of the supreme court shall constitute the fifth class; and the report shall be printed in all respects in style and workman-

Legislative printing.

Session laws.

Reports of supreme court.

ship like the Kansas supreme court reports, on paper weighing not less than sixty pounds to the ream, and the state printer shall be paid for composition eighty cents per thousand ems, and for each indented note, twenty cents; and press-work as is provided for payment for press-work in the second class. The supreme court reports shall be bound in good law sheep, with double backs, and in a substantial and workmanlike manner. *Sixth Class:* The sixth class of printing shall consist in the printing of all blanks and circulars necessary for the use of the respective state officers, and the state printer shall be paid for the same — for press-work per token, fifty cents; for composition, sixty cents per thousand ems: *Provided,* That all job work set in type not larger than pica shall be measured in the type in which the job is set, and all job work set in type larger than pica shall be charged for as time work. *Seventh Class:* All printing ordered to be done in a newspaper shall constitute the seventh class, and shall be printed in nonpareil type, and shall be set up solid, and shall be paid for at the rate of fifty cents per square of two hundred and fifty ems for the first insertion, and twenty-five cents per square for each subsequent insertion. For folding, stitching, sewing, trimming, covering, binding and finishing of all books and pamphlets that now are or by law shall hereafter be ordered to be folded and stitched, or folded, stitched, covered and trimmed, or folded, stitched, trimmed, bound and finished, the state printer shall be paid as follows: For folding one hundred copies of any pamphlet or book, for every sixteen pages or fractional part thereof, per hundred, twenty cents; for stitching, covering and trimming, per one hundred copies, for pamphlets containing from sixteen to one hundred pages, seventy-five cents per hundred; for pamphlets containing from one hundred to two hundred pages, ninety-five cents per hundred; for pamphlets containing from two hundred to five hundred pages, one dollar and fifteen cents per hundred, and for pamphlets containing from five hundred to one thousand pages, one dollar and thirty-five cents per hundred. For sewing and trimming books per one hundred copies: For books containing one hundred

Blanks and  
circulars.

Books and  
pamphlets.

pages or less, two dollars and fifty cents; for books containing from one hundred to two hundred pages, five dollars; for books containing from two hundred to five hundred pages, seven dollars and fifty cents; for books containing from five hundred to one thousand pages, ten dollars. He shall be paid for binding and finishing in half sheep and full muslin per book of one hundred pages or less, fifteen cents; from one hundred to two hundred pages, twenty cents; from two hundred to five hundred pages, twenty-five cents; from five hundred to one thousand pages, thirty cents; for binding and finishing in full sheep, he shall be paid per book as follows: Two hundred pages or less, twenty-five cents; from two hundred to five hundred pages, thirty cents; from five hundred to one thousand pages, thirty-five cents. And all work executed under this section shall be executed in a good, substantial and workmanlike manner.

Binding.

SEC. 4. For all rule and figure work of more than one and less than three columns to the page, with or without rules, the state printer shall receive fifty per cent. more for composition than the prices allowed under this act for plain work; and for all such work embracing three or more columns to the page, with or without rules, he shall be allowed one hundred per cent. more than for plain work, but no table shall be unnecessarily set open or "fatted," nor shall there be any unnecessary pages in imposing tables or schedules.

Rule and figure work.

SEC. 5. The state printer shall, on the first day of April of each year, make estimates for paper and binding materials to be used in the public printing, and shall advertise in two of the most widely circulated papers in the cities of St. Louis, Missouri; Chicago, Illinois; Portland, Oregon, and San Francisco, California, and in this state, for sealed bids for furnishing such paper and binding material at the state printing house; and at the time and place named in such advertisement such sealed bids shall be opened by the secretary of state in the presence of the state printer and the auditor of state, and the contract to furnish such paper and binding materials shall be awarded by the secretary of state to the lowest responsible bidder or bid-

Annual estimate and advertising for supplies.

Awarding contracts.

ders at such bidding: *Provided*, That before such state printer shall receive such paper and binding materials he shall be satisfied that such paper and binding materials are in all respects up to the standard required by law, and such paper and binding materials shall be paid for out of the state treasury upon vouchers sworn to by the person furnishing such material, or by persons in their behalf having a knowledge of the facts and certified by the state printer to be correct, each voucher being filed, as in other cases, with the auditor of state and warrants drawn by that officer on the state treasury. Upon receipt of such paper and binding material by the state printer as herein contemplated, he shall certify the fact to the secretary of state with an invoice of the items in detail corresponding with the contract to furnish such paper and binding material, and the secretary of state shall thereupon charge the state printer with such material and their contract value. When the state printer presents bills for payment to the secretary of state under section three of this act, he is hereby authorized to add to such bills ten per centum of the paper and binding materials used in the work for which pay is demanded in said bills to cover waste and losses, and the secretary of state shall allow the same if found by him to be correct, and the secretary of state shall thereupon credit the state printer with the quantity of paper and binding materials found in said bill.

Vouchers.

Invoice.

To cover waste and loss.

Duty of secretary of state.

SEC. 6. The secretary of state shall furnish to the state printer, within twenty days after the adjournment of the legislature at each session, a copy of all acts and joint resolutions and memorials to congress, or any officer or department of the government of the United States, passed at such session, and the state printer shall within forty days after such copy shall be furnished him as aforesaid print all the copies thereof that may be by law required, and the secretary of state shall within ten days after the same are printed make out and deliver to the state printer an index to the same, and he shall within twenty days print the same and deliver to the secretary of state such number of copies of such laws bound in such manner as by law required.

SEC. 7. Within five months after the adjournment of each session of the legislature the state printer shall print and deliver to the secretary of state such number of copies of the journals of each house of the legislature as may be directed by law, substantially half bound with leather backs and corners, also such number of copies of public documents as may be ordered, which shall be folded, stitched, pressed and covered with strong paper covers.

Printing and  
delivering  
journals.

SEC. 8. Whereas, there is no provision made for doing the state printing, and there being an immediate necessity therefor, therefore, an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Approved February 19, 1890.

## LOBSTERS; PROTECTION OF.

AN ACT to protect lobsters.

WHEREAS, The United States fish commissioner has placed young lobsters and the spawn thereof into the waters of this state for the purpose of creating a new food fish in these waters, and it is necessary that they be protected: therefore,

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

SECTION 1. That it shall be unlawful to fish for, catch, buy, sell or possess any lobsters within three years from the first of April, 1890, and any lobsters caught whilst fishing for other fish shall forthwith be liberated alive. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined in a sum not less than five dollars or more than twenty-five dollars.

Approved March 14, 1890.

CORPORATIONS ORGANIZED TO BUILD  
BOOMS; POWERS AND DUTIES DEFINED.

AN ACT to declare and regulate the powers, rights and duties of corporations organized to build booms and to catch logs and timber products therein.

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

SECTION 1. Any corporation heretofore or hereafter organized in the State of Washington for the purpose of catching, booming, sorting, rafting and holding logs, lumber or other timber products, shall have power to acquire, hold, use and transfer all such real and personal property or estate, by lease or purchase, as shall be necessary for carrying on the business of said corporation. If such corporation shall not be able to agree with persons owning land, shore rights, or other property sought to be appropriated, as to the amount of compensation to be paid therefor, the compensation therefor may be assessed and determined and the appropriation made in the manner provided by law for the appropriation of private property by railways: *Provided*, That any property acquired under the provisions of this act by the exercise of the right of eminent domain shall be used exclusively for the purposes of this act; and whenever the use of said property as herein contemplated shall cease for a period of one year, the same shall revert to the original owner, his heirs or assigns, upon the repayment of the original cost of same.

Eminent domain.

SEC. 2. Any corporation hereafter organized for the purpose mentioned in section one of this act shall, within ninety days after its articles of incorporation have been filed, proceed to file in the office of the secretary of state a plat or survey of so much of the shore lines of the waters of the state and lands contiguous thereto as are proposed to be appropriated for said purpose by said corporation. Any corporation heretofore organized in the Territory of Washington, for any of the purposes expressed in section one (1) of this act, shall file such plat within ninety days after the passage of this act. Such plat shall be made

Filing plat and survey.

from the records of the United States in the surveyor-general's office of this state, or by a competent surveyor, subsequent to actual survey.

SEC. 3. Such corporations shall have power and are hereby authorized, in any of the waters of this state or the dividing waters thereof, to construct, maintain and use all necessary sheer or receiving booms, dolphins, piers, piles or other structure necessary or convenient for carrying on the business of such corporations: *Provided*, That such boom or booms, sheer booms or receiving booms shall be so constructed as to allow the free passage between any of such booms and the opposite shore for all boats, vessels or steam crafts of any kind whatsoever, or for ordinary purposes of navigation. Powers of corporations.

SEC. 4. After such works shall have been constructed, such corporation shall catch, hold and assort the logs and timber products of all persons requesting such service, upon the same terms and without discrimination; and shall have the right, in consideration of the convenience and security afforded to the public in the handling of logs and timber products, to charge and collect tolls on all logs or other timber products caught within their works and upon the order or request of the owner or owners thereof, and there assorted, boomed or rafted; said tolls shall not exceed seventy-five cents per thousand feet on logs, spars or other large timber, and reasonable rates on all other timber products: *Provided*, That it shall be the duty of any corporation operating a boom at the mouth of any river, to catch and hold, assort, boom and raft all logs and timber products, except such as may be already in charge of its owner or his agents, without request of the owner or owners, and shall have the right to charge and collect tolls not to exceed seventy-five cents per thousand feet for such service. The amount of logs or timber is to be board measure, to be ascertained by the usual legal method of scaling; and such corporation shall have a lien upon the logs and timber products for the driving, floating, booming, sorting and rafting thereof, and the right to enforce such liens in any manner provided or that may be provided by law for the enforcement of liens upon personal Tolls. Duty of corporation.

property. Such corporation shall, as soon as practicable, deliver logs or other timber products caught within their booms, sorted and rafted ready for towing, to the owner or owners thereof, and if required to hold such property for more than thirty days, shall have the right to charge a reasonable rate for such storage for the period of excess.

Charge for storage.

Assorting and separating logs.

SEC. 5. It shall be the duty of all said boom corporations, in assorting, to separate the logs, lumber or other timber products into separate booms ready for towing, so that logs or other timber products shall go to the mill or place intended for use or storage in one or more booms: *Provided*, That in case more than one boom is located on or in the same river or its tributaries, the corporation owning the upper boom or works shall pass free of charge all saw-logs or other timber products consigned to the lower boom or booms.

Record of rafts assorted.

SEC. 6. It shall be the duty of every corporation organized and transacting business under the provisions of this act to keep in the office of its secretary, open to public inspection, a book or books in which shall be truly recorded the facts, so far as known, regarding each and every raft by it assorted. Such record shall specify: 1st, names of owners; 2d, marks or brands; 3d, number of logs in each boom; 4th, number of feet in boom; 5th, name of steamer receiving possession; 6th, date of departure from boom.

Liability for damage.

SEC. 7. Corporations organized in accordance with the provisions of this act shall be liable to the owner or owners of logs or other timber products for all loss or damage resultant from neglect, carelessness or unnecessary delay on the part of servants of such corporations: *Provided*, That loss caused by fire and ice, which cannot be reasonably guarded against, shall not be construed as resultant upon neglect or carelessness on the part of the corporation.

Damages for neglect.

SEC. 8. In addition to such damages as are herein provided for any corporation wilfully neglecting to assort and deliver such logs and timber products according to the provisions of this act, it shall be liable to a fine not exceeding twenty per centum of the value of such property which it shall have failed to deliver, but no such corporation shall be liable to such damages or penalty if said

owner or owners of such logs or timber products shall have failed to furnish the necessary boom sticks and chains to raft the same.

SEC. 9. All meandered rivers, meandered sloughs and navigable waters in this state shall be deemed as public highways, and said corporations shall be declared public corporations for the purpose of this act; and the improvement of such streams, sloughs and waters shall be deemed and declared a public use and benefit.

Approved March 17, 1890.

## NOTARIES PUBLIC.

AN ACT to provide for the appointment, qualification and duties of Notaries Public, certifying their official acts, and declaring an emergency to exist.

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

SECTION 1. That the governor may appoint and commission as notaries public as many persons having the qualifications of electors as he shall deem necessary: *Provided*, That no person shall be appointed a notary public except upon the petition of at least twenty freeholders of the county in which such person resides.

SEC. 2. Every notary public shall be appointed for the term, and shall hold his office for four years, unless sooner removed by the governor.

SEC. 3. Before a commission shall issue to the person appointed he shall — (1) execute a bond, payable to the State of Washington, in the sum of one thousand dollars, with sureties to be approved by the county clerk of the county in which the applicant resides, conditioned for the faithful discharge of the duties of his office; (2) pay into the state treasury the sum of ten dollars for special state library fund, taking the treasurer's receipt therefor;

Seal.

(3) procure a seal, on which shall be engraved the words "Notary Public" and "State of Washington," and date of expiration of his commission, with surname in full, and at least the initials of his christian name; (4) to take and sub-

Oath.

scribe the oath of office required of state officers; (5) file the said oath of office, bond and treasurer's receipt in the office of the secretary of state, and before performing any official acts, shall file in the office of the secretary of state a clear impression of his official seal, which seal shall be approved by the governor.

Authority,  
limit of.

SEC. 4. Every duly qualified notary public is authorized in any county in this state—(1) to transact and perform all matters and things relating to protests, protesting bills of exchange and promissory notes, and such other duties as pertain to that office by the custom and laws merchant; (2) to take acknowledgments of all deeds and other instruments of writing, and certify the same in the manner required by law; (3) to take depositions and affidavits, and administer all oaths required by law to be administered, and every attorney at law who is a notary public may administer any oath to his client, and no pleading or affidavit shall, on that account, be held by any court to be improperly verified.

Affixing seal  
and signature.

SEC. 5. It shall not be necessary for a notary public in certifying an oath to be used in any of the courts in this state, to append an impression of his official seal, but in all other cases when the notary public shall sign any instrument officially, he shall, in addition to his name and the words "Notary Public," add his place of residence and affix his official seal.

Must keep a  
record.

SEC. 6. Every notary public is required to keep a true record of all notices of protest given or sent by him, with the time and manner in which the same were given or sent, and the names of all the parties to whom the same were given or sent, with the copy of the instrument in relation to which the notice is served, and of the notice itself; said record, or a copy thereof, duly certified under the hand and seal of the notary public, or county clerk having the custody of the original record, shall be compe-

tent evidence to prove the facts therein stated, but the same may be contradicted by other competent evidence.

SEC. 7. On the death, resignation or removal from office, and at the expiration of the term of office of any notary public, provided his commission is not renewed, his records and all his official papers shall, within three months therefrom, be deposited in the office of the county clerk of the county from which such notary shall have been appointed, and if any notary public, on his resignation or removal from office, shall, for the space of three months, neglect to so deposit his records, he shall forfeit a sum not exceeding one thousand dollars, to be recovered in a civil action by any person injured by such neglect, and it shall also be the duty of the executor or administrator of the estate of any notary public, deceased, to deposit the records and official papers of such notary with the said clerk, and within three months after his appointment under like penalty.

Records must be deposited with county clerk.

Penalty.

SEC. 8. Every notary public is entitled to demand and receive the fees herein enumerated: For every protest of a bill of exchange or promissory note, one dollar; and for each notice, twenty cents; attesting any instrument of writing, under seal, fifty cents; noting a bill of exchange or promissory note for non-acceptance or non-payment, one dollar; for each acknowledgment of any legal instrument, fifty cents for the first name and twenty-five cents for each additional name; registering protest of bill of exchange or promissory note, seventy-five cents; certifying an affidavit, and all other certificates under seal, fifty cents; each oath or affirmation, without seal, twenty-five cents; being present at demand, tender or deposit, and noting the same, besides mileage at ten cents per mile, fifty cents; for any instrument of writing, or depositions or affidavits written, exclusive of the certificate thereto, drawn by a notary public, for each hundred words, twenty-five cents.

Fees.

SEC. 9. After the delivery of a commission to a notary public, appointed and qualified as heretofore provided, the secretary of state shall make a certificate of such appointment, with the date of said commission, and file the same

Duty of secretary of state.

in the office of the county clerk of the county where such notary resides, who shall file and preserve the same, and it shall be deemed sufficient evidence to enable such clerk to certify that the person so commissioned is a notary public during the time such commission is in force.

Certificate of official character.

SEC. 10. The county clerk of the county in which such notary resides, or the secretary of state, may grant certificates of official character of notaries public. The certificate of the clerk shall be under his hand and official seal, and that of the secretary of state, under the seal of the state. The fee for such certificates shall be one dollar, and shall be paid by county clerks into the treasury of their respective counties, and by the secretary of state into the state treasury.

Fee.

Expiration of pending commissions, and rebate.

SEC. 11. All appointments of notaries public made in pursuance of the laws of the Territory of Washington, that do not sooner expire, shall expire on the first day of April, A. D. 1890: *Provided*, That there shall be deducted from the fee of ten dollars herein provided for, such proportion of said fee as the unexpired time in the territorial appointment bears to the whole term for which the original commission was issued.

Old seals to be used.

SEC. 12. The seals now in use by notaries public in this state, being the seals authorized under the laws of Washington Territory, shall continue to be the seals of such officers until the expiration of their offices, as provided for in section 11 of this act, and all notarial acts of such officers, which have been or may be authenticated by such seals, shall be held good and valid as if done and performed under this act. And all official acts done since the admission of the State of Washington into the Union, by notaries public of the late Territory of Washington, the terms of whose appointments had not, at the time of doing such acts, expired by the limitation of time expressed in the statutes of said territory, are hereby declared to be valid under the same circumstances, and to the same extent, as if done before the admission of said state into the Union.

Prior acts validated.

SEC. 13. All laws and acts in conflict with this act are hereby repealed.

SEC. 14. Great embarrassment, inconvenience and uncertainty in commercial and legal business, and in transfers of property will arise from delay of the time when this act shall take effect; and therefore, it shall take effect from the date of its approval by the governor.

Approved December 21, 1889.

TO PROHIBIT THE UNAUTHORIZED WEARING OF G. A. R. BADGES.

AN ACT to prevent unauthorized persons from using or wearing the badge of the Grand Army of the Republic of this State.

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

SECTION 1. Any person who shall wilfully wear the badge or button of the Grand Army of the Republic, or who shall use or wear the same within this state, unless he shall be entitled to use or wear the same under the rules and regulations of the Department of Washington and Alaska Grand Army of the Republic, shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment for a term not to exceed thirty (30) days in the county jail or a fine not exceeding twenty dollars, or by both such fine and imprisonment.

SEC. 2. Courts of justice of the peace shall have jurisdiction of the offense defined and made punishable by section one of this act.

Approved January 27, 1890.

TAXES OF 1889; TIME FOR PAYMENT OF EXTENDED.

AN ACT extending the time for payment of taxes levied for the year A. D. 1889, and declaring an emergency.

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

SECTION 1. That the time in which all taxes levied for the year 1889 shall be paid, be and the same is hereby extended to the first day of April, 1890; after which date the same shall become delinquent. From and after the 1st day of April, 1890, the sheriff shall be collector of said delinquent taxes for 1889. On the first Tuesday of April, 1890, the county treasurer must attend at the office of the county auditor and perform the duties required by chapter CVI of the laws of Washington as passed in 1887-8.

SEC. 2. Whereas, by reason of blockades and high water in all parts of the state making it impossible for many persons to reach the county seat, therefore an emergency exists, and this act shall take effect from and after its approval by the governor.

Approved February 20, 1890.

RELATING TO ASSESSORS.

AN ACT to amend an act entitled "An act to amend section 2752 of the Code of Washington Territory, relating to assessors."

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

SECTION 1. That section 2752 of the code of Washington Territory, as amended by the legislature of 1885-6, relating to county assessors, and reading as follows: "Sec-

tion 2752. At the general election in this territory there shall be elected in each county a county assessor, who shall have the qualifications of a voter, and shall continue in office for two years and until his successor is elected and qualified: *Provided*, That in the counties of Clallam, Island, San Juan, Yakima, Kittitas, Jefferson, Pacific, Kitsap and Mason, the sheriffs in said counties shall be *ex-officio* assessors, and as such shall perform the duties of assessor," be and the same is hereby amended to read as follows: "Section 2752. At the general election of 1890, in this state, and at each subsequent general election, there shall be elected in each county a county assessor, who shall have the qualifications of a voter, and shall continue in office for two years or until his successor is elected and qualified."

Approved February 19, 1890.

## PORT OF PORT TOWNSEND.

AN ACT defining the Port of Port Townsend.

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

SECTION 1. That the port of Port Townsend be described as follows: Beginning at Point Wilson, thence on a line to Marrow Stone Point, thence along the shore line of Port Townsend Bay and Admiralty Inlet to the place of beginning.

SEC. 2. That the area described in section 1 of this act be and the same is hereby declared to be the port of Port Townsend, State of Washington.

Approved February 27, 1890.

COMMISSIONER OF ASYLUM AT MEDICAL  
LAKE MAY EXCHANGE LANDS.

AN ACT authorizing the State Board of Commissioners for the Hospital for the Insane at Medical Lake, in eastern Washington, to execute and deliver to E. L. Smith a deed to a certain tract or parcel of land in exchange for other land, and declaring an emergency to exist.

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

SECTION 1. The state board of commissioners for the Hospital for the Insane at Medical Lake, in eastern Washington, is hereby authorized and empowered to execute, in the name of the State of Washington, and deliver to E. L. Smith, a deed to the following described tract or parcel of land, to-wit: Beginning at the corner of sections 7 and 18, township 24 north, range 41 east, and sections 12 and 13, township 24 north, range 40 east; running thence south 724 8-10 feet along the line between sections 13 and 18, township 24 north, ranges 40 and 41 east; thence west 724 8-10 feet; thence north 724 8-10 feet to intersect the line between sections 12 and 13, township 24 north, range 40 east; thence east 724 8-10 feet along said section line to the place of beginning, being situated in the northeast quarter of section 13, township 24 north, range 40 east, and containing twelve and six one-hundredths (12 6-100) acres.

SEC. 2. The board of commissioners for the Hospital for the Insane at Medical Lake, in eastern Washington, is hereby authorized and empowered to receive from the said E. L. Smith, in the name and for the use and benefit of the State of Washington, for the purposes of the said Hospital for the Insane, in exchange for the land to be transferred to him, under the provisions of section 1 of this act, a deed to the following described tract or parcel of land, to-wit: Beginning at the quarter section corner, between sections 13 and 18, township 24 north, ranges 40 and 41 east; running thence north 995 feet, along the township line, between sections 13 and 18; thence east

Description of  
land.

528 feet; thence south 995 feet on a line parallel to the township line; thence west 528 feet to the place of beginning—the same being situated in the northwest quarter of section 18, township 24 north, range 41 east, and containing twelve and six one-hundredths (12 6-100) acres.

SEC. 3. An agreement having been entered into by and between the board of commissioners for the Hospital for the Insane at Medical Lake, in eastern Washington, and the said E. L. Smith, for the exchange of the lands herein described, and the deeds for the same having been prepared and signed and filed in the office of the secretary of state, and the interests of both parties to the agreement requiring a speedy consummation of the transfers of the said tracts or parcels of land, an emergency exists; therefore, this act shall take effect and be in force from and after its approval by the governor.

Approved February 27, 1890.

## SONS OF VETERANS; ISSUE OF ARMS TO.

AN ACT to authorize the issuance of arms to camps of the order of Sons of Veterans in the State of Washington.

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

SECTION 1. The adjutant-general of the State of Washington may, in his discretion and under the regulations prescribed in this act, issue to any regularly organized camp of the order of Sons of Veterans in the State of Washington any arms and accoutrements belonging to the state which are not required for the use of the National Guard.

SEC. 2. Before any arms or accoutrements are issued, as provided in the foregoing section, the captain of the camp desiring such arms or accoutrements shall make a written Application in writing.

application for the same to the adjutant-general, which application shall be accompanied by a list of the names of the officers and members of such camp. The captain shall also give any additional information in regard to said camp which may be required by the adjutant-general.

Bond.

SEC. 3. The captain of any camp of the order of Sons of Veterans which shall receive arms or accoutrements as provided in this act, shall give a bond for the return of the same, payable to the State of Washington, in such sum as the adjutant-general may require, which bond shall be signed by two good and sufficient sureties, who shall be property holders and citizens of the State of Washington, and shall be approved by the adjutant-general.

When arms are to be returned.

SEC. 4. The captain of any camp of the order of Sons of Veterans which shall receive arms or accoutrements under the provisions of this act shall return the same to the adjutant-general upon demand or upon the disbanding of said camp.

Approved March 6, 1890.

## PROVIDING FOR THE MANAGEMENT OF THE HOSPITALS FOR THE INSANE.

AN ACT in relation to the insane of the State of Washington, and making appropriations for the maintenance thereof, and declaring an emergency.

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

SECTION 1. That the hospital for the insane situated at Fort Steilacoom, in Pierce county, shall hereafter be styled and known as "The Western Washington Hospital for the Insane."

SEC. 2. That the hospital for the insane now in process of erection at Medical Lake, in Spokane county, shall,

when completed, be styled and known as "The Eastern Washington Hospital for the Insane."

SEC. 3. When completed The Eastern Washington Hospital for the Insane shall receive patients only from the counties east of the Cascade range of mountains, in the State of Washington, except as provided for in section seventeen (17) of this act. Until the said Eastern Washington Hospital is completed and ready to receive patients, all the insane in the state, when duly committed, shall be received by The Western Washington Hospital for the Insane to the extent of its accommodations. After the said hospital is opened for the reception of patients, The Western Washington Hospital for the Insane shall receive patients only from the counties west of the Cascade range of mountains, in the State of Washington, except as provided in section seventeen (17) of this act; and all patients in The Western Washington Hospital for the Insane properly belonging to the counties east of the Cascade range of mountains shall be transferred to The Eastern Washington Hospital for the Insane, under the direction of the superintendent of the said Eastern Washington Hospital for the Insane. The cost of such transfer shall be certified to by the said superintendent, and when approved by the state auditor shall be paid by the state treasurer: *Provided*, That any patient whose family or friends so desire may remain in The Western Washington Hospital for the Insane.

Division of  
patents.

Transfer of  
patents.

SEC. 4. A board of three trustees for each of the above named hospitals shall be named by the governor, and by and with the consent of the legislative senate, by him be appointed. The one first named shall serve one (1) year from February 1, 1890; the second, three (3) years from February 1, 1890; the third, five (5) years, from February 1, 1890; and as their terms of office expire their successors shall be appointed by the governor, by and with the consent of the legislative senate, for six (6) years, and until their successors are appointed and qualified. In case of a vacancy occurring in the board of trustees, the governor shall fill the vacancy by appointment for the unexpired term, subject to the approval of the next legislative sen-

Trustees.

Vacancies.

ate. Any trustee may be removed by the governor, for good and sufficient cause, at any time.

Organization of board.

SEC. 5. The board of trustees, at their first meeting, which shall be on the first Monday following their qualification, shall elect one of their number president and another secretary. The secretary shall receive an annual salary of one hundred dollars. If at any meeting the president be absent, the board shall choose from their number a president *pro tempore*. Two of the board shall constitute a quorum for the transaction of business.

Bonds.

SEC. 6. Each of the said named trustees and their successors shall, before entering upon the duties of his office, give a bond of five thousand dollars, approved by the governor and filed in the office of the secretary of state, for the faithful performance of his duties.

Powers and duties of trustees.

SEC. 7. The said board of trustees shall have power to make all repairs and improvements that, in their judgment, may be necessary for the conduct of the hospital under their charge, and to hold, manage, dispose of and convey all personal property made over to them by purchase, gift, devise or bequest, and the proceeds and increase thereof, for the use of said hospital. They shall take charge of the general interests of the hospital, and shall manage and conduct the same in such manner as may appear to them best and most economical. They shall employ a superintendent, and may ordain by-laws for the government of the hospital, and therein may prescribe, in a manner consistent with the laws of the state, the duties of all persons connected in any way with the management of the hospital under their charge.

Superintendent.

SEC. 8. The superintendent shall be a skillful practicing physician, and shall reside in the hospital. He shall hold his office for such time as the trustees may deem wise and for the efficiency and economy of the institution; he shall have entire control of the medical, moral and dietetic treatment of the patients, and, so far as is not inconsistent with the by-laws and regulations of the hospital, of all other internal government and economy of the institution, and he shall, in such manner and under such restrictions, and for such terms of time as the by-laws may

prescribe, appoint all subordinate officers and employes, and shall have entire direction of them in their duties.

SEC. 9. The superintendent shall not be required to attend any court as a witness in a civil suit, but parties desiring his testimony can take and use his deposition; nor shall he be required to attend as a witness in any criminal case, unless the judge of the court before which his testimony shall be desired shall, upon being satisfied of the materiality of his testimony, require his attendance; and he and all other persons employed at the hospital shall be exempt from serving on juries, and, in time of peace, from performing military duty; and the certificate of the superintendent shall be evidence of such employment.

Exemptions of superintendent and employes.

SEC. 10. All itemized bills of purchase made, when having been examined by the board of trustees and found correct, shall be certified by the president and secretary of the board then sitting, and the same transmitted to the auditor of state, who shall audit the same and draw his warrant on the state treasurer for the amount, and the said treasurer is hereby authorized and required to pay the same out of any money in the treasury not otherwise appropriated.

Auditing accounts.

SEC. 11. The trustees shall receive three dollars per day for the time actually spent in the discharge of such duties, and fifteen cents per mile necessarily traveled to and from all necessary visitation[s]: *Provided*, That this section shall not apply to the trustees for The Hospital of Insane of Eastern Washington; when employed as building commissioners, they shall receive the compensation now allowed by law.

Compensation of trustees.

SEC. 12. No trustee shall be appointed to or employed in any office under authority of the board, except as provided in section 5 of this act, nor be directly or indirectly interested in any contract, debt or account to be made by said board for any purpose whatever.

SEC. 13. The trustees shall cause the accounts of said institution to be so kept and reported as to show the quality, quantity, cost and vendor of every article purchased for use therein.

Form of accounts.

Biennial report. SEC. 14. The trustees shall prepare and lay before the governor and legislature at every biennial session thereof a full and detailed, but concise report, exhibiting a particular statement of the condition of the hospital and all its concerns, an account of all contracts, expenditures and liabilities, with a list of all officers and employes, and their salaries, and in a tabular form the value of the stock and supplies on hand, on or before the 15th day of November of each year.

Books open. SEC. 15. The accounts and books of the hospital shall at all times be open to inspection of the legal visitors of the institution, or any taxpayer of the state.

Commitment of patients. SEC. 16. The superior court of any county in this state, or the judge thereof, upon the application of any person under oath, setting forth that any person, by reason of insanity, is unsafe to be at large, shall cause such person to be brought before him, and he shall summons to appear at the same time and place two or more witnesses, who shall testify under oath as to conversation, manners and general conduct upon which said charge of insanity is based; and shall also cause to appear before him, at the same time and place, two reputable physicians, before whom the judge shall examine the charge, unless the accused, or any one in his or her behalf, shall demand a jury to decide upon the question of insanity. If such demand be made, the trial shall be by jury. If no jury be demanded, and the physicians, after a careful hearing of the case, and a personal examination of the alleged insane person, shall certify under oath that the person examined is insane, and the case is of a recent or curable character, or that the said insane person is of a homicidal, suicidal or incendiary disposition, or that from any other violent symptoms the said insane person would be dangerous to his or her own life, or the lives and property of the community in which he or she may live; and if said physicians shall also certify to the name, age, nativity, residence, occupation, length of time in this state, state last from, previous habits, premonitory symptoms, apparent cause, and class of insanity, duration of the disease and present condition, as nearly as can be ascertained by inquiry and examination; and if the

judge shall be satisfied that the facts revealed in the examination establish the existence of the insanity of the person accused, and that it is of a recent or curable nature, or of a homicidal, suicidal or incendiary character, or that from the violence of the symptoms the said insane person would be dangerous to his or her own life, or to the lives and property of others if at large, he shall order such insane person sent to the hospital for the insane. If the trial has been by jury and the accused declared insane by said jury, and the insanity be of the character above described, the said insane person shall be ordered by the judge to be sent to the hospital for the insane.

Trial by jury.

SEC. 17. Whenever the superior judge shall order an insane person sent to the hospital for the insane, he shall issue a warrant directed to the sheriff, commanding him to convey such insane person to the hospital for the insane, and place such insane person in charge of the superintendent of the hospital for the insane to which the order is directed; and he shall transmit a copy of the complaint and commitment, and physician's certificate, which shall always be in the form as furnished to the courts by the superintendent of the hospital for the insane: *Provided*, The superior judge, at his discretion, or superintendent, on application of the relatives or friends, may send him or her to either hospital for the insane.

Warrant from superior judge.

SEC. 18. When any person shall be found to be insane, or come within the provisions of this act, the costs of commitment shall be paid by the county: *Provided*, That when such insane person is a resident of another county, the county wherein such proceedings were had shall recover from the county of which such insane person is a resident, all costs and expenses so paid as aforesaid.

Costs of commitment.

SEC. 19. Whenever the superior judge of any county shall, by reason of sickness or other cause, be unable to attend at his office and perform the duties required by this act, said duties shall be performed by any judge of the superior court of any adjacent county, upon the applicant filing an affidavit setting forth the inability of the proper superior judge to attend to the duties of his office.

Disability of judge.

SEC. 20. The superior courts of the state shall have

Power of court.

power to commit to the hospital for the insane any person who, having been arraigned for an indictable offense, shall be found by the jury to be insane at the time of such arraignment, and the costs of such commitment shall be paid in the same manner.

Removal of  
insane pris-  
oners.

SEC. 21. The governor of the state may, in his discretion, order the removal of any prisoner to the hospital for the insane when the physician, board of penitentiary commissioners, and wardens of the penitentiary, after examination, are of the opinion that such prisoner is insane, and shall certify the fact under oath to the governor. As soon as the superintendent of the hospital for the insane to which such prisoner is sent ascertains that he is not insane, or has recovered, he shall immediately notify the warden of the penitentiary of that fact, and thereupon the said warden shall cause such prisoner to be at once returned to the penitentiary, if his term of imprisonment has not expired.

Transporting  
insane patients.

SEC. 22. All persons adjudged insane and committed to the hospital for the insane, shall be conveyed to the hospital for the insane by the sheriff of the county in which such person or persons were adjudged insane, or by some one appointed by the sheriff as his deputy for that purpose.

Female attend-  
ants.

SEC. 23. In case of any female having been adjudged insane, and committed to the hospital for the insane, the superior judge of the county shall require the sheriff to select some suitable female to accompany said insane patient, as an attendant or guard, to the hospital for the insane. The said attendant so selected shall receive for her services as guard the sum of three dollars per day and her actual traveling expenses en route from and returning to the county seat of the county from which the patient is conveyed, by the nearest traveled route, while engaged in said service. An itemized bill for the per diem and expenses, as provided in this section, shall be made out and verified by the oath of the female attendant, or by the sheriff of the county, and filed with the state auditor, who, if he deem the amount reasonable and just, shall draw his warrant on the treasurer for the payment of the same, or for such portion thereof as shall by him be deemed legal and just.

Expenses.

SEC. 24. In case the superior judge shall deem it necessary, he may direct in the order for conveying to the hospital any male person or persons, that the sheriff may select one person as a guard to assist in conveying said male person or persons to the hospital for the insane, and the compensation for the services of said guard shall be the same as provided in section 23 of this act for a female guard or attendant.

SEC. 25. The sheriff of the county or his deputy shall receive the sum of five dollars per day and his actual traveling expenses for the time necessarily employed in conveying insane persons to the hospital for the insane, computing the time by the nearest traveled route from the county seat of his county to the hospital and return: *Provided*, That the time and personal expenses of the sheriff, on his return from the hospital, shall not be greater than the time and personal expenses necessarily involved in going to the hospital. In addition to his personal expenses, the sheriff or his deputy shall be allowed his actual disbursements necessarily paid out by him for the board and traveling expenses of the insane person or persons conveyed to the hospital, and he shall make out an itemized account of his own and the expenses of the patient, and verify the same by his oath. The accounts so made out shall be filed with and audited by the state auditor, and the same, or so much thereof as shall be deemed by him just and lawful, shall be paid by the state: *Provided further*, That no sheriff who receives a salary shall receive a per diem under the provisions of this act.

SEC. 26. In all cases of the adjudged insanity and commitment of any person or persons to the hospital, it shall be the duty of the superior judge to make out a copy of the commitment with an order for the appointment of a guard to assist in conveying the patient or patients to the hospital, which commitment and order shall be filed with the state auditor before any amount for the expenses of such conveyance shall be allowed.

SEC. 27. Whenever any patient or patients are delivered to the hospital, under the provisions of this act, the superintendent of the hospital shall give to the sheriff or his

Certificate of admission of patient.

deputy delivering such patient a certificate stating the name of the patient, the county from which admitted and the court that committed the same, and stating whether such patient was accompanied by an additional guard or attendant.

Duty of state auditor.

SEC. 28. The state auditor shall examine the sworn statement of the sheriff or his deputy, or any guard appointed under the provision[s] of this act, and also the certificate of the superintendent of the hospital, and if he find the same correct, he shall audit the bills and amounts presented, or any part thereof, and issue a warrant on the state treasurer, who shall pay the same out of any moneys in the treasury not otherwise appropriated.

Cases not admitted.

SEC. 29. No case of idiocy, imbecility, harmless chronic mental unsoundness, or acute mania *a potu* shall be committed to the hospital for the insane; and whenever in the opinion of the superintendent, after a careful examination of the case of any person committed, it shall be satisfactorily ascertained by him that the party has been unlawfully committed, and that he or she comes under the rule of exemptions provided for in this section, he shall have the authority to discharge such person so unlawfully committed, and return him or her to the county from which committed, at the expense of such county.

Non-residents.

SEC. 30. Non-residents of this state conveyed or coming herein while insane shall not be committed to nor supported in the hospital for the insane; but this prohibition shall not prevent the commitment to and temporary care in said hospital of persons stricken with insanity while traveling or temporarily sojourning in the state, or sailors attacked with insanity upon the high seas and first arriving thereafter in some port within this state.

Sailors.

Contagious disease.

SEC. 31. No person laboring under any contagious or infectious disease shall be admitted into the hospitals for the insane.

Rights of relatives.

SEC. 32. The relatives or friends of any person charged with insanity, or who shall be found to be insane under this act, shall in all cases have the right to take charge of and keep said insane person if they shall desire so to do; but the superior judge may require a bond of such rela-

tives or friends, conditioned for the proper and safe keeping of such person.

SEC. 33. The relatives or friends of an inmate of the hospital for the insane may receive such inmate therefrom on their giving a bond or other satisfactory evidence to the superior judge issuing the commitment that they or any of them are capable and suited to take care of and give proper care to such insane person, and give protection against any of his acts as an insane person. If such satisfactory evidence appear to the judge, he may issue an order, directed to the superintendent of the hospital for the insane, for the removal of such person. If, after such removal, it is brought to the knowledge of the judge by verified statement that the person thus removed is not cared for properly, or is dangerous to persons or property, by reason of such want of care, he may order such person returned to the hospital.

Return of patient.

SEC. 34. The superintendent shall furnish each patient in the hospital for the insane with material for writing one letter a week, if he shall request the same, unless otherwise provided with it. These letters shall be subject to the inspection of the superintendent, who shall mail to the proper address such of them as, in his judgment, should be sent, and he shall retain such letters as he considers objectionable and submit them to the trustees at their next meeting for such disposition as they deem proper. All letters directed to patients shall be delivered to them if, in the judgment of the superintendent, their contents are not prejudicial to the mental condition of the patients.

Writing material for patients.

SEC. 35. In the event of the sudden or mysterious death of any inmate of the hospital for the insane, such facts shall be reported by the superintendent thereof to the coroner of the county in which such death occurs, or to the nearest justice of the peace therein, and a coroner's inquest shall be held as provided by law in other cases, and the expenses of said coroner's inquest shall be paid from the funds appropriated for the support of the hospital for the insane.

Coroner's inquest.

SEC. 36. The superintendent shall provide an official seal, upon which shall be inscribed the statute name of the

Seal of superintendent.

hospital under his charge and the name of the state. He shall affix the seal of the hospital to any notice, order of discharge or other papers required to be given by him or issued.

In case of  
escaped  
patients.

SEC. 37. If any patient shall escape from the hospital, the superintendent shall cause immediate search to be made for him, and, if he cannot soon be found, shall cause notice of such escape to be forthwith given to the superior judge of the county where the patient belongs; and if such patient is found in his county, the superior judge shall cause him to be returned, and shall issue his warrant therefor as in other cases, unless he does not consider his return necessary, of which fact he shall notify the superintendent.

Indigent  
patients.

SEC. 38. Any patient may be discharged from the hospital when, in the judgment of the superintendent, it may be expedient. Indigent patients, when discharged, may be returned to the counties from which admitted, at the expense of said counties. No indigent patient shall be discharged without suitable clothing, and the trustees shall furnish the same, together with such sum of money, not exceeding ten dollars, as they may deem necessary. To carry into effect the provisions of this section, the boards of trustees are hereby authorized to make requisitions on the state auditor for such sum or sums as, from time to time, they may need for the purpose mentioned herein, not exceeding, however, the sum of two hundred dollars per annum for each hospital; and the said state auditor, on receipt of such requisitions, signed by the president and secretary of said boards, shall issue a warrant on the state treasurer for the amount thereof, with the limitations prescribed herein.

Notice of dis-  
charge or death.

SEC. 39. The superintendent shall officially notify the proper superior judge, and friends, if any there be, of the discharge or death of any patient, and give the date and reasons for such discharge or death.

When over-  
crowded.

SEC. 40. If at any time it may become necessary, for want of room or other cause, to discriminate in the general reception of patients into the hospital, a selection shall be made as follows: *First*, recent cases, *i. e.*, cases of less

than one year's duration, shall have the preference over all others; *second*, chronic cases, *i. e.*, when the disease is of more than one year's duration, presenting the most favorable prospects of recovery, shall be next preferred; *third*, those for whom application has been longest on file, other things being equal, shall be next preferred; *fourth*, where cases are equally meritorious in all other respects, the indigent shall have the preference.

SEC. 41. All moneys belonging to the state, coming Separate fund. into the hands of the trustees, other than that appropriated by the state, shall be kept by said trustees in a separate fund, to be known as the contingent fund, and the same shall, by the said trustees, be expended at such times and in such manner as to the said board appears for the best interest of the hospital and for the improvement thereof, and of the grounds and buildings therewith connected. A full, strict and itemized account of all such receipts and expenditures shall be included, in the biennial report of said board of trustees. Accounting for funds.

SEC. 42. The superintendent of each hospital for the in- Assistants. sane, by and with the consent of the board of trustees, shall employ such assistants as are necessary for the effectual and economical administration of the institution; and the regular officers and employes shall not receive salaries to exceed the following sums per annum: One super- Salaries. intendent, twenty-two hundred (\$2,200) dollars; one assistant physician, fifteen hundred (\$1,500) dollars; one steward and accountant, twelve hundred (\$1,200) dollars; one matron, six hundred and fifty (\$650) dollars; one head warden, six hundred and fifty (\$650) dollars; one engineer, one thousand (\$1,000) dollars; one assistant engineer, six hundred (\$600) dollars; ward attendants, male and female, each, six hundred (\$600) dollars; one outside attendant, six hundred (\$600) dollars; one teamster, four hundred (\$400) dollars; one laundress, three hundred (\$300) dollars; one carpenter, six hundred (\$600) dollars; one cook, nine hundred (\$900) dollars; one baker, six hundred (\$600) dollars; one assistant cook, five hundred and forty (\$540) dollars; one assistant in kitchen and dining-rooms, three hundred (\$300) dollars.

Quarters and  
furniture.

SEC. 43. The superintendent, assistant physician, the accountant, and their families, shall be furnished with quarters, household furniture, board, fuel and lights, and each employe shall be furnished the same for one, and engineer, with quarters for their families, in addition to their salaries.

Bids for fur-  
nishing sup-  
plies.

SEC. 44. The board of trustees shall have power to make all purchases necessary to carry into effect the provisions of this act, which purchase shall be made from the lowest responsible bidder. Said board shall, as often as it deems necessary, advertise for two weeks in two or more daily papers published in this state, for sealed bids, in duplicate, for the furnishing of all the supplies required until the date of the next advertisement. Bids shall be accepted in detail, as near as practicable, and the advertisement shall so state. The contract for such supplies shall be let to the lowest responsible bidder; all bids received by the board shall be kept by its secretary and shall be subject to inspection by any person. No officer or employe shall have authority to purchase, at the expense of the state, any article for the hospital except in case of extreme necessity, and when the superintendent shall consider such article absolutely necessary. But all supplies shall be purchased as provided in this section.

Contracts to  
lowest bidders.

Improvements  
and repairs.

SEC. 45. For all material, improvements or repairs required at the hospital for the insane, the trustees shall advertise as provided in this chapter for the purchase of supplies, and let the same to the lowest responsible bidder, stating in said advertisement the kind of buildings, improvements and material, so that a bidder can bid intelligently. And in no case shall the trustees expend more than five hundred dollars any one year for improvements, material or repairs, except as above provided.

Appropriation.

SEC. 46. To carry into effect the provisions of this act, there is hereby appropriated the sum of seventy-five thousand dollars, and provided that not to exceed sixteen dollars a month shall be drawn for the support of each patient in the hospital. The number present on the fifteenth day of each month shall be the basis of computation as provided in this act.

Probate juris-  
diction.

SEC. 47. The probate court shall have jurisdiction of

commitment under the provisions of this act until the business of said court is transferred to the superior court, and thereafter the superior court shall assume such jurisdiction.

SEC. 48. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 49. In view of the fact that the present law relating to the subject contained in this act is inadequate, and the enactment of laws regulating said subject are seriously needed, an emergency is declared to exist; therefore, this act shall take effect and be in force from and after its approval.

Approved March 13, 1890.

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## ASYLUM AT FORT STEILACOOM; SALE OF CERTAIN LANDS AT.

AN ACT authorizing the Board of Trustees for the Hospital for the Insane at Fort Steilacoom to sell a certain tract of land, and to purchase other land, and declaring an emergency to exist.

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

SECTION 1. The board of trustees for the Hospital for To convey land. the Insane at Fort Steilacoom are hereby authorized and empowered to sell, and in the name of the State of Washington to execute a deed for the tract or parcel of land hereinafter described, and upon the conditions herein provided.

SEC. 2. The tract or parcel of land hereby authorized to be sold consists of about sixty acres, being the west sixty acres, more or less, of a tract or parcel of land owned by the state, and described in the original deed as follows, to-wit: All that certain tract of land in Pierce county, Wash- Amount and description. ington Territory, being a part of the John Van Buskirk

donation land claim that is described as follows, to-wit: Commencing at a point 16.54 chains S., 26 degrees W. of the N. E. corner of the first above described claim, and running thence west 86.75 chains to the meander line; thence along said meander S. 26¼ degrees, west 12.10 chains; thence east 88.10 chains to a point on east boundary line; thence N. 20 degrees, east 11.54 chains to the place of beginning, containing 94.86 acres, more or less.

Sale by public  
auction.

SEC. 3. It shall be the duty of the board of trustees for the Hospital for the Insane at Fort Steilacoom to fix a date upon which the above described land shall be offered for sale at public auction, and to cause notices to be published in at least two (2) daily newspapers having a general circulation within this state for four (4) consecutive weeks preceding the date of sale, setting forth the fact that such premises will be offered for sale, to the highest responsible bidder, upon the date so fixed and announced; and it shall be the duty of said board of trustees to publicly offer said premises for sale at auction, at the front door of the court house of Pierce county, State of Washington, on the date so announced, and the lands described in said advertisement shall be sold and conveyed to the highest responsible bidder therefor, upon payment to the board of trustees, in lawful money of the United States, the purchase price thereof: *Provided*, That the said sixty acres of land shall not be sold and conveyed by the board of trustees for any sum less than one hundred dollars (\$100) per acre.

Price limit.

Board may  
purchase land.

SEC. 4. The board of trustees for the Hospital for the Insane at Fort Steilacoom are hereby authorized and empowered to purchase, in the name of the State of Washington, and for the uses of said Hospital for the Insane, a tract of agricultural land containing about sixty acres, more or less, lying near the lands owned by the state, for the purposes of said institution; but the purchase price of such land shall not exceed the sum of one hundred dollars (\$100) per acre.

SEC. 5. The board of trustees herein mentioned are authorized to pay for the tract of land, by this act authorized to be purchased, out of the money received from the sale of the tract of land hereby authorized to be sold; and if

there be any residue of such money remaining in the possession of such board of trustees after making said purchase, the same shall be turned into the state treasury. Surplus money.

SEC. 6. Prior to offering for sale the sixty acres of land, more or less, authorized by this act, the board of trustees shall cause to be made an exact survey thereof. Survey.

SEC. 7. The board of trustees shall make a full and complete report of their doings, under the provisions of this act, in their annual report to the governor and legislature, as required by law. Report.

SEC. 8. The lands herein authorized to be sold being of no value to the state for the purposes of the Hospital for the Insane, and as the lands herein authorized to be purchased may be utilized immediately for agricultural purposes, greatly to the benefit of the institution, an emergency exists; therefore, this act shall take effect and be in force from and after its approval by the governor.

Approved March 14, 1890.

## EDUCATION COMPULSORY; DEFECTIVE YOUTH.

AN ACT to provide for the compulsory education of defective youth, and providing penalties for violations of the same.

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

SECTION 1. It shall be the duty of the clerks of all school districts in the State of Washington to report to the school superintendents of their respective counties the names of all deaf, mute, blind or feeble-minded youth residing within their respective districts who are between the ages of six and twenty-one years. Duty of school clerks.

SEC. 2. It shall be the duty of each county school superintendent to make a full and specific report of such defective youth. County school superintendent must report.

tive youth to the county commissioners of his county at the first regular meeting of said commissioners held after the first day of July in each year. He shall also, at the same time, transmit a duplicate copy of said report to the director of the Washington School for Defective Youth.

Duty of parents, guardians and county commissioners.

SEC. 3. It shall be the duty of the parents or guardians of all such defective youth to send them each year to the said state school for defective youth. The county commissioners shall take all action necessary to enforce this section of this act: *Provided*, That if satisfactory evidence shall be laid before the county commissioners that any defective youth is being properly educated at home or in some suitable institution other than the Washington School for Defective Youth, the county commissioners shall take no other action in such case further than to make a record of the fact, and take such steps as may be necessary to satisfy themselves that said defective youth shall continue to receive a proper education.

County expense; when.

SEC. 4. If it appear to the satisfaction of the county commissioners that the parents of any such defective youth within their county are unable to bear the expense of sending them to said state school, it shall then be the duty of such commissioners to send them to such school at the expense of the county.

Penalty for failure to comply.

SEC. 5. Any parent, guardian, county school superintendent or county commissioner who shall, without a proper cause, fail to carry into effect the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, upon the complaint of any officer or citizen of the county or state, before any justice of the peace or superior court, shall be fined in any sum not less than fifty nor more than two hundred dollars, in the discretion of the court.

Approved March 20, 1890.

## SEAT OF GOVERNMENT; AMENDATORY ACT.

AN ACT to amend an act entitled "An act to provide for submitting the question of the permanent location of the seat of government to a vote of the people."

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

SECTION 1. That section one of said act is amended to read as follows: "At the general election to be holden on the first Tuesday after the first Monday in November, 1890, the qualified electors of the state shall vote for the location of the permanent seat of government in accordance with article fourteen of the constitution, and at said election each elector shall be restricted in his choice of location to one of the three following named places, viz.: Olympia, North Yakima and Ellensburg."

Approved March 22, 1890.

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 PUYALLUP INDIANS; MAY SELL LANDS.

AN ACT enabling the Indians to sell and alien the lands of the Puyallup Indian Reservation, in the State of Washington.

WHEREAS, It was and is provided by and in the treaty made with and between the chiefs, head men and delegates of the Indian tribes (including the Puyallup tribe) and the United States of America, which treaty is dated on the 26th day of December, 1854, among other things as follows: "That the president, at his discretion, should Treaty citation. cause the whole or any portion of the lands thereby reserved, or such land as might be selected in lieu thereof, to be surveyed into lots and assign the same to such individuals or families as are willing to avail themselves of the privilege and will locate on the same as a permanent

home, on the same terms, and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable; and

“WHEREAS, It was and is provided by and in the sixth article of the treaty with the Omahas aforesaid, among other things, that said tracts of land shall not be aliened or leased for a longer term than two years, and shall be exempt from levy, sale or forfeiture, which conditions shall continue in force until a state constitution embracing such lands within its boundaries shall have been formed, and the legislature of the state shall remove the restrictions, but providing that no state legislature shall remove the restrictions \* \* \* without the consent of the congress;” and

Patents in  
severalty.

WHEREAS, The President of the United States, on the 30th day of January, 1866, made and issued patents to the Puyallup Indians, in severalty, for the lands of said reservation, which are now of record in the proper office in Pierce county, in the State of Washington; and

WHEREAS, All the conditions now exist which said treaties contain, and which make it desirable and proper to remove the restrictions in respect to the alienation and disposition of said lands by the Indians, who now hold them in severalty: now, therefore,

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

Power to  
alienate.

SECTION 1. That the said Indians who now hold, or who may hereafter hold, any of the lands of any reservation, in severalty, located in this state by virtue of treaties made between them and the United States, shall have power to lease, incumber, grant and alien the same in like manner and with like effect as any other person may do under the laws of the United States and of this state, and all restrictions in reference thereto are hereby removed.

How conveyed.

SEC. 2. All deeds, conveyances, encumbrances or transfer[s] of any nature and kind executed by any Indian, or in any manner disposing of any land, or interest therein, shall be by deed executed in the same manner as pre-

scribed for the execution of deeds conveying real estate, or any interest therein, except that the same shall in all cases be acknowledged before a judge of a court of record. In taking said acknowledgment, the said judge shall explain to the grantor the contents of said deed or instrument, and the effect of the signing or execution thereof, and so certify the same in the acknowledgment, and before the same shall be admitted to record shall duly examine and approve the said deed or other instrument.

SEC. 3. This act shall take effect and be in force from and after the consent to such removal of the restrictions shall have been given by the congress of the United States.

Approved March 22, 1890.

#### PENITENTIARY; SALARIES OF OFFICERS OF.

AN ACT to amend section three (3) of an act entitled "An act to govern the officers of the territorial penitentiary and to provide for their compensation, approved February 2, 1888," and declaring an emergency.

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

SECTION 1. That section three (3) of an act entitled "An act to govern the officers of the territorial penitentiary and to provide for their compensation, approved February 2, 1888," be amended and read as follows: The annual salaries of the board of penitentiary commissioners, physicians, warden, assistant warden, clerk, and of all overseers and guards, shall be as follows: Each commissioner, three dollars per day during the time of the session of the board of commissioners, and his actual and necessary traveling expenses in attending the meetings of said board; physicians, seven hundred and fifty dollars (\$750); warden, twelve hundred dollars (\$1,200); assistant

Commissioners  
and officers.

warden, ten hundred dollars (\$1,000); clerk, nine hundred dollars (\$900); overseers, each, eight hundred dollars (\$800), and guards, each, six hundred dollars (\$600); said salaries to be paid quarterly.

SEC. 2. Whereas, there being at present a greatly increased number of prisoners in the penitentiary, the salary of the physician as now authorized by law is deemed inadequate, an emergency is deemed to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Approved March 26, 1890.

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## MILITIA ; ORGANIZATION OF STATE.

AN ACT to provide for the organization, maintenance and discipline of the militia of the State of Washington.

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

Between 45 and 18.

SECTION 1. The militia of this state shall consist of all able-bodied male citizens between the age[s] of forty-five and eighteen years, except such persons as now are, or hereafter may be, exempted by the laws of the United States, or of this state.

Exemptions for religion or scruples.

SEC. 2. Persons whose religious tenets or conscientious scruples forbid them to bear arms shall not be compelled to do so in time of war, but shall pay an equivalent for personal service.

Appoint staff officers.

SEC. 3. the brigadier-generals, colonels or commandants of regiments and battalions shall severally appoint their staff officers, and the governor shall commission all officers of the line and staff ranking as such.

Governor shall commission.

Military board shall fix regulations.

SEC. 4. The military board provided by this act shall fix by regulation the method of dividing the militia into regiments, battalions and companies, and make all other

needful rules and regulations in such manner as they may deem expedient, not incompatible with the constitution of the United States, or the laws of this state.

SEC. 5. That it shall be the duty of the assessor of each county in this state, annually, at the time prescribed by law for assessing property, to make out a list of all persons in their respective counties who are liable to do military duty under the laws of the United States, and of this state, which list shall be alphabetically arranged, and shall designate the precinct in which each person named in such list resides, which shall be filed by such assessor in the office of the auditor of their respective counties at the same time and in the same manner as is provided by law for the assessment roll, and the auditor shall keep the same open for inspection as is provided by law for the assessment roll, and also record the same in his office, in a book to be kept by him for that purpose.

Assessor to make list.

SEC. 6. That the said enrollment list shall be corrected in the same manner and at the same time as is provided by law for the assessment roll, and it shall be the duty of the auditor of each county to deliver to the adjutant-general of the state a duplicate of said list, certified by him, within twenty days after the list has been corrected, and the compensation for making out said military list shall be determined and fixed by the county commissioners.

Enrollment list delivered to adjutant general.

SEC. 7. If any assessor shall neglect or refuse to perform any of the duties required of him by this act, he shall be subject to the same penalties, liabilities and punishment as is provided by law for neglect or refusal to perform any of the duties required of him for the assessment of taxes, and, moreover, he shall forfeit and pay the sum of not less than three hundred and not more than one thousand dollars, to be sued for in the name of the state by the district attorney of the respective county, and recovered in the name of the state, and paid into the military fund of the state; and if the auditor shall neglect or refuse to make and deliver to the adjutant-general a duplicate of the military assessment list, as directed by this act, he shall forfeit and pay the sum of not less than two hundred and not more than five hundred dollars, to be sued for and recovered in the

Penalty if assessors neglect.

same manner as is provided in this section with respect to the assessor, and paid into the military fund of the state.

Active and  
reserve.

SEC. 8. All persons subject to military duty under the laws of this state, and not exempt therefrom by the provisions of this act, and such other male persons who shall voluntarily enroll themselves, shall be divided into two classes, to-wit: One consisting of those who enlist in the active militia of the state under the provisions of this act, which shall be known as the National Guard of Washington, and the other to consist of all those subject to military duty, but not included in the above active or enlisted militia; the latter class to be known as the Washington Reserve Militia.

Persons  
exempt.

SEC. 9. The following persons are exempt from military duty: *First*, all persons in the army or navy or volunteer force of the United States, and those who have been honorably discharged therefrom; all persons who shall have served in the National Guard of Washington for the term of seven years, and have been honorably discharged therefrom; all the judges and clerks of the several courts of this state, and the state and county officers. *Second*, idiots, lunatics, paupers, habitual drunkards, and persons convicted of infamous crimes: *Provided*, That the aforesaid exempted persons included in the first subdivision of this section shall be liable to military duty in case of war, insurrection or imminent danger thereof. *Third*, all persons having conscientious scruples against bearing arms: *Provided*, That such persons shall pay for such exemption such equivalent as may be hereafter provided by law.

Appointments  
by commander-  
in-chief.

SEC. 10. The governor of the state shall be the commander-in-chief of the militia, and shall have power to appoint one assistant quartermaster-general, one assistant commissary-general, one assistant inspector-general, one judge-advocate-general, one paymaster-general, one chief of ordnance, one surgeon-general, one chief of engineers and one chief signal officer, each with the rank of colonel, and four aids-de-camp with the rank of lieutenant-colonel, and one assistant adjutant-general (who may be his military secretary) with the rank of major. The surgeon-general shall be *ex-officio* chairman of any board of

surgeons convened for the purpose of examining those who may desire position on the medical staff of the state.

SEC. 11. On the first Monday in October of the year eighteen hundred and ninety (1890), and every fourth year thereafter, there shall be elected by the field and line officers of the National Guard of Washington, at such place and hour as the governor may by general order designate, one brigadier-general and one adjutant-general, with the rank of brigadier-general, who shall hold their respective offices for the term of four years from the first Monday in January following their election, and until their successors are elected and qualified.

Field officers  
elect generals.

SEC. 12. The brigadier-general shall appoint one assistant adjutant-general, one assistant inspector-general, one assistant quartermaster-general, one assistant commissary-general and one brigade surgeon, each with the rank of lieutenant-colonel, and three aids-de-camp, with the rank of first lieutenant.

Appointments  
by brigadier  
general.

SEC. 13. The state shall constitute one brigade, and shall be divided by the military board into regimental districts, with the power to alter and change the same at pleasure.

Districts.

SEC. 14. All enlistments in the National Guard of Washington shall be for the term of three years, and the military board shall adopt such muster-in form, oath or affirmation and triplicate muster-in papers, for the provisions of carrying out this act; one copy to be forwarded to the adjutant-general's office, one to regimental headquarters, and a copy to be retained by the commanding officer of such company of which he shall be a member; the signing of said papers and taking the oath as above required upon enlistment shall constitute a valid enlistment for three years in the National Guard of Washington.

Enlistments.

SEC. 15. Commissions of officers on the personal staff of the commander-in-chief, and staff of general regimental and battalion officers, shall continue in force only during the term of the office of the commander-in-chief, or such general regimental or battalion officer, or during their pleasure.

Personal staff.

SEC. 16. In time of peace the National Guard of Washington shall consist of not more than thirty companies of

Limit of  
companies.

infantry and two (2) companies of cavalry. The said companies may be arranged into regiments or battalions. Infantry and cavalry companies, under the provisions hereof, shall consist of not less than twenty-four nor more than sixty non-commissioned officers, musicians and privates. Any company presenting less than the minimum number of twenty-four non-commissioned officers and privates at any stated muster of the company, regiment or brigade, shall be disbanded by order of the commander-in-chief. The commissioned officers of said regiment and company shall be the same as those of similar organizations in the army of the United States.

SEC. 17. No company, other than those included in the provisions of section 18 of this act, shall be admitted into the National Guard of Washington, except upon the order of the military board and with the approval of the governor.

Companies organized under the territory.

SEC. 18. The organized companies which at the date of the admission of this state into the Union constituted, under the laws of the Territory of Washington, the National Guard of Washington, and all companies which, by virtue of the continuance in force of the laws of Washington Territory as a part of the laws of this state, now comprise the active militia of this state, shall hold their position in their respective regiments, and are hereby declared a part of the National Guard of Washington, as defined by this act: *Provided, however,* That the number of such infantry companies shall not exceed thirty, and of cavalry shall not exceed two (2). And the officers of such companies and regiments shall hold their respective offices therein as officers of the active militia of this state for and during the several terms for which they were elected, and until their successors are elected and qualified.

