

SESSION LAWS
OF THE
State of Washington
EIGHTH SESSION.
1903.

COMPILED IN CHAPTERS, WITH MARGINAL NOTES,
—BY—
SAM H. NICHOLS,
Secretary of State.

PUBLISHED BY AUTHORITY.



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LAWS OF WASHINGTON.

CHAPTER 1.

[S. B. No. 21.]

LEGISLATIVE EXPENSES.

AN ACT appropriating the sum of eighty thousand dollars, or so much thereof as may be necessary, for the expenses of the Eighth Legislature.

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

SECTION 1. That there be and there is hereby appropriated out of the funds of the State of Washington, the sum of eighty thousand dollars (\$80,000), or so much thereof as may be necessary, to be used for the expenses of the Eighth Legislature of the State of Washington. Legislative expenses.

Passed the Senate January 14, 1903.

Passed the House January 14, 1903.

Approved by the Governor January 20, 1903.

CHAPTER 2.

[S. B. No. 20.]

FOR THE RELIEF OF MRS. JOHN R. ROGERS.

AN ACT for the relief of the widow of the late Governor of the State of Washington, His Excellency, Governor John R. Rogers.

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

SECTION 1. That there is hereby appropriated out of any moneys, not otherwise appropriated, the sum of five hundred eighty-nine 55-100 dollars, to re-imburse Mrs. John R. Rogers for the funeral expenses paid by her in connection with the funeral of her late husband, His Excellency Governor John R. Rogers, who died in office. Appropriation for funeral expenses.

SEC. 2. The state auditor is hereby authorized and directed to issue a warrant to Mrs. John R. Rogers for the said sum of five hundred eighty-nine 55-100 [dollars], and the State Treasurer is hereby directed to pay the sum on presentation.

Passed the Senate January 14, 1903.

Passed the House January 14, 1903.

Approved by the Governor January 20, 1903.

CHAPTER 3.

[S. B. No. 13.]

DEFICIENCY APPROPRIATION FOR GRAIN INSPECTION DEPARTMENT.

AN ACT for the appropriation of money to defray the expenses of the Grain Inspection Department and declaring an emergency therefor.

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

SECTION 1. That there be appropriated, from the Grain Inspection Fund, five thousand (\$5,000.00) dollars, or as much thereof as may be necessary, for the purpose of defraying the expenses of the Grain Inspection Department for the fiscal year ending March 31st, 1903.

Emergency.

SEC. 2. An emergency is hereby declared to exist for the immediate operation of this act; therefore, this act shall take effect from and after its passage and approval by the Governor.

Passed the Senate January 20th, 1903.

Passed the House January 27th, 1903.

Approved by the Governor February 4th, 1903.

CHAPTER 4.

[S. B. No. 30.]

DEFICIENCY APPROPRIATION FOR AGRICULTURAL COLLEGE.

AN ACT making a deficiency appropriation for the State Agricultural College and School of Science for the fiscal period ending March 31st, 1903.

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 in the state treasury the sum of sixteen thousand (\$16,000) dollars, or so much thereof as may be necessary, for the temporary relief of the State Agricultural College and School of Science for the fiscal period ending March 31st, 1903.

Passed the Senate January 24th, 1903.

Passed the House January 27th, 1903.

Approved by the Governor February 4th, 1903.

CHAPTER 5.

[H. B. No. 27.]

AMENDING ACT RELATIVE TO CRIMES AND PROCEEDINGS IN CRIMINAL CASES.

AN ACT to amend section 66 of an act entitled "An act relative to crimes and punishments and proceedings in criminal cases," approved December 1st, 1881, "and defining robbery and fixing the punishment therefor."

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

SECTION 1. That section 66 of an act entitled "An Act relative to crimes and punishments and proceedings in criminal cases, approved December 1st, 1881" (the same being section 7103 of Ballinger's code and section 1610 of Pierce's code), be and the same is hereby amended to read as follows: "Every person who shall forcibly and feloniously take from the person of another, or from his immediate presence, any article of value, by violence or putting in fear, shall be deemed guilty of robbery and upon con-

Sec. 7103 Bal-
linger's Code.
Sec. 1610
Pierce's
Code.
Felon-
y defined.

Penalty.

viction thereof shall be punished by imprisonment in the penitentiary for any length of time not more than twenty years nor less than five years."

Passed the House January 27, 1903.

Passed the Senate January 28, 1903.

Approved by the Governor February 5, 1903.

CHAPTER 6.

[H. B. No. 12.]

AMENDING ACT RELATIVE TO CONDITIONAL SALES AND LEASES OF PERSONAL PROPERTY.

AN ACT to amend sections 1 and 2 of an act entitled "An act in relation to conditional sales and leases of personal property," approved March 10, 1893.

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

Amendment
Sec. 4585 Ballinger's Code,
Sec. 6547
Pierce's Code.

SECTION 1. That section 1 of an act entitled "An act in relation to conditional sales and leases of personal property, approved March 10, 1893" (the same being section 4585 of Ballinger's code and section 6547 of Pierce's code), be and the same is hereby amended to read as follows: "That all conditonal sales of personal property, or leases thereof, containing a conditonal right to purchase, where the property is placed in the possession of the vendee, shall be absolute as to the purchasers, encumbrancers and subsequent creditors in good faith, unless within ten days after taking possession by the vendee, a memorandum of such sale, stating its terms and conditions and signed by the vendor and vendee, shall be filed in the auditor's office of the county, wherein, at the date of the vendee's taking possession of the property, the vendee resides.

Memorandum, where filed.

Amendment
Sec. 4586 Ballinger's Code,
Sec. 6548
Pierce's Code.

SEC. 2. That section 2 of an act entitled "An act in relation to conditonal sales and leases of personal property," approved March 10, 1893 (the same being section 4586 of Ballinger's code and section 6548 of Pierce's code), be and the same is hereby amended to read as follows: "It shall be the duty of the county auditor wherein any such memor-

Duty of County Auditor.

andum is presented to him for that purpose, to file all such instruments, upon payment of proper fees therefor, indorse thereon the time of reception, the number thereof, and he shall enter in a suitable book to be provided by him at the expense of his county, with an alphabetical index thereto, and exclusively for that purpose, ruled into separate columns with appropriate heads, "The time of filing," "Name of vendor," "Name of vendee," "Date of instrument," "Amount of purchase price," and "Date of release." An index of said book shall be kept in the manner required for indexing deeds to real estate, and the county auditor shall receive for the services required by this act the sum of twenty-five cents for each instrument, and the money so collected shall be accounted for as other fees of his office. Such instrument shall remain on file for the inspection of the public until full payment has been made thereon, and shall be satisfied or cancelled in the same manner and upon payment of same fees as chattel mortgages are satisfied or cancelled.

Record, what
to contain.

How satisfied
and cancelled.

Passed the House January 26, 1903.

Passed the Senate January 28, 1903.

Approved by the Governor February 10, 1903.

CHAPTER 7.

[S. B. No. 36.]

AMENDING ACT RELATING TO PROSECUTING ATTORNEYS.

AN ACT in relation to prosecuting attorneys and amending section 6 of an act entitled "An act in relation to attorneys," approved February 26, 1891, (the same being section 4756 of Ballinger's Code and section 4185 of Pierce's Code), and declaring an emergency.

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

SECTION 1. That section 6 of an act entitled "An Act in relation to attorneys," approved February 26, 1891 (the same being section 4756 of Ballinger's code and section 4185 of Pierce's code), be and the same is hereby amended

Amendment
Sec. 4756 Bal-
linger's Code,
Sec. 4185
Pierce's Code.

Prosecuting
Attorney to
appoint
deputies.

so as to read as follows: Section 6. The prosecuting attorney of each county may appoint, by and with the consent of the county commissioners, one or more deputies who shall have the same power in all respects as their principal. Such appointment shall be in writing, signed by the prosecuting attorney and filed in the county auditor's office. Each deputy thus appointed shall have the same qualifications required of the prosecuting attorney, but his appointment may be revoked by the prosecuting attorney or county commissioners at will. The prosecuting attorney shall be responsible for the acts of his deputies.

Responsi-
bility.

Emergency.

SEC. 2. An emergency exists and this act shall take effect immediately.

Passed the Senate January 22, 1903.

Passed the House February 3rd, 1903.

Approved by the Governor February 10, 1903.

CHAPTER 8.

[S. B. No. 3.]

FOR THE APPOINTMENT OF AN ADDITIONAL JUDGE OF THE SUPERIOR COURT IN KING COUNTY.

AN ACT providing for the appointment of one additional judge of the Superior Court of the State of Washington in and for King county, fixing the term of office of the judge appointed, and providing for the election of five judges of said Superior Court at the general state election in November, 1904, and every four years thereafter, and declaring an emergency.

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

SECTION 1. That hereafter there shall be five judges of the Superior Court of the State of Washington in and for King county.

Governor to
appoint.

SEC. 2. The Governor shall, upon the taking effect of this act, appoint one additional judge for said Superior Court, who shall hold his office from the time of appointment until his successor is elected and qualified, which said election shall take place at the general state election in 1904.

SEC. 3. That at the general state election in 1904 there

shall be elected five judges of the Superior Court of the State of Washington in and for King county, whose term of office shall be four years from the second Monday in January, 1905, and every four years thereafter there shall be elected at the succeeding general state elections five judges of said Superior Court. ^{Five elected in 1904.}

SEC. 4. An emergency exists and this act shall take ^{Emergency.} effect immediately.

Passed the Senate January 22, 1903.

Passed the House February 5, 1903.

Approved by the Governor February 13, 1903.

CHAPTER 9.

[S. B. No. 57.]

FOR THE RELIEF OF THE OLYMPIA LIGHT AND POWER COMPANY.

AN ACT for the relief of the Olympia Light and Power Company, of Olympia, Washington, for the lighting of the state offices during the months of April, May, June and July, 1897, and making an appropriation therefor.

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

SECTION 1. That there is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of three hundred fifty dollars (\$350.00), for the relief of the Olympia Light and Power Company, of Olympia, Washington.

SEC. 2. That the state auditor is hereby authorized and instructed to draw a warrant on the state treasurer in favor of the Olympia Light and Power Company, of Olympia, Washington, for the sum of three hundred fifty dollars (\$350.00), and the state treasurer is directed to pay said warrant out of any money in said treasury not otherwise appropriated.

Passed the Senate January 24, 1903.

Passed the House February 9, 1903.

Approved by the Governor February 17, 1903.

CHAPTER 10.

[S. B. No. 17.]

AMENDING ACT RELATIVE TO PAYMENT OF WITNESS
FEES TO PUBLIC OFFICERS.

AN ACT to amend an act entitled "An act relating to the payment of witness fees to public officers," approved March 16th, 1901.

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

Amendment.

SECTION 1. That an act relating to the payment of witness fees to public officers, approved March 16th, 1901, be and the same is hereby amended to read as follows:

Salaried officers not to receive fees.

That no state, county, municipal or other public officer within the state of Washington, who receives from the state, or from any county or municipality therein, a fixed and stated salary as compensation for services rendered as such public officer, shall be allowed or paid any per diem for attending or testifying on behalf of the state of Washington, or any county or municipality therein, at any trial or other judicial proceeding, in any state, county or municipal court within this state; nor shall such officer, in any case, be allowed nor paid any per diem for attending or testifying in any state or municipal court of this state, in regard to matters and information that have come to his knowledge in connection with and as a result of the performance of his duties as a public officer as aforesaid:

Proviso.

Provided, this act shall not apply when any deduction shall be made from the regular salary of such officer by reason of his being in attendance upon the Superior Court, but in such cases regular witness fees shall be paid; and further, that if a public officer be subpoenaed and required to appear or testify in judicial proceedings in a county other than that in which he resides, then said public officer shall be entitled to receive per diem and mileage as provided by statute in other cases; and, provided further, that this act shall not apply to police officers when called as witnesses in the superior courts during hours when they are off duty as such officers.

Per diem and mileage.

Proviso.

Passed the Senate February 6, 1903.

Passed the House January 22, 1903.

Approved by the Governor February 17, 1903.

CHAPTER 11.

[S. B. No. 68.]

DEFICIENCY APPROPRIATION FOR COMMISSIONER OF
PUBLIC LANDS.

AN ACT appropriating money to cover deficiency for future appraisement, cruising and advertising the sale of land and timber on state land, and filing fees in the United States land offices, and future contingent expenses in the office of the Commissioner of Public Lands.

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

SECTION 1. There is hereby appropriated out of the general fund in the state treasury the sum of three thousand dollars, or as much thereof as may be needed, to pay for future appraising, cruising and advertising the sale of lands and timber on state lands; filing fees in the United States land offices, and future contingent expenses in the office of the commissioner of public lands for the remainder of the fiscal year ending March 31, 1903.

Passed the Senate February 6, 1903.

Passed the House February 14, 1903.

Approved by the Governor February 18, 1903.

CHAPTER 12.

[S. B. No. 39.]

APPROPRIATION FOR STATE PENITENTIARY.
AN ACT making appropriation for the State Penitentiary.

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

SECTION 1. There is hereby appropriated, out of the general fund of the State Treasury, the sum of twenty thousand dollars, or so much thereof as may be needed, for the maintenance of the State Penitentiary during the fiscal term ending March 31, 1903.

SEC. 2. There is hereby appropriated, out of the revolving fund of the State Treasury, the sum of sixty-

five thousand dollars, or so much thereof as may be needed, for the purchase of jute and other supplies, the payment of salaries and such other expenses as may be incurred in operating the jute mill and brick yard during the fiscal term ending March 31, 1903.

Passed the Senate February 6, 1903.

Passed the House February 16, 1903.

Approved by the Governor February 18, 1903.

CHAPTER 13.

[H. B. No. 92.]

DEFINING LARCENY OF FIXTURES.

AN ACT defining larceny of fixtures attached to real estate, or possessory claim of another person and providing a penalty.

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

Grand
larceny.

SECTION. 1. Every person who shall sever from the freehold, steal, take and carry away any fixture or fixtures, attached to the real estate, or possessory claim of another, of the value of thirty dollars or more, shall be deemed guilty of grand larceny, and upon conviction thereof shall be punished by imprisonment in the penitentiary not more than fourteen years nor less than six months. Any person who shall sever from the freehold, steal, take and carry away, any fixture or fixtures attached to the real estate, or possessory claim of another, of a value of less than thirty dollars, shall be deemed guilty of petit larceny and upon conviction thereof shall be punished by imprisonment in the county jail for not more than one month, or by a fine not to exceed one hundred dollars, or by both fine and imprisonment, in the discretion of the court.

Petit larceny.

Passed the House February 3, 1903.

Passed the Senate February 13, 1903.

Approved by the Governor February 21, 1903.

CHAPTER 14.

[H. B. No. 66.]

TO PUNISHING MALICIOUS INJURY OR DESTRUCTION OF
PERSONAL PROPERTY.

AN ACT to punish unlawful or malicious injury to or destruction
of personal property and providing a penalty therefor.

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

SECTION 1. Any person who shall unlawfully or ma- Penalty.
liciously injure or destroy the personal property of another
shall be deemed guilty of a misdemeanor and on conviction
thereof shall be fined in any sum not exceeding \$100.00, or
shall be committed to the county jail for a period not ex-
ceeding thirty (30) days.

Passed the House January 29, 1903.

Passed the Senate February 13, 1903.

Approved by the Governor February 21, 1903.

CHAPTER 15.

[H. B. No. 110.]

RELATING TO OFFICIAL SEALS FOR COUNTY
TREASURERS.

AN ACT relating to the matter of official seals for county treas-
urers and to cure defects arising from a failure to heretofore
provide for such official seals, and declaring an emergency.

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

SECTION 1. The county treasurer in each of the organ-
ized counties of the State of Washington, shall be by his
county provided with a seal of office for the authentication
of all tax deeds, papers, writing and documents required by
law to be certified or authenticated by him. Such seal ^{Wording of}
shall bear the device of crosskeys and the words: ^{seal.} Official
Seal Treasurer County, Washington; and an
imprint of such seal, together with the certificate of the
county treasurer that such seal has been regularly adopted,

shall be filed in the office of the county auditor of such county.

Validity of former instruments.

SEC. 2. In all cases in which the county treasurer of any county in the State of Washington shall have executed a tax deed or deeds prior to the taking effect of this act, either to his county or to any private person or persons or corporation whomsoever, said deed or deeds shall not be deemed invalid by reason of the county treasurer who executed the same not having affixed a seal of office to the same, or having affixed a seal not an official seal; nor shall said deed or deeds be deemed invalid by reason of the fact that at the date of the execution of said deed or deeds there was in the State of Washington no statute providing for an official seal for the office of county treasurer.

Emergency.

SEC. 3. An emergency exists, and this act shall take effect immediately.

Passed the House February 4, 1903.