Personnel of military board.

SEC. 19. There shall be a military board, consisting of the brigadier-general (who shall be chairman of said board), the adjutant-general and one field officer to be appointed by the commander-in-chief. The military board shall constitute an advisory board to the commander-in-chief in all the military interests of the state. They are

hereby authorized and empowered to prepare and promulgate the necessary provisions, rules and regulations for the organization and government of the National Guard of Washington not inconsistent with the laws of the United States or of this state, and said provisions, rules and regulations, together with such alterations or amendments as may be required from time to time, when approved by the commander-in-chief, shall be in force from the date of their publication in general orders; they shall have power to make any changes in the military organization of this state that may become necessary to conform said organization to the laws of the United States: *Provided*, That the expenses thereof to the state shall not be increased by such change. A majority of said board shall constitute a quorum for the transaction of business.

SEC. 20. Every commissioned officer of the National Guard of Washington shall provide himself with a suitable uniform within sixty days from [the] date of his commission; but every non-commissioned officer, musician and private shall be furnished with a uniform, arms and equipment at the expense of the state, as hereinafter provided. Uniforms.

SEC. 21. The military board shall cause to be procured the uniforms, arms, equipments, stores, supplies, and camp and garrison equipage which may be required from time to time for the purposes provided in this act, and they shall prescribe the rules and regulations under which they shall be issued to and used by the National Guard of Washington: *Provided*, That the prices paid for arms, uniforms, stores, supplies, and camp and garrison equipage shall in no case exceed the prices paid for the said articles of like quality for the army of the United States. The said uniforms shall be prescribed by the military board. Arms, equipments and supplies.

SEC. 22. Whoever shall secrete, sell, dispose of, offer for sale, or in any manner pawn or pledge, or retain or refuse to deliver to an officer entitled to take possession thereof, any uniforms, arms or equipments, or other property which shall have been procured under the provisions of this act, and any member of the National Guard of Washington who shall, when not on duty, wear any such uniform or equipments without the permission of his commanding Misdemeanor defined.

officer, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than ten nor more than thirty days, or by a fine of not less than ten dollars nor more than one hundred dollars.

Penalty.

Military auditors.

Expenses.

SEC. 23. The commander-in-chief, adjutant-general and the state auditor constitute a board of military auditors. The commander-in-chief is president and the adjutant-general secretary; and the board must have a seal which must be attached to all accounts audited by them. There must be audited and allowed by the board of military auditors, and paid out of the special military fund to the commanding officer of each infantry or cavalry company of the militia of sixty members or more, the sum of fifty dollars per month, and an amount in proportion, to every company of less than sixty members; the sums so paid to be used for armory rent, care of arms, and proper incidental expenses of the company. No claim must be allowed under the provisions of this section unless an account of the expenditures for the preceding year and ending June thirtieth is made upon the annual muster roll, certified to by the commanding officer as correct, the demands must be made quarterly, in duplicate, signed and sworn to by the officer claiming the same, before any field officer of the National Guard or notary public, and transmitted through the regular military channel with the approval of each commanding officer through whose headquarters they are required to pass; one copy of such demand shall be filed in the office of the adjutant-general and one copy sent to the board of military auditors.

Organized companies must meet and drill.

SEC. 24. Each and every company organized under the provisions of this act shall meet at least twice in each month at their armory for military instruction, at which time the commanding officer of the company, or some suitable person detailed by him, shall drill the company not less than two hours, in the school of the soldier, the manual of arms and the movements of the company.

Annual muster.

SEC. 25. There shall be an annual muster and camp of instruction of the National Guard of Washington at such time and place, or places, as the commander-in-chief may

designate, at which time the companies shall be drilled, inspected and reviewed by battalions, regiments or brigades. Such camp of instruction shall continue for a period of not less than four nor more than twelve days, and shall be governed by such rules and regulations as shall be prescribed by the military board, and there shall be three annual parades, one on the twenty-second day of February, one on memorial day, and one on the fourth of July.

SEC. 26. The military forces of this state, when in actual service of the state in time of war, insurrection, invasion or imminent danger thereof, shall, during their time of service, be entitled to the same pay, rations and allowances for clothing as are at the time of the said service allowed by law in the army of the United States. When ordered into the service of the state in case of forcible obstruction to the execution of the laws, or reasonable apprehension thereof, or to prevent breaches or disturbances of the peace, or to protect the property of the state or its citizens, except in case of war or invasion, and when in attendance at the annual muster or camp of instruction, or at the stated parades under this act, the National Guard of Washington shall receive the following compensation per diem: Each commissioned officer, two dollars; each non-commissioned officer, musician and private, one dollar and fifty cents; and, in addition thereto, except at such stated parades, each officer and enlisted man shall be entitled to one ration per day, and every officer and enlisted man of cavalry, and every mounted officer of infantry shall be entitled to forage of one horse.

Rations and pay in actual service.

SEC. 27. No officer, non-commissioned officer, musician or private shall receive any compensation from the state during time of peace, except as in this act provided.

SEC. 28. In case of war, insurrection, invasion or imminent danger thereof, or any forcible obstruction to the execution of the laws, or reasonable apprehension thereof, the governor, if he deems the organized National Guards insufficient to defend the state, or to aid civil authorities to enforce the laws, may, in his discretion, either call for volunteer recruits to temporarily fill companies of the National Guard to the maximum strength, or authorize

Power of governor.

Volunteer recruits.

the temporary organization of volunteer companies, or he may do both; such temporary volunteers shall be discharged when directed by the commander-in-chief, or as soon as the emergency for which they were required has passed, and while in such service they shall be subject to the same discipline and penalties, and receive the same pay as the regular National Guard.

Relief of widow  
or children.

SEC. 29. If any soldier is wounded or otherwise disabled, or is killed, or dies of wounds received while doing military duty according to law in case of invasion, insurrection or disturbance of the peace, he, his widow or children shall receive from the state such just and reasonable relief as the legislature shall deem proper.

Court-martial.

SEC. 30. The governor may order courts-martial for the trial of officers and enlisted men of the National Guard on proper charges and specifications, the proceedings of which shall be as provided by the military board, conforming to the regulations, articles of war and practice for the government of the army of the United States as near as may be; and the governor in ordering a court-martial, shall detail a judge advocate for the same. And no commissioned officer, or dishonorably discharged non-commissioned officer, artificer, musician or private, cashiered or dishonorably discharged from the National Guard, shall be permitted to again enter any company of the National Guard or serve therein, and such person shall be disqualified from holding any military office in the service of the state, except the offense be pardoned by the commander-in-chief.

By regiment or  
battalion.

SEC. 31. Regimental and battalion court-martial may be convened by order of commandants of regiments or battalions, approved by the governor, under such regulations as the military board may prescribe. The proceedings, findings and sentences of all courts-martial shall, unless otherwise ordered by the governor, be reviewed by the judge-advocate-general and approved or disapproved by him.

SEC. 32. The president of a court-martial may issue subpoenas, enforce the attendance of a witness, and punish a refusal to be sworn or to answer, as provided in civil actions.

SEC. 33. Commandants of companies may appoint courts of discipline, under the rules and regulations prescribed by the military board, for the trial of members of their respective companies for violations of the militia law, the general code of regulations or the authorized by-laws of their companies. Courts of discipline.

SEC. 34. When fines assessed by courts-martial or courts of discipline are not paid within ten days after the sentence is approved by the reviewing officers, and returned to the commandant, a list thereof and of the delinquents shall be placed in the hands of justices of the peace within the precincts in which the delinquents respectively reside, who shall thereupon issue summons to each of such delinquents, commanding them to appear before said justice at a time to be fixed by him, and stated in said summons, and not less than five nor more than ten days from the time of service thereof, and show cause why judgment should not be entered against him for such fine and costs in accordance with said sentence. Such summons shall be served in like manner as other summons issued by justices of the peace, and the hearing shall be conducted in like manner as other trials before justices of the peace: *Provided*, That the record of the proceedings and findings of such court-martial or court of discipline, when regularly conducted, shall be conclusive evidence of the facts therein stated. If, upon said hearing, the said justice finds against the said delinquents, or any of them, he shall render judgment against such delinquents separately, together with the costs of suit, and shall issue execution thereon, without stay, directed to any constable of the proper precinct, who shall collect the same without exemption. Fines delinquent.

SEC. 35. Dues levied by the by-laws of any militia organization may be collected by civil suit without right of stay or exemption; and all suits for the collection of fines or dues shall be brought in the name of the State of Washington for the use of the company, but in no case shall the state pay any costs of such suit. Dues; how collected.

SEC. 36. In all criminal prosecutions for violations of the provisions of this act, fines and penalties collected by justices of the peace, as hereinbefore provided, shall be Fines and penalties.

paid into the treasury of the state to the credit of the military fund.

Power of commander-in-chief.

SEC. 37. The commander-in-chief shall have power, in case of invasion, insurrection, or breaches of the peace, or imminent danger thereof, to order into the service of the state any of the companies, battalions, regiments or brigades of the National Guard, or of the militia force of the state that he may deem proper, and under the command of such officers as he shall designate.

Penalty for neglect to obey orders.

SEC. 38. Any officer, non-commissioned officer, musician or private, who shall neglect or refuse to obey the orders of his commanding officer, in case of invasion, insurrection, riot, tumult, breach of the peace, or resistance to process, hereinbefore provided for, shall be liable to a fine of not less than twenty nor more than one hundred dollars, and imprisonment in the county jail for a period not exceeding three months.

SEC. 39. The uniforms, arms and equipments required by law or regulations of every soldier of the National Guard shall be exempt from all suits, distresses, executions or sales for debt, or the payment of taxes.

Commissions.

SEC. 40. That all military commissions of both the militia and volunteer service, the issue of which is authorized by the laws of this state, shall be signed by the governor, sealed with the great seal of the state, and attested and recorded by the adjutant-general.

Militia tax.

SEC. 41. For the purpose of raising revenue to defray the current expenses of the militia, there is hereby levied, and the proper officer shall collect, a tax of one-fifth of one mill upon all property in the state subject to taxation for the present fiscal year, and for each fiscal year thereafter.

Military fund.

SEC. 42. The revenue raised under the provisions of this act shall be paid into the state treasury and be converted into a special military fund, from which special fund only shall be paid any of the expenses authorized by this act; and so much thereof as may be necessary is hereby appropriated to carry out the provisions of this act upon vouchers approved as herein prescribed.

SEC. 43. The auditor of the state is hereby authorized

and required to draw warrants on the state treasurer for the purposes and amounts specified in this act, on the presentation to him of itemized bills and estimates, verified by affidavit of the claimants, audited by the military board and approved by the governor.

Warrants; how drawn.

SEC. 44. The military officers of this state not hereinbefore provided for shall be chosen as follows: The field officers of regiments and battalions, by the written or printed votes of the commissioned line officers of the companies of the respective regiments or battalions; field officers of regiments or battalions shall hold office for four years and until their successors are chosen and qualified; commissioned officers of companies shall be elected by the written or printed votes of the non-commissioned officers and privates of their respective companies. All commissioned officers of the National Guard of Washington shall have power to administer oaths on military business.

Officers; how chosen.

SEC. 45. The commissioned officers of companies shall hold office for three years and until their successors are elected and qualified.

Duration of office.

SEC. 46. The commissions of all field officers now in force shall expire on the first day of June, eighteen hundred and ninety-two, when an election will be held in compliance with the provisions of this act, and the commissions of all company officers now in force shall expire on the first day of May, eighteen hundred and ninety-two, when an election will be held in compliance with the provisions of this act.

Commissions of field officers.

SEC. 47. All appointments, elections and promotions to office hereafter in the militia of the State of Washington, shall be on their proper qualifications to fill the office for which they are elected, and the military board shall cause the proper rules, and provide for an examination, as often as they may deem it for the best interest of the National Guard, of all officers comprising the militia; and all applicants for promotion or election shall be examined in the tactics in use in the United States army, and in the various branches of military science, and the military board shall have, and are hereby empowered, to summons any officer or officers before any board of examiners that they

Applicants must be examined.

shall provide. Any officer failing to appear before such board after proper notification, shall be guilty of disobedience of orders.

Bonds of officers.

SEC. 48. The military board shall cause and require proper bonds to be given, with good and satisfactory sureties, from all officers who have any military state property in their charge or possession, said bond to be filed with the adjutant-general before any commissions shall be issued or property turned over to applicants.

Adjutant general.

SEC. 49. In time of peace the adjutant-general shall be *ex-officio* quartermaster-general, commissary-general, inspector-general and chief of ordnance, and shall perform the duties of the officers; he shall give such bond to the state for the proper discharge of the duties of his several offices as the military board may determine, said bond to be placed in the custody of the state auditor as security to the state. He shall receive a salary of one thousand and five hundred dollars annually, payable quarterly, together with the necessary expenses of his offices. He may appoint one assistant adjutant-general, with the rank of colonel; one assistant quartermaster-general, with the rank of lieutenant-colonel; one assistant commissary-general, with the rank of lieutenant-colonel; one assistant inspector-general, with the rank of lieutenant-colonel, and two aids-de-camp, with the rank of captain.

Regimental flag.

SEC. 50. The military board is hereby authorized to provide each organized regiment or battalion now formed, or that may be formed under the provisions of this act, and that the brigadier-general commanding the brigade shall certify that it is in such a state of discipline and efficiency as to be deserving of the honor, with a regimental flag, a national flag and necessary regimental guidons. Such regimental flag shall be the flag of this state, with the number, motto and arm of the service of the regiment in a scroll upon the same. The size of the flag shall be six feet six inches fly, and six feet on the pike. The fringe shall be yellow, four inches deep, and the cord and tassel blue and white intermixed. The length of the pike shall be ten feet, including the spear.

SEC. 51. The national flag and regimental guidons car-

ried by each regiment shall be the same as prescribed for regiments of the same arm in the United States army.

SEC. 52. No flag but that of the United States and that of the State and Territory of Washington shall be carried by the National Guard of Washington. Flags of United States or of Washington.

SEC. 53. The systems of tactics and field exercises ordered to be observed by the army of the United States and the different arms of service, or such other system as may be prescribed by the militia laws of the United States, shall be observed by the militia of this state, to the exclusion of all other systems. Tactics.

SEC. 54. For the improvement of the National Guard and the use of its weapons in target practice, the military board shall provide the rules to govern all ranges and the system of carrying out the rifle practice. Rules for rifle practice.

SEC. 55. When any portion of the National Guard is called out to assist the civil authorities in the preservation of peace, or for any other duty, it shall be under the immediate command of the military officer highest in rank present, who shall act under and be subject to the general direction of the civil officers.

SEC. 56. Military stores belonging to the state not issued to the National Guard, and military property belonging to the United States in possession of the state, shall be stored in the state arsenal in charge of the adjutant-general.

SEC. 57. All active members of the National Guard of Washington shall, except for treason, felony and breach of the peace, be privileged from arrest and imprisonment by civil authority while under orders in the service of the state, from the date of the issuing of such orders to the time of their discharge from such service. Privilege from arrest.

SEC. 58. This act shall be printed in pamphlet form, and the adjutant general shall distribute to the commissioned officers of the National Guard one copy thereof to each, at as early a day as possible after the approval by the governor. Printing and distribution of law.

SEC. 59. Owing to the necessity of the service, an emergency exists; therefore this act shall take effect upon the approval by the governor.

SEC. 60. All preceding acts or parts of acts in conflict with any of the provisions of this act, or upon any subject embraced within it, are hereby repealed.

Approved March 27, 1890.

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RELATING TO APPROPRIATIONS FOR PENITENTIARY.

AN ACT authorizing the money appropriated by the Legislature of the Territory of Washington for the manufacture of grain sacks, approved February first, 1888, to be used for other purposes, and declaring an emergency.

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

Act amended.

SECTION 1. That the money appropriated by the Territory of Washington for the necessary plant for the manufacture of grain sacks by an act entitled "An act for the further construction of penitentiary buildings at Walla Walla; for the purchase of the necessary plant for the manufacture of grain sacks thereat; for heating and lighting the same; for the maintenance of prisoners therein confined; to cover deficiencies for past expenditures made on account of the same, and appropriating money therefor," and approved February first, 1888, shall be applied for the same purpose, and shall be subject to the same provisions as the act of the legislature of the State of Washington which was approved February 19, 1890, entitled "An act to provide for the employment of the convicts at the Walla Walla penitentiary," and making an appropriation therefor.

SEC. 2. Owing to the necessity for speedily carrying into effect the provisions of section twenty-nine of article two of the constitution, an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Approved March 27, 1890.

PORT TOWNSEND AND OAK BAYS; TO AUTHORIZE A CANAL TO CONNECT.

AN ACT in relation to the construction of a ship canal connecting Port Townsend Bay with Oak Bay, and declaring an emergency.

WHEREAS, The bay of Port Townsend is separated from Oak Bay by a narrow strip of low land, or isthmus, which, during the highest tides, is covered by water; and

WHEREAS, It is represented that the digging of a ship canal connecting the said bays is practicable and can be effected by an expenditure of about forty thousand dollars; and

WHEREAS, By means of such ship canal vessels going north from Puget Sound could reach Port Townsend and other points on said bay, thereby saving a distance of at least thirteen miles each way, and be relieved from the heavy swells direct from the ocean encountering vessels going around Marrowstone Point, and also enable stern wheel steamers and other light steam water craft forbidden by the U. S. local inspectors, during the winter months, from going to Port Townsend, to travel to said port at all seasons of the year, and would also secure a safe passage for the towage of saw-logs destined for Port Townsend bay; and

WHEREAS, It is further represented that owners of so much of said isthmus as has been patented have consented to the digging of said canal, and that a small portion of the same is tide-lands, to which the state has asserted ownership; and

WHEREAS, It is further represented that persons interested in commerce, manufactures and business at Port Townsend bay have associated themselves together to dig said canal and complete it without delay, and have agreed to contribute sufficient means for that purpose; and

WHEREAS, Said canal would be of great benefit to the commerce and business of this state: therefore,

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

SECTION I. That the consent of the state is hereby given to the digging of a ship canal connecting the waters

Saving in distance.

Consent of state given.

of Port Townsend bay and Oak bay by the shortest and most practicable route through the strip of land or isthmus now separating the said bays; said canal to be of such depth and width as will admit the passage of steamers of light draft and other water craft and saw-logs; and so much of the tide-lands belonging to the state as may be necessary for that purpose are reserved for that purpose and from any other disposition.

Public high-  
way.

SEC. 2. Any association of persons, or corporation organized for that purpose, is authorized to dig and complete said canal in accordance with the provisions of this act: *Provided*, Said canal, when completed, shall become and remain perpetually a public highway, free from toll or other restriction and open to all vessels, tugs and water craft of every kind and description, and may be used freely by the public in the same manner as other public waterways are allowed to be used according to law: *And provided further*, That the state shall not in any event be liable for any part of the cost incurred in the construction of said canal.

SEC. 3. Whereas, an immediate necessity exists for the construction of said canal, an emergency is hereby declared to exist; and, therefore, this act shall take effect and be in force from and after its approval by the governor.

Approved March 28, 1890.

## SESSION LAWS OF 1889-90; PRINTING, DISTRIBUTION AND SALE OF.

AN ACT to provide for the printing, distribution and sale of the Session Laws of 1889 and 1890.

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

SECTION 1. The secretary of state is hereby directed to cause to be printed two thousand copies of the session laws of 1889-90, to be distributed as provided by law, the remaining copies to be turned over to the state auditor to be sold at a price not in excess of ten per cent. of the cost price.

SEC. 2. Whereas, there is an immediate necessity for the taking effect of this law; therefore, an emergency exists, and this act shall take effect and be in force from and after its passage and approval by the governor.

Approved March 28, 1890.

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RELATING TO THE EMPLOYMENT OF WOMEN.

AN ACT to secure equal privileges and rights to residents of the State of Washington, irrespective and regardless of sex.

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

SECTION 1. That hereafter in this state every avenue of employment shall be open to women; and any business, vocation, profession and calling followed and pursued by men may be followed and pursued by women, and no person shall be disqualified from engaging in or pursuing any business, vocation, profession, calling or employment on account of sex: *Provided*, That this act shall not be construed so as to permit women to hold public office.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed.

Received by the governor March 28, 1890.

[*Note by the Secretary of State.*—The foregoing act having been presented to the governor of the state for his approval, and not having been filed in the office of the secretary of state within the time prescribed by the constitution of the state, with his objections thereto, has become a law under the provisions of the constitution.]

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## BONDS FOR INTERNAL IMPROVEMENTS.

AN ACT authorizing cities and towns to construct internal improvements and to issue bonds to pay therefor, and declaring an emergency.

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

Purposes defined.

Water works.

Sewerage.

Gas works.

Electric lights.

SECTION 1. That any incorporated city or town within the state be and is hereby authorized to construct, or condemn and purchase, or purchase or add to and maintain, water works within or without the city limits for the purpose of furnishing the city and the inhabitants thereof with an ample supply of water for all purposes, and to construct and maintain a system of sewerage, with full jurisdiction and authority to manage, regulate and control the same beyond the limits of the corporation, and to buy or build gas works or electric light plants for the purpose of lighting streets and public places, and supplying lights to the inhabitants of such cities and towns, with full authority to regulate and control the same.

SEC. 2. Whenever the city council or board of trustees of any such city or town shall deem it advisable that the city or town of which they are such officers shall exercise the authority hereby conferred upon them in relation to either or both such water works or system of sewerage or plant or works for lighting purposes, the corporation shall

provide therefor by ordinance, which shall specify and adopt the system or plan proposed and declare the estimated cost thereof as near as may be, and the same shall be submitted for ratification or rejection to the qualified voters of said city, at a special election, of which 30 days' notice shall be given in the paper doing the city printing, by publication in each issue of said paper during said time: *Provided*, That if the said city or town is to become indebted or issue bonds for said water works or sewerage system, or plant or works for lighting purposes, the said proposition and authority to become so indebted shall be adopted and assented to by three-fifths of the qualified voters of said city or town voting at said election, otherwise by a majority vote, and when so adopted and assented to as aforesaid, the said corporation shall become authorized to become indebted and issue bonds as hereinafter provided, subject, however, to the condition that the total indebtedness shall not exceed ten per centum of the taxable property shown in the last assessment roll.

SEC. 3. Whenever a city or town shall be authorized to issue bonds, the said bonds shall be issued in denominations of not less than one hundred or more than one thousand dollars, shall be numbered from one up consecutively, shall bear the date of their issue, shall be payable not more than twenty years from date and shall bear interest not exceeding six per cent. per annum, payable semi-annually, with interest coupons attached, and the principal and interest shall be made payable at such place as may be designated. The bonds and each coupon shall be signed by the mayor, and attested by the clerk under the seal of the city or town.

SEC. 4. There shall be levied each year a tax upon the taxable property of such city or town as the case may be, sufficient to pay the interest on said bonds as the same accrues, and before seven years prior to the maturity thereof, an annual sinking fund tax sufficient for the payment of said bonds at maturity, which taxes shall become due and collectable as other taxes.

SEC. 5. Said bonds shall be printed, or engraved or lithographed on good bond paper, and a duly authenticated

copy of this act, together with the ordinance of the city or town authorizing and directing such special election, shall be printed on each bond, together with a statement signed by the mayor and clerk showing the result of said election.

Sale of bonds.

SEC. 6. Such bonds shall be sold in such manner as the corporate authorities shall deem for the best interest of the city or town. A register shall be kept of all bonds, which register shall show the number, date, amount, interest, name of payee, and when and where payable, of each and every bond executed, issued or sold under the provisions of this act.

Register of bonds.

SEC. 7. There being no law in this state authorizing cities and towns to construct internal improvements, and to issue bonds to pay therefor, an emergency exists; therefore, this act shall take effect and be in force from and after its approval by the governor.

Approved March 26, 1890.

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## HOPS; RELATING TO.

AN ACT to regulate and fix the tare on hops, the weight of hop baling, and a standard weight of bales of hops.

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

SECTION 1. The amount of tare to be deducted from the gross weight of each bale of hops grown and hereafter sold in this state is hereby fixed at five pounds per bale. Five yards of baling cloth is the maximum quantity to be used in making the bale, and the standard weight of each yard of baling cloth is hereby fixed at from twenty-four to thirty ounces. The standard weight for a bale of hops is hereby fixed at from one hundred and seventy-five to two hundred and ten pounds. Any vender

of hops using heavier sacking than that specified in this section, or using any extraneous matter in the baling thereof, shall have the same deducted as additional tare.

Approved March 3, 1890.

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CHANGING NAME OF SEATCO TO BUCODA.

AN ACT providing for changing the name of the town of Seatco to Bucoda.

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

SECTION 1. That the name of the town of Seatco is hereby changed to Bucoda.

SEC. 2. This act shall be in force ninety days after the final adjournment of this legislature.

Approved December 26, 1889.

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TRACTION ENGINES.

AN ACT defining the duties of persons running traction engines on the public highway.

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

SECTION 1. That whenever any person in charge of and running any traction engine propelled by steam upon any county road or public highway, except in towns, cities or villages, shall meet or come in close proximity to any person driving a team of horses, it shall be the duty of

the person in charge of such engine to come to a full stop and remain standing until the team has passed.

SEC. 2. Any person violating the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than fifty dollars.

Approved February 14, 1890.

## CIVIL AND LEGAL RIGHTS.

AN ACT to protect all citizens in their civil and legal rights.

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

SECTION 1. That all persons within the jurisdiction of the State of Washington shall be entitled to the full and equal enjoyment of the public accommodations, advantages, facilities and privileges of inns, public conveyances on land or water, theatres and other places of public amusement and restaurants, subject only to the conditions and limitations established by law and applicable alike to all citizens of whatever race, color or nationality.

SEC. 2. That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of whatever race, color or nationality, the full enjoyment of any of the public accommodations, advantages, facilities or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than fifty dollars nor more than three hundred dollars, or shall be imprisoned not less than thirty days nor more than six months.

Approved March 27, 1890.

## CHAPTER XVII.—RAILROADS.

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### RAILROADS; BRANCH LINES AND EXTENSIONS.

AN ACT authorizing railroad corporations to construct branches and extensions from their railroads, and from the railroads of other railroad corporations connecting with their roads, and to consolidate with other railroad corporations.

WHEREAS, The recent admission of this state has stimulated railroad corporations heretofore incorporated and organized under the laws of the territory, and of other states and territories, and the laws of the United States, and authorized to do business in this state, to undertake the construction of extensions and branches, and the consolidation with other railroad corporations, as well as the leasing, purchase and operation of the railroads of other corporations, not authorized by the articles of incorporation of such corporations, or the laws of the territory, or those now in force in this state, which branches and extensions, and which consolidations, leasing, purchase and operation were not had in contemplation by said railroad corporations prior to the admission of this state; and

Provisions of enabling act.

WHEREAS, The rapid development and growth of the resources and business of this state since its admission requires that such branches and extensions should be speedily constructed, and such consolidations and leasing, purchase and operation should be speedily effected and accomplished, it is hereby declared that an emergency has arisen and does exist for the taking effect of this act prior to the expiration of the ordinary limit of time provided for by the constitution:

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

Railroads may  
build branch  
lines.

SECTION 1. Any railroad corporation chartered by, or organized under, the laws of the state, or of any state or territory, or under the laws of the United States, and authorized to do business in this state, may extend its railroads from any point named in its charter or articles of incorporation, or may build branch roads either from any point on its line of road or from any point on the line of any other railroad connecting, or to be connected, with its road, the use of which other road between such points and the connection with its own road such corporation shall have secured by lease or agreement for a term of not less than ten years from its date, before making any such extension or building any such branch road, such corporation shall, by resolution of its directors or trustees, to be entered in the record of its proceedings, designate the route of such proposed extension or branch by indicating the place from and to which said railroad is to be constructed, and the estimated length of such railroad, and the name of each county in this state through or into which it is constructed or intended to be constructed, and file a copy of such record, certified by the president and secretary, in the office of the secretary of state, who shall endorse thereon the date of the filing thereof and record the same. Thereupon such corporation shall have all the rights and privileges to make such extension or build such branch and receive aid thereto which it would have had if it had been authorized in its charter or articles of incorporation.

Form of pro-  
cedure.

Consolidation  
of railroads.

SEC. 2. Any such railroad corporation may consolidate its stock, franchise and property with any other railroad corporation, whether within or without the state, when such other railroad corporation does not own any competing line or railroad, upon such terms as may be agreed upon, and become one corporation, by any name selected, which, within this state, shall possess all the powers, franchises and immunities, including the right of further consolidation with other corporations under this section, and be subject to all the liabilities and restrictions now or hereafter imposed by law. Articles stating the terms of

consolidation shall be approved by each corporation by a vote of the stockholders owning a majority of stock, in person or by proxy, at the regular annual meeting thereof, or a special meeting called for that purpose in the manner provided by the by-laws of the respective consolidating corporations, or by the consent in writing of such stockholders annexed to such articles; and a copy thereof, with a copy of the records of such approval or such consent, and accompanied by lists of their stockholders and the number of shares held by each, duly certified by the respective presidents and secretaries, with the respective corporate seals of such corporations affixed, shall be filed for record in the office of the secretary of state before any such consolidation shall have any validity or effect. Any railroad corporation whose line is wholly or in part within this state, whether chartered by or organized under the laws of this state, or of any other state or territory, or of the United States, may lease or purchase and operate the whole or any part of the railroad of any other railroad corporation, together with the franchises, powers, immunities and all other property or appurtenances appertaining thereto. And all such purchases or leases heretofore made or entered into are, for all intents and purposes, hereby ratified and confirmed: *Provided*, That in no case shall the capital stock of the company formed by such consolidation exceed the sum of the capital stock of the companies so consolidated, at the par value thereof, nor shall any bonds or other evidences of debt be issued as a consideration for, or in connection with, such consolidation.

Articles of consolidation must be approved.

Leasing and operating other lines.

Limit of capital stock.

SEC. 3. Any railroad corporation chartered by or organized under the laws of the United States, or of any state or territory, whose constructed railroad shall reach or intersect the boundary line of this state at any point, may extend its railroad into this state from any such point or points to any place or places within the state, and may build branches from any point on such extension. Before making such extension or building any such branch road, such corporation shall, by resolution of its directors or trustees, to be entered in the record of its proceedings,

Extension of foreign lines.

designate the route of such proposed extension or branch by indicating the place from and to which such extension or branch is to be constructed, and the estimated length of such extension or branch, and the name of each county in this state through or into which it is constructed or intended to be constructed, and file a copy of such record, certified by the president and secretary, in the office of the secretary of state, who shall endorse thereon the date of filing thereof, and record the same. Thereupon such corporation shall have all the rights and privileges to make such extension or build such branch and receive such aid thereto as it would have had had it been authorized so to do by articles of incorporation duly filed in accordance with the laws of this state.

Must file copy  
of record.

SEC. 4. All such railroad corporations, consolidated companies and their branches, including their stock, property and franchises, within the jurisdiction of this state, shall be subject to and controlled by the constitution and laws of this state.

Received by the governor March 28, 1890.

[*Note by the Secretary of State.*—The foregoing act having been presented to the governor of the state for his approval, and not having been filed in the office of the secretary of state within the time prescribed by the constitution of the state, with his objections thereto, has become a law under the provisions of the constitution.]

RAILWAY CORPORATIONS MAY OWN AND  
GUARANTEE BONDS OR STOCKS OF IRRIGATING COMPANIES.

AN ACT to authorize corporations owning, leasing or operating lines of railway within this state to take, acquire, own, negotiate, sell and guarantee stocks and bonds of companies or corporations organized for the purpose of irrigating and reclaiming arid lands within this state, and authorizing such railroad corporations to build, own and operate irrigating ditches and canals in this state.

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

SECTION 1. It shall be lawful for any corporation, whether such corporation is organized under the laws of the Territory or State of Washington, the laws of any other state or territory, or the laws of the United States, owning, leasing or operating any line or lines of railway within the State of Washington, or which may own, lease or operate in the future any such line or lines of railway within this state, to take, acquire, own, negotiate, sell and guarantee bonds and stocks of companies or corporations which are or may hereafter be organized for the purpose of irrigating and reclaiming lands within this state.

SEC. 2. It shall be lawful for any such corporation to build, own and operate irrigating ditches and canals in this state for the purpose of irrigating and reclaiming arid lands contiguous to or tributary to such line or lines of railway.

Approved March 7, 1890.

## CHAPTER XVIII.—REVENUE AND TAXATION.

### ASSESSMENT AND COLLECTION OF TAXES.

AN ACT to provide for the assessment and collection of taxes in the State of Washington.

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

Property subject to taxation.

SECTION 1. All real and personal property in this state, and all personal property of persons residing therein, the property of corporations now existing, or hereafter created, except such as is hereinafter expressly excepted, is subject to taxation, and such property, or the value thereof, shall be entered in the list of taxable property for that purpose, in the manner prescribed by this act.

Real property includes buildings.

SEC. 2. Real property for the purposes of taxation shall be construed to include the land itself, whether laid out in town lots or otherwise, and all buildings, structures and improvements, trees or other fixtures, of whatsoever kind thereon, and all rights and privileges thereto belonging, or in anywise appertaining, and all mines, minerals, quarries and fossils in and under the same.

Personal property defined.

SEC. 3. Personal property shall, for the purposes of taxation, be construed to include all goods, chattels, moneys, credits and effects, wheresoever they may be; all ships, boats and vessels belonging to the inhabitants of this state, whether at home or abroad, and all capital invested therein; all moneys at interest, either within or without this state, due the person to be taxed more than he pays interest for, and all other debts due such persons more than their indebtedness; all personal estate of moneyed corporations, whether the owner thereof reside in or out of this state, and the

income of any annuity, unless the capital of such annuity be taxed within the state; all shares of stock in any bank organized, or that may be organized, under any law of the United States, or of this state, and all improvements made by persons upon lands held by them under the laws of the United States, the fee of which lands is still vested in the United States.

SEC. 4. The term "money" or "moneys," whenever used in this act, shall be held to mean gold and silver coin, treasury notes, bank notes, and every deposit which any person owning the same or holding in trust, and residing in this state, is entitled to withdraw in money on demand. <sup>"Money" and "credit" defined.</sup> The term "credits," wherever used in this act, shall be held to mean and include every claim and demand for money or other valuable thing, and every annuity or sum of money receivable at stated periods, due or to become due, and all claims and demands due or to become due. The terms "tract" or "lot," and "piece or parcel of real property," and "piece or parcel of lands," whenever used in this act, shall each be held to mean any contiguous quantity of land in the possession of, owned by, or recorded as, the property of the same claimant, person or company. <sup>Other terms.</sup> Every word importing the singular number only may be extended to or embrace the plural number, and every word importing the plural number may be applied and limited to the singular number, and every word importing the masculine gender only may be extended and applied to females as well as males. Wherever the word "oath" is used in this act, it may be held to mean affirmation, and the word "swear" in this act may be held to mean affirm. The words "town" or "district," wherever used in this act, shall be construed to mean township, village, city, ward or school district, as the case may be. The term "true and fair value," wherever used in this act, <sup>Values.</sup> shall be held to mean the usual selling price at the place where the property to which the term is applied shall be at the time of assessment, being the price which could be obtained therefor at private sale, and not at forced or auction sale. The term "person," whenever used in this act, shall be construed to include firm, company or cor-

poration. The words "county auditor," when used in this act, shall be construed to mean register or recorder, whenever it shall be necessary to the proper construction of this act.

Exemptions.

SEC. 5. All property described in this section, to the extent herein limited, shall be exempt from taxation, that is to say — *First*, all public school-houses, state colleges, state university and state normal schools, with the books and furniture therein, and the grounds attached to such buildings necessary for the proper occupancy; *second*, all lands used exclusively for public burying grounds or cemeteries; *third*, all property, whether real or personal, belonging exclusively to the state or to the United States; *fourth*, all buildings belonging to counties used for holding courts, for jails, for county offices or county hospitals, with the ground on which such buildings are erected; *fifth*, all lands, houses and other buildings belonging to any county, township or town, used exclusively for the accommodation or support of the poor; *sixth*, all fire engines and other implements used for the extinguishment of fires, with the buildings used exclusively for the safe keeping thereof, and for the meeting of fire companies, whether belonging to any town or to any fire company organized therein; *seventh*, all free public libraries; *eighth*, the personal property of each householder and head of a family, liable to assessment and taxation under the provisions of this act, of which such individual is the actual and *bona fide* owner, to an amount not exceeding three hundred dollars in value; *Provided*, That each person shall list all of his personal property for taxation, and the county assessor shall deduct the amount of the exemption authorized by this section from the total amount of his assessment, and assess the remainder.

Property exempt deducted.

Listing property.

SEC. 6. All real property in this state, subject to taxation, shall be listed and assessed every even-numbered year, with reference to its value on the first day of April preceding the assessment, and all real estate becoming taxable any intervening year shall be listed and assessed with reference to its value on the first day of April of that year. Personal property shall be listed and assessed an-

nually, with reference to its value on the first day of April.

SEC. 7. Personal property shall be listed in the manner <sup>Form of list.</sup> following: *First*, every person of full age and sound mind, being a resident of this state, shall list all his moneys, credits, bonds or stock, shares of stock, of joint stock or other companies (when the property of such company is not assessed in this state), moneys loaned or invested annuities, franchises, royalties and other personal property; *second*, he shall also list separately, and in the name of his principal, all moneys deposited subject to his order; *third*, the property of a minor child shall be listed by his guardian or by the person having such property in charge; *fourth*, the property of an idiot or lunatic, by the person having charge of such property; *fifth*, the property of a person for whose benefit it is held in trust, by the trustee of the estate of a deceased person, by the executor or administrator; *sixth*, the property of corporations whose assets are in the hands of receivers, by such receiver; *seventh*, the property of a body politic or corporate, by the president or proper agent or officer thereof; *eighth*, the property of a firm or company, by a partner or agent thereof; *ninth*, the property of manufacturers and others in the hands of an agent, by such agent in the name of his principal, as merchandise.

SEC. 8. Personal property, except such as is required in <sup>Place of assess-</sup> this act to be listed and assessed otherwise, shall be listed <sup>ment.</sup> and assessed in the county, town or district where the owner or agent resides. The capital stock and franchises of corporations and persons, except as may be otherwise provided, shall be listed and taxed in the county, town or district where the principal office or place of business of such corporation or person is located in this state. If there be no principal office or place of business in this state, then at the place in this state where any such corporation or person transacts business. The personal property pertaining to the business of a merchant or of a manufacturer shall be listed in the town or district where his business is carried on.

SEC. 9. The personal property of express, transportation

and stage companies shall be listed and assessed in the county, town or district where the same is usually kept.

Vessels taxed where owner or agent resides.\*

All vessels of every class which are by law required to be registered, licensed or enrolled, must be assessed, and the taxes thereon paid only in the county where the owner, or managing owner, or agent thereof resides: *Provided*, That such interest shall be taxed but once. Vessels registered, licensed or enrolled out of, and plying in whole or in part in the waters of this state, the owners, managing owners, or agents of which reside in this state, must be assessed in this state, and in the county in which the owners, managing owners, or agents reside, to the value of the respective share or shares owned by said person or persons. All boats and small craft not required to be registered, must be assessed in the county where the same are kept.

Gas and water companies.

SEC. 10. The personal property of gas and water companies shall be listed and assessed in the town or district where the principal works are located. Gas and water mains and pipes, laid in roads, streets or alleys, shall be held to be personal property.

Street railroads, road or bridge companies.

SEC. 11. The personal property of street railroad, plank road, gravel road, turnpike or bridge companies, shall be listed and assessed in the county, town or district where the principal place of business is located, and the track, road or bridge shall be held to be personal property.

Owner of live stock.

SEC. 12. When the owner of live stock or other personal property connected with a farm does not reside thereon, the same shall be listed and assessed in the town or district where the farm is situated: *Provided*, If the farm is situated in several towns or districts, it shall be listed and assessed in the town or district in which the principal place of business of such farm may be located.

In case of removals.

SEC. 13. The owner of personal property removing from one county, town or district to another between the first day of April and the first day of July, shall be assessed in either in which he is first called upon by the assessor. The owner of personal property moving into this state from another state between the first day of April and the first day of July, shall list the property owned by him on the first day of April of such year in the county, town or

district in which he resides: *Provided*, If such person has been assessed, and can make it appear to the assessor that he is held for tax of the current year on the property in another state, county, town or district, he shall not be again assessed for such year.

SEC. 14. In all questions that may arise under this act as to the proper place to list personal property, or where the same cannot be listed as stated in this act, if between several places in the same county, the place for listing and assessing shall be determined and fixed by the county board; and when between different counties, or places in different counties, by the auditor of state; and when fixed in either case shall be as binding as if fixed by this act.

SEC. 15. Every person required by this act to list property shall make out and deliver to the assessor, when required, a statement, verified by his oath, of all the personal property in his possession or under his control, and which, by the provisions of this act, he is required to list for taxation, either as owner or holder thereof, or as guardian, parent, husband, trustee, executor, administrator, receiver, accounting officer, partner, agent or factor; but no person shall be required to include in his statement any share or portion of the capital stock or property of any company or corporation which such company is required to list or return as its capital and property for taxation in this state.

Owner must  
make out sworn  
statement.

SEC. 16. In making up the moneys and credits which any person is required to list, or having listed and assessed, he shall be entitled to deduct from the gross amount all debts and all mortgage debts in good faith owing by him to any citizen or citizens of this state, the name and postal address of the person or persons holding the debt shall be given, but no acknowledgment of indebtedness not founded on actual consideration, and no such acknowledgment made for the purpose of being so deducted, shall be considered a debt within the intent of this section, and so much only of any liability of such person as security for another shall be deducted as the person making the list believes he is equitably or legally bound to pay, and so much only as he believes he will be

Deductions for  
indebtedness.

compelled to pay on account of the inability of the principal debtor, and if there are other sureties able to contribute, then so much only as he in whose name the list is made will be bound to contribute; but no person will be entitled to any deduction on account of any obligations of any kind given to any insurance company for the premiums of insurance, nor on account of any unpaid subscription to any institution, society, corporation or company, and no person shall be entitled to any deduction on account of any indebtedness contracted for the purchase of United States bonds, or other non-taxable property, and in making up the amount of debts due him, the party making the list shall include all debts due from persons non-residents, as well as residents of the state.

Duty of assessor.

Form and requirements of statement.

SEC. 17. It shall be the duty of the assessor to determine and fix the true and fair value of all items of personal property included in such statement, and enter the same opposite such items respectively, so that, when completed, such statement shall truly and distinctly set forth — *First*, the number of horses under three years old, and three years old and over, and the value thereof; *second*, the number of cattle under two years old, the number of cows two years old and over, the number of all other cattle two years old and over, and the value thereof; *third*, the number of mules and asses of all ages, and the value thereof; *fourth*, the number of sheep of all ages, and the value thereof; *fifth*, the number of hogs of all ages, and the value thereof; *sixth*, the number of wagons and carriages, of whatever kind, and the value thereof; *seventh*, the number of sewing and knitting machines, and the value thereof; *eighth*, the number of watches and clocks, and the value thereof; *ninth*, the number of melodeons and organs, and the value thereof; *tenth*, the number of piano-fortes, and the value thereof; *eleventh*, the value of household and office furniture; *twelfth*, the value of agricultural tools, implements and machinery; *thirteenth*, the value of gold and silver plate and plated ware; *fourteenth*, the value of diamonds and jewelry; *fifteenth*, the value and description of every franchise, annuity, royalty and patent right; *sixteenth*, the value of every steamboat, sail-

ing vessel, wharf-boat, barge or other water-craft; *seventeenth*, the value of goods and merchandise which such person is required to list as a merchant; *eighteenth*, the value of materials and manufactured articles which such person is required to list as a manufacturer; *nineteenth*, the value of manufacturer's tools, implements and machinery, including engines and boilers; *twentieth*, the amount of moneys of banks (other than those whose capital is represented by shares of stock), bankers, brokers or stock-jobbers; *twenty-first*, the amount of credits of banks (other than those whose capital is represented by shares of stock), bankers, brokers or stock-jobbers; *twenty-second*, the amount of moneys, other than of banks, bankers, brokers, or stock-jobbers; *twenty-third*, the amount of credits, other than of banks, banker, broker or stock-jobber; *twenty-fourth*, the amount and value of bonds and stocks, other than bank stock; *twenty-fifth*, the amount and value of shares of bank stock; *twenty-sixth*, the amount and value of shares of capital stock of companies and associations not incorporated by the laws of this state; *twenty-seventh*, the value of stock and furniture of sample-rooms and eating-houses, including billiard tables, bagatelle tables, or other similar tables; *twenty-eighth*, the value of all other articles of personal property not included in the preceding twenty-seven items; *twenty-ninth*, the value of all elevators, warehouses and improvements on lands, the title of which is vested in any railroad company; *thirtieth*, the value of all improvements on lands held under the laws of the United States.

SEC. 18. Whenever the assessor shall be of opinion that the person listing property for himself or for any other person, company or corporation has not made a full, fair and complete list of such property, he may examine such person under oath, in regard to the amount of the property he is required to list, and if such person shall refuse to answer under oath, and a full discovery make, the assessor may list the property of such person, or his principal, according to his best judgment and information.

Assessor may  
examine owner  
under oath.

SEC. 19. Whoever owns, or has in his possession or subject to his control, any goods, merchandise, grain or produce

of any kind, or other personal property within this state, with authority to sell the same, which has been purchased either in or out of this state with a view to being sold at an advanced price or profit, or which has been consigned to him from any place out of this state for the purpose of being sold at any place within this state, shall be held to be a merchant, and when he is by this act required to make out and deliver to the assessor a statement of his other personal property, he shall state the value of such property pertaining to his business as a merchant. No consignee shall be required to list for taxation the value of any property the product of this state, nor the value of any property consigned to him from any other place for the sole purpose of being stored or forwarded, if he has no interest in such property nor any profit to be derived from its sale. The stock of nurserymen, growing or otherwise, shall be listed and assessed as merchandise.

As to consignees of goods.

SEC. 20. Every person who purchases, receives or holds personal property of any description, for the purpose of adding to the value thereof by any process of manufacturing, refining, rectifying, or by the combination of different materials, with a view of making gain or profit by so doing, shall be held to be a manufacturer, and he shall, when required to make and deliver to the assessor a statement of the amount of his other personal property subject to taxation, also include in his statement the value of all articles purchased, received, or otherwise held for the purpose of being used, in whole or in part, in any process or operation of manufacturing, combining, rectifying or refining. Every person owning a manufacturing establishment of any kind, and every manufacturer, shall list, as part of his manufacturer's stock, the value of all engines and machinery of every description, used or designed to be used in any process of refining or manufacturing, except such fixtures as have been considered as part of any parcel of real property, including all tools and implements of every kind used or designed to be used for the aforesaid purpose.

Manufacturing establishments.

Duty of officers of company.

SEC. 21. The president, secretary or principal accounting officer of any company or association, whether incorporated or unincorporated, except as otherwise provided

for in this act, shall make out and deliver to the assessor a sworn statement of the amount of its capital stock, setting forth particularly — *First*, the name and location of the company or association; *second*, the amount of capital stock authorized and the number of shares into which said capital stock is divided; *third*, the amount of capital stock paid up; *fourth*, the market value, or if they have no market value, then the actual value of the shares of stock; *fifth*, the total amount of all indebtedness and the indebtedness for current expenses, excluding from such expenses the amount paid for the purchase or improvement of property; *sixth*, the value of all its real property, if any; *seventh*, the value of all its personal property. The aggregate amount of the fifth, sixth and seventh items shall be deducted from the total amount of the fourth item, and the remainder, if any, shall be listed as “bonds or stocks,” under subdivision twenty-four of section sixteen of this act. The real and personal property of such company or association shall be listed and assessed the same as other personal property. In all cases of failure or refusal of any person, officer, company or association to make such return or statement, it shall be the duty of the assessor to make such return or statement from the best information he can obtain.

SEC. 22. The stockholders of every bank located within this state, whether such bank has been organized under the banking laws of this state or of the United States, shall be assessed and taxed upon the value of their shares of stock therein, in the county, town, district, city or village where such bank or banking association is located, and not elsewhere, whether such stockholders reside in such place or not. Such shares shall be listed and assessed annually, with regard to the ownership and value thereof, on the first day of April in each year. To aid the assessor in determining the value of such shares of stock, the accounting officer of every such bank shall furnish a statement to the assessor, verified by oath, showing the amount and number of such shares of the capital stock of such bank, the amount of its surplus or reserve fund, and the amount of it[s] legally authorized investments in

Stockholders of banks.

real estate, which real estate shall be assessed and taxed as other real estate is assessed and taxed under this act. Each banking association shall be liable to pay the same as the agent of each of its shareholders under the provisions of this act, and the association shall retain so much of any dividend belonging to any shareholder as shall be necessary to pay all taxes levied upon his or her shares, and pay the same over in accordance with this act. The assessor shall deduct the amount of such investments in real estate from the aggregate amount of such capital and surplus fund, and the remainder shall be taken as a basis for the valuation of such shares of stock in the hands of the stockholders, subject to the provisions of law requiring all property to be assessed at its true and fair value. The shares of capital stock of national banks not located in this state, held in this state, shall not be required to be listed under this act.

Banking associations liable.

Leased property.

SEC. 23. Property held under a lease for a term of three or more years, or a contract for the purchase thereof, belonging to the state, county or municipality, and school or other state lands, shall be considered, for all purposes of taxation, as the property of the persons so holding the same.

Improvements on public lands.

SEC. 24. The assessor must assess all improvements on public lands as personal property until the settler thereon has made final proof. After final proof has been made, and a certificate issued therefor, the land itself must be assessed, notwithstanding the patent has not issued.

County auditor must procure list of lands.

SEC. 25. It shall be the duty of the county auditor of each county in this state to obtain each year, as soon as may be after the first day of April, from the United States district land office in which such county is situated, a correct list describing all lands in such county upon which final proof has been made during the year, and certificate issued therefor, with the name of the party to whom the certificate issued, and the county auditor shall furnish the assessor with the same for assessment purposes.

Railroad property.

SEC. 26. Every person, company or corporation owning, operating or constructing a railroad in this state shall return sworn lists or schedules of the taxable property of

such railroad, as hereinafter provided. Such property shall be listed and assessed with reference to the amount, kind and value on the first day of April of the year in which it is listed.

SEC. 27. They shall, in the month of April of the year eighteen hundred and ninety-one, and at the same time in each year thereafter, when required, make out and file with the county auditors of the respective counties in which the railroad may be located, a statement or schedule showing the property held for right-of-way in each county, and in each city, town or village in the county through or into which the road may run, and describing each tract of land other than a city, town or village lot through which the road may run, in accordance with the United States surveys where the land is surveyed, giving the width and length of the strip of land held in each tract, and the number of acres thereof. They shall also state the value of improvements and stations located on the right-of-way. New companies shall make such statement in April next after the location of their roads.

Railroad companies must furnish lists for auditors.

SEC. 28. All lands occupied and claimed exclusively as the right-of-way for railroads by railroad companies or corporations, with all the tracks and all the sub[s]tructures and superstructures which support the same, must be assessed as a whole and as real estate, without separating the same into lands and improvements, at a certain sum per mile, which sum, like other lands, shall be the full cash value thereof, and all such real estate situated in the state, occupied and claimed by any railroad company as such right-of-way, shall be deemed to be the property of such company for the purpose of taxation.

Railroad lands

SEC. 29. All railroad improvements, other than the track and the substructures and superstructures which support the same, whether situated upon the land occupied and claimed as the right-of-way of other lands, must be separately assessed as personal property.

Railroad Improvements.

SEC. 30. The value of the "railroad track" shall be listed and taxed in the several counties, towns, villages, districts and cities, in the proportion that the length of the main track in such county, town, village, district or city

bears to the whole length of the road in this state, except the value of the side or second track, and all turnouts, and all station-houses, depots, machine-shops, or other buildings belonging to the road, which shall be taxed in the county, town, village, district or city in which the same are located.

Rolling stock.

SEC. 31. The movable property belonging to a railroad company shall be held to be personal property, and denominated, for the purpose of taxation, "rolling stock." Every person, company or corporation owning, constructing or operating a railroad in this state shall, in the month of April, annually, return a list or schedule to the county auditor of each county wherein they hold or own property, which shall contain a correct detailed inventory of the rolling stock belonging to such company, and which shall distinctly set forth the number of locomotives of all classes, passenger cars of all classes, sleeping and dining cars, express cars, baggage cars, house cars, cattle cars, coal cars, platform cars, wrecking cars, pay cars, hand cars, and all other kinds of cars.

Form of schedule.

SEC. 32. The rolling stock shall be listed and taxed in the several counties, towns, villages, districts and cities in the proportion that the length of the main track used or operated in such county, town, village, district or city bears to the whole length of the road used or operated by such person, company or corporation, whether owned or leased by him or them in whole or in part. Said list or schedule shall set forth the number of miles of main track on which said rolling stock is used in the State of Washington, and the number of miles of main track on which said rolling stock is used elsewhere.

Tools and machinery.

SEC. 33. The tools, machinery and materials for repairs, and all other personal property of any railroad company, except "rolling stock," shall be listed and assessed as personal property in the county, town, village, district or city wherever the same may be on the first day of April of each year. All real estate, including the stations and other buildings and structures thereon, other than that denominated "railroad track," belonging to any railroad, shall be listed as lands or lots, as the case may be, in the

county, town, village, district or city where the same are located.

SEC. 34. The county auditor shall return to the assessor of the county a copy of the schedule or list of the real estate and of the personal property pertaining to the railroad; and such real and personal property shall be assessed by the assessor. Such property shall be treated in all respects, in regard to assessment and equalization, the same as other similar property belonging to individuals, except that it shall be treated as property belonging to railroads under the terms "lands," "lots" and "personal property."

R. R. property;  
how assessed.

SEC. 35. At the same time that the lists or schedules are hereinbefore required to be returned to the county auditors, the person, company or corporation running, operating or constructing any railroad in this state shall return to the state auditor sworn statements or schedules as follows: *First*, of the property denominated "railroad track," giving the length of the main and side or second tracks and turnouts, and showing the proportions in each county, and the total in the state, and a list of its lands and real estate other than railroad track; *second*, the "rolling stock," stating what is owned by the railroad company and what is used under lease and taxable to said company by the terms of lease, and from whom leased, giving the length of the main track in each county, the total in this state, and the entire length of the road, and a schedule of other personal property in each county; *third*, showing the number of ties in track per mile, the weight of iron or steel per yard used in main or side tracks, what fastenings are used in track, the ballasting of road, whether gravel or dirt, the number and quality of buildings, or other structures on "railroad track," the length of time iron in track has been used, and the length of time the road has been built; *fourth*, a statement or schedule showing: (1) the amount of capital stock authorized and the number of shares into which such capital stock is divided; (2) the amount of capital stock paid up; (3) the market value, or if no market value, then the actual value of the shares of stock; (4) the total amount of all indebtedness, except

Sworn statements to state auditor.

Form and requirement of statement.

for current expenses for operating the road; (5) the total listed valuation of all its tangible property in this state; such schedule shall be made in conformity to such instructions and forms as may be prescribed by the state auditor.

SEC. 36. If any person, company or corporation owning, operating or constructing any railroad, shall neglect to return to the county auditors the statements or schedules required to be returned to them, the property so to be returned and assessed by the assessor shall be listed and assessed as other property. In case of failure to make returns to the state auditor, as hereinbefore provided, the state auditor, with the assistance of the county auditors and assessors, when he shall require such assistance, shall ascertain the necessary facts and lay the same before the state board of equalization. In case of failure to make such statements, either to the county auditor or state auditor, such corporation, company or person shall forfeit, as a penalty, not less than one thousand dollars nor more than ten thousand dollars for each offense, to be recovered in any proper form of action in the name of the State of Washington, and paid into the state treasury.

Penalty for neglect.

State board of equalization.

SEC. 37. The state auditor shall, annually, on the meeting of the state board of equalization, lay before said board the statements and schedules herein required to be returned to him; and said board shall assess such property in the manner hereinafter provided.

Duty of state board.

SEC. 38. Said board shall also assess the railroad property denominated in this act as "railroad track" and "rolling stock;" and said board is hereby given the power and authority, by committal or otherwise, to examine persons and papers. The amount determined and assessed shall be certified by the state auditor to the county auditor of the proper counties. The county auditor shall, in like manner, distribute the value so certified to him by the state auditor to the county, and to the several towns, districts, villages and cities in his county entitled to a proportionate value of such "railroad track" and "rolling stock;" and said auditor shall extend taxes against such

values, the same as against other property in such towns, districts, villages and cities.

SEC. 39. The county auditor shall procure, at the expense of the county, a record book, properly ruled and headed, in which to enter the railroad property of all kinds as listed for taxation, and shall enter the valuations as assessed, corrected and equalized in the manner provided by this act, and against such assessed, corrected or equalized valuation, as the case may require, the county auditor shall extend all the taxes thereon for which said property is liable. And at the proper time fixed by this act for delivering tax books to the county treasurer, the auditor shall attach a warrant, under his seal of office, and deliver said book to the county treasurer, upon which the county treasurer is required to collect the taxes therein charged against railroad property, and pay over and account for the same in the manner provided in other cases. Said book shall be returned by the treasurer and be filed in the office of the county auditor for future use.

County record books for railroad property.

SEC. 40. When any railroad company shall make or record a plat of any contiguous lots or parcels of land belonging to it, the same may be described as designated on such plat.

SEC. 41. Any person, company or corporation using or operating a telegraph or telephone line in this state shall, annually, in the month of April, return to the state auditor a schedule or statement, under oath, as follows: *First*, the amount of capital stock authorized, and the number of shares into which such capital stock is divided; *second*, the amount of capital stock paid up; *third*, the market value, or if no market value, then the actual value of the shares of stock; *fourth*, the total amount of all indebtedness, except current expenses, for operating the line; *fifth*, the length of the line operated in each county, and the total length in the state; *sixth*, the total assessed valuation of its tangible property in this state. Such schedule shall be made in conformity to such instructions and forms as may be prescribed by the state auditor, and with reference to amounts and values, on the first day of April of the year for which the return is made.

Telegraph and telephone companies.

Form of annual statement.

Duty of state board.

SEC. 42. The state auditor shall, annually, on the meeting of the state board of equalization, lay before said board the statement or schedule herein required to be returned to him; and said board shall assess the capital stock of such telegraph and telephone companies in the manner hereinafter provided. The tax charged on the capital stock of telegraph and telephone companies shall be placed in the hands of county treasurers; in a book provided for that purpose, the same as is required for railroad property, and may be included in the same book with railroad property.

Amount certified to county auditors.

SEC. 43. The aggregate amount of capital stock of railroad, telegraph or telephone companies assessed by said board shall be distributed proportionately by said board to the several counties, in like manner that the property of railroads denominated "railroad track" is distributed. The amount so determined shall be certified by the state auditor to the county auditors of the proper counties. The county auditor shall in like manner distribute the value so certified to him by the state auditor, to the county and to the several towns, districts, villages and cities in his county entitled to a proportionate value of such capital stock. And said auditor shall extend taxes against such values the same as against other property in other towns, districts, villages and cities.

Personal property.

SEC. 44. The office furniture and other personal property of telegraph and telephone companies shall be listed and assessed in the county, town, district, village or city where the same is used or kept.

Penalty for fraud.

SEC. 45. If any person or corporation shall give a false, or fraudulent list, schedule or statement required by this act, or shall fail or refuse to deliver to the assessor, when called on for that purpose, a list of the taxable personal property which he is required to list under this act, he or it shall be liable to a penalty of not less than ten dollars nor more than two thousand dollars, to be recovered in any proper form of action in the name of the State of Washington, on the complaint of any person; such fine, when collected, to be paid into the county treasury.

SEC. 46. Whoever shall wilfully make a false list, sched-

ule or statement, under oath, shall, in addition to the penalty provided in the preceding section, be liable as in the case of perjury. Perjury.

SEC. 47. All life, life and accident, fire, fire and marine, plate glass and steam boiler insurance companies now doing business in this state, and all other insurance companies not herein mentioned, or that may hereafter do business in this state, must file with the state auditor, annually, on or before the first day of December in each year, a statement, under oath, stating the amount of all premiums received by said companies during the year, and shall pay into the state treasury a tax of two per cent. on all such premiums collected: *Provided*, That in counties where there are insurance companies organized under the laws of this state, the taxes paid into the state treasury over and above the tax levy provided by law for state purposes shall be placed to the credit of the county in which such company is located. Insurance companies; how taxed.

SEC. 48. All property shall be assessed at its true and fair value in money. In determining the true and fair value of real or personal property, the assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation; nor shall he adopt as a criterion of value the price for which the said property would sell at auction, or at a forced sale, or in the aggregate with all the property in the town or district; but he shall value each article or description of property by itself, and at such sum or price as he believes the same to be fairly worth in money at the time such assessment is made. In assessing any tract or lot of real property, the value of the land, exclusive of improvements, shall be determined; also the value of all improvements and structures thereon, and the aggregate value of the property, including all structures and other improvements, excluding the value of crops growing upon cultivated land. In valuing any real property upon which there is a coal or other mine, or stone or other quarry, the same shall be valued at such a price as such property, including the mine or quarry, would sell at a fair, voluntary sale for cash. Taxable leasehold estates shall be valued at such a price as Values.

Growing crops.

they would bring at a fair, voluntary sale for cash. Money, whether in possession or on deposit, shall be entered in the statement at the full amount thereof.

Form of assessment books.

SEC. 49. The assessor shall make out, in the real property assessment book, in numerical order, complete lists of all lands or lots subject to taxation, showing the names of the owners, if to him known, so stated opposite each tract or lot, the number of acres, and the lots or parts of lots, or blocks, included in each description of property. The list of real property becoming subject to assessment and taxation every odd-numbered year may be added to the real property assessment book in the proper place. The assessment books and blanks shall be in readiness for delivery to the assessors on the last Saturday of March in each year, and the assessors shall meet on that day at the office of the county auditor, for the purpose of receiving such books and blanks, and for conference with the auditor in reference to the performance of their duties.

Bond of assessor.

SEC. 50. Every person elected or appointed to the office of assessor shall file with the board of county commissioners, within the time provided by law, his bond, payable to the State of Washington, with two or more good freehold sureties, to be approved by the said board, in the penal sum of [here insert amount] dollars, conditioned that he will diligently, faithfully and impartially perform the duties enjoined on him by law; and he shall, moreover, take and subscribe on said bond an oath that he will, according to the best of his judgment, skill and ability, diligently, faithfully and impartially perform all the duties enjoined on him by this act; and if any person so elected or appointed fails to give bond or fails to take the oath required within the time prescribed, such failure shall be deemed a refusal to serve.