Passed the Senate February 13, 1903.

Approved by the Governor February 21, 1903.

CHAPTER 16.

[S. B. No. 167.]

APPROPRIATION FOR SUNDRY EXPENSES OF STATE EDUCATIONAL INSTITUTIONS.

AN ACT making appropriations for the maintenance and sundry expenses for the various state educational institutions for the fiscal term beginning April 1, 1903, and ending March 31, 1905.

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

SECTION 1. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the maintenance and sundry expenses for the various State Educational Institutions, hereinbelow designated and mentioned, for the fiscal term beginning April 1, 1903, and ending March 31, 1905.

FROM THE GENERAL FUND.

FOR THE STATE NORMAL SCHOOL AT WHATCOM, WASHINGTON.

For maintenance	\$65,000	
For General Science supplies and equipment.....	3,000	
For addition to Library.....	1,000	
For draining and grading campus.....	5,000	
Total		\$74,000

FOR STATE NORMAL SCHOOL AT CHENEY.

For maintenance	\$51,000	
For equipment and supplies, for chemical, physical and biological laboratories, gymnasium apparatus and manual training department.....	8,000	
For repairs	3,000	
Total		\$62,000

FOR STATE NORMAL SCHOOL AT ELLENSBURG.

For maintenance	43,500	
For library and reading rooms, laboratory and museum equipment and furniture	4,000	
For repairs	3,500	
For extending and improving grounds.....	4,000	
Total		\$55,000

FOR STATE AGRICULTURAL COLLEGE AND SCHOOL OF SCIENCE.

For maintenance	\$110,000	
For rebuilding and equipping creamery, burned in Au- gust, 1901	4,000	
For land adjoining campus.....	3,500	
For heat, light and power plant.....	6,000	
For hospital	1,500	
For livestock pavilion	1,000	
For miscellaneous repairs, fencing and improving campus	3,000	
Total		\$129,000

FOR STATE UNIVERSITY.

For maintenance	\$180,000	
For improvement of grounds.....	10,000	
For repairs of gymnasium.....	7,500	
For equipment of Science Hall.....	8,000	
For equipment of library.....	5,000	
For equipment and repair of power house.....	8,000	
Total		\$218,500

SEC. 2. The State Auditor is hereby authorized to audit all claims, and, if found correct, to issue warrants upon the State Treasurer in payment of bills duly authorized by the Board of Trustees or Regents of said schools mentioned above, and the State Treasurer is hereby directed to pay the same.

Passed the Senate February 16, 1903.

Passed the House February 16, 1903.

Approved by the Governor February 24, 1903.

CHAPTER 17.

[H. B. No. 349.]

APPROPRIATIONS FOR STATE BOARD OF CONTROL AND
VARIOUS STATE PENAL, REFORMATORY AND CHARITA-
BLE INSTITUTIONS.

AN ACT making appropriations for the salaries and expenses of the State Board of Control and for the maintenance and sundry expenses of the various State penal, reformatory and charitable institutions for the fiscal term beginning April 1, 1903, and ending March 31, 1905.

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

SECTION 1. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated, out of any moneys in the State Treasury, not otherwise appropriated, for the salaries and expenses of the State Board of Control and for the maintenance and sundry expenses of the State penal, reformatory and charitable institutions for the fiscal term beginning April 1, 1903, and ending March 31, 1905.

FROM THE GENERAL FUND.

FOR STATE BOARD OF CONTROL.

Salary State Board of Control (\$2,000 per year each)	\$12,000	
Traveling expenses Board of Control (\$500 per year each)		3,000
Incidental expenses Board of Control (\$500 per year)		1,000
Clerk hire		4,000
Total		\$20,000

FOR WESTERN WASHINGTON HOSPITAL FOR INSANE.

Maintenance	\$225,000	
Repairs and improvements		5,000
Furniture and carpets		1,000
Completing standpipe and for connections thereto		6,500
Completing fire escapes		2,500
Kitchen utensils and repairs to ice plant		500
Completing and repairing green house		500
Library		200
Total		\$241,200

FOR EASTERN WASHINGTON HOSPITAL FOR INSANE.

Maintenance	\$140,000	
Repairs and improvements		5,000
Furniture and carpets		1,000
Completing and furnishing basement of new wing		4,000
Completing water main		7,000
Purchase of ranch		3,200
Improving grounds		2,000
Library		200
Total		\$162,400

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FOR STATE PENITENTIARY.

Maintenance	\$160,000	
Repairs and improvements.....	5,000	
Installing electric lights in cells.....	750	
Repairs to heating system.....	2,500	
Farm building	2,000	
Library	200	
Total		\$170,450

FOR STATE REFORM SCHOOL.

Maintenance	\$45,000	
Repairs and improvements.....	5,000	
Manual training departments.....	1,000	
Library	200	
Total		\$51,200

FOR STATE SOLDIERS' HOME.

Maintenance	\$40,000	
Repairs and improvements.....	3,000	
Furniture and carpets.....	2,000	
Dining hall, kitchen and dormitory building.....	5,000	
Kitchen utensils	1,000	
Library	200	
Total		\$51,200

FOR STATE SCHOOL FOR DEFECTIVE YOUTH.

Maintenance	\$65,000	
Repairs and improvements	3,000	
Library	200	
Total		\$68,200

FROM REVOLVING FUND, STATE PENITENTIARY.

For the operation of the jute mill and brick yard at the State Penitentiary for two years.....	\$150,000
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SEC. 2. The State Auditor is hereby authorized to audit all claims and, if found correct, to issue warrants upon the State Treasurer in payment of bills duly approved by the State Board of Control, and the State Treasurer is hereby directed to pay the same.

Passed the House February 16, 1903.

Passed the Senate February 16, 1903.

Approved by the Governor February 24, 1903.

CHAPTER 18.

[S. B. No. 199.]

APPROPRIATION FOR 50TH ANNIVERSARY OF THE
FORMATION OF WASHINGTON TERRITORY.

AN ACT making an appropriation for defraying the expenses of the celebration of the 50th anniversary of the formation of the Territory of Washington.

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

SECTION 1. There is hereby appropriated out of the general fund of the State Treasury, the sum of five hundred dollars, or so much thereof as may be necessary, for defraying the expenses of the celebration of the 50th anniversary of the formation of the Territory of Washington, and the State Auditor is hereby authorized to draw his warrants upon the Treasurer of the State upon vouchers duly approved by the President of the Senate and Speaker of the House of Representatives.

Passed the Senate February 20, 1903.

Passed the House February 20, 1903.

Approved by the Governor February 25, 1903.

CHAPTER 19.

[H. B. No. 100.]

RELATING TO PRACTICE IN JUSTICE COURTS.

AN ACT relating to the practice in justice courts and amending section[s] 6546, 6547 and 6548 of Ballinger's Annotated Codes and Statutes of Washington.

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

Sec. 6546 Bal-
linger's Code.

SECTION 1. That section 6546 of Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows: Section 6546. All process issued by justices of the peace shall run in the name of the State of Washington, be dated the day issued and signed by the justice granting the same, and all executions and writs of

Process to
run in name
of State.

attachment or of replevin shall be served by the sheriff or Sheriff to serve writ. some constable of the county in which the justice resides, but a summons or notice and complaint may be served by any citizen of the State of Washington over the age of twenty-one years and not a party to the action.

SEC. 2. That section 6547 of Ballinger's Annotated Sec. 6547 Ballinger's Code. Codes and Statutes of Washington be and the same is hereby amended to read as follows: Section 6547. Every constable or sheriff serving process or complaint and notice Duty of Sheriff or Constable. shall return in writing, the time, manner and place of service and endorse thereon the legal fees therefor and shall sign his name to such return, and any person other than one of said officers serving summons or complaint and notice shall file with the justice his affidavit, stating the time, place and manner of the service of such summons or notice and complaint: *Provided*, That no fee shall be Proviso as to fee. allowed for the service of a summons or notice and complaint by a person other than an officer.

SEC. 3. That section 6548 of Ballinger's Annotated Sec. 6548 Ballinger's Code. Codes and Statutes of Washington be and the same is hereby amended to read as follows: Section 6548. Any justice Justices may appoint party to make service. may, by appointment in writing, authorize any person other than the parties to the proceeding, or action, to serve any subpoena, summons, or notice and complaint issued by such justice; and any such person making such service shall return on such process or paper, in writing, the time and manner of service, and shall sign his name to such return, and be entitled to like fees for making such service as a sheriff or Fees for service. constable, and shall endorse his fees for service thereon: *Provided*, it shall not be lawful for any justice to issue process or papers to any person but a regularly qualified sheriff or constable, in any precinct where such officers reside, unless from sickness or some other cause said sheriff or constable is not able to serve the same: *Provided further*, That it shall be lawful for notice and complaint or summons in a civil action in the justice court to be served by any person over the age of twenty-one years and not a party to the action in which the summons or notice and complaint shall be issued without previous appointment by the justice.

Passed the House February 3, 1903.

Passed the Senate February 19, 1903.

Approved by the Governor February 26, 1903.

CHAPTER 20.

[H. B. No. 25.]

AUTHORIZING COUNTY COMMISSIONERS TO BUILD AND
MAINTAIN WHARVES AND LANDINGS.

AN ACT authorizing county commissioners of each county in the State to build and maintain wharves and landings, on the shores of any navigable waters or water courses within or bordering upon their respective counties, and for that purpose to institute and prosecute proceedings to acquire right-of-way therefor under the statutes of eminent domain in this State and declaring an emergency.

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

Powers of
County
Boards.

SECTION 1. The board of county commissioners of each county in this state is hereby authorized to build and maintain, when in their judgment the convenience of the public so requires, wharves and landings on the shores of any navigable waters or water courses within or bordering upon "their respective counties and not included within the limits of tide or shore lands of the first class." Said wharves or landings to begin at the point of termination of a county road at or near the shore of such navigable waters or water courses, and to extend so far into said waters or water courses as the convenience of shipping may require.

Where to
begin.

SEC. 2. In cases where the board of county commissioners shall determine to build, construct and maintain wharves or landings as aforesaid over and across tide lands of the second class owned by the State of Washington, the Board of State Land Commissioners are hereby authorized to grant an easement to the county for so much of said tide land as may be necessary for right-of-way purposes: Provided, that a duly attested and sworn copy of the plat made by the county surveyor shall first be filed with the Board of State Land Commissioners, together with a petition of the board of county commissioners setting forth the reasons for the same; and the aforesaid plat, when approved by the Board of State Land Commissioners, shall be and form the official plat of said right-of-way and shall be filed in the office of the Commissioner of Public Lands, and the said plat shall show the amount of land embraced in the proposed right-of-way and the location of the same

State Board
may grant
easements—
when.

Proviso, as to
copy of plat.

relative to at least two of the corners of the public land survey.

SEC. 3. In cases where a person or person [persons], firm or corporation has acquired a right, title or interest in and to the tide lands or other lands over which it is proposed to build, construct or maintain such wharf or landing, whether such interest be a title in fee simple or as lessee or under contract of purchase or otherwise, and the board of county commissioners shall be unable to agree with the person, persons, firm or corporation claiming such interest or title as to the compensation to be paid for the taking of such strip of tide lands or other lands, then and in that case such board of county commissioners may by an order direct proceedings to procure a right-of-way over said tide lands or other lands to be brought in the Superior Court by the county attorney in the manner provided by law, for the taking of private property for public use, and to that end are hereby authorized to institute and maintain in the name of the county the proceedings provided by the laws of this state for the appropriation of lands and other property by counties for public use.

To secure right-of-way over private property.

Procedure.

SEC. 4. An emergency exists and this act shall take effect immediately.

Emergency.

Passed the House February 5, 1903.

Passed the Senate February 16, 1903.

Approved by the Governor February 26, 1903.

CHAPTER 21.

[H. B. No. 121.]

CHANGING NAME OF TOWN OF SIDNEY TO PORT ORCHARD.

AN ACT changing the corporate name of the town of "Sidney," in Kitsap County, State of Washington, a municipal corporation of the fourth class, to "Port Orchard."

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

SECTION 1. That the name of the town of "Sidney," a municipal corporation of the fourth class, situated in the

county of Kitsap and State of Washington, be, and the same hereby is, changed to "Port Orchard."

Passed the House February 6, 1903.

Passed the Senate February 19, 1903.

Approved by the Governor February 26, 1903.

CHAPTER 22.

[H. B. No. 120.]

CHANGING NAME OF PORT ORCHARD TO CHARLESTON.

AN ACT changing the corporate name of the town of "Port Orchard," in Kitsap County, Washington, a municipal corporation of the fourth class, to "Charleston."

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

SECTION 1. That the name of the town of "Port Orchard," a municipal corporation of the fourth class, situated in the county of Kitsap and State of Washington, be, and the same hereby is, changed to "Charleston."

Passed the House February 6, 1903.

Passed the Senate February 19, 1903.

Approved by the Governor February 26, 1903.

CHAPTER 23.

[H. B. No. 6.]

RELATING TO ABERDEEN TIDE LANDS.

AN ACT relating to the tide lands of Aberdeen, and providing for the platting, appraisalment and sale thereof, and declaring void the Harbor Line Commissioner's map of Aberdeen heretofore filed, and providing for the establishment and leasing of harbor areas therein, and making an appropriation for such purposes, and declaring an emergency.

"WHEREAS, The Board of Harbor Commissioners of the State of Washington, acting under authority of Art. XV.,

Sec. 1 of the State Constitution and the act of the Legislature approved March 28, 1890, entitled "An act to create a Board of Harbor Line Commissioners, prescribing their duties and compensation," attempted to establish harbor lines, at the city of Aberdeen, caused surveys to be made, and duplicate maps to be made, one of which was filed in the office of the county auditor on February 16, 1892, and one in the office of the State Land Commissioner on the 3rd day of February, 1892, and,

WHEREAS, No monuments of such survey remain, there is irreconcilable conflict between the said maps and the field notes of such survey, so that it is impossible to now determine the location of said harbor lines, and for that reason impossible for the state officers to plat, appraise, sell or otherwise deal with the tide lands in front of said city, thereby depriving the state of revenue therefrom, preventing purchase and improvements of such tide lands, or leasing of harbor area at said city, to the great detriment of the state, of the residents of said city and of the public generally; and,

WHEREAS, The Superior Court of the State of Washington for Chehalis county has rendered judgment establishing the invalidity of said maps and surveys, and,

WHEREAS, By reason of the facts aforesaid, harbor lines have never been established in front of said city, and the early establishment of such harbor lines is necessary in the public interests, wherefore,

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

SECTION 1. The Harbor Line Commissioner's Map of Aberdeen Harbor, heretofore filed in the office of the State Land Commissioner, and in the office of the auditor of Chehalis county, is hereby declared null and void, and the Board of State Land Commissioners is hereby empowered and instructed, and it shall be the duty of such board, as soon as practicable hereafter, to locate and establish harbor lines in the Chehalis river and in Grays Harbor in front of the city of Aberdeen, in conformity with the general laws of this State governing the establishment of harbor lines.

SEC. 2. The plats and appraisements of the Aberdeen tide lands in Chehalis county, heretofore made and deposited in the office of the Commissioner of Public Lands, are hereby annulled and set aside. The Board of State Land

Conflict between maps and field notes.

Invalidity of maps.

Harbor Line Commissioner's map null and void.

Duty of State Board.

Former appraisements set aside.

Re-survey
and plat.

Plats in du-
plicate—
where to be
filed.

Basis of
valuation.

Duplicate
records.

Abutting own-
er may apply
to purchase
—when.

Improve-
ments.

Commissioners is authorized and instructed, and it is here-
by made its duty as soon as practicable hereafter, to cause
the tide lands within the limits of the city of Aberdeen to
be surveyed, platted and appraised. Such survey and plat
shall be made as nearly as may be in conformity with the
general laws of this state relating to the surveying and plat-
ting of tide lands. All plats shall be made in duplicate and
one shall be filed in the office of the State Land Commis-
sioner, and one in the office of the auditor of Chehalis
county.

SEC. 3. In making the appraisalment of the tide lands
mentioned in the preceding section, excepting as to im-
provements, the Board of State Land Commissioners shall
use the same basis of valuation, as nearly as may be, upon
which the lots and parcels of tide lands were originally
appraised, as shown in volume two of Appraisements of
Tide and Shore Lands of Chehalis County, as heretofor
[heretofore] made by the local board of tide and shore land
appraisers, now on deposit in the office of the State Com-
missioner of Public Lands, applying the same, as near as
may be, with due regard to location and proportionate
areas, so that the appraisalment hereby directed to be made
shall conform as near as may be to said former appraise-
ment, according to said record thereof so on deposit. The
record of such appraisalment shall be made in duplicate, one
to be filed with the State Commissioner of Public Lands
and one with the auditor of Chehalis county.

SEC. 4. The owner or owners of lands abutting or front-
ing upon any of the tide lands hereinbefore mentioned
shall have the right, for sixty (60) days following the final
appraisalment and plat of such tide lands with the Commis-
sioner of Public Lands, to apply for the purchase of all
or any portion of the tide lands in front of the lands so
owned: *Provided*, That if valuable improvements, and in
actual use prior to March 26, 1890, for commerce, trade,
residence 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 apply for the purchase of lands so improved for the
period aforesaid: *Provided, further*, That the owner of
such improvements shall have the right in all cases to pur-
chase in addition to the tide lands covered by such improve-

ments, unoccupied and unimproved tide lands adjoining such improvements sufficient for the necessary and convenient use and enjoyment of such improvements and business, and such right of purchase shall be prior and superior to that of the upland owner or others claiming under him: *And provided further*, That when the abutting upland owner has attempted to convey by deed to a bona fide purchaser any portion of the tide lands in front of such upland, or littoral rights therein, the right of purchase being given to the upland owner shall be construed to belong to such purchaser, or any person, association or corporation claiming by, through or under such purchaser, to the extent of the tract or right so conveyed. The preference right hereby given to purchase any tide land abutting or bordering upon the harbor area shall carry with it the preference right to lease the harbor area in front of such tide lands, provided that the person applying for such preference right of purchase of tide lands shall within the period limited for exercising his preference right to purchase tide lands also apply to lease the harbor area in front of such tide lands. Wherever there is no tide land between the harbor area and the upland the owner of such upland shall have a like preference right to lease the abutting harbor area.

SEC. 5. The general laws of this state in relation to the platting, appraisalment and sale of tide and shore lands and the establishment and leasing of harbor areas, when not inconsistent with this act, shall be applicable hereto relative to notice of filing of plats, manner of exercising the preference right of purchase or lease, appeals from the state board of land commissioners and to all other proceedings except as herein otherwise expressly provided.

SEC. 6. There is hereby appropriated out of the harbor area fund the sum of \$3,000, or so much thereof as may be necessary therefor, for the purpose of carrying out the provisions of this act, and the State Auditor is hereby authorized to draw warrants thereon for said purpose.

SEC. 7. An emergency is declared to exist and this act shall be in force from and after its passage and approval.

Passed the House February 6, 1903.

Passed the Senate February 19, 1903.

Approved by the Governor February 26, 1903.

CHAPTER 24.

[S. B. No. 56.]

RELATING TO DEFENCE OF STATUTE OF LIMITATIONS.

AN ACT relating to the defence of the statute of limitations in actions brought by or for the benefit of the State or any of its municipalities, amending section 35 of the Code of Civil Procedure of Washington, of 1881, the same being section 4807 of Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency.

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

SECTION 1. Section 35 of the code of civil procedure of Washington, 1881, the same being section 4807 of Ballinger's Annotated Codes and Statutes of Washington, shall be amended to read as follows: Section 35 (section 4807). The limitations prescribed in this act (chapter) shall apply to actions brought in the name or for the benefit of any county or other municipality or *quasi* municipality of the state, in the same manner as to actions brought by private parties: *Provided*, That there shall be no limitation to actions brought in the name or for the benefit of the state, and no claim of right predicated upon the lapse of time shall ever be asserted against the state: *And further provided*, That no previously existing statute of limitation shall be interposed as a defense to any action brought in the name of or for the benefit of the state, although such statute may have run and become fully operative as a defense prior to the adoption of this act, nor shall any cause of action against the state be predicated upon such a statute. An action shall be deemed commenced when the complaint is filed.

SEC. 2. An emergency exists and this act shall take effect immediately.

Passed the Senate January 29, 1903.

Passed the House February 18, 1903.

Approved by the Governor February 27, 1903.

CHAPTER 25.

[S. B. No. 117.]

FOR THE RELIEF OF JEFFERSON COUNTY.

AN ACT providing for the rate of interest to be paid on bonds of Jefferson county and owned by the State of Washington, and declaring an emergency.

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

SECTION 1. That the action of the treasurer of the State of Washington in accepting interest at the rate of four per cent. per annum upon forty-one thousand dollars of Jefferson county bonds issued in January, 1891, and owned by the State of Washington, for the five years ending December 31st, 1902, be and the same is hereby ratified and approved.

SEC. 2. That the Treasurer of the State of Washington be and he is hereby directed and authorized to accept in full payment of interest upon said forty-one thousand dollars bonds of said Jefferson county, for five years beginning January 1st, 1903, and ending December 31st, 1907, interest at the rate of four per cent. per annum.

SEC. 3. That the Treasurer of the State of Washington be and he is hereby authorized and directed to accept after the 31st day of December, 1907, interest upon said forty-one thousand dollars of said Jefferson county bonds at such rate as may be agreed upon by all of the owners of said bonds, and the State Board of Land Commissioners of the State of Washington are [is] hereby authorized and directed to act for and represent the State of Washington in fixing the rate of interest to be accepted upon said bonds after December 31st, 1907. .

SEC. 4. An emergency exists and this act shall take effect immediately.

Passed the Senate February 18, 1903.

Passed the House February 23, 1903.

Approved by the Governor February 27, 1903.

CHAPTER 26.

[S. B. No. 16.]

AMENDING ACT RELATIVE TO STATE VETERINARY SURGEON.

AN ACT to amend section 1 of and adding section 2½ and section 4½ to an act entitled "An act providing for the creation of the office of State Veterinary Surgeon and defining his duties," approved March 22, 1895.

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

SECTION 1. That section 1 of an act approved March 22, 1895, entitled "An act providing for the creation of the office of the State Veterinary Surgeon and defining his duties," be and the same is hereby amended to read as fol-

Office created.

lows: Section 1. There shall be and is hereby created the office of State Veterinarian, whose office shall be vested in the professor of Veterinary Science of the Agricultural College and Experiment Station, who shall be chosen in the same manner as other members of the faculty and station staff of said college and station, and shall serve as State Veterinarian without compensation in addition to the salary paid by the college and experiment station. The

Veterinarian to be skilled graduate.

Veterinary Surgeon shall be a graduate of some regular and established veterinary college and shall be skilled in veterinary science. He shall be a member of the State Board of Health, which membership shall be in addition to that now provided for by law. He shall be under the direction of the president of the State Agricultural College and Director of the Experiment Station and School of Science, and perform such duties as the Board of Regents may prescribe. When actually engaged in the discharge of his official duties outside the said college and experiment station he shall receive, in addition to his salary, actual traveling expenses, which shall be presented to the president of the college under oath and covered with

Traveling expenses.

Expenses for office.

written vouchers before receiving the same. He shall also be allowed the clerical assistance, express, postage, and incidentals necessary for the proper and efficient conduct of his office. He shall receive as salary such compensatio.r

Salary.

as the Regents of the State Agricultural College may determine.

SEC. 2. That section 2½ be added to read as follows: Section 2½. Quarantine shall mean the placing and re-^{Quarantine.}straining of any animal or animals by the owners or agents in charge of them within certain enclosures described or designated by such owner or owners or agent in charge of such animals in writing by the State Veterinary Surgeon. Any owner or owners or agent who fails to comply with or wilfully violates or negligently allows such quarantine to be violated by the escape and running at large of the quarantined animals shall be guilty of a misdemeanor and punished accordingly.

SEC. 3. That section 4½ be added to read as follows: ^{Duty of veterinary surgeons—to report.} Section 4½. It shall be the duty of every graduate veterinary surgeon and every person professing to be a veterinary surgeon practicing their profession within this state to report to the State Veterinary Surgeon immediately upon the discovery thereof the existence or suspected existence among domestic animals within the State of any of the following diseases: Glanders, Tuberculosis, Actinomyces, Hog Cholera, Swine Plague, Anthrax, Contagious Keratitis, Stomatitis, Pustulosa Contagiosa, Scabies, Contagious Abortion and Rabies. In the event of the failure or refusal on the part of the above named persons to so do he shall be guilty of a misdemeanor and punished accordingly.

Passed the Senate January 29, 1903.

Passed the House February 24, 1903.

Approved by the Governor February 27, 1903.

CHAPTER 27.

[H. B. No. 31.]

AMENDING ACT RELATIVE TO CONSTRUCTION, ASSESSMENT AND COLLECTION OF TAXES WITHIN ASSESSMENT DISTRICTS, IN CITIES AND TOWNS OTHER THAN THE FIRST CLASS.

AN ACT to amend section two (2), of an act entitled "An act authorizing cities and towns, other than cities of the first class, to construct sewers and drains within assessment districts, and to levy and collect special assessments and taxes to pay therefor, and declaring an emergency," approved March 14, 1899.

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

Amendment
Sec. 3659
Pierce's Code.

SECTION 1. That section 2 of an act entitled "An act authorizing cities and towns, other than cities of the first class, to construct sewers and drains within assessment districts, and to levy and collect special assessments and taxes to pay therefor, and declaring an emergency," approved March 14, 1899, the same being section 3659 of Pierce's Code, be, and the same is hereby amended to read as follows:

Duty of Mayor
and Council.

SEC. 2. Before letting any contract for the construction of any sewer or drain, or system of sewerage or drainage, the mayor and council shall by ordinance or resolution adopt the plans therefor and shall fix and establish the assessment district, if the same is to be constructed at the expense of a district, and such cities and towns are hereby authorized to charge the expenses of such sewer or drain to all the property included within such district which is contiguous or approximate to any street in which any main pipe or lateral pipe of such sewer, drain or sewer system is to be placed, and to levy special taxes upon such property to pay therefor, which assessment and tax shall be levied in accordance with the last general assessment of the land, *exclusive of all improvements*, within said district for city purposes: *Provided, however,* That a sum not exceeding twenty-five per cent. of the total cost of such improvements, chargeable to the abutting property, may

be paid out of the current expense fund if so ordered by a unanimous vote of the city council.

Passed the House February 16, 1903.

Passed the Senate February 24, 1903.

Approved by the Governor March 4, 1903.

CHAPTER 28.

[H. B. No. 132.]

PROVIDING FOR THE SEARCH FOR AND SEIZURE OF LIQUORS.

AN ACT providing for the search for and seizure of liquors received, kept, or used, contrary to law and the appliances used in connection therewith and to define and punish as misdemeanors all violators thereof, and vesting all magistrates with authority to receive complaints and issue warrants against all persons violating the provisions of this act.

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

SECTION 1. That every person who shall, directly or indirectly, keep or maintain, by himself or by associating or combining with others, or who shall in any manner aid, assist or abet in keeping or maintaining any room or rooms, place or places in which intoxicating liquors are received or kept for unlawful use, barter or sale or for unlawful distribution; and every person who shall receive, barter, sell, assist or abet another in receiving, bartering or selling any intoxicating liquors so received or kept, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

SEC. 2. The keeping or maintaining of any place in which intoxicating liquors are sold or given away, contrary to law, or in which such liquors are kept or harbored for the evident purpose of selling or giving away said liquors contrary to law, or where persons are permitted to resort for the purpose of drinking intoxicating liquors or where intoxicating liquors are kept for the purpose of inducing people to resort, to buy or receive intoxicating liquors in violation of law is hereby declared to be a common

Complaints
and search.

nuisance. Upon complaint being made of the violation of this section a magistrate shall issue a search warrant in which the premises in question shall be particularly described, commanding the sheriff or constable to thoroughly search the premises in question and to seize and hold all intoxicating liquors, vessels, bar fixtures, screens, bottles, glasses, jugs and other appurtenances found therein adapted to be used in retailing, giving away or distributing liquors in violation of law, to make a complete inventory thereof and deposit the same with the magistrate.

Seizure and
custody.

SEC. 3. The property seized under the warrant shall remain in the custody of the officer until the case has been decided by the court; if the defendant is found guilty the property seized shall be destroyed by the officer under the direction of the magistrate.

United States
Revenue.

SEC. 4. The payment of the United States revenue tax shall be held to be *prima facie* evidence that the person is a common seller of intoxicating liquors and his place a common nuisance when conducted in violation of law.

Violations
and penalty.

SEC. 5. Any person violating any of the provisions of this act shall, upon the conviction of the same, be punished by a fine of not less than fifty (50) nor more than five hundred (500) dollars, or in lieu thereof be imprisoned not less than thirty (30) days nor more than ninety (90) days in the county jail. For each subsequent offense the punishment shall be by imprisonment in the county jail for not less than six (6) months nor more than one (1) year.

Passed the House February 16, 1903.

Passed the Senate February 24, 1903.

Approved by the Governor March 4, 1903.

CHAPTER 29.

[H. B. No. 163.]

RELATING TO MUNICIPAL CORPORATIONS.

AN ACT to amend section 130 of an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations and declaring an emergency," approved March 27th, 1890.

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

SECTION 1. That section 130 of an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," approved March 27, 1890 (the same being section 948 of Ballinger's code and section 3500 of Pierce's code), be and the same is hereby amended to read as follows: Section 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 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 readvertise, in their discretion, or if in the judgment of the council such work can be performed or supplies or materials furnished by the city independent of contract cheaper than under the lowest bid submitted, it may cause such work to be performed or supplies or materials to be furnished independent of contract. The city council shall annually, at a stated time, contract for doing all city printing and advertising, which contract shall be let to the 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 the other printing.

Amendment
Sec. 948 Ballinger's Code,
Sec. 3500
Pierce's Code.

Work to be
done by con-
tract—when.

Rejection of
bids.

Printing con-
tracts.

Advertising.

Passed the House February 5, 1903.

Passed the Senate February 24, 1903.

Approved by the Governor March 4, 1903.

CHAPTER 30.

[H. B. No. 175.]

AMENDING ACT RELATIVE TO JUSTICES OF THE PEACE AND CONSTABLES IN CITIES OF THE FIRST CLASS.

AN ACT amending sections 3 and 6 of an act entitled "An act relating to justices of the peace and constables in cities of the first class and fixing their number and salaries and providing for making one of the justices elected in such cities a police justice, and defining his duties, jurisdiction and powers," approved March 13, 1899, being Chapter LXXXV of Session Laws of 1899, and declaring an emergency.

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

Amendment
Sec. 2835
Pierce's Code,
Chapter 85,
Laws 1899.

SECTION 1. That section 3 of an act entitled "An act relating to justices of the peace and constables in cities of the first class and fixing their number and salaries and providing for making one of the justices elected in such cities a police justice and defining his duties, jurisdiction and powers," approved March 13, 1899, being chapter LXXXV of session laws of 1899, and section 2835 of Pierce's code be, and the same is hereby amended to read as follows: Section 3. The police judge so appointed, in addition to his powers as justice of the peace, shall have exclusive jurisdiction over all offences defined by any ordinance of the city, and all other actions brought to enforce or recover any license, penalty or forfeiture declared or given by any such ordinance, and full power to forfeit bail bonds and issue execution thereon and full power to forfeit cash bail, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance, and pronounce judgment in accordance therewith: *Provided*, That for the violation of a criminal ordinance no greater punishment shall be imposed than a fine of one hundred dollars, or imprisonment not to exceed thirty days, or by both such fine and imprisonment. In the trial of actions brought for the violation of any city ordinance, no jury shall be allowed. All civil or criminal proceedings before such police judge and judgments rendered by him shall be subject to review in the superior court of the proper county by writ of review or appeal.

Jurisdiction
of Police
Judge.

Proviso as to
criminal or-
dinance.

Subject to re-
view by Su-
perior Court.

SEC. 2. That section 6 of an act entitled "An act re-

lating to justices of the peace and constables in cities of the first class and fixing their number and salaries and providing for making one of the justices elected in such cities a police justice, and defining his duties, jurisdiction and powers," approved March 13, 1899, being chapter LXXXV of session laws of 1899 and section 2838 of Pierce's code, be, and the same is hereby amended to read as follows: Section 6. The police judge of such city shall have power at any time to appoint a clerk to assist such police judge in clerical work incidental to the performance of his duties, who shall be paid such salary out of the funds of the city as the city council may by ordinance determine. Clerk for police judge.

SEC. 3. That an emergency is declared to exist and this act shall be in force from and after its passage and approval. Emergency.

Passed the House February 9, 1903.

Passed the Senate February 25, 1903.

Approved by the Governor March 4, 1903.

CHAPTER 31.

[H. B. No. 164.]

AMENDING ACT RELATIVE TO MUNICIPAL CORPORATIONS.

AN ACT to amend section 166 of an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations and declaring an emergency," approved March 27th, 1890.

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

SECTION 1. Section 166 of an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations and declaring an emergency," approved March 27th, 1890 (being section 1019 of Ballinger's code and section 3533 of Pierce's code), be and the same is hereby amended to read as follows: Section 166. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, Sec. 1019 Ballinger's Code, Sec. 3533 Pierce's Code.

Work to be
let by con-
tract.

Proviso.