Deputy assessors.

SEC. 51. Any assessor who deems it necessary to enable him to complete the listing and the valuation of the property of his county, town or district within the time prescribed by law may, with the approbation of the county commissioners, appoint one or more well qualified citizens of his county, town or district to act as his assistants or deputies, and assign to them such portion of his county,

town or district as he thinks proper; and each assistant so appointed shall, under the direction of the assessor, after taking the required oath, perform all the duties enjoined upon, vested in, or imposed upon assessors by the provisions of this act.

SEC. 52. The assessor shall, every odd-numbered year, General duties. at the time of taking a list of personal property, also assess all real property situated in his county, town or district that may have become subject to taxation since the last previous assessment of property therein, and of all new buildings or other structures, whether completed or in process of construction, of any kind, the value of which has not been previously added to or included in the valuation of land on which such structures have been erected, and shall make return thereof with his return of personal property, showing the tract or lot of real property on which each structure has been erected, and the true value added to such parcel of real property by the erection thereof; and in case of the destruction by fire, flood or otherwise of any building or structure of any kind which has been erected previous to the last valuation of the land on which the same stood, or the value of which has been added to any former valuation of such land, the assessor shall determine, as near as practicable, how much less such land would sell for at private sale in consequence of such destruction.

SEC. 53. The assessor shall perform the duties required of him during the months of April, May and June of each year, except in cases otherwise provided, and in the manner following, to wit: He shall actually view and determine, as nearly as practicable, the true and fair value Personal inspection. of each tract or lot of real property listed for taxation, and shall enter the value thereof, including the value of all improvements and structures thereon, opposite each description of property. He shall make an alphabetical list Alphabetical list. of the names of all persons in his county, town or district liable to an assessment of personal property, and require each person to make a correct list and statement of such property according to the prescribed form, which statement and list shall be subscribed and sworn to by the person listing the property, and the assessor shall there-

upon determine the value of the property included in such statement, and enter the same in his assessment books opposite the name of the party assessed; and in making such entry in his assessment books, he shall give the name and the postoffice address of the party listing the property, and if the party reside in a city the assessor shall give the street and number, or other brief description of his residence or place of business.

SEC. 54. The assessor shall call at the office, place of doing business or residence of each person required by this act to list property and list his name, and shall require such person to make a correct statement of his taxable property, in accordance with the provisions of this act; and every person so required shall enter a true and correct statement of such property, in the form prescribed, which statement shall be signed and verified by the oath of the person listing the property, and deliver to the assessor, who shall thereupon assess the value of such property and enter the same in his books: *Provided*, If any property is listed or assessed on or after the fourth Monday of June, and before the return of the assessor's books, the same shall be as legal and binding as if listed and assessed before that time: *Provided further*, That if from any reason the assessor shall fail to visit any such person, firm or corporation, said failure shall not impair or invalidate such assessment.

Validity of assessment.

Sickness or absence of owner.

SEC. 55. If any person required by this act to list property shall be sick or absent when the assessor calls for a list of his property the assessor shall leave at the office or usual place of residence or business of such person a written or printed notice requiring such person to make out and leave at the place named by said assessor, on or before some convenient day named therein, the statement or list required by this act. The date of leaving such notice and the name of the person required to list the property shall be noted by the assessor in his assessment book.

In case of refusal to list or verify.

SEC. 56. In every case where any person whose duty it is to list personal property for taxation has refused or neglected to list the same, when called on by the assessor for that purpose, or to take and subscribe an oath in regard

to the truth of his statement of personal property or any part thereof, when required by the assessor, the assessor shall enter opposite the name of such person, in an appropriate column, the words, "refused to list," or "refused to swear," as the case may be; and in every case where any person required to list property for taxation has been absent, or unable from sickness to list the same, the assessor shall enter opposite the name of such person, in an appropriate column, the words "absent" or "sick." The assessor is hereby authorized to administer oaths to all persons who by the provisions of this act are required to swear, or whom he may require to testify in any case, and he may examine, upon oath, any person whom he may suppose to have knowledge of the amount or value of the personal property of any person refusing to list or to verify his list of personal property.

SEC. 57. It shall be the duty of assessors, when assessing real or personal property, to designate the number of the school district and road district in which each person assessed is liable for tax, which designation shall be made by writing the number of the districts opposite each assessment, in a column provided for that purpose in the assessment book. When the real and personal property of any person is assessable in several school districts and road districts, the amount in each shall be assessed separately, and the name of the owner placed opposite each amount.

SEC. 58. The county commissioners of each county shall furnish the assessor with a map of the county, showing the boundaries of each road and school district therein numbered.

SEC. 59. In all cases of a failure to obtain a statement of personal property, from any cause, it shall be the duty of the assessor to ascertain the amount and value of such property, and assess the same at such amount as he believes to be the true value thereof. The assessor, when requested, shall deliver to the person assessed a copy of the statement of property hereinbefore required, showing the valuation of the property so listed, which copy shall be signed by the assessor.

School or road districts.

Map of county.

Deliver copy to owner when requested.

SEC. 60. The assessor shall add up and note the amount of cash column in his assessment books; he shall also make in each book, under proper headings, a tabular statement showing the footings of the several columns upon each page, and shall add up and set down, under the respective headings, the total amounts of the several columns; and on or before the first Monday of August, he shall make return to the county auditor of his assessment books, and deliver therewith the lists and statements of all persons assessed, all of which shall be filed and preserved in the office of the county auditor. Such return shall be verified by his affidavit, substantially in the following form:

Assessor's return.

Form of verification.

STATE OF WASHINGTON, ——— COUNTY, ss.

I, ———, assessor of ———, do solemnly swear that the book to which this is attached contains a correct and full list of all the real property (or personal property, as the case may be) subject to taxation in ———, so far as I have been able to ascertain the same; and that the assessed value set down in the proper column, opposite the several kinds and descriptions of property, is in each case the true and fair value of such property, to the best of my knowledge and belief, and that the footings of the several columns in said book, and the tabular statement returned herewith, are correct, as I verily believe.

\_\_\_\_\_,  
Assessor.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 18—.

[L. s.]

\_\_\_\_\_,  
Auditor of \_\_\_\_\_ County.

SEC. 61. If any person required to list property for taxation is prevented by sickness or absence from giving to the assessor such statement, such person, or his agent having charge of such property, may, at any time before the extension of taxes thereon by the county auditor, make out and deliver to the county auditor a statement of the same as required by this act, and the auditor shall in such case make an entry thereof, and correct the corresponding item or items in the return made by the assessor, as the case may require; but no such statement shall be received by the county auditor from any person who refused or neglected to make oath to his statement when required by the assessor, as provided herein; nor from any person unless he makes and files with the county auditor an affidavit that he was absent from his

Duty of county auditor.

county, town or district without design to avoid the listing of his property, or was prevented by sickness from giving the assessor the required statement when called on for that purpose.

SEC. 62. The county auditor shall carefully examine the assessment books when returned to him by the assessor, and if he discovers that the assessment of any property has been omitted, shall enter the same upon the proper list, and forthwith notify the assessor making such omission, who shall immediately proceed to ascertain the value thereof and correct his original return; in case of the inability or neglect of the assessor to perform this duty, the auditor shall ascertain the value of such property, and make the necessary corrections. Correcting list.

SEC. 63. Any oath authorized to be administered under this act may be administered by any assessor or deputy assessor, or by any other officer having authority to administer oaths. Administering oaths.

SEC. 64. Every male inhabitant of the state over twenty-one and under fifty years of age must be assessed and annually pay a county poll tax of two dollars, save and except paupers, idiotic and insane persons. Poll tax.

SEC. 65. The assessor must, at the time of making his annual assessment, demand a poll tax from each person liable therefor, and if such person shall refuse or neglect to pay his poll tax upon demand by the assessor or his deputy, and such person is in the employ of another, the assessor must demand from the person, firm, corporation or company, or agent thereof, having said person in his or their employ, said poll taxes, and from thenceforth said person, firm, corporation or company shall be liable to the county for said poll taxes, which, if not paid on demand, must be added to the assessment of said person, firm, corporation or company, and the amount thereof may be deducted by said person, firm, corporation or company from the wages of the person liable therefor; and if any person in the employ of another person, firm, corporation or company shall refuse to give his true name and the name and place of business of his employer, on demand of the assessor or his deputy, such person shall be deemed guilty Collecting poll tax.

Penalty for neglect or refusal.

of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding twenty-five dollars, and may also be imprisoned in the county jail for any time not exceeding one month.

Employers may deduct from wages.

SEC. 66. Any person, firm, corporation or company becoming liable for the poll taxes of any person as provided for in the preceding section of this act, shall, either in his bill of time in settlement or on a separate piece of paper over the signature of said person, firm, corporation or company, furnish such person with a statement to the effect that the amount of his poll tax, giving the amount for the year 18—, has been deducted from his wages, and such statement shall be a receipt and notice to all that said poll tax has been paid for said year as specified in the time bill or notice of the deduction of his wages.

Poll tax receipts.

SEC. 67. The auditor of each county must furnish the assessor of his county, annually, with blank poll tax receipts for each year, numbered consecutively, and bearing the official seal of said auditor, which receipts shall have attached to them stubs containing corresponding years and numbers and amounts, upon which stubs the assessor must enter the names of all persons paying their poll taxes to him, and the assessor must return said stubs to the auditor at the time of settlement, together with an alphabetical list of the persons who have paid their poll tax.

SEC. 68. The auditor must charge the assessor with two dollars for each blank poll tax receipt delivered to him, taking the assessor's receipt for the same, and must allow the assessor two dollars for each of said poll tax receipts returned to him in blank.

Compensation of assessor.

SEC. 69. Each assessor shall be allowed ten per cent. on all moneys collected by him from poll taxes, and he may retain the amount out of the money so collected, and the auditor shall allow the same in settlement.

Date of settlement.

SEC. 70. On or before the fifteenth day of July in each year the assessor must pay to the county treasurer of his county all money collected by him for poll taxes, less the ten per cent. allowed him for collection, taking the treasurer's duplicate receipt therefor, which duplicate receipt he must file with the county auditor, who must credit the as-

essor with the amount shown by said receipt to have been paid and charge the treasurer with said amount. The auditor shall then settle with the assessor, allowing him credit for all poll tax money paid to the treasurer, as shown by duplicate receipt, with the ten per cent. commission and two dollars for each poll tax receipt returned; he shall then deliver to the assessor, when full settlement is made, his receipt for said blanks: *Provided*, Enough blank receipts be returned to balance the account, otherwise the assessor's receipt shall be retained by the auditor until said account is properly balanced, and it shall be unlawful for any board of county commissioners to pay the assessor of its respective county for assessing the same until said assessor shall have first settled his poll tax account with the county auditor.

SEC. 71. All poll tax money collected must be paid into Poll tax money. the general fund of the county.

SEC. 72. The assessor of each county must return on his assessment books all uncollected poll taxes in the name of the person, firm, corporation or company liable to pay the same.

SEC. 73. The county commissioners, or a majority of County board of equalization. them, shall form a board for the equalization of the assessment of the property of the county. They shall meet for this purpose annually, on the first Monday in August, at the office of the auditor, who shall act as clerk of said board, and, having each taken an oath fairly and impartially to perform their duties as members of such board, they shall examine and compare the returns of the assessment of property of the several towns or districts of the county, and proceed to equalize the same so that each tract or lot of real property and each article or class of personal property shall be entered on the assessment list at its true and fair value, subject to the following rules: *First*, they shall raise the valuation of each tract or lot of General duties. real property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair value thereof, after two days' notice shall have been given in writing; *second*, they shall reduce the valuation of each tract or lot which in their opinion is returned

above its true and fair value to such price or sum as they believe to be the true and fair value thereof; *third*, they shall raise the valuation of each class of personal property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair value thereof, and they shall raise the aggregate value of the personal property of each individual whenever they believe that such aggregate valuation is less than the true valuation of the taxable personal property possessed by such individual to such sum or amount as they believe was the true and fair value thereof, after two days' notice shall have been given in writing; *fourth*, they shall, upon complaint of any party aggrieved, being a non-resident of the town or district in which his property is assessed, reduce the valuation of each class of personal property enumerated in section sixteen aforesaid, which in their opinion is returned above its true and fair value, to such price or sum as they believe to be the true and fair value thereof; and upon like complaint they shall reduce the aggregate valuation of the personal property of such individual, who in their opinion has been assessed at too large a sum, to such sum or amount as they believe was the true and fair value of his personal property; *fifth*, they shall not reduce the aggregate value of the real property or the aggregate value of the personal property of their county below the aggregate value thereof as returned by the assessor, except manifest errors are shown to exist therein, with the additions made thereto by the auditor, as hereinbefore required; but they may raise the aggregate valuation of such real property and of each class of personal property of said county, or any town or district thereof, whenever they believe the same is below the true and fair value of said property, or class of property, to such aggregate amount as they believe to be the true and fair value thereof. The county auditor shall keep an accurate journal or record of the proceedings and orders of said board, in a book kept for that purpose, showing the facts and evidence upon which their action is based, and the said record shall be published the same as other proceedings of county commissioners, and a copy of such pub-

lished proceedings shall be transmitted to the auditor of state, with the abstract of assessment hereinafter required. The county board of equalization may continue in session and adjourn from time to time during two weeks, commencing on the said first Monday of August, but after final adjournment the county commissioners shall not have power to change the assessed valuation of the property of any person or to reduce the aggregate amount of the assessed valuation of the taxable property of the county, but may correct errors in description or double assessments. Correcting errors.

SEC. 74. The county auditor shall make due record of the changes of the assessment lists determined by the county board of equalization, and make corrections accordingly. Having made such corrections of the real or personal lists, or both, as the case may be, he shall make duplicate abstracts of such corrected lists, one copy of which he shall file in his office, and one copy he shall forward to the auditor of state on or before the first Monday of September following each county equalization. Abstracts of lists.

SEC. 75. The secretary of state, auditor of state and the land commissioner shall constitute the state board of equalization. State board of equalization. The secretary of state shall be *ex-officio* president of said board, and the auditor of state shall act as secretary. The board may continue in session not to exceed fifteen days, and may adjourn from day to day, and may employ such clerical assistance as may be deemed necessary to facilitate its labors. The members of said board shall receive the same per diem as may be allowed by law to members of the legislature: *Provided*, That the expense of said board shall not exceed the sum of two hundred dollars in any one year. The said board shall meet annually, on the first Tuesday of September, at the office of the auditor of state, and shall examine and compare the returns of the assessment of the property in the several counties of the state, and proceed to equalize the same, so that all the taxable property in the state shall be assessed at its true and fair value. In the performance of their duties they shall be governed by the following rules: *First*, they shall add to the aggregate valuation of the real and personal property of every county which they believe Date of annual meeting.

to be valued below its true and fair value in money, such per centum in each case as will bring the same to its true and fair value in money. *Second*, they shall deduct from the aggregate valuation of the real and personal property of every county which they believe to be valued above its true and fair value in money, such per centum in each case as will reduce the same to its true and fair value in money. *Third*, they shall not reduce the aggregate valuation of all the property in the state, as returned by the several county auditors, more than one per centum on the whole valuation thereof. *Fourth*, The secretary shall keep a full record of the proceedings of the board, and the same shall be published in the biennial report of the auditor of state. *Fifth*, they shall have authority to adopt rules and regulations for the government of the board, and to enforce obedience to its orders in all matters in relation to returns of county assessments and to the equalization of taxes by said board.

Limit of deduction.

Transcript of proceedings.

SEC. 76. When the state board complete their equalization, the auditor of the state shall transmit to each county auditor a transcript of the proceedings of the board, specifying the per centum added to or deducted from the valuation of the real property of each of the several counties, and the county auditor shall add to or deduct from each tract or lot of real property in his county the required per centum on the valuation thereof, as it stands after the same has been equalized by the county board of equalization, adding, in each case, any fractional sum of fifty cents or more, and deducting in each case any fractional sum of less than fifty cents, so that the value of any separate tract or lot shall contain no fraction of a dollar; and shall also add to or deduct from such class of personal property in his county, the required per centum on the valuation thereof, as it stands after the same has been equalized by the county board of equalization, adding or deducting in manner as aforesaid any fractional sum, so that the value of any separate class of personal property shall contain no fraction of a dollar.

Tax levy.

SEC. 77. All taxes shall be levied or voted in specific amounts, and the rates per centum shall be determined

from the amount of property as equalized by the state board of equalization each year, except such general taxes as may be definitely fixed by law. The state tax shall be levied by the legislature, and the rate of such tax shall be certified by the auditor of state to each county auditor on or before the first day of October, annually. The county taxes shall be levied by the county commissioners at the time of their meeting in August of each year. Such taxes shall be based upon an itemized statement of the county expenses for the ensuing year, which statement shall be included in the published proceedings of the said board, and no greater levy of county tax shall be made upon the taxable property of any county than will be equal to the amount of such expenses, with an excess of fifteen per cent. of the same. The taxes voted by incorporated cities, villages and school districts, made by law special districts, shall be certified by the proper authorities to the county auditor on or before the first day of October in each year. The rate per centum of all taxes, except the state tax and such other taxes the rates of which may be fixed by law or the county commissioners, shall be calculated and fixed by the county auditor according to limitations hereinafter prescribed: *Provided*, That if any county, city, town or school district, authorized by law to levy its own taxes, shall return a greater amount than the prescribed rates will raise, then the county auditor shall only extend such amount of tax as the limited rate will produce.

Rate: when fixed by county auditor.

SEC. 78. For the purpose of raising a revenue for state, county, school, road and other purposes, the board shall, at said August session, levy a tax on all taxable property in the county as shown by the assessment roll, which tax shall be sufficient in amount to defray the state, county, school, road and other purposes or other taxes of the county or state: *Provided*, The state tax shall be three mills; the county tax shall not exceed eight mills; the school tax shall not exceed six mills; the road tax shall not exceed five mills; the bridge tax shall not exceed two mills, and all other taxes in accordance with the state laws.

Limit of state and county tax.

County auditor shall make out lists.

SEC. 79. The county auditor shall make out the tax lists according to the prescribed form. The rate per cent. necessary to raise the required amount of the various taxes shall be calculated on the assessed valuation of property as determined by the state board of equalization; but in calculating such rates, no rates shall be used resulting in any fraction other than a decimal fraction, or less than one-tenth of a mill; and in extending any tax, whenever it amounts to a fractional part of a cent, it shall be made one cent. The tax shall also be made out to correspond with the assessment books in reference to ownership and description of property, with columns for the valuation, and for the various items of tax included in the total amount of all taxes set down opposite each description of property. The amount of all taxes shall be entered in the proper columns, as shown by entering the rate per cent. of each tax at the head of the proper columns.

Abstract of tax rolls to state auditor.

SEC. 80. The county auditor shall, on or before the first day of December in each year, make out and transmit to the auditor of state, in such form as may be prescribed, a complete abstract of the tax rolls of the county, showing the number of acres of land assessed, the value of such land, including the structures thereon; the value of town and city lots, including structures; the total value of all taxable personal property in the county; the aggregate amount of all taxable property in the county; the total amount as equalized, and the total amount of taxes levied in the county for state, county, town and all other purposes for that year.

SEC. 81. It shall be the duty of the county auditor to make, in each tax book or list, a certificate in the following form, viz.:

Form of certificate.

I, ——— A B ———, auditor of ——— county, State of Washington, do hereby certify that the following is a correct list of the taxes levied on the real and personal property in the county of ———, for the year one thousand eight hundred and ———. Witness my hand and official seal this ——— day of ———.

—————,  
County Auditor.

Fiscal year.

SEC. 82. The fiscal year contemplated in this act shall commence on the first day of April and end on the thirty-first day of March in each year.

SEC. 83. The county auditor shall deliver the assessment books of the county to the county treasurer, with his warrant thereto affixed authorizing the collection of said taxes on or before the first day of November in each year, taking his receipt therefor, showing the total amount of taxes due upon the said books; and such books shall be full and sufficient authority for the county treasurer to receive and collect taxes therein levied.

Assessment books to county treasurer.

SEC. 84. The county treasurer shall be the receiver and collector of all the taxes extended upon the tax books of the county, whether levied for state, county, school, poor, bridge, road or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his county; and he shall proceed to collect the same according to law, and place the same, when collected, to the credit of the proper funds.

Duty of treasurer.

SEC. 85. On receiving the tax books from the county auditor the treasurer shall give notice, by publication in some newspaper having general circulation in the county, once in each of three successive weeks, that the assessment books have been turned over to him for the collection of taxes thereon.

Treasurer's notice.

SEC. 86. The county treasurer, upon the payment of any tax, shall give to the person paying the same a receipt therefor, specifying therein the land, town or city lot, or other property on which said tax was levied, according to its description on the tax list, or in some other sufficient manner, and the year or years for which the tax was levied. The said receipt shall have a duplicate stub, showing the name of the person, and the amount and date of payment; and the county treasurer shall return all such duplicate stubs made by himself or deputies, to the county auditor when the taxes become delinquent, who shall file and preserve them in his office, charging the treasurer with the amount thereof.

Treasurer's receipt.

SEC. 87. All unpaid personal property taxes shall be deemed delinquent on the first day of January next after they become due; and thereupon a penalty of ten per cent. shall attach and be charged upon all such taxes, and interest at the rate of ten per cent. per annum from date

Delinquent taxes.

of delinquency until paid. After the first day of January the county treasurer shall immediately proceed to collect all delinquent personal property taxes, and if such taxes are not paid on demand he shall distraint sufficient goods and chattels belonging to the person charged with such taxes, if found within the county, to pay the same, with the said penalty of ten per cent., all accruing costs, and shall immediately proceed to advertise the same in three public places in the county, town or district where such property is taken, stating the time when and place where such property will be sold; and if the taxes for which such property is distrained, and the costs which accrue thereon are not paid before the day appointed for such sale, which shall not be less than ten days after the taking of such property, such treasurer or his deputy shall proceed to sell such property at public vendue, or so much thereof as will be sufficient to pay said taxes and the costs of such distress and sale.

Sale of prop-  
erty.

SEC. 88. If the county treasurer is unable, for the want of goods or chattels whereon to levy, to collect, by distress or otherwise, the taxes, or any part thereof, which may have been assessed upon the personal property of any person or corporation, or any executor or administrator, guardian, receiver, accounting officer, agent or factor, such treasurer shall file with the county auditor, on the first day of April following, a list of such taxes, with an affidavit of himself or of the deputy treasurer entrusted with the collection of said taxes, stating that he had made diligent search and inquiry for goods and chattels wherewith to make such taxes, and was unable to make or collect the same. He shall note on the margin of such list the place to which any delinquent taxpayer may have removed, with the date of his removal, if he is able to ascertain such fact. The county auditor shall deliver such list and affidavit to the board of county commissioners at their first session thereafter, and they shall cancel such taxes as they are satisfied cannot be collected. The county auditor shall then certify to the state auditor the amount of state tax thus found to be delinquent and uncollectible, which amount shall be deducted from the

County auditor  
must certify to  
state auditor.

amount to be paid by such county to the state treasurer on or before June thirtieth of each year, as provided in section ninety-six of this act.

SEC. 89. Within ten days after the adjournment of the board of commissioners, the auditor shall file a copy of such revised list with the clerk of the superior court of the county; and within ten days after the filing of such copy, the clerk shall issue and deliver to the sheriff of the county where the person against whom such tax is claimed may at the time reside or be, for service, a citation to each delinquent named on said list, stating the amount of tax and penalty, and requiring such delinquent to appear on the first day of the next general term of the superior court in the county, and show cause, if any there be, why he should not pay said tax and penalty; and if he fails to pay said tax, penalty and costs to the sheriff before the first day of the term, or on said day to show cause as aforesaid, the court shall direct the clerk to enter a judgment against such delinquent for the amount of such tax, penalty and costs.

SEC. 90. The clerk shall receive as fees for issuing such citation and perfecting judgment one dollar and fifty cents in cases not contested, and in contested cases such fees as are allowed by law in civil actions. Executions shall be issued upon such judgment at the request of the prosecuting attorney, and shall state that the judgment was obtained for delinquent taxes, and no property shall be exempt from seizure thereon.

SEC. 91. If any county treasurer shall refuse or neglect to collect any tax assessed upon personal property, where the same is collectible, or to file the delinquent list and affidavit, as herein provided, he shall be held, in his next settlement with the auditor, liable for the whole amount of such taxes uncollected, and the same shall be deducted from his salary or fees and applied to the several funds for which they were levied.

SEC. 92. The county auditor, within thirty days after receiving the delinquent list of personal property taxes, shall make out and forward to the treasurer of any county in this state to which any delinquent taxpayer may have

Removal of delinquent owners.

removed, a statement or account of such delinquent taxes, specifying the value of property on which said taxes were levied, and the amount of taxes levied thereon, to which he shall add an amount equal to the sum of twenty-five per centum on the taxes levied, if said delinquent taxpayer left the county in which said taxes were levied after the time required by law for the county auditor to deliver the tax list to the county treasurer; but if he left the county previous to the time required by law for the delivery of said tax list to the county treasurer, then the said county auditor shall not add the twenty-five per centum.

Collecting for another county.

SEC. 93. On receipt of any such statement or account, the county treasurer shall immediately proceed to collect the same of the person so charged with said taxes and per centum, for which service he shall be allowed the same fees that county treasurers shall be allowed by law for collecting delinquent taxes by process, to be collected of the person against whom said taxes are charged; and all taxes thus collected shall be by him remitted to the treasurer of the county to which said taxes belong; and at the same time he shall return the original statement or account to the auditor of the county from which it was received, stating the amount of his collections, and if any taxes remain unpaid, the reason why said taxes could not be collected, certifying in his official capacity to the same.

SEC. 94. The county treasurer, or his deputy, shall be allowed the same fees for making distress and sale of goods and chattels for the payment of taxes, as are allowed by law to constables for making levy and sale of property on execution; traveling fees to be computed from the place of holding elections of any town or district to the place of making the distress, unless such distress is made by his deputy, in which case the same shall be computed from the residence of such deputy.

County settlements.

SEC. 95. On the first days of February, May, September and November, respectively, of each year, the county treasurer shall make full settlement with the county auditor of his receipts and collections for all purposes from the date of the last settlement up to and including each day

mentioned, and the county auditor shall, within twenty days after each settlement, send an abstract of the same to the auditor of state, in such form as the said auditor may prescribe. At the February and May settlements the treasurer shall make complete returns of his collections on the current tax list, showing the amount collected on account of the several funds included in said list.

SEC. 96. The county treasurer of each county shall pay over to the state treasurer, on or before January fifteenth of each year, seventy-five per cent. of the state tax levied for the preceding year, and shall pay over the remaining twenty-five per cent. on or before June thirtieth of each year: *Provided*, Credit shall be given any county for the amount of state tax found delinquent as provided in section 88 of this act.

Payment to  
state treasurer.

SEC. 97. All real estate upon which taxes remain due and unpaid on the first day of January, annually, shall be deemed delinquent, and, therefore, a penalty of ten per cent. shall immediately accrue and thereafter be charged upon such delinquent taxes, and all such due or unpaid taxes shall bear interest at the rate of ten per cent. per annum until paid or forfeited, and any auditor who shall make out and deliver any statement of delinquent taxes without including such penalty therein, and any treasurer who shall receive payment of such taxes without including such penalty shall be liable to the county for the amount of such penalty.

Real estate de-  
linquent.

SEC. 98. The county treasurer of each county shall be the collector of delinquent taxes for his respective county, and all unpaid taxes delinquent on the first day of January in each year must be collected by the treasurer in the same manner as other taxes are collected, with the penalty of ten per cent. added, and interest at the rate of ten per cent. per annum from said date until paid.

Collector of de-  
linquent taxes.

SEC. 99. On the first day of April of each year, the county treasurer shall return to the county auditor the several tax lists in his hands, having compared the same with his duplicate receipts on file in the auditor's office, and written opposite the amount of each tax so receipted for the word "paid," and the number of the treasurer's re-

Treasurer's re-  
turn to auditor.

ceipt given in discharge of such tax; and each tract or lot of real property against which the taxes remain unpaid shall be deemed delinquent.

Proceedings in superior court.

SEC. 100. On or before the fifteenth day of May the county auditor shall file in the office of the clerk of the superior court of the county, or, if it be attached for judicial purposes to some other county, then in the office of the clerk of such court in that county, a list of the delinquent taxes upon real estate within his county, which list shall contain a description of each piece or parcel of land on which such taxes shall be so delinquent, with the name of the owner, if known, and if unknown, so stated, appearing on the delinquent list, and the amount of tax delinquent and penalty for each year opposite such description, and shall verify such list by his affidavit that the same is a correct list of taxes delinquent for the year or years therein appearing, upon real estate in said county. The filing of such list shall have the force and effect of filing a complaint in an action by the county against each piece or parcel of land therein described, to enforce payment of the taxes and penalties therein appearing against it, and shall be deemed the institution of such action; and the same shall operate as notice of the pendency of such action.

SEC. 101. The clerk shall, within fifteen days thereafter, make and deliver to the county auditor a copy of the list so filed, and attach thereto a notice which may be substantially in the following form:

Form of notice.

STATE OF WASHINGTON, COUNTY OF —, ss.—Superior Court, — Judicial District.—The State of Washington, to all persons, companies or corporations who have or claim any estate, right, title or interest in, claim to, or lien upon, any of the several pieces or parcels of land in the list hereto attached, described.—The list of taxes and penalties on real estate for the county remaining delinquent on the first day of January has been filed in the office of the clerk of the superior court of the county of —, of which that hereto attached is a copy. Therefore, you and each of you are hereby required to file in the office of said clerk, within twenty days after the last publication of this notice, your answer in writing, setting forth any objection or defense you may have to the taxes and penalties, or any part thereof, upon any piece or parcel of land described in said list, in, to, or on which you have or claim any estate, right, title, interest, claim or lien. And in default thereof, judgment will be entered against

such piece or parcel of land for the taxes on said list appearing against it, and for all penalties, interest and cost.

[Signed] \_\_\_\_\_,

Clerk of the Superior Court in said County of \_\_\_\_\_.

[Here insert list.]

SEC. 102. The county auditor shall cause said notice and list to be published once in each of four consecutive weeks in some newspaper of general circulation, and which has been regularly published for at least one year previously in the county in which said real estate is situated, if there be one, or in the county where the proceedings are instituted; or, if there be no such newspaper published in either county, then in some newspaper published within the judicial district, the first publication of which list shall be made within ten days after the delivery thereof to the auditor as provided in the preceding section. The newspaper in which such publication shall be made shall be designated by resolution of the board of county commissioners of the county in which the taxes are levied, at the meeting of said board in May, a copy of which resolutions, certified by the county auditor, should be filed in the office of the clerk of the court: *Provided*, That if the county commissioners shall fail to designate such paper, then it shall be designated by the county auditor. Publication of list and notice.

SEC. 103. When the last publication shall have been made, the notice shall be deemed to have been served, and the court to have acquired full and complete jurisdiction to enforce against each piece or parcel of land in said published list described, the taxes, accrued penalties and costs upon it then delinquent, so as to bind every estate, right, title, interest, claim or lien, in law or equity, in, to or on such piece or parcel of land, of every person, company or corporation. And such jurisdiction shall not be in any way affected by any error in making the list filed with the clerk, or by any error, irregularity or omission in the assessment or levy of the taxes, or in any other proceedings prior to filing the said list, nor by any mistake in copying the list for publication, nor by any mistake in publishing such list, nor by any mistake in the amount of tax in such published list appearing against any piece or parcel of land therein described. Jurisdiction of court.

Affidavit of  
publication.

SEC. 104. The owner, publisher, manager or foreman in the printing office of the newspapers in which such notice and list shall be published, shall make and file with the clerk an affidavit of such publication, stating the days in which such publication was made, and shall also file with the clerk three copies of each number of the paper and supplement, if any, in which the notice and list shall have appeared. The publication may be made in such newspaper, or partly in such newspaper and partly in a supplement issued therewith.

Right of an-  
swer.

SEC. 105. Any person, company or corporation having any estate, right, title or interest in, or lien upon any piece or parcel of land embraced in said list as published may, within twenty days after the last publication of said notice, file in the office of the said clerk an answer, verified as pleadings in civil actions, setting forth his defense or objection to the tax or penalty against such piece or parcel of land, which answer need not be in any particular form, but shall clearly refer to the piece or parcel of land intended, and set forth, in ordinary and concise language, the facts constituting the defense or objection to such tax or penalty; and if the list shall embrace the taxes for two or more years, the defense or objections may be to the taxes or penalty for one or more of such years.

Judgment.

SEC. 106. Upon the expiration of twenty days from the last publication of said notice and list, the said clerk shall, the affidavit of publication being filed, enter judgment against each and every of such pieces or parcels as to which no answer shall have been filed, which judgment shall include all of such pieces or parcels, and shall be substantially in the following form:

Form of.

STATE OF WASHINGTON, COUNTY OF ———, ss.— Superior Court.—  
In the matter of the proceedings to enforce payment of the taxes on real estate remaining delinquent on the first day of January, 18—, for the county of ———, State of Washington. A list of taxes on real property, delinquent on the first day of January, 18—, for said county of ———, having been duly filed in the office of the clerk of this court, and the notice and list required by law having been duly published as required by law, and no answer having been filed by any person, company or corporation, to the taxes upon any of the pieces or parcels of land hereinafter described, and more than twenty days having elapsed since the last publication of said notice and list, it is

hereby adjudged and decreed that each piece or parcel of land hereinafter described as liable for taxes, penalties and costs to the amount set opposite the same, as follows, to-wit: Description, ———; amount, ———; and the amount of taxes, penalties and costs to which, as hereinbefore stated, each of said pieces or parcels of land is liable, is hereby declared a lien upon such pieces or parcels of land as against the estate, right, title, interest, claim or lien of whatever nature, in law or equity, of every person, company or corporation whatsoever; and it is adjudged that, unless the amount to which each of said pieces or parcels is liable to be paid, each of said pieces or parcels be sold, as provided by law, to satisfy such amount to which it is liable.

[Signed] \_\_\_\_\_,

Clerk of the Superior Court, County of \_\_\_\_\_.

Such judgment shall be entered by the clerk in a book Entry in record. to be kept by him, to be called the "Real estate tax judgment book," and shall be dated and signed by the clerk. The judgment shall be written out on the left-hand pages of such book, leaving the right-hand pages blank for the entries hereinafter provided, and the same presumption in favor of the regularity and validity of the said judgment shall be deemed to exist as in respect to judgments in civil action in said court.

SEC. 107. If answers shall be filed within the time hereinafter prescribed, as to the taxes or penalties upon any pieces or parcels of land embraced in said list as published, such answers shall stand for trial at any general term of the superior court in the county where such proceedings are pending, in session at the time when the time to file answers as aforesaid shall expire, or at the next general or special term appointed to be held in said county; and if no general or special term shall be appointed to be held within thirty days thereafter, then the same shall be brought to trial at any general term appointed to be held within the judicial district, upon ten days' notice. It shall be the duty of the prosecuting attorney of the county in which said taxes are levied, if there be one, and if there be none, then of the county in which such proceedings are instituted, to take charge of and prosecute such proceedings, but the county commissioners of the county in which such taxes are levied may employ any other attorney to assist such prosecuting attorney therein. At the term at which such proceedings come on for trial, they shall take precedence of all other Trial in case of answer.

business before the court. The court shall proceed without delay and summarily hear and determine the objections or defenses made by the several answers, and shall dispose of all such answers and direct judgment accordingly at the same term, and in the trial thereof shall disregard all technicalities and matters of form not affecting the substantial merits.

SEC. 108. If, after a hearing, the court shall sustain the taxes and penalties, in whole or in part, against any piece or parcel of land, judgment shall be rendered against all such pieces or parcels for the amount as to which such taxes and penalties shall be sustained against such pieces or parcels respectively, with penalties and disbursements, unless the court otherwise direct, which judgment may be substantially in the form prescribed in the preceding section of this act, except that it shall, in addition, state that the same was rendered after answer and trial, and after the description of each piece or parcel shall be stated the name of the person, company or corporation answering as to such piece or parcel. If the court sustain the defense or objections to the taxes and penalties, as to any piece or parcel of land, the judgment shall, after the description of the land against which judgment is given, state that all other pieces or parcels, not embraced in that or the prior judgment of the court, and which are described in the list as published, are discharged from the taxes in said list set down against such other pieces or parcels, and from all penalties; and the court may, in its discretion, award disbursements against the county levying such taxes and in favor of the party answering to the pieces or parcels so discharged.

Power of court.

SEC. 109. If all the provisions of law in relation to the assessment and levy of taxes shall have been complied with, of which the list so filed with the clerk shall be *prima facie* evidence, then judgment shall be rendered for such taxes, and the penalties and costs. But no omission of any of the things by law provided in relation to such assessments and levy, or of anything required by any officer or officers to be done prior to the filing of the list with the clerk, shall be a defense or objection to the taxes

Ground of defense.

appearing upon any piece or parcel of land, unless it be also made to appear to the court that such omission has resulted to the prejudice of the party objecting, and that the taxes against such piece or parcel of land have been partially, unfairly or unequally assessed; and in such case, but no other, the court may reduce the amount of taxes upon such piece or parcel, and give judgment accordingly. It shall always be a defense in such proceedings, when made to appear by answer and proofs, that the taxes have been paid, or that the property is not subject to taxation.

SEC. 110. The judgment which the court shall render shall be final, except that upon application of the county or other party against whom the court shall have decided the point raised by any defense or objection, the court may, if in its opinion the point is of great public importance, or likely to arise frequently, make a brief statement of the facts established bearing on the point, and of its decision, and forthwith transmit the same to the clerk of the supreme court, who shall enter the same as a cause pending in said court and place the same on the term calendar of said court for the term then in session, or for the first term thereafter, and the same shall be entitled to a preference over all other business before said court, and shall be decided by said court at the term for which it shall be entered in the calendar. As soon as it shall be decided the clerk of the supreme court shall enter the proper order and forthwith transmit a certified copy of such order to the clerk of the proper superior court: *Provided*, That such proceedings shall in no case prevent the entry of judgment in the superior court, nor prevent the sale of any piece or parcel of land pursuant to the judgment of the superior court, unless, at the time of applying for such statement, an undertaking with at least two sureties, and in an amount to be approved by the judge of the superior court, conditioned for the payment of the amount for which judgment shall be rendered in the superior court, and the penalties and costs allowed by law, if the decision of the superior court shall be affirmed, shall be filed with the clerk of the superior court: *Provided further*, That the court wherein such judgment is entered shall have power,

Judgment final,  
except when  
certified to su-  
preme court.

Vacation of  
judgment.

in its discretion, and for good cause shown by any person interested, to open or vacate such judgment at any time before the expiration of the period of redemption, and may allow a defense to be interposed in such case upon the grounds that the tax in question has been paid, or that the property in question was not subject to taxation, to the same extent as such defense might have been interposed before the entry of such judgment, but upon no other grounds. Application to vacate or open such judgment may be summary, upon such notice to the purchaser and county auditor of the proper county as the court may direct, and in case a defense is allowed to be interposed, the case shall proceed in all respects as in defended cases under this act.

Recording tax judgment.

SEC. III. When any real estate tax judgment shall be entered, the clerk shall forthwith deliver to the county auditor, in a book to be provided by said auditor, a certified copy of such judgment, which shall be written on the left-hand pages of such book, leaving the right-hand pages blank; and if, before sale, any person wishes to pay the amount adjudged against any piece or parcel of land, the auditor shall give him a statement showing the amount so adjudged against such piece or parcel and the amount of accrued penalty and costs; and such person may present the same to the treasurer and pay to him such amount, and the treasurer shall thereupon give duplicate receipts for such payment, one of which shall be filed with the county auditor; and on such duplicate receipt being produced to the clerk, he shall enter on the right-hand page of the real estate tax judgment book and opposite the description of such piece or parcel, satisfaction of the judgment against the same. If, after a sale, any person shall desire to redeem, the auditor shall give him a statement showing how much is required to be paid upon such redemption; and after lands are returned delinquent by the county treasurer, and before judgment is entered, if any person shall desire to pay the taxes, penalty and costs due thereon, the auditor shall certify to the amount due, and the treasurer shall receive and receipt for the same, and he shall immediately file a duplicate of such receipt with the county auditor, who

Redemption.

shall enter such payment on the books of his office; and if the delinquent lists have been filed with the clerk of the court, he shall immediately certify to such payment to said clerk, who shall note the same on the delinquent list on file in his office; and all proceedings pending against such piece or parcel of land shall thereupon be discontinued.

SEC. 112. On the third Monday in August in each year, Annual sale of lands. the county auditor shall sell all pieces or parcels of land against which judgment has been rendered for the taxes of the preceding year or years. Before making such sale he shall give notice thereof, by posting such notice—Notice of sale. one copy in the office of the clerk of the court where the judgment shall have been entered, one copy in the office of the county treasurer, and one copy at some conspicuous place at the county seat of said county, at least ten days before the day of sale, and by publishing such notice once in each of four successive weeks, the first publication to be at least thirty days before the day of sale, in some daily or weekly newspaper published in the county where such lands are situated, if there be one; if there be none, then in one published in the county in which the judgment shall have been entered; or if there be none in either, then in one published in some county in the judicial district: *Provided*, That in all cases where answers have been filed as provided by law, and judgment shall have been entered, the county auditor shall give the required notice by publication and otherwise, Publication. and within thirty days after judgment has been entered, proceed to sell all property against which taxes stand charged in such judgment. The notice herein required may be substantially in the following form:

## TAX JUDGMENT SALE.

Form of notice.

Pursuant to a real estate tax judgment of the superior court, in the county of \_\_\_\_\_, State of Washington, entered the \_\_\_\_\_ day of \_\_\_\_\_, in proceedings for enforcing payment of taxes and penalties upon real estate in the county of \_\_\_\_\_, remaining delinquent on the first day of January, 18—, and of the statutes in such case made and provided, I shall, on the \_\_\_\_\_ day of \_\_\_\_\_, at ten o'clock in the forenoon, at \_\_\_\_\_, in the town or city of \_\_\_\_\_, and county of \_\_\_\_\_, sell the lands which are charged with taxes, penalties and costs in said judgment, and on which taxes shall not have been previously paid.

\_\_\_\_\_,  
Auditor of \_\_\_\_\_ county.

At the time and place appointed in such notice, the county auditor shall commence the sale of such lands and proceed with the sale thereof from day to day for six consecutive days, or until the whole shall have been sold.

Sale of parcels separately.

SEC. 113. The auditor shall sell, by public vendue, each piece or parcel of land separately, in the order in which they are described in the judgment, and by the description therein; but if the sum bid for any piece or parcel shall not be paid before the sale closes, he shall again offer such piece or parcel for sale. In offering the land for sale, he shall state the amount for which each piece or parcel is to be sold, and shall then offer the same in fee to the highest bidder, who shall bid not less than the amount for which the same is to be sold. If no bidder shall bid an amount equal to that for which the piece or parcel is to be sold, then he shall bid in the same for the state at such an amount. The county treasurer shall attend at the sale and receive all moneys paid thereon.

SEC. 114. The auditor shall execute to the purchaser of any piece or parcel of land a certificate, which may be substantially in the following form:

Form of certificate.

I, ———, auditor of the county of ———, State of Washington, do hereby certify that at the sale of lands, pursuant to real estate tax judgment entered in the superior court in the county of ———, on the ——— day of ———, 18—, in proceedings to enforce the payment of taxes delinquent upon real estate for the years ———, for the county of ———, which sale was held at ———, in said county of ———, on the ——— day of ———, the following described piece or parcel of land situated in said county of ———, State of Washington, to wit: [Insert description.] Was offered for sale to the highest bidder above the amount for which the same was subject to be sold, and at said sale I did sell the said piece or parcel of land to ——— for the sum of ———, that being the highest sum bid therefor; and he having paid said sum, I do, therefore, in consideration thereof, and pursuant to the statute in such case made and provided, convey the said piece or parcel of land, in fee simple, to said ———, his heirs and assigns, forever, subject to redemption as provided by law. Witness my hand and official seal this ——— day of ———, 18—.

[L. S.]

County Auditor.

Validity and effect of certificate.

Such certificate, in case the land shall not be redeemed, shall pass to the purchaser the estate therein expressed, without any other act or deed whatever. Such certificate may be recorded, after the time for redemption shall have

expired, as other deeds of real estate, and the record thereof shall have the same force and effect in all respects as the record of such deeds, and shall be evidence in like manner. If any purchaser shall at said sale purchase more than one piece or parcel, the auditor shall issue to the purchaser a certificate for each piece or parcel so purchased.

SEC. 115. Such certificate, or the record thereof, shall in all cases be *prima facie* evidence that all the requirements of the law, with respect to the sale, have been duly complied with, and of title in the grantee therein, after the time for redemption has expired, and no sale shall be set aside or held invalid unless the party objecting to the same shall prove either that the court rendering the judgment pursuant to which the sale was made had no jurisdiction to render the judgment; or that, after the judgment and before the sale, such judgment had been satisfied; or that notice of sale, as required by this act, was not given; or that the piece or parcel of land was not offered at said sale to the bidder who would pay the amount for which the piece or parcel was to be sold; nor unless the action in which the validity of the sale shall be called in question be brought, or the defense alleging its validity be interposed, within three years after the date of the sale; and if any sale shall be set aside by reason of any defect in the proceedings subsequent to the entry of the judgment, the court so setting aside the sale shall have power in such case to order a new sale to be made, as near as may be in accordance with the provisions of this act.

SEC. 116. The county auditor shall, immediately after such sale, set out in the copy judgment book what disposition was made at said sale of each piece or parcel of land; if sold to an actual purchaser, to whom and for what amount; and if bid in for the state, then so stating, and, upon any assignment or redemption, he shall make a note thereof in said copy judgment book opposite the piece or parcel assigned or redeemed. After he shall have set out in the copy judgment book what disposition was made at the sale of the several pieces or parcels of land, he shall

Record of disposal of lands.

deliver the same to the clerk of the court, who shall forthwith enter on the right-hand pages of the real estate tax judgment book, opposite the description of each piece or parcel sold, the words "satisfied by sale," and opposite each piece or parcel bid in for the state the words "bid in for the state," and he shall thereupon re-deliver said copy judgment book to the auditor.

Who may purchase.

SEC. 117. Any person except county auditors, county treasurers and each of their deputies or clerks, may become the purchaser at such sale. If the owner purchase, the sale shall have the effect to pass to him (subject to redemption as herein provided) every right, title and interest of any and every person, company or corporation, free from any claim, lien or incumbrance, except such right, title, interest, lien or incumbrance as the owner so purchasing may be legally or equitably bound to protect against such sale, or the taxes for which such sale was made; and no such sale of real estate for taxes shall be considered invalid on account of the same having been charged in any other name than that of the rightful owner: *Provided*, That nothing herein contained shall be so construed as to prevent any such officer, or his deputy or clerk from becoming the purchaser at such sale of any lands of which he may be the owner, or upon which he may have a lien: *Provided*, That no county auditor, county treasurer, their deputies or clerks, shall act as agent or attorney for the purchasers at such sale.

Purchaser liable for later taxes.

SEC. 118. The taxes for subsequent years shall be levied on property so sold or bid in for the state, in the same manner as though the sale had not been made; and if the purchaser or assignee of the state shall pay such taxes, the amount thereof, with interest from the date of payment after they shall have become delinquent, at the same rate as is provided upon the amount bid on the sale, shall be added to and be a part of the money necessary to be paid for redemption from sale.

Auditor may sell at any time.

SEC. 119. At any time after any piece or parcel of land shall have been bid in for the state, and before such piece or parcel of land shall have become forfeited to the state, and while such tract or parcel of land shall remain unre-

deemed, the county auditor shall assign and convey the same, and all the right of the state in any such piece or parcel of land required at such sale, to any person except the county auditor, county treasurer and their deputies or clerks, who shall pay the amount for which the same shall have been bid in, with interest, and the amount of all subsequent delinquent taxes, penalties, costs and interest upon the same; and shall execute to such person a certificate or conveyance for each piece or parcel, which may be substantially in the following form:

I, \_\_\_\_\_, auditor of the county of \_\_\_\_\_, State of Washington, do hereby certify that at the sale of lands, pursuant to the real estate tax judgment, entered in the superior court, in the county of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 18—, in proceedings to enforce the payment of taxes delinquent upon real estate for the years \_\_\_\_\_ for the county of \_\_\_\_\_, which sale was held at \_\_\_\_\_, in said county of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, the following described piece or parcel of land, situated in said county of \_\_\_\_\_, State of Washington, to-wit: [Insert description.] Was offered for sale to the highest bidder above the amount for which the same was subject to be sold; and no one bidding upon such offer an amount equal to that for which said piece or parcel was subject to be sold, the same was then bid in for the state at such amount, being the sum of \_\_\_\_\_, and the same still remaining unredeemed, and on this day \_\_\_\_\_ having paid into the treasury of said county the amount for which the same was so bid in, and all subsequent taxes, penalties, costs and interest, amounting in all to \_\_\_\_\_ dollars; therefore, in consideration thereof, and pursuant to the statute in such cases made and provided, I do hereby assign and convey the said piece or parcel of land in fee simple, with all the right, title and interest of said state acquired therein at said sale to the said \_\_\_\_\_, his heirs and assigns, forever, subject to redemption as provided by law. Witness my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 18—.

Certificate of conveyances.

[L. s.]

\_\_\_\_\_,  
County Auditor.

Which certificate or conveyance may be recorded, after the time of redemption shall have expired, as other deeds of real estate, and the record thereof shall have the same force and effect in all respects as the records of such deeds; and the same, or the record thereof, shall be evidence in like manner and with like force and effect, as the certificate provided for in section one hundred and fifteen of this act.

SEC. 120. If at said sale any piece or parcel of land shall be sold to a purchaser or the piece or parcel bid in for the state, the same may be redeemed at any time within two years from the date of sale by any person having an

Limit of redemption.

interest therein, who shall pay into the treasury of the county, for the use of the person thereto entitled — *First*, if such piece or parcel shall have been bid in for the state and the right of the state shall not have been assigned the amount for which the same was bid in, with interest, and the amount of delinquent taxes, penalties, costs and interest thereon; *second*, if the right of the state shall have been assigned the amount paid by the assignee, with interest from the day when so paid, and all unpaid delinquent taxes, interest, costs and penalties that may have accrued on such piece or parcel after such assignment; and if he shall have paid any delinquent taxes, penalties, costs or interest accruing subsequent to the assignment the amount so paid by him with interest from the date of such payment; *third*, if the same shall have been sold to a purchaser, the amount paid by such purchaser, with interest, and if he shall have paid any subsequent delinquent taxes, penalties, costs or interests accruing subsequent to the sale, the amount so paid by him, with interest from the day of paying the same, and all unpaid delinquent taxes, interest, costs and penalties accruing subsequent to such sale. The county auditor shall certify to the amount due upon such redemption, and on payment of the same to the county treasurer, he shall make duplicate receipts, for the certified amount, describing the property redeemed, one of which shall be filed with the county auditor, which shall have the effect to annul the sale. If the amount so paid for the purpose of redemption be less than that required by law it shall not invalidate such redemption, but the auditor shall be liable for the deficiency to the person entitled thereto.

Other rights of redemption.

SEC. 121. Minors, insane persons, idiots or persons in captivity or in any country with which the United States are at war, having an estate in or lien on lands sold for taxes, may redeem the same within two years after such disability shall cease; but in such case the right to redeem must be established in a suit for that purpose, brought against the party holding the title under the sale.

Claims upon undivided estates.

SEC. 122. Any person who has or claims an interest in or lien upon any undivided estate in any piece or parcel of land may redeem such undivided estate by paying into

the treasury a proportionate part of the amount required to redeem the whole, and in such case the certificate shall express the estate or interest redeemed.

SEC. 123. Upon application of the party entitled thereto, the auditor shall give to such party his warrant upon the treasurer for any money paid into the treasury on the sale of any piece or parcel of land in excess of the amount due upon such piece or parcel at the time of the sale, or for any money paid in for redemption which may be due to the purchaser at the sale, or other person appearing from his copy judgment book to hold the right derived at the sale.

SEC. 124. When any piece or parcel shall be bid in by the state, the sale shall not, until the right of the state be assigned as hereinbefore provided, or the piece or parcel redeemed, operate as a payment of the amount for which the same is sold, but at any time after such sale the county auditor may make and file in the office of the clerk where the judgment is entered an affidavit stating the amount for which such piece or parcel shall have been bid in for the state, that the right of the state has not been assigned, the date of the sale, that there has been no redemption, that the piece or parcel is rented, producing rent, and giving the name or names of the parties in possession, paying rent for the whole or some part thereof. Upon such affidavit being presented to the judge of the court, or court commissioner for the county, he shall endorse thereon an order directing an attachment to issue to attach the rents and profits of said piece or parcel of land. The clerk of the court shall thereupon issue a writ of attachment to the sheriff of the county, directing him to attach the rents accruing for such piece or parcel of land from any person, and collect therefrom the amount for which the same was bid in for by the state (stating such amount and the date of sale), with interest accruing thereon, and his fees, and one dollar, the costs of the affidavit and attachment. The sheriff shall serve such writ by serving a copy thereof on each tenant or person in possession paying rent for such piece or parcel, or any part thereof, and upon such service the same shall operate as an attachment

Lands bid in by state.

Attaching rents.

of all rents accruing after such service from the person upon whom service is made. And as they become due, the sheriff shall receive such rents, and may bring suit in his own name, and collect the same in any court having jurisdiction, and shall pay into the treasury of the county the amount by him received or collected; and no payment of rents by any person so served, after such service or prior thereto, for the purpose of defeating such attachment, shall be valid against such attachment.

Fees of clerk of court.

SEC. 125. The fees of the clerk of the court in said proceedings shall be as follows: For all services (except oaths administered to witnesses on trial) to and including the entries to be made by him on the right-hand pages of the real estate tax judgment book, twelve cents for each and every description, which, with twelve cents (or such rate as may be paid) per description, for reimbursement of the county for publication of the notice and list, shall be included in the amount charged to each description in the judgment; for each oath administered to witness on the trial of any answer, fifteen cents, which shall be included in any amount charged by the judgment against any piece or parcel with respect to which the oath was administered; for issuing a writ of attachment as herein provided, including the filing of the affidavit and order of allowance, and filing the writ and return when returned, fifty cents. All such fees shall be paid to him by the county in which the taxes are levied. To the sheriff shall be allowed, for serving the writ of attachment provided by the preceding section, and receiving or collecting the money, the same fees as are allowed by law upon an execution in a civil action; and in case he brings suit as herein provided, such additional compensation as the superior court may allow, not exceeding one-half the fees that are allowed by law for all like services in ordinary cases: *Provided*, That in counties where salaries are paid said officers, such fees shall be paid into the county treasury, to the use of the county.

When purchaser is entitled to possession and profits.

SEC. 126. The purchaser of any piece or parcel of land shall, if there be no redemption, be entitled to the possession, rents and profit at the end of two years from the date

of sale, and if on demand of such purchaser to the party or parties in possession such party or parties refuse or neglect to render such possession, such party or parties may be proceeded against as persons holding over after the determination of his or their estate, which proceedings may be instituted and prosecuted pursuant to the provisions of law in such cases made and provided.

SEC. 127. When a sale of lands, as provided in this act, is declared void by judgment of court, the judgment declaring it void shall state for what reason such sale is declared void. When sale is declared void. In all cases where any sale has been or hereinafter shall be so declared void, the money paid by the purchaser at the sale, or by the assignee of the state upon taking the assignment, shall, with interest at the rate of ten per cent. per annum from the date of such payment, be returned to the purchaser or assignee or the party holding his right, out of the county treasury, on the order of the county auditor, and so much of said money as has been paid into the state treasury shall be charged to the state by the county auditor, and deducted from the next money due the state on account of taxes: *Provided*, That if such purchaser or assignee, or party holding his right shall, after such purchase or assignment from the state, have paid taxes, penalties or interest upon such piece or parcel of land, he shall have a lien on such piece or parcel for the amount of such taxes, penalties and interest so paid, with interest thereon from the time of payment thereof at the rate in this section provided, and may enforce such lien by action; or, if he be in possession of such piece or parcel, shall not be ejected therefrom until such amount and interest shall be paid.

SEC. 128. The amount charged by the judgment against any piece or parcel of land shall bear interest at the rate of ten per cent. per annum from the date of sale. Interest charges. The amount for which any piece or parcel shall be sold or bid in for the state shall bear interest from the date of the sale until redemption at the rate of ten per cent. per annum, and the amount paid by any assignee for the right of the state shall bear interest at the same rate until redemption. All penalties, costs and interests accruing on lands bid in

for the state, before redemption or assignment, when not otherwise provided by law or special act, shall be apportioned to the county revenue fund. The amount paid by any purchaser or assignee of the state for taxes, penalties, costs and interest accruing subsequent to the sale or assignment shall bear interest at the same rate until redemption: *Provided*, That when the amount bid and paid by the purchaser at any public sale shall be greater than the amount charged by the judgment, such purchaser shall be entitled to interest upon no greater amount than that charged by said judgment.

Record kept by clerk.

SEC. 129. The clerk shall attach together and keep on file in his office the list, notice, affidavit of [publication], one copy of the newspaper and supplement, if any, in which the notice and list were published, all answers, all orders made in the proceedings and all affidavits and other papers filed in the course of the proceedings.

Recording certificates.

SEC. 130. Before any certificate, assignment or conveyance provided for herein shall be recorded, the holder thereof shall present the same to the county auditor, who shall certify thereon that the property therein described still remains unredeemed, and no such certificate, assignment or conveyance shall be recorded by the register of deeds unless such endorsement is made.

When title will vest absolutely.

SEC. 131. All pieces or parcels of real property bid in for the state under the provisions of this act, and not redeemed within two years from the date of sale, shall become the absolute property of the state, and may be disposed of by the county auditor, at public sale as the auditor of the state may direct, subject to such rules and restrictions as he may prescribe. All tracts or lots becoming so forfeited to the state shall be stricken from the tax lists; and shall not be assessed or taxed until sold to an actual purchaser. The county auditor shall, when required by the auditor of the state, make out and transmit to him a list of all forfeited lands and lots, showing the date of forfeiture, assessed valuation, amount of taxes, penalties, interest and costs due on each description of property; and no tract or lot shall be sold for less than the amount shown to be due thereon, unless such amount exceeds the actual value of the prop-

No tract sold for less than amount due.

erty, in which case it may be sold for such sum as it will bring at public sale. Any person having an interest in, or lien upon, any piece or parcel of forfeited land may redeem the same at any time after forfeiture, and before sale thereof, by paying the amount due thereon.

SEC. 132. Upon the sale of any tract or lot of forfeited real property the county auditor shall execute to the purchaser thereof a deed in fee simple of the property so purchased, which shall pass to such purchaser an absolute title to the estate therein described, without any other act or deed whatever; and when so sold, such lands or lots shall be again listed for taxation. If the former owner of such forfeited property becomes the purchaser, such deed shall pass to him any and all rights of action which may have arisen or may exist for any trespass committed upon such property prior to the execution of the deed. Such deed may be recorded as other deeds of real estate, and the record thereof shall have the same force and effect in all respects as the record of such deeds, and shall be evidence in like manner. The proceeds of all lands or lots sold at such sale for a sum equal to or exceeding the amount of taxes due thereon, shall be distributed the same as other collections of taxes; but if any tract or lot shall be sold for any sum less than such amount the state tax shall first be paid, and the remainder, if any, shall be divided equally between the county revenue and general school funds.

When deed in fee simple may be executed.

SEC. 133. When any tax on any real estate is paid by or collected of any occupant or tenant, or any other person, which by agreement or otherwise ought to have been paid by the owner, lessor or other party in interest, such occupant, tenant or other person may recover, by action, the amount which such owner, lessor or party in interest ought to have paid, with interest thereon at the rate of ten per cent. per annum, or he may retain the same from any rent due or accruing from him to such owner or lessor for real estate on which such tax is so paid; and the same shall, until paid, constitute a lien upon such real estate.

SEC. 134. Any person who has a lien, by mortgage or otherwise, upon any real property on which the taxes have

Owner of lien or mortgage may pay taxes.

not been paid, may pay such taxes and the interest, penalty and costs thereon; and the receipt of the county treasurer shall constitute an additional lien on such land, to the amount therein stated; and the amount so paid, and the interest thereon, at the rate specified in the mortgage or other instrument, shall be collectible with, as a part of, and in the same manner as, the amount secured by the original lien.

Assessed taxes  
a lien.

SEC. 135. The taxes assessed upon real property shall be a lien thereon from and including the first day of April in the year in which they are levied, until the same are paid; but, as between grantor and grantee, such lien shall not attach until the first day of November of said year. The taxes assessed upon personal property shall be a lien upon the personal property of the person assessed, from and after the time the tax books are received by the county treasurer.

Duty of county  
auditor in case  
of transfer.

SEC. 136. When any deeds, plat or townsite, or instrument affecting the same, or any conveyance of real estate, is presented to the county auditor for transfer, he shall ascertain from the books and records in his office if there be delinquent taxes due upon the land described therein, or if it has been sold for taxes; and if there are delinquent taxes due, he shall certify to the same; and upon the payment of such delinquent or other taxes that may be in the hands of the county treasurer for collection, he shall transfer the same, and note upon every deed of real property so transferred, over his official signature, "taxes paid and transfer entered;" or if the land described has been sold or assigned to an actual purchaser for taxes paid, "by sale of land described within;" and unless such statement is made upon such deed or other instrument, the recorder of deeds shall refuse to receive or record the same. The county auditor is hereby directed to make and keep a tabulated list of all real estate in his county, showing the taxes for each year, and if paid, when, and how much, from which to make said statement. A violation of the provisions of this section by the recorder of deeds shall be deemed a misdemeanor; and upon conviction thereof, he shall be punished by a fine not less than

Penalty for vio-  
lation.

one hundred dollars nor exceeding one thousand dollars, and he shall be liable to the grantee of any instruments so recorded for the amount of any damages sustained: *Provided*, That sheriffs' or referees' certificates of sales on executions, decrees or foreclosures of mortgages, may be recorded by the recorder of deeds, without any such certificate from the county auditor.