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 or if in the judgment of the council such work can be performed or supplies or materials furnished by the city independent of contract cheaper than under the lowest bid submitted, it may cause such work to be performed or supplies or materials to be furnished independent of contract.

Passed the House February 5, 1903.

Passed the Senate February 24, 1903.

Approved by the Governor March 4, 1903.

CHAPTER 32.

[H. B. No. 404.]

PROVIDING FOR ADDITIONAL GROUND FOR SCHOOL FOR DEFECTIVE YOUTH.

AN ACT to provide for the purchase of additional land adjoining the grounds upon which is located the main building of the School for Defective Youth and making an appropriation therefor.

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 in the State Treasury the sum of five thousand dollars, or so much thereof as may be necessary, for the purchase of forty acres, more or less, of land adjoining the grounds upon which is located the main building of the School for Defective Youth.

SEC. 2. The State Board of Control is hereby author-

ized and empowered to negotiate and purchase said tract of land in accordance with the provisions of this act. State Board of Control to purchase.

Passed the House February 25, 1903.

Passed the Senate February 26, 1903.

Approved by the Governor March 5, 1903.

CHAPTER 33.

[H. B. No. 62.]

PROVIDING FOR AN ASSISTANT COMMISSIONER OF PUBLIC LANDS.

AN ACT providing for the appointment and qualification of an Assistant Commissioner of Public Lands, and declaring an emergency.

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

SECTION 1. That the Commissioner of Public Lands may appoint an assistant who shall act as chief clerk in his office, and such assistant shall have power to perform any act or duty relating to the office of Commissioner of Public Lands that the Commissioner has, and, in case of vacancy by death or resignation of the Commissioner of Public Lands, said assistant shall perform the duties of said office until the vacancy is filled. Such assistant shall subscribe, take and file the oath of office provided by law for other state officers before entering upon the performance of his duties. The principal shall be responsible under his official bond for all of the official acts of the assistant, and may revoke such appointment at his pleasure, and may require his assistant to give him a bond in such sum as the principal may determine, which bond shall be made, executed, approved and filed as other state official bonds. To give bond.

SEC. 2. An emergency exists and this act shall take effect immediately. Emergency.

Passed the House February 19, 1903.

Passed the Senate February 27, 1903.

Approved by the Governor, March 5, 1903.

CHAPTER 34.

[H. B. No. 130.]

RELATING TO SALE OF CERTAIN ARTICLES OF
MERCHANDISE.

AN ACT relating to the sale of certain articles of merchandise, providing for licensing the same, and prescribing a penalty for the violation thereof.

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

Unlawful to peddle without license.

SECTION 1. It shall be unlawful for any person to peddle, sell or offer for sale or barter, any buggies, carriages, hacks, or road vehicles of any kind, stoves, ranges, pianos or any other merchandise except farm produce from any boat, wagon, cart or other vehicle of any kind or as a trailer thereto, or from any pack or other package carried on foot or from any pack animal, without having first obtained a license so to do from the county auditor of the county in which said merchandise is sold, or to be offered for sale or barter: *Provided*, This act shall not be construed to apply to any person or his agents selling any of said articles from his regularly maintained stock or established places of business when he has maintained said stock or place of business in the said county for a period of six months, nor to any administrators or executors selling any such property at public or private sale. *And provided further*, That this act shall not be construed to modify or repeal any other act on the subject of licenses or peddlers.

Proviso.

Proviso.

County Auditor to issue license.

SEC. 2. The county auditors of the respective counties in this state are hereby authorized and required to issue to any applicant therefor a license to sell or peddle any article of merchandise mentioned in the preceding section of this act from any boat, wagon, cart or other vehicle of any kind or as a trailer thereto or from any pack or other package carried on foot or from any pack animal in any place in said county for the period of time to be specified in such license upon payment by such applicant of a license fee of ten dollars per day for the number of days for which license is issued.

License fee.

Penalty.

SEC. 3. Any person violating any of the provisions of

this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall for each offence be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for a term of thirty days, or by both such fine and imprisonment.

Passed the House February 24, 1903.

Passed the Senate February 27, 1903.

Approved by the Governor March 5, 1903.

CHAPTER 35.

[H. B. No. 167.]

RELATING TO TIME SENTENCE COMMENCES IN CASES OF FELONY.

AN ACT fixing the time from which the term of the sentence of persons convicted of felony shall commence to run, and repealing all acts and parts of acts in conflict herewith.

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

SECTION 1. In the event no appeal be taken from the judgment of conviction of a felony, the term of sentence imposed upon such judgment shall commence to run from the date of the imposition thereof. In the event an appeal be taken from such judgment of conviction, and upon such appeal the judgment be affirmed, the term of sentence shall commence to run from the date upon which the remittur shall be filed in the lower court.

SEC. 2. All acts and parts of acts in conflict with the ^{Repeal.} provisions of this act are hereby repealed.

Passed the House February 19, 1903.

Passed the Senate February 27, 1903.

Approved by the Governor March 5, 1903.

CHAPTER 36.

[S. B. No. 112.]

FOR RELIEF OF WASHINGTON STATE SUGAR COMPANY.

AN ACT for the relief of the Washington State Sugar Company.

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

SECTION 1. That there is hereby appropriated, out of any moneys not otherwise appropriated, the sum of thirteen thousand nine hundred and 06-100 dollars, to be paid to the Washington State Sugar Company for bounty earned in the manufacture of beet sugar, under the terms of an act entitled "An act granting a bounty for the encouragement of the production and manufacture of sugar in the State of Washington," approved February 21st, 1899.

Passed the Senate February 6, 1903.

Passed the House February 27, 1903.

Approved by the Governor March 6, 1903.

CHAPTER 37.

[S. B. No. 72.]

PROTECTING EMPLOYEES IN FACTORIES AND MILLS.

AN ACT providing for the protection of employes in factories, mills or workshops where machinery is used and providing for the punishment of the violation thereof.

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

Proper safeguards to be maintained.

SECTION 1. That any person, corporation or association, operating a factory, mill or workshop where machinery is used, shall provide and maintain in use proper belt shifters or other mechanical contrivances for the purpose of throwing on or off belts on pulleys, proper safeguards for all vats, pans, trimmers, cut-off, gang edgers and all other saws that can be guarded advantageously, planers, cogs, gearings, belting, shafting, couplings, set screws, live roll-

ers, conveyors, manglers in laundries and machinery of other or similar description. Exhaust fans of sufficient power shall be provided in the discretion of the Commissioner of Labor for the purpose of carrying off dust from emery wheels, grind stones and other machinery creating dust, where same is operated in an enclosed room or place. If a machine or any part thereof is in a dangerous condition, or is not properly guarded, the use thereof is prohibited and a notice to that effect shall be attached thereto. Such notice shall not be moved until the machine is made safe and the required safe guards provided.

Use of machine in dangerous condition prohibited.

SEC. 2. All hoistways, hatchways, elevator wells and wheel holes, as well as fly wheels and stairways in factories, mills, workshops, store houses, warerooms or stores, shall be securely fenced, enclosed or otherwise protected and due diligence shall be used to keep all such means of protection closed, except when it is necessary to have the same open, that the same may be used.

Elevators, stairways, fly wheels, etc., to be fenced.

SEC. 3. That any person, corporation or association operating a factory, mill, or workshop where machinery is used, shall provide in each workroom thereof proper and sufficient means of ventilation.

Ventilation.

SEC. 4. Any person, corporation or association who violates or omits to comply with any of the foregoing requirements or provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, or by imprisonment for not less than fifteen days nor more than ninety days.

Penalty.

SEC. 5. A copy of this act, together with the name and address of the Commissioner of Labor printed in a legible manner, shall be kept posted in each department of every factory, mill or workshop and in the office of every public and private work, upon the employer or his agent or superintendent being supplied with sufficient copies thereof by the Commissioner of Labor.

Copies of law to be posted.

Passed the Senate February 10, 1903.

Passed the House February 26, 1903.

Approved by the Governor March 6, 1903.

CHAPTER 38.

[S. B. No. 70.]

AMENDING ACT RELATIVE TO DRAINAGE DISTRICTS.

AN ACT to amend section 3753 of Ballinger's Annotated Codes and Statutes of Washington, relating to drainage districts.

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

Sec. 3753 Ballinger's Code.

SECTION 1. That section 3753 of Ballinger's Annotated Codes and Statutes of Washington be hereby amended to read as follows: Section 3753. The whole or any portion of any natural water course, the whole or any portion of which lies within any district established under this chapter, or the whole or any portion of any ditch or drainage system already constructed or partially constructed prior to the passage of this chapter, may be improved and completed as a system under the provisions of this chapter.

Proviso.

Provided, That vested rights in any such water course acquired by appropriation of the water thereof for irrigation, mining or manufacturing purposes under existing law, shall not be disturbed.

Passed the Senate February 25, 1903.

Passed the House February 27, 1903.

Approved by the Governor March 6, 1903.

CHAPTER 39.

[S. B. No. 152.]

RELATING TO TIDE LANDS AT CITY OF HOQUIAM.

AN ACT relating to the tide lands of the City of Hoquiam and providing for the platting, appraisalment and sale thereof, and declaring void the Harbor Line Commissioner's maps of Hoquiam heretofore filed, and providing for the establishment and leasing of harbor areas therein, and making an appropriation for such purposes, and declaring an emergency.

WHEREAS, The Board of Harbor Line Commissioners of the State of Washington, acting under authority of article XV., section 1, of the State Constitution, and the act of the Legislature approved March 28, 1890, entitled "An act to create a Board of Harbor Line Commissioners, prescribing their duties and compensation," attempted to establish harbor lines at the city of Hoquiam, caused surveys to be made and duplicate maps to be made, one of which was filed in the office of the county auditor of Chehalis county, September 6, 1894, and one in the office of the State Land Commissioner September 6, 1894, and,

WHEREAS, No monuments of such survey remain and there is irreconcilable conflict between the said maps and the field notes of such survey so that it is now impossible to determine the location of the said harbor lines, and for that reason impossible for the state officers to plat, appraise, sell or otherwise deal with the tide lands in front of said city, thereby depriving the state of revenue therefrom, and preventing purchase or improvement of such of the tide lands or leasing the harbor area at said city to the great detriment of the state, and the residents of said city and the public generally; and,

WHEREAS, By reason of the facts aforesaid, harbor lines have never been established in front of said city and the early establishment of such harbor lines is necessary in the public interests; therefore

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

SECTION 1. The Harbor Line Commissioner's map of Hoquiam harbor heretofore filed in the office of the State Land Commissioner and in the office of the auditor of ^{Map declared null and void.}

Chehalis county is hereby declared null and void, and the Board of State Land Commissioners is hereby empowered and instructed, and it shall be their duty as such board, as soon as practicable hereafter, to locate and establish the harbor lines in Gray's Harbor in front of the city of Hoquiam in conformity with the general laws of this State covering the establishment of harbor lines. Duplicate maps of said harbor lines shall be made and filed, one in the office of the State Land Commissioner and the other in the office of the auditor of Chehalis county.

New map to be made and filed.

Hoquiam tide lands to be platted.

SEC. 2. The plats and appraisements of the Hoquiam tide lands in Chehalis county heretofore made and deposited in the office of the Commissioner of Public Lands April 30, 1895, and in the office of the county auditor of Chehalis county April 30th, 1895, shall be amended by adding thereto plats and appraisements of so much of the Hoquiam tide lands as may be found to lie between the Hoquiam tide lands set forth on said plats and the inner harbor line as located and established under section 1 hereof. And the State Board of Land Commissioners is authorized and instructed and it is hereby made its duty, as soon as practicable hereafter, to cause the tide lands in front of the said city, between the tide lands set out on said plats and the inner harbor line as located and established under section 1 of this act to be surveyed, platted and appraised. Such survey and plats shall be made as nearly as may be practical in conformity with the general laws of this state relating to the survey and plat of tide lands, and shall be made as nearly as may be in conformity with the surveys and plats of the tide lands in front of the said city of Hoquiam heretofore deposited in the offices of the State Land Commissioner and the county auditor. All plats shall be made in duplicate, and one shall be filed in the office of the State Land Commissioner and one in the office of the auditor of Chehalis county.

Plats to be made in duplicate.

Reports of appraisement.

SEC. 3. Report of the appraisal of the tide lands herein authorized shall be made in duplicate, one of each shall be filed with the State Commissioner of Public Lands and one with the auditor of Chehalis county.

Owners of abutting land to have first right to purchase.

SEC. 4. The owner or owners of land abutting or fronting upon any of the tide lands herein authorized to be surveyed, platted and appraised shall have the right for sixty

(60) days following the filing of the final appraisement and plat of such tide lands with the State Land Commissioner to apply for the purchase of all or any portion of the tide lands in front of the lands so owned; *Provided*, That if valuable improvements in actual use prior to February 1st, 1903, for commerce, trade, residence or business have been made upon said tide lands hereinbefore authorized to be platted, surveyed and appraised, by any person, association, corporation, the owner or owners of such improvements shall have the exclusive right to apply for the purchase of the lands so improved for the period aforesaid: *Pro-* Proviso as to improvements prior to February 1, 1903.
vided, further, That when the abutting upland owner has attempted to convey by deed to a *bona fide* purchaser any portion of the tide lands heretofore surveyed, platted and appraised the right to purchase being given to such upland owner, shall be considered to apply to such purchaser, or any person, association, or corporation claiming by, through or under such purchaser to the extent of the tract or right so conveyed. The preference right hereby given to purchase any tide lands abutting or bordering on the harbor area shall carry with it the preference right to lease the harbor area in front of such tide lands: *Provided*, That Preference right.
the person applying for said preference right or purchase of tide lands shall, within the period limited for exercise of his preference right to purchase tide lands, also apply to lease the harbor area in front of said tide lands. Proviso.

SEC. 5. The general laws of the state in relation to the platting, appraisement and sale of tide lands and shore lands and the establishment and leasing of harbor area, when not inconsistent with this act, shall be applicable hereunder, relative to notice of filing of plats, manner of exercising the preference right of purchase or lease, appeals from the State Board of Land Commissioners, and all other proceedings so far as necessary to carry out the purpose of this act. General laws to govern.

SEC. 6. There is hereby appropriated out of the general fund the sum of \$4,000, or so much thereof as may be necessary therefor for the purpose of carrying out the provisions of this act, and the State Auditor is hereby authorized to draw warrants thereon for said purpose. Appropriation.

Emergency. SEC. 7. An emergency exists and this act shall take effect immediately.

Passed the Senate February 25, 1903.

Passed the House February 28, 1903.

Approved by the Governor March 6, 1903.

CHAPTER 40.

[H. SUB. B. No. 79.]

PROVIDING FOR A JUDGE FOR THE COUNTIES OF CHELAN, DOUGLAS, OKANOGAN AND FERRY.

AN ACT providing for a Superior Judge for the Counties of Chelan, Douglas, Okanogan and Ferry, in the State of Washington, and declaring an emergency.

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

SECTION 1. From and after the passage and approval of this act there shall be in the counties of Chelan, Douglas, Okanogan and Ferry, jointly, one Superior Judge, and in the counties of Adams and Lincoln, jointly, one Superior Judge.

Governor to
appoint.

SEC. 2. The Governor of the State of Washington shall, upon the taking effect of this act, appoint as such Superior Court Judge for the counties of Chelan, Douglas, Okanogan and Ferry jointly, a person eligible and qualified according to the Constitution of the State of Washington, and such appointee shall be and shall hold office as such Superior Court Judge until the next general election to be held in the State of Washington, and until his successor is elected and qualified.

Election of
Judge in 1904.

SEC. 3. At the general election to be held in the State of Washington in the year 1904 there shall be elected in the counties of Chelan, Douglas, Okanogan and Ferry one Superior Court Judge who shall succeed the Superior Court Judge mentioned in section two of this act, and shall hold his office until the second Monday in January, 1905, and until his successor is elected and qualified.

Term expires
in January,
1905.

SEC. 4. At the general election to be held in the State of Washington in the year 1904 there shall be elected in the counties of Chelan, Douglas, Okanogan and Ferry one Superior Court Judge who shall succeed the Superior Court Judge mentioned in section three of this act and whose term of office shall commence on the second Monday of January, 1905, and who shall hold his office for four years and until his successor is elected and qualified. After the appointment and qualification of a person to serve as judge for the counties of Chelan, Douglas, Okanogan and Ferry under the provisions of this act, the judge elected at the November election of 1900 for said counties of Lincoln, Adams, Okanogan, Douglas, Ferry and Chelan shall, during the remainder of his term of office, and until the election and qualification of his successor remain the judge in and for the counties of Adams and Lincoln.

Election of
judge in 1904
for term of
four years.

Judge for
Adams and
Lincoln
counties.

SEC. 5. An emergency is hereby declared to exist, and this act shall take effect immediately.