SEC. 137. When the transfer of any land or town lot, or any part thereof, becomes necessary by reason of sale or a conveyance by deed, and in case such conveyance is of less than the whole tract or lot or part thereof as charged in the tax list, said county auditor shall transfer the same whenever the seller and purchaser agree thereto in writing signed by them, or personally appear before the auditor and agree upon the amount of valuation to be transferred therewith; but if the seller and purchaser do not agree as to the amount of valuation to be transferred, the auditor shall make such division of the valuation as may appear to him just. If the county auditor is satisfied that the proportion of the valuation agreed by the parties in interest to be transferred is greater than the proportional value of the land or lot to be transferred therewith, and that such agreement was made by collusion of the parties, and with a view fraudulently to evade the payment of any taxes which might be legally assessed on the entire tract or lot, he may refuse to make such transfer; and when any such transfer has already been procured by fraudulent agreement, the same shall be canceled by the auditor, and the land or lot so transferred be charged with taxes, in the same manner as though said transfer had not been made.

When county auditor may refuse to transfer.

SEC. 138. In all cases when any tract or lot of land is divided in parcels of irregular shape that cannot be described except by metes and bounds, it shall be the duty of the owners of such tracts, upon request of the county auditor, to have such land platted into lots; if such plat cannot be made without an actual survey of the land, then they shall have the same surveyed and the plat thereof recorded. If the owners of any such tract shall refuse or neglect to cause such plat and survey, when necessary, to be made and recorded within thirty days after such request,

Lands described by metes and bounds

the county surveyor, upon request of the county auditor, shall make out such plat from the records of the register of deeds, if practicable; but if it cannot be made from such records, then he shall make the necessary survey and the plat thereof, and the said auditor shall have the same recorded. Such plats being duly certified and recorded, the description of the property in accordance with the number and description set forth in such plat shall be deemed a good and valid description of the lots or parcels of land so described. When the owners of such land fail to comply with the provisions of this section, the costs of surveying, platting and recording shall be paid by the county, upon allowance by the county commissioners, and the amount thereof shall be added to the tax upon such tracts or lots the next ensuing year, which tax, when collected, shall be credited to the county revenue fund.

When cost of platting may be charged to land.

Description of land.

SEC. 139. It shall be sufficient to describe lands in all proceedings relative to assessing, advertising or selling the same for taxes, by initial letters, abbreviations and figures to designate the township, range, sections or parts of section, and also the number of lots and blocks. Whenever the abbreviations "do." or characters ",", or any similar abbreviations or characters shall be used in any such proceedings, they shall respectively be construed and held as meaning and being the same name, word, initial, letter or letters, abbreviations, figure or figures, as the last preceding such "do.," ",", or other similar characters.

Letting advertising contracts.

SEC. 140. The county commissioners shall let the advertising of the delinquent tax list to the publisher or proprietor of a newspaper who will offer to do the same in some daily or weekly newspaper having not less than four pages of five columns to the page, each column to be not less than two inches in width nor less than seventeen inches in length, and of general circulation, which shall have been published and circulated for at least one year prior to the time of letting, for the lowest sum, not to exceed twenty-five cents for each description, and who shall give a bond to the county, with at least two sureties, freeholders of the county, to be approved and in an amount

to be fixed by the county commissioners, conditioned for the correct and faithful performance of such advertising.

SEC. 141. In all cases where there is an error in the advertised lists, the fault thereof being the printer's, which prevents judgment from being obtained against any tracts or lots, or against all of said delinquent lists, at the time stated in the advertisement that judgment will be applied for, the printer shall lose the compensation allowed by this act for such erroneously advertised tracts or lots, or entire lists as the case may be. Printer's errors.

SEC. 142. The county auditor, if he has reason to believe or is informed that any person has given to the assessor a false statement of his personal property, or that the assessor has not returned the full amount of all property required to be listed in his district, or has omitted or made an erroneous return of any property which is by law subject to taxation, or if it shall come to his knowledge that there is property of a non-resident of his county which is about to be removed from the state, which has not been listed for taxation for the current year, shall proceed, at any time before the final settlement with the county treasurer, to correct the return of the assessor, and to charge the owners of such property on the tax lists with the proper amount of taxes; to enable him to do which he is hereby authorized and empowered to issue compulsory process, and to require the attendance of any person whom he may suppose to have a knowledge of the articles or value of the property, and to examine such person on oath in relation to such statement or return, and the auditor in all such cases shall notify every such person before making the entry on the tax list, that he may have an opportunity of showing that his statement or the return of the assessor is correct; and the county auditor shall, in all cases, file in his office a statement of the facts or evidence upon which he made such corrections, but he shall in no case reduce the amount returned by the assessor without the written consent of the auditor of state, on a statement of the case submitted by the county auditor or the party aggrieved. Errors in description.

SEC. 143. If any tax on any property liable to taxation

is prevented from being collected for any year or years, by reason of any erroneous proceedings, or other cause, the amount of such tax which such property should have paid shall be added to the tax on such property for the next succeeding year.

Duty of assessor.

SEC. 144. At the time of taking the assessment of real property every even-numbered year, the assessor shall enter, in a separate list, each description of property in the town or district exempt under the provisions of section five of this act, and value and assess the same in the manner and subject to the same rule as he is required to assess all other property, designating in each case to whom such property belongs, and for what purpose used.

SEC. 145. Every county auditor and every county assessor who in any case refuses or knowingly neglects to perform any duty enjoined upon him by this act, or who consents to or connives at any evasions of its provisions whereby any proceeding required by this act is prevented or hindered, or whereby any property required to be listed for taxation is unlawfully exempted, or the valuation thereof is entered on the tax list at less than its true value, shall, for every such neglect, refusal, consent or connivance, forfeit and pay to the state not less than two hundred nor more than one thousand dollars, at the discretion of the court, to be recovered before any court of competent jurisdiction.

Penalty for neglect or collusion.

Actions against officers.

SEC. 146. Whenever a civil action is commenced against any person holding the office of county treasurer, county auditor, or any town or district officer, for performing or attempting to perform any duty authorized or directed by any statute of this state for the collection of the public revenue, such treasurer, auditor or other officer may, in the discretion of the court before whom such action is brought, by an order made by such court and entered in the minutes thereof, be allowed and paid out of the county treasury, reasonable fees of counsel and other expenses for defending such action, and the amount of any damages and costs adjudged against him, which said fees, expenses, damages and costs shall be paid from the county revenue fund.

SEC. 147. The auditor of state shall, on or before the

first day of April of each year, obtain from the local land offices in the state, and from the several land grant railroad companies, lists of lands sold or contracted to be sold during the previous year, and certify them for taxation, together with the various classes of state lands sold during the same year, to the auditors of the various counties in which such lands may be situated. He shall also, at the same time, obtain lists of lands reverting to the railroad companies each year by reason of the forfeiture of contracts and certify the same to the respective county auditors for collection of taxes, and it shall be the duty of the railroad companies to report such sales and forfeitures on or before the first day of April each year to the auditor of state: *Provided*, That all forfeited lands not so reported shall be held for all taxes accruing thereon.

State auditor must obtain lists of lands.

SEC. 148. The auditor of state shall prescribe the form of all blanks and books required under the provisions of this act. He shall hear and determine all matters of grievance relating to taxation on account of excessive valuation of property, or for other cause, when submitted to him with a statement of facts in the case and favorable recommendation of the commissioners of the county in which the property is situated. He shall keep a record of all cases so referred, and of all decisions rendered, and, upon deciding any case, he shall forward a certified copy of such decision to the county auditor, who shall file the same and correct his books accordingly. He shall decide all questions that may arise in reference to the true construction of this act, in accordance with the advice and opinion of the attorney general, and such decision shall have force and effect until annulled by the judgment or decree of a court of competent jurisdiction.

Forms for blanks.

Hearing grievances.

Decide construction of act.

SEC. 149. Every person holding a tax certificate shall, at least ninety days before the expiration of the time for the redemption of the lands therein described, present such certificate to the county auditor, and thereupon the auditor shall prepare, under his hand and official seal, a notice to the person in whose name such lands are assessed, specifying the description of such lands, the amount for which the same were sold, the amount required to re-

Tax certificates.

deem such lands from such sale, exclusive of the costs to accrue upon such notice, and the time when the redemption period will expire, which notice the auditor shall deliver to the sheriff of the proper county for service and return. The sheriff shall, within twenty days after the receipt by him of said notice, serve and return the same to the auditor. Such service shall be made in the manner prescribed for the service of a summons in a civil action in the superior court. If the person named in such notice cannot be found in the county, and there be any person in the actual possession of the land in such notice described, the same shall in like manner be served upon him. If the person named in such notice cannot be found in the county, and there be no person in the actual possession of said land, of both which facts the return of the sheriff shall be *prima facie* evidence, the auditor shall cause such notice to be published, once in each week for three successive weeks, in some newspaper printed and published in the county where such lands are situated, if there be one; if there be none, then in some newspaper printed and published at the capital of the state. For his services in serving such notice, the sheriff shall be entitled to the same fees that now are or hereafter may be allowed him for the service of summons in a civil action in the superior court. The fees of the sheriff for serving, and the printer's fees for publishing such notice shall be added to the amount required to redeem such land, and shall be paid by the party offering to redeem such land before any certificate of redemption shall issue. In case of failure on the part of the holder of any tax certificate to present the same to the auditor at the time hereinbefore provided, the same may be so presented at any time thereafter; and thereupon such notice shall be issued and served as hereinbefore provided, and the time for the redemption of such lands shall expire sixty days after the service of such notice: *Provided*, That the county shall not become liable for any expenses incurred under the provisions of this section.

Sheriff's fees.

When owner dies.

SEC. 150. That whenever the lands of any person heretofore have been or hereafter shall be sold for taxes, and

the owner of such lands, after such sale, and before the expiration of the period of redemption, heretofore has deceased or hereafter shall de cease, the executor or administrator of such owner, or any person interested in his estate as heir, devisee or creditor, may redeem such lands from any such sale at any time within four years from the date thereof. If such redemption be made by a creditor, the amount paid to effect such redemption, with interest thereon at the rate of ten per cent. per annum, shall constitute a valid claim against the estate of the deceased.

Limit for redemption.

SEC. 151. If such redemption be made by an executor or administrator, he shall at the time of the making thereof, produce his letters, testamentary or of administration, to the county auditor. If made by any other person, he shall make and file with such auditor an affidavit stating under what right or claim such redemption is made.

Redemption by executor.

SEC. 152. Upon any such redemption being made, the county auditor shall make and deliver to the person making such redemption a certificate containing the name of the person redeeming, a statement of the claim or right upon which such redemption was made, the amount paid to redeem, a description of the land redeemed, the date of the sale of such lands, and the year in which the taxes were levied for which such sale was made, which certificate shall have the effect to annul any such sale, and such certificate may be recorded as other deeds of real estate, and with the like effect as evidence or otherwise.

Auditor shall certify redemption.

SEC. 153. The state auditor shall annually provide the necessary assessment books and blanks for each county, at the expense of the state. The assessment books and blanks shall be in readiness for delivery to the assessors on the last Saturday of March in each year, and the assessors shall meet on that day, at the office of the county auditor, for the purpose of receiving such books and blanks, and for conference with the auditor in reference to the performance of their duties: *Provided*, That counties having an assessment exceeding ten millions of dollars may provide their own assessment books, the expense of such books to be paid by the county.

State auditor shall provide books and blanks.

SEC. 154. All laws and parts of laws heretofore enacted

Repealing section.

upon any of the subjects in this act provided for be and the same are hereby repealed: *Provided, always,* That the repeal of said acts and parts of acts shall not be construed to impair any right existing, or affect any proceeding pending, at the time this act shall take effect; but all proceedings for the assessment of any tax, or collection of any tax, or special assessment then remaining incomplete, may be completed pursuant to the provisions of this act. The provisions of this act, so far as the same shall be applicable, shall apply to redemptions from sales made for taxes or special assessments previous to the taking effect hereof, and the mode of giving notice and issuing deeds upon certificates of sales made for taxes.

Received by the governor March 28, 1890.

[*Note by the Secretary of State.*—The foregoing act having been presented to the governor of the state for his approval, and not having been filed in the office of the secretary of state within the time prescribed by the constitution of the state, with his objections thereto, has become a law under the provisions of the constitution.]

## CHAPTER XIX.—ROAD LAWS.

### RELATING TO COUNTY ROADS.

AN ACT to provide for laying out, establishing, altering, changing the width of, or vacating any county road, and providing for assessment, payment of damages, and providing for appeals.

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

SECTION 1. That all county roads hereafter laid out and established shall not be less than thirty nor more than sixty feet wide, to be determined by the viewers as hereinafter provided, except that when the road is upon the state line the county commissioners may determine the width, not less than fifteen nor more than thirty feet of land to be taken in this state. Width of county roads.

SEC. 2. Applications for laying out, altering, changing the width of, or vacating any county road shall be by petition to the county commissioners, signed by at least twelve freeholders of the county residing in the vicinity where the road is to be laid out, viewed or reviewed, altered or vacated, and one or more of the signers of any such petition shall enter into bond with sufficient surety, payable to the state for the use of the county, conditioned that the persons making such application shall pay into the treasury of the county the amount of all costs and expenses accruing thereon in case the application shall fail. Changing or altering.

SEC. 3. When the commissioners make such an order, and the petitioners fail, neglect or refuse to pay the costs and expenses, the persons signing the bond shall be liable thereon for the full amount of all the costs and expenses of the application, and the clerk of the board shall deliver the bond to the prosecuting attorney, who shall collect and pay the same to the county treasurer; and in all Liability of bondsmen.

cases of contest the court having jurisdiction of the case shall have full power to render judgment for costs, according to justice between the parties.

Petition.

SEC. 4. Petitions for laying out, vacating or altering a county road, shall specify the place of beginning, the intermediate points, if any, and the place of termination of the road, or part proposed to be altered or vacated.

Notice of petition.

SEC. 5. Previous to any such petition being presented, notice thereof shall be given by advertisement set up at the office of the clerk of the board of county commissioners, and in three public places in each road district through which any part of the road is to be laid out, altered or vacated, at least twenty days previous to the meeting of the commissioners at which the petition shall be presented, and stating the time when such petition is to be presented, for two consecutive weeks before the presentation of any such petition, in some newspaper published in the county in which the road sought to be established, altered or vacated by such petition is situated, if there be a newspaper therein.

Proceedings thereon.

SEC. 6. On the presentation of the petition, if the commissioners are satisfied that notice has been given as aforesaid, they shall appoint three disinterested freeholders of the county as viewers, who shall also be a jury to assess and determine the compensation to be paid in money for the property sought to be appropriated, without deduction for benefit to any property of the owner and to assess and determine how much less valuable, if any, the land or premises from which such appropriation may be taken, will be rendered by the opening and construction of the road, and a skillful surveyor to survey the same, and shall issue an order directing the viewers, with the surveyor, to proceed, on a day to be named in the order, or on their failing to meet on that day, within five days thereafter, to view, survey and lay out or alter said road, and determine whether the public convenience requires that such road, or any part thereof, shall be sixty feet in width, or whether a less width than sixty feet will as well promote the public convenience, and report the width, in their opinion, the same should be established and opened.

SEC. 7. If the viewers fail to proceed on the day named in the order, or within five days thereafter, so that said duty shall not be performed and reported to the commissioners at their regular session next after such order was made, the commissioners may, at such next regular session, issue a new order and appoint new viewers, who shall be by such order required to perform the same duties as required of said original viewers under the original order, or the commissioners may make such other order in the premises as to them may seem proper.

In case of default.

SEC. 8. If a person appointed as viewer or reviewer on any road by the commissioners or the superior judge shall fail to attend at the place specified in the order at or before two o'clock P. M. of the day in the order specified, the surveyor and two viewers shall fill the vacancy by appointing a judicious, disinterested freeholder of the county, and in case of a review, when five viewers are required, the surveyor and not less than three of the viewers may appoint a judicious freeholder of the county to fill the vacancy, who shall be required to take the same oath, and be vested with the same power to do and perform the same duties, as if he had been appointed by the commissioners or superior judge of the county.

Filling vacancy.

SEC. 9. The principal petitioner shall give at least six days' notice in writing to the owner or his agent if residing within the county, or if such owner be a minor, idiot or insane person, to the guardian of such person, if a resident of the county, through whose land the road is proposed to be laid out and established, or through whose land the road which it is proposed to alter or vacate may have been previously established, and also six days' notice to the viewers and surveyor named in the order of the commissioners, of the time and place of meeting, as specified in the order, and of the day by which claims for compensation must be filed; and the principal petitioner, if the road is proposed to be laid out, altered or vacated on any lands owned by a non-resident or unknown owner, shall cause a notice to such non-resident or unknown owner to be published for four consecutive weeks in some newspaper published in such county; but if there be no news-

Notice to owner.

paper published therein, then by posting said notice in five public places in said county for said time, which notice shall state the time and place of the meeting of the viewers and surveyor, as specified in the order of the commissioners, and also the substance of the petition. All reasonable expense attached to the giving of notice and publishing herein mentioned shall be considered as part of the expense of establishing any road, and shall be borne by the county in all cases where the road is ordered established.

Expense.

Duty of viewers and surveyors.

SEC. 10. The viewers and surveyor shall meet at the time and place specified in the order of the commissioners, and after taking an oath faithfully and impartially to discharge the duties of their appointments respectively, shall take to their assistance two suitable persons as chain-carriers and one marker, and proceed to view, survey, lay out or alter the road as prayed for in the petition, or as near the same as in their opinion a good road can be made at reasonable expense, taking into consideration the utility, convenience, inconvenience and expense which will result to individuals as well as to the public if such road or any part thereof is established and opened or altered; and also, as a jury, discharge the duties required of them in section six (6) of this act, and assess and determine the damages sustained by any person through whose premises the road is proposed to be established, altered or vacated.

Assessing damages.

SEC. 11. But the viewers shall not be required to assess or award damages or compensation to any person except minors, idiots or lunatics, in consequence of the opening of the road, unless the owner or his agent, having notice, as provided in section nine (9) of this act, of the application and proceedings by which his property is sought to be appropriated or may be injured, shall have filed a written application with the viewers, giving a description of the premises on which damages or compensation is claimed; and all applications for damages shall be barred unless they be presented as provided for by this act.

SEC. 12. When an oath is required to be taken by any person under the provisions of this act, the same may be administered by the surveyor, or by one of the viewers or reviewers who has been previously sworn.

SEC. 13. The surveyor shall survey the road under the direction of the viewers, and cause the same to be conspicuously marked throughout, noting the courses and distances, and at the end of each mile shall cause the number of the same, and also the commencement and termination of the road or survey, to be marked on a tree or monument erected for that purpose, and shall make and deliver to one of the viewers, without delay, a correct certified return of the survey of the road, and a plat of the same; and the viewers shall make and sign a report in writing, stating their opinion in favor of or against the establishment or alteration of the road, or any part thereof, and set forth the reasons of the same; which report, together with the plat and survey of the road, or alteration, shall be delivered to the clerk of the board by one of the viewers on or before the first day of the session of the commissioners then next ensuing.

Surveyors' duties.

SEC. 14. The commissioners, on receiving the report of the viewers, shall cause the same to be publicly read on three different days of the same session, and if no application be made to them for a review of the road, or any part thereof, or alteration, and they are satisfied that such road or any part thereof, if the same be capable of division, will be of public utility, and the report of the viewers is favorable thereto, and no damages have been claimed or assessed, shall then cause the report, survey and plat to be recorded; and from thenceforth the road shall be considered a public highway, and the commissioners shall issue their order to the overseers of the proper road district, or road districts, directing the road to be opened; but if the report of the viewers be against such proposed road or alteration, or if, in the opinion of the commissioners, the same is unnecessary, no further proceedings shall be had thereon, and the obligors in the bond securing the expenses shall be liable for the full amount of such costs and expenses.

Record of survey.

SEC. 15. The viewers shall, at the time they make their report of the view, also make a separate report, in writing, stating the amount of damages, if any, and to whom by them assessed, which would accrue by opening of the road, and they shall also file the written applications on which

Viewers' report.

such assessments have been made with the clerk of the board, and the commissioners shall cause such report to be publicly read on the day of the session at which it was received, and if no petition for review or alteration has been presented and received, and they shall be satisfied that the amount so assessed and determined is just and equitable, and that the road will be of sufficient importance to the public to cause the damages which have been assessed to be paid by the county, they shall order the same to be paid to the applicants from the county treasury; but if, in their opinion, the road is not of sufficient importance to the public to cause the same to be paid by the county, they may refuse to establish the same a public highway, unless the damages which have been assessed are paid by the petitioners; but if application by petition shall have been made for review or alteration, then no further proceedings shall be had on the report till the final determination of the commissioners on such application.

Review, by  
petition.

SEC. 16. After the viewers have made return in favor of the road, and before the return is recorded and the road established, any citizen of the county may apply to the commissioners for a review of the road, by petition, agreeably to section two (2) of this act, and the commissioners shall, on such petition being presented, and being satisfied the same is just and reasonable, appoint five disinterested freeholders of the county to review the road, and issue their orders to the reviewers, directing them to meet at a time to be specified in the order, or within five days thereafter; and the petitioners for the review shall cause at least six days' notice to be given to the principal petitioner for the road of the time and place of the meeting of the reviewers; and the reviewers shall meet, and after taking the oath required in section ten (10) of this act, shall proceed to examine the route surveyed for the road by the former viewers, and make a report in writing to the commissioners, stating their opinion in favor of or against the establishment of the road, or any part thereof, and their reasons for the same.

Report of re-  
viewers.

SEC. 17. If the report of the reviewers be in favor of the road, the same shall be established, recorded and opened,

agreeably to the provisions of this act, and the persons bound for the same shall pay into the county treasury the amount of the costs of such review; but if the report be against the establishment of such road, no further proceedings shall be had thereon before the commissioners, and the persons executing the first bond shall pay into the county treasury the costs and expenses of the view, survey and review.

SEC. 18. When the place of beginning or true course of a county road shall be uncertain by reason of the removal of any monument or marked tree by which such road was originally designated, or from any other cause, the county commissioners of the proper county may appoint three disinterested landholders of the county to review and find the line of the road, and if they deem it necessary, a competent surveyor to survey the same; and the reviewers and surveyor, after taking the oath required in section ten (10) of this act, shall view and survey said road, and the same correctly mark throughout as in the case of new roads, and shall make a return of the survey and a plat of the road to the commissioners, who shall cause the same to be recorded as in other cases; and from thenceforth the road, surveyed as aforesaid, shall be considered a highway.

Where original marks have been removed.

SEC. 19. If any person through whose land a county road is or may be established shall be desirous of turning the road through any other part of his land, he may, by notice and petition agreeably to the provisions of this act, apply to the commissioners of the county while in session, to permit him to turn the road through any other part of his land, on as good ground, and without increasing the distance to the injury of the public; and upon the receipt of such petition the commissioners shall appoint a surveyor and three disinterested freeholders of the county as viewers of the road, who shall proceed to view and survey the ground over which the same is proposed to be turned, and to ascertain the distance which it will be increased by such proposed alteration, and make a report in writing, stating the several distances so found, together with their opinion as to the utility of making the alteration.

Changing road.

SEC. 20. If the freeholders report to the commissioners

Report of freeholders.

that the prayer of the petitioner is reasonable, and that the alteration will not place the road on the worse ground or materially increase the distance to the injury of the public, they shall, upon receiving satisfactory evidence that the proposed new road has been opened a legal width, and if in their opinion the same will be just and reasonable, declare such new road a public highway and make a record thereof, and, at the same time, vacate so much of the old road as is rendered necessary by the new; and the person desiring the alteration shall pay all the costs of the view, survey and return, unless the commissioners are satisfied that the alteration is of sufficient advantage to the public to cause the same to be paid by the county.

Establishing  
road on a coun-  
ty line.

SEC. 21. When it becomes necessary to establish a road on a county line, the inhabitants along such line may petition the commissioners of their respective counties for a view of such road in the manner provided in this act, and the commissioners of each of the counties interested shall appoint two discreet landholders as viewers, who, or a majority of them, shall meet at the time and place named in the order of the commissioners of the oldest county interested, who shall appoint a surveyor, and the viewers and surveyor shall also be a jury for the assessment of damages, and shall in all respects be governed by the preceding sections of this act, and shall make their report in writing for or against such road to the commissioners of the counties concerned, and the commissioners, upon receiving such report, shall in all respects be governed by this act.

Commissioner  
may act.

SEC. 22. If, on receiving such report, there is no legal objection thereto, and the commissioners of all the counties interested are of opinion that such road, if opened, would be of public utility, they shall order the same to be opened in the manner pointed out by this act.

Width of road  
line.

SEC. 23. The commissioners of any county through which a county road has been established upon a line of the state may, upon petition and notice as hereinbefore provided, determine the width, not less than fifteen nor more than thirty feet, of the land within the county to be used for the road.

SEC. 24. When a road is located and ordered to be opened on any county or state line, as provided in this act, the viewers appointed to locate, establish and report damages shall assign a sufficient number of persons to open such road and keep the same in repair, dividing the road in such manner that the persons so assigned may work under the orders of the overseer of the road district to which they belong; and the supervisors and persons so assigned shall be governed by the provisions herein contained.

Opening and  
keeping in re-  
pair.

SEC. 25. When a county road, or part of a county road, is considered useless, or has remained unopened for the term of five years, any twelve freeholders residing in that part of the county where such road is established may make application, agreeably to the provisions of this act, to the county commissioners of the county to vacate the same, setting forth in the petition the reasons why the road ought to be vacated, which shall be presented and publicly read at a regular session of the commissioners, and no other proceedings shall be had thereon until the next session of the commissioners, when it shall again be read, and if no objection be made the commissioners may declare vacated the road, or any part thereof which they may deem unnecessary to keep open for public convenience.

Vacating  
county line  
road.

SEC. 26. If no objection be made in writing to such vacation, the commissioners shall appoint three disinterested persons to view the road, who shall take the same oath as required by section ten (10) of this act, and proceed to view the road and make report of their opinion thereon, and the reasons for the same, to the commissioners; and if the viewers report in favor of vacating the road, or any part thereof, the commissioners may, if they deem it reasonable and just, declare the road vacated, agreeably to report of the viewers.

Contesting va-  
cation.

SEC. 27. If a person appointed by the county commissioners as a viewer, reviewer or surveyor of any road, refuse or neglect to perform the duties required by this act, without making satisfactory excuse for such refusal or neglect, he shall be fined in any sum not exceeding fifteen dollars, to be recovered by action by any person suing for

Penalty for neg-  
lect or refusal.

the same before a justice of the peace within the district wherein the person so appointed and refusing or neglecting may reside; and the recovery shall be paid without delay by the justice of the peace or constable collecting the same to the treasurer of the county, taking his receipt therefor; and the county commissioners shall cause all fines which shall be paid into the county treasury under the provisions of this act, to be expended on roads and bridges within the county.

Rates of compensation.

SEC. 28. All persons required to render services under this act shall receive compensation for each day they are necessarily employed as follows, to-wit: Viewers, reviewers and chainmen, two dollars and fifty cents per day; other employes, two dollars per day, and surveyor, five dollars per day, to be charged as costs and expenses, and paid out of the county treasury on the order of the clerk of the board.

Alteration of road.

SEC. 29. When a county road is injured or destroyed by the washing of any lake, river or creek, or by any washing or sliding of land occasioned by natural drainage, the supervisor of the road district in which such injury or loss of road has occurred, upon petition of any six freeholders of the district, shall call to their aid a competent surveyor, and proceed to examine such road; and if, upon such examination, the commissioners, or a majority of them, are satisfied that such road has been destroyed or so much injured that the public good requires an alteration of the same, they shall proceed to alter and lay out so much of the new road as may supply the several parts of the road thus destroyed or injured.

Damages by alteration.

SEC. 30. If a person through whose lands any such alteration of the new road is laid out feels injured thereby, he shall make application to the overseer of his road district, at the time of making the alteration on his premises, to assess and determine, according to the provisions of section twenty-nine of this act, the compensation to be made in money for the property sought to be appropriated, and how much less valuable, if any, the premises will be rendered by the alteration of the road; thereafter the road overseer shall make report to the

county commissioners, who shall appoint three reviewers to inspect, assess and report the amount of damages sustained in the premises, and the clerk and commissioners of the proper county shall be governed in the reception and recording of such report in all respects as is prescribed in this act in cases of new roads.

SEC. 31. The surveyors shall receive for each day Compensation. actually employed, under the provisions of the two preceding sections, five dollars; the viewers, reviewers and chainmen, two dollars and fifty cents per day; other employes, two dollars per day, the same compensation allowed in cases of the construction of new roads, to be paid out of the county treasury as hereinbefore provided in this act.

SEC. 32. Any county road, or part thereof, which has Roads un- heretofore been or may hereafter be authorized, which opened. remains unopened for public use for the space of five years after the order is made or authority granted for opening the same, shall be and the same is hereby vacated, and the authority for building the same barred by lapse of time.

SEC. 33. When notice has been given and a road has Establishing been petitioned for as hereinbefore provided, and the petition calls for a road wholly on section lines, and where without review there are no damages claimed, and evidence filed that the route is practicable, the county commissioners may grant the road without reviewing or surveying the same. or survey.

SEC. 34. The county commissioners shall cause monu- Monuments. ments of stone to be placed at the beginning and terminus of all roads established under this act.

SEC. 35. No order of the county commissioners for the Limit for exe- establishment of a county road, or for the alteration or cuting orders. vacation, in whole or in part, of a state or county road, or changing the width of a county road, shall be executed until twenty days have elapsed after the entry of such order in the record of the commissioners, and no order shall issue to open any county road until fifteen days after the same has been established, at which time the clerk of the board may issue such order by direction of the commissioners, unless an appeal has been perfected.

Appeals.

SEC. 36. An appeal from the final order of the county commissioners establishing a county road, or altering or vacating, in whole or in part, a county road, or changing the width of a county road, may be taken to the superior court of the same county by any person having an estate in fee, for life or years, in any lands or tenements situated in any road district in the county, in or through which district such new, altered, changed or vacated road passes, or by the husband of any married woman or guardian of any ward having such an estate.

Appeal bond.

SEC. 37. To perfect such appeal the appellant shall execute with sufficient sureties, or cause to be executed by sufficient sureties, to be approved by the clerk of the board of county commissioners, a bond or undertaking payable to the state in a penal sum of not less than one hundred nor more than three hundred dollars, in the discretion of the clerk of the board, conditioned for the payment by such appellant of all costs that may be adjudged against him in the superior court, to which the proceeding may be removed by petition in error, which bond shall be filed with the clerk on or before the twentieth day after the entry of the order appealed from in the record of the county commissioners; but minors, idiots or lunatics, or the guardians respectively, may appeal, without giving bond, by causing an entry to be made within the period aforesaid by the clerk of the board in the record of the county commissioners.

Certifying records.

SEC. 38. Within ten days after the filing of an appeal bond, or the making of an entry for an appeal, as aforesaid, the clerk of the board shall transmit to the superior court the original papers in the proceeding and a certified transcript from the record of the county commissioners of all proceedings and orders had or made by or before them therein, upon the receipt of which the superior judge shall forthwith docket the proceedings, styling the petitioners plaintiffs and the appellants defendants, and shall set a day for the hearing thereof, which shall not be later than the twentieth day after such docketing of the appeal.

Duty of superior court.

SEC. 39. If, upon the hearing of the matter, it appear that the proceedings previous to the appeal were, in sub-

stance, regular and legal, and if no exception be taken by any claimant of compensation and damages to the assessment returned to and approved by the county commissioners, the superior court shall affirm the orders of the county commissioners and enter a judgment against the appellants for all costs created by the appeal; but if the previous proceedings are found to be substantially erroneous, the court shall set them aside and order another view by three disinterested freeholders or the county, to be appointed by the court, who shall perform the same duties that are required of the viewers appointed by county commissioners under this act, except that they make their return to the superior court.

SEC. 40. The order to the viewers shall specify a place where, and a day upon which, or within two days (Sunday excepted) thereafter, they shall meet to commence the performance of their duties, and shall require them to make their report on or before a day therein specified, which shall not be later than the twentieth day after the entry of the order in said court; and the court shall also appoint a surveyor to attend the viewers and perform the duties required by the section aforesaid of surveyors, who shall have power to take to his assistance two chainmen and a marker, all of whom shall be disinterested, and he shall deliver a report and plat of his survey to one of the viewers in time to be returned with their report, and it shall be so returned. Order to viewers.

SEC. 41. If the proceedings and report of viewers and surveyor, or of the viewers hereinafter mentioned, be substantially legal, and also substantially coincide with the order of the county commissioners appealed from, the court shall confirm such proceedings and report, and shall render a judgment against the appellants for costs created by the appeal; or, if the report of the viewers be favorable to the petitioners, but materially varies from the order appealed from, the court shall nevertheless confirm the same, if it be within the scope of the petition and substantially legal; and the court may, in such case, require all the costs created by the appeal to be paid by the appellants, or by the petitioners, or a portion of them by one party and the Confirmation of proceedings.

residue by the other, as may be equitable, and shall render a judgment accordingly.

Proceedings by  
court.

SEC. 42. If the report of the viewers appointed by the court be adverse to establishing, altering, vacating or changing the width of the road, the court shall, upon the motion of the petitioners, or any twelve of them, but not otherwise, order a review by five disinterested freeholders of the county, to be appointed by the court, to whom an order similar to that hereinbefore prescribed in respect to viewers shall be issued; and such reviewers shall examine the proposed new road, alteration or change, or road or part thereof proposed to be vacated, as defined or referred to in the order appealed from, and report in writing to the court their opinions for or against the same, with their reasons; and if their report be such as is mentioned in the first clause of the preceding section, the court shall proceed as directed in said clause, but if it be adverse to such new road, alteration, change or vacation, no further proceedings shall be had in the premises except to render a judgment against the petitioners for all costs that have accrued from the commencement of the proceedings before the county commissioners.

SEC. 43. When a viewer, reviewer or surveyor appointed by the court is unable or fails to attend to the duty required of him, the court may substitute another in his stead.

Oath of em-  
ployees.

SEC. 44. Every viewer, reviewer, surveyor, chainman or marker appointed or selected under the provisions of this act shall, before entering upon his duties, take oath faithfully and impartially to discharge the duties of his appointment, which oath may be administered by any person authorized by law to administer an oath.

Appeal from  
final action.

SEC. 45. An appeal to the superior court from the final action of the county commissioners on any petition or report for a road shall be allowed, and the court may order another view of the road and assessment of damages, or make any other order which may be just and reasonable in the case, if the appellant enter into bond to the county in the sum of two hundred dollars, with sufficient surety, to the acceptance, of the county treasurer, within fifteen days

from the date of the decision of the county commissioners, conditioned for the payment of all costs and expenses arising from such appeal, if the road be established, and the assessment of compensation and damages be not increased by the proceedings had in the superior court, which appeal shall be entered with the superior court judge within six days from the filing of the bond with the county treasurer.

SEC. 46. The decision obtained in the superior court, as provided in the foregoing sections, shall be certified to the clerk of the board, who shall notify the county commissioners thereof, whereupon the commissioners shall dispose of the case agreeably to the order of the superior court, and the superior judge shall be allowed to tax the same fees which are by law allowed for similar services in other cases.

Certifying decisions.

SEC. 47. Every claimant of compensation and damages on account of the establishment or alteration of a county road, or change in width of a county road, may appeal to the superior court from the final decision of the county commissioners confirming the assessment of compensation and damages made by the viewers in his behalf, or the refusal of the viewers to award damages to him, which appeal shall be perfected and docketed in the mode hereinbefore prescribed in section thirty-seven, except that the appellant shall be the plaintiff, and the obligors in the bond shall be the defendants; and several claimants may unite in a joint appeal, although their claims may be distinct, or they may severally appeal.

Appeal of claimant.

SEC. 48. Upon such appeal, whether joint or several, the superior court shall confine itself to the questions of compensation and damages presented by it, and shall forthwith, after the docketing thereof, cause the same to be tried as in other civil cases.

Trial of appeal.

SEC. 49. The court shall also issue a summons or notice to all the appellants, whether joint or several, and to the obligors aforesaid, to attend at the same time and place, which summons or notice shall be served by delivering to each person named therein a copy thereof, or by leaving such copy at his usual place of abode, and if any of the parties are non-residents of the county, but have an agent or

Notice to appellants.

attorney therein, service on such agent or attorney, in manner aforesaid, shall be sufficient, or a summons or notice may be sent to another county for service upon any party residing or being therein; if an appellant is a non-resident when he perfects his appeal, he shall leave with the superior judge the name of an agent or attorney in the county, upon whom service may be made, and if he fail to do so, no service upon him shall be necessary; and service upon a guardian shall be sufficient service upon his ward.

Jury shall examine.

SEC. 50. On motion of either party, or any one of the appellants, the jury shall, under the care of an officer of the court, and with such person or persons as the court may appoint to show them the premises, and before any testimony shall be given, except the plat and field notes of the road and the title papers of the claimants, if produced, which they shall take with them, proceed to examine the road as established or ordered, and the property of the several claimants taken therefor or alleged to be injured thereby, and after making such examination shall return to the superior court at the time it shall have appointed; whereupon, or upon the jury being sworn, if no view is moved for, the trial of the claims in the order the court shall direct, or any number or all of them at the same time, if the parties so agree, shall be proceeded with in the same manner as the other jury trials in the court; but any claimant may elect to have his claim tried separately; and the jury shall render a separate verdict upon each claim, which shall be entered upon the record of the court, and a new trial shall not be granted except for misconduct of the jury, nor shall an appeal, except by petition in error as hereinafter provided, be taken to any other court.

Separate trial of claim.

Exceptions to decision.

SEC. 51. When an assessment for compensation and damages has been made or refused by viewers of a county road or alteration thereof, or change in its width, appointed by the superior court, any claimant may, before the confirmation of the report of the viewers, file exceptions to their decision upon his claim, whether it was rejected altogether or compensation and damages awarded to him; whereupon such proceedings shall be had for a trial by

jury of his claim and of any others thus presented, as are provided in the preceding section; and the provisions of said section shall in all respects apply to the same.

SEC. 52. If, by the final decision in the superior court Costs of appeal. any claimant of compensation and damages do not obtain a greater sum than was awarded by the order of the county commissioners from which he appealed, he shall pay all costs created by his appeal, so far as the court can ascertain the same, and judgment shall be rendered against him for the same; and in cases not hereinbefore specially provided for, the court shall give such judgment in respect to costs as may be equitable.

SEC. 53. All such judgments shall be rendered in favor Form of judgments. of the county, and may be enforced by execution issued by the superior court on its own motion, or at the instance of any person entitled to any part thereof, and the money, when collected, shall be paid to the persons respectively entitled thereto.

SEC. 54. The superior court shall make a record of all Records of superior court. proceedings had in the superior court under the provisions of this act, including the reports and plats of viewers, reviewers and surveyors, and forthwith, after the termination of the proceedings upon an appeal, transmit to the clerk of the board, if the appeal was from the county commissioners, all original papers received from him, and also a transcript from the record aforesaid of the proceedings upon such appeal.

SEC. 55. If it appear by the transcript so transmitted to the clerk of the board that the court has approved the establishment, alteration, vacation or change of a road, and that the compensation and damages, if assessed in or under the orders of the court, do not in the aggregate exceed the amount assessed, approved and ordered to be paid out of the county treasury before the appeal, the clerk shall forthwith record in the proper book the final decision of the court in the premises, with all reports, plats, field notes or other matters appearing in the transcript necessary to a right understanding of the same, and note in said book the date of said recording, and thenceforth the road shall be established, vacated, altered or Clerk shall record final decision.

changed, as the case may be, and he shall issue the necessary orders for the payment of the compensation and damages.

In case of excessive damage.

SEC. 56. But if the damages so assessed exceed, in the aggregate, the amount ordered to be paid out of the county treasury, the clerk of the board shall lay the papers and transcript before the county commissioners, at their next session, who may thereupon establish such road, alteration or change, and order the compensation and damages to be paid out of the county treasury, or refuse to establish the same unless the compensation and damages, or such portion thereof as they shall require, be paid, within such time as they may designate, by the petitioners.

SEC. 57. If the appeal from the county commissioners was under section thirty-six, and the compensation and damages assessed in that court in favor of all the appellants do not, together with the compensation and damages awarded to claimants who do not appeal, exceed the amount which the commissioners had, before the appeal, ordered to be paid out of the county treasury, the clerk shall issue the necessary orders for the payment of all compensation and damages, and the road, or alteration, shall be considered as established from the date of the final order in the superior court.

SEC. 58. But if the assessments in the superior court, with the compensation and damages awarded to claimants not appealing, exceed the amount so ordered to be paid out of the county treasury by the county commissioners, the clerk shall lay the papers and transcripts received from the superior judge before the commissioners at their next session, and they shall act upon the same as in the case mentioned in section thirty-nine, but the commissioners, if in their opinion a part only of a road will be of public utility, may record and establish such useful part and reject the residue, if such division can be made without affecting the rights of any person entitled to compensation and damages.

Power of commissioners.

SEC. 59. The clerk of the board, upon receiving a transcript from the superior judge, as aforesaid, shall lay it

before the county commissioners, who shall make an order in conformity with the decision of the superior court.

SEC. 60. The final decision of the superior court, made Review of final decision. under the provisions of this act, may be reviewed, upon a petition in error, by the supreme court of the state, but shall not be reversed for any defect in form if found to be substantially correct; and upon a reversal, the supreme court of the state may award a writ of *procedendo* when deemed necessary.

SEC. 61. For their services, required by this act, the Fees. officers herein mentioned or referred to shall be entitled to the same fees as they are entitled to by law for like services in other cases, and the person or persons appointed to show premises to a jury shall receive such compensation, to be taxed in the cost bill, as the court shall direct.

SEC. 62. The county commissioners shall adopt a form Forms of documents. for petitions, notices, bonds, and other papers necessary to be used in matters pertaining to the establishment of roads; and printed copies shall be furnished for use in their respective counties upon application therefor.

SEC. 63. All laws concerning roads and highways in Repeal. conflict with this act, and all laws applicable to particular counties of this state concerning roads and highways, are hereby repealed: *Provided*, That any proceedings commenced before this act takes effect, for the alteration, establishment or abandonment of any road or highway, may be conducted under the provisions of the law under which said proceedings were commenced.

Approved March 7, 1890.

## TURNPIKE ROADS.

AN ACT for laying out, opening, building and maintaining turnpike roads, and providing for counties issuing bonds for the same.

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

Disinterested  
freeholders.

SECTION 1. That the county commissioners of any county, when they become satisfied that the public interests of their county demand and justify special action for the improvement of the roads therein, may appoint three disinterested freeholders of their county as commissioners, to view, survey and locate one or more roads, beginning at and leading from the county seat of the county, or such other and eligible points as may be deemed proper, and running by such direct and eligible route as they find best for the public convenience, and terminating at any point within or at the county line; but they are not authorized or required to construct or maintain any such road within the corporate limits of the town or city where the county seat is located, when, according to the last federal census, more than one thousand inhabitants are contained in such corporate limits.

Width of roads.

SEC. 2. The roads established and constructed under this act shall be opened not more than sixty nor less than forty feet wide, and at least sixteen feet in width shall be turnpiked with earth so as to drain freely to the sides, and raised with stone or gravel not less than ten nor more than sixteen feet in width, nor less than twelve inches thick in the center, and not less than eight inches at the outer edges of such bed of stone or gravel, well compacted together in such manner as to secure a firm, even and substantial road, but the commissioners may, in their discretion, cause the road to be constructed wholly of earth, plank or timber, when stone or gravel is not accessible to the line of the road; in no case shall the grade of ascent or descent on the road be greater than seven degrees; the road shall be well provided with all necessary side drains, waste-ways and under draining to prevent overflowing or washing by water, and with substantial bridges or culverts at all cross-

ings of water courses; and such roads shall be free to the public for travel.

SEC. 3. The county commissioners may authorize the Engineer or surveyor. commissioners by them appointed to call to their assistance a competent surveyor or civil engineer, or both, at their discretion, with the necessary and proper assistance, and lay out, survey and locate such turnpike road through or upon improved or unimproved lands on the best route between the points of beginning and termination, and to obtain by grant, or take propositions for the purchase from the owners of land over which the road will pass, the right-of-way, and to take timber and other materials necessary to the construction and repair of the same.

SEC. 4. When said commissioners and the owners fail Right-of-way. to agree as to the amount of compensation, or when the owner is unknown, non-resident or incapable of contracting, then the same shall be ascertained and adjusted by proceedings had in the name of the county commissioners under the law providing for the appropriation of private property by corporations; and the commissioners may authorize the viewers or commissioners by them appointed to locate the road upon the whole or any part of any state or county road heretofore laid out and established within the county, and to widen, alter, change or vacate the same, or any part thereof, subject to the rules as to compensation for property appropriated as aforesaid.

SEC. 5. Before determining upon the location or establishment of any such turnpike road, the county commissioners may require donations of money, and written Written agreements. agreements on the part of taxpayers of the county, subjecting their taxable property to taxation annually, to aid in the location and construction of the same during the term of years named, therein specified, which agreements shall be filed and recorded in the office of the county clerk, and from the time of such filing and recording shall operate as a lien upon the real estate of the several parties joining therein as donors for the purpose therein provided. All revenues derived from donations in money and taxation shall be kept and held as a separate fund in the county treasury, and shall be applicable only to the purposes of

locating and constructing such turnpike roads; and if the commissioners determine not to establish and construct such road, then any money received as donations by taxation shall be returned.

Submitting to  
vote.

SEC. 6. The county commissioners shall not levy any general tax nor appropriate any money, except so far as may be necessary to pay the expense of preliminary surveys already commenced, or any other liabilities already incurred, to be expended in the construction of such turnpikes, without first submitting to the qualified voters of the county the question as to the policy of constructing such roads by general tax, which submission shall be made at any general election; and the county commissioners shall cause public notice of such vote to be given by publication in the official paper of the county, and also by causing hand-bills to be posted up at the usual place of holding elections in the county, at least fifteen days prior to such election.

Conduct of elec-  
tion.

SEC. 7. The judges of such election in the several precincts and wards in any county in which such question is submitted, and such notice is given, as aforesaid, shall open a poll for taking such vote, receive and count the ballots cast, and within three days thereafter return to the clerk of the board of county commissioners a full and correct abstract of the votes, and shall in all respects be governed by the laws regulating general elections, and be entitled to the same compensation for returning the poll-books, which shall be paid out of the county treasury on the order of the clerk of the board. And the poll-books so returned shall, within five days of the day of holding such election, be opened and the votes counted by the commissioners and the clerk of the board, and a correct statement of the result shall be kept by the clerk on file in his office for public inspection.

Two-fifths ad-  
verse vote de-  
feats.

SEC. 8. If at such election two-fifths of the votes so cast be against the policy of constructing such turnpikes, the commissioners shall not assess any tax for that purpose, but they may, on petition of not less than one hundred tax-payers of the county, again submit the same question at any regular annual election to the qualified

voters of the county, notice of which shall be given and the election conducted in all respects in the manner prescribed in the two preceding sections.

SEC. 9. If at any such election three-fifths be found in favor of the construction of such turnpikes, the commissioners may proceed to levy taxes, issue bonds and appropriate and expend money in the construction of such turnpike roads as, in their judgment, may be necessary to the public convenience and promotive of the public interest.

SEC. 10. When the county commissioners receive or require donations of money or written agreements on the part of the tax-payers, subjecting their taxable property to taxation annually, to aid in the location and construction of such roads, and a majority of the tax-payers within the boundaries of the road sign such subscription or agreement, the commissioners shall thereupon be authorized to levy the amount thereof upon the taxable property within the boundaries of the road, according to the benefits to said property, taking into consideration any assessments that have heretofore been made; and the boundaries of the road shall not be taken to include any property that does not lie within two miles of such contemplated improvement.

SEC. 11. Upon the location and establishment of any such turnpike road by the county commissioners, and after an affirmative vote by the qualified voters, they may, for the purpose of aiding in the construction, and to provide a permanent fund for the maintenance and expense thereof, levy annually, in addition to other road taxes authorized by law, a tax for turnpike road purposes of not more than four mills on the dollar of valuation on the taxable property in the county, and to continue such levy from year to year until the road or roads which have been commenced are completed.

SEC. 12. No such taxes shall be levied on any lands which have heretofore been assessed for the construction of any free turnpikes or improved road or roads already constructed or in course of construction at the time of the levy of the tax, unless the amount of such assessment, and

in such case such excess only shall be levied and collected; and for the purpose of raising the money necessary to meet the expenses of such improvement the county commissioners may, if in their opinion the same be advisable, submit to the qualified voters of the county at any general election the question whether the county commissioners shall be authorized to issue bonds of the county for the purpose of building roads in accordance with the provisions of this act, and if three-fifths of the legal votes cast be in favor of the issue of such bonds, then the county commissioners may issue the bonds of the county, payable at such times as they deem advisable, not exceeding twenty years, with interest not exceeding six per cent. per annum, payable semi-annually, and which bonds shall not be sold for less than their par value.

Full records  
kept.

SEC. 13. The county commissioners shall cause to be kept by the clerk of the board a full record of all the proceedings in the location, establishment and construction of the road, together with accurate accounts of receipts and expenditures of money under the provisions of this act, and no money shall be drawn from the treasury except to pay liabilities already accrued, and then only in pursuance of orders caused by the commissioners whilst in session as a board, to be entered upon the record of their proceedings, and by orders drawn by their clerk upon the county treasury in favor of the persons to whom such money is due.

Letting con-  
tracts.

SEC. 14. The work of the construction of such roads shall be let publicly by the county commissioners to the lowest responsible bidder, after due notice given of such letting by publication in one or more newspapers published or of general circulation in the county, or by hand-bills, or both; for that purpose the commissioners shall cause the same to be divided into convenient sections, and each section numbered from the county seat or other point named as the place of beginning, toward the termination, and shall let the same by sections, with proper specifications of the various kinds of labor required on each section; and bidders shall be required to separately state their bids for each class of work, in such manner as the commission-

ers shall provide, and each contractor shall be required to give bond, with sufficient sureties, for the performance of his contract, payable to the county commissioners, for the use and benefit of the county, and with the necessary specifications and stipulations on the part of the contractor inserted therein.

SEC. 15. In all cases the construction of such roads shall commence at the point of beginning, and no payment for work or material shall be made except upon estimates made by the surveyor or engineer employed by the commissioners, and by him duly certified, of work actually done or material actually furnished, or both, and after reserving such per cent. as may be fixed by the parties to the contract to guarantee performance of the same. Construction and payment.

SEC. 16. The viewers, surveyor, or engineer, and their assistants, shall be entitled to receive the same compensation for their services required under the provisions of this act as is now allowed by law in the construction of state or county roads.

Approved March 7, 1890.

## PUBLIC HIGHWAYS; REPAIR OF.

AN ACT to provide for keeping highways in repair, and for the levy and collection of road poll and road property taxes, and declaring an emergency.

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

SECTION 1. That the boards of county commissioners of the several counties shall divide their respective counties into suitable road districts, and may change the boundaries thereof not oftener than once a year, and each commissioner shall be *ex-officio* road commissioner of the several road districts in his commissioner district, and Commissioner districts.

shall see that all orders of the board of commissioners pertaining to the roads in his district are properly executed: *Provided*, When in any county the members of the board of commissioners thereof are not elected by districts, it shall be the duty of such board, by proper order to be entered in its records, to divide such county into commissioner's districts, to correspond with the number of members of such board, and assign to each member thereof one of such districts, of which he shall be such road commissioner: *Provided*, That no member of the board of county commissioners shall receive any compensation for any services whatever performed by him or required of him under any of the provisions of this act, other than his salary, or per diem and mileage, as county commissioner.

Road overseers.

SEC. 2. There must be elected in the several counties of this state on the first Saturday in December, in the year eighteen hundred and ninety, and every two years thereafter, one elector of each and every road district in the county, to act as road overseer in their respective districts, to hold office for two years, commencing on the first Monday after the first day of January next succeeding their election, or until their successors are elected and qualified. The overseer shall, at least ten days prior to the election hereinbefore provided for, cause three notices to be posted up in three conspicuous places in his road district, giving notice that there will be an election held at some convenient place in said district, stating time and place of holding said election, for the next succeeding term; at which election the old overseer shall act as chairman, if present; if not present, the voters shall select one of their number as chairman; also, select a clerk of election, who shall keep a record of the proceedings, and all qualified electors in the district may vote at such election, and the person receiving the highest number of votes shall be declared elected overseer; and returns thereof shall be certified to the clerk of the board of county commissioners. Such road overseers must give their official bond in a sum double the amount of all funds likely to come into their hands during their term of office,

Election of overseer.

Bond.

conditioned for the faithful performance of all duties required by law, or orders of the board of county commissioners, and take the usual oath of office. On the first Monday in February, eighteen hundred and ninety-one, the several boards of commissioners of the respective counties of this state must, when such appointment has not already been made upon a petition of not less than ten, tax-payers of the road district, and in case there be more than one petition, then upon the petition containing the largest number of tax-payers of the road district, appoint one road overseer for each of the road districts in their respective counties; such overseer to be an elector of the district for which he is appointed, and who shall hold office until his successor is elected and qualified. Such overseer shall, Duties of overseer. under the direction of the road commissioner of his district, perform the duties in this act hereinafter specified. Such road overseers must give an official bond in the sum double the amount likely to come into their hands during their term of office, conditioned for the faithful performance of all duties required by law, or order of the board of county commissioners, and take the usual oath of office.

SEC. 3. The boards of county commissioners of the several counties of this state shall have general supervision Duty of county commissioners. over the roads in their respective counties. They must by proper order: *First*, cause to be surveyed, viewed, laid out, recorded, opened and worked, such highways as are necessary for public convenience, as by law provided. *Second*, abandon or abolish such as are not necessary. *Third*, in their discretion let out by contract the construction, maintenance and improvement of the highways, and the construction, maintenance and repair of bridges or other adjuncts of highways, when the amount of work to be done exceeds one hundred dollars. *Fourth*, levy a property road tax. *Fifth*, order and direct overseers specially in regard to work to be done on particular roads in their districts. *Sixth*, in their discretion cause to be erected and maintained on the highways they may designate, mile-stones or posts, and guide-posts, properly inscribed. *Seventh*, cause the road tax collected each year to be ap-

portioned to the several road districts entitled thereto, and kept by the treasurer in separate funds. *Eighth*, audit all claims on the funds of the respective road districts when required to pay for right-of-way or work or improvement thereon. *Ninth*, remove any overseer for inefficiency, neglect of duty or malfeasance in office. *Tenth*, order such warrants drawn on the county treasurer in favor of each district from the funds belonging thereto and payable to the overseer thereof, necessary to pay for labor performed in his district not under contract.

Qualification of overseers.

SEC. 4. When the overseers of road districts receive notice of their appointment from the board of county commissioners, or notice of their election from the clerk of the county commissioners, they must, within fifteen days thereafter, give the official bond required by law and take the usual oath of office. The notice and certificate that the bond has been approved and filed, and the oath taken and endorsed thereon, or a certified copy thereof, constitute a commission, and authorizes the person named therein, and holding the same, to discharge the duties of overseer. The bond must be approved by the board of county commissioners.

Duties of.

SEC. 5. The overseers, under the direction and supervision of the road commissioners, and pursuant to orders of the board of county commissioners, must: *First*, take charge of the highways within their respective districts, and shall employ all men, teams, watering carts, and all help necessary to do the work in their respective districts:

Must be disinterested.

*Provided*, No road overseer shall be interested, directly or indirectly, in any contract work to be done in the road district under his charge and control. *Second*, keep them clear from obstruction and in good repair, and destroy, or cause to be destroyed, at least once a year, all Canada thistles growing or being on any portion of the public highways or public roads in their respective districts. *Third*, cause banks to be graded. *Fourth*, make quarterly reports, under oath, of the number of days they have been employed during the preceding three months; the number of days' labor performed on the roads and highways in their respective districts, by whom performed, and the wages paid

per day, filing therewith a receipt, or receipts, signed by each or all persons who have performed labor, stating the number of days of labor performed and the amount received for the same; also, the amount and value of the materials and kind thereof. *Fifth*, receive for his services, from Compensation. money in the treasury belonging to his road district, a sum not to exceed two dollars and fifty cents per day for each day's service performed by him, and not to exceed fifty days in any one year, to be audited and ordered paid by the board of county commissioners. Road overseers shall receive fifteen per cent. on all moneys collected by them as road poll tax: *Provided*, No per diem for the time spent in making collections shall be allowed said overseer.

SEC. 6. The board of county commissioners may annually set apart from the property road tax collected from all sources a sum not exceeding twenty per cent. of the aggregate for general county road purposes, to be known as the general road fund of the county, from which sum so set apart they may direct such amounts to be paid as may be found necessary for such general county road purposes, in which the inhabitants of all the districts within the county are more or less interested, or to assist weak or impoverished districts in keeping their roads in repair, to be applied as the said board may order or direct: *Provided*, That an additional twenty-five per cent. may be set apart General road fund. Bridge fund. by the commissioners for a bridge fund only: *And provided further*, That the boards of county commissioners in the several counties shall have no power to create a debt on any road district in excess of the estimated amount of receipts from said district for the current year: *First*, all contracts, authorizations, allowances, payments and liabilities to pay, made or attempted to be made in violation of this act shall be absolutely void, and shall never be the foundation or basis of a claim against the treasury of such county; and all officers of said county are charged with notice of the condition of the treasury of said county, and the extent of the claims against the same. *Second*, all county commissioners and any other officer authorizing, or aiding to authorize, or auditing or allowing any claim or demand upon or against said treasury, or any fund thereof,

Liability of  
officers.

in violation of any of the provisions of this act, shall be liable in person and upon their several official bonds, to the person or persons damaged by such illegal authorization, to the extent of his loss by reason of the non-payment of his claim.

Road poll taxes.

SEC. 7. The board of county commissioners shall annually, at the time other taxes are levied by them, levy upon each male person over twenty-one and under fifty years of age, except paupers, idiotic and insane persons and all firemen exempt by law, found in each road district during the time for the collection of road poll taxes for that year, an annual road poll tax of two dollars, and every such person in a road district who has not paid the same in some other district must pay the amount of road poll tax so levied. For the purpose of collecting road poll taxes, every road overseer is hereby authorized to demand payment of said poll tax from every person liable therefor, and on the neglect or refusal of such person to pay the same, he must collect by seizure and sale of any personal property owned by such person. The sale may be made after three hours' verbal notice of time and place of such seizure and sale.

SEC. 8. The sale must be at public auction and of sufficient amount of the property to pay the taxes, percentage and costs.

Seizing and selling personal  
property.

SEC. 9. For seizing or selling personal property, the tax collector or overseer may charge in each case the sum of two dollars and the same mileage as is allowed by law to the sheriff of the county.

SEC. 10. On payment of the price bid for any property sold, the delivery thereof, with a bill of sale, vests the title thereto in the purchaser.

SEC. 11. All excess over the taxes, per cent. and cost of the proceedings of any such sale must be returned to the owner of the property sold, and until claimed must be deposited in the county treasury, subject to the order of the owner, his heirs or assigns.

SEC. 12. The unsold portion of any property may be left at the place of sale at the risk of the owner.

Receipts.

SEC. 13. Road poll tax receipts in blank, signed and numbered, shall be delivered by the clerk of the board of

county commissioners to each person charged with the collection of road poll taxes on or before the first Monday of April of each year, and he shall be charged with the amount of such road poll tax receipts delivered to him, and be credited with those returned, and shall settle with the said clerk and pay over the amounts collected to the county treasurer on the first Monday in each month, with a statement, under oath, of the total amount of poll taxes collected by him during the last preceding month, less the per centum allowed for fees; a sum not exceeding twenty-five per cent. of all road poll taxes so collected may be apportioned to the general road fund, and the balance shall be apportioned to the several districts of the county from which it was collected.

SEC. 14. The board of county commissioners must, each year, at the meeting at which they are required to levy the property tax for county purposes, estimate the probable amount of property tax for highway purposes which may be necessary for the ensuing year, over and above the road poll tax, and must regulate and fix the amount of property highway tax and levy the same thereby: *Provided*, That said property tax for highway purposes shall not exceed the sum of seven mills on each dollar of assessable property in any one year. Annual tax levy.

SEC. 15. The annual property tax for road purposes must be levied by the board of county commissioners at their session when the tax is by them levied for county purposes. The property road tax, when levied, must be annually assessed and collected by the same officers and in the same manner as other state and county taxes are levied, assessed and collected, and turned over to the county treasurer for the use of the road districts from which it is respectively collected. Property road tax.

SEC. 16. Corporations or other employers of persons in any road district subject to road tax are chargeable for the road poll tax assessed against their employes, to the extent of any credit in their hands not exceeding such tax: *Provided*, The road overseer shall first give written notice to such employes and employer, or the resident agent of such corporation, and from the time of such notice the Liability of employers.

amount of any credit in his hands, or that shall thereafter accrue, sufficient to satisfy said tax, shall be paid to the road tax collector, whose receipts shall be evidence in bar of the prosecution of any action by the employe against the principal for the recovery of the same: *Provided further*, Every person, firm or corporation having persons liable for road poll tax in their employ, and who have been notified that such employe has not paid the same, shall become liable for such tax, which shall be collected from said employers as provided for collecting taxes from individuals in section seven of this act.

SEC. 17. Every person, firm or corporation shall furnish, upon demand by the tax collector, the names, number or designation of each and every person in his, its or their employ, and upon failure to furnish such names, numbers or designation, shall be deemed guilty of a misdemeanor, and fined in a sum of not less than fifty dollars nor more than one hundred dollars, to be collected as in cases provided by law for misdemeanors: *Provided, however*, In case of corporations the said sums may be collected in an ordinary action before any justice of the peace in the county: *And provided further*, That the agent of any corporation who shall neglect or refuse to comply with section sixteen of this act shall be liable to punishment as in this section provided.

Penalty for failure to furnish list.

Repeal

SEC. 18. All acts and parts of acts in conflict with this act are hereby repealed: *Provided*, That the tax due or to become due upon the assessment made in the several counties for the year A. D. 1889, shall be collected under the laws in existence at the time of the taking effect of this act, and such laws and parts of laws as apply to the collection of road taxes for the year 1889, shall continue in force and effect for said purpose.

Approved March 7, 1890.

## TAXES; SPECIAL ROAD DISTRICT.

AN ACT to authorize road districts to levy special taxes for road and bridge purposes.

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

SECTION 1. That whenever one-fifth of the property tax-payers, resident in any road district in this state, shall petition the county commissioners of their county, setting forth that the amount of road taxes derived from the general revenue laws are inadequate for the proper improvement and maintenance of the public roads and bridges, and for the construction of necessary bridges in said road district, and the board of county commissioners, upon the consideration of the same, "will not" or "cannot" afford the necessary relief by appropriation from the county funds or otherwise, it shall be the duty of the board of county commissioners so petitioned to submit the question of levying a special tax to the electors of said road district, said tax not to exceed one per cent. of the taxable property in said district, as per the assessment roll of such county, and if a majority of all the votes cast at such election shall favor such special tax, the board of county commissioners shall order the same to be levied on all the taxable property in said road district, as shown by the county assessment roll of that year, and said assessment and collection thereof shall be made and collected the same as is provided for under the general law for the assessment and collection of special school taxes: *Provided*, That no person shall be eligible to vote at an election under this act unless he be a *bona fide* resident of such road district and is otherwise entitled to vote under the general election law of this state.