Emergency.

Passed the House February 26, 1903.

Passed the Senate February 27, 1903.

Approved by the Governor March 6, 1903.

CHAPTER 41.

[S. B. No. 49.]

AMENDING ACT RELATIVE TO ATTACHMENTS AND GARNISHMENTS.

AN ACT to amend section 6 of an act entitled "An act in relation to attachments and garnishments," approved February 3rd, 1886, the same being section 515 of Pierce's Washington Code, section 5355 of Ballinger's Annotated Statutes and Codes of Washington, and section 293 of volume two of Hill's Annotated Statutes and Codes of Washington.

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

SECTION 1. That section 6 of an act entitled "An act in relation to attachments and garnishments," approved February 3rd, 1886, the same being section 515

Sec. 515
Pierce's Code,
Sec. 5355 Bal-
linger's Code,
Sec. 293, Vol.
2, Hill's Code.

of Pierce's Washington code, section 5355 of Ballinger's Annotated Statutes and Codes of Washington, and section 293 of volume two of Hill's Annotated Statutes and Codes of Washington, be, and the same hereby is amended to read as follows, to-wit: Section 6. Before the writ of attachment shall issue the plaintiff, or some one in his behalf, shall execute and file with the clerk a bond or undertaking, with two or more sureties, in the sum in no case less than three hundred dollars, in the Superior Court, nor less than fifty dollars in the justice court, and double the amount for which plaintiff demands judgment, conditional 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 attachment, not exceeding the amount specified in such bond or undertaking, as the penalty thereof, should the same be wrongfully, oppressively or maliciously sued out. With said bond or undertaking there shall also be filed the affidavit of the sureties, from which it must appear that such sureties are qualified and that they are, taken together, worth the sum specified in the bond or undertaking, over and above all debts and liabilities, and property exempt from execution. No person not qualified to become bail upon arrest shall be qualified to become surety upon a bond or undertaking for an attachment: *Provided*, That when it is desired to attach real estate only, and such fact is stated in the affidavit for attachment and the ground of attachment is that the defendant is a foreign corporation or is not a resident of the state, or conceals himself so that the ordinary process of law cannot be served upon him, or has absconded or absented himself from his usual place of abode, so that the ordinary process of law cannot be served upon him, the writ of attachment shall issue without bond or undertaking by or on behalf of the plaintiff: *And provided further*, That when the claim, debt or obligation, whether in contract or tort, upon which plaintiff's cause of action is based, shall have been assigned to him, and his immediate or any other assignor thereof retains or has any interest therein, then the plaintiff and every assignor of said claim, debt or obligation who retains or has any interest therein, shall be jointly and severally liable to the defendant for all costs that may be adjudged to him and for

Bond to be
filed before
writ shall
issue.

Proviso as to
real estate.

Proviso as to
assignor.

all damages which he may sustain by reason of the attachment, should the same be wrongfully, oppressively or maliciously sued out.

Passed the Senate February 4, 1903.

Passed the House February 27, 1903.

Approved by the Governor March 6, 1903.

CHAPTER 42.

[S. B. No. 108.]

CREATING A STANDARD SIZE OF CERTAIN FRUIT BOXES.

AN ACT to create and establish a standard size of certain fruit boxes for the State of Washington.

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

SECTION 1. There is hereby created and established a standard size for apple boxes and pear boxes for the State of Washington.

SEC. 2. The standard size of an apple box shall be eighteen inches long, eleven and one half inches wide, ten and one-half inches deep, inside measurement. The standard size of a pear box shall be eighteen inches long, eleven and one-half inches wide, eight inches deep, inside measurement. ^{Standard size.}

Passed the Senate February 10, 1903.

Passed the House March 4, 1903.

Approved by the Governor March 6, 1903.

CHAPTER 43.

[S. B. No. 46.]

RELATING TO JURY TRIALS IN THE SUPERIOR COURT.

AN ACT relating to jury trials in the Superior Court, providing for the payment by litigants of certain jury fees and repealing section 5028 of Ballinger's Annotated Codes and Statutes of the State of Washington.

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

SECTION 1. In all civil actions triable by a jury in the Superior Court any party to the action may, at or prior to the time the case is called to be set for trial, serve upon the opposite party or his attorney, and file with the clerk of the court a statement of himself, or attorney, that he elects to have such case tried by jury. At the time of filing such statement such party shall also deposit with the clerk of the court \$12.00. Unless such statement is filed and such deposit made, the parties will be deemed to have waived trial by jury, and consented to a trial by the court.

\$12 jury fee
to be de-
posited.

SEC. 2. The amount deposited by the party demanding a trial by jury shall be a part of the taxable costs in such action. The amounts received by the clerk on account of jury fees shall be accounted for as such other fees received.

Fee deposited
to be part of
costs.

SEC. 3. Section 5028 Ballinger's code, and all other acts in conflict with this act, are hereby repealed.

Repeal Sec.
5028 Ballin-
ger's Code.

Passed the Senate January 28, 1903.

Passed the House March 5th, 1903.

Approved by the Governor March 6, 1903.

CHAPTER 44.

[H. B. No. 90.]

PUBLIC WORK TO BE PERFORMED IN WORKING DAYS, OF EIGHT HOURS EACH.

AN ACT declaring it to be a part of the public policy of the State of Washington that all public work for it, or any political subdivision created by its laws, shall be performed in work days of not more than eight hours each, except in cases of extraordinary emergency, with provision for carrying out such policy.

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

SECTION 1. That it is a part of the public policy of the State of Washington that all work "by contract or day labor done" for it, or any political subdivision created by its laws, shall be performed in work days of not more than eight hours each, except in cases of extraordinary emergency. No case of extraordinary emergency shall be construed to exist in any case where other labor can be found to take the place of labor which has already been employed for eight hours in any calendar day.

SEC. 2. All contracts for work for the State of Washington, or any political subdivision created by its laws, shall provide that they may be cancelled by the officers or agents authorized to contract for or supervise the execution of such work, in case such work is not performed in accordance with the policy of the state relating to such work.

SEC. 3. It is made the duty of all officers or agents authorized to contract for work to be done in behalf of the State of Washington, or any political subdivision created under its laws, to stipulate in all contracts as provided for in this act, and all such officers and agents, and all officers and agents entrusted with the supervision of work performed under such contracts, are authorized, and it is made their duty, to declare any contract canceled, the execution of which is not in accordance with the public policy of this state as herein declared.

Passed the House February 4, 1903.

Passed the Senate March 3, 1903.

Approved by the Governor March 7, 1903.

CHAPTER 45.

[H. B. No. 59.]

DEFINING CRIMINAL ANARCHY AND PRESCRIBING PENALTY THEREFOR.

AN ACT defining criminal anarchy, and prescribing penalties for those who advocate, advise or teach criminal anarchy, or cause or permit the publication of the doctrines thereof, or who participate in an assemblage of anarchists.

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

Definition of criminal anarchy.

SECTION 1. Criminal anarchy is the doctrine that organized government should be overthrown by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means.

Unlawful to advocate, teach or spread doctrines.

SEC. 2. Any person who, by word of mouth or writing, advocates, advises or teaches the duty, necessity or propriety of overthrowing or overturning organized government by force or violence, or by assassination of the executive head, or any of the executive officials of government, or by any unlawful means; or, prints, publishes, edicts [edits], issues or knowingly circulates, sells, distributes or publicly displays any book, paper, document or written or printed matter in any form, containing or advocating, advising or teaching the doctrine that organized government should be overthrown by force, violence or any unlawful means; or openly, wilfully and deliberately justifies by word of mouth or writing the assassination or unlawful killing or assaulting of any executive or other officer of the United States or of any state or of an [any] civilized nation having an organized government, or the committing of any other crime, with intent to teach, spread or advocate the doctrines of criminal anarchy; or organizes or helps to organize or becomes a member of or voluntarily assembles with any society, group or assembly of persons formed to teach or advocate such doctrines, is guilty of a felony and punishable by imprisonment for not more than ten years, or by a fine of not more than \$5,000, or both.

Unlawful to organize societies, etc.

Penalty.

Editor or publisher of book or newspaper.

SEC. 3. Every editor or proprietor of a book, newspaper or serial and every manager of a partnership or incorporated association by which a book, newspaper or serial is

issued, is chargeable with the publication of any matter contained in such book, newspaper or serial. But in every prosecution therefor, the defendant may show in his defence that the matter complained of was published without his knowledge by another who had no authority from him to make the publication and whose act was disavowed by him as soon as known. May show matter was published without knowledge.

SEC. 4. Whenever two or more persons assemble for the purpose of advocating or teaching the doctrines of criminal anarchy, as defined in section 1 of this act, such an assembly is unlawful, and every person voluntarily participating therein by his presence, aid or instigation, is guilty of a felony and punishable by imprisonment for not more than ten years, or by a fine of not more than \$5,000, or both. Unlawful to assemble. Penalty.

Passed the House February 19, 1903.

Passed the Senate March 3, 1903.

Approved by the Governor March 7, 1903.

CHAPTER 46.

[H. B. No. 201.]

REQUIRING STATEMENTS OF FACTS AND EVIDENCE IN CLAIMS AGAINST THE STATE OF WASHINGTON.

AN ACT to require statements of fact and evidence produced in support of claims made to the Legislature against the State for money or property and to perpetuate the record of the same.

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

SECTION 1. That all claims hereafter made to the Legislature against the State of Washington for money or property, shall be accompanied by a statement of the facts on which such claim is based and such evidence as the claimant intends to offer in support thereof. Legislative committees to whom such claims are referred shall make a transcript or statement of the substance of the evidence given in support of such claim; such statement, together with the

Statement to
be filed with
State
Auditor.

transcript of the evidence taken by the committee, shall be filed with the State Auditor who shall retain the same as a record of his office.

Passed the House February 19, 1903.

Passed the Senate March 3, 1903.

Approved by the Governor March 7, 1903.

CHAPTER 47.

[H. B. No. 55.]

PROVIDING A CLOSE SEASON FOR TROUT FISHING IN CHELAN COUNTY.

AN ACT to provide for the close season for trout fishing in the streams and lakes within the County of Chelan, and declaring an emergency.

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

Chelan
County.

SECTION 1. It shall not be lawful for any person or persons to take, capture, catch or kill from any of the lakes or streams within the county of Chelan, or to have in their possession after the same have been taken, captured, caught or killed, any trout between the 15th day of April and the 1st day of June of each year.

Penalty.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor and subject to a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).

Repeal.

SEC. 3. All other laws relating to the close season for trout and other game fish shall be inoperative in the said county of Chelan after the passage of this act.

Emergency.

SEC. 4. An emergency is hereby declared to exist and this act shall take effect immediately.

Passed the House February 16, 1903.

Passed the Senate March 3, 1903.

Approved by the Governor March 7, 1903.

CHAPTER 48.

[H. B. No. 70.]

PROVIDING FOR COMPULSORY ATTENDANCE OF SCHOOL CHILDREN BETWEEN AGES OF EIGHT AND FIFTEEN.

AN ACT providing for the compulsory attendance in school of children between the ages of eight and fifteen years and prescribing penalties and repealing all acts and parts of acts in conflict herewith.

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

SECTION 1. 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 a public or private school at least four months in each year: *Provided*, That at least three months of such child's or children's attendance shall be consecutive: *Provided further*, That in graded school districts in incorporated cities and towns, except such as are otherwise provided for by law, such children shall be sent to school at least five months in each school year: *Provided further*, That such child or children shall be excused from such attendance for the whole or any part of such period by the county superintendent of common schools upon being shown to the satisfaction of such county superintendent: (1) That such child's bodily or mental condition is such as to prevent his attendance at school or application to study for the period required; or (2), that such child is efficiently taught at home in such branches as are by law required to be taught in the schools of the district wherein such parents, guardians or other persons having such custody reside; or (3), that such child has already attained a reasonable proficiency in the branches or subjects required by law to be taught in the schools of such district during the first eight years as provided by the course of study adopted for and used in such district, or such part thereof as, in the judgment of the county superintendent, such child's age warrants him in requiring of such child; or (4), that, in case of a child under ten (10) years of age, there is not a school house within two miles of the residence of such parents, guardian or other person having such charge.

Children must be sent to school.

Proviso as to term of attendance.

Proviso as to excuse for non-attendance.

Penalty for non-compliance.

SEC. 2. Any parent or parents, guardian or other person having immediate custody of any child or children between the ages of eight and fifteen years, who shall, in any school year after June 30, 1903, wilfully neglect or refuse to send such child or children to school as required by law, shall be deemed guilty of a misdemeanor, and upon complaint of any school district elector and conviction thereof in any court of competent jurisdiction shall be punished by a fine of not less than twenty dollars nor more than fifty dollars: *Provided*, That such fine when collected shall be paid to the county treasurer and by him placed to the credit of the school district wherein such parent or parents, guardian or other persons having such charge reside: *Provided further*, That no person prosecuted under this section shall be proceeded against for the same offense within the current school year under section six (6) of this act.

Fine to be credited to school district fund.

Proviso.

Teacher to make report.

SEC. 3. At the end of the first month of school held in any school district after the beginning of the school year, it shall be the duty of the teacher of such school to report in writing to the clerk of such school district the name and ages of all children enrolled in and attending such school during said first month, together with the number of days attended by each child so enrolled.

Clerk to make report.

SEC. 4. Within ten days from and after the close of the first month of school, as provided in section three of this act, and at any time upon the written request of the county superintendent so to do, the school district clerk shall report in writing to the county superintendent of schools the names of the children between the ages of eight and fifteen years residing in such district who have not been enrolled in such school during said first month, or who are not in attendance, or have not attended, in such school as required by law at the time of making any such report requested by the county superintendent as herein provided.

County Superintendent to notify parents, etc.

SEC. 5. Upon receipt of the report of the district clerk mentioned in section two of this act and at any time after the close of the first month of school as herein provided upon the written report of the clerk of such district that any child is not attending or has not attended school as required by law, the county superintendent shall immediately

notify the parents or guardians of such child, or other person having immediate custody of such child, that the law must be complied with, and request such parents, guardian or other person having such custody to show cause why such child should not attend school as required by law.

SEC. 6. Any parent, guardian or other person having immediate custody of any child between the ages of eight and fifteen years who, after being notified by the county superintendents as provided in section five of this act, shall further neglect or refuse to send such child to school, shall, upon complaint of the county superintendent, be summoned to appear with such child or children before the judge of the Superior Court to show cause why such child or children should not be placed in and attend school as required by law, and of [if] the said judge shall upon inquiry find that none of the conditions set forth in section one (1) of this act permitting a county superintendent to excuse such child from attendance, exist in the case of such child so appearing before him, he shall, in his discretion, issue either an order commanding such parent or parents or guardian to place such child in school, if school be then in session, or immediately when school shall resume, or appear before him and show cause for the neglect or refusal so to do; or an order requiring such parent or parents or guardian to execute and file in court a good and sufficient bond payable to the county superintendent of common schools, the condition of said bond being that the parent or parents or guardian shall send such child or children to school as required by law: *Provided*, That such bond shall be made in a sum not less than fifty dollars for each child complained of, and that upon the forfeiture and collection thereof the county superintendent shall pay the sum so collected to the county treasurer who shall place the same to the credit of the district wherein such parents or guardian reside: *Provided further*, That in case of the forfeiture of such bond, it is hereby made the duty of the county superintendent to institute such proceedings as shall be necessary to the collection of such obligation: *Provided further*, That no person proceeded against under this section shall be prosecuted for the same offence within the current school year under section two (2) of this act.

Parents,
guardians,
etc., to be
summoned
before Superior
Court.

May be re-
quired to
give bond.

Forfeiture of
bond.

Proviso.

SEC. 7. Any teacher, school district clerk or county

Penalty for neglect of duty of school officers.

superintendent of schools wilfully neglecting or refusing to comply with the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof in any court of competent jurisdiction shall be fined in any sum not less than twenty dollars nor more than fifty dollars: *Provided*, That in the case of a teacher or district clerk such fine shall be paid to the county treasurer and by him placed to the credit of the school district of such teacher or district clerk, and in case a county superintendent be found guilty of such misdemeanor, such fine shall be paid to the county treasurer and by him placed to the credit of the general school fund of the county.

Duty of County Attorney.

SEC. 8. The county attorney shall act as attorney for the county superintendent in all court proceedings relating to the compulsory attendance of children as required by law.

Repeal.

SEC. 9. All acts and parts of acts in conflict herewith are hereby repealed.

Passed the House February 19, 1903.

Passed the Senate March 3, 1903.

Approved by the Governor March 7, 1903.

CHAPTER 49.

[H. B. No. 177.]

FOR THE PROTECTION OF ORPHAN, HOMELESS, NEGLECTED OR ABUSED CHILDREN.

AN ACT providing for the protection of orphan, homeless, neglected or abused children and conferring powers upon Judges of the Superior Court, the County Commissioners and charitable societies to receive, control and dispose of the same, and repealing an act entitled, "An act for the protection of orphan, homeless, neglected or abused children, and conferring powers upon Judges of the Superior Court, the County Commissioners and charitable societies to receive, control and dispose of the same and declaring an emergency," approved February 14, 1899.

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

SECTION 1. Any benevolent or charitable society incorporated under the laws of this state for the purpose of

receiving, caring for or placing out for adoption, or improving the condition of orphan, homeless, neglected or abused minor children of this state shall have authority to receive, control, and dispose of children under eighteen (18) years of age under the following provisions:

Authorized to have control of children—when.

(a) When the father and mother or the person or persons legally entitled to act as guardian of the person of any minor child shall, in writing, surrender such child to the charge and custody of said society, such child shall thereafter be in the legal custody of such society for the purposes herein provided.

(b) In case of death or legal incapacity of a father or his abandonment or neglect to provide for his family, the mother shall have authority to make such surrender, and in case of the death or legal incapacity of a mother, or her abandonment of such child, then the father shall have authority to make such surrender.

(c) In all cases where the person or persons legally authorized to make such surrender are not known, any judge of Superior Court may cause a notice of hearing to be published in any newspaper of general circulation printed and published in the county, and if he deems it best for such orphan, homeless, neglected or abused child, he may surrender it to any benevolent or charitable society incorporated under the laws of Washington and having for its object the care of such children.

(d) When any child shall have been surrendered in accordance with any of the preceding clauses and such child shall have been accepted by such society, then, (but not otherwise), the rights of its natural parents or of the guardian of its person (if any) shall cease and such corporation shall become entitled to the custody of such child, and shall have authority to care for and educate such child or place it either temporarily or permanently in a suitable private home in such manner as shall best secure its welfare. Such corporation shall have authority when any such child has been surrendered to it in accordance with any of the preceding provisions, and it is still in its control, to consent to its adoption under the laws of Washington. The custody or control of any such child by any such corporation or by any other corporation, institution, society or person may be inquired into, and, in the discre-

Superior Court to have jurisdiction over child.

tion of the court, terminated at any time by the Superior Court of the county where the child may be, upon the complaint of any person, and a showing that such custody is not in the interest of the child.

Issue of warrant for taking child into custody.

SEC. 2. Upon complaint of any person in writing other than an officer or agent of such society or corporation to any judge of the Superior Court giving the names and residences of the parents, guardian (if any) or next of kin of such child, so far as known, and alleging that the father of such minor child is dead, or has abandoned his family or is an habitual drunkard or is a man of notoriously bad character, or is imprisoned for crime, or has grossly abused or neglected such child, and that the mother of such child is an habitual drunkard, or imprisoned for crime, or an inmate of a house of ill fame, or a woman of notoriously bad character or is dead, or has abandoned her family, or has grossly abused or neglected such child, and alleging that the welfare of such child requires that legal steps be taken to provide for its care and custody, a warrant shall issue directing the proper officer to take such child into custody and care for or dispose of it as such judge shall direct, until a hearing can be had, such proceedings shall have precedence of other causes, of which hearing not less than five days notice shall be given to such parents, guardian or next of kin and such judge shall hear the allegations of the complaint and all testimony offered for or against the same and determine whether in his judgment there is cause for a change in the care and custody of such child. If the judge shall decide to change the care and custody of such child, he may commit the child to the care and custody of any such benevolent society contemplated in this act which is willing to receive it, and such commitment shall carry with it the same powers and authority as above provided in case of voluntary surrender, or he may enter such findings and transmit the papers and a transcript of his proceedings to the county commissioners of the county in which the case arises and surrender such child to the care and custody of such commissioners and it may be disposed of without further notice to the parents, guardian or next of kin.

Proceedings in Superior Court.

Surrender of child.

County Commissioners may act.

SEC. 3. When any minor is a county charge, the board of county commissioners, if they think the welfare of the

child demands it, may surrender such child to the care and custody of any benevolent society or corporation without the consent of its parents unless within twenty days after the notice of the intention of such commissioners so to do, given in writing to parents, guardian or next of kin of such child so far as known, to said commissioners, such parents, guardian or next of kin shall provide for such child and relieve the county thereof and when any child has been so surrendered by the county commissioners, it may be disposed of as herein provided for the disposition of other children.

SEC. 4. When any officer or agent of any such society shall request a police officer, or other peace officer, to investigate or assist in the investigation of any alleged case of any such neglected or abused child, such officer shall immediately make or assist in such investigation and if he deem it proper shall forthwith take such child into custody without warrant, taking such child and reporting such case at once to the judge of the Superior Court for such proceedings as may be proper under the provisions of this act.

SEC. 5. When any minor under eighteen years of age shall be convicted on any charge, the punishment for which may be imprisonment or confinement in the Reform School, the judge of the Superior Court, if he finds that the good of such minor demands it, and such minor is an orphan, or a homeless, neglected or abused minor within the terms of this act, or is a county charge, or the parents or guardian of such minor consent thereto, may suspend sentence and surrender the custody of such minor to any society, as is contemplated in this act, when such society is willing to receive such minor, until such minor shall attain the age of majority, or for a term of years to be fixed in the order of surrender, and such society may find a home for such minor and surrender his custody to the person providing such home for the term fixed in said order of surrender, which surrender by the society shall be approved by an order of said court: *Provided*, That nothing in this section shall be held to affect the natural rights of said minor or of his parents or guardian, except in the matter of his custody; *and provided further*, That if said minor shall fail to conform to the order of court fixing his custody, he may be apprehended and brought before the court, and the court

Police officer
to assist.

In case of
minor con-
victed of any
charge, pun-
ishable by
confinement
in Reform
School.

Provide as to
rights of
parents, etc.

Provide for
failure to
obey order of
court.

may sentence said minor as provided by law, or re-surrender him as the court may deem best for the interests of said minor.

Society not to act as guardian.

SEC. 6. Nothing in this act shall entitle any such society to act as guardian or to have control of the estate of any minor child.

Evidence that child was legally surrendered.

SEC. 7. Upon the hearing of any writ of *habeas corpus* for the custody of any such child, if it appears that such child has been surrendered to any such corporation under the provisions of this act such surrender shall be taken as *prima facie* evidence that such child was legally and properly surrendered to such corporation and that such corporation is entitled to the custody and control of such child under the provisions of this act.

County to pay expenses.

SEC. 8. The board of county commissioners shall pay the expenses of bringing the child before the court and caring for it pending a hearing under this act; when a child is surrendered to a benevolent society under the provisions of this act by the Superior Court, the county shall pay such society a reasonable compensation for the temporary care of such child until it is placed in a family but not to exceed fifty (\$50) [dollars] in each case. No clerk, sheriff, police officer, member of the board of county commissioners or agent of any such society shall charge or be allowed any costs whatever in these proceedings, except where a complaint shall be adjudged to be without sufficient cause and malicious, in which event all costs shall be taxed against the complainant: *Provided*, That the provisions of this section shall not apply to cases under section 5 of this act.

Proviso.

Repeal.

SEC. 9. An act entitled, "An act for the protection of orphan, homeless, neglected or abused children, and conferring powers upon judges of the Superior Court, the county commissioners and charitable societies to receive, control and dispose of the same, and declaring an emergency," approved Feb. 14, 1899, be and the same is hereby repealed.

Passed the House February 24, 1903.

Passed the Senate March 3, 1903.

Approved by the Governor March 7, 1903.

CHAPTER 50.

[S. SUB. B No. 74.]

RELATING TO THE SUPERIOR COURT OF THURSTON,
MASON AND CHEHALIS COUNTIES.

AN ACT relating to the Superior Court of Thurston, Mason and Chehalis counties, providing for the election of judges therein, and declaring an emergency.

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

SECTION 1. That from and after the passage of this act and until the second Monday in January, 1905, the present judge of the Superior Court of the State of Washington for Thurston county, shall be judge of the Superior Court of the State of Washington, for the counties of Thurston and Mason, and the present judge of the Superior Court of the State of Washington for the counties of Chehalis and Mason, shall be the judge of the Superior Court of the State of Washington for Chehalis county; and that at the general election held in the year 1904, and every four years thereafter, there shall be elected in the counties of Thurston and Mason jointly, one Superior judge, and in the county of Chehalis, one Superior judge.

SEC. 2. An emergency exists and this act shall take Emergency. effect immediately.

Passed the Senate February 9, 1903.

Passed the House March 5, 1903.

Approved by the Governor March 7, 1903.

CHAPTER 51.

[H. B. No. 147.]

PROHIBITING THE MAINTAINING OF GAMBLING RESORTS.

AN ACT to prohibit the maintaining of gambling resorts, declaring the same a felony, and prescribing a penalty therefor.

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

SECTION 1. Any person who shall conduct, carry on, open, or cause to be opened, either as owner, proprietor, employee, or assistant, or in any manner whatever, whether

for hire or not, any game of faro, monte, roulette, rouge et noir, lansquenette, rondo, vingt-un (or twenty-one), poker, draw-poker, brag, bluff, thaw, tan, or any banking or other game played with cards, dice or any other device, or any slot machine, or other gambling device, whether the same be played or operated for money, checks, credits, or any other representative or thing of value, in any house, room, shop, or other building whatsoever, boat, booth, garden or other place, where persons resort for the purpose of playing, dealing or operating any such game, machine or device, shall be guilty of a felony, and upon conviction thereof shall be imprisoned in the penitentiary for the period of not less than one nor more than three years.

Penalty.

Passed the House February 16, 1903.

Passed the Senate March 4, 1903.

Approved by the Governor March 7, 1903.

CHAPTER 52.

[H. B. No. 26.]

AMENDING ACT RELATIVE TO MAINTAINING SLOT-MACHINES.

AN ACT amending section 1 of an act entitled "An act to prohibit the maintaining, conducting, operating, playing or using nickel-in-the-slot machines or other devices of like character, wherein there enters an element of chance," being Chapter CXLIX of the Session Laws of 1901, being section 1964 of Pierce's Washington Code.

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

SECTION 1. That section 1 of an act entitled "An act prohibiting the maintaining, conducting, operating, playing, or using nickel-in-the-slot machines or other devices of like character, wherein there enters an element of chance," being chapter CLXIX. [CXLIX.] of the session laws of 1901, be amended to read as follows: Section 1. Any person or persons who shall conduct, maintain, exhibit in a public place or operate either as owner or owners, proprietor or proprietors, lessee or lessees, employe or em-

ploves, agent or agents any nickel-in-the-slot machine or other device of like character, wherein there enters an element of chance, whether the same be played or operated for money, checks, credits, or any other representative of value, *or for any property or thing of value whatever*, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars, nor ^{Penalty.} more than one hundred dollars, and in default of the payment of the fine imposed shall be imprisoned in the county jail one day for each two dollars thereof.

Passed the House February 6, 1903.

Passed the Senate March 4, 1903.

Approved by the Governor March 7, 1903.

CHAPTER 53.

[S. B. No. 159.]

AMENDING ACT RELATIVE TO IRRIGATION.

AN ACT to amend section 26 of an act entitled "An act providing for the use of water for the purpose of irrigation, and providing for the condemnation of the right-of-way for ditches and to carry water for such purposes," approved March 4, 1890.

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

SECTION 1. Section 26 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, is hereby amended to read as follows: Section 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 each year by the board of county commissioners in each county, which said commissioner shall hold his office from the first Monday in June of each year for a period of one year, and shall be paid out of the county funds in each county, monthly: *Provided*, That when twelve freeholders of any county, who are irrigating lands in said county from any of the natural

Commissioners to appoint.

water courses, streams or lakes in said county, shall petition the board of county commissioners to appoint a water commissioner for such county, it shall become the duty of such county commissioners to, and they shall, upon such petition, appoint a water commissioner.

Passed the Senate February 19, 1903.

Passed the House March 5, 1903.

Approved by the Governor March 7, 1903.

CHAPTER 54.

[S. B. No. 80.]

AMENDING AN ACT TO ESTABLISH A STATE FAIR.

AN ACT to amend an act entitled "An act to establish a State Fair for the State of Washington, making an appropriation therefor, and declaring an emergency," approved March 15, 1893, and declaring an emergency.

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

SECTION 1. That section 2 of an act entitled "An act to establish a state fair for the State of Washington, making an appropriation therefor and declaring an emergency," approved March 15, 1893, be and the same is hereby amended to read as follows: Section 2. That it is the object and purpose of this institution to promote and further the advancement of all agricultural, stock raising, horticultural, mining, mechanical and industrial pursuits in this State, and for the carrying out of this object, the management shall provide for an annual fair or exhibition by the institution upon the fair grounds owned by this State near the city of North Yakima, of all the industrial products of this state; said annual fair to be held upon such dates as may be fixed by the State Fair Commission, not earlier than the 3rd Monday of September nor later than the 2nd Monday of October of each year, and which fair shall continue for at least six days.

Object and purpose.

Meetings—
where held—
and when.

SEC. 2. That section 8 of said act be and the same is hereby amended to read as follows: Section 8. The regu-

lar and called meetings of the State Fair Commission shall be held at the office of the secretary in the city of North Yakima, and the regular annual meeting shall be held thereat on the first Monday in April of each year, at which meeting the president shall be elected by the commissioners from their own number and a secretary and treasurer shall also be elected either from the membership of the board or otherwise as the board may deem proper; and such other business shall be transacted as the interests of the State Fair shall require. On the last Monday of October of each year the State Fair Commission shall prepare and transmit to the Governor of the State a full financial statement, signed by the president and treasurer and attested by the secretary, of all funds received and disbursed, and also a report signed by the president and secretary of all the assets and liabilities of the State Fair, a full and detailed account of all its transactions, statistics and information gained, and for this purpose the commission shall cause the secretary to constantly collect all kinds of information calculated to instruct the agricultural and industrial classes, and have the same embodied in such report. The secretary shall receive a salary of \$1,200.00 per annum, to be paid monthly out of any funds appropriated for the maintenance of the State Fair.

Report to
Governor.

Salary of
Secretary.

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

Repeal.

SEC. 4. An emergency exists and this act shall take effect immediately.

Emergency.

Passed the Senate February 9, 1903.

Passed the House March 3, 1903.

Approved by the Governor March 7, 1903.

CHAPTER 55.

[H. B. No. 15.]

PROHIBITING THE BUSINESS OF BARBERING ON SUNDAY.

AN ACT to prohibit the carrying on the business of barbering on Sunday and providing a penalty for the violation thereof.

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

SECTION 1. That it shall be unlawful for any person, persons or corporation to carry on the business of barbering on Sunday.

SEC. 2. Any person or persons violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of ten dollars or imprisonment in the county jail for five days for the first offence, and by a fine of not less than twenty-five dollars nor more than fifty dollars, or imprisonment in the county jail for not less than ten days nor more than twenty-five days for the second and each subsequent offence.

Penalty.

Passed the House February 19, 1903.

Passed the Senate March 3, 1903.

Approved by the Governor March 7, 1903..

CHAPTER 56.

[S. B. No. 94.]

AMENDING CODE OF 1881 RELATIVE TO BARRATRY.

AN ACT to amend section 901 of the Code of Washington of 1881 defining the offense of barratry and providing penalties therefor.

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

SECTION 1. Section 901 of the Code of Washington of 1881 is hereby amended to read as follows: Section 901. If any person shall wilfully instigate, maintain, excite, prosecute or encourage the bringing of any suit or suits at

Definition.

law or in equity, in which such person has no interest, in any court of this state, with intends [intent] to distress or harass the defendant therein, or shall wilfully bring or prosecute any false suit or suits of his own, at law or in equity, with intent to distress the defendant therein, of if any attorney or counselor at law shall seek or obtain employment to prosecute or defend in any suit or case at law or in equity by means of personal solicitation of such employment or by procuring another to solicit such employment for him or shall by himself or another seek or obtain such employment by giving to the person from whom such employment is sought, money or any other thing of value, or shall directly or indirectly pay the debts or liabilities of the person from whom such employment is sought, or loan or promise to give, loan or otherwise grant money or other valuable thing to the person from whom such employment is sought, before such employment, shall be deemed guilty of barratry, and shall upon conviction be punished by a fine in any sum not exceeding five hundred dollars, and may in addition thereto be imprisoned in the county jail not exceeding three months. The term attorney at law shall include counselor at law, and any attorney at law violating any of the provisions of this act shall, in addition to the penalty hereinbefore provided, forfeit his right to practice in this state, and shall have his license revoked and be disbarred in the manner provided by law for dishonorable conduct or malpractice, whether he has been convicted for violating this act or not.

Penalty.

Attorney to be disbarred.

Passed the Senate February —, 1903.

Passed the House March 6, 1903.

Approved by the Governor March 9, 1903.