SEC. 2. The board of county commissioners shall appoint an inspector and two judges (who may act as clerks of said election), who are qualified electors, as set forth in this act, to conduct such election, and shall fix the time and place of holding the same, and such election shall be conducted and returns made, as near as may be, in ac-

cordance with the general election law of this state, except as otherwise set forth in this act. At such election the ballots shall contain the words "Tax, yes," or "Tax, no."

Notice.

SEC. 3. Whenever the board of county commissioners shall order an election under the provisions of this act, they shall name the number of mills to be assessed on each and every dollar's worth of property in said road district, as per the assessment roll of the county for that year, together with the time and place for the holding of such election, and the names of the inspector and judges appointed therefor, and the hours at which the polls for such election shall be opened and closed, which time shall not be less than six hours from the time of the opening to the closing of the same, and cause the same to be entered in the record of their proceedings. And it shall be the duty of the

Form of.

county auditor to issue the notices therefor, which notices shall set forth the names of the inspector and judges, the number of mills on the dollar to be assessed, and the time and place for holding such election, together with the hours of the opening and closing of the polls. He shall furnish three copies of such notice to the supervisor of such road district, which notices shall be posted by the road supervisor in three of the most public places in his road district, at least ten days prior to such election, and the county auditor shall also cause a copy of the same to be published in the official newspaper of the county, if there be one, for at least three weeks prior to the day of holding such election. The judges and inspector shall make prompt returns to the county auditor of such election, and they shall receive two dollars each for their services, to be paid out of the general county funds.

Publication.

SEC. 4. The county treasurer shall place any tax so paid or collected to the credit of the road district to which it belongs.

SEC. 5. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 20, 1890.

## CHAPTER XX.—STATE OFFICERS.

### GOVERNOR.

AN ACT relating to the duties of the Governor, and fixing the salary, and declaring an emergency.

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

SECTION 1. In addition to those prescribed by the constitution, the governor has the power and may perform the duties prescribed in this and the following sections: *First*, to supervise the conduct of all executive and ministerial officers. *Second*, to see that all offices are filled, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session. *Third*, to make the appointments and supply the vacancies mentioned in this act. *Fourth*, he is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States. *Fifth*, whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, he may direct the attorney-general to appear on behalf of the state, and report the same to him, or to any grand jury designated by him, or to the legislature when next in session. *Sixth*, he may require the attorney-general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to him, or to any grand jury designated by him, or to the legislature when next in session. *Seventh*, he may require the attorney-general to aid any prosecuting attorney in the discharge of his duties. *Eighth*, he may offer rewards, Rewards.

not exceeding one thousand dollars in each case, payable out of the state treasury, for the apprehension of any person convicted of a felony who has escaped from the state prison, or of any person who has committed or is charged with the commission of a felony. *Ninth*, to perform such duties respecting fugitives from justice as are prescribed by the penal code. *Tenth*, to issue and transmit election proclamations as prescribed by law. *Eleventh*, he may require any officer or board to make, upon demand, special reports to him in writing. *Twelfth*, he may control or suppress riots or unlawful strikes, or any unlawful assembly of ten or more persons, when by such riot, unlawful strike or unlawful assembly any persons are attempting to commit a felony, or inciting others to commit such crime, or any person or persons are in imminent danger of losing either life or property. But before taking any such action, the governor shall first notify and request the local authorities to suppress such riot, unlawful strike or unlawful assembly, and if they fail, refuse, neglect, or are unable to do so, he shall issue his proclamation commanding such persons to disperse and refrain from taking part in or encouraging or inciting such riot, unlawful strike or unlawful assembly, and if thereafter such imminent danger still continues, the governor shall proceed to suppress the same by calling into action all the force necessary to accomplish that purpose. *Thirteenth*, he has such other powers and duties as are devolved upon him by this act, or by any other law of this state.

**SEC. 2.** The governor must cause to be kept the following records: *First*, a register of all applications for pardons or for commutation of any sentence, with a list of all the official signatures and recommendations in favor of or against each application, and list of pardons made. *Second*, a register of statements in capital cases made to him, with his action thereon. *Third*, an account of all his disbursements of state moneys, and of all rewards offered by him for the apprehension of criminals and persons charged with crime. *Fourth*, a register of all appointments made by him, with date of commission, names of appointee and predecessors.

SEC. 3. On or before the last five days of each biennial <sup>Appointments.</sup> session of the legislature the governor must transmit to the senate a list of all the appointments-made by him, and not before communicated to the senate for confirmation.

SEC. 4. Every provision in the laws of this state in relation to the powers and duties of the governor, and in relation to acts and duties to be performed by others towards him, extends to the person performing for the time being the duties of the governor.

SEC. 5. The annual salary of the governor, to include <sup>Salary.</sup> all services rendered by him, or which may be by law hereafter devolved upon him, is four thousand dollars, which shall be paid quarterly out of the state treasury.

SEC. 6. In case the governor absents himself from the <sup>Successions.</sup> state, he shall, prior to such departure from the state, notify the lieutenant-governor of such proposed absence, and during such absence of the governor from the state, the lieutenant-governor shall perform all the duties of the governor.

SEC. 7. Whereas, there are no acts of the legislature relating to the duties of the governor, and there being an immediate necessity therefor, therefore an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Approved February 25, 1890.

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## SECRETARY OF STATE.

AN ACT to define the duties, and provide for assistance for, and fix the compensation of, the Secretary of State.

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

SECTION 1. The secretary of the state is charged with <sup>Custodian.</sup> the custody—*First*, of all acts and resolutions passed by the legislature; *second*, of the journals of the legislature;

*third*, of the seal of the state; *fourth*, of all books, records, deeds, parchments, maps and papers required to be kept on deposit in his office pursuant to law; *fifth*, of the enrolled copy of the constitution; *sixth*, he is the superintendent and shall have charge of the state capitol, and must keep the same, together with all property therein, in good order and repair; *seventh*, he shall provide fuel, lights and stationery for the senate and house of representatives, state library, supreme court, supreme court library, and for all state officers having their offices or chambers at the state capital.

Duties.

SEC. 2. It is the duty of the secretary of state—*First*, to keep a register of and attest the official acts of the governor; *second*, to affix the state seal, with his attestation, to commissions, pardons and other public instruments to which the signature of the governor is required, and also in attesting and authenticating all certificates and other documents properly issued by said secretary; *third*, to record in proper books all conveyances made to the state, and all articles of incorporation, letters patent, deeds, certified copies of franchises or other papers filed in his office; *fourth*, to receive and file all the official bonds of officers whose bonds are required to be filed with him; *fifth*, to take and file in his office receipts for all books distributed by him; *sixth*, to certify to the legislature, as required by the constitution, the election returns for all officers required in said constitution to be so certified, and to certify to the governor the names of all other persons who have received at any election the highest number of votes for any office, the incumbent of which is to be commissioned by the governor; *seventh*, to furnish on demand, to any person paying the fees therefor, a certified copy of all or any part of any law, record or other instrument filed, deposited or recorded in his office; *eighth*, to present to the speaker of the house of representatives, at the beginning of each regular session of the legislature, a full account of all purchases made and expenses incurred by him on account of the state; *ninth*, to file in his office an impression of each and every seal in use by any state officer, and to furnish state officers with new seals when necessary; *tenth*,

to keep a fee-book, in which must be entered all fees received by him, of whatever nature or kind, collected or charged, with the date, name of the payor, paid or unpaid, and the nature of the services in each case, which book must be verified annually by his affidavit entered therein; which fees so collected by him shall be paid into the state treasury, from time to time, as collected: *Provided*, That fees heretofore collected shall also be paid into the state treasury.

SEC. 3. Immediately after the laws are bound, the secretary of state must distribute the same as follows: *First*, to each department of the government at Washington, one copy; *second*, to the library of congress, one copy; *third*, to each of the states and territories and to the District of Columbia, one copy; *fourth*, to our senators and representatives in congress, and to each of the judges of the supreme court of this state, and the United States district judge, one copy; *fifth*, to each member of the legislature at the session when such laws were adopted, one copy, and to the sergeant at-arms, the clerks and assistant clerks, and to the registers and receivers of the United States land offices within the state, and to the superintendent of public instruction, one copy; *sixth*, to the state librarian, twelve copies; *seventh*, to the United States district attorney, the United States marshal, to each prosecuting attorney, to the province of British Columbia, to the governor, secretary, treasurer, auditor and attorney-general, one copy each; *eighth*, to each of the trustees of the asylums for the insane and of the penitentiary, to the warden of the penitentiary, to each inspector of mines, to each of the dental examiners, to each university regent, to each pilot commissioner, to each of the medical examiners and to the supreme court reporter, one copy; *ninth*, to the clerks of the supreme court and the clerks of the United States district court, six copies each, for the use of said courts; *tenth*, to each department of state, two copies. Distribute laws.

SEC. 4. The secretary of the state shall also forward to the county clerk of each county a sufficient number of paper-bound copies of the session laws and index to code to supply one copy to each county clerk, clerk of the

court, superior judge, sheriff, county treasurer, assessor, county commissioner, county superintendent of schools, coroner and justice of the peace within their respective counties, as public property, for the use of their respective offices, to be delivered to their successors in office, and one copy to each of the public institutions of the state.

SEC. 5. The remaining copies of such laws shall be delivered by the secretary to the state auditor, who shall sell the same at the cost price and pay into the state treasury the proceeds of such sales for the use of the general fund of the state.

Must mark  
books.

SEC. 6. The secretary must indelibly mark each book distributed to officers of this state, except the legislative officers, with the name of the county to which, and the official designation of the officer to whom, it is sent. Such books remain the property of the state, and must be by the officers receiving them delivered to their successors.

Expenses.

SEC. 7. The expenses incurred by the secretary of state in carrying into effect the provisions of this act, or in pursuance of any law or resolution of the legislature, shall be allowed and paid out of the state treasury, upon presentation of the bills therefor to the satisfaction of the state auditor, who shall draw warrants in favor of the secretary upon the state treasurer, who shall pay the same out of the funds herein appropriated, or hereafter out of funds appropriated from time to time by the legislature for that purpose.

Correcting  
errors.

SEC. 8. In arranging the laws, memorials and resolutions for publication, the secretary is hereby authorized to make such corrections in the orthography, clerical errors and punctuation of the same as in his judgment shall be deemed essential: *Provided*, That when any words or clauses shall be inserted, the same shall be inclosed in brackets; and no correction shall be made which changes the intent or meaning of any sentence, section or act of the legislature.

Fees.

SEC. 9. The secretary of state, for services performed in his office, may charge and collect the following fees, which shall be paid into the general fund of the state: *First*, for a copy of any law, resolution, record or other document

or paper on file in his office, 20 cents per folio; *second*, for affixing certificate and seal of state, one (\$1) dollar; *third*, for filing articles of incorporation, one (\$1) dollar; *fourth*, for recording articles of incorporation, 20 cents per folio; *fifth*, for issuing certificate of incorporation, one (\$1) dollar for the certificate and 20 cents for each folio of one hundred words therein or each fractional folio over 26 words; *sixth*, for receiving and filing each official bond, one (\$1) dollar; *seventh*, for each commission, passport or other document signed by the governor and attested by the secretary of state (pardons and military commissions excepted), one (\$1) dollar; *eighth*, for each patent of land issued by the governor, if for one hundred and sixty acres or less, one (\$1) dollar, and for each additional one hundred and sixty acres, or fraction thereof, one (\$1) dollar; *ninth*, for recording miscellaneous records, papers or other documents, 25 cents per folio, and one dollar for filing in each case. But no member of the legislature, or state officer, or prosecuting attorney, supreme court or superior judge can be charged for any search relative to matters appertaining to the duties of their offices; nor must they be charged for a certified copy of any law or resolution passed by the legislature relative to their official duties: *Provided*, Such law has not been published as a state law.

SEC. 10. The secretary of state must execute an official <sup>Bond.</sup> bond to the state in the sum of ten thousand [dollars] (\$10,000), conditioned upon the faithful performance of the duties of his office, and must receive no pay under the laws of the state until such bond, approved by the governor, is filed with the auditor of state.

SEC. 11. The annual salary of the secretary of state shall <sup>Salary.</sup> be two thousand five hundred dollars, which shall be paid monthly out of the state treasury, upon proper warrants drawn upon the treasurer by the state auditor.

SEC. 12. The secretary shall be entitled to one chief <sup>Assistance.</sup> clerk, who shall receive an annual salary of fifteen hundred dollars, and one recording clerk, who shall receive an annual salary of nine hundred dollars. He shall also be entitled to employ extra clerical assistance when necessary, to be paid for upon certified vouchers, to the amount of

not exceeding one thousand dollars per annum. Said sums shall be payable monthly out of the state treasury, upon proper warrants drawn upon the treasurer by the state auditor. In case of the unavoidable absence or inability of the secretary to act, the chief clerk may act as secretary, and perform the duties of the office until such inability is removed.

SEC. 13. Whereas, there are no acts of the legislature relating to the duties of the secretary of state, there being an immediate necessity therefor; therefore, an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Received by the governor March 28, 1890. •

[*Note by the Secretary of State.*—The foregoing act having been presented to the governor of the state for his approval, and not having been filed in the office of the secretary of state within the time prescribed by the constitution of the state, with his objections thereto, has become a law under the provisions of the constitution.]

## STATE AUDITOR.

AN ACT relating to the duties of state auditor, and providing for his salary and assistants, and declaring an emergency.

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

Residence and  
office.

SECTION 1. The state auditor shall reside and keep his office at the seat of government, and before entering upon his duties shall execute and deliver to the secretary of state a bond to the state in the sum of fifty thousand dollars, to be approved by the governor, conditioned for the faithful performance of all duties required, or which may be required of him by law, and take an oath of office before any person authorized to administer oaths, and file a copy thereof, together with his bond, in the office of the secretary of state.

Bond.

SEC. 2. The state auditor is hereby declared to be the <sup>General duties.</sup> general accountant of the state, and the keeper of all public account books, accounts, vouchers, documents, and all papers relating to the accounts and contracts of the state, its revenue, debt and fiscal affairs, and of all other papers appertaining to the state, or any department thereof, and not required by law to be placed in some other office or kept by some other person. All books, papers, letters and transactions pertaining to the office of state auditor shall be open to the inspection of the public generally during office hours.

SEC. 3. The state auditor shall have authority to appoint <sup>Deputy.</sup> a deputy, who, before entering upon the duties of his office, shall take and subscribe an oath faithfully to perform the duties of said office, which oath shall be endorsed on the appointment and filed in the office of the state secretary. Said appointment may be revoked at the pleasure of the state auditor. The state auditor shall be held responsible on his official bond for all official acts of his said deputy. The said deputy shall be paid a salary of twelve hundred dollars annually, payable quarterly out of the state treasury.

SEC. 4. It shall be the duty of the auditor to digest, <sup>Biennial report.</sup> prepare and report to the legislature at the commencement of each biennial session — *First*, a full and detailed statement of the condition of the revenues, and the amount of the expenditures for the fiscal year; *second*, a full and detailed statement of the public debt; *third*, estimates of revenue and the expenditures for the next succeeding year; *fourth*, such plans as he may deem expedient for the support of public credit, for lessening the public expenses, for using the public money to the best advantage, for promoting frugality and economy in public offices, and generally for the better management and more perfect understanding of the financial affairs of the state; *fifth*, a tabular state- <sup>Form of.</sup> ment, showing separately the whole amount of each appropriation of money made by law, the amount paid under the same, and the balance unexpended; *sixth*, a tabular statement, showing separately the amount of money received into the treasury from all sources in the preceding fiscal

year, the amount received from each county, and the source of revenue in each county for state purposes.

Auditing ac-  
counts.

SEC. 5. It shall be the duty of the auditor — *First*, to audit, adjust, and settle all claims against the state, payable out of the treasury, except only such claims as may be expressly required by law to be audited and settled by other officers or persons; *second*, to draw all warrants upon the treasury for money, except only in cases other-

Register of war-  
rants.

wise expressly provided by law; *third*, to keep a correct register, in tabular form, of all warrants issued by him, showing the number, date, amount, to whom and for what payable, with an additional column in which to enter the date on which each warrant is returned or paid; *fourth*, to express in the body of every warrant which he may draw upon the treasury, the particular fund appropriated by law out of which the same is to be paid; *fifth*, to audit, settle and adjust the accounts of all collectors of the revenue, and other holders of public money, who are required by law to pay the same into the treasury; *sixth*, to examine and settle the accounts of all persons indebted to the state, and to certify the amount to the treasurer, and upon presentation and filing of the treasurer's receipt therefor, to give such person a discharge, and charge the treasurer therewith; *seventh*, in his discretion to inspect the books of any person charged with the receipt, safe keeping, and disbursement of public moneys; *eighth*, to keep an account between the state and the state treasurer; *ninth*, to keep an account of all debts and credits between the state and United States; *tenth*, to direct prosecutions in the name of the state for all official delinquencies in relation to the assessment, collection and payment of the revenue against all persons who, by any means, become possessed of public money or property, and fail to pay over or deliver the same, and against all debtors of the state; *eleventh*, to give information, in writing, to either house of the legislative assembly, whenever required, upon any subject relating to the financial affairs of the state, or touching any duties of

Accounts with  
U. S.

Furnish blanks.

his office; *twelfth*, to furnish the offices of himself and the state treasurer with all books, papers, blanks and forms required by law for the proper discharge of the duties of

their offices, and to furnish the proper forms, through the clerks of the counties, to assessors, treasurers and sheriffs, and such clerks in relation to assessment and collection of public revenue; *thirteenth*, to have printed and forwarded to the treasurer of each county, blank state licenses; *fourteenth*, to keep a separate account of the school fund and of the interest and income thereof, together with such moneys as may be raised by special tax or otherwise, for school purposes; *fifteenth*, to require all persons who have received any moneys belonging to the state, and have not accounted therefor, to settle their accounts and make payment thereof in pursuance of law; *sixteenth*, in his discretion, to require any person presenting an account for settlement to be sworn before him, and to answer, orally or in writing, as to any facts relating to it; *seventeenth*, to furnish the state treasurer with a list of warrants drawn upon the treasurer; *eighteenth*, to authenticate with his official seal all drafts Warrants. and warrants drawn by him, and all copies of papers issued from his office; *nineteenth*, to make his official report Date of report. biennially on or before the 31st of December in each year preceding the meeting of the legislature; *twentieth*, to perform all such other duties as may be required by law.

SEC. 6. The state auditor shall in no case issue any state warrant unless there is a law authorizing the issue of the same, and every warrant shall state the act under which it is drawn; and if any state auditor shall issue any state warrant not authorized by law, he shall forfeit and pay four-fold the amount of such order, to the state, to be recovered by action against the auditor and his sureties on his official bond. Limit for warrants.

SEC. 7. The state auditor shall have printed five hundred Printing state reports. copies of each of the reports of the auditor, treasurer and trustees of the hospital for the insane; fifteen hundred copies of the report of the superintendent of public instruction, including the necessary rules, blank forms and the school law; and two hundred copies each of the other state reports.

SEC. 8. When said reports shall have been printed and delivered to the state auditor, as provided in this act, he shall deliver them into the custody of the governor, to be

by him transmitted to the legislature of the State of Washington.

Salary.

SEC. 9. The state auditor shall be paid an annual salary of two thousand dollars, payable quarterly out of the state treasury upon proper warrants drawn by the state auditor.

SEC. 10. All persons required by law to pay money into the treasury of the state shall, unless otherwise provided, exhibit their accounts and vouchers to the auditor on or before the first Monday in November in each year, to be audited, adjusted and settled, and the auditor shall proceed without any unnecessary delay to audit, adjust and settle the same, and report to the treasurer the balance found due.

Penalty for delinquency.

SEC. 11. If any person so required by law to pay money into the treasury shall fail to pay the amount so found due into the treasury, and produce the treasurer's receipt to the auditor within ten days after the settlement required, the delinquent shall forfeit to the state the amount of his commission allowed him by law, and also two and one-half per cent. a month on the amount wrongfully withheld, to be computed from the time the same ought to have been paid until actual payment; and the auditor shall charge such delinquent accordingly, and the whole amount of principal and forfeiture may be recovered by action on his official bond.

Limit for presentation of claims.

SEC. 12. All persons having claims against the state shall exhibit the same, with the evidence in support thereof, to the auditor, to be audited, settled and allowed within two years after such claim shall have accrued, and not afterwards. And in all actions brought in behalf of the state no debt or claim shall be allowed against the state as a set-off, but such as has been exhibited to the auditor, and by him allowed or disallowed, except only in cases where it shall be proved to the satisfaction of the court that the defendant at the time of trial is in possession of vouchers which he could not produce to the auditor, or that he was prevented from exhibiting the claim to the auditor by absence from the state, sickness or unavoidable accident.

Limit for payment of warrants.

SEC. 13. All warrants drawn on the state treasury shall be presented for payment within the period of five years

after the date of issue thereof; and should the payee or legal holder of any such warrant or warrants neglect or fail to present the same for payment within the time specified, it shall be the duty of the state auditor to enter the same as canceled on the books of his office, and to notify the state treasurer of such cancellation: *Provided*, That should the payee or legal owner of any such canceled warrant or warrants present the same for payment after a lapse of five years from the date of the issue thereof, the state auditor may, upon proper showing by affidavits and the delivery of the canceled warrant into his possession, issue a new warrant in lieu thereof on the state treasurer, and the said treasurer is authorized to pay the same as other warrants are paid.

SEC. 14. All outstanding warrants issued five years prior to the approval of this act shall, if not paid within one year from the date hereof, be canceled by the state auditor, as provided in this act.

SEC. 15. That in case of the loss or destruction by fire, or other cause, of any state warrant or warrants issued by the state auditor for the payment of any moneys out of the treasury of the state, the said auditor is hereby authorized and empowered to issue a duplicate, or duplicate warrants, in lieu thereof, the said duplicate or duplicates to bear the same number, class or designation in all respects and to be issued for the same amount as the original, in lieu of which such duplicate shall issue: *Provided*, That the issue of any such duplicate warrant or warrants shall be subject to the provisions of section 13 of this act.

SEC. 16. Before any such duplicate warrants shall be issued, as provided in section 15 of this act, the state auditor shall require from the person making application for the issue of such duplicate warrant, to file in his office a written affidavit specifically alleging on oath that he is the proper owner, payee, or legal representative of such owner or payee of the original warrant for which a duplicate is required, giving the date of issue, the number, amount and for what services or claim said original warrant was issued, and that the same has been lost or destroyed, and has not been paid; and shall also require the person so making

Duplicate warrants.

Conditions of issuing.

application to give a sufficient bond, with one or more sufficient sureties, conditioned to save the state harmless from the payment of the original warrant and all costs and charges on account thereof.

Record of war-  
rants.

SEC. 17. The state auditor shall keep a full and complete record, for identification, of all warrants alleged to have been lost or destroyed, and of the issue of any duplicate therefor; and upon the issuance of any such duplicate, he shall enter the cancellation upon the books of his office, of the original warrant, and immediately notify the state treasurer of such cancellation.

SEC. 18. The auditor, whenever he may think it necessary in the settlement of any account or the drawing of any warrant, may examine the party, witnesses and others on oath or affirmation, touching any matter material to be known in the settlement of the account or the drawing of the warrant, and for that purpose he may issue summons and compel witnesses to attend before him and give testimony in the same manner and by the same means allowed in courts of record, and he shall reduce such evidence to writing and file the same in his office.

Vouchers pre-  
served.

SEC. 19. All accounts, vouchers and documents settled or to be settled by the auditor, shall be preserved in his office, and copies thereof, authenticated by the official seal, shall be given to any person interested therein, who shall require the same.

SEC. 20. In all cases of grants, salaries, pay and expenses, ascertained and allowed by law, found due to individuals from the state, when audited the auditor shall draw a warrant upon the treasury for the amount, but in cases of unliquidated accounts and claims, the adjustment and payment of which are not provided for by law, no warrant shall be drawn by the auditor or paid by the treasurer unless the previous appropriation shall have been made by law for that purpose, nor shall the whole amount drawn by and paid under any head ever exceed the amount thus appropriated: *Provided*, That where an appropriation is made by law to be paid out of the state treasury, it shall be the duty of the state auditor to draw a warrant or warrants upon the state treasurer in accordance with the provisions of

such law in favor of the person or persons entitled to the same.

SEC. 21. If any person interested shall be dissatisfied <sup>Refer to attorney-general.</sup> with the decision of the auditor on any claim, account or credit, it shall be the duty of the auditor, at the request of such person in writing, setting forth the objections, to refer the same to the attorney-general.

SEC. 22. In all cases where the laws recognize a claim <sup>Audit claims.</sup> for money against the state, and no appropriation shall be made by law to pay the same, the auditor shall audit and settle the same, and give the claimant a certificate of the amount thereof, under the official seal, if demanded, and shall report the same to the legislature with as little delay as possible.

SEC. 23. The auditor shall have power to administer all oaths required by law in matters pertaining to the duties of his office.

SEC. 24. The auditor shall keep a seal of office for the <sup>Seal.</sup> identification of all papers, writing and documents required by law to be certified by him, and copies so authenticated and certified of all papers and documents lawfully deposited in his office shall be received in evidence as to the original.

SEC. 25. Whereas, there are no acts of the legislature relating to the duties of state auditor under the state government, and there being an immediate necessity therefor, therefore, an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Approved March 27, 1890.

## STATE TREASURER.

AN ACT relating to the duties of State Treasurer, fixing his salary, and providing punishment for violations of this act, and declaring an emergency.

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

SECTION 1. It shall be the duty of the state treasurer — *First*, to receive and keep all moneys of the state not expressly required by law to be received and kept by some other person; *second*, to disburse the public moneys only upon warrants drawn upon the treasurer by the state auditor, in the order of their number, date and issue; *third*, to keep a just, true and comprehensive account of all moneys received and disbursed; *fourth*, to keep a just and true account of each head of appropriations made by law, and the disbursements under the same; *fifth*, to render his accounts to the state auditor in detail for settlement quarterly, on the thirty-first day of March, thirtieth day of June, thirtieth day of September and thirty-first day of December of each year, or oftener if required; *sixth*, to endorse on each warrant the date of payment, the amount of the principal and the interest due on said date; *seventh*, to report to each house of the legislature, within ten days after the commencement of each regular session, a detailed statement of the condition of the treasury and its operations for the preceding year; *eighth*, to give information in writing to either house of the legislature whenever required, upon any subject connected with the treasury, or touching any duty of his office; *ninth*, he shall account for and pay over all moneys on hand as such treasurer to his successor in office, and deliver all books, vouchers and effects of office to him, and such successor shall receipt therefor; *tenth*, upon payment of any warrant he shall take upon the back thereof the signature of the person to whom it is paid, and return the same to the auditor, with his quarterly statement.

Disburse  
moneys.

Quarterly state-  
ments.

Biennial  
reports.

Residence, of-  
fice and bond.

SEC. 2. That the state treasurer shall reside and keep his office at the seat of government, and before entering upon

his duties shall execute and deliver to the secretary of state a bond to the state in the sum of two hundred and fifty thousand dollars, to be approved by secretary of state and one of the judges of the supreme court, conditioned to pay all moneys at such times as required by law, and for the faithful performance of all duties required of him by law, and take an oath of office before some judge or justice of the peace within the state, to be endorsed on his commission, and file a copy thereof, together with the bond, in the office of the secretary of the state.

SEC. 3. All the books, papers, letters and transactions Records public. pertaining to the office of treasurer shall be open to the inspection of a committee of the legislature, or either branch thereof, to examine or settle all accounts, and to count all money; they shall also be open to the inspection of the public generally during office hours; and when the successor of any such treasurer shall be elected and qualified, the state auditor shall examine and settle all the accounts of such treasurer remaining unsettled, and give him a certified statement showing the balance of moneys, securities and effects for which he is accountable, which have been delivered to his successor, and report the same to the legislature.

SEC. 4. All persons who are required by law to pay any moneys into the state treasury, or to transmit any public funds to the state treasurer on state accounts shall, at the time of making such payments or transmissions, notify the state auditor thereof, specifying the amount and date of such payment, and for what particular fund or account. For all sums of money so paid into the treasury, the state treasurer shall forthwith give duplicate receipts under his seal of office, one of which he shall deposit with the state auditor, who shall credit such person or county accordingly, and charge the treasurer with the amount; the other receipt the treasurer shall transmit to the person or party paying the money. Duplicate receipts.

SEC. 5. The treasurer shall have power to administer all oaths required by law in matters pertaining to the duties of his office.

SEC. 6. The treasurer shall keep a seal of office for the Seal.

authentication of all papers, writings and documents required by law to be certified by him, and copies so authenticated of all documents lawfully deposited in his office shall be received in evidence as the originals.

Penalty for violation.

SEC. 7. If the state treasurer shall wilfully refuse to pay any warrant lawfully drawn upon the treasurer, or shall knowingly pay any warrant out of the order of its number, date and issue, he shall forfeit and pay four-fold the amount to any person injured thereby, to be recovered by action against the treasurer and his sureties on his official bond.

Calling in warrants.

SEC. 8. The state treasurer shall, when he has sufficient money on hand to pay warrants exceeding three thousand dollars, and said warrants are not presented for payment, advertise in some weekly newspaper at the seat of government having the largest circulation in the state, for two weeks, stating the amount of money on hand and the number of warrants he is prepared to pay, and if such warrants are not presented for payment within ten days after the publication of such notice, such warrants shall not draw interest after such date.

Salary.

SEC. 9. The state treasurer shall be paid an annual salary of two thousand dollars, payable quarterly out of the state treasury upon proper warrants drawn by the state auditor.

SEC. 10. If any person exercising the office of state treasurer shall fail to account for and pay over all moneys in his hands in accordance with law, or shall unlawfully convert to his own use in any way whatever, or use by way of investment in any kind of property, or loan without the authority of law, any portion of the public money entrusted to him for safe keeping, transfer or disbursement, or unlawfully convert to his own use any money that may come into his hands by virtue of his office, shall be deemed guilty of embezzlement to the amount of so much of said money as is thus taken, converted, invested, used, loaned or unaccounted for, and upon conviction thereof he shall be imprisoned in the penitentiary not exceeding fourteen years and fined a sum equal to the amount of money embezzled.

Penalty for failure to account for moneys.

SEC. 11. The state treasurer shall perform such other

duties as may be required of him by the constitution and laws of the state.

SEC. 12. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 13. Whereas, there are no acts of the legislature relating to the duties of the state treasurer under the state government, and there being an immediate necessity therefor, therefore an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Approved March 28, 1890.

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### STATE PRINTER.

AN ACT to create the office of State Printer; to provide for the election, the term of office, and qualification of said officer, and prescribing his duties, and declaring that an emergency exists.

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

SECTION 1. That the office of state printer is hereby created, which office shall be filled by the governor, by and with the advice and consent of the senate, until the next general election in November, 1892, and thereafter he shall be elected as other state officers are elected: *And provided*, That so much of the duties of this office as may be required by the legislature at any time, shall be performed in the town where the capital is located.

SEC. 2. The term of office of the state printer shall be- Term of office.  
 gin on the first day of July next after his election, and shall continue for four years, and until his successor is elected and qualified: *Provided*, That the term of the state printer appointed in 1890 shall begin immediately after his appointment and qualification, and shall terminate on the first day of July, 1893.

Oath and bond. SEC. 3. Before entering upon the duties of his office the state printer shall take the proper official oath, and shall execute to the State of Washington a bond for the sum of twenty thousand dollars, signed by at least four good sureties, conditioned for the faithful and punctual performance of all the duties of his office. Such bond must be approved by the governor, and the bond and oath must be filed with the secretary of state, and by him recorded.

General duties. SEC. 4. The state printer shall print the laws, the journals of the two houses of the legislature, the reports of the decisions of the supreme court: *Provided*, Nothing in this act shall be so construed as to interfere with the provisions of an act entitled "An act to provide for the printing and distribution of the decisions of the supreme court of Washington;" all public documents, and the bills, resolutions, documents and other printing of either the senate or house, as the same may be ordered by the legislature; and all forms, blanks and printing of every description necessary to supply the offices of all state officers, and the offices of the supreme court and officers thereof, as the same may be ordered by such officers, respectively; and he shall do all other public printing of the state, unless otherwise expressly provided by law. The term public printing, as used with respect to the printing of books, pamphlets, reports and the like, by the state printer, is deemed to include whatever may be necessary (other than the paper and binding materials) to make each book or pamphlet complete when delivered.

Vacancy. SEC. 5. If the state printer shall die, resign, or if from any other cause the office should become vacant, the governor shall appoint some suitable and proper person to fill such vacancy. The person so appointed shall qualify in the manner hereinbefore provided, and shall hold the office of state printer for the unexpired term, and until his successor is elected and qualified.

Must not delay public work. SEC. 6. The state printer shall perform such duties as may be prescribed by law; and if any state printer shall delay any public work in order to do private printing or binding, he shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent

jurisdiction, he shall be fined in any sum not less than fifty dollars and not more than five thousand dollars, and the governor shall thereupon declare the office vacant, and proceed to appoint a successor, as hereinbefore provided.

SEC. 7. Whereas, there is no state printer, and there is an immediate necessity for one, therefore, an emergency is declared to exist, and this act shall take effect on and after its passage.

Approved February 19, 1890.

## STATE GEOLOGIST.

AN ACT to create the office of a State Geologist, prescribing his duties and compensation, making an appropriation for the same, and declaring an emergency.

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

SECTION 1. The mining bureau shall, within fifteen days <sup>Appointment.</sup> after the passage of this act, with the advice and consent of the senate, appoint a state geologist, who shall be a person known to be competent; theoretically and practically acquainted with the mining and the treatment of ores, whose term of office shall be the same as that of the <sup>Term.</sup> officers who, *ex-officio*, comprise the mining bureau, unless sooner removed by the mining bureau, for cause: *Provided*, That when a vacancy shall exist in the foregoing office, <sup>Vacancy.</sup> and the senate shall not be in session, the *ex-officio* members of the mining bureau shall have the power to fill said vacancy, and the person so appointed shall perform the duties and receive the compensation of such office, as hereinafter provided, until the next session of the legislature when the mining bureau shall submit such appointment to the senate for their approval or rejection.

SEC. 2. Before entering upon the discharge of his official <sup>Bond.</sup>

duties, the state geologist shall give a bond in the sum of ten thousand dollars (\$10,000), with good and sufficient sureties, for the faithful discharge of all duties pertaining to his office; said bond to be approved by the mining bureau, and upon such approval of said bond the state geologist shall take and subscribe to the oath of office, the same as taken by other state officers.

Duties.

SEC. 3. It shall be the duty of the state geologist to collect reliable statistical information concerning the production and reduction of all precious or useful minerals in this state; to keep on file in his office all reports and papers relative to his department, which shall be submitted to the mining bureau, as they may require, and all correspondence on the subject of mining, milling and reducing ores; he shall address circulars to corporations and individuals engaged in mining, and obtain, by correspondence and otherwise, such and any information as may bear upon this subject.

SEC. 4. It shall be the duty of the state geologist to collect, arrange and classify mineral and geological specimens found in this state, and to assume charge of same under the supervision of the mining bureau.

Catalogue of specimens.

SEC. 5. All specimens collected by him shall be carefully marked and catalogued at the time he obtains them, and he shall in connection therewith, as soon as may be, prepare a description of every such specimen and of the locality from which the same was obtained; he shall also, by analysis or assay, determine the character and value of the same.

Assaying.

SEC. 6. It shall be the duty of the state geologist to assay, or cause to be assayed and analyzed in his laboratory, specimens of the different ores, minerals, metals, coals and mineral water mined or obtained in this state whenever requested so to do, and such specimens and collection shall remain, each and every one of them, the sole property of the state. He shall keep a permanent record of the same, reserving one-half of the specimen so received for the state metallurgical cabinet, giving the name of the county, mining district, lode, ledge, deposit, vein or spring whenever obtained, together with the value and

Record.

description thereof, which said record shall be subject at all times to the inspection of the mining bureau. For such assay or analysis the state geologist shall charge for each and every analysis, assay or test as follows: For gold <sup>Fees.</sup> and silver, \$2.00; lead, \$1.50; copper, \$1.50; iron, \$3.50; silica, \$2.50; alumina, \$2.00; lime, \$3.50; magnesia, \$4.00; phosphorus, \$5.00; sulphur, \$3.50; manganese, \$5.00; zinc, \$5.00; nickel and cobalt, \$10.00 each; chromium, \$5.00; tin, \$5.00; quicksilver, —; cinnabar, \$5.00; borium, \$5.00; bismuth, \$5.00; antimony, \$5.00; arsenic, \$5.00; platinum, \$5.00; uranium, \$10.00; vanadium, \$10.00; molybdenum, \$10.00; tellurium, \$10.00; potash and soda, \$5.00; coal, \$6.00. The charges for analyzing or assaying anything not herein enumerated shall be fixed by the mining bureau, and shall not exceed those charged by other competent geologists and chemists. He shall keep a correct account of all moneys received from all such analyses or assays, and report the same monthly to the mining bureau; after deducting the cost of the chemicals used in making anylses for profit from the fees received for the same, then one-half of the remainder, if any, he shall retain for his own use, and the remainder shall be paid into the state treasury monthly, and in case of the failure or neglect of the state geologist to keep the record or to pay <sup>Payment to treasury.</sup> into the state treasury all money received by him for analyses, assays or tests, as required by this section, he shall be deemed guilty of a misdemeanor and may, upon conviction thereof, be punished by a fine not to exceed five hundred dollars, said fine to be recovered in any court of competent jurisdiction, and paid into the state treasury for the benefit and use of the mining bureau.

SEC. 7. It shall be the duty of the state geologist to solicit contributions of ores, minerals, rocks, fossils and specimens of natural history, and in his examinations, to collect such specimens and be curator of the state museum, under the direction of the mining bureau.

SEC. 8. The state geologist shall, at least once in each <sup>Must examine mines.</sup> year, visit each mining county in the state and examine as many of the mines in the different counties and mining districts as may be practicable. He shall have power and

authority to visit and examine any mine or piece of mining ground for the purpose of ascertaining the condition of the same in regard to its safety and means of egress from the same, and for this purpose shall have access to all levels, stopes, tunnels, winzes, shafts and shaft power of any mine for the purpose of said inspection.

Examine dangerous mines.

SEC. 9. Whenever the mining bureau or the state geologist shall receive a formal complaint in writing, signed by five or more persons, employes in a mine, setting forth that the mine in which they are employed is dangerous in any respect, the state geologist shall visit and examine such mine, and if, from such personal examination, he shall ascertain that the facilities for egress are insufficient, or that from want of timbering, scaling or slacking of the ground in such mine so visited, or from other causes, or that the timber, ladders or ladder-ways, pentices or plats in any such mine are in a dangerous condition, it shall become his duty to notify the owners, lessor or lessee thereof; such notice to be in writing and to be served by copy on any person or persons in the same manner as provided by law for the service of legal notices or process; said notice shall state in what particulars timbers, ladders, ladder-ways, pentices or plats are dangerous, and shall require the necessary changes to be made without delay; and in case of any criminal or civil procedure at law against the party or parties so notified, on account of loss of life or bodily injuries sustained by any employe subsequent to such notice and in consequence of a neglect to obey the state geologist's requirements, a certified copy of the notice served by the state geologist shall be *prima facie* evidence of the culpable negligence of the party or parties complained of.

Annual report.

SEC. 10. The state geologist shall make a report to the mining bureau on or before the fifth day of January in each year, for the year ending on the thirty-first day of December of the preceding year, which report shall contain all statements of accounts, moneys received, statistics, and other information which may tend to promote the development of the mineral resources of the state, and give a full exhibit of all business transacted by him.

SEC. 11. The state geologist shall receive a salary of <sup>Salary.</sup> twelve hundred (\$1,200) dollars per annum, to be paid quarterly, and the state auditor shall draw his warrants, and the state treasurer shall pay the same, accordingly. And in addition he shall be paid the amount of his actual <sup>Traveling ex-  
penses.</sup> traveling expenses while performing his duties as state geologist, as directed in this act, and while traveling by and under the direction of the mining bureau; said contingent expenses not to exceed fifteen hundred dollars (\$1,500) per annum.

SEC. 12. The sum of three thousand three hundred <sup>Appropriation.</sup> (\$3,300) dollars is hereby appropriated out of any money in the public treasury of the state not otherwise appropriated to be used as follows: Salary of state geologist, twelve hundred (\$1,200) dollars; for the purchase of necessary chemicals and apparatus for state geologist's office, three hundred (\$300) dollars; for contingent and traveling expenses fifteen hundred (\$1,500) dollars; for rent of office and laboratory, three hundred (\$300) dollars.

Approved February 28, 1890.

## CHAPTER XXI.—WATER RIGHTS.

### DRAINS AND DITCHES; CONSTRUCTION AND REPAIR OF.

AN ACT to provide for the construction, repairing and protection of drains and ditches for agricultural, sanitary and domestic purposes, and to provide for the organization of drainage districts, and declaring an emergency.

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

Control of water courses.

SECTION 1. That the commissioners of any county may, at any regular or called session, cause to be located and constructed, straightened, widened, altered or deepened, any ditch, drain or water course, as hereinafter provided, when the same is necessary to drain any lots, lands, public or corporate road or railroad, and will be conducive to the public health, convenience or welfare.

Outlet.

SEC. 2. The word "ditch," as used in this act, shall be held to include a drain or water course. The petition for any such improvement shall be held to include any side, lateral, spur or branch ditch, drain or water course necessary to secure the object of the improvement, whether the same is mentioned therein or not; but no improvement shall be located unless a sufficient outlet is provided.

Costs.

SEC. 3. When the improvement will drain the whole or a part of any public or corporate road or a railroad, or will so benefit such road that the traveled track or road-bed thereof will be improved by its construction, there shall be apportioned to the county, if the road is a state, county or free turnpike road, or to the corporation, if a corporate road or railroad, a proper share of the costs and expenses thereof, as hereinafter provided.

SEC. 4. Application for any such improvement shall be

made to the commissioners of the county, signed by one or more owners of lots or lands which will be drained or benefited thereby.

SEC. 5. The petition shall be filed with the clerk of the board of county commissioners, and shall set forth the necessity of the improvement and describe the route and termini thereof; and there shall be filed therewith a bond payable to the county with at least two good sufficient sureties in not less than one hundred dollars, conditioned for the payment of all costs if the prayer of the petition be not granted or be dismissed for any cause.

Petition and  
bond.

SEC. 6. If the bond be approved by the clerk of the board of county commissioners, he shall immediately deliver a copy of the petition to the commissioners, who shall thereupon take to their assistance a competent surveyor or engineer, if in their opinion his services are necessary, and at once proceed to view the line of the proposed improvement, and determine, by actual view of the premises along and adjacent thereto, whether the improvement is necessary, or will be conducive to the public health, convenience or welfare, and whether the line described is the best route; and they shall report their finding in writing, and order the clerk of the board of county commissioners to enter the same on their journal.

Proceedings.

SEC. 7. If the commissioners find against the improvement, they shall dismiss the petition and proceedings at the cost of the petitioners; and they shall cause an itemized bill of all the costs to be made up by the clerk for their examination and approval, which shall include the per diem of the surveyor or engineer, together with all other costs necessarily made, except fees of the clerk and compensation of the commissioners.

Dismissal.

SEC. 8. If the commissioners find for the improvement, they shall cause to be entered on their journal an order directing the county surveyor, or an engineer, to go upon the line described in the petition, or as changed by them in accordance with this act, and survey and level the same, and set a stake at every hundred feet, numbering down stream; note the intersection of lines and boundaries of lands, township and county lines, land marks and road

Report and profile plat.

crossings, and make a report, profile and plat of the same, and estimate the number of cubic yards of earth or other substance to be removed, and the cost per cubic yard for each working section, as hereinafter provided, and of each section of one hundred feet.

Schedule of lands.

SEC. 9. The commissioners shall also, by their order, direct the surveyor or engineer to make and return a schedule of all the lots and lands, and public or corporate roads or railroads that will be benefited by the improvement, and an apportionment of a number of lineal feet and cubic yards to each lot, tract of land, road or railroad, according to the benefit which will result to each from the improvement, and an estimate of the costs of location and construction to each, and a specification of the manner in which the improvement shall be made and completed, the number of flood gates, water ways, farm crossings and bridges necessary, including kinds and dimensions thereof, and of all county and district lines and railroad crossings.

Size and form of plat.

SEC. 10. The plat provided for in section eight, shall be drawn upon a scale sufficiently large to represent all the meanderings of the proposed improvement, and shall distinctly show the boundary lines of each lot or tract of land, and of each road or railroad to be benefited thereby, the name of the owner of each lot or tract of land as the same appears upon the tax duplicate at the time, the authority or company having in charge or owning or controlling each public or corporate road or railroad, the distance in feet through each tract or parcel of land, together with such other matters as the surveyor or engineer deems material. The profile shall show the surface, the grade line, and the gradient fixed, and the surveyor or engineer shall make and file with his report an itemized bill of all costs made in the proper discharge of his duty under this and the two preceding sections, and shall file his report with the clerk of the board of county commissioners within thirty days after making the survey and level.

Filing report and giving notice.

SEC. 11. Upon the filing of the report of the surveyor or engineer, the clerk shall, without delay, fix a day for the hearing of the same; he shall prepare and deliver to the petitioners, or any one of them, a notice in writing, di-

rected to the resident lot or land owners and to the authorities or municipal or private corporations affected by the improvement, setting forth the pendency, substance and prayer of the petition, together with a tabular statement of the apportionment as made by the surveyor or engineer in his report, a copy of which notice shall be served upon each lot or land owner, and upon each member of any such public board of authority, and upon an officer or agent of such private corporation, at least eight days before the day set for the hearing, and the person who serves the same shall make return on the notice under oath, of the time and manner of service, and file the same with the clerk of the board on or before that day; and the clerk shall, at the same time, give the like notice to each non-resident, or lot or land owner, or by publication in a newspaper printed and of general circulation in the county, for at least two consecutive weeks before the day set for the hearing, which notice shall be verified by the affidavit of the printer, or other person knowing the fact, and filed with the clerk on or before that day.

SEC. 12. The county commissioners shall meet at the clerk's office on the day so fixed by the clerk, and shall first determine whether the required notice has been given. If they find that due notice has not been given, they shall continue the hearing to a day to be fixed by them, and order the notices to be served as hereinbefore provided, and when they find that due notice has been given they shall examine the report of the surveyor or engineer, and the apportionment by him made, and if it is in all respects fair and just according to benefits, they shall approve and confirm the same. Hearing by commissioners.

SEC. 13. If the commissioners find that the apportionment reported by the surveyor or engineer is unfair and unjust and ought not to be confirmed, they shall so order and amend it as to make it fair and just, in proportion to benefits, and if necessary in their opinion, they may adjourn the further hearing, not exceeding twenty days, to a day to be fixed by them, and go upon the premises, and by actual view, apportion the entire cost of location and construction, or any part thereof, as may seem just and Further proceedings.

proper, and on the day so fixed by them they shall again meet at the clerk's office and determine the apportionment.

Damages.

SEC. 14. At any time on or before the day set for hearing, after persons are notified, as provided in section twelve (12), any person or corporation whose lands are taken or affected in any way by the improvement, may make application to the commissioners in writing for compensation and damages; and a failure to make such application shall be deemed and held a waiver of all right thereto.

Allowing compensation.

SEC. 15. The commissioners shall, upon actual view of the premises, fix and allow such compensation for lands appropriated and assess such damages as will, in their judgment, accrue from the construction of the improvement, to each person or corporation making application as provided in the preceding section, and without such application to each idiot, insane person or minor owning lands taken or affected by the improvement.

Filing exceptions.

SEC. 16. A person or corporation, party to the proceedings, may file exceptions to the apportionment, or to any claim for compensation or damages, at any time before the time set for the final hearing of the report and apportionment; the commissioners may hear testimony and examine witnesses upon all questions made by the exceptions, and for that purpose may compel the attendance of witnesses by subpoena, which the clerk of the superior court shall issue on demand; and their decision on the exceptions shall be entered on the journal, and if they sustain the exceptions the cost of hearing thereon shall be paid out of the county treasury, and if they overrule the same, such cost shall be taxed against the person or corporation filing the exceptions.

Appeal.

SEC. 17. Any person or corporation aggrieved thereby may appeal from any final order or judgment of the commissioners made in the proceedings and entered upon their journal, determining either of the following matters, viz.: *First*, whether said ditch will be conducive to the public health, convenience or welfare; *second*, whether the route thereof is practicable; *third*, the compensation for land appropriated; *fourth*, the damage claimed to property affected

by the improvement; and the appellant shall file with the commissioners, at the final hearing before them, a notice in writing, of an intention so to do, and specifying therein the matter appealed from; the commissioners shall fix the amount of the bond to be given by the appellant, and cause an entry thereof, and of the notice, to be made upon their journal; the party appealing shall, within ten days thereafter, file with the clerk a bond in the amount so fixed, with at least two sufficient sureties, to be approved by the clerk, conditioned to pay all the costs made on the appeal in case the appellant fail to sustain the same, or the appeal be dismissed for any cause; and the clerk shall make a complete transcript of the proceedings had before the commissioners, and certify the same, together with all original papers filed in his office, and transmit them to the superior judge of the county within twenty days from the day of the final hearing.

SEC. 18. The superior judge shall file the transcript and original papers, and docket the case, styling the appellant Proceedings before superior judge. plaintiff, and the county commissioners and petitioner defendants, and thereupon he shall fix a day, not exceeding five days thereafter, for the hearing of all preliminary motions, and the examination of the papers so filed; on the day so fixed all preliminary motions shall be heard and determined, as well as all questions arising upon the record, and if he find that the proceedings are irregular in substance, or that the appeal has not been perfected according to law, he shall dismiss the appeal at the cost of the appellant and certify such dismissal, with his findings thereon, back to the commissioners; but the judge may, in his discretion, order and allow the correction of any technical defect, error or omission in such proceedings.

SEC. 19. Appeals shall be tried as in cases of appeals from justices of the peace to the superior court.

SEC. 20. The superior court shall administer to the Oath to jurors. jurors an oath, faithfully, impartially and to the best of their ability, and from actual view of the premises along the whole route of the improvement, to examine and determine the particular matters appealed from, and to render a true verdict according to the facts appearing to them

from actual view of the premises, and the evidence under the charge of the court.

SEC. 21. The sheriff, or his deputy, together with the surveyor or engineer who surveyed, leveled, apportioned and platted the improvement, may accompany the jury and point out its route; no other person shall be permitted to interfere in any way with the jurors in the discharge of their duties, and after the jury has fully examined the premises and returned to court either party may be heard, in person or by counsel, and may offer evidence to the jury, under the direction of the court, upon any matter given it specially in charge.

Form of verdict.

SEC. 22. The jury shall find and return a verdict determining the matter or matters appealed from, being one or more of the following propositions, viz.: *First*, whether said ditch will be conducive to the public health, convenience or welfare; *second*, whether the route thereof is practicable; *third*, the compensation due each appellant for land appropriated; *fourth*, the damages due each appellant for property affected by the improvement. The jury shall return their verdict in writing, signed by the jurors. As to said propositions, it shall be necessary for only nine jurors to agree.

Record.

SEC. 23. Upon the return of the verdict the same shall be recorded, and, together with all papers and records, duly certified, forwarded to the office of the clerk of the board of county commissioners.

Duty of commissioners.

SEC. 24. If the verdict of the jury be in favor of the appellant, the commissioners shall cause to be made on their journal an entry carrying out the findings of the jury; and if the jury find that the improvement is not necessary, or will not be conducive to the public health, convenience or welfare, or is not practicable, the commissioners shall cause an entry to be made upon their journal dismissing the proceedings at the cost of the county, which shall be paid out of the general county ditch fund on the order of the county commissioners.

SEC. 25. If the jury find that the improvement is necessary, and that the same will be conducive to the public

health, convenience or welfare, and is practicable, the commissioners shall assess the cost to the appellant.

SEC. 26. If the jury find that the allowance of compensation and damages, as made by commissioners, fully compensate for all lands appropriated and damage sustained, the commissioners shall assess the costs made by the appeal to the appellant. Assessing costs.

SEC. 27. If more than one party appeal, the superior judge may order the cases to be consolidated and tried together, and the rights of each party as to compensation or damages shall be separately determined by the jury in its verdict.

SEC. 28. After the transcript of the proceedings before the superior judge and all other papers in the case are returned to the clerk of the board of county commissioners, the commissioners shall cause such entry to be made on their journal as may be necessary to give effect to the verdict and findings of the jury, and shall fix a time for the sale of the construction of the improvement at public outcry in sections not less than the number of linear feet apportioned to each lot or separate tract of land, public or corporate road or railroad, and shall cause notice to be given of the time and place of the sale and direct the sale, and direct the surveyor or engineer who made the apportionment, or some other competent surveyor or engineer, to attend at the time and place of sale to superintend and conduct the same, who shall receive all bids for the construction of the improvement and make contracts with the lowest responsible bidders, and take good and sufficient bonds for the labor of the construction of the improvement, conditioned for the faithful performance of the contract so made and for the completion of the work within the time fixed in the contract in a sum not less than double the estimated value of the part bid off and contracted to be performed by each. Record of commissioners. Letting contracts.

SEC. 29. No bid shall be entertained which exceeds the estimated value of the construction in any case. The surveyor or engineer shall sell first the job or labor of the construction of the working section of the outlet or mouth of the improvement, and fix a day when the job shall be Limit of bids.

completed, not exceeding in any case one hundred and fifty days from the day of sale, and then sell each remaining working section, in its order, up stream, and require the labor on each to be completed within a time to be fixed by him, which shall be at least two days earlier than the day fixed for the completion of the working section next above it, so as to secure an outlet for the water as each section is completed; he shall make contracts and take bonds as aforesaid, and report his doings to the commissioners within five days from the date of sale and return the contracts and bonds to the clerk of the board of county commissioners, who shall file and carefully preserve the same; the contracts and bonds shall be examined and approved or disapproved by the commissioners, who shall cause an entry of their decision to be made on their journal, and the contractors to be notified of the approval or disapproval of the contracts and bonds, and the contractor for each job shall be liable on his bond so given for all delays after the expiration of the time named therein for the completion of the job, and for the payment of all damages which accrue by reason of the failure to complete the job within the time required in the contract therefor.

Report of surveyor.

Liability of contractor.

Payment for work.

SEC. 30. The work shall be done under the supervision of the surveyor or engineer, and when a part, not less than one-fourth of the portion thereof included in any contract, is completed in accordance with the specifications, he shall give to the contractor a certificate thereof, showing the proportional amount which the contractor is entitled to be paid by the terms of his contract, and the clerk of the board of county commissioners shall, upon the presentation of such certificate to him, draw his warrant on the treasurer for eighty per cent. of the amount, and the treasurer shall pay the same out of any funds in the treasury applicable to such purpose; or if the commissioners have determined to issue bonds for the construction of such work they may, if the contractor consent, pay in bonds, but proportioned amounts shall not be certified or paid unless the whole job amounts to more than two thousand feet. When the whole contract is completed, the entire price may be paid in the manner aforesaid.

SEC. 31. A job not completed within the time fixed in the contract and bond shall be re-estimated by the surveyor or engineer, and re-sold by him to the lowest responsible bidder, but shall not be sold for a sum greater than such estimate, nor a second time to the same party. A contract bond shall be entered into, as hereinbefore provided, but the commissioners may, for good cause, give further time to any contractor, not exceeding sixty days. The surveyor or engineer shall fix a time for the completion of work re-sold, not exceeding sixty days from the date of the bond, and no contractor shall be prosecuted on his bond until the section below is completed.

Re-estimate.

Limit for completion.

SEC. 32. When the working sections of the improvement are let, as hereinbefore provided, and the costs and expenses of location and construction and all compensation and damages are ascertained, the commissioners shall meet and determine at what time and in what number of assessments they will require the same to be paid, and order that the assessments, as made by them, be placed on the duplicate accordingly, against the lots or lands assessed; they shall also determine whether they will issue the bonds of the county to raise the money necessary to pay such costs and expenses, and if they so determine, the bonds may be issued for a term of years, not exceeding twenty, at a rate of interest not exceeding eight per cent. per annum, payable semi-annually; and they shall cause an entry to be made upon their journal, setting forth their findings and determination under this section.

Number and order of assessments.

SEC. 33. When the commissioners make an assessment they shall cause an entry to be made, directing the clerk of the board of county commissioners to make and furnish to the treasurer of the county a special duplicate with the assessment arranged thereon, as required by their order, and the clerk of the board of county commissioners shall retain a copy thereof in his office, and all assessments shall be collected and accounted for by the treasurer as taxes.

Duplicate assessment roll.

SEC. 34. If the commissioners determine to issue bonds of the county for the money necessary to meet the expenses of construction of any ditch, they shall make an assess-

Levying assessments for bonds.

ment upon all the lots, lands, public or corporate roads or railroads benefited by the improvement, in proportion to the apportionment hereinbefore provided for, sufficient to pay the costs of location and the first year's interest, and including the fees of the surveyor or engineer, made after locating, in superintending the construction of the improvement, and order the same to be placed upon the duplicate for collection; and they shall, thereafter, make such assessments as may be required to raise the money for the prompt payment of such bonds.

Form and  
terms of bonds.

SEC. 35. The county commissioners shall issue such bonds of the county in amounts as determined by them, payable out of the funds arising from such assessments, and bearing interest as hereinbefore provided; said bonds shall be signed by the county commissioners and countersigned by the clerk of the board, who shall affix his seal thereto; such bonds shall not be sold for less than their par value, and the money arising from such sale shall be used for no other purpose than the construction and expense of said improvement.

Proceedings by  
municipal cor-  
porations.

SEC. 36. The council of a municipal corporation may, by resolution, authorize the mayor to present a petition, signed by him officially, and a bond to the county commissioners, to locate and construct a ditch described in the resolution; or such council may authorize the mayor to sign, officially, a petition and bond for a ditch, to be presented by parties interested, whose lands are without the limits of the corporation, whenever the improvement will be conducive to the public health, convenience or welfare of the whole or any portion of the inhabitants of the corporation; in such case the commissioners shall count the municipal corporation as an individual petitioner, and may direct the surveyor or engineer to locate the improvement in accordance with the petition, whether wholly within or wholly without, or partly within and partly without the limits of the corporation; and the surveyor or engineer, in making his schedule of lots and lands benefited, may enumerate such lots and lands within or without the corporate limits as are specially benefited, and also the municipal corporation for benefits to the health and welfare of its inhabitants.

SEC. 37. When the improvement equally drains or otherwise benefits the whole of the territory within the limits of a municipal corporation, or any part thereof, the surveyor or engineer, or the commissioners, or the jury, if a jury be called, may consider and treat such territory as a single parcel of land, and any sum apportioned thereto shall be apportioned by the clerk of the board to the lots or lands included therein, according to the valuation thereof for taxation.

SEC. 38. If the proposed improvement passes through or into a municipal corporation, the mayor of which has not signed the petition therefor, as provided in the preceding section, the mayor shall be notified of the pendency of the petition in the same manner and at the same time that the commissioners are required by section six of this act to be notified; the mayor shall notify the council of the pendency of the petition, at its next regular meeting, or, if necessary, call a special meeting of the council for that purpose; and thereupon the council shall appoint a committee of its members, or the engineer of the corporation, or both, to meet the commissioners at the time and place of their meeting, and view and confer with them in regard to the improvement.

Notice to mayor.

SEC. 39. If the commissioners, upon view of any proposed location, be requested by a person owning or having control of any lands through which the ditch will pass, to report in favor of an underground ditch or tiling through such lands, they may, if satisfied that the same will be equally beneficial, report and fix the capacity of the same, and estimate the additional expense on account thereof, if any, which shall be added to the amount apportioned to such lands as hereinbefore provided.

Under-ground ditch.

SEC. 40. If an engineer or clerk of the board, or a commissioner, neglect or refuse to perform any duty imposed upon him by the provisions of this act, he shall forfeit and pay a fine of twenty-five dollars for every such neglect, to be recovered before any officer having competent jurisdiction, in the name of the state, for the benefit of the common schools of the county, at the suit of any person aggrieved thereby.

Penalty for failure to comply.

Two or more  
counties.

SEC. 41. When a ditch or improvement is proposed which will require a location in more than one county, application shall be made to the commissioners of each of such counties, and the surveyor or engineer shall make a report for each county; application for damages shall be made, and appeals from the finding of the commissioners, in joint session, locating and establishing such ditch, and from the assessment of damages or compensation, shall be taken to the superior court of the county in which the greatest length of such ditch or improvement is located; a majority of the commissioners of each county, when in joint session, shall be competent to locate and establish such ditch or improvement, but no commissioner shall serve in any case in which he is personally interested; and any two commissioners may form a quorum for the transaction of business under this act for their respective counties.

Ditch along a  
public highway.

SEC. 42. The commissioners, if they find the route proposed is not such as best to effect the object sought, or that the proposed drainage can be effected as well in connection with a ditch necessary for the improvement of public highways already established, or such as may be thereafter required, shall proceed to establish the route; if the route proposed is upon a line or subdivision of sections where a public road may be required, and in all cases in which the route proposed is along highways already established, the commissioners shall locate the improvement at a sufficient distance from the center of such highways to admit of a good road along such central line; the earth taken from the ditch shall be so placed upon the roadway as to form a turnpike, and no part of such earth shall be placed nearer to the ditch than two feet, and the commissioners, in locating ditches, shall in all cases, so far as practicable, avoid running the same diagonally across sections or parts of sections.

SEC. 43. The court in which any proceeding is brought to recover any tax or assessment paid, or declare void the proceedings to locate or establish any ditch, or to enjoin any tax or assessment levied or ordered to be levied to pay for the labor and expense as aforesaid, shall, if there

is manifest error in the proceedings, allow the plaintiff in Error. the action to show that he has been injured thereby, and may on application of either party, appoint such person or persons to examine the premises, or to survey the same, or both, as may be deemed necessary; the court in which any such proceedings are begun shall allow parol proof that said improvement is necessary and will be conducive to the public health, convenience and welfare, and that any steps required by law for any improvement have been substantially complied with, notwithstanding the record required to be kept by any board or officer, and without finding error, the court may correct any gross injustice in Court may correct apportionment. the apportionment made by the commissioners; the court shall, on final hearing, make such order in the premises as shall be just and equitable, and may order that such tax and assessment remain on the duplicate assessment roll for collection, or order the same to be levied, or may perpetually enjoin the same or any part thereof; or, if the same has been paid under protest, may order the whole, or such part thereof as is just and equitable, to be refunded, and the cost of such proceeding shall be apportioned among the parties or paid out of the county treasury, as justice requires.