CHAPTER 57.

[S. B. No. 92.]

AMENDING ACT RELATIVE TO LEASING OF COUNTY
PROPERTY.

AN ACT to amend section four of an act providing for the leasing of county property and entitled "An act for the leasing of county property and declaring an emergency," approved March 16, 1901.

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

SECTION 1. That section four of an act entitled "An act for the leasing of county property and declaring an emergency," approved March 16, 1901, be amended to read as follows: Section four. At the day and hour designated in such notice or at any subsequent time to which such meeting may be adjourned by said board of County Commissioners, but not more than thirty days after the day and hour of the meeting designated in said published notice, the board of county commissioners may, at their discretion, lease the property in such notice described, for a term of years and upon such terms and conditions as to the said board of county commissioners shall seem just and right in the premises; but for no longer term in any one instance, than ten years, except that such a lease may be executed to any school district of any county within the State of Washington not to exceed a term of ninety-nine years for school purposes only, and no renewal of a lease once executed and delivered shall be had, except by a releasing and reletting of said property, according to the terms and conditions of this act.

Passed the Senate February 19, 1903.

Passed the House March 6, 1903.

Approved by the Governor March 9, 1903.

Commission-
ers to lease.

Term.

CHAPTER 58.

[S. B. No. 93.]

PROVIDING FOR AND MAKING APPROPRIATION FOR SETTLEMENT OF DIFFERENCES BETWEEN EMPLOYERS AND EMPLOYES.

AN ACT to provide for the arbitration and settlement of differences between employers and employes, making an appropriation therefor 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 Labor Commissioner upon application of any employer or employe having differences, as soon as practicable, to visit the location of such differences and to make a careful inquiry into the cause thereof and to advise the respective parties, what, if anything, ought to be done or submitted to by both to adjust said dispute and should said parties then still fail to agree to a settlement through said commissioner, then said commissioner shall endeavor to have said parties consent in writing to submit their differences to a board of arbitrations to be chosen from citizens of the State as follows, to-wit: Said employer shall appoint one and said employes acting through a majority, one, and these two shall select a third, these three to constitute the board of arbitration and the findings of said board of arbitration to be final.

SEC. 2. The proceedings of said board of arbitration shall be held before the Commissioner of Labor who shall act as moderator or chairman, without the privilege of voting, and who shall keep a record of the proceedings, issue subpoenas and administer oaths to the members of said board, and any witness said board may deem necessary to summon.

SEC. 3. Any notice or process issued by the board herein created, shall be served by any sheriff, coroner or constable to whom the same may be directed, or in whose hands the same may be placed for service.

SEC. 4. Such arbitrators shall receive five dollars per day for each day actually engaged in such arbitration and the necessary traveling expenses to be paid upon certificates of the Labor Commissioner out of the fund appropriated for

the purpose or at the disposal of the Bureau of Labor applicable to such expenditure.

Failure to
secure arbit-
ration.

SEC. 5. Upon the failure of the Labor Commissioner, in any case, to secure the creation of a board of arbitration, it shall become his duty to request a sworn statement from each party to the dispute of the facts upon which their dispute and their reasons for not submitting the same to arbitration are based. Any sworn statement made to the labor commissioner under this provision shall be for public use and shall be given publicly in such newspapers as desire to use it.

Appropriation.

SEC. 6. There is hereby appropriated out of the State Treasury from funds not otherwise appropriated the sum of three thousand dollars, or so much thereof as may be necessary, to carry out the provisions of this act. In case the funds herein provided are exhausted and either party to a proposed arbitration shall tender the necessary expenses for conducting said arbitration, then it shall be the duty of the State Labor Commissioner to request the opposite party to arbitrate such differences in accordance with the provisions of this act.

Emergency.

SEC. 7. An emergency exists and the act shall take effect immediately.

Passed the Senate February 19, 1903.

Passed the House March 3, 1903.

Approved by the Governor March 9, 1903.

CHAPTER 59.

[H. B. No. 160.]

AMENDING ACT TO PROVIDE FOR THE ASSESSMENT AND COLLECTION OF TAXES.

AN ACT amending section 29 of an act entitled "An act amending an act entitled 'An act to provide for the assessment and collection of taxes in the State of Washington,' approved March 15, 1897, by amending sections 3, 5, 21, 43, 60, 61, 68, 71, 72, 76, 77, 82, 84, 96, 98, 102, 103, 107, 111, 116, 119, and repealing sections 100, 101, 105, 106, 110, 113, 115, 117, 118, and 121 thereof, and by adding sections 97½, 119¼, 119½, 119¾, 120¼, 120½, 120¾ to said act, and declaring an emergency," approved March 15, 1899, and amending sections 58, 83, and 104 of an act entitled "An act to provide for the assessment and collection of taxes in the State of Washington," approved March 15, 1897, and declaring an emergency.

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

SECTION 1. That section 29 of an act entitled "An act amending an act entitled 'An act to provide for the assessment and collection of taxes in the State of Washington,' approved March 15, 1897, by amending sections 3, 5, 21, 43, 60, 61, 68, 71, 72, 76, 77, 82, 84, 96, 98, 102, 103, 107, 111, 116, 119, and repealing sections 100, 101, 105, 106, 110, 113, 115, 117, 118 and 121 thereof, and by adding sections 97½, 119¼, 119½, 119¾, 120¼, 120½, 120¾ to said act, and declaring an emergency," approved March 15, 1899, is hereby amended to read as follows: Section 29. Section one hundred and nineteen and three-fourths is hereby added to said act to read as follows: Section 119¾. Real property hereafter or heretofore acquired by the several counties of the State of Washington for taxes shall be subject to sale by order of the board of county commissioners of the several counties of this State at any time after the counties shall have received a deed therefor, when in the judgment of the board of county commissioners they deem it for the best interests of the county to sell the same, and when the board of county commissioners desires to sell any property so acquired, they shall enter an order upon their records directing the county treasurer to sell such portions of such property as they may determine to sell from time to time, and it shall be the duty of the county treasurer upon re-

Real property subject to sale—how.

cept of such order to publish a notice of the sale of such property in a weekly newspaper printed and published in the county where the land is situated for three consecutive publications: *Provided*, That in counties where there is no newspaper published, the treasurer of such county shall cause such notice to be published in some newspaper in the State of general circulation in such county having no resident newspaper, and the property to be sold shall be set forth and described in said notice, together with the time and place and terms of sale, which said sale shall be made at the door of the county court house in the county in which the land is situated between the hours of nine o'clock a. m., and four o'clock p. m., and all sales so made shall be for cash to the highest and best bidder at such sale, and sales to be made under the provisions of this act may be adjourned from day to day by the county treasurer by public announcement made by the treasurer at the time and place designated in the notice of such sale, or at the time and place to which said sale may be adjourned, and the county treasurer shall make and execute under his hand and seal to the purchaser of the property at such sale a deed: *Provided, further*, That all sales now being made under existing laws shall be completed according to the laws in existence and in force prior to the passage of this act.

SEC. 2. Vetoed.

SEC. 3. That section 83 of "An act to provide for the assessment and collection of taxes in the State of Washington," approved March 15, 1897, is hereby amended to read as follows: Section 83. The taxes assessed upon real property shall be a lien thereon from and including the first day of March in the year in which they are levied until the same are paid, but as between a grantor and grantee such lien shall not attach until the first Monday of February of the succeeding year. The taxes assessed upon personal property shall be a lien upon all the real and personal property of the person assessed, from and after the date upon which such assessment is made, and no sale or transfer of either real or personal property shall in any way affect the lien for such taxes upon such property.

SEC. 4. That section 104 of "An act to provide for the assessment and collection of taxes in the State of Washing-

Proviso, as to notice.

Sales to be for cash.

Deed to purchaser.

Proviso as to sales now pending.

Taxes to be a lien.

ton," approved March 15, 1897, is hereby amended to read as follows: Section 104. Appeals from the judgment of the court may be taken to the Supreme Court at any time within thirty days after the rendition of said judgment by giving notice thereof orally in open court at the time of the rendition of the judgment, or by giving written notice thereof at any time thereafter, and within thirty days from the date of the rendition of such judgment, and the party taking such appeal shall execute, serve and file a bond payable to the State of Washington, with two or more sureties, to be approved by the court, in an amount to be fixed by the court, conditioned that the appellant shall prosecute his said appeal with effect, and will pay the amount of any taxes, assessments, penalties, interest and costs which may be finally adjudged against the real estate involved in the appeal by any court having jurisdiction of the cause, which bond shall be so served and filed at the time of the service of said notice of appeal, and the respondent may, within five days after the service of such bond, object to the sureties thereon, or to the form and substance of such bond, in the court in which the action is pending, and if, upon hearing of such objections to said bond, it is determined by the court that the sureties thereon are insufficient for any reason, or that the bond is defective for any other reason, the court shall direct a new bond to be executed with sureties thereon, to be justified before the court as in bail upon arrest but no appeal shall be allowed from any judgment for the sale of land or lot for taxes, and no bond given on appeal as herein provided shall operate as a supersedas, unless the party taking such appeal shall before the time of giving notice of such appeal, and within thirty days herein allowed within which to appeal, deposit with the county treasurer of the county in which the land or lots are situated, an amount of money equal to the amount of the judgment and costs rendered in such cause by the trial court. If, in case of an appeal, the judgment of the lower court shall be affirmed, in whole or in part, the Supreme Court shall enter judgment for the amount of taxes, interest and costs, with damages not to exceed twenty per cent., and shall order that the amount deposited with the treasurer as aforesaid, or so much thereof as may be necessary,

Appeals, how taken.

Filing of bond.

Entering of judgment.

be credited upon the judgment so rendered, and execution shall issue for the balance of said judgment, damages and costs. The clerk of the Supreme Court shall transmit to the county treasurer of the county in which the land or lots are situated a certified copy of the order of affirmance, and it shall be the duty of such county treasurer upon receiving the same to apply so much of the amount deposited with him, as aforesaid, as shall be necessary to satisfy the amount of the judgment of the Supreme Court, and to account for the same as collected taxes. If the judgment of the Superior Court shall be reversed and the cause remanded for a re-hearing, and if, upon a re-hearing, judgment shall be rendered for the sale of the land or lots for taxes, or any part thereof, and such judgment be not appealed from, as herein provided, the clerk of such Superior Court shall certify to the county treasurer the amount of such judgment, and thereupon it shall be the duty of the county treasurer to certify to the county clerk the amount deposited with him, as aforesaid, and the county clerk shall credit the same judgment with the amount of such deposit, or so much thereof as will satisfy the judgment, and the county treasurer shall be chargeable and accountable for the amount so credited as collected taxes. Nothing herein shall be construed as requiring an additional deposit in case of more than one appeal being prosecuted in said proceeding. If, upon a final hearing, judgment shall be refused for the sale of the land or lots for the taxes, penalties, interest and costs, or any part thereof, in said proceedings, the county treasurer shall pay over to the party who shall have made such deposit, or his legally authorized agent or representative, the amount of the deposit, or so much thereof as shall remain after the satisfaction of the judgment against the land or lots in respect to which such deposit shall have been made.

Reversal of judgment and re-hearing.

Refusal of judgment.

County Treasurer to issue deed.

SEC. 5. The county treasurer shall issue a deed in the following form for all lots or parcels of real estate sold under the provisions of the act:

Emergency. SEC. 6. An emergency exists and this act shall take effect immediately.

Passed the House February 19, 1903.

Passed the Senate February 27, 1903.

Section 2
vetoed.

(Note by the Governor).—For reasons hereto appended, section 2 of this bill is this 9th day of March, 1903, disapproved and vetoed. All other sections approved. HENRY McBRIDE.

Governor.

(Note by Chief Clerk of House of Representatives.)—The House of Representatives this 9th day of March, 1903, has sustained the veto of section two (2) of the above House Bill No. 160.

STOREY BUCK,
Chief Clerk.

CHAPTER 60.

[S. B. No. 61.]

FOR THE RELIEF OF EDSON GERRY.

AN ACT for the relief of Edson Gerry, for money paid the State Land Commissioner, Hon. Robert Bridges, for the lease of lands claimed by him to be school land, and which was proved not to be.

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

SECTION 1. There is hereby appropriated out of the general fund of the Treasury of the State of Washington, the sum of one hundred and twenty dollars and seventy-five cents (\$120.75), payable out of any moneys in the Treasury of the State of Washington not otherwise appropriated, and the State Auditor is hereby authorized and directed to draw a warrant upon the State Treasury for the payment of said amount of money in favor of said Edson Gerry, and the State Treasurer is authorized and directed to pay the said warrant out of moneys in the Treasury not otherwise appropriated.

Passed the Senate February 17, 1903.

Passed the House March 6, 1903.

Approved by the Governor March 11, 1903.

CHAPTER 61.

[H. B. No. 207.]

MAKING APPLICATION TO CONGRESS TO AMEND THE
CONSTITUTION OF THE UNITED STATES RELATIVE TO
ELECTION OF UNITED STATES SENATORS.

AN ACT making application to the Congress of the United States of America to call a convention for proposing amendments to the Constitution of the United States of America as authorized by Article V of the Constitution of the United States of America.

WHEREAS, The present method of electing a United States Senator is expensive, and conducive of unnecessary delay in the passage of useful legislation; and

WHEREAS, The will of the people can best be ascertained by direct vote of the people; therefore,

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

SECTION 1. That application be and the same is hereby made to the Congress of the United States of America to call a convention for proposing amendments to the Constitution of the United States of America as authorized by Article V. of the Constitution of the United States of America.

SEC. 2. That a duly certified copy of this act be immediately transmitted to the presiding officer of each legislative body of each of the several states of the United States of America, through the governor of each of the several states, with a request that each of such legislatures pass an act of like import as this act.

Passed the House February 19, 1903.

Passed the Senate March 7, 1903.

Approved by the Governor March 12, 1903.

CHAPTER 62.

[H. B. No. 233.]

FOR THE RELIEF OF GEO. A. BROOKE.

AN ACT for the relief of Geo. A. Brooke.

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

SECTION 1. That the sum of forty-three (\$43.00) dollars be paid to Geo. A. Brooke out of any money in the State Treasury, not otherwise appropriated, for services rendered on "Board of Coal Mine Examiners," and that the State Auditor is hereby authorized to draw a warrant for said amount.

Passed the House February 26, 1903.

Passed the Senate March 7, 1903.

Approved by the Governor March 12, 1903.

CHAPTER 63.

[H. B. No. 20.]

AMENDING BALLINGER'S CODE RELATIVE TO REGISTRATION OF VOTERS.

AN ACT amending sections 1451 and 1453 of Ballinger's Codes and Statutes of Washington, relating to the registration of voters.

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

SECTION 1. That section 1451 of Ballinger's codes and statutes of Washington, relating to the registration of voters, be and the same is hereby amended to read as follows, to-wit: Section 1451. Such poll books shall at all times, *except as herein otherwise provided*, 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 officer of registration of

Sec. 1451
Ballinger's
Code
amended.

Poll books—
where to be
kept.

Officer of
registration.

such city, town or precinct, and it shall be his duty to register all citizens of such city, town or voting precinct, on such poll books, as hereinafter provided: *Provided, That* Proviso, as to cities of first class. *in all cities of the first class, the city clerk shall designate by the notice required by section 1453, to be published, a time and place where not less than two, nor more than six consecutive week days prior to March 1st, of each year, the registration poll book for each precinct in such city will be open in such precinct for the registration of voters of such precinct, and the city clerk shall provide for the precinct book in charge of an officer of registration, to be at the place and kept open for the registration of voters qualified to register between the hours of 9 a. m. and 9:30 p. m. on the days designated in said published notice.*

SEC. 2. That section 1453 of Ballinger's codes and Sec. 1453 Ballinger's Code. statutes of Washington, relating to the registration of voters, be and the same is hereby amended to read as follows, to-wit: Section 1453. It shall be the duty of the city or Duty of registration officer. town clerk, or officer of registration, upon receipt of the poll books in this chapter 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 Publication of notice. of said city, town or precinct, that they can register at his office, *and if in the city of the first class, in each precinct, at the place and during the time designated in such notice, as provided in section 1451,* according to the provisions of this chapter; and a like notice shall be published each year, within twenty days after the first Monday in January of each year.

Passed the House February 24, 1903.

Passed the Senate March 7, 1903.

Approved by the Governor March 12, 1903.

CHAPTER 64.

[H. B. No. 112.]

AMENDING ACT RELATIVE TO GARNISHMENTS IN JUSTICE COURTS.

AN ACT to amend an act entitled "An act in relation to garnishment in justice courts," approved January 31, 1888, and repealing section four (4) of said act.

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

Repeal

SECTION 1. Section four (4) of said act (being section 6603, 2nd Ballinger's code), is hereby repealed.

Sec. 6606
Ballinger's
Code.