SEC. 44. The county commissioners may hear and determine, at the same time and under the same petition, the necessity of locating any new ditch, or a ditch partly old and partly new, or of deepening, widening, straightening or altering any old ditch, as the necessity of the case requires, and shall cause such entry to be made on their journal as in their judgment is required. All estimates, either by the surveyor or engineer, or by the commissioners, shall be made in the manner provided in this act. No assessment shall be made to any lands upon any principle other than that of benefits derived, and in proportion thereto, in deepening, widening, straightening or altering any ditch; and no land lying below shall be assessed for the benefit of lands lying above, but all assessments shall be made in proportion to the benefits derived. Power of commissioners.

SEC. 45. The commissioners shall require each surveyor or engineer appointed by them under the provisions of Surveyor's bond.

this act, to enter into a good and sufficient bond, with surety to be approved by them, conditioned for the faithful performance of his duties, in a sum to be fixed by the commissioners; and an action may be brought on such bond by any person aggrieved by a failure of the surveyor or engineer to do his duty, in the name of such party, and recovery may be had for his use and benefit.

Enlarging  
culverts.

SEC. 46. The commissioners of any county may, when the same is necessary to the public health, convenience or welfare, cause to be constructed, deepened or enlarged any bridge or culvert made necessary by the crossing of any ditch, drain, water course or stream of water, by any railroad, turnpike, plank road, or other road of any corporation, shall have three months from the time this act takes effect in which to construct, deepen or enlarge such bridges and culverts. A failure to construct, deepen or enlarge any such bridge or culvert within the specified time shall be taken as a refusal to do the same, and thereupon the commissioners shall at once proceed to let the work of constructing, deepening or enlarging the same to some suitable person for such reasonable price as they may be able to agree upon, and assess the corporation with the price paid therefor and all costs of letting the same; and such assessment shall be a lien upon the property of the corporation, and be collected as other taxes; but before the commissioners shall let such work they shall give to the corporation, its agent or attorney, at least twenty days' actual notice of the necessity of the work.

Owner of land  
must keep ditch  
open.

SEC. 47. Every person or corporation through whose lands any ditch improvement is constructed shall be required to keep the same open, free and clear of all obstructions upon his or its premises, and in case of a failure so to do, shall be liable to pay all reasonable and necessary expenses of removing such obstructions; a person or corporation aggrieved by any such obstruction may make a sworn statement of the facts to the board of county commissioners, who shall at once appoint a competent person to examine the premises and inquire into the truth of the statement, who shall proceed without delay to do the same, and if said board find the statement to be true, they

or it shall immediately notify the owner of the land on which such obstruction exists to remove the same within a reasonable time — not exceeding twenty days; and if the owner so notified fail to remove the obstruction, the person appointed by the said board to make the examination shall at once cause the same to be removed at the expense of such owner, and certify such expense to the said board, who shall place the same, together with all fees and other expenses in the case, on the duplicate as an assessment upon the lands of such person or corporation, and the same shall be a lien upon such lands, and shall be collected as other taxes: *Provided*, That nothing in this section shall be so construed as to compel corporations, companies or individuals to keep in repair any drains or ditches passing through high or table lands not requiring drainage; or if any part of a ditch or drain subject to the provisions of this act shall be obstructed by drift wood, the cost of removal of which would exceed the sum of twenty dollars, it shall be the duty of the ditch commissioner to cause such portions of ditch or drain to be kept open and in repair, and he shall apportion the cost to lands benefited in the manner provided in this act for cost of construction.

SEC. 48. The commissioners may, on the proper petition and bond being filed, and the same notice being given as required in cases of the location of a ditch, declare any ditch, whether located by the county commissioners or others, vacated and abandoned, and its location and establishment to be held for naught if, in their judgment, the same has ceased to be of public utility, and the public health, convenience or welfare no longer demand the maintenance thereof; but private rights of persons acquired by reason of the location and establishment of such ditch shall not be interfered with nor in any way impaired thereby.

Vacating  
ditches

SEC. 49. When a ditch has been established and constructed for the public health, convenience or welfare, either by private agreement between two or more individuals whose real property has been affected thereby, or by a board of county commissioners, and such ditch has been

Public water  
courses.

used for the purpose of drainage of private lands or public highways for seven years or more, without obstruction or interruption, the same shall and is hereby declared to be a public water course, notwithstanding errors, defects or irregularities in the location, establishment or construction of the same, and the public shall have and possess, in and to such public water course, the same rights and privileges which pertain and relate to natural water courses.

Expense of locating and constructing.

SEC. 50. The county commissioners may appropriate a sum sufficient from the general fund of the county to pay for the location and construction of such portions of the respective ditches located by them, or by the commissioners of two or more counties, as may be apportioned to the county, or upon land owned by the county.

Public lands.

SEC. 51. All state, county, school district and other lands requiring drainage shall be subject to the provisions of this act, and the proper authority having charge of said lands may instigate proceedings for drainage as in the case of private persons: *Provided*, That such public authorities shall not be required to give any bond in such proceedings.

County record of ditches.

SEC. 52. The clerk shall make, in a suitable book to be provided for that purpose, at the expense of the county, a complete record of each ditch improvement made in his county under the provisions of this act, which shall include the petition, bond, reports of the surveyor or engineer, and all journal entries made, together with all plats and other papers necessary to show a complete history of all that is done in each case up to and including the final order made by the board.

Ditch accounts.

SEC. 53. The commissioners of any county wherein a ditch improvement is ordered, whether the same is the construction of a new ditch or the deepening, widening, straightening or alteration of any old ditch, shall provide a suitable book in which to keep the ditch accounts of the county. The clerk shall open therein an account with each improvement in the name by which the same is known, and charge all assessments and credit all payments made in the case; the money collected on each improvement shall constitute a special fund; and the provisions of

this section shall apply in cases of ditches located by the commissioners of more than one county in joint session.

SEC. 54. Fees for service of officers under this act shall <sup>Fees.</sup> be the same as for like services in civil cases, or as is or may be provided by law.

SEC. 55. Owners of land may drain the same in the <sup>Private drains.</sup> general course of drainage by constructing open or covered drains, discharging the same into any natural water course or into any natural depression whereby the water will be carried into some natural water course, or into some drain in the public highway, with the consent of the commissioners thereto; and when such drainage is wholly upon the owner's land, he shall not be liable in damages therefor to any person or persons or corporation.

SEC. 56. In performing their duties under this act the county commissioners shall be entitled to a per diem <sup>Per diem of commissioners.</sup> allowance equal to that allowed by law for other services.

SEC. 57. Any natural water course may be improved by order of the board of county commissioners of any county, in accordance with the provisions of this act, subject to vested rights of land, lot, mill or mine owners along such water course. <sup>Natural water courses.</sup>

SEC. 58. The board of county commissioners may appoint one or more ditch commissioners, whose duties shall be to see that all ditches and drains are kept in good order and free from obstruction.

SEC. 59. Whenever complaint shall be made to such ditch commissioner that any owner of land across which a ditch is constructed fails to keep the same clear of obstructions, as provided in section forty-seven, it shall be the duty of such commissioner to examine into said complaint, and if the complaint is found to be true, to cause the ditch to be cleared out, as provided in this act. But if such complaint be found by said ditch commissioner to be frivolous, the costs and expenses of such examination shall be paid by the complainant; and the said ditch commissioner may sue for the same in his own name in any court having competent jurisdiction, and when paid or recovered, the same shall be paid into the county treasury. <sup>Ditch commissioners.</sup>

SEC. 60. Said ditch commissioner shall perform such

Compensation of. duties and receive such compensation as shall be determined by the board of county commissioners.

Prosecuting attorney prepare blanks. SEC. 61. It shall be the duty of the prosecuting attorney in each county to prepare suitable blanks for the use of the board of county commissioners under this act.

Fees; how paid. SEC. 62. All fees under this act shall be paid out of the county treasury as soon as the bill of items thereof is examined and allowed by the commissioners, and for all amounts so paid, except to the commissioners and clerk, the commissioners shall order the general county fund to be reimbursed for the money raised for the respective improvements.

Ditch improvement fund. SEC. 63. There shall be and is hereby constituted a county general ditch improvement fund, to consist of taxes on county levies and all balances remaining unexpended of special ditch improvement funds arising from excess of assessments made on ditch improvements after the expenses thereof have been fully paid.

Liability for diverting water. SEC. 64. Whoever wilfully obstructs any ditch or wilfully diverts the water from its proper channel shall forfeit and pay to the county in which such ditch is situate the sum of twenty-five dollars, to be recovered before any justice of the peace or other court having jurisdiction of the matter, in the name of the state, for the use of the county, and shall be liable for all damages that accrue to any person or corporation by such act.

SEC. 65. The provisions of this act shall apply to ditch improvements petitioned for, located or in process of construction at the time the same takes effect.

SEC. 66. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 67. It is declared that an emergency now exists for the immediate taking effect of this act, and the same is declared to be in force from and after its passage.

Approved March 19, 1890.

## IRRIGATING DISTRICTS; ORGANIZATION AND GOVERNMENT OF.

AN ACT providing for the organization and government of irrigating districts, and the sale of bonds arising therefrom, and declaring an emergency.

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

SECTION 1. Whenever fifty or a majority of freeholders owning lands susceptible of one mode of irrigation from a common source, and by the same system of works, desire to provide for the irrigation of the same, they may propose the organization of an irrigation district under the provisions of this act, and when so organized, such district shall have the power conferred, or that may hereafter be conferred, by law upon such irrigation districts. Organizing district.

SEC. 2. A petition shall first be presented to the board of county commissioners of the county in which the lands, or the greatest portion thereof, is situated, signed by the required number of freeholders of such proposed district, which petition shall set forth and particularly describe the proposed boundaries of such district, and shall pray that the same may be organized under the provisions of this act. The petitioners must accompany the petition with a good and sufficient bond, to be approved by the said board of county commissioners, in double the amount of the probable cost of organizing such district, conditioned that the bondsmen will pay all said cost[s] in case such organization shall not be effected. Such petition shall be presented at a regular meeting of the said board, and shall be published for at least two weeks before the time at which the same is to be presented, in some newspaper printed and published in the county where said petition is presented, together with a notice stating the time of the meeting at which the same will be presented. When such petition is presented, the said board of county commissioners shall hear the same, and may adjourn such hearing from time to time, not exceeding four weeks in all; and on the final hearing, may make such changes in the proposed Petition to county board.

Publication of petition.

boundaries as they may find to be proper, and shall establish and define such boundaries: *Provided*, That said board shall not modify said boundaries so as to except from the operation of this act any territory within the boundaries of the district proposed by said petitioners, which is susceptible of irrigation by the same system of works applicable to the other lands in such proposed district, nor shall any lands which will not, in the judgment of the said board, be benefited by irrigation by said system, or which have a sufficient water supply for irrigation from any source, be included within such district: *Provided*, That any person whose lands are susceptible of irrigation from the same source shall, upon application of the owner to said board, be entitled to have such lands included in said district. Said board shall also make an order dividing said district into five divisions, as nearly equal in size as may be practicable, which shall be numbered first, second, third, fourth and fifth, and one director shall be elected from each division. Said board of county commissioners shall then give notice of an election to be held in such proposed district, for the purpose of determining whether or not the same shall be organized under the provisions of this act. Such notice shall describe boundaries so established, and shall designate a name for such proposed district, and said notice shall be published, for at least three weeks prior to such election, in a newspaper published within said county; and if any portion of such proposed district lie within another county or counties, then said notice shall be published in a newspaper published within each of said counties. Such notice shall require the electors to cast ballots which shall contain the words "Irrigation district—yes," or "Irrigation district—no," or words equivalent thereto; and also the names of persons to be voted for to fill the various elective offices hereinafter prescribed. No person shall be entitled to vote at any election held under the provisions of this act unless he shall possess all the qualifications required of electors under the general election laws of this state.

Subdivision of district.

Election.

Form of ballots.

Conduct of election.

SEC. 3. Such election shall be conducted in accordance with the general election laws of the state: *Provided*,

That no particular form of ballot shall be required. The said board of county commissioners shall meet on the second Monday next succeeding such election, and proceed to canvass the votes cast thereat; and if upon such canvass it appear that at least two-thirds of all the votes cast are "Irrigation district — yes," the said board shall, by an order entered on their minutes, declare such territory duly organized as an irrigation district, under the name and style theretofore designated, and shall declare the persons receiving, respectively, the highest number of votes for such several offices, to be duly elected to such offices. Said board shall cause a copy of such order, duly certified, to be immediately filed for record in the office of the county clerk of each county in which any portion of such lands are situated, and must also immediately forward a copy thereof to the clerk of the board of county commissioners of each of the counties in which any portion of the district may lie; and no board of county commissioners of any county including any portion of such district shall, after the date of the organization of such district, allow another district to be formed including any of the lands in such district without the consent of the board of directors thereof; and from and after the date of such filing, the organization of such district shall be complete, and the officers thereof shall be entitled to enter immediately upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold their offices, respectively, until their successors are elected and qualified. For the purposes of the election above provided for, the said board of county commissioners must establish a convenient number of election precincts in said proposed district, and define the boundaries thereof, which said precincts may thereafter be changed by the board of directors of such district.

Permanent boundaries.

Election precincts.

SEC. 4. An election shall be held in such district on the first Tuesday in April, eighteen hundred and ninety-one, and on the first Tuesday in April in each second year thereafter, at which an assessor, a collector, and a treasurer, and a board of five directors for the district shall be elected. The person receiving the highest number of votes for any

Time of election.

Assessor's  
bond.

office to be filled at such election, is elected thereto. Within ten days after receiving their certificates of election, hereinafter provided for, said officers shall take and subscribe the official oath and file the same in the office of the board of directors. The assessor shall execute an official bond in the sum of ten thousand dollars, and the collector an official bond in the sum of twenty thousand dollars, and the district treasurer an official bond in the sum of fifty thousand dollars; each of said bonds to be approved by the board of directors; and each member of said board of directors shall execute an official bond in the sum of twenty-five thousand dollars, which said bonds shall be approved by the judge of the superior court of said county where such organization was effected, and shall be recorded in the office of the county clerk thereof, and filed with the secretary of said board. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers.

Notice of elec-  
tion.

SEC. 5. Fifteen days before any election held under this act, subsequent to the organization of any district, the secretary of the board of directors shall cause notices to be posted in three public places in each election precinct, of the time and place of holding the election, and shall also post a general notice of the same in the office of said board, which shall be established and kept at some fixed place to be determined by said board, specifying the polling places of each precinct. Prior to the time for posting the notices, the board must appoint for each precinct, from the electors thereof, one inspector and two judges, who shall constitute a board of election for such precinct. If the board fail to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of election, the electors of the precinct present at that hour may appoint the board, or supply the place of an absent member thereof. The board of directors must, in its order appointing the board of election, designate the house or place within the precinct where the election must be held.

Conduct of  
election.

SEC. 6. The inspector is chairman of the election board, and may — *First*, administer all oaths required in the pro-

gress of an election; *second*, appoint judges and clerks, if during the progress of the election any judge or clerk cease to act. Any member of the board of election, or any clerk thereof, may administer and certify oaths required to be administered during the progress of an election. The board of election for each precinct must, before opening the polls, appoint two persons to act as clerks of the election. Before opening the polls, each member of the board and each clerk must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any elector of the precinct may administer and certify such oath. The polls must be opened at nine o'clock A. M. on the morning of the election, and be kept open until four P. M., when the same must be closed. The provisions of the general election law of this state concerning the form of ballots to be used shall not apply to elections held under this act.

SEC. 7. Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain opened. As soon as the polls are closed, the judges shall open the ballot-box and commence counting the votes; and in no case shall the ballot-box be removed from the room in which the election is held until all the ballots have been counted. The counting of ballots shall in all cases be public. The ballots shall be taken out, one by one, by the inspector or one of the judges, who shall open them and read aloud the names of each person contained therein and the office for which every such person is voted for. Each clerk shall write down each office to be filled, and the name of each person voted for for such office, and shall keep the number of votes by tallies, as they are read aloud by the inspector or judge. The counting of votes shall be continued without adjournment until all have been counted.

Canvassing  
votes.

SEC. 8. As soon as all the votes are read off and counted, a certificate shall be drawn upon each of the papers containing the poll list and tallies, or attached thereto, stating the number of votes each one voted for has received, and designating the office to fill which he was voted for, which number shall be written in figures and in words at full length. Each certificate shall be signed by the

clerk[s], judge[s], and the inspector. One of said certificates, with the poll list and the tally paper to which it is attached, shall be retained by the inspector, and preserved by him at least six months. The ballots shall be strung upon a cord or thread by the inspector during the counting thereof, in the order in which they are entered upon the tally lists by the clerk; and said ballots, together with the other of said certificates, with the poll list and tally paper to which it is attached, shall be sealed by the inspector, in the presence of the judges and clerks, and endorsed "Election returns of [naming the precinct] precinct," and be directed to the secretary of the board of directors, and shall be immediately delivered by the inspector, or by some other safe and responsible carrier designated by said inspector, to said secretary, and the ballots shall be kept unopened for at least six months, and if any person be of the opinion that the vote of any precinct has not been correctly counted, he may appear on the day appointed for the board of directors to open and canvass the returns, and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted.

Certificates and returns.

SEC. 9. No list, tally paper or certificate returned from any election shall be set aside or rejected for want of form, if it can be satisfactorily understood. The board of directors must meet at its usual place of meeting on the first Monday after each election, to canvass the returns. If, at the time of meeting, the returns from each precinct in the district in which the polls were opened have been received, the board of directors must then and there proceed to canvass the returns, but if all the returns have not been received, the canvass must be postponed from day to day until all the returns have been received, or until six postponements have been had. The canvass must be made in public; and by opening the returns and estimating the vote of the district for each person voted for, and declaring the result thereof.

Record of election.

SEC. 10. The secretary of the board of directors must, as soon as the result is declared, enter in the records of such board a statement of such result, which statement

must show—*First*, the whole number of votes cast in the district; *second*, the names of the persons voted for; *third*, the office to fill which each person was voted for; *fourth*, the number of votes given in each precinct to each [of] such persons; *fifth*, the number of votes given in each division for the office of director, and the number of votes given in the district for the offices of assessor, collector and treasurer. The board of directors must declare elected the persons having the highest number of votes given for each office. The secretary must immediately make out and deliver to such person a certificate of election, signed by him and authenticated with the seal of the board. In case of the vacancy in the office of assessor, collector or treasurer, the vacancy shall be filled by appointment by the board of directors. In case of a vacancy in the office of director, the vacancy shall be filled by appointment by the board of county commissioners of the county where the office of such board of directors is situated, from the division in which the vacancy occurred. An officer appointed as above provided shall hold his office until the next regular election for said district, and until his successor is elected and qualified.

SEC. 11. On the first Wednesday in May next following their election, the board of directors shall meet and organize as a board, elect a president from their number, and appoint a secretary. The board shall have the power, and it shall be their duty to manage and conduct the business and affairs of the district, make and execute all necessary contracts, employ and appoint such agents, officers and employes as may be required, and prescribe their duties, establish equitable by-laws, rules [and] regulations for the distribution and use of water among the owners of said lands, and generally to perform all such acts as shall be necessary to fully carry out the purposes of this act. The said by-laws, rules and regulations must be printed in convenient form for distribution in the district. And it is hereby expressly provided that all water distributed for irrigation purposes shall be apportioned ratably to each land owner upon the basis of the ratio which the last assessment of such owner for district purposes within said

district bears to the whole sum assessed upon the district: *Provided*, That any land owner may assign the right to the whole or any portion of the waters so apportioned to him.

Meetings.

SEC. 12. The board of directors shall hold a regular monthly meeting, in their office, on the first Tuesday in every month, and such special meetings as may be required for the proper transaction of business: *Provided*, That all special meetings must be ordered by a majority of the board; the order must be entered of record, and five day's notice thereof must, by the secretary, be given to each member not joining in the order. The order must specify the business to be transacted, and none other than that specified must be transacted at such special meeting. All

Quorum.

meetings of the board must be public, and three members shall constitute a quorum for the transaction of business, but on all questions requiring a vote, there shall be a concurrence of at least three members of said board. All

Public records.

records of the board shall be open to the inspection of any elector during business hours. The board and its agents and employes, shall have the right to enter upon any land in the district to make surveys, and may locate the line for any canal or canals, and the necessary branches for the same, on any of said lands which may be deemed best for such location. Said board shall also have the

Acquiring real estate.

right to acquire, either by purchase or condemnation, all lands and waters and other property necessary for the construction, use, supply, maintenance, repair and improvement of said canal or canals and works, including canals and works constructed and being constructed by private owners, lands for reservoirs for the storage of needful waters, and all necessary appurtenances. In case of purchase, the bonds

Bonds of district.

of the district, hereinafter provided for, may be used at their par value in payment; and in case of condemnation, the board shall proceed, in the name of the district, and in accordance with the laws of the state in such cases made and provided. Said board may also construct the necessary dams, reservoirs and works for the collection of water for said district, and do any and every lawful act necessary to be done, that sufficient water may be furnished to each

land owner in said district for irrigation purposes. The use of all water required for the irrigation of the lands of any district formed under the provisions of this act, together with the rights-of-way for canals and ditches, sites for reservoirs, and all other property required in fully carrying out the provisions of this act, is hereby declared to be a public use, subject to the regulation and control of the state in the manner prescribed by law.

SEC. 13. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in such irrigation district, and shall be held by such district in trust for, and is hereby dedicated and set apart to the uses and purposes set forth in this act; and said board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property as herein provided. Title to property.

SEC. 14. The said board is hereby authorized and empowered to take conveyances or other assurances for all property acquired by it under the provisions of this act, in the name of such irrigation district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the provisions of this act, or to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this act, or acquired in pursuance thereof; and in all courts, actions, suits or proceedings, the said board may sue, appear and defend, in person or by attorneys, and in the name of such irrigation district. Powers of board.

SEC. 15. For the purpose of constructing necessary irrigating canals and works, and acquiring the necessary property and rights therefor, and otherwise carrying out the provisions of this act, the board of directors of any such district must, as soon after such district has been organized as may be practicable, estimate and determine the amount of money necessary to be raised, and shall immediately thereupon call a special election, at which shall be submitted to the electors of such district possessing the qualifications prescribed by this act, the question whether or not the bonds of said district shall be issued in the Special election.

amount so determined. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks. Such notice must specify the time of holding the election, the amount of bonds proposed to be issued; and said election must be held and the result thereof determined and declared, in all respects as nearly as practicable, in conformity with the provisions of this act governing the election of officers: *Provided*, That no informalities in conducting such an election shall invalidate the same, if the election shall have been otherwise fairly conducted.

Validity of.

Form of ballots.

At such election the ballots shall contain the words "Bonds — yes," or "Bonds — no," or words equivalent thereto. If a majority of the votes cast are "Bonds — yes," the board of directors shall immediately cause bonds in said amount to be issued; said bonds shall be payable in gold coin of

Terms of bonds.

the United States, in installments as follows, to-wit: At the expiration of fifteen years, not less than six per cent. of said bonds; at the expiration of each succeeding year thereafter, including the twenty-ninth year, not less than six per cent.; and for the thirtieth year, a percentage sufficient to pay off said bonds, and shall bear interest at the rate of six per cent. per annum, payable semi-annually, on the first day of January and July of each year. The principal and interest shall be payable at the office of the treasurer of the district. Said bonds shall be, each, of the denomination of not less than one hundred dollars, nor more than five hundred dollars; shall be negotiable in form, signed by the president and secretary, and the seal of the board of directors shall be affixed thereto. They shall be numbered consecutively as issued, and bear date at the time of their issue. Coupons for the interest shall be attached to each bond, signed by the secretary. Said bonds shall express on their face that they were issued by authority of this act, stating its title and date of approval.

Bond record

The secretary shall keep a record of the bonds sold, their

number, the date of sale, the price received, and the name of the purchaser.

SEC. 16. The board may sell said bonds from time to time, in such quantities as may be necessary and most advantageous, to raise money for the construction of said canals and works, the acquisition of said property and rights, and otherwise to fully carry out the objects and purposes of this act. Before making any sale the board shall, at a meeting, by resolution declare its intention to sell a specified amount of the bonds, and the day and hour and place of such sale, and shall cause such resolution to be entered in the minutes, and notice of the sale to be given, by publication thereof at least twenty days, in such daily newspaper as they shall deem most advantageous. The notice shall state that sealed proposals will be received by the board, at their office, for the purchase of the bonds, till the day and hour named in the resolution. At the time appointed, the board shall open the proposals and award the purchase of the bonds to the highest responsible bidder, and may reject all bids; but said board shall in no event sell any of the bonds for less than ninety per cent. of the face value thereof.

SEC. 17. Said bonds, and interest thereon, shall be paid by revenue derived from an annual assessment upon the real property of the district, and all the real property in the district shall be and remain liable to be assessed for such payments as hereinafter provided.

SEC. 18. The assessor must, between the first Monday in March and the first Monday in June in each year, assess all real property in the district to the persons who own, claim, have the possession or control thereof, at its full cash value. He must prepare an assessment book, with appropriate headings, in which must be listed all such property within the district, in which must be specified, in separate columns, under the appropriate head — *First*, the name of the person to whom the property is assessed. If the name is not known to the assessor, the property shall be assessed to "unknown owners." *Second*, land by township, range, section or fractional section, and when such land is not a congressional division or subdivision, by metes and

bounds, or other description sufficient to identify it, giving an estimate of the number of acres, locality, and the improvements thereon. *Third*, city and town lots, naming the city or town, and the number and block according to the system of numbering in such city or town, and the improvements thereon. *Fourth*, the cash value of real estate, other than city or town lots. *Fifth*, the cash value of improvements on such real estate. *Sixth*, the cash value of city and town lots. *Seventh*, the cash value of improvements on city and town lots. *Eighth*, the cash value of improvements on real estate assessed to persons other than the owners of the real estate. *Ninth*, the total value of all property assessed. *Tenth*, the total value of all property after equalization by the board of directors. *Eleventh*, such other things as the board of directors may require.

Deputy assessors.

SEC. 19. The board of directors must allow the assessor as many deputies, to be appointed by him, as will, in the judgment of the board, enable him to complete the assessment within the time herein prescribed. The board must fix the compensation of such deputies, for the time actually engaged, nor must any allowance be made but for work done between the first Monday in March and the first Monday in August in each year.

Assessment record.

SEC. 20. On or before the first Monday in August in each year the assessor must complete his assessment book and deliver it to the secretary of the board, who must immediately give notice thereof, and of the time the board of directors, acting as a board of equalization, will meet to equalize assessments, by publication in a newspaper published in each of the counties comprising the district. The time fixed for the meeting shall not be less than twenty, nor more than thirty days from the first publication of the notice; and in the meantime the assessment book must remain in the office of the secretary for the inspection of all persons interested.

Equalization of assessment.

SEC. 21. Upon the day specified in the notice required by the preceding section for the meeting, the board of directors, which is hereby constituted a board of equalization for that purpose, shall meet and continue in session from

day to day as long as may be necessary, not to exceed ten days, exclusive of Sundays, to hear and determine such objections to the valuation and assessment as may come before them; and the board may change the valuation, as may be just. The secretary of the board shall be present during its session, and note all changes made in the valuation of property, and in the names of the persons whose property is assessed; and within ten days after the close of the session he shall have the total values, as finally equalized by the board, extended into columns and added.

SEC. 22. The board of directors shall then levy an assessment sufficient to raise the annual interest on the outstanding bonds; and at the expiration of fifteen years after the issuing of bonds by the board, must increase said assessment for the ensuing fifteen years in the following percentage of the principal of the whole amount of bonds then outstanding, to-wit: For the fifteenth year, six per cent.; for each succeeding year thereafter, including the twenty-ninth year, six per cent., and for the thirtieth year, a percentage sufficient to pay off said bonds. The secretary of the board must compute and enter in a separate column of the assessment book the respective sums, in dollars and cents, to be paid as an assessment on the property therein enumerated. When collected the assessment shall be paid into the district treasury, and shall constitute a special fund, to be called the "Bond fund of \_\_\_\_\_ irrigation district." In case of neglect or refusal of the board of directors to cause such assessment and levy to be made, as in this act provided, then the assessment of property made by the county assessor and the county board of equalization shall be adopted, and shall be the basis of assessments for the district, and the board of county commissioners of the county in which the office of the board of directors is situated shall cause an assessment roll for said district to be prepared, and shall make the levy required by this act in the same manner and with like effect as if the same had been made by said board of directors, and all expenses incident thereto shall be borne by such district. In case of the neglect or refusal of the collector or treasurer of the district to perform the duties

imposed by law, then the tax collector and treasurer of the county in which the office of the board of directors is situated must respectively perform such duties, and shall be accountable therefor on their official bonds as in other cases.

Assessment  
lien.

SEC. 23. The assessment upon real property is a lien against the property assessed from and after the first Monday in March for any year, and such lien is not removed until the assessments are paid or the property sold for the payment thereof.

Collection.

SEC. 24. On or before the first day of November, the secretary must deliver the assessment book to the collector of the district, who shall, within twenty days, publish a notice in a newspaper published in each of the counties comprising the district, if there be land situated in more than one county in such district, that said assessments are due and payable and will become delinquent at six o'clock P. M. on the thirty-first day of December next thereafter, and that unless paid prior thereto, five per cent. will be added to the amount thereof, and also the time and place at which payment of assessments may be made. The notice shall also specify a time and place within each election precinct of the district, when and where the collector will attend to receive payment of assessments, and shall be published for fifteen days, and a printed copy of said notice shall be posted for the same time in some public place in each precinct. The collector must attend at the time and place specified in the notice, to receive assessments, which must be paid in gold and silver coin; he must mark the date of payment of any assessment in the assessment book opposite the name of the person paying, and give a receipt to such person, specifying the amount of the assessment and the amount paid, with a description of the property assessed. On the thirty-first day of December of each year all unpaid assessments are delinquent, and thereafter the collector must collect thereon, for the use of the district, an addition of five per cent.

Keeping  
records.

Delinquent as-  
sessments.

SEC. 25. On or before the first day of February, the collector must publish the delinquent list, which must contain the names of the persons and a description of the

property delinquent, and the amount of the assessments and costs due opposite each name and description. He must append to and publish with the delinquent list a notice that unless the assessments delinquent, together with costs and percentage, are paid, the real property upon which such assessments are a lien will be sold at public auction. The publication must be made once a week for three successive weeks, in a newspaper published in each of the counties comprised in the district. The publication must designate the time and place of sale. The time of sale must not be less than twenty-one nor more than twenty-eight days from the first publication, and the place must be at some point designated by the collector.

SEC. 26. The collector must collect, in addition to the assessments due on the delinquent list and five per cent. added, fifty cents on each lot, piece or tract of land separately assessed, one-half of which must go to the district and the other to the collector for preparing the list. On the day fixed for the sale, or some subsequent day to which he may have postponed it, of which he must give notice, the collector, between the hours of ten o'clock A. M. and three o'clock P. M., must commence the sale of the property advertised, commencing at the head of the list and continuing alphabetically, or in numerical order of the lots or blocks, until completed. He may postpone the day of commencing sales, or the sale, from day to day, but the sale must be completed within three weeks from the day first fixed.

SEC. 27. The owner or person in possession of any real estate offered for sale for assessments due thereon may designate in writing to the collector, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or possessor does not, then the collector may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the assessments and costs due, including two dollars to the collector for the duplicate certificate of sale, is the purchaser. If the purchaser does not pay the assessments and costs before ten o'clock A. M. the follow-

ing day, the property on the next sale day must be re-sold for the assessments and costs. But in case there is no purchaser in good faith for the same on the first day that the property is offered for sale, then, when the property is offered thereafter for sale, and there is no purchaser in good faith for the same, the whole amount of the property assessed shall be struck off to the irrigation district within which such lands are situated as the purchaser, and the duplicate certificate delivered to the treasurer of the district, and filed by him in his office. No charge shall be made for the duplicate certificate where the district is the purchaser, and in such case the collector shall make an entry, "Sold to the district," and he shall be credited with the amount thereof in his settlement. An irrigation district, as a purchaser at such sale, shall be entitled to the same rights as a private purchaser, and the title so acquired by the district, subject to right of redemption herein provided, may be conveyed by deed, executed and acknowledged by the president and secretary of said board: *Provided*, That authority to so convey must be conferred by resolution of the board, entered on its minutes, fixing the price at which such sale may be made, and such conveyance shall not be made for a less sum than the reasonable market value of such property. After receiving the amount of assessments and costs, the collector must make out in duplicate a certificate, dated on the day of sale, stating (when known) the names of the persons assessed, a description of the land sold, the amount paid therefor, that it was sold for assessments, giving the amount and year of the assessment, and specifying the time when the purchaser will be entitled to a deed. The certificate must be signed by the collector, and one copy delivered to the purchaser, and the other filed in the office of the county clerk of the county in which the land is situated.

Property bid in  
by district.

Certificate of  
purchase.

Record of sales.

SEC. 28. The collector, before delivering any certificate, must, in a book, enter a description of the land sold, corresponding with the description in the certificate, the date of the sale, purchaser's name and amount paid, regularly number the description on the margin of the book, and put

a corresponding number on each certificate; such book must be open to public inspection, without fee, during office hours, when not in actual use. On filing the certificate with such county clerk, the lien of the assessments vests in the purchaser, and is only divested by the payment to him, or to the collector for his use, of the purchase money, and two per cent. per month from the day of sale until redemption.

SEC. 29. A redemption of the property sold may be made by the owner, or any party in interest, within twelve months from the date of purchase. Redemption must be made in gold or silver coin, as provided for the collection of state and county taxes, and when made to the collector he must credit the amount paid to the person named in the certificate, and pay it, on demand, to the person or his assignees. In each report the collector makes to the board of directors, he must name the person entitled to redemption money, and the amount due to each. On receiving the certificate of sale, the county clerk must file it and make an entry in a book similar to that required of the collector. On the presentation of the receipt of the person named in the certificate, or of the collector, for his use, of the total amount of the redemption money, the clerk must mark the word "redeemed," the date, and by whom redeemed, on the certificate and on the margin of the book where the entry of the certificate is made. If the property is not redeemed within twelve months from the sale, the collector, or his successor in office, must make to the purchaser, or his assignee, a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption. The collector shall receive from the purchaser, for the use of the district, two dollars for making such deed.

SEC. 30. The matter recited in the certificate of sale must be recited in the deed, and such deed duly acknowledged or proved is *prima facie* evidence that — *First*, the property was assessed as required by law; *second*, the property was equalized as required by law; *third*, that the assessments were levied in accordance with law; *fourth*,

the assessments were not paid; *fifth*, at a proper time and place the property was sold as prescribed by law, and by the proper officers; *sixth*, the property was not redeemed; *seventh*, the person who executed the deed was the proper officer. Such deed, duly acknowledged or proved, is (except as against actual fraud) conclusive evidence of the regularity of all the proceedings from the assessment by the assessor, inclusive, up to the execution of the deed. The deed conveys to the grantee the absolute title to the lands described therein free from all incumbrances, except when the land is owned by the United States or this state, in which case it is *prima facie* evidence of the right of possession.

Prima facie evidence.

SEC. 31. The assessment book or delinquent list, or a copy thereof, certified by the collector, showing unpaid assessments against any person or property is *prima facie* evidence of the assessment, the property assessed, the delinquency, the amount of assessments due and unpaid, and that all the forms of law in relation to the assessment and levy of such assessments have been complied with.

SEC. 32. When land is sold for assessments correctly imposed, as the property of a particular person, no misnomer of the owner or supposed owner, or other mistake relating to the ownership thereof, affects the sale or renders it void or voidable.

Monthly settlements.

SEC. 33. On the first Monday in each month the collector must settle with the secretary of the board for all moneys collected for assessments, and pay the same over to the treasurer; and within six days thereafter he must deliver to and file in the office of the secretary a statement under oath, showing—*First*, an account of all his transactions and receipts since his last settlement; *second*, that all money collected by him as collector has been paid. The collector shall also file in the office of the secretary on said first Monday in each month, the receipt of the treasurer for the money so paid.

Redeeming bonds.

SEC. 34. Upon the presentation of the coupons due to the treasurer, he shall pay the same from said bond fund. Whenever, after ten years from the issuance of said bonds, said fund shall amount to the sum of ten thousand dollars,

the board of directors may direct the treasurer to pay such an amount of said bonds not due as the money in said fund will redeem, at the lowest value at which they may be offered for liquidation, after advertising for at least four weeks in some daily newspaper which said board may deem advisable, for sealed proposals for the redemption of said bonds. Said proposals shall be opened by the board in open meeting, at a time to be named in the notice, and the lowest bid for said bonds must be accepted: *Provided*, That no bonds shall be redeemed at a rate above par. In case the bids are equal, the lowest numbered bond shall have the preference. In case none of the holders of said bonds shall desire to have the same redeemed, as herein provided for, said money shall be invested by the treasurer, under the direction of the board, in United States gold-bearing bonds, or the bonds of the state, which shall be kept in said "bond fund," and may be used to redeem said district bonds whenever the holders thereof may desire.

Investment of money.

SEC. 35. After adopting the plan of said canal or canals, storage, reservoirs and works; the board of directors shall give notice, by publication thereof not less than twenty days in some newspaper published in each of the counties comprising the district: *Provided*, A newspaper is published therein, and in such other newspapers as they may deem advisable, calling for bids for the construction of said work, or of any portion thereof; if less than the whole work is advertised, then the portion so advertised must be particularly described in such notice; said notice shall set forth that the plans and specifications can be seen at the office of the board, and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening said proposals, which, at the time and place appointed, shall be opened in public, and, as soon as convenient thereafter, the board shall let said work, either in portions or as a whole, to the lowest responsible bidder, or they may reject any or all bids and re-advertise for proposals, or may proceed to construct the work under their own superintendence with the labor of the residents of the district. Contracts for the purchase of material

Notice of plan.

Contracts for material.

shall be awarded to the lowest responsible bidder. Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said district for its use, for double the amount of the contract price, conditioned for the faithful performance of said contract. The work shall be done under the direction and to the satisfaction of the engineer appointed by the board of directors, and be approved by the said board.

Payment of  
claims.

SEC. 36. No claim shall be paid by the treasurer until allowed by the board, and upon a warrant signed by the president and countersigned by the secretary: *Provided*, That the board may draw from time to time from the construction fund and deposit in the county treasury of the county where the office of the board is situated, any sum in excess of the sum of twenty-five thousand dollars. The county treasurer of said county is hereby authorized and required to receive and receipt for the same, and place the same to the credit of said district, and he shall be responsible upon his official bond for the safe keeping and disbursement of the same as in this act provided. He shall pay out the same, or any portion thereof, to the treasurer of the district only, and only upon the order of the board, signed by the president and attested by the secretary. The said county treasurer shall report in writing, on the second Monday in each month, the amount of money in the county treasury, the amount of receipts for the month preceding, and the amount or amounts paid out; said report shall be verified and filed with the secretary of the board. The district treasurer shall also report to the board in writing, on the first Monday in each month, the amount of money in the district treasury, the amount of receipts for the month preceding, and the amount and items of expenditures, and said report shall be verified and filed with the secretary of the board.

County treasurer's report.

Construction  
fund.

SEC. 37. The costs and expense of purchasing and acquiring property and constructing the works and improvements herein provided for, shall be wholly paid out of the construction fund. For the purpose of defraying the expenses of the organization of the district, and of the care,

operation, management, repair and improvement of such portions of said canal and works as are completed and in use, including salaries of officers and employes, the board may either fix rates of tolls and charges, and collect the same from all persons using said canal for irrigation and other purposes, or they may provide for the payment of said expenses by a levy of assessment therefor, or by both said tolls and assessment; if by the latter method, such levy shall be made on the completion and equalization of the assessment roll, and the board shall have the same powers and functions for the purposes of said levy as are now possessed by boards of county commissioners in this state. The procedure for the collection of assessments by such levy shall in all respects conform to the provisions of this act, relating to the payment of principal and interest of bonds herein provided for.

Powers of board.

SEC. 38. The board of directors shall have power to construct the said works across any stream of water, water course, street, avenue, highway, railway, canal, ditch or flume, which the route of said canal or canals may intersect or cross, in such manner as to afford security for life and property; but said board shall restore the same when so crossed or intersected, to its former state as near as may be, or in a sufficient manner not to have impaired unnecessarily its usefulness; and every company whose railroad shall be intersected or crossed by said works, shall unite with said board in forming said intersections and crossings, and grant the privileges aforesaid; and if such railroad company and said board, or the owners and controllers of the said property, thing or franchise so to be crossed, can not agree upon the amount to be paid therefor, or the points or the manner of said crossings or intersections, the same shall be ascertained and determined in all respects as is herein provided in respect to the taking of land. The right-of-way is hereby given, dedicated and set apart, to locate, construct and maintain said works over and through any of the lands which are now or may be the property of this state; and also there is given, dedicated and set apart, for the uses and purposes aforesaid, all waters and water rights belonging to this state within the district.

Crossing streams, roads, etc.

Right-of-way.

Compensation  
of board.

SEC. 39. The board of directors shall each receive four dollars per day, and mileage at the rate of ten cents per mile, in attending the meetings, and actual and necessary expenses paid while engaged in official business under the order of the board. The board shall fix the compensation to be paid to the other officers named in this act, to be paid out of the treasury of the district: *Provided*, That said board shall, upon the petition of at least fifty or a majority of the freeholders within such district therefor, submit to the electors at any general election a schedule of salaries and fees to be paid thereunder. Such petition must be presented to the board twenty days prior to a general election, and the result of such election shall be determined and declared in all respects as other elections are determined and declared under this act.

Election to fix  
fees.

Penalty for vio-  
lation.

SEC. 40. No director or any other officer named in this act shall, in any manner, be interested directly or indirectly in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both fine and imprisonment.

Special election  
for special as-  
sessment.

SEC. 41. The board of directors may, at any time, when in their judgment it may be advisable, call a special election and submit to the qualified electors of the district the question whether or not a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes provided in this act. Such election must be called upon the notice prescribed, and the same shall be held, and the result thereof determined and declared, in all respects in conformity with the provisions of section fifteen of this act. The notice must specify the amount of money proposed to be raised, and the purpose for which it is intended to be used. At such

Form of ballots.

elections the ballots shall contain the words "Assessment—yes," or "Assessment—no." If two-thirds or more of the votes cast are "Assessment—yes," the board shall, at

the time of the annual levy thereunder, levy an assessment sufficient to raise the amount voted. The rate of assessment shall be ascertained by deducting fifteen per cent. for anticipated delinquencies from the aggregate assessed value of the property in the district, as it appears on the assessment roll for the current year, and then dividing the sum voted by the remainder of such aggregate assessed value. The assessment so levied shall be computed and entered on the assessment roll by the secretary of the board, and collected at the same time and in the same manner as other assessments provided for herein; and when collected shall be paid into the district treasury for the purposes specified in the notice of such special election.

SEC. 42. The board of directors, or other officers of the district, shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act, and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void.

SEC. 43. In case the volume of water in any stream or river shall not be sufficient to supply the continual wants of the entire country through which it passes, and susceptible of irrigation therefrom, then it shall be the duty of the water commissioners to apportion, in a just and equitable proportion, a certain amount of said water upon certain or alternate weekly days to different localities, as they may, in their judgment, think best for the interest of all parties concerned, and with due regard to the legal and equitable rights of all.

SEC. 44. It shall be the duty of the board of directors to keep the water flowing through the ditches under their control to the full capacity of such ditches in times of high water.

SEC. 45. Navigation shall never in any wise be impaired by the operation of this act, nor shall any vested interest in or to any mining water rights or ditches, or in or to any water or water rights, or reservoirs or dams, now used by the owners or possessors thereof, in connection with any mining industry, or by persons purchasing or renting the use thereof, or in or to any other property now used

directly or indirectly in carrying on or promoting the mining industry, ever be affected by or taken under its provisions, save and except that rights-of-way may be acquired over the same.

Diverting  
water.

SEC. 46. None of the provisions of this act shall be construed as repealing or in any wise modifying the provisions of any other act relating to the subject of irrigation. Nothing herein contained shall be deemed to authorize any person or persons to divert the waters of any river, creek, stream, canal or ditch from its channel, to the detriment of any person or persons having any interest in such river, creek, stream, canal or ditch, or the waters therein, unless previous compensation be ascertained and paid therefor under the laws of this state authorizing the taking of private property for public uses.

DIVISION II.—TO PROVIDE FOR A CHANGE OF THE BOUNDARIES OF IRRIGATION DISTRICTS, BY INCLUDING OTHER LANDS THEREIN.

Limit of change.

SEC. 47. The boundaries of any irrigation district now or hereafter organized under the provisions of this act may be changed in the manner herein prescribed, but such change of the boundaries of the district shall not impair or affect its organization, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature; nor shall it affect, impair or discharge any contract, obligation, lien or charge for or upon which it was or might become liable or chargeable, had such change of its boundaries not been made.

Petition for  
change.

SEC. 48. The holder or holders of title, or evidence of title, representing one-half or more of any body of lands adjacent to the boundary of an irrigation district, which are contiguous and which, taken together, constitute one tract of land, may file with the board of directors of said district a petition in writing, praying that the boundaries of said district may be so changed as to include therein said lands. The petition shall describe the boundaries of said parcel or tract of land, and shall also describe the boundaries of the several parcels owned by the petitioners, if the petitioners be the owners respectively of distinct

parcels, but such descriptions need not be more particular than they are required to be when such lands are entered by the county assessor in the assessment book. Such petition must contain the assent of the petitioners to the inclusion within said district of the parcels or tracts of land described in the petition, and of which said petition alleges they are respectively the owners; and it must be acknowledged in the same manner that conveyances of land are required to be acknowledged.

SEC. 49. The secretary of the board of directors shall cause a notice of the filing of such petition to be given and published in the same manner and for the same time that notices of special elections for the issue of bonds are required by this act to be published. The notice shall state the filing of such petition and the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in or that may be affected by such change of the boundaries of the district, to appear at the office of said board at a time named in said notice, and show cause in writing, if any they have, why the change in the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice. The petitioners shall advance to the secretary sufficient money to pay the estimated costs of all proceedings under this act.

Notice of petition.

Petitioners must advance costs.

SEC. 50. The board of directors, at the time and place mentioned in said notice, or at such other time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition and all the objections thereto presented in writing by any person showing cause, as aforesaid, why said proposed change of the boundaries of the district should not be made. The failure by any person interested in said district, or in the matter of the proposed change of its boundaries, to show cause in writing, as aforesaid, shall be deemed and taken as an assent on his part to a change of the boundaries of the district as

Hearing petitions.

prayed for in said petition, or to such a change thereof as will include a part of said lands. And the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent on the part of each and all of such petitioners to such a change of said boundaries that they may include the whole or any portion of the lands described in said petition.

Granting petition.

SEC. 51. The board of directors to whom such petition is presented shall require, as a condition precedent to the granting of the same, that the petitioners shall severally pay to such district such respective sums, as nearly as can be estimated (the several amounts to be determined by the board), as said petitioners or their grantors would have been required to pay to such district as assessments had such been included in such district at the time the same was originally formed.

SEC. 52. The board of directors, if they deem it not for the best interests of the district that a change of its boundaries be so made as to include therein the lands mentioned in the petition, shall order that the petition be rejected. But if they deem it for the best interests of the district that the boundaries of said district be changed, and if no person interested in said district, or the proposed change of its boundaries, shows cause in writing why the proposed change should not be made, or if, having shown cause, withdraws the same, the board may order that the boundaries of the district be so changed as to include therein the lands mentioned in said petition, or some part thereof. The order shall describe the boundaries as changed, and shall also describe the entire boundaries of the district as they will be after the change thereof, as aforesaid, is made; and for that purpose the board may cause a survey to be made of such portions of such boundary as is deemed necessary.

Order must describe boundaries.

SEC. 53. If any person interested in said district, or the proposed change of its boundaries, shall show cause, as aforesaid, why such boundaries should not be changed and shall not withdraw the same, and if the board of directors deem it for the best interests of the district that the boundaries thereof be so changed as to include therein

the lands mentioned in the petition, or some part thereof, the board shall adopt a resolution to that effect. The resolution shall describe the exterior boundaries of the lands which the board are of the opinion should be included within the boundaries of the district when changed

SEC. 54. Upon the adoption of the resolution mentioned in the last preceding section, the board shall order that an election be held within said district, to determine whether the boundaries of the district shall be changed as mentioned in said resolution; and shall fix the time at which such election shall be held, and shall cause notice thereof to be given and published. Such notice shall be given and published, and such election shall be held and conducted, the returns thereof shall be made and canvassed, and the result of the election ascertained and declared, and all things pertaining thereto conducted, in the manner prescribed by this act in case of a special election to determine whether bonds of an irrigation district shall be issued. The ballots cast at said election shall contain the words "For change of boundary," or "Against change of boundary," or words equivalent thereto. The notice of election shall describe the proposed change of the boundaries in such manner and terms that it can readily be traced.

SEC. 55. If at such election a majority of all the votes cast at said election shall be against such change of the boundaries of the district, the board shall order that said petition be denied, and shall proceed no further in the matter. But if a majority of the votes be in favor of such change of the boundaries of the district, the board shall thereupon order that the boundaries of the district be changed in accordance with said resolution adopted by the board. The said order shall describe the entire boundaries of said district, and for that purpose the board may cause a survey of such portions thereof to be made as the board may deem necessary.

SEC. 56. Upon a change of the boundaries of a district being made, a copy of the order of the board of directors ordering such change, certified by the president and secretary of the board, shall be filed for record in the county clerk's office of each county within which are situated any

Election for  
change of  
boundaries.

Form of ballots.

Duty of board.

Record of  
change.

of the lands of the district, and thereupon the district shall be and remain an irrigation district, as fully and to every intent and purpose as if the lands which are included in the district by the change of the boundaries, as aforesaid, had been included therein at the original organization of the district.

Record evidence.

SEC. 57. Upon the filing of the copies of the order, as in the last preceding section mentioned, the secretary shall record in the minutes of the board the petition aforesaid; and the said minutes, or a certified copy thereof, shall be admissible in evidence with the same effect as the petition.

As to an estate.

SEC. 58. A guardian, an executor or administrator of an estate, who is appointed as such under the laws of this state, and who, as such guardian, executor or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward or the estate which he represents, upon being thereunto authorized by the proper court, sign and acknowledge the petition in this act mentioned, and may show cause, as in this act mentioned, why the boundaries of the district should not be changed.

Subdivision of new district.

SEC. 59. In case of the inclusion of any lands within any district by proceedings under this act, the board of directors must, at least thirty days prior to the next succeeding general election, make an order re-dividing such district into five divisions, as nearly equal in size as may be practicable, which shall be numbered first, second, third, fourth and fifth, and one director shall thereafter be elected by each division. For the purposes of elections the board of directors must establish a convenient number of election precincts in said districts, and define the boundaries thereof, which said precincts may be changed from time to time, as the board may deem necessary.

#### DIVISION III.—PROVIDING FOR THE EXCLUSION OF CERTAIN LANDS WITHIN ANY SUCH DISTRICT.

SEC. 60. The boundaries of any irrigation district, now or hereafter organized under the provisions of this act, may be changed, and tracts of land which were included

within the boundaries of such district at or after its organization under the provisions of this act, may be excluded therefrom, in the manner herein prescribed; but neither such change of the boundaries of the district, nor such exclusion of lands from the district, shall impair or affect its organization, or its rights in or to property, or any of its rights and privileges of whatever kind or nature; nor shall it affect, impair or discharge any contract, obligation, lien or charge, for or upon which it was or might become liable or chargeable had such change of its boundaries not been made, or had not any land been excluded from the district.

Effect of change.

SEC. 61. The owner or owners in fee of one or more tracts of land which constitute a portion of an irrigation district, may file with the board of directors a petition praying that such tracts, and any other tracts contiguous thereto, may be excluded and taken from said district. The petition shall describe the boundaries of the land which the petitioners desire to have excluded from the district, and also the lands of each of such petitioners which are included within such boundaries; but the description of such lands need not be more particular or certain than is required when the lands are entered in the assessment book by the county assessor. Such petition must be acknowledged in the same manner and form as is required in case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such conveyance.

Petition to exclude.

SEC. 62. The secretary of the board of directors shall cause a notice of the filing of such petition to be published for at least two weeks in some newspaper published in the county where the office of the board of directors is situated, and if any portion of such territory to be excluded lie within another county or counties, then said notice shall be so published in a newspaper published within each of said counties; or if no newspaper be published therein, then by posting such notice for the same time in at least three public places in said district, and in case of the posting of said notices, one of said notices must be so posted on the lands proposed to be excluded. The notice shall state the filing

Notice of petition.

of such petition, the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in or that may be affected by such change of the boundaries of the district, to appear at the office of said board at a time named in said notice, and show cause in writing, if any they have, why the change of the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice.

Hearing petition.

SEC. 63. The board of directors, at the time and place mentioned in the notice, or at the time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition and all objections thereto presented in writing, by any person showing cause, as aforesaid, why the prayer of said petition should not be granted. The failure of any person interested in said district to show cause, in writing, why the tract or tracts of land mentioned in said petition should not be excluded from said district, shall be deemed and taken as an assent by him to the exclusion of such tract or tracts of land, or any part thereof, from said district; and the filing of such petition with such board, as aforesaid, shall be deemed and taken as an assent by each and all of such petitioners to the exclusion from such district of the lands mentioned in the petition, or any part thereof.

Power of board.

SEC. 64. The board of directors, if they deem it not for the best interests of the district that the lands mentioned in the petition, or some portion thereof, should be excluded from said district, shall order that said petition be denied; but if they deem it for the best interests of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district, and if no person interested in the district show cause, in writing, why the said lands, or some portion thereof, should not be excluded from the district, or if, having shown cause, withdraws the same, and also, if there be no outstanding bonds of the district, then the board may order that the lands men-

tioned in the petition, or some defined portion thereof, be excluded from the district.

SEC. 65. If there be outstanding bonds of the district, <sup>Outstanding bonds.</sup> then the board may adopt a resolution to the effect that the board deems it to the best interest of the district that the lands mentioned in the petition, or some portion thereof, should be excluded from the district. The resolution shall describe such lands so that the boundaries thereof can readily be traced. The holders of such outstanding bonds may give their assent in writing to the effect that they severally consent that the board may make an order by which the lands mentioned in the resolution may be excluded from the district. The assent must be acknowledged by the several holders of such bonds in the same manner and form as is required in case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such conveyance. The assent shall be filed with the board, and must be recorded in the minutes of the board; and said minutes, or a certified copy thereof, shall be admissible in evidence with the same effect as the said assent; but if such assent be not filed, the board shall deny and dismiss said petition.

SEC. 66. If the assent aforesaid of the holders of said <sup>Election for order of exclusion.</sup> bonds be filed and entered of record as aforesaid, and if there be objections presented by any person showing cause as aforesaid, which have not been withdrawn, then the board may order an election to be held in said district to determine whether an order shall be made excluding said land from the district as mentioned in said resolution. The notice of such election shall describe the boundary of all lands which it is proposed to exclude, and such notice shall be published for at least two weeks prior to such election in a newspaper published within the county where the office of the board of directors is situated; and if any portion of such territory to be excluded lie within another county or counties, then said notice shall be so published in a newspaper published within each of such counties. Such notice shall require the electors to <sup>Form of ballots.</sup> cast ballots which shall contain the words "For exclusion,"

or "Against exclusion," or words equivalent thereto. Such election shall be conducted in accordance with the general election laws of the state: *Provided*, That no particular form of ballots shall be required.

Duty of board.

SEC. 67. If at any election a majority of all the votes cast shall be against the exclusion of said lands from the district, the board shall deny and dismiss said petition and proceed no further in said matter; but if a majority of such votes be in favor of the exclusion of said lands from the district, the board shall thereupon order that the said lands mentioned in said resolution be excluded from the district. The said order shall describe the boundaries of the district should the exclusion of the said lands from said district change the boundaries of the district; and for that purpose the board may cause a survey to be made of such portions of the boundaries as the board may deem necessary.

Records of district.

SEC. 68. Upon the entry in the minutes of the board of any of the orders hereinbefore mentioned, a copy thereof, certified by the president and the secretary of the board, shall be filed for record in the county clerk's office of each county within which are situated any of the lands of the district, and thereupon said district shall be and remain an irrigation district as fully, to every intent and purpose, as it would be had no change been made in the boundaries of the district, or had the lands excluded therefrom never constituted a portion of the district.

Office of director; when vacant.

SEC. 69. If the lands excluded from any district under this act shall embrace the greater portion of any division or divisions of such district, then the office of director for such division or divisions shall become and be vacant at the expiration of ten days from the final order of the board, under section sixty-seven of this act, excluding said lands, and such vacancy or vacancies shall be filled by appointment by the board of county commissioners of the county where the office of such board is situated, from the district at large. A director appointed as above provided, shall hold his office until the next regular election for said district and until his successor is elected and qualified.

SEC. 70. At least thirty days before the next general

election of such district, the board of directors thereof shall make an order dividing said district into five divisions, as nearly equal in size as may be practicable, which shall be numbered first, second, third, fourth and fifth, and one elector shall be elected by each division. For the purposes of elections in such district, the said board of directors must establish a convenient number of election precincts, and define the boundaries thereof, which said precincts may be changed from time to time, as the board of directors may deem necessary.

Defining and numbering sub-divisions.

SEC. 71. A guardian, and executor or an administrator of an estate who is appointed as such under the laws of this state, and who, as such guardian, executor or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward or the estate which he represents, upon being thereto properly authorized by the proper court, sign and acknowledge the petition in this act mentioned, and may show cause, as in this act provided, why the boundaries of the district should not be changed.

SEC. 72. In case of the exclusion of any lands under the provisions of this act, there shall be refunded to any and all persons who have paid any assessment or assessments to such district, on any land so excluded, any sum or sums so paid. Such payments shall be made in the same manner as other claims against such district, and from such fund or funds as the board of directors may designate.

Refunding assessments.

DIVISION IV.—TO PROVIDE FOR THE EXAMINATION, APPROVAL AND CONFIRMATION OF PROCEEDINGS FOR THE ISSUE AND SALE OF BONDS ISSUED UNDER THE PROVISIONS OF THIS ACT.

SEC. 73. The board of directors of an irrigation district, now or hereafter organized under the provisions of this act, may commence a special proceeding in and by which the proceedings of said board and of said district providing for and authorizing the issue and sale of the bonds of said district, whether said bonds or any of them have or have not then been sold, may be judicially examined, approved and confirmed.

Special proceedings.

SEC. 74. The board of directors of the irrigation district

shall file in the superior court of the county in which the lands of the district, or some portion thereof, are situated, a petition praying, in effect, that the proceedings aforesaid may be examined, approved and confirmed by the court. The petition shall state the facts showing the proceedings had for the issue and sale of said bonds, and shall state generally that the irrigation district was duly organized, and that the first board of directors was duly elected; but the petition need not state the facts showing such organization of the district, or the election of said first board of directors.

Form of petition.

SEC. 75. The court shall fix the time for the hearing of said petition, and shall order the clerk of the court to give and publish a notice of the filing of said petition. The notice shall be given and published in the same manner and for the same length of time, that a notice of a special election provided for by this act to determine whether the bonds of said district shall be issued is required to be given and published. The notice shall state the time and place fixed for the hearing of the petition, and the prayer of the petition, and that any person interested in the organization of said district, or in the proceedings for the issue or sale of said bonds, may, on or before the day fixed for the hearing of said petition, demur to or answer said petition. The petition may be referred to and described in said notice as the petition of the board of directors of \_\_\_\_\_ irrigation district [giving its name], praying that the proceedings for the issue and sale of the bonds of said district may be examined, approved and confirmed by said court.

Demurrer to petition.

SEC. 76. Any person interested in said district, or in the issue or sale of said bonds, may demur to or answer said petition. The statutes of this state respecting the demurrer, and the answer to a verified complaint, shall be applicable to a demurrer and answer to said petition. The person so demurring to or answering said petition shall be the defendant to said special proceeding, and the board of directors shall be the plaintiff. Every material statement to the petition not specifically controverted by the answer must, for the purposes of said special proceed-

ing, be taken as true; and each person failing to answer the petition shall be deemed to admit as true all the material statements of the petition. The rules of pleading and practice, provided by the statutes of this state, which are not inconsistent with the provisions of this act, are applicable to the special proceedings herein provided for. A motion for a new trial must be made upon the minutes of the court. The order granting a new trial must specify the issues to be re-examined on such new trial, and the findings of the court upon the other issues shall not be affected by such order granting a new trial.

SEC. 77. Upon the hearing of such special proceedings, the court shall have power and jurisdiction to examine and determine the legality and validity of, and approve and confirm, each and all of the proceedings for the organization of said district under the provisions of this act, from and including the petition for the organization of the district, and all other proceedings which may affect the legality or validity of said bonds, and the order for the sale, and the sale thereof. The court in inquiring into the regularity, legality or correctness of said proceedings, must disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said special proceedings, and it may approve and confirm such proceedings in part, and disapprove and declare illegal or invalid other and subsequent parts of the proceedings. The court shall find and determine whether the notice of the filing of said petition has been duly given and published, for the time and in the manner in this act prescribed. The costs of the special proceedings may be allowed and apportioned between all the parties, in the discretion of the court.

SEC. 78. An appeal from an order granting or refusing a new trial, or from the judgment, must be taken by the party aggrieved within ten days after the entry of said order or said judgment.

SEC. 79. Whereas, there being at present no adequate law on this subject in this state, and the enactment of a law regulating this subject is seriously needed; therefore,

an emergency does exist, and this act shall be in force and take effect from and after its passage and approval by the governor.

Approved March 20, 1890.

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## IRRIGATION AND IRRIGATING DITCHES.

AN ACT providing for the use of water for the purposes of irrigation, and providing for the condemnation of the right-of-way for ditches to carry water for such purposes.

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

### DIVISION I.—OF THE RIGHT TO USE WATER.

SECTION 1. Any person is entitled to take from any of the natural streams or lakes in this state water for the purposes of irrigation, not heretofore appropriated or subject to rights existing at the time of the adoption of the constitution of this state, subject to the conditions and regulations imposed by law: *Provided*, That the use of water at all times shall be deemed a public use and subject to condemnation as may from time to time be provided for by the legislature of this state.

Public use.

Right of adjacent owners.

SEC. 2. All persons who claim, own or hold a possessory right or title to any land, or parcel of land, within the boundary of the State of Washington, when such lands, or any part of the same, are on the banks of any natural stream of water, shall be entitled to the use of any water of said stream, not otherwise appropriated for the purposes of irrigation, to the full extent of the soil for agricultural purposes.

Right-of-way.

SEC. 3. When any person owning claims in such locality has not sufficient length of area exposed to said stream or lake to obtain a sufficient flow of water to irrigate his land, he shall be entitled to the right-of-way through the farms

or tracts of lands which lie between him and said streams or lakes, or the farms or tracts of lands which lie above and below him on said stream or lake, for the purposes hereinbefore stated.

SEC. 4. Such right-of-way shall extend only to a ditch Limit of. sufficient for the purposes required, together with the right of ingress and egress to construct, maintain and repair the same.

SEC. 5. Upon the refusal of the owner of land or lands through which it is proposed to run said ditch to permit the passage of the same through their property, the person or persons desiring to open such ditch may proceed to condemn and take the right-of-way therefor under the provisions for the condemnation of water and rights-of-way hereinafter provided for in this act. Condemnation of right-of-way.

SEC. 6. In case the volume of water in any natural stream shall not be sufficient to supply the continued wants of the entire country through which it passes, then the judge of the superior court of the county — or in case the said stream shall run through more than one county, then the judge of the superior court of either county — through which said stream runs shall appoint three commissioners, as hereinafter provided, whose duty it shall be to apportion, in a just and equitable manner, a certain amount of said water upon certain alternate days in certain localities, as they may in their judgment think best for the interest of all parties concerned and with due regard to the legal rights of all. Commissioners to apportion.

SEC. 7. Any person who owns or has the possessory right to lands in the vicinity of any natural stream or lake, not abutting such stream or lake, may take water from such stream or lake if there be any surplus or unappropriated water in such stream or lake.

SEC. 8. The persons referred to in the preceding section shall be entitled to the right-of-way sufficient for a ditch to carry the water required to fully irrigate their land, or to carry such water as they may be entitled to, with full right of ingress and egress to construct, repair and maintain such ditch over the lands lying between the land of such person and the point on the natural stream or lake Rights of owners in vicinity.

from which they wish to take water, and from which they are entitled to take water, and the land which they wish to irrigate; which right-of-way shall be subject to condemnation as hereinafter provided for in this act.

SEC. 9. In case at any time the supply of water in any natural stream or lake is below the usual supply of water in said stream or lake, upon application of any person interested, the superior court of any county through which said stream or lake may flow shall appoint three commissioners, whose duty it shall be to immediately go upon said stream or lake and apportion the water running in said stream or lake to the different persons entitled to use the said stream or lake as may to them seem equitable and proper, having due regard for the vested rights of the persons so entitled to use water from said stream or lake: *Provided*, That said commissioners shall apportion to all persons upon such stream or lake, water for domestic purposes before any water is allowed to be taken from said stream or lake for the purposes of irrigation: *And provided*, That in case of unusual drought said commissioners shall endeavor to apportion the water to the persons entitled to use the water from said stream or lake, so that the orchards and perennial plants upon farms of such persons so entitled to use such water shall be supplied with sufficient water to keep them alive.

Preferred rights.

Basis of proportionate rights.

SEC. 10. The vested rights to water, whenever called into question in any court, and whenever the same are required to be determined by any commissioners or commissioner, under the provisions of the laws of this state, shall be based and determined upon the usual volume of water annually flowing in the natural streams and lakes of the state; and in the event of any of the said streams or lakes being unusually low, the rights of all persons to water out of the said stream or lake shall be reduced in accordance with the reduction of the water in said stream or lake below the usual stage of water in said stream or lake at the time of year when the particular matter is brought before said commissioners, commissioner, or court.

For irrigation.

SEC. 11. Any person desiring to dig a ditch or canal from any natural stream or lake of water in this state, for

the purpose of carrying water to irrigate lands, shall be entitled to take water from said stream or lake not appropriated at the time that the construction of said ditch is begun: *Provided*, That such person shall not keep or store, by virtue of the said ditch, any more water than is used for the purposes of irrigation.

SEC. 12. Upon the application of any person interested, Power of court. the superior court of any county in which any ditch, or the part of any ditch, constructed in accordance with the preceding section is situated, may appoint three commissioners to inquire and determine whether or not more water is diverted by means of said ditch than is used, or than is to be properly used during any season, for the purposes of irrigation, and the decision of said commissioners shall be final, and shall have power to order and require the person having charge of said ditch to turn off such part of the water in said ditch as they may deem to be unnecessary for the use of the land being cultivated and to be cultivated; during such season by water taken from said ditch; and any failure upon the part of the person controlling said ditch to comply with the order of said commissioners aforesaid shall be punished as a contempt of the superior court of the county appointing said commissioners; and all persons constructing ditches and taking water from the natural streams or lakes of this state, as provided for herein, shall take the same subject to all the conditions, restrictions and regulations of this section and of the laws hereafter made and provided.

SEC. 13. Any person may take any water, which he may Restrictions. have a right to use, along any of the natural streams or lakes of this state, but not so as to raise the waters thereof above ordinary high water mark; but due allowance shall be made for evaporation and seepage, the amount of such seepage to be determined by the commissioners of irrigation of the district, or if there be no such commissioners, then by the county commissioners of the county in which the water shall be taken out for use, upon the application of any person interested.

SEC. 14. All persons on the margin, brink, neighborhood Right to raise water. or precinct of any natural stream or lake of water shall

have the right and power to place upon the bank of such stream or lake a wheel, steam pump, or other machine for the purpose of raising water to the level required for the use of such water in irrigating any land. The person desiring to use such water shall be entitled to condemn a right-of-way over any tracts of land between the point where he takes the water from any natural stream or lake and the place where he desires to use the same, in accordance with the provisions hereinafter made for the condemnation of rights-of-way and of water.

SEC. 15. All ditches now constructed, or hereafter to be constructed, for the purpose of utilizing the waste, seepage or spring waters of the state, shall be covered by the same laws as those ditches constructed for the purpose of utilizing the water of natural streams and lakes: *Provided*, That the person upon whose lands the seepage or spring waters first rise shall have a prior right to such waters, if capable of being used upon his lands.

SEC. 16. All persons who shall have enjoyed the use of the water in any natural stream or lake for the irrigation of any land by the natural overflow or seepage of the water of such stream or lake shall, in case of diminution of the water supplied by such stream or lake, from any cause, so as to prevent such irrigation therefrom in as ample a manner as formerly, have the right to construct a ditch for the irrigation of such land, and to take water from such stream or lake therefor; and his right to water through such ditch shall have the same priority as though such ditch had been constructed at the time he occupied and used such land.

SEC. 17. If at any time any ditch from which water is or shall be drawn for irrigation shall not be entitled to the full supply of water from the natural stream or lake which supplies the same with water actually received into and carried by such ditch, shall be divided among all the consumers of water from such ditch, as well as the owners, shareholders and stockholders thereof, as the parties purchasing water therefrom and the parties taking water, partly under and by virtue of holding shares and partly by purchasing the same, shall each receive his share *pro rata*, according to the amount he (in cases in which several

consume water jointly) shall then be entitled to, so that owners and purchasers shall not suffer from a deficiency rising from the cause aforesaid, each in proportion to the amount of water which he should have received in case no such deficiency of water had occurred.

SEC. 18. Any person who may be entitled to water from any artesian well shall have the right to condemn the right-of-way for a ditch to convey such water for the purpose of irrigation over the lands intervening between such well and the place where the party owning such water wishes to use the same, and such right-of-way may be condemned sufficient for the purposes of conveying the water, together with the right of ingress and egress, to construct, maintain and repair said ditch, as is hereinafter provided for in this act.

Artesian well rights.

SEC. 19. The word "person," wherever used in this act, shall be construed to mean either a natural person, an association or corporation, or to be construed to mean persons; and the word "he" shall be construed to mean she, it or they; and the word "ditch" shall be construed to include and to mean dyke, flumeway and irrigating canal.

Terms defined.

#### DIVISION II.—DUTIES OF DITCH OWNERS.

SEC. 20. The owner of any ditch shall carefully maintain the embankments thereof, so that the waters of such ditch may not flood or damage the premises of others, and such owner shall make a tail ditch so as to return the water in such ditch with as little waste as possible into the stream or lake from which it was taken.

Duty of owners of ditches.

SEC. 21. Any person constructing a ditch, wherever the same be taken across any public highway, shall put a good substantial bridge, not less than sixteen feet in breadth, over such water course where it crosses said road, which said bridge shall be constructed within three days after any ditch has been constructed across any highway, and in case any bridge is not so constructed within the time named by the owners thereof, it shall be the duty of the supervisors of the road district wherein said crossing is situated to put a bridge over said ditch of the dimensions specified in this section, and call on the owner of the ditch

Bridging crossings of public roads.

to pay the expenses of constructing such bridges; and if the owner of such ditch refuse to pay the said expense, the said supervisor may go before any justice of the peace and make oath to the correctness of the bill, and that the owner of the ditch refuses payment thereof, and thereupon such justice of the peace shall issue a summons against such owner, requiring him to appear and answer to the complaint of such supervisor in an action for the amount due, such summons to be made returnable, and such proceedings to be had and taken thereon as in other cases. And in case judgment shall be given against such owner, the justice of the peace shall assess, in addition to the amount due for the building of said bridge, the sum of ten dollars as damages, arising from the delay of such owner; said judgment to be collected as in other cases, and to be a fund in the hand of the supervisor of roads for such district for the repairs of roads therein, except the ten dollars damages, which shall go to the supervisor to pay him for his trouble and expense in collecting the cost of said bridge.

Limit of use.

SEC. 22. During the irrigating season it shall not be lawful for any person to run any greater quantity of water through his irrigating ditch than is absolutely necessary for irrigating his land, or the land of other persons as provided for in section 55 in this act, and for domestic and stock purposes. And any person who shall wilfully violate the provisions of this section shall be deemed to be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not less than one hundred dollars nor more than one thousand dollars, which fine shall go into the county school fund of the county in which the offense is committed.

Head-gate.

SEC. 23. The owner of every irrigating ditch in this state shall be required to erect and keep in good repair the head-gate at the head of their ditch. Such head-gate, together with the necessary embankments, shall be of sufficient height and strength to control the water flowing therein at all ordinary stages. The frame-work of such head-gate shall be constructed of a beam not less than four

inches square, and the bottom, sides and gate or gates shall be of plank not less than two inches in thickness.

SEC. 24. Owners of all ditches shall be liable for damages resulting through neglect or refusal to comply with the provisions of this act. Liability.

SEC. 25. The word "owner," wherever it appears in this division, shall be construed to mean owners or persons having charge or control of the ditch and liable as the owner.

#### DIVISION III.— OF WATER DISTRICTS.

SEC. 26. Each county in this state shall be constituted an irrigation district, and for each of said districts a commissioner may be appointed by the county commissioners, whose salary, in each district, shall be fixed at the first meeting in each year of the board of county commissioners in each county, which said commissioner shall hold his office from the first day of March in each year for a period of one year, and shall be paid out of the county funds in each county quarterly. Irrigation districts by counties.

SEC. 27. That within ten days after his appointment and before entering upon the duties of his office, said water commissioner shall take and subscribe the oath of office prescribed by the constitution of this state, and shall file a bond in such penalty as may be required by the board of county commissioners in each county, payable to the county, for the faithful and impartial discharge of his duties. Oath of water commissioner.

SEC. 28. It shall be the duty of said water commissioners to divide the water in the natural streams and lakes of their district among the several ditches taking water from the same, when there is in said stream or lake the average annual volume of water, according to the prior rights of each person, respectively. And it shall be the duty of said commissioner, in whole or in part, to shut and fasten, or cause to be shut and fastened, by order given to any sworn assistant, sheriff or constable of the county in which the head of such ditch is situated, the head-gates of any ditch or ditches heading in any of the natural streams or lakes of the district which, in the time of scarcity of water, shall not be entitled to water by reason of the Duties of.

priority of the rights of others below them upon the same stream or lake: *Provided*, That it shall be his duty to see that persons who, during a year when there is an average volume of water in the streams and lakes, are entitled to water out of any stream or lake and can use the same without injuring others having a prior right to the said water, have sufficient water for domestic and stock purposes and for the preservation of orchards and perennial plants.

Penalty for tampering with ditches.

SEC. 29. Every person who shall wilfully open, close, change or interfere with any head-gate, water-box, ditch or dam without authority shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned not less than thirty days nor more than six months, or may be punished by both fine and imprisonment, at the discretion of the court.

Compensation of commissioner.

SEC. 30. The water commissioner, as herein provided, shall be entitled to pay at the rate of four dollars per day for each day he shall be actually employed in the discharge of the duties of his office, not exceeding one hundred and twenty days in any one year, to be paid by the county for which he is appointed.

Assistants.

SEC. 31. Said water commissioner shall have the power, in case of any emergency, to employ one or more assistants to aid him in the discharge of his duties. Such assistant shall take the same oath as the water commissioner, and shall obey his instructions, and shall receive three dollars per day for every day such assistant is so employed, to be paid by the county for which such commissioner is appointed.

SEC. 32. Said water commissioner shall not begin his work until he shall have been called upon by two or more owners of ditches in his district, by an application in writing, stating that there is necessity for his action, and such commissioner shall not continue performing services after the necessity therefor shall cease.

Register of rights.

SEC. 33. It shall be the duty of the water commissioner of each district to cause to be prepared a book to be entitled "The Register of Priorities of Appropriation of

Water-Rights for the Water Districts of the County of \_\_\_\_\_, State of Washington," within which he shall enter and preserve the priorities of all persons taking water out of each particular stream or lake in his said district, which said priority shall be determined by said water commissioner from the decrees of any courts establishing such priorities, or where such priorities are not established by decrees, from any other legal source from which he can obtain the same, arranging and numbering the same in consecutive order according to the dates of each respective right.

DIVISION IV.—RIGHT-OF-WAY FOR DITCHES.

SEC. 34. All persons, associations and corporations entitled to the use of water under the provisions of this act, in cases where the right-of-way over intervening lands is necessary to the use of such water, may condemn the right-of-way for any such ditch or ditches as hereinafter provided.

SEC. 35. In case of the refusal of the owners or claimants of any lands through which such ditch, canal or other works are proposed to be made or constructed to allow the passage thereof, the persons, company or corporation desiring the right-of-way may present to the superior court of the county a petition describing the land[s] to be crossed, the size of the ditch, canal or works, the quantity of land required to be taken, and setting forth the names of the owners or parties interested in the lands to be crossed, and praying for the appointment of three appraisers to ascertain the compensation to be made to such owners or parties interested. Upon the filing of said petition the superior court must give notice by publication in a newspaper, if there be any printed in the county, or if there be none, by posting such notice in three of the most public places in the county, one of which must be at the county seat, that at a time and place specified in said notice, said petition will be heard and such appraisers appointed, unless good cause be shown by the parties adversely interested why the petition should be denied. Said notice must be published or posted for not less than ten days prior to the

Proceedings to  
condemn.

hearing thereon, and the expenses of the publication or posting of the same must be defrayed by the petitioners.

Oath of appraisers.

SEC. 36. The said appraisers must, before entering on the duties of their office, take an oath to faithfully and impartially perform the duties as such appraisers and make a true and just reward [award] of the amount of the compensation to be paid for the right-of-way over and use of the lands to be crossed by such ditch, canal or other conduit. They must hear the allegations and proofs offered by the respective parties, and after viewing the lands and premises, ascertain and certify the compensation which, in their judgment, it is just and proper to make to the parties owning or interested in the lands to be crossed for the use of the same and for damages, if any, on account of injury to other portions of the tract of land of any owner or interested party. The appraisers, or a majority of them, must subscribe such<sup>e</sup> certificate, and the same must be recorded in the office of the county clerk, and upon the payment of the compensation and damages, if any, or the tender thereof to the proper parties, or, in the absence of such parties from the county, then upon deposit of the amount in the county treasury to the credit of said party, the persons, company or corporations, petitioners, have the right of entry upon and of way for the proposed ditch, canal or other works.

Duties of.

SEC. 37. Where the owners of any spring, or the appropriators thereof, or of any stream or lake, desire to conduct the waters thereof to any land for the purpose of irrigation, and to accomplish such object it is necessary to cross with ditches, flumes or other conduit[s], the lands owned or occupied by others than the owners or appropriators of such spring, stream or lake, the right-of-way over and across the lands of others for conducting said water may be acquired in the manner above provided.

Must keep conduits in repair.

SEC. 38. The owners or constructors of ditches, canals, works or other aqueducts, and their successors in interest using and employing the same to convey the waters of any stream, spring or lake, whether the said ditches, canals, works or other aqueducts be upon the lands owned or claimed by them, or upon other lands, must carefully keep

and maintain the same and the embankments, flumes or other conduits by which such waters are or may be conducted, in good repair and condition, so as not to damage or in any way injure the property or premises of others.

SEC. 39. That no tract or parcel of improved or occupied land in this state shall, without the written consent of the owner thereof, be subjected to the burden of two or more irrigating ditches constructed for the purpose of conveying water through said property to lands adjoining or beyond the same, when the same object can feasibly and practically be attained by uniting and conveying all the water necessary to be conveyed through such property in one ditch. <sup>Limit of ditches.</sup>

SEC. 40. Whenever any person or persons find it necessary to convey water for the purposes of irrigation through the improved or occupied lands of another, he or they shall select for the line of such ditch through such property the shortest and most direct route practicable, upon which such ditch can be constructed with uniform or nearly uniform grade, and discharge the water at a point where it can be conveyed to and used upon the land or lands of the person or persons constructing such ditch.

SEC. 41. In case the channel of any natural stream or lake shall become so cut out, lowered, turned aside, or otherwise changed from any cause, as to prevent any ditch or canal from receiving the proper inflow of water to which it may be entitled from such natural stream or lake, the owner or owners of such ditch or canal shall have the right to extend the head of such ditch or canal to such distance up the stream or lake which supplies the same as may be necessary for securing a sufficient flow of water into the same, and for that purpose shall have the right to maintain proceedings for condemnation of right-of-way for such extension as in case of constructing a new ditch, and the priority of right to take water from such stream or lake through such ditch or canal as to any such ditch or canal shall remain unaffected in any respect by reason of such extension: *Provided, however,* That no such extension shall interfere with the complete use or enjoyment of any other ditch or canal. <sup>Right to change ditch.</sup>

Must file map.

SEC. 42. Every person, association or corporation hereafter constructing or enlarging any ditch or canal and taking water directly from any natural stream or lake, and of the carrying capacity of more than one cubic foot of water per second of time, as so constructed or enlarged, shall, within ninety days after the construction or enlargement, file in the office of the county clerk in which the head-gate of such ditch may be situated, a map showing the point of location of such head-gate, the route of such ditch or canal, the legal subdivisions of the lands upon which such structures are built, or to be built; if on surveyed lands, the names of the owners of such lands as far as the same are of record in the office of the county clerk of the county in which they are situated; such courses, distances and corners, by references to legal subdivisions if on surveyed lands, or to natural objects if on unsurveyed lands, as will clearly designate the location of such structures. Upon or attached to such map shall be a statement showing — *First*, the point of location of the head-gate above mentioned; *second*, the depth, width and grade of such ditch or canal; *third*, the carrying capacity of such ditch or canal in cubic feet per second of time; *fourth*, the time of commencement of work on such structures, which time may be dated from the commencement of the surveys therefor. In case of construction or enlargement, such statement shall also show the matters required in items second, third and fourth above as to the enlargement, and state the increased capacity arising from such enlargement. If such statement be filed within the time above limited, priority of right-of-way and water accordingly shall date from the day named as the day of commencing work; otherwise only from the date of the filing of the same: *Provided*, That nothing herein contained shall be taken to dispense with the necessity for due diligence in the prosecution of such structures on the part of the projectors of the same. Such statements shall be signed by the person, association or corporation on whose behalf it is made, and the truth of the matters shown in such map and statement shall be sworn to by some person in whose personal knowledge the truth of the same shall lie.

SEC. 43. This act shall apply to and affect only ditches or canals used for carrying water for the purpose of irrigation, and for no other purpose whatever: *Provided*, That all rights shall be forfeited under the provisions of this act unless due diligence is used in such construction or enlargement. Limit of this act.

DIVISION V.—ON THE CONDEMNATION OF WATER-RIGHTS.

SEC. 44. Any person, association or corporation desiring to condemn the riparian rights of persons in any natural stream or lake in this state may do so as follows: Such persons, firm or corporation shall file his, their or its petition in the superior court of the county wherein said stream or lake or any part thereof is situated, from which such person, association or corporation desires to take such water, setting forth the uses that the said person, association or corporation intends to make of said water, the amount of water desired to be taken, and the extent of time that said water is intended to be used. Condemnation of riparian rights.

SEC. 45. If it appears to the court from the petition that said water is to be used for irrigation, the court shall direct notice to be given to all persons concerned by a notice to be published in some paper printed in the county wherein said petition is filed, or if there be no newspaper published in said county, then copies of said notice shall be posted in at least five places along said stream or lake, and at the front door of the court-house of the county wherein said proceedings are pending; which said notice shall contain the amount of water sought to be appropriated or taken from said stream or lake, the place at which said water is to be taken from said stream or lake, the amount of water to be so taken, and the use to be made of said water, together with the name or names of the person or persons, association or corporation intending to take the same from said stream or lake; and which said notice shall fix the time at which said petition shall be heard by the court, not exceeding twenty days from the time that said notice is first published or posted as aforesaid, as well as the place where said petition shall be heard. Publication of notice.

Claims to water  
rights.

SEC. 46. The persons having rights to the waters of any stream or lake, and desiring to maintain them, shall appear at the time and place mentioned in the notice aforesaid, and present such claim, and all persons failing to appear at such time shall be deemed to have waived all rights of every kind whatsoever as against the partition of the waters of said stream or lake to the extent that said petition seeks to appropriate the same and the use set forth in the petition.

Proceedings  
thereon.

SEC. 47. Upon the filing of any claim to any rights in said stream or lake by any person or persons adversely to the petitioner, the court, unless the right of the person or persons so claiming rights as against the petitioner are admitted by the petitioner, shall proceed to determine whether or not such persons have a subsisting right to the waters of said stream or lake adverse to the rights sought by the petitioner to the use of the waters thereof, and for the purpose of such determination of the claims to any rights in such stream or lake, shall be deemed defendants, and the petitioner as plaintiff, in such proceedings.

Appraisers.

SEC. 48. In the event that the court finds that any person is entitled to any right adverse to the petitioner in the waters of said stream or lake, the court shall appoint three persons to appraise the right[s] of, as far as the same are sought to be taken from said claimant or claimants by the petitioner, and to fix a just compensation for such rights, which compensation shall be based upon the actual injury done to the claimant by the taking of said waters from said stream or lake by the petitioner.

Report of.

SEC. 49. Such appraisers shall make their report as soon as the same can reasonably be made to the court having the proceedings before it, and on the filing of such report either party or any person interested can appear and file objections thereto, either as to the amount found by the appraisers or because of any irregularity tending to do either party injustice in the proceedings before such appraisers.

Power of court.

SEC. 50. In case the court finds that there have been irregularities affecting the finding of the appraisers, it shall have the power to set aside the appraisalment and either

appoint new appraisers, in whole or in part, or direct the former appraisers to proceed anew in making the said appraisalment.

SEC. 51. In case either of the parties object to the appraisalment because of its smallness or excessiveness, the court shall note the case for trial in the same manner as any other civil case at law is noted for trial, the petitioner being defendant and the claimant or claimants being plaintiff, each separate, the claimants for damages being done as plaintiff, and the petitioner as defendant.

SEC. 52. The jury in assessing the damages, if they assess any, shall find separately upon the claims of each person to damages, and each party shall have the same rights to appeal as are provided in other civil cases, and the proceedings shall be similar to the proceedings in other civil cases at law pending in said court. Assessing damages.

SEC. 53. Any person who excepts to the appraisalment on account of the smallness or excessiveness of the amount found for or against such person, shall not at any time be entitled to recover costs, unless he either increases or lessens the finding of the appraisers at least one-fourth, as the case may be.

SEC. 54. In case the appraisers herein provided for should fail to meet from any cause, or having met, shall fail to decide, or in any other manner fail to discharge their duties, the court shall have power at any time thereafter to appoint new appraisers, or to extend their time for performing their duties. Default of appraisers.

DIVISION VI.—OF THE RIGHT OF CORPORATIONS OR OF PERSONS TO CONSTRUCT DITCHES TO CARRY WATER FOR THE PUBLIC.

SEC. 55. Any corporation duly organized under the laws of this state for the purpose of constructing ditches or canals to carry water for irrigating purposes, or any person or persons, or association or firm, may construct irrigating canals, ditches or flume-ways for the purposes of carrying water from any natural stream, reservoir, or any lake within this state, and may condemn the right-of-way therefor as hereinbefore provided for in division IV of this

act, for the purposes of furnishing water to persons upon the line of said ditch, or its lateral branches, to irrigate the lands of any person or persons, whether the same be on any natural stream or lake, or whether or not said corporation, association, person or firm owns any land upon the line of the said ditch, or its laterals.

SEC. 56. Such corporation, person, association or firm shall be deemed to be a public carrier, and shall at all times be subject to the regulations prescribed for said ditch by the legislature from time to time.

Limit of right.

SEC. 57. The right herein given to condemn the use of water shall not extend any further than to the riparian rights of persons to the natural flow of water through lands upon or abutting said streams and lakes, as the same exists at common law, and is not intended in any manner to allow water to be taken from any person that is used by said person himself for irrigation, or that is needed for that purpose by any such person.

#### DIVISION VII.—OFFENSES.

SEC. 58. Any person or persons who shall knowingly and wilfully cut, dig, break down or open any gate, bank, embankment or side of any ditch, canal, flume, feeder or reservoir in which such person or persons may be a joint owner, or the property of another, or in the lawful possession of another or others, and used for the purpose of irrigation, manufacturing, mining or domestic purposes, with intent maliciously to injure any person, association or corporation, or for his or her own gain, unlawfully, with intent of stealing, taking or causing to run or pour out of such ditch, canal, reservoir, feeder or flume, any water for his or her own profit, benefit or advantage, to the injury of any other person, persons, association or corporation, lawfully in the use of such water or of such ditch, canal, reservoir, feeder or flume, he, she or they so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or imprisoned not less than thirty days nor more than six months, or may

Penalty for unlawful acts.

be punished by both fine and imprisonment, at the discretion of the court.

DIVISION VIII.—ADJUDICATION OF RIGHTS.

SEC. 59. In order that all parties may be protected in Filing claims. their legal right to their use of water for irrigation, every person, association or corporation owning or claiming any interest in any ditch or canal within any county shall, on or before the first day of June, A. D. 1890, file with the clerk of the superior court in said county a statement of claim, under oath, containing the name or names of persons claiming ownership as aforesaid to any such ditch or canal, the name thereof (if it has any), and if without a name, the owner or owners shall choose and attach a name to be therein stated, by which such ditch or canal shall thereafter be known, a description of such ditch or canal as to location of head-gate, general course of ditch, the name of the natural stream or lake from which such ditch or canal draws its supply of water, the length, width, breadth and grade thereof, as near as may be, the time, fixing a day, a month and year, as the date of the appropriation of water by original construction, also by any enlargement or extension (if any such thereof may have been made), and the amount of water claimed by or under such construction, enlargement or extension, and the present capacity of the ditch or canal, and also the number of acres of land lying under and being, or proposed to be, irrigated by water from such ditch or canal; and said statement shall be signed by the proper party or parties.

SEC. 60. When at any time after the first day of June, Powers of court. A. D. 1890, any one or more persons, association or corporation, interested as owners of any ditch or canal in any water district, shall present to the superior court of any county a motion, petition or application in writing, moving or praying said court to adjudication of the priorities of rights to use of water for irrigation between the several ditches or canals in such district, the said court shall, without necessary [unnecessary] delay, in case he shall deem it practicable to proceed in open court as prayed for, by an order to be entered of record upon such mo-

tion, petition or application, appoint a day for commencing to hear and take evidence in such adjudication, at which time it shall be the duty of the court to hear all evidence which may be offered by or on behalf of any person, association or corporation interested in any ditch or canal in such county, either as owner or consumer of water therefrom, in support of or against any claim or claims of priority of appropriation of water made by means of any ditch or canal, or by any enlargement or extension thereof in such county, and consider all such evidence, together with any and all evidence, if any, which may have been heretofore offered and taken in such district in the same matter by any referee heretofore appointed under the provisions of said act above herein mentioned, and also the arguments of parties or their counsel, and shall ascertain and find from such evidence, as near as may be, the date of the commencement of such ditch or canal, together with the original size and carrying capacity thereof as originally constructed, the time of the commencement of each enlargement or extension thereof, if any, with the increased capacity thereby occasioned, the time spent severally in such construction and enlargement, or extension and re-enlargement, if any, the diligence with which the work was in each case prosecuted, the nature of the work as to difficulty of construction, and all such other facts as may tend to show the compliance with the law in acquiring the priority of right claimed for each such ditch or canal, and determine the matters put in evidence, and make and cause to be entered a decree of determining and establishing the several priorities of right by appropriation of water of the several ditches or canals in such water district, concerning which testimony shall have been offered, each according to the time of its said construction and enlargement, or enlargements or extensions, with the amount of water which shall be held to have been appropriated by such construction and enlargements or extensions, describing such amount by cubic feet per second of time, if the evidence shall show sufficient data to ascertain such cubic feet, and if not, by width, depth and grade, and such other description as will most certainly and conveniently show the amount of

Evidence.

Decree.

water intended as the capacity of such ditch or canal in such decree. Said court shall further order that each and every party interested, or claiming any such ditch or canal, shall receive from the clerk on payment of a reasonable fee therefor, to be fixed by the court, a certificate under seal of the court showing the date or dates and amount or amounts of appropriation adjudged in favor of such ditch or canal, under and by virtue of the construction, extension and enlargements thereof severally, also specifying the number of said ditch and of each priority to which the same may be entitled by reason of such construction, extension and enlargement.

Fixing fee.

Certificate.

SEC. 61. The holder of such certificate shall exhibit the same to the water commissioner of the district when he commences the exercise of his duties, and such water commissioner shall keep a book in which shall be entered a brief statement of the contents of such certificate, and which shall be delivered to his successor, and said certificate, or statement thereof in his book, shall be the warrant of authority to said water commissioner for regulating the flow of water in relation to such ditch or canal. Said certificate shall be recorded at the same rate of charges as in cases of deeds of conveyance in the records of each county into which the ditch or canal to which such certificate relates shall extend, and said certificate, or said record thereof, or a duly certified copy of such record, shall be *prima facie* evidence of so much of said decree as shall be recited therein in any suit or proceeding in which the same may be relevant.

Record of certificates.

SEC. 62. Notice shall be given by the clerk of said court of the time so appointed by publishing the same in one public newspaper in such county into which such water district may extend, which notice shall be so published in such paper once in each week until four successive weekly publications shall have been made, the last of which shall be on a day previous to the day appointed as aforesaid. Said notice shall contain a copy of said order, and shall notify all persons, associations and corporations interested as owners in any ditch or canal in such water district to appear at said court at the time so appointed, and file a

Notice of hearing.

statement of claims under oath, in case no statement has been before filed by him, her or them, showing the ditch or canal, or two or more such, in which he, she or they claim an interest, together with the names of all the owners thereof; which statement may be made by any one of the owners of such ditch or canal, for and in behalf of all; and also that all persons interested as owners or consumers may then and there present his, her or their proofs for or against any priority of right of water by appropriation sought to be shown by any party, by or through any such ditch or canal (either as owner or consumer of water drawn therefrom). Ten printed copies of said notice shall also be posted in ten public places in such water districts not less than twenty days before the day so appointed, which copies shall be so posted by the party or parties moving the adjudication.

SEC. 63. Proof of the proper publication of said notice or notices in said public papers shall consist in such case of the sworn certificate of the publisher of such newspaper, showing the publication to have been made in accordance with the provisions of section 62 of this act; which certificates shall be procured by the party or parties moving the adjudication at his or their expense, and on the said certificate being filed, the clerk shall enter the amount of the printer's fee therefor as costs advanced by the parties procuring the same, which sum shall be counted to his, her or their credit in distribution of costs. Proof of the posting of said printed copies shall be made by the affidavit of some creditable person, certified to be such by the clerk or other officer administering the oath, showing when, where and how said copies were posted: *Provided*, That notices so posted shall be sufficient in counties where no papers are published.

Costs.

Service of notice.

SEC. 64. The party or parties moving such adjudication shall cause a printed or written copy of the notice aforesaid, published as aforesaid, to be served on every person, association or corporation shown by the statement of claim on file, as provided in section sixty-one hereof, which service shall be made within ten days from the time of the first publication by the clerk, by any creditable person,

certified by said clerk or referee to be such, by delivering such copy as aforesaid to the person to be served, if such person, by due diligence, can be found in the county of his residence. If such person cannot be found as aforesaid, then by leaving such copy at his or her usual place of residence, if he or she have such residence, in charge of some person of the age of fourteen years or over, there residing; and on any corporation by delivering the copy to the president or vice-president or secretary or treasurer thereof, or the manager or superintendent in charge of their ditch or canal as authorized agent or attorney, or by leaving such copy at the office or usual place of business of such corporation, and the proof of such service shall be made by affidavit of the person or persons serving said copies, showing when and how such service has been made on such party. In case of parties not served in any manner as aforesaid, the clerk shall deposit in the post-office, duly inclosed in an envelope with the proper postage stamp thereon, a copy directed to the address of such party shown in the statement of claim aforesaid, filed by him or her under section fifty-nine hereof.

SEC. 65. The court, in making such decree as aforesaid, shall number the several ditches and canals in the water district, concerning which adjudication is made, in consecutive order according to priority of appropriation of water thereby made by the original construction thereof, as near as may be, having reference to the date of each decree as rendered, and shall further number each several appropriation of water consecutively, beginning with the oldest appropriation, without respect to the ditches by means of which such appropriations were made, whether such appropriation shall have been made by means of construction, extension or enlargement; which number of each ditch or canal, together with the number or numbers of any appropriations of water held to have been made by means of the construction, extension or enlargement thereof, shall be incorporated in said decree and certificate of the clerk, to be issued to the claimant as provided in section sixty of this act, so as to show the order in priority of such ditch or canal, and also of such successive

Numbering  
canals and  
ditches.

appropriation of water pertaining thereto, for the information of the water commissioner of the district in distributing water; such numbering to be as near as may be, having reference to date of decree as rendered.

SEC. 66. The federal government is hereby authorized to avail itself of all the provisions of this act.

SEC. 67. In consequence of the near approach of the irrigation season, it is deemed that an emergency exists; and, therefore, this act shall take effect from and after its approval.

Approved March 4, 1890.

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## IRRIGATION AND IRRIGATING DITCHES; ACT AMENDED.

AN ACT to amend section thirty-six of an act entitled "An act providing for the use of water for the purposes of irrigation, and providing for the condemnation of the right-of-way for ditches to carry water for such purposes," approved March 4, 1890.

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

Oath of appraisers.

SECTION 1. That section thirty-six of the above entitled act be amended to read as follows: "The said appraisers must, before entering on the duties of their office, take an oath to faithfully and impartially perform the duties as such appraisers, and make a true and just award of the amount of the compensation to be paid for the right-of-way over, and use of the lands to be crossed by such ditch, canal or other conduit. They must hear the allegations and proofs offered by the respective parties, and after viewing the lands and premises, ascertain and certify the compensation which, in their judgment, it is just and proper to make to the parties owning or interested in the lands to be crossed, for the use of the same, and for damages, if any, on account of injury to other portions of the tract of

land of any owner or interested party. The appraisers, or a majority of them, must subscribe such certificate, and the same must be recorded in the office of the county clerk, and upon the payment of the compensation and damages, if any, or the tender thereof to the proper parties, or in the absence of such parties from the county, then, upon deposit of the amount in the county treasury to the credit of the said party, the persons, company or corporations. Petitioners have the right of entry upon and of way for the proposed ditch, canal or other works: *Provided*, That all parties interested under the provisions of this act shall have the right of appeal to the superior court, and a trial by jury of the cause in question, unless a jury be waived, as in other civil cases, in courts of record." Petitioners have right of entry.

Approved March 20, 1890.

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1890

## IRRIGATION; UNIT OF MEASURE OF WATER FOR.

AN ACT establishing a unit of measure for water for irrigation, manufacturing, mining, milling and mechanical purposes, and declaring an emergency.

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

SECTION 1. That the unit of measure for water for irrigation, mining, milling and mechanical purposes in this state shall be a cubic foot of water per second of time.

SEC. 2. In consequence of the near approach of the irrigation season, it is deemed that an emergency exists; and, therefore, this act shall take effect from and after its approval.

Approved March 26, 1890.

## DYKES AND DAMS.

AN ACT to amend section 2 of an act entitled "An act to provide for the construction and maintenance of dykes and dams in certain cases," approved February 2, 1888.

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

SECTION 1. That section 2 of an act entitled "An act to provide for the construction and maintenance of dykes and dams in certain cases," approved February 2, 1888, be amended to read as follows: Sec. 2. Whenever five or more owners of lands adjoining and contiguous, subject to overflow from tide-water or river freshet, shall petition the board of county commissioners of the county in which such lands are situate, setting forth their intention of constructing and maintaining such dykes and dams as may be necessary for the protection of the same from overflow, and thus render such lands safe and fit for cultivation, and thereby enhance their value for taxable purposes and increase the public revenue, the board of county commissioners shall duly consider the same, and if they find such representations substantially correct and that such proposed improvement shall be for the public good or benefit, they shall so declare on the record of their proceedings, and then appoint three viewers, residents of such district, with the county surveyor, to view out and locate the proposed dykes and dams along the most practicable route to accomplish the object desired at the least possible cost and expense.

Petition of  
owners.

Duty of county  
commissioners.

Approved February 28, 1890.

PUBLIC WAYS ACROSS TIDE-FLATS NEAR  
TOWNS.

AN ACT to establish and define public ways for water crafts across the tide-flats within, in front of, and for a mile either way from all incorporated cities and towns in the State of Washington.

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

SECTION 1. There shall be established one or more public ways across all of the tide-flats that are situated within or in front of any incorporated city or town, or within two miles either way from any incorporated city or town within the State of Washington.

SEC. 2. The public ways provided for in section one of this act shall not be less than fifty nor more than one thousand feet wide, and shall commence at the outer or deep-water end, in not less than twenty feet of water at low tide, and shall extend inland across the state's tide-lands. Limit of width.

SEC. 3. The public ways above provided for shall be so located as to include, as near as is practicable, within their bounds, all navigable streams running through the tide-flats in which they are located, and at such other places as may be necessary for the present or future convenience of commence. Navigable streams.

SEC. 4. All public ways established under the provisions of this act shall be well defined by posts, not less than eight inches in diameter, firmly set or driven in the ground, and of sufficient length so that they will project above the water, at high tide, not less than four feet, and such posts shall not be over four hundred feet apart; and all such public ways shall be correctly surveyed and connected, by metes and bounds, with the government surveys, or such other permanent land marks as will make a lasting record; and a correct plat of all public ways so established shall be made, one copy of which shall be filed with the secretary of state, one copy with the commissioner of public lands of the state, one copy shall be kept in the office of the chairman of the board of harbor line commissioners, and each county shall be furnished with a correct plat of Marking limits.

all such public ways established within its borders, and such plats shall be filed as city or town plats are filed, and become a part of the county records.

Plats must be filed.

Reservation. SEC. 5. All the public ways that may be established under the provisions of this act are, and shall forever be, reserved from sale or lease as public ways for water crafts.

Terms defined. SEC. 6. Where the words "tide-flats or tide-lands" are used in this act, they shall be construed to mean all lands over which the tide ebbs and flows, and which is bare at low tide; and where the words ordinary water crafts are used, they shall be construed to mean boats, barges and other water crafts drawing two and one-half feet and over of water.

Powers of harbor line commissioners. SEC. 7. The board of harbor line commissioners are hereby authorized and instructed to carry out the provisions of this act, and they shall begin operations as soon as practicable after the passage and approval of this act; and they are hereby authorized to employ such assistance and procure such material as may be necessary to carry out the full intent and purpose of this act, and the compensation for the same shall be such reasonable amount as said commissioners may deem advisable.

Payment of bills. SEC. 8. All bills incurred in carrying out the provisions of this act shall be audited and paid in the same manner as is provided in the act creating the harbor line commissioners, for the payment of bills incurred by them.

Approved March 28, 1890.

PUBLIC HIGHWAYS; CERTAIN STREETS IN  
CITIES DECLARED TO BE.

AN ACT declaring certain streets in incorporated cities public highways, and placing the same under corporate authorities.

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

SECTION 1. That all streets in any incorporated city in this state, extending from high tide into the navigable waters of the state be and the same are hereby declared public highways.

SEC. 2. That all streets declared public highways under the provisions of this act shall be under the control of the corporate authorities of the respective cities.

Approved February 28, 1890.

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ROADS AND HIGHWAYS; CORRECTING IN-  
FORMALITIES.

AN ACT correcting informalities of record in the establishment of the various public roads and highways in this State.

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

SECTION 1. All public roads and highways in this state that have been used as such for a period of not less than seven years, and are now so used, where the same have been worked and kept up at the expense of the public, are hereby declared to be lawful roads and highways within the meaning and intent of the laws now existing governing public roads and highways in this state.

SEC. 2. No informalities in the records in laying out, altering, establishing or vacating any public road or high-

way such as contemplated in section one of this act now existing on file in the offices of the various county auditors of this state shall be construed to invalidate or vacate such public roads or highways.

SEC. 3. All acts or parts of acts in conflict with this act are hereby repealed.

Approved March 6, 1890.

## MEMORIALS AND RESOLUTIONS.

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### JOINT MEMORIAL NO. 1.

*To the Honorable the Senate and House of Representatives of the United States:*

Your Memorialists, the Senate and House of Representatives of the State of Washington, most respectfully represent:

That Gray's river, Deep river, Crooked creek and Skamokawa, in the State of Washington, which flow into the Columbia river in the county of Wahkiakum, are navigable streams and are now used as channels of commerce and ways of transportation, but by reason of bars and snags in said streams which could be removed without expense disproportionate to the benefits to be derived from said removal, the navigation thereof is difficult and hazardous; that the country along and adjoining each of said streams now has considerable population and is rapidly filling up with industrious and enterprising people, but the settlement thereof is greatly retarded by the difficulties of transportation and travel; that the soil is fertile, and the timber product, if made accessible, would be of great value, and with such improvements of said streams for navigation as could be made at small expense, said county would be capable of supporting a very large population; but that by reason of the dense forests and of the broken and hilly character of portions of the surface, transportation and travel to and from the same is impracticable except by means of the navigation of said streams.

Your memorialists, therefore, pray that said streams be placed upon the list of streams to be surveyed and exam-

ined with reference to improvements to be made for their navigation, to the end that suitable appropriations for said improvements may be made; and your memorialists will ever pray.

### HOUSE MEMORIAL NO. 2.

*To the Honorable the Secretary of the Interior:*

Your Memorialists, the Legislative Assembly of the State of Washington, would respectfully represent:

That the honorable commissioner of the general land office, by letter of date March 29th, 1889, caused to be withdrawn from entry the following townships of land lying and being in the county of Stevens, in this state, namely: Townships 29 and 30, north range 36, E. W. M.; township 29, north ranges 37, 38, 39, E. W. M.; township 30, north ranges 37, 38, 39, E. W. M.; township 31, north range 37, E. W. M.; township 36, north range 37, E. W. M.; townships 36, 37, 38, north range 38, E. W. M.; township 32, north range 39, E. W. M.; township 37, north range 39, E. W. M.; townships 33, 34, 35, 39, north range 40, E. W. M.; townships 30, 31, 32, north range 41, E. W. M. That the said withdrawal, as your memorialists are informed and believe was made because of the alleged fraudulent character of the survey of the said townships, but that said order of withdrawal was made to except from its operation the rights of all parties who, prior to the date of same had inaugurated claims in the several townships and who still continue to reside upon their claims; that the number of persons whose rights are thus preserved and the boundaries of whose claims must be fixed and ascertained by the old survey is large, and it is still doubtful if it is now practicable to reform the said surveys to the accomplishment of any useful end; that a large number of

other settlers have made entry and erected valuable improvements on these public lands since the date of withdrawal, and in ignorance of the same, and are now ready to make final proofs and receive patents for their lands; that the said county is rich in natural resources of mineral, timber and agricultural land, and that emigration is now largely turned towards said county by reason of its great advantages; and those going into the said county are mainly composed of meritorious citizens, seeking homes for themselves and their families, and that the continued withdrawal of so large a body of land from settlement not only seriously interferes with and retards the settlement of the county, but inflicts injury and loss upon a favored class of settlers; that the injury to the government of the United States by confirming the said survey, even if fraudulent as claimed, will be small in comparison with that which will be inflicted upon the people of Stevens county by longer withholding said land from settlement.

Whereupon your memorialists respectfully pray that such action be taken in the interior department as will cancel the order of withdrawal of said townships heretofore made, and throw lands included therein open for settlement and entry; and as in duty bound your memorialists will ever pray.

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### HOUSE MEMORIAL NO. 3.

*To the President of the United States, relative to the Colville Indian Reservation:*

TO THE PRESIDENT:

Your Memorialists, the Legislature of the State of Washington, represented in a senate and house of representatives, respectfully represent:

That the Colville Indian reservation, situated in Stevens county, State of Washington, contains about two mil-

lion eight hundred thousand acres of land; that the number of Indians actually residing thereon does not exceed five hundred souls; that these lands are known to contain valuable mines of gold, silver, copper, lead, iron, coal and marble, and many thousand acres of timber and agricultural lands, now lying idle and undeveloped.

Your memorialists respectfully ask that such steps be taken at the earliest time consistent with public policy to open this reservation to settlement.

That the Indians may be allotted their due proportion in severalty, and the remainder opened to actual settlers under the law.

Aside from the valuable timber and mineral lands, it is believed that five thousand families could be provided with valuable farms of 160 acres each.

If the lands embraced in this reservation were divided equally among them, every Indian (including women and children) would receive about five thousand six hundred acres, an amount enormously in excess of their rights, necessities or just demands, and your memorialists will ever pray. Your memorialists, therefore, ask your early attention to this matter, and that you will cause such action as will speedily open these valuable lands to actual settlers.

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#### HOUSE MEMORIAL NO. 4.

*To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:*

Your Memorialists, the Legislature of the State of Washington, respectfully represent:

That the Nooksack river emptying into Bellingham Bay, Puget Sound, has the most extensive agricultural valley in western Washington, comprising twelve townships of

rich bottom land now surveyed, and a present population of more than three thousand people; that at present, the river is navigable only for a distance of twenty miles to Lynden, and that with extreme difficulty and danger, because of obstructions in the shape of jams, snags, short bends, etc.; that because of the uncertainty and danger to navigation, and bad roads, the towns of Ferndale, Lynden, Sumas City, Nooksack, Licking and Deming are compelled to pay from ten to twenty dollars per ton for freight from Bellingham Bay to their respective towns; that the produce of the farms is rendered valueless, transportation taking its price, rendering that industry to little or no profit; that the foot hills bordering the valley are covered with the finest of fir and cedar timber, only waiting the removal of obstructions from the river to be floated to the sawmills on tide water; that the upper valley, especially the North Fork, remains unsettled because of the obstructions to navigation and the difficulty in making roads; that fifty thousand dollars would put the river in thorough good repair, making it one of the best and easiest of the Sound rivers for navigation, opening up vast tracts of fine timber and agricultural lands; now, therefore, your memorialists ask that congress appropriate for the improvement of the Nooksack river, the sum of fifty thousand dollars; granted which, we will in duty bound ever pray.

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#### HOUSE MEMORIAL NO. 5.

*To the Honorable Congress of the United States:*

Your Memorialists, the Legislature of the State of Washington, would respectfully represent:

That the growing commerce of Puget Sound, more especially between Olympia, Tacoma and Seattle on the one hand, and La Conner, Anacortes, Fairhaven, Bellingham,

Sehome and Whatcom on the other, requires certain dredging improvement of the Swinomish channel or slough, dividing Fidalgo Island from the main land in Skagit county and connecting Skagit Bay on the south with Padilla and Bellingham Bay on the north.

This route affords safe and sheltered navigation along the eastern shore of Puget Sound, between the principal cities above referred to. Owing to a few bars in Swinomish channel, most of the numerous steamers now plying on these waters, and carrying hundreds of passengers daily, have to go through Deception Pass, between Whidby and Fidalgo Islands, which pass, being narrow, with perpendicular rocks on either side, and a swift, raging current at certain stages of the ebb and flow of the tide is dangerous to navigation. It is therefore essential that Swinomish Channel be improved and kept open to navigation so as to avoid the perils of the Deception Pass route. Besides the advantage of Swinomish Channel as a through line, from one end of the Sound to the other, it is the local outlet for the products of Skagit county, the most important agricultural county of western Washington, producing as it does, some eight thousand tons of hay and twenty thousand tons of grain. It is estimated that a hundred thousand dollars, judiciously expended in dredging this channel, would render incalculable benefit to the commerce of Puget Sound, and we respectfully ask that congress appropriate that sum for the purpose; and in so doing, we only voice a recommendation already approved and endorsed by the boards of trade or municipalities of the cities of Olympia, Tacoma, Seattle, La Conner and Whatcom, and petitions numerously signed by the people along the line; and as in duty bound your memorialists will ever pray.

## HOUSE MEMORIAL NO. 6.

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

Your Memorialists of the Senate and House of Representatives of the State of Washington respectfully represent as follows:

WHEREAS, The city of Seattle, a growing maritime port advantageously situated on the waters of Puget Sound, is bounded inland to the east by Lake Union, a body of fresh water one mile wide, three miles in length and from fifty to three hundred feet in depth; and

WHEREAS, Eastward of Lake Union lies Lake Washington, a body of fresh water four miles wide and about thirty miles in length, with a depth equal to that of Lake Union; and

WHEREAS, South by southeast of Lake Washington lies Lake Samamish, a body of fresh water nine miles in length, with a width and depth about equal to that of Lake Union; and

WHEREAS, Lake Samamish is connected with Lake Washington by the waters of the Samamish river, and Lake Washington connected with Lake Union and Lake Union with tide-water at Salmon Bay, on Puget Sound, by a small, shallow canal constructed by private enterprise for logging purposes; and

WHEREAS, The distance from tide-water to Lake Union (on the line of the canal before mentioned) is about one mile, in which there is a rise of seven feet, the distance from Lake Union to Lake Washington (on the same line) seventeen hundred and eighty feet, in which there is a rise of six feet ten inches, the distance from Lake Washington to Lake Samamish, by the Samamish river, about twenty miles, with a rising altitude scarcely perceptible, the construction of a ship canal connecting the three lakes with tide-water, would be a work easily accomplished; and

WHEREAS, The waters of Puget Sound are thirteen feet ten inches lower than the waters of Lake Washington,

the construction of a ship canal from tide-water to Lake Samamish would lower the water margin of all the lakes; an event that would give the Samamish river fall and current, drain the overflow of centuries, prevent the back water floods of winter and reclaim a great area of country now worthless but capable of being made valuable agricultural lands; and

WHEREAS, The advantages of a great land-locked fresh water basin for ship building purposes are well understood, and since a limitless supply of the best and most valuable timber lines the shores and covers the country surrounding the lakes herein described, they would, in all probability, become, with the opening of the aforementioned ship canal, great ship building centers; and

WHEREAS, The country surrounding the said lakes is rapidly growing in population, and since the said country, in addition to its timber wealth, contains iron and coal, the coal mines being now extensively worked, the construction of a ship canal connecting three lakes with tide-water would stimulate settlement and foster agricultural, mining, manufacturing and commercial industry. The people of the lake country would have a water outlet for their products, and ships could load with coals at the very mouth of the mine. Such a ship canal would confer benefits beyond measure upon commerce, the city of Seattle and the commonwealth of Washington.

In view of these presents, we most respectfully commend to your honorable body, the subject matter of a ship canal constructed upon the lines hereinbefore defined, and we most respectfully solicit the appointment of a commission at an early date to review and report upon the construction of the said ship canal; and your memorialists will ever pray.

## HOUSE MEMORIAL NO. 7.

For sinking artesian wells in the State of Washington.

*To the Senate and House of Representatives of the United States:*

Your Memorialists, the Legislative Assembly of the State of Washington, would respectfully represent:

That in the eastern portion of the state, and especially in the counties of Yakima, Klickitat, Douglas, Franklin, Adams and Walla Walla, there are vast areas of fertile land that are rendered comparatively useless, because of the lack of water for irrigation and other purposes. Could it be shown that water to supply these lands could be obtained by the sinking of artesian wells, homes would be furnished for hundreds of settlers, and the wealth of the state would be greatly increased.

That the few settlers now residing upon the lands are poor and unable to take the necessary steps to ascertain if water can be obtained by these means. That to make test wells in different portions of these counties would not require over twenty-five thousand dollars, and should said wells prove successful, this vast domain which is now but sparsely settled, would in a few years be thickly studded with large fields of grain, with a thousand orchards bearing nearly every kind of fruit, and many a happy home.

We, your memorialists, therefore, pray that an appropriation of fifty thousand dollars be made for this purpose, and that one of said test wells be sunk on Eureka Flat in Walla Walla county, this being one of the largest and most important of these tracts; and we will ever pray.

## HOUSE MEMORIAL NO. 8.

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

Your Memorialists, the Legislature of the State of Washington, respectfully represent, that

WHEREAS, The policy of propagating fish with a view of increasing the product of healthful food for the people, and of sustaining and continuing an important industry, has been demonstrated by experience to be sound and productive of great practical results in the way of sustaining and even in creating the supply of the food fishes; and

WHEREAS, The Columbia river has heretofore yielded large quantities of salmon of a very fine quality as a food fish, furnishing employment to many men and large capital in taking them and in preparing and preserving them for market; and

WHEREAS, The supply of this fish has fallen off greatly in this river during the past few years, because of the destruction of a large part of its natural spawning grounds, caused by the draining of the tributaries of this river for the purposes of navigation; and

WHEREAS, The supply of said fish in this river can only be maintained, for the reason given, by artificial propagation, which has already been commenced by the State of Oregon, which state is jointly interested with Washington in the fisheries upon the said river; and

WHEREAS, It is the desire of the State of Washington to do her part towards keeping up the supply of said fish in the said river by artificial propagation; and

WHEREAS, The only available site for a fish hatchery for this purpose, within this state, now is on the west side at Kettle Falls on the Columbia River; and

WHEREAS, The land covering this site is now owned by the United States: therefore,

*Be it resolved by the Legislature of the State of Washington,* That the State of Washington respectfully asks

the congress of the United States to donate to the said state, for the purposes of establishing a fish hatchery thereon as aforesaid, all of that portion of sections 11, 14 and 15 lying on the west side of the Columbia river now embraced in the Colville Indian reservation, and all in township thirty-six north of range thirty-seven, and east of the Willamette principal meridian; and,

*Be it further resolved,* That our senators and representatives in congress be especially requested to exert their influence to obtain the said donation, and your memorialists will, as in duty bound, ever pray.

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#### HOUSE MEMORIAL NO. 9.

*To the Senate and House of Representatives of the United States of America:*

Your Memorialists, the Legislature of the State of Washington, respectfully represent:

That what is known as the Puyallup reservation lies directly in front of the city of Tacoma, a city of 30,000 people, and forms a barrier extending the width of the Puyallup valley, while beyond the narrow strip of land it embraces lies the extensive and fertile valleys of the Puyallup, Stuck, White and Green rivers, becoming a thickly settled country, in which numerous industries are springing into life, necessitating direct, easy and rapid transit with Tacoma and Seattle. That there has been organized and incorporated under the laws of the State of Washington a railway corporation known as "The Washington Street Railway, Water, Light and Construction Company," at Puyallup, Washington, which company hereby respectfully asks of your honorable body the privilege of a right-of-way through the aforementioned Puyallup reservation. That the construction of the above mentioned

line of railway will materially aid in the development and progress of the country lying beyond said reservation; said road would run through a fertile region of country that is being rapidly settled by a hardy, industrious and intelligent class of farmers, but they are sadly deficient in the means of ingress and egress consequent upon the obstruction of said Puyallup reservation; and

WHEREAS, The commercial, financial, agricultural and social interests of 300,000 people of the cities of Tacoma, Seattle and contiguous country, require the immediate granting of the right-of-way to the above named railway; and

WHEREAS, The consent of seven-eighths of the Indian council of said Puyallup reservation has been honestly obtained: *Provided*, That for the land so taken just compensation would be made therefor; and

WHEREAS, The lands on said reservation over which the line of said railway would be located have been allotted in severalty and a patent issued to each Indian on the 30th day of January, A. D. 1886, for the land selected by him, granting the same to him in fee simple, with a stipulation restricting alienation until such restriction is removed by the state legislature, with the consent of congress; and

WHEREAS, A majority of said Indians of said reservation and through their council, are most anxious to have railroads as soon as possible upon and across their reservation, believing that thereby their holdings must be greatly enhanced in value; and

WHEREAS, It has ever been the practice of the national legislature to dispense its favors where the greatest benefits shall be conferred on the greatest number, will now we trust grant the prayer of this memorial, for the speedy accomplishment of this important enterprise, the necessity of which every citizen acquainted with the growing commercial and manufacturing importance of the city of Tacoma, and the vast agricultural resources of the section of country over which the proposed railway will be built, must at once acknowledge that it is a subject matter of absorbing importance.

We, therefore, your memorialists, most earnestly and respectfully ask your honorable body to regard with favor, and grant the prayer of this memorial; as in duty bound we will ever pray.

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HOUSE MEMORIAL NO. 10.

*To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:*

Your Memorialists, the Legislature of the State of Washington would respectfully represent, that

WHEREAS, Major-General R. H. Milroy has given the best years of his life and his health to his country's service, on the burning plains of Mexico, from the Rio Grande to Buena Vista in the war of 1846 and '47, and from the firing on Fort Sumpter to the peace at Appomattox in the war of the Rebellion; and

WHEREAS, Recognition should be given for his distinguished and patriotic services as an officer in these two wars, and especially for his gallant three days' stand at Winchester, Virginia, against the Rebel army in 1863, thereby crippling and impeding Gen. Lee to such an extent that Gen. Meade was enabled to intercept and defeat him at Gettysburg; and

WHEREAS, General Milroy, a citizen of our state for eighteen years, is now seventy-four years of age and much broken in health; and

WHEREAS, The congress of the United States has by special act placed upon the retired list of the army many volunteer officers of the war of the Rebellion for meritorious and distinguished services; therefore,

Your memorialists pray that Major-General R. H. Milroy be placed upon the retired list of the United States Army

by special act in recognition of his gallant, patriotic and faithful services as a volunteer officer; and your memorialists will ever pray.

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HOUSE MEMORIAL NO. 12.

*To the Honorable the Senate and House of Representatives, in Congress assembled:*

Your Memorialists, the Legislature of the State of Washington, respectfully represent:

That there are 90,000 acres of land in the county of Douglas, in this state, and in townships 22, 23, 24, 27, north, range twenty-two (22) east of the Willamette meridian, in the State of Washington, that has never been opened for entry by the general land office of the United States; that the surveys in the field have been officially examined in the above named townships, by a United States inspector of surveys, and by him reported to the general land office at Washington, D. C., as correct and executed according to the general land laws of the United States; that said plats of surveys of the within named townships have been lying in the general land office at Washington, D. C., since on or about the 17th of September, A. D. 1889; that *bona fide* settlers and home builders have settled on part of the above named land and erected thereon valuable improvements; that the most of this land has been settled from one to six years by home builders and not speculators; that the interests of the people of Douglas county and the whole commonwealth of the State of Washington imperatively require that immediate action be taken by the general land office of the United States to the effect that the above named land be at once placed upon the market, so that proper filings can be made under and in pursuance of the general land

laws of the United States; that to the indomitable and persevering energy of those settlers who came to this state with a view of making homes and to build up a great, rich and prosperous commonwealth, is due this slight recognition on the part of the general government; that the longer withholding this land from public market will materially affect the interests of the settler together with the interest of the state:

Therefore, your memorialists earnestly pray your honorable body to take immediate action in the premises, and cause the above land to be placed at once upon the market; and your memorialists will ever pray.

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#### HOUSE MEMORIAL NO. 13.

Memorial to Congress to establish light-houses and a fog signal.

*To the Senate and House of Representatives of the United States of America:*

Your Memorialists, the Legislature of the State of Washington, respectfully pray such action as will cause the speedy erection of light-houses and a fog signal on the waters of Puget Sound, Washington, at the following points, viz.:

A light-house and fog signal on Deception Island, at the west entrance of Deception Pass, at the head of the Straits of San Juan de Fuca, and the entrance of the Straits of Rosario; a light-house on the northern point of Whidby Island; a light-house on Miller's Point, Saratoga Passage, Whidby Island. The importance of these lights and signals is shown in the fact that three regular lines of steamers, besides numerous other steam and sailing vessels carrying freight and passengers, and the United States mails, traverse these waters daily; trade and population

are constantly increasing, and the erection of these guides and safe-guards are, therefore, rendered indispensable.

Your memorialists further represent that the currents of these channels being rapid (at times running at the rate of fifteen miles per hour), the cross currents from other island passes, the rock-bound shores of the narrow passage ways, the heavy fogs and high southwest winds which so often prevail, make navigation difficult and dangerous, shipping is frequently delayed, life and property are insecure and commercial interests suffer. Loss of life and property are not of unfrequent occurrence, and we recall with sadness the recent drowning near Miller's Point of three of our most worthy and beloved fellow-citizens, whose valued lives, it is believed, might have been saved to us had the proper signals and beacons been provided as herein prayed for. For these and other reasons your early and favorable action is earnestly solicited; and your memorialists will ever pray, etc.

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#### HOUSE MEMORIAL NO. 14.

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

Your Memorialists, the Legislature of the State of Washington, would respectfully represent:

That there are many settlers in the eastern part of the State of Washington, who have made entry of government lands under the provisions of an act of congress entitled "An act to amend an act entitled 'An act to encourage the growth of timber on the western prairies,'" approved June 14, 1878, and the acts of which said act is amendatory; that in many localities in eastern Washington the summer months are very dry and hot; that the rainfall is insufficient to supply the necessary moisture for

the growth of trees; that the country is so broken and rolling that it is impossible to irrigate the land in any way; that on account of the extreme heat and dryness of the summers the trees planted on such timber culture claims have failed to grow; that in many cases where the trees have withstood the drouth of summer they have succumbed to the frosts and cold weather of the winters; that many settlers have expended from five hundred dollars (\$500) to one thousand dollars (\$1,000) in the attempt to make timber grow on their timber culture claims, and they are now no nearer securing title to their claims than they were five or six years ago; that many settlers have made valuable improvements on their timber culture claims, and that on account of the failure of their trees to grow on such claims they are frequently subjected to tedious and expensive contests on account of alleged failure to comply with the provisions of the timber culture law; that the money and labor expended in the attempt to comply with the timber culture law has been absolutely lost to the settler on land under the timber culture law, in a great majority of the cases where entries have been made thereunder; that but little of the prairie land of eastern Washington is adapted to the growth of timber; that the varieties of timber that can be grown on the land in that portion of this state are such as have but little value for domestic or manufacturing purposes; therefore, your memorialists pray that such laws be enacted by the congress of the United States as will provide for the settlers on lands under the provisions of the timber culture law to acquire title to his land by paying to the United States the sum of \$1.25 per acre for the land included in their entries under this law, and upon proof that they have complied with the provisions of law as to breaking the land and planting and cultivating trees thereon from the time of making entry thereof, up to the time of offering to make final payment therefor as prayed for in this memorial; and your memorialists will ever pray.

## HOUSE MEMORIAL NO. 15.

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

Your Memorialists, the Legislature of the State of Washington, would respectfully represent:

That the convenience, necessities and business wants of central Washington require that a new land district be established in the State of Washington, bounded as follows: Commencing at the intersection of the Columbia guide meridian with the fourth standard parallel north; thence north to the 49th parallel of north latitude; thence west to summit of the Cascade mountains; then southerly along said summit and line between Okanogan and Whatcom, Skagit and Snohomish counties to south boundary of Okanogan county, at the headwaters of the Wenatchee river; thence southeasterly along the Wenatchee river to the Columbia river; thence down the Columbia river to the 4th standard parallel north; thence east to place of beginning; that in locating said land office of this new land district in the town of Waterville, the county seat of Douglas county, would be central and would greatly advance the interests of thousands of citizens of the State of Washington who are most anxious and desirous of availing themselves of the pre-emption and homestead acts of your honorable body, and the same would conduce to the material prosperity of the entire country, and would also hasten the development of the vast agricultural, mineral, lumber and other resources of those sections known as Big Bend and Okanogan countries. That many thousands have, are and intending to emigrate to this section of the state. These emigrants are, at present, at a heavy expense in locating and selecting their lands and then returning to the district land office to make their filings and secure their claims. The citizens embraced in this asked for land district, live on an average of one hundred and fifty miles from any land office.

That all this expense would be avoided by the estab-

lishment of a land district in this central section of the state of Washington, with the office, in the said town of Waterville, in accordance with the prayer of this memorial.

With these hopeful indications, and an appreciation of the great results attending the accomplishment of the desires herein expressed, may we not ask with confidence, that your honorable body will grant our prayer, as in duty bound we will ever pray.

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#### HOUSE MEMORIAL NO. 16.

In relation to the improvement of the Columbia River.

*To the Honorable Senate and House of Representatives of the United States, in Congress assembled:*

Your Memorialists, the Legislature of the State of Washington, most respectfully represent, that

WHEREAS, The Columbia river can be made navigable for a distance of (700) seven hundred miles from its mouth at a comparatively reasonable expense; and

WHEREAS, The said river flows through a country for said distance above its mouth, inferior to none for its productiveness of soil, its vast forests and valuable mines; and

WHEREAS, The future development and progress of our new state depends largely on the appropriations made by the general government for the freeing of said river from obstructions, from the extreme northeastern portion of our state to the extreme southwestern part thereof, thus providing us with traffic facilities, and affording us a regulator of transportation rates in which the property of all countries more or less depend; and

WHEREAS, The importance of an open and free Columbia river, and the facts and figures with respect to the same, have been represented by engineer officers of the

United States, in their reports made from time to time of their surveys and explanations, and which congress has recognized by favoring us in the past with liberal appropriations whereby surveys and examinations have been made and improvements actually begun;

We most earnestly urge the appropriation recommended by the local government engineers for the carrying on and completion of the great work at the Cascade Locks, and as it has been demonstrated by experiments made that the Columbia river can be successfully navigated between the mouth of Snake river and the confluence of the Okanogan, at favorable stages, we therefore ask for liberal appropriations for the improvement of Priest Rapids, Cabinet Rapids and Rock Island Rapids. We furthermore urge upon your honorable body, in view of the length of time necessary for the completion of the locks and canal at the Cascades, the construction of a portage road for temporary relief, and that you adopt and speedily complete for the permanent improvement of the portage at the Dalles and Celilo Falls such a system as will be the most practicable for securing the great end we have in view, namely, an open and free river, whether it be by boat railway, by canal and locks, or by any other practical method; and as in duty bound your memorialists will ever pray.

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HOUSE MEMORIAL NO. 17.

*To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:*

Your Memorialists, the Legislative Assembly of the State of Washington, respectfully represent:

That the Columbia river, one of the great water ways of the world, can, with slight expense, be made navigable from Kettle Falls, in Stevens county, State of Washing-

ton, to a point in British Columbia, more than two hundred and eighty miles distant; that said river above said falls traverses a country of unexcelled fertility, rich in the precious minerals, in coal, iron, marble and lime-stone, and in vast forests of pine, fir and cedar trees; that north-eastern Washington, in the center of which lies the great and thriving city of Spokane Falls, needs to be brought into connection with said country by means of said river, in order that there may be a mutual interchange of products; that the said Columbia river is navigable in British Columbia to and above the crossing of the Canadian Pacific railway, and the said country will be greatly benefited by the competition for its freights of that great transcontinental line; that Kettle Falls, on said Columbia river, is the natural and only point at which it is practicable for lines of railway and other highways to approach said Columbia river from northeastern Washington, and that a line of railway from said Spokane Falls to said point is now completed to within a few miles of said Kettle Falls, namely the Spokane & Northern railroad, that the only obstructions in said river above said Kettle Falls for more than two hundred and eighty miles are at a place called the Little Dalles, in said Stevens county; that said obstructions are inconsiderable, and can be removed, and the river rendered navigable at all stages of water, at an expenditure of not to exceed fifty thousand dollars, as is shown by the report of Lieutenant Thomas W. Symonds, Engineer Corps U. S. A., made in the year 1881, senate executive document 186, that considerable traffic between northeastern Washington and said British Columbia has existed and been carried on by means of a line of steamboats above said Little Dalles, but all freights to and from said boats has been required to be freighted by teams for a long distance over difficult and dangerous roads, and for that reason the said traffic has languished and nearly died away, but that the said traffic will be revived and immeasurably increased with the completion of the line of the said Spokane & Northern railway to said Kettle Falls, and with the removal of the obstructions in the said river at the Little Dalles.

Whereupon your memorialists respectfully pray that an appropriation of a sum not to exceed fifty thousand dollars to be made by your honorable bodies, for the removal of the obstructions in said river at the Little Dalles, said appropriation to be expended under the direction of the general government as in other similar cases; and as in duty bound your memorialists will ever pray.

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HOUSE MEMORIAL NO. 18.

*To the Honorable Senate and House of Representatives of the United States, in Congress assembled:*

Your Memorialists, the Legislature of the State of Washington, would respectfully represent:

That the Cowlitz river with its tributaries drains a large and fertile region, rich in timber, coal and agricultural resources, sustaining an industrious population of more than 4,000 people. The possibilities of population and production, in their present undeveloped condition, are almost incalculable. The obstacles to navigation in the said Cowlitz river are so slight that the U. S. engineers have estimated that the sum of \$8,000 would render the stream navigable during the entire year for a distance of thirty-five miles; and that a further appropriation of \$5,000 would render the stream navigable up to Winston creek, a further distance of fifteen miles, and have accordingly recommended such expenditures. We, your memorialists, would, therefore, respectfully pray your honorable body to pass an act appropriating \$13,000 for the improvement of bars and removal of snags in the said Cowlitz river, from its confluence with the Columbia to Winston creek, thus rendering it navigable and aiding the efforts of a deserving population to develop a fertile region; and in duty [bound] we will ever pray.

## HOUSE MEMORIAL NO. 20.

*To the Honorable Senate and House of Representatives of the United States, in Congress assembled:*

Your Memorialists, the Legislature of the State of Washington most respectfully represent, that

WHEREAS, The vast regions and extensive coast line of the North Pacific Coast and Puget Sound are at present wholly unprovided with naval protection or other defense; and

WHEREAS, The government of the United States, recognizing the importance of making some preparation for such defense, did appoint a commission consisting of Captain A. T. Mahan, Commander C. M. Chester and Commander Stockton of the U. S. Navy, three scientific and experienced naval officers, to investigate and examine the North Pacific Coast with the view of selecting and locating a suitable site for a naval station; and

WHEREAS, Said commission, having carefully discharged their duties in examining the waters and shores of Puget Sound, have selected Point Turner on Port Orchard Bay, as a proper and suitable site for such Naval Station, and have made their report recommending the same; now, therefore,

*Be it resolved by your Memorialists, the Legislature of the State of Washington,* That we endorse the report of said commissioners, Captain A. T. Mahan, Commander C. M. Chester and Commander Stockton; and we respectfully request that your honorable body confirm said report and enact such legislation as may be necessary to proceed with the construction of such naval station;

*Resolved,* That the secretary of state is hereby directed to furnish a certified copy of this memorial to each of our senators and representatives in congress; and one copy each to the chairman of the committee on coast defences and naval affairs of the senate and house of representatives of the United States.

## HOUSE MEMORIAL NO. 21.

Asking an appropriation to remove the obstructions between Oak Bay and Port Townsend Bay, in the State of Washington.

*To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:*

Your Memorialists, the Legislature of the State of Washington, would respectfully represent:

The Bay of Port Townsend and Oak Bay, in the State of Washington, are now separated by a narrow strip of land from one hundred to one hundred and fifty feet in width, and by reason of this obstruction vessels going north from Puget Sound are compelled to pass around Marrowstone Point, exposed to the heavy swells direct from the ocean. We would further represent that light draft and stern-wheel steamers are forbidden by the United States local inspectors from doing business between the city of Port Townsend and the other cities of Puget Sound south of Marrowstone Point during the winter months. We would further represent that the removal of this obstruction would provide a safe means of communication during the entire year, and also shorten the distance to be traveled each way at least thirteen miles, and that the said obstruction can be removed for the sum of forty thousand dollars.

We, your petitioners, would therefore respectfully request that an appropriation of said sum of forty thousand dollars be made for the purposes herein stated; and, as in duty bound, your petitioners will ever pray.

## HOUSE MEMORIAL NO. 22.

Memorializing Congress to make Port Angeles, situated in Clallam county, State of Washington, a sub-port of entry.

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

Your Memorialists, the Legislature of the State of Washington, most respectfully represent, that

WHEREAS, Port Angeles, situated on a bay containing about eight square miles and averaging in depth from four to thirty-three fathoms, with good anchorage, the entrance is much more than adequate to admit the largest ocean boats, and no rocky approaching shores; said bay opening into the strait of Juan de Fuca, and being the nearest bay to Cape Flattery of any importance, is therefore the first secure place of safety for ocean boats up the straits;

WHEREAS, Port Angeles is rapidly growing, having doubled its population in the past year, therefore it becomes an emergency that Port Angeles be made a sub-port of entry, it having formerly been the port of entry;

*Therefore*, Your memorialists, the Legislature of the State of Washington, do most respectfully ask that you do cause Port Angeles to be made a sub-port of entry; and your memorialists will ever pray.

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SENATE MEMORIAL NO. 1.

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

Your Memorialists, the Legislature of the State of Washington, respectfully represent:

That for some time prior to the breaking out of hostilities in the Indian war of 1855-6 in Oregon and Washington

territories, most of the settlers residing in the eastern part of Washington Territory were engaged in pastoral pursuits, raising cattle and horses for a living, and many of them having all the property which they owned in stock of this kind; that in the summer of 1855 the United States made treaties with the Yakima, Walla Walla, Cayuse and Umatilla tribes of Indians, which soon afterwards produced a spirit of discontent among them towards the white settlers, who were induced to locate upon the lands ceded by these Indian tribes to the United States; this discontent soon turned to acts of hostility towards all settlers who had been induced to become residents of eastern Washington. Several men, and among them Indian Agent Bolon, were slain by the hostile Yakimas in August and September, 1855. A like hostile feeling was evinced by the other treaty tribes, so that, by order of U. S. Indian Agent Olney, all the settlers were ordered to leave that section of the country in order to save their lives, and to abandon their herds of cattle. The result was that nearly all these cattle were lost to their owners by the Indian war which ensued, and without any fault of their owners. Your memorialists further say that no compensation has ever been made, to those who suffered these losses, out of any appropriation made to those Indians by the United States, nor have they been otherwise paid for any of the property thus lost through Indian depredations. Your memorialists therefore pray that a commission may be appointed to investigate and ascertain the losses sustained by the settlers of Washington Territory during the years 1855 and 1856, by reason of Indian hostilities, and that an appropriation may be made by congress to pay the amount of the losses, when ascertained, with interest upon the same, to those who suffered the same; and your memorialists will ever pray, etc.

## SENATE MEMORIAL NO. 2.

*To the Honorable Senate and House of Representatives of the United States, in Congress assembled:*

Your Memorialists, the Legislature of the State of Washington, would most respectfully represent, that

WHEREAS, Under and by virtue of an act of congress 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," our just and beneficent national government has granted to the young State of Washington a magnificent heritage of more than five hundred and thirty-two thousand acres of the fertile lands within her borders, to be utilized in the erection of public buildings, colleges and universities of learning and the maintenance of the same, the prosecution of internal improvements, and the upbuilding and fostering of a free public school system — that bulwark of our liberties; and

WHEREAS, The loss to our state of any part of this munificent donation would be irreparable and disastrous to the commonwealth, and if permitted, a grievous wrong to future generations; and

WHEREAS, Under the existing conditions of a rapidly increasing population, already great, striving to appropriate to individual benefit the public lands within our state, it is absolutely certain that under the various public land laws now in force, such appropriation of all desirable tracts of such lands will be effected before the selection of lands for the state under such donation can be accomplished, as now provided by law; and

WHEREAS, It is absolutely necessary, in order that the intention of the national government may be fully carried out in pursuance of the spirit prompting such donation, and that the state may not be despoiled of the precious

gift, that congress take legislative action in order that section 19 of said act may be rendered operative and of full force, and that the public lands within the state may not be entirely appropriated by individuals before the same are surveyed, or an opportunity given for a selection of lands under such donation on behalf of the state;

*Therefore,* We most earnestly and respectfully petition your honorable bodies that you enact such legislation as will effect the purpose of that part of said act relating to the donation of lands to the State of Washington, and effectually prevent the appropriation by individuals of so much of the public domain within the State of Washington as may be required to carry into effect the provisions of said act of congress, until a reasonable time and proper opportunity have been given, subsequent to the filing of the plats of such lands in the local land offices, for selections of said lands to be made on behalf of the state; save and accept the right of homestead by *bona fide* citizens should not be denied at any time.

*Resolved,* That the secretary of state is hereby directed to furnish a certified copy of this memorial to each of our senators and representatives in congress; also one copy to the chairman of the committee on public lands, in the senate of the United States, and one copy to the chairman of the committee on public lands in the house of representatives, commissioner of the general land office, and secretary of the interior.

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SENATE MEMORIAL NO. 3.

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

WHEREAS, William Packwood, now a resident of Thurston county, Washington, and one of the pioneers of Wash-

ngton Territory, has spent many years in exploring and opening out the resources of said territory, having largely devoted his means and time to that purpose since the year 1857; and

WHEREAS, The said William Packwood did discover, some twenty-six years since, in the Cascade mountains, in said state, a vein of anthracite coal, which is inaccessible for purposes of commerce without a large expenditure of capital; and

WHEREAS, The said William Packwood is unable to purchase said land at the price fixed by government for said coal lands; and

WHEREAS, Said Packwood has, during said twenty-six years, spent not less than one hundred and fifty (150) dollars each year in making trails, exploring the country for railroads, and working upon said coal for the purpose of prospecting the same, making three thousand nine hundred (3,900) dollars so expended by him in time and money. During said time he has built four good log houses at said mines, all of which were necessary to the exploration of the same, and it will take at least one thousand (1,000) dollars cash outlay for boring machinery, etc., to test said mine and ascertain whether the same is available for commercial purposes or not, which expenditure said Packwood expects and intends to make, and in fact will be compelled to make, before he can expect to receive any returns upon the expenditures already made by him in the discovery and development of said coal, which, if the same proves remunerative, will bring large bodies of adjoining lands into demand as coal lands; and

WHEREAS, Said mine is remote from any surveys, and there is no prospect of the public surveys being extended to said land on account of the ruggedness of the mountains in which the same are situated (said lands being wholly unfit for purposes of cultivation and settlement), and there being no means under existing laws whereby the said Packwood can obtain title to the land upon which the mines so discovered and improved by him are situated;

*Therefore*, Your memorialists, the Legislature of Washington, pray, that said Packwood's claim be directed to be

surveyed by a special act of congress in the same manner and upon the same terms that mineral claims are authorized to be surveyed under existing mineral laws, and that the said Packwood may be authorized to enter three hundred and twenty acres of land upon which the mine so discovered and developed by him is situated, at the price of one dollar and twenty-five cents per acre, that being the price of government land at the time said mine was located by him. The secretary of state is directed to furnish a certified copy of this memorial to each of our Senators and to our member of congress in Washington, to the secretary of the interior, commissioner of the general land office and to the chairmen of the committees on public lands of each house of the national Legislature.

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#### SENATE MEMORIAL NO. 4.

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

Your memorialists, the Senate and House of Representatives of the State of Washington, respectfully represent, that

WHEREAS, Thousands of acres of public land in the State of Washington have been withheld from entry and settlement since August 13, 1870, by reason of the order of withdrawal of the secretary of the interior for the benefit of the Northern Pacific railroad company, and

WHEREAS, The department of the interior has neglected to adjust the exact boundaries of the grant to said railroad company and the odd numbered sections along the southern border of the state are still withheld and are the property of the government, we ask that prompt action be taken in determining the rights of the railroad company and adjusting their claims, and that we consider our-

selves unjustly treated in the unwarranted delay on the part of the government in settling the question of the ownership of the vast domain so withdrawn; and we further ask, in view of the fact that it is a very doubtful question, as to whether there is enough government land within the state unappropriated of sufficient value to render the munificent grant to the state for the various purposes provided in the enabling act as beneficial as was intended, that the said lands so withheld be declared by your honorable bodies to be the property of the State of Washington; and

WHEREAS, The present condition of the title to said lands is so unsettled, and serious complications may arise, we request that in justice to the rights of the railroad company, as well as to the interests of the people of the State of Washington, that our request be speedily examined and granted; and your memorialists will ever pray.

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SENATE MEMORIAL NO. 5.

*To the Honorable Senate and House of Representatives of the United States:*

We, your Memorialists, the Legislature of the State of Washington, would respectfully represent:

That the exigencies of public service and public interests demand the locating, establishing, building and maintenance of a military wagon road along the shores of the Straits of Juan de Fuca, from Port Townsend to Cape Flattery, in said State. All military authorities officially examining the waters of Puget Sound with reference to locating defensive works have agreed upon Point Wilson and contiguous points as the proposed location of the outer line of such defensive works. The country from Port Townsend westward to the Pacific ocean is outside of the

probable location of such forts, batteries and other means of protection to our country as will be provided by the national government against hostile forces. This section of country that will be thus exposed is a hundred miles in length, is remote from railroad communication whereby military supplies could be transported to or through it, and yet is developing in population and industrial interests until its public interests foreshadow great necessity for proper national protection.

Wherefore, your memorialists would earnestly urge the location, building and maintaining of such a military road; and your memorialists will ever pray.

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#### SENATE JOINT MEMORIAL NO. 7.

*To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:*

Your Memorialists, the Senate and House of Representatives of the State of Washington, respectfully represent:

That Nasel river, Willapa river and North river in Pacific county, State of Washington, which flow into Shoalwater Bay, are all large, important and navigable streams, extending inland from eighty to one hundred miles, and are now used as channels of transportation and for a commerce of constantly increasing importance, but which commerce is necessarily conducted with great difficulty and danger by reason of the presence of snags and obstructions, which can be removed with a comparatively small expense; that there is a large extent of very fertile country along and adjoining the above named rivers, which at this time has a considerable population and which is rapidly increasing, but the settlement of which is nevertheless greatly retarded by the difficulties and dan-

gers of transportation, which necessarily has to be done on said rivers, because of the topography and condition of the country; that in addition to a large area of fine agricultural country, capable of supporting many thousand inhabitants, there are extensive tracts of very superior timber, which is only accessible and can have an outlet only by means of these three rivers; that Nasel river requires improvement by the removal of snags and obstructions, necessitating an expenditure of fifteen thousand dollars in order to make it safely navigable for a distance of thirty (30) miles or more from its mouth; that Willapa river requires improvement by the removal of snags and obstructions, necessitating an expenditure of ten thousand dollars in order to make it navigable for twenty-five miles or more from its mouth, and that North river requires improvement by the removal of a jam of logs therein, and other obstructions, necessitating an expenditure of twenty-five thousand dollars in order to make it safely navigable for a distance of forty miles or more from its mouth; and we therefore earnestly petition your honorable body that an appropriation of fifty thousand (\$50,000) dollars be made for the improvement of the three said important rivers, viz.: Nasel river, Willapa river and North river; and your memorialists will ever pray.

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#### SENATE MEMORIAL NO. 8.

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

Your Memorialists, the Legislature of the State of Washington, would respectfully represent to your honorable body:

That your honorable body on July 14, 1888, granted to the Puyallup Valley Railway Company the right to construct a railroad through the Puyallup Indian reservation

in Washington: *Providing, however,* That the consent of the Indians upon said reservation to said right-of-way be first obtained; that on February 2, 1889, the president of the United States directed that a council of the Indians on said reservation be held, at which the question of granting said right-of-way should be submitted to them, and decided by a majority vote; that on February 19, 1889, the council convened under the direction of the Indian agent at said reservation, and a majority of the Indians thereon voted against granting said right-of-way; that the secretary of the interior directed a new council to be held on said reservation under the supervision of an Indian inspector, and on December 2, 1889, said second council was held accordingly, and a majority of the Indians again voted against granting said right-of-way; that the lands on said reservation over which the line of said railway has been located have been allotted in severalty, and a patent was issued to each Indian on January 30, 1886, for the land selected by him, granting the same to him in fee simple, with a stipulation restricting alienation until such restriction is removed by the state legislature with the consent of congress; that by act of congress approved February 8, 1887, every Indian to whom an allotment has been made shall have the benefit and equal protection, and be subject to the same laws as other citizens of the state, and he is declared to be a citizen of the United States, and entitled to all the rights, privileges and immunities of such citizens; that said reservation lies directly in front of the City of Tacoma, with its population of over thirty thousand inhabitants, and forms a barrier extending the width of the Puyallup Valley, while beyond the narrow strip of land it embraces lie the extensive and fertile valleys of the Puyallup, Stuck, White and Green rivers, now a thickly settled country, in which numerous industries are springing into existence, necessitating a direct and easy communication with Tacoma; that the construction of said line of railway would materially aid in the development and progress of the country lying beyond said reservation; that said Indians are now accorded the same rights as citizens of the state, and vote at our elections and are on a par in every respect with

other inhabitants of the state. Your memorialists, therefore, desire to say that said Indians should not be permitted to stand in the way of the progress and development of the country when equal rights are guaranteed them, and just compensation provided for by law, and especially that the whole tribe should not be consulted upon the question as to whether said company may cross the land of any Indian upon making adequate compensation for damages; wherefore, your memorialists pray that your honorable body will pass a new act granting to said company the right to construct the said railway as heretofore granted, but that it shall not contain said stipulation that the consent of the tribe shall be first obtained, leaving the ascertainment of the damages, if the parties cannot agree, to the proper courts.

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### SENATE MEMORIAL NO. 9.

Memorial for the removal of a bar in the Columbia River, State of Washington.

*To the Honorable Senate and House of Representatives of the United States:*

GENTLEMEN —The Legislative Assembly of the State of Washington respectfully represent:

I. That within the last few years a sand-bar has formed across the Columbia river, between the city of Vancouver and the mouth of the Willamette river, reducing the navigable depth of the Columbia above the latter named point from twenty (20) to eight (8) feet, and thus preventing sea-going craft from ascending to the lumber mills and wharves at and above the city of Vancouver except during the annual flood.

II. That a standard gauge railroad has been laid out and surveyed from Vancouver, in a northeasterly direction, through a heavily timbered country and extensive coal

fields, to connect with the city of North Yakima and the main trunk line of the Northern Pacific railroad at that point, and probably to be extended into the rich mines and fertile agricultural lands of the "Big Bend" country; thence onward to a connection with the railroad systems which center at Spokane Falls; thus rendering more than half of the great State of Washington tributary to this portion of the Columbia river.

III. That about twelve (12) miles of this railroad are already in operation, running two (2) trains each way daily, and twenty (20) miles more of the road is designed to be constructed in the near future.

IV. That three (3) new saw mills, capable of cutting two hundred thousand (200,000) feet of lumber daily, are already in operation in the city of Vancouver; others with at least equal capacity will probably be erected at the same point in the near future. Several large saw mills and other factories are operating further up "The great river of the West." Numerous industrial and mechanical enterprises are located in Vancouver and the vicinage thereof.

V. That beautiful and costly brick buildings have been erected during the current year at Vancouver, that others of even greater beauty and value are now planned, some of which are being constructed; that the city has all the modern conveniences of electric lights, street railroad, water supply, fine churches, a college, and other public edifices superior to any in this portion of the state; that capital is being largely invested, and that the foundations of a prosperous community are being laid in and around a city which already numbers over five thousand (5,000) souls.

VI. The military reservation of Fort Vancouver, which is partially surrounded by the city of Vancouver, is the headquarters of the military department of the Columbia. The department offices are located upon the said reservation. A full regiment of United States soldiers are quartered there. The financial advantages of an open water highway to the ocean in the transportation of supplies called for by the military service specified is too manifest to require urging upon the attention of Congress.

VII. That the banks of the Columbia river below the bar above mentioned are not adapted to the establishment of mills and lumber yards, as they are subject to overflows by the June and July floods of each year.

VIII. That the removal of the sand-bar above mentioned is, therefore, of urgent necessity, especially in the interest of the large and growing lumber trade, which employs millions of dollars and thousands of men preparing the products of our forests for the markets of the world.

IX. That the said sand-bar can be removed at a moderate cost of less than ten thousand (10,000) dollars, as shown by surveys and estimates made by the United States engineers.

*Therefore,* Your memorialists do earnestly request that your honorable body will, in the public interest of this portion of the State of Washington, make such an appropriation as shall be sufficient and as is necessary to remove the said bar which now obstructs the navigation of the Columbia river at this point about eleven (11) months in each year, cutting off the city of Vancouver and the important interests centering therein and thereabout from the ocean highways of the world. For the purpose of removing the said obstructing sand-bar, we request the appropriation of at least nine thousand (9,000) dollars from the treasury of the United States; and your memorialists will ever pray, etc., etc.

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SENATE MEMORIAL NO. 10.

*To the Honorable, the Senate and House of Representatives of the United States, in Congress assembled:*

We, your memorialists, the Senate and House of Representatives of the State of Washington, in Legislative Session assembled, would respectfully represent to your honorable body, that

The commerce of Puget Sound carried on by steam and sailing vessels in and through the San Juan archipelago is large and growing, as attested by daily and tri-weekly mail and passenger routes in constant operation; by an immense business in transporting lime, lime-rock, building stone, lumber, fruit, wool, dairy and farm products, and other merchantable commodities too numerous to mention; that the shores of navigable channels through said islands are for the most part bold, rocky and perilous; that said channels are for the most part narrow, tortuous and difficult to navigate, particularly in foggy or cloudy weather, or in dark nights; that the channel known as "San Juan Passage" is particularly hazardous, and is an urgent subject for aids and improvements to navigation therein, being the channel most used:

*Wherefore*, Your memorialists would earnestly request that an appropriation of at least fifty thousand dollars be made from the national treasury, to erect a light-house at a suitable point at the mouth or southern termination of said "San Juan Passage," and your memorialists will ever pray.

#### SENATE MEMORIAL NO. 11.

Praying for an appropriation for clearing Palouse river.

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

GENTLEMEN—Your Memorialists, the Legislature of the State of Washington, would most respectfully represent:

That the Palouse river in Whitman county, in the State of Washington, being the main stream watering the vast agricultural and timbered tracts of said county, and that said portion of Washington is susceptible of all the ad-

vantages incident to civilization, and that it is the duty of the general government to give such necessary aid and assistance in opening and developing the natural resources of a new country for its advancement and improvement; that the Palouse river takes its rise among the mountains of Idaho, and flows west through Whitman county, passing through some of the heaviest and best timbered tracts in Idaho and Washington, and is used principally for the driving of logs, lumber, fence posts, etc., to the mills at Palouse City, Colfax and other points in Whitman county, and that last year over twenty million feet of logs were driven down this river to the points mentioned, and that as much more could have been driven had the stream been practicable throughout the summer; that it is twenty-seven miles from the Idaho line to Colfax, and that it is within this distance the stream is extremely tortuous and contains many boulders which in low stages of water obstruct the passage of logs and lumber; there being also numerous sloughs and pockets which, when the water is high, receive and hold logs and lumber, and that these obstructions are a great detriment to the growth and prosperity of this part of the state, and that an appropriation of twenty thousand dollars (\$20,000), would remove said obstructions and render said stream fit for logging and lumbering purposes throughout the year, thus opening up to settlers along its banks a cheap and easy outlet for the natural products of the country, and bringing within easy reach of the toiling masses of the people a large area of government land yet unoccupied. Your memorialists would, therefore, pray for an appropriation of twenty thousand (\$20,000) dollars for the removal of such obstructions in the said river, thus rendering it fit for the uses therein designated throughout the year; and as in duty bound your memorialists will ever pray.

## SENATE MEMORIAL NO. 12.

*To the Honorable Senate and House of Representatives  
of the United States, in Congress assembled:*

Your memorialists, the Legislature of the State of Washington, would most respectfully represent, that

WHEREAS, Under the act of February 22d, 1889, 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, there was granted to the State of Washington, to 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 said state:

For erecting public buildings at the capital of said state, thirty-two thousand acres.

For State University purposes, forty-six thousand acres.

For Agricultural College, ninety thousand acres.

For Scientific School, one hundred thousand acres.

For State Normal School, one hundred thousand acres.

For buildings at state capital, an additional grant of one hundred thousand acres.

For state charitable, educational, penal and reformatory institutions, two hundred thousand acres; and

WHEREAS, There was also granted to the State of Washington, for the support of common schools, sections numbered sixteen and thirty-six in every township in said state, an estimated amount of two millions five hundred thousand acres, 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, may be selected; and

WHEREAS, From the fact of settlements on these lands having been made prior to their survey and withdrawal from entry, and also a large amount of said lands falling in sections sixteen and thirty-six being of a mineral character, for all of which indemnity lands to the amount of at least one million acres must be selected, making a total of public lands granted to the State of Washington of one million six hundred and sixty-eight thousand acres, which must be selected from the surveyed, unreserved and unappropriated public lands of the United States within the limits of said state; and

WHEREAS, The total surveyed area of the State of Washington, not otherwise reserved or unappropriated, does not exceed at this time one million acres, as taken from the reports of the general land office to June 30, 1888, and estimating the sale and disposal of lands for the year ending June 30, 1889, as two millions five hundred thousand acres, which is without doubt much less than the actual amount disposed of. Of this one million acres of surveyed and undisposed lands, a large portion is included in the lands granted to the Northern Pacific Railroad company, while at least ninety per cent. of the remainder are waste lands and practically worthless; and

WHEREAS, During the years 1886, 1887 and 1888, but four hundred and sixty-eight thousand four hundred and thirty-eight acres of land were surveyed in the Territory of Washington, while the aggregate area of lands disposed of during the same period was seven millions seven hundred and eighty-two thousand six hundred and nine acres; and

WHEREAS, It appears from the foregoing statements which have been taken from official reports, that the State of Washington has now due and soon to become due from the public lands of the United States, one million six hundred and sixty-eight thousand acres of land which have been granted said state by the government of the United States; and

WHEREAS, There are no public lands of the United States in the State of Washington at the present time surveyed, unreserved and unappropriated from which the

said grants to the State of Washington can be selected, as required under the act granting said lands; and

WHEREAS, The necessity for the immediate survey of lands from which these grants may be selected has been presented to your honorable bodies by a memorial from the legislature of the State of Washington;

*Now, therefore,* We most earnestly and respectfully petition your honorable bodies that you will appropriate for the survey of public lands in the State of Washington, the sum of three hundred thousand dollars, to be made immediately available, said sum of money to be expended under the direction of the United States surveyor general for the State of Washington, in accordance with the laws of the United States relative to the survey of public lands; and your memorialists will ever pray.

*Resolved,* That our senators are instructed and our representative requested to prepare and present bills embodying the subject matter of this memorial, and to earnestly urge the passage of the same.

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#### SENATE MEMORIAL NO. 15.

*To the Honorable Senate and House of Representatives, in Congress assembled:*

Your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent:

That the general land office of the United States, on January 20, 1886, received an order from the secretary of the interior, approved by the president October 23, 1884, showing the names of members of the Puyallup band of Indians who made selections of land in accordance with the treaty concluded on the 26th day of December, 1854; and

WHEREAS, The president of the United States did, in accordance with the said treaty, and action of the interior department allot, in severalty, to said Puyallup Indians lands upon the Puyallup reservation in Pierce and King counties, in the State of Washington, and did on January 13, 1886, cause to be issued and executed patents therefor to each of said Indians; and

WHEREAS, Said patents provided, among other things, that the said tracts of land shall not be aliened or leased for a longer period than two (2) years, and shall be exempt from levy, sale or forfeiture, and which conditions shall continue in force until a state constitution embracing such lands within its boundaries shall have been formed and the legislature of the state shall remove the restrictions; and

WHEREAS, Said patents further provide that no state legislature shall remove the restrictions without the consent of congress; and

WHEREAS, The said Indians residing upon and owning said lands are intelligent and capable of looking after their own interests in disposing of their lands at their full market value; and

WHEREAS, They desire the restrictions removed themselves and have petitioned for this memorial; and

WHEREAS, The said legislature of the State of Washington is now willing and ready to remove the restrictions in accordance with the provisions of said patents to said lands as soon as congress consents that it may be done:

*Therefore*, Your memorialists earnestly pray that your honorable body may grant the legislature of the State of Washington power to remove said restrictions by consenting thereto.

## SENATE JOINT MEMORIAL NO. 16.

*To the Honorable Senate and House of Representatives  
of the United States, in Congress assembled:*

We, your Memorialists, the Legislature of the State of Washington, would respectfully urge upon your honorable body the necessity of an appropriation from the national treasury for the purpose of erecting a light-house and fog signal at Clallam Head, a promontory on the shore of Fuca Strait, about thirty miles eastward and inland from Tatoosh light-house, at the entrance of said Fuca Strait. In support of the urgent proposition herein contained your memorialists would respectfully cite the following facts:

*First.* On entering Fuca Strait, ships and tow steamers soon lose sight of the Tatoosh light, and, if the wind happen to be unfavorable, soon pass out of hearing of the fog signal on Tatoosh island. The next lights to be sighted, or fog signal to be heard, are those at Port Angeles, on the American shore, and Race Rocks, on the British shore, a distance of sixty miles or more. In stormy or foggy weather, or on dark nights, it is often perilous to attempt the "run" between these given points as at present without any aid to navigation.

*Second.* A light-house and fog signal at Clallam Head would not only be seen and heard by vessels passing either out of or into said Strait of Fuca, but would be a guide to a reasonably safe harbor of refuge in almost all kinds of stormy weather. Clallam Bay, formed by the shore line curving inland from Clallam Head, is frequently sought by storm-bound vessels in cases where daylight serves to reveal its location.

*Third.* The dangers to shipping, herein recited, are dangers that affect all the shipping of Puget Sound, in its communication with the outer world, and its magnitude in some respects being second only to that of New York, renders the subject one of national importance; and your memorialists will ever pray.

## SENATE JOINT MEMORIAL NO. 17.

*To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:*

Your Memorialists, the Legislature of the State of Washington, respectfully represent:

That a large body of citizens, residents of the town of Blaine, county of Whatcom, having set forth the necessities of a sub-port of entry at that place, as shown in the accompanying petition, we would respectfully urge that the prayer of the petitioners therein be granted by your honorable bodies; and your petitioners will ever pray.

OLYMPIA, WASHINGTON, January 10, 1890.

*To the Honorable members of the Senate and House of Representatives of the State of Washington, now in legislative session assembled:*

Your honorable bodies are hereby petitioned to memorialize the congress of the United States to grant for Blaine, Washington, immediately a sub-port of entry, which port will be a convenience not only to Blaine, but to other points along the east side of Puget Sound. Such port is not only a matter of justice to the town of Blaine, which is deprived almost entirely of coastwise steamer travel, but Blaine is the most reasonable point at which to locate such port, being the first town on the American side of the international boundary, and a port of entry at Blaine will add to the wealth of the State of Washington; and your petitioners will ever pray.

Joseph W. Dorr, G. H. Westcott, F. McCall, C. O. Peely, James Cain, J. R. Thomas, Theo. G. Staeubli, E. B. Crawford, N. A. Cornish, J. J. Rutledge, Rutledge and Gillespie, J. N. Lindsey, James Buchanan, Cline Brothers, John C. Roper, S. P. Hughes, L. P. Larson, S. Goodell, W. H. West, A. Harvey, Albert Warren, Albert West, William Echford, Alec McGett, F. L. Dement, E. A. Reeves, H. E. Thomas, C. H. Stender, Peter Stewart, M. A. Swart, James Barnes, E. R. Smith, W. H. Smith, C. H. Merritt, E. A.

Boblett, R. A. Wilson, J. G. Merrill, M. A. Barricklow, P. Foster, E. M. Adams, J. M. Seard, M. M. Harvey, Edwin H. Bennett, J. P. Hughes, A. Runge, B. L. Hegener, O. Martin, D. H. Miller, N. Gilfillan, C. F. Stoops, D. Andrasen, Victor E. Staeubli, M. T. Gee, B. H. Brook, G. H. Abers, James Vreatt, E. Miller, G. D. Smith, Charles E. Rosbrugh, Thomas Walworth, Garret Moore, W. A. Hanley, W. L. Rogers, H. Mahan, A. E. Mead, D. W. Brown, W. B. Dunn, C. H. Walworth, Andrew Anderson, A. Behme, C. H. Burden, Alden B. Taylor, D. B. Hickey, W. H. Radcliffe, O. D. McDonald, F. M. Cain, D. R. Gott, Samuel Southard, A. J. Loomis, C. A. Stillwell, D. P. Greely, W. A. McCallum, Charles H. Popple, W. D. Stark, E. M. Williams, J. R. Metzger, Mark J. Katz, Charles E. Smith, D. A. Richards, C. C. Paul, Fred C. Brown, John Barber, W. M. Ludwick, William Evans, Emil Barron, E. C. Porter, Jr., E. H. Thomas, Henry Loomis, George Davies, John Wagner, Donald Steward.

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SENATE MEMORIAL NO. 19.

*To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:*

Your Memorialists, the Legislature of the State of Washington, would respectfully represent:

That notwithstanding the great volume and immense value of the agricultural and manufactured products of the United States, the percentage thereof exported to foreign countries on American vessels is insignificant, which fact when compared with the earlier history of the commerce of the country is extremely humiliating to the pride, as well as detrimental to the interests, of every patriotic American citizen; that we are the producers of various articles of agriculture, the manufacturers of oleaginous and cereal

merchandise, of agricultural implements, of milling and mining machinery, of woolen and cotton fabrics, of furniture and household wares, which are unexcelled by those of any other country, but the great and pressing want is efficient means of transportation to those who would be consumers of our products, and thereby afford us a wider market and encourage the development of our resources; that the establishment of a steamship line, or lines, between the United States of America and the republics of Central and South America, and the Empires of Japan and China, would place our farmers and manufacturers in a position to compete successfully in their markets with other countries, and thereby secure the trade that properly belongs to us; that our merchant marine, which was once the pride of every American citizen, has declined from its former proud eminence to comparative decay and unimportance; a result largely attributed to the neglect of our general government, and the liberality and fostering care of foreign nations in subsidizing their steamship lines; and as there can be no doubt that a similar course of subsidizing our own merchant marine by our government would enable us to regain our share of the commerce of the world;

*Therefore*, Your memorialists, the legislature of the State of Washington, would most respectfully and earnestly petition your honorable body to enact speedy and effective legislation making appropriations and granting subsidies for the purpose of aiding American citizens and American capital in establishing and maintaining at least two lines of steamships from the Pacific coast of the United States, one from the port of San Francisco to the Central and South American republics, and one from Puget Sound to China and Japan; and, as in duty bound, your petitioners will ever pray.

## SENATE JOINT MEMORIAL NO. 20.

Praying the Congress of the United States for the erection and armament of defensive works on Puget Sound.

*To the Honorable Senate and House of Representatives of the United States:*

We, your Memorialists, the Legislature of the State of Washington, would respectfully represent:

That since the government of the United States secured possession of the territory of which a portion is now the State of Washington, including the shores of Puget Sound and the southern shore of the Strait of Fuca, no steps whatever have been taken by the United States to defend these shores from a hostile fleet in case of war, and that there is not now, nor has there been at any time, a single defensive work, nor a single gun in position for such defense. The shores of Puget Sound are now the sites of large and growing cities, and the terminal points of great transcontinental and coast railroads. The tonnage of foreign and domestic vessels engaged in transportation to and from these points is great and growing. The presence of great supplies of timber, coal and iron ore has led to a rapid increase of population, industry and wealth. A site for a navy yard has been selected, and the resources of the country are such as to invite the establishment of furnaces and foundries capable of producing the material for defensive works, and their armament. And we would further respectfully represent that there is at Esquimalt, in British Columbia, within eight hours' steaming of the head of navigation on Puget Sound, a strong naval station of the United Kingdom of Great Britain and Ireland, at which there is maintained a fleet of war vessels, which in the event of hostilities occurring with that power during the present defenseless condition of this state could paralyze the industries of this region, cut off our communications by sea, and lay under contribution the cities of Puget Sound. The government of Great Britain has taken steps to defend its naval station by formidable works in

its vicinity, and we respectfully and earnestly urge upon your consideration the necessity of adequate and speedy provisions for the defenses of Puget Sound.

And we further respectfully invite your attention to the statements in relation to our necessities contained in the annual report for the year 1889, of Brigadier-General Nelson A. Miles, U. S. Army, commanding the division of the Pacific, and to the recommendations therein contained, in which we concur; and your memorialists will ever pray.

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SENATE JOINT MEMORIAL NO. 22.

*To the Honorable Senate and House of Representatives  
of the Congress of the United States.*

Your Memorialists, the Legislature of the State of Washington, do most earnestly and urgently request your honorable body to appropriate one hundred thousand dollars for improvement of the Skagit river. The Skagit river, which empties into Utsalady Bay, one of the large sheets of water forming Puget Sound, is the largest river in western Washington. Its drainage basin contains 2,800 square miles, including 300 square miles of fertile valley land, nearly level, and is covered with dense forests, principally of fir, cedar, spruce and cottonwood. The width of the river varies from 300 to 600 feet, and can, by the judicious expenditure of one hundred thousand dollars, be made navigable for a distance of 90 miles for steamers drawing from five to six feet of water. This accomplished, Skagit valley will become one of the most productive and richest valleys in the United States, and will give employment and support to a population of fifty thousand persons. Its present population is about five thousand.

The iron ore already discovered and located in the mountains at whose base the river courses is estimated by

experts as sufficient in quantity and quality to supply the wants of the United States for centuries. Contiguous to these iron mountains are vast deposits of lime stone. The great coal fields of Skagit valley are unsurpassed in quality. The veins now open and awaiting transportation facilities (there being no railroad in the valley) are the "Bennett," showing a thirty foot face, the "Cumberland," showing a fifteen foot face, and the "Connor," showing a twelve foot face. These three mines would, inside of sixty days, if the necessary improvements prayed for are made, furnish to the markets of the world 1,500 tons of coal daily. The additional mines that would be opened would swell the output of coal in the valley to 55,000 tons daily. This coal can be floated down the river on barges to Utsalady Bay and then loaded on ocean vessels ready for shipment to any port in the world. Iron, coal and limestone in contiguous mountains insure the building of large iron works in this valley.

The Skagit river, once made a navigable highway to the ocean, will protect the producer against exorbitant freight rates in the future and accelerate the opening up of its manifold resources now lying dormant. Besides its vast wealth in minerals, there are floated down the Skagit river from forty to fifty million feet of logs yearly. Its soil is of the richest, producing in hay from three to four tons per acre, oats from 95 to 130 bushels per acre. Its fruits are equal to those of California. Sugar beets, potatoes and other roots are wondrously prolific in growth. A fine quality of tobacco is also raised. The granting of the prayer of your memorialists will open up the vast resources of this valley; for which your memorialists will ever pray.

## SENATE JOINT MEMORIAL NO. 23.

*To the Senate and House of Representatives, in Congress assembled:*

Your Memorialists, the Legislature of the State of Washington, respectfully represent:

WHEREAS, It has ever been the custom of governments, from time immemorial, to reward those who served their country in times of peril and danger, and risking their lives for the common welfare; and

WHEREAS, In the year of 1855 an Indian war broke out in the territory of Washington, and participated in by all the Indian tribes of the territory; and

WHEREAS, It was imperatively necessary that all able-bodied men of the settlers then in the territory enroll themselves in military companies, and go out and meet, fight and put the Indians to rout, in order that this grand territory be saved to the United States, and to the millions that will yet find here happy and prosperous homes; and

WHEREAS, The early pioneer soldiers, who ventured their all in the putting down of said war, were out of their pay for many years, and when paid it was only the pay of regulars, and this in a depreciated currency worth forty cents on the dollar:

*Resolved*, That our senators and representatives in congress are requested to secure the passage of a bill that will give to every man who served in the aforementioned war, and who has an honorable discharge, and to their families, if the soldier be dead, a land warrant for one hundred and sixty acres of land in the State of Washington; hoping and trusting that this subject will commend itself to the favorable consideration of congress, we pray that this act of justice be done these pioneer soldiers; as in duty bound, we will ever pray.

## SENATE JOINT MEMORIAL NO. 25.

WHEREAS, By paragraph 188 of the Tariff Act of March 3, 1883, it is provided that there shall be levied and collected upon imported lead ores a duty of one and a half cents per pound; and

WHEREAS, The secretary of the treasury, in construing said paragraph, has ruled that when such ores contain a greater value in gold or silver than in lead they shall be classified as gold and silver ores, as the case may be, and admitted without the payment of any duty; and

WHEREAS, Under said ruling many thousand tons of lead, contained in such ores, are annually imported into the United States duty free, whereby the government is largely defrauded, and the lead producers of the country are deprived of the just protection which the law was intended to give them, and are subjected to the injurious and even destructive competition of the peon labor of Mexico, and the Indian and other cheap labor of British Columbia, in consequence of which the lead-mining industry of the United States is greatly depressed and in danger of utter ruin; therefore, be it

*Resolved by the Senate, the House of Representatives concurring:*

That it is the sense of the legislature of the State of Washington that any ore which contains lead in sufficient quantities to make it valuable for commercial or industrial purposes is a lead ore within the meaning of said paragraph 188;

*Therefore*, our senators are instructed, and our representative in congress is earnestly requested, to present this, the expression of the people of the State of Washington, to the congress of the United States, to the end that the secretary of the interior [treasury] may be induced to modify his said ruling accordingly.

## SENATE MEMORIAL NO. 28.

Praying for the passage of a bill to authorize the Oregon Railway Extensions Company to construct a bridge across the Columbia river at the city of Vancouver.

*To the Honorable the Congress of the United States:*

Your Memorialists, the Legislature of the State of Washington, respectfully represent:

That Vancouver is situate on the north bank of the Columbia river about five mile north of the city of Portland, Oregon, and has a population of 6,500 people, with schools, churches, street railways, electric lights, and various milling and manufacturing establishments, docks and wharves; that it is the most considerable city in the State of Washington located on the Columbia river; that it is the most central and eligible site for the location of a railroad and wagon-road bridge across the said Columbia river; that said river, more than a mile in width, separates the two great states of Oregon and Washington; that the only means of travel and commercial intercourse between the two states is by means of ferries and steamboats; that more than two hundred thousand passengers and teams have crossed the Columbia river at Vancouver within the past year; that during the whole of the month of January, 1890, all of the great concourse of travel and traffic was entirely suspended by reason of floating ice, to the inconvenience and damage to the people of the states of many thousands of dollars; that the obstruction of the Columbia with ice is of annual occurrence, and lasts from four to six weeks, during which time mails are delayed and travel and business across the river wholly suspended; that for the foregoing reasons a railroad and wagon-road bridge is a paramount necessity to the people of the cities of Vancouver, Washington, and Portland, Oregon, and the states of Washington and Oregon; that a bridge at Vancouver will ever be easier to approach from all points in either Washington or Oregon than such a bridge would be at any other point along said river; that it will be less of an

obstruction to the navigation of the Columbia if located here than at any other point, because this city is the farthest up the river to which sea-going craft may now ascend, and is the natural place for the transshipment of inland freights to outward bound vessels, and vice versa; that we believe the Oregon Railway Extensions Company will immediately enter upon the work and construct such a bridge as the people of the two states so imperatively need; it is therefore the prayer of your memorialists that the bill now pending to grant the privileges herein asked for be speedily passed; that the senators and representative of the State of Washington in congress are hereby requested to use every honorable effort to secure the passage of said bill.

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#### JOINT RESOLUTION NO. 10.

In relation to the Yakima Indian Reservation.

WHEREAS, There is situated in Yakima county a body of land comprising eight hundred thousand (800,000) acres advantageous for agricultural and grazing purposes; and

WHEREAS, There are now on said reservation set apart for the Yakima tribe of Indians, about eight hundred (800) Indians sustaining their tribal relations and residing continuously thereon; therefore,

*Be it resolved by the House of Representatives, the Senate concurring:*

That our senators be instructed, and our representative be requested, to confer and advise with the president of the United States and the secretary of the interior, to the end that the president, under the act of congress approved February 8, 1887, concerning the allotment to Indians on the various reservations of the lands in severalty, may cause the said Yakima reservation to be re-surveyed, if necessary, and to allot the lands to the Indians located

thereon according to the letter and spirit of said act of congress; and also to confer and advise with the secretary of the interior touching the same, so that he may negotiate, in the event of such allotment being made, with said tribe for the purchase and release, in conformity with the treaty or statute under which such reservation is held, of such portions of the reservation not allotted as the Yakima tribe shall from time to time consent to sell under and by virtue of said act of congress; and to finally urge upon congress to ratify such action of the secretary of the interior, so that said lands may be opened to actual settlers as speedily as practicable.

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SENATE CONCURRENT RESOLUTION NO. 15.

*Resolved by the Senate, the House of Representatives concurring:*

That complete files of all printed bills be promptly furnished by the sergeant-at-arms of our respective bodies to the governor, secretary of state and state auditor for their consideration and information.

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SENATE CONCURRENT RESOLUTION NO. 16.

*Resolved by the Senate, the House concurring:*

That the secretary of state is hereby directed to furnish to our senators in congress and to our representative, certified copies of all petitions, memorials and joint resolutions praying for congressional action, and that he also furnish certified copies of said documents to the cabinet minister and bureau officer and the chairmen of the committees of the house and the senate having jurisdiction on the subject matters prayed for.

## SENATE CONCURRENT RESOLUTION NO. 18.

*Resolved by the Senate, the House concurring:*

That a committee of two from the senate and three from the house be appointed to confer with Messrs. Doolittle, Isham and Snively, code commissioners, in regard to what amount, if anything, is due them for unpaid services rendered to the state, and report their investigations to the respective houses of this legislature.

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## SENATE CONCURRENT RESOLUTION NO. 19.

*Resolved by the Senate, the House concurring:*

That the senate committee on salaries and mileage be required to meet with a similar committee in the house and report a bill to regulate and designate the amount of salary to be paid the several county officers, as per constitutional requirement.

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## SENATE CONCURRENT RESOLUTION NO. 20.

*Resolved, the House concurring:*

That the committees on state insane of the senate and house of representatives be directed to visit the asylum at Steilacoom and report its condition and management, also to visit the asylum in course of erection at Medical Lake and report its condition, the workmanship thereon, material used, the expenditure of appropriation therefor, probable time and cost of completion, together with such other matters as may be of interest; that the said reports be made not later than January 20, 1890.

## SENATE JOINT RESOLUTION NO. 24.

*Resolved by the Senate, the House concurring:*

That the contract or agreement by which the public printing for the legislature was procured to be done by the State Printing and Publishing Company, of Olympia, for the period of thirty days, be and the same is hereby renewed and extended thirty days from the 21st of December, 1889, so as to include all the printing required by the legislature during its entire session, and such other public printing as may be required by the executive or judicial departments of the state during the same period: *Provided*, That the rate of compensation for composition, press-work, stitching, material, etc., shall remain the same [as] provided in said agreement: *And provided further*, That the itemized bills for such printing shall be examined and approved by some committee selected by the respective houses, and be subject to revision by the state auditor before warrants are issued therefor.

## SENATE CONCURRENT RESOLUTION NO. 30.

*Resolved by the Senate, the House concurring:*

That the committee on claims of the senate constitute, with the committee on claims, ways and means of the house, a joint committee on ways and means and claims, to provide and report by bill such general appropriations as they may deem necessary for the public service during the ensuing year.

## SENATE JOINT RESOLUTION NO. 33.

WHEREAS, The laws of the Territory of Washington have been rendered wholly or partially inoperative or incomplete, in many respects, by the change from a territorial to a state government, and by provisions of the state constitution inconsistent with said laws; and

WHEREAS, Original and independent legislation is required to carry into effect many mandatory provisions of the constitution; and

WHEREAS, It is incumbent on this legislature, before it adjourns, to pass all such laws as may be necessary in the premises, and to be careful that no necessary legislation in either direction is omitted; therefore, be it

*Resolved by the Senate and House of Representatives:*

That the judiciary committees of the two houses be directed to consider jointly and to report to the two houses, at the earliest practicable moment, the several matters and things upon which it is necessary that legislation be had in order to make our present system of laws complete and consistent with the constitution, and to carry out and make effective all the provisions of the constitution.

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SENATE JOINT RESOLUTION NO. 34.

WHEREAS, The members of the Legislature of the State of Washington, now assembled, have heard with deep sorrow of the affliction that has befallen Hon. James G. Blaine, Secretary of State, and Hon. Benjamin F. Tracy, Secretary of the Navy, by the sudden death of beloved members of their families; therefore, be it

*Resolved by the Senate and House of Representatives of the State of Washington:*

That we extend to Hon. James G. Blaine and Hon. Benjamin F. Tracy, on behalf of the people of this state,

our heartfelt condolence in this their hour of affliction, and that the governor of the state be requested to forward a copy of this joint resolution to each of the above named officials of the government.

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### HOUSE CONCURRENT RESOLUTION NO. 35.

A resolution memorializing Congress relative to U. S. Senate Bill 1454, 51st Congress, 1st session, being a bill to increase the efficiency and reduce the expenses of the signal corps of the army, and to transfer the weather service to the department of agriculture.

*To the Honorable Senate and House of Representatives of the United States, in Congress assembled:*

Your Memorialists, the Legislature of the State of Washington, most respectfully represent, that

WHEREAS, Congress has seen fit to recognize the agricultural people of the United States by organizing the department of agriculture and placing therein all bureaus of the government relating to or affecting agriculture; and

WHEREAS, There is in the war department the weather bureau, termed the signal service or corps, a bureau for the observation and report of the weather and the investigations relative thereto, which bureau and its duties are closely allied to agricultural pursuits and investigations; now, therefore, be it

*Resolved by your Memorialists, the Legislature of the State of Washington:*

That we endorse senate bill 1454, 51st congress, 1st session, being a bill to increase the efficiency and reduce the expenses of the signal corps of the army, and to transfer the weather service to the department of agriculture, which was introduced by Mr. Bate and reported with amendments March 6, 1890, because it makes an equable and just transfer of the bureau from one department to another; it recognizes past services of all connected there-

with; it creates a purely military organization for military signaling, which is so important and absolutely necessary in peace as well as in war, and provides for the proper officering of said military organization, which is desirable and which is provided for in section 6 of the amended bill, and it organizes the weather bureau in the department of agriculture in such a manner that the best interests of the agriculturalists of the country are subserved.

*Resolved,* That the secretary of state is hereby directed to furnish a certified copy of this memorial to each of our senators and representatives in congress, and one copy each to the chairmen of the committees on military affairs and agriculture of the senate and house of representatives of the United States.

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SENATE CONCURRENT RESOLUTION NO. 38.

*Resolved by the Senate, the House concurring:*

That a special committee of three (3) from the senate and five (5) from the house be appointed to submit to the legislature such amendments as they may deem necessary to the constitution of the State of Washington.

---

SENATE CONCURRENT RESOLUTION NO. 39.

WHEREAS, The title to the state university lands in the city of Seattle is a subject of dispute, and certain witnesses, who are believed to be thoroughly conversant with said subject in all its legal bearings are unwilling to vol-

unteer to testify to facts believed to be within their knowledge; and

WHEREAS, It is necessary that all important facts bearing upon said subject be laid before this legislature to enable it to legislate intelligently concerning said university; therefore, be it

*Resolved by the Senate, the House concurring:*

That the joint special committee of the two houses, appointed to investigate the title and affairs of the state university at Seattle, be, and it is hereby, authorized and empowered to send for persons and papers and to administer oaths whenever said committee shall deem it necessary so to do; and be it further

*Resolved,* That the sergeant-at-arms of the senate is hereby instructed to serve and return all subpoenas and other processes which said committee may issue in the premises.

---

#### SENATE CONCURRENT RESOLUTION NO. 42.

WHEREAS, The members of this, the first legislature of the State of Washington, have heard with deep sorrow of the death of Hon. Henry Miles, an eminent and respected member of the first legislature of the Territory of Washington, and a member of said territorial legislature at several succeeding sessions, and who was also a widely known and highly esteemed pioneer citizen of Washington; therefore, be it

*Resolved by the Senate, the House concurring:*

That in the death of Hon. Henry Miles this state has lost one of its most eminent, honorable and highly respected pioneer citizens; and be it further

*Resolved,* That we hereby tender to the family of the deceased our heartfelt sympathy in their sad bereavement,

and that a copy of these resolutions of condolence be transmitted to said family, and that the same be spread upon the journal of the senate.

---

SENATE CONCURRENT RESOLUTION NO. 43.

*Resolved by the Senate, the House of Representatives concurring:*

That when the houses of the first session of the legislature of the State of Washington adjourn on Friday the 28th day of March, 1890, they shall stand adjourned *sine die*.

---

SENATE CONCURRENT RESOLUTION NO. 44.

*Resolved by the Senate, the House concurring:*

That the governor be, and he is hereby, authorized and requested to accept, on behalf of the State of Washington, the portrait of ex-Attorney-General J. B. Metcalfe, presented by him to the state, and that the same be placed in such position in the capitol as the governor may direct.

## SENATE CONCURRENT RESOLUTION NO. 45.

*Resolved by the Senate, the House of Representatives concurring:*

That the secretary of state be, and he is hereby, instructed to have the original manuscript of the state constitution bound in such manner as he may deem proper to preserve the same.

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## SENATE CONCURRENT RESOLUTION NO. 46.

*Resolved by the Senate, the House of Representatives concurring:*

That the state auditor be, and he is hereby, authorized and empowered to sell, at a price not less than the original cost, such surplus volumes of the Supreme Court Reports beyond those required for the use of the state, as the state now has on hand, the money received from such sales to be turned over to the state treasurer.

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## SENATE CONCURRENT RESOLUTION NO. 47.

*Resolved by the Senate, the House of Representatives concurring:*

That a bill entitled "An act to amend section one of an act allowing school districts to borrow money and issue bonds for the building and furnishing of school houses, to permit the funding of school district bonds heretofore or hereafter to be issued, legalizing the same, and declaring an emergency," may be introduced on the 19th day of March, 1890, and considered by the legislature in less than ten days prior to the date of final adjournment.

## SENATE CONCURRENT RESOLUTION NO. 49.

*Be it resolved by the Senate, the House concurring:*

That the state auditor be, and he is hereby, authorized to have printed, at the expense of the state, one thousand copies of the revenue law, fifteen hundred copies of the road law, and twenty-five hundred copies of all laws relating to elections enacted by the present session of the legislature. The said laws to be bound in pamphlet form and distributed in relative proportion to the several counties of the state.

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## SENATE CONCURRENT RESOLUTION NO. 51

*Resolved by the Senate, the House concurring:*

That the secretary of state be authorized to procure the publication of five hundred (500) copies each of the senate and house journals for distribution in accordance with law.

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## SENATE CONCURRENT RESOLUTION NO. 52.

*Be it resolved by the Senate of the State of Washington, the House of Representatives concurring:*

That permission is hereby given to introduce Senate Bill No. 264, providing for the printing, distribution and sale of session laws of 1889-1890.

## SENATE CONCURRENT RESOLUTION NO. 53.

*Resolved by the Senate, the House of Representatives concurring:*

That the thanks of this legislature are due, and are hereby extended, to the Western Union Telegraph Company and the Pacific Postal Telegraph Company for the accommodations furnished by those companies, and the uniform courtesy of the officers and agents thereof in the discharge of their duties in connection with the legislature.

---

## SENATE CONCURRENT RESOLUTION NO. 54.

*Resolved by the Senate, the House concurring:*

That the members of the first legislature of the State of Washington, hereby express their gratitude and tender their sincere thanks to the good people of Olympia for their very kind and courteous treatment, both in public and private, during and throughout the entire term of this, the first state legislature.

---

## SENATE CHAMBER RESOLUTION NO. 55.

*Resolved by the Senate, the House of Representatives concurring:*

That a joint committee of one from the senate and two from the house, be appointed to wait upon his excellency, the governor, to ascertain and report if he desires to make any further communication to the legislature.

## SENATE CONCURRENT RESOLUTION NO. 56.

*Resolved by the Senate, the House concurring:*

That our thanks are hereby extended to the state officers for the universal courtesy and kindness, intelligence and zeal they have shown in aiding us in our labors during this session.

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