SEC. 2. Section seven of said act (being section 6606, 2nd Ballinger's code), is hereby amended to read as follows: Sec. 7. On the appearance of the garnishee before the justice, the affidavit aforesaid shall be deemed a sufficient complaint in this action, and the justice shall forthwith proceed to examine the said garnishee and his witnesses touching the matters alleged in the affidavit, and shall reduce the answers of said garnishee and his witnesses to writing, and file the same with the papers in the case; such examination may be adjourned by said garnishee as in case of adjournment in justice court in civil actions: *Provided*, That in lieu of the personal appearance of the garnishee and his examination by the justice, the garnishee may answer the affidavit and writ, in writing, in which case the answer shall be in writing, signed and verified by the garnishee, and make true answer to the several matters set up in the affidavit and such answer shall be filed with the justice of the peace, within the time required by the writ for the garnishee to appear.

Proviso, as
to answer.

Passed the House February 24, 1903.

Passed the Senate March 5, 1903.

Approved by the Governor March 12, 1903.

CHAPTER 65.

[H. B. No. 49.]

FOR THE PREVENTION OF THE SPREAD OF CONTAGIOUS
DISEASES.

AN ACT for the prevention of the spread of contagious diseases; defining the methods and fixing the penalty for the violation and repealing sections in conflict with this act.

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

SECTION 1. The board of county commissioners of each and every county in this State shall be constituted a county board of health for such county, and said board of commissioners' jurisdiction shall be co-extensive with the boundaries of said county except that nothing herein contained shall give said board jurisdiction in cities of the first class. The chairman of the board of county commissioners shall be president of the county board of health, and the county auditor shall be clerk thereof; they shall appoint a legally qualified physician county health officer, who shall also be the county physician and who shall be ex-officio a member of the county board of health and shall be the executive officer thereof. They may appoint as many sanitary officers as they deem necessary and fix the compensation of all appointees, who shall serve during the pleasure of the board. In case of the refusal or neglect of any county board of health to appoint a health officer, the State Board of Health may make such appointment for such county for one year and fix the compensation, and a health officer so appointed shall have the same duty, power and authority as though appointed by the county board of health. The county board of health shall make such report to the State Board of Health as the State board may require.

SEC. 2. It shall be the duty of the county board of health to make such rules and regulations as in their opinion may be necessary for the prevention, suppression and control of any dangerous, contagious or infectious disease, which rules and regulations shall take effect from and after the approval of the State Board of Health. They shall have the authority to establish and maintain a pest house or isolation hospital or quarantine station, and to restrain,

quarantine, vaccinate or disinfect any person or persons sick with or exposed to any dangerous, contagious or infectious disease, in accordance with their rules and regulations, and the rules and regulations of the State Board of Health.

Duties of health officers.

SEC. 3. It shall be the duty of all health officers, upon the appearance of any dangerous, contagious or infectious disease within their jurisdiction, immediately to investigate all circumstances concerning such disease and to make a full report thereof to the county board of health and to the State Board of Health, and at all times promptly to take such measures for the prevention, suppression and control of such disease as may be needful and proper. The health officer shall have the power to remove to and restrain in the pest house or isolation hospital or to quarantine or isolate any person sick with any dangerous, contagious or infectious disease until such sick person shall have thoroughly recovered and been disinfected. He may also quarantine, isolate, restrain, vaccinate or disinfect any person or persons exposed to any dangerous, infectious or contagious disease in such manner and for such time as he may deem best, or the State Board of Health may direct. The health officer shall report to the State Board of Health concerning the progress of any dangerous, contagious or infectious disease, and the measures taken for its prevention, at such intervals as the State Board of Health may direct.

To make Quarantine rules.

Report of health officer.

Attending physician to report.

SEC. 4. Whenever any physician shall attend any person residing without the limits of any incorporated city who is sick with any dangerous, contagious or infectious disease, or with any disease required to be reported by the State Board of Health, he shall, within twenty-four hours, give notice thereof to the clerk of the county board of health of the county in which such sick person may then be.

Opinion as to character of disease—to be final.

SEC. 5. In case of the question arising as to whether or not any person is affected or is sick with a dangerous, contagious or infectious disease, the opinion of the health officer shall prevail until the State Board of Health can be notified, and then the opinion of the executive officer of the State Board of Health, or any member or physician he may appoint to examine such case, shall be final.

Contagion defined.

SEC. 6. The term, "Dangerous, contagious or infectious disease," as used in this act shall be construed and under-

stood to mean such disease or diseases as the State Board of Health shall designate as contagious or infectious and dangerous to the public health.

SEC. 7. Any person violating any of the provisions of this act or violating or refusing or neglecting to obey any of the rules and regulations or orders made in accordance with this act for the prevention, suppression and control of dangerous, contagious or infectious diseases by the county board of health or health officer or State Board of Health, or who shall leave any pest house or isolation hospital or any quarantine house or place without the consent of the proper officer, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than \$25.00 nor more than \$100.00 or imprisonment in the county jail not to exceed ninety days, or both. Any county commissioner or health officer or other officer or physician who shall refuse or neglect to enforce the provisions of this act, or who shall refuse or neglect to enforce or obey any of the rules and regulations or orders of the State Board of Health made for the prevention, suppression and control of dangerous, contagious or infectious diseases, shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$50.00 nor more than \$100.00 or to imprisonment in the county jail not to exceed ninety days, or both.

SEC. 8. All expenses incurred in carrying out the provisions of this act, or any of them, shall be paid by the county by which or in behalf of which such expenses shall have been incurred.

Passed the House February 24, 1903.

Passed the Senate March 5, 1903.

Approved by the Governor March 12, 1903.

CHAPTER 66.

[H. B. No. 323.]

AMENDING ACT RELATIVE TO STATE BOARD OF HEALTH.

AN ACT to amend section 1 of an act entitled "An act to amend section 2615 of volume 1, Hill's Annotated Statutes and Codes of Washington, relating to State Board of Health," approved March 16, 1897, being section 7542 of Pierce's Code.

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

SECTION 1. That section 1 of an act entitled "An act to amend section 2615 of volume 1, Hill's Annotated Statutes and Codes of Washington, relating to the State Board of Health," approved March 16, 1897 (being section 7542 of Pierce's code), be and the same is hereby amended to read as follows: They shall elect a secretary, who shall perform the duties prescribed by the board, and by this chapter. He shall receive a salary of one thousand dollars per annum. He shall after April 1, 1903, also receive his actual traveling expenses incurred in the performance of his official duties. The other members of the board shall receive no compensation for their services, but their traveling and other expenses, while employed on business of the board, shall be paid. The president of the board shall quarterly certify the amount due the secretary as salary, and all other accounts due, and on presentation of his certificate, with the proper vouchers, the Auditor of State shall draw his warrant on the Treasurer for the amount.

Passed the House February 24, 1903.

Passed the Senate March 6, 1903.

Approved by the Governor March 12, 1903.

Sec. 7542
Pierce's
Code.

Salary of
Secretary of
Board.

Approval of
accounts.

CHAPTER 67.

[H. B. No. 214.]

PROVIDING FOR THE PAYMENT OF EXPENSES RELATIVE
TO ESTABLISHMENT OF DRAINAGE DISTRICTS.

AN ACT to provide for the payment of expenses incurred in compliance with an act entitled "An act to provide for the establishment and creation of drainage districts, and the construction and maintenance of a system of drainage, and to provide for the means of payment thereof, and declaring an emergency," approved March 20, 1895.

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

SECTION 1. That when any drainage district has been or shall be established and created under the provisions of an act of the legislature of the State of Washington, entitled "An act to provide for the establishment and creation of drainage districts, and the construction and maintenance of a system of drainage, and to provide for the means of payment thereof, and declaring an emergency," approved March 20, 1895, and when the drainage commissioners of such district have employed surveyors or draughtsmen or legal assistance as provided in section 10 of said act, approved March 20, 1895, and have incurred expenses for the compensation of such surveyors, draughtsmen and legal assistance, and have issued to such surveyors, draughtsmen or persons rendering said legal assistance any warrants, orders, vouchers or other evidence of indebtedness for said expenses so incurred, and when such warrants, orders, vouchers or other evidences of indebtedness remain outstanding and unpaid, and when from any cause no further proceedings are had as provided for in said act approved March 20, 1895, within a reasonable time, it shall be the duty of the county commissioners of the county in which such drainage district is located to assess in accordance with the provisions of this act the lands constituting and embraced within such drainage district for the purpose of paying such outstanding warrants, orders, vouchers, or other evidences of indebtedness, together with interest thereon.

SEC. 2. That the county auditor of any county in which such drainage district is located upon the written request of any holder or owner of any such warrant, order, voucher

Duty of
Commission-
ers to levy
assessment.

County Au-
ditor to give
notice to pre-
sent and reg-
ister claims.

or other evidence of indebtedness, mentioned in the preceding section, shall forthwith cause to be published in the newspaper doing the county printing, if any such there be, and if not, then in some newspaper of general circulation in the county, a notice directing any and all holders or owners of any such warrants, orders, vouchers, or other evidences of indebtedness, to present the same to him, at his office, for registration within ninety days from the date of the first publication of such notice; and such notice shall be published once a week for six consecutive weeks. Said notice shall be directed to all holders and owners of warrants, orders, vouchers or other evidences of indebtedness issued by the drainage commissioners of the particular district giving its name and number, and shall designate the character of the warrants, orders, vouchers, or other evidences of indebtedness, the registration of which is called for by said notice. Upon the presentation to him of such warrants, orders, vouchers or other evidences of indebtedness, the county auditor shall register the same in a separate [separate] book to be kept for that purpose, showing the date of registration, the date of issue, the purpose of issue when the same is shown upon the face, the name of the person by whom presented, and the face value thereof. Any such warrants, orders, vouchers or other evidences of indebtedness, not presented within the time prescribed in such notice, shall not share in the benefits of this act, and no assessment or re-assessment shall thereafter be made for the purpose of paying the same.

Notice, how published and to whom directed.

Registration of claims.

Forfeiture of benefits upon failure to present claims.

Filing of petition for order of publication.

SEC. 3. That at any time after the expiration of the time within which warrants, orders, vouchers or other evidences of indebtedness, may be registered as provided in the preceding section, the holder or owner of any such registered warrant, order, voucher or other evidence of indebtedness, may for himself and in behalf of all other holders or owners of such registered warrants, orders, vouchers or other evidences of indebtedness, file a petition in the superior court of the county in which such drainage district is located praying for an order directing the publication and posting of the notice hereinafter provided for, and for a hearing upon said petition, and for an order directing the board of county commissioners to assess the lands embraced within said drainage district for the purpose of paying such registered warrants, orders, vouchers or other evidences

of indebtedness and the costs of the proceedings provided for in this act. Said petition shall set fourth [forth] : Petition—
what to
show.

1. That said drainage district was duly established and created, giving the time.

2. The facts in connection with the expenses incurred by the drainage commissioners in the employment of surveyors, draughtsmen, or legal assistance and the issuance of such registered warrants, orders, vouchers or other evidences of indebtedness.

3. The facts in connection with the compliance with the provisions of this act.

4. A list of such registered warrants, orders, vouchers or other evidences of indebtedness showing the names of owners or holders, the amounts, the date of issuance, the purpose for which issued, when shown upon the face thereof, and the date of presentation for payment, respectively.

SEC. 4. That upon the filing of such petition it shall be the duty of the judge of the said Superior Court to fix a time for a hearing of said petition, which time shall be not less than sixty days from the time of the filing of said petition, and to enter an order directed to the sheriff of the said county ordering said sheriff to cause to be published and posted the notice as provided for in the next succeeding section. Hearing.

SEC. 5. That upon the issuance of the order as provided for in the next preceding section it shall be the duty of the sheriff of said county to post, at the court house of said county and at three public places in said drainage district, and to cause to be published in a newspaper of general circulation in said county a notice of the time and place fixed by said order of court for the hearing of said petition. Said notice shall contain a statement that said petition has been filed as above provided for, that the said court has fixed a time and place for the hearing of said petition, which time and place shall be stated in said notice, a brief statement of the object of said proceeding upon said petition, a statement of the issuance of the said order of court directing the posting and publishing of said notice, a statement that all persons having any interest in any land in such drainage district, describing the same by its corporate name, may at or before the time fixed for said hearing appear and file objections or exceptions to the granting of the prayer of said petition: A statement that upon the hearing of said Sheriff to
post notice.

What notice
shall contain.

Entering of
statement.

petition in case no objections or exceptions have been filed in said proceeding, or in case any objections or exceptions filed be not sustained, and that the allegations of said petition are proven to the satisfaction of the court an order will be entered in accordance with the prayer of said petition. That said notice shall be signed by the sheriff of said county.

Sheriff to sign order.

Procedure.

SEC. 6. That at the time and place fixed in said order for the hearing of said petition, or at such time to which the court may continue said hearing, the court shall proceed to a hearing upon said petition and upon any objections or exceptions which have been filed thereto. And upon it appearing to the satisfaction of the court from the proofs offered in support thereof that the allegations of said petition are true, the said court shall ascertain the total amount of said registered warrants, orders, vouchers or other evidences of indebtedness with the accrued interest and the costs of said proceedings, and thereupon the said court shall enter an order directing the board of county commissioners to levy a tax upon all the real estate within said drainage district exclusive of improvements, taking as a basis the last equalized assessment of said real estate for state and county purposes, sufficient to pay said outstanding registered warrants, orders, vouchers or other evidences of indebtedness with interest as aforesaid and the costs of said proceeding, and the cost of levying said tax, and further directing the county auditor to issue a warrant on the county treasurer to the petitioner for the costs advanced by him in such proceeding, which shall be paid in the same manner as the said registered warrants, orders, vouchers or other evidences of indebtedness.

Levy of tax to cover outstanding claims.

Clerk of Court to certify to Commissioners.

SEC. 7. That the clerk of said Superior Court shall certify the said order to the board of county commissioners, and to the county auditor and upon receipt of said order by said board it shall proceed forthwith to execute said order, and upon said levy being made it shall be extended upon the tax rolls, certified and collected at the same time, in the same manner as other special district taxes.

Order of Court.

SEC. 8. That if upon said hearing the court shall find that the petitioner is not entitled to an order granting the prayer of said petition the court shall enter an order dismissing said petition and taxing the costs against said petitioner.

SEC. 9. That from any final order entered by the said Superior Court as above provided for, any party to said proceeding feeling himself aggrieved thereby may take an appeal to the Supreme Court of the State of Washington, as provided by the general appeal law of this State.

Passed the House February 24, 1903.

Passed the Senate March 5, 1903.

Approved by the Governor March 12, 1903.

CHAPTER 68.

[H. B. No. 97.]

AMENDING BALLINGER'S CODE RELATIVE TO ISSUANCE AND SERVICE OF WRIT OF GARNISHMENT.

AN ACT to amend sections 5396 and 5397 of Ballinger's Annotated Codes and Statutes of Washington, relating to the issuance and service of the writ of garnishment.

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

SECTION 1. That section 5396 of Ballinger's Annotated Codes and Statutes of Washington, being section 549 of Pierce's code, be and the same hereby is amended to read as follows: The writ of garnishment shall be dated and tested [attested] in like manner as the writ of attachment and the name and office address of the plaintiff's attorney shall be indorsed thereon or in case the plaintiff has no attorney, then the name and address of the plaintiff shall be indorsed thereon and delivered by the clerk who issues it to the plaintiff or his attorney.

Sec. 5396 Ballinger's Code, Sec. 549 Pierce's Code.

Attestation, etc.

SEC. 2. That section 5397 of Ballinger's Annotated Codes and Statutes of Washington, being section 550 of Pierce's code, be and the same hereby is amended to read as follows: The writ of garnishment may be served by the sheriff or any constable of the county in which the garnishee lives or it may be served by any citizen of the State of Washington over the age of twenty-one years and not a party to the action in which it is issued in the same manner as a summons in an action is served. And in case such writ is served by an officer, such officer shall make his

Sec. 5397 Ballinger's Code, Sec. 550 Pierce's Code.

Service of writ—by whom.

Return of
service.

return thereon showing the time, place and manner of service and noting thereon his fees for making such service and shall sign his name to such return. In case such service is made by any person other than an officer, such person shall attach to the original writ his affidavit showing his qualifications to make such service and the time, place and manner of making service, but no fee shall be allowed for the service of such writ unless the same is served by an officer.

Passed the House February 19, 1903.

Passed the Senate March 5, 1903.

Approved by the Governor March 12, 1903.

CHAPTER 69.

[H. B. No. 48.]

PROVIDING FOR THE ISSUANCE OF LICENSES TO HONORABLY DISCHARGED SOLDIERS, SAILORS AND MARINES TO CARRY ON BUSINESS OF PEDDLING.

AN ACT to provide for the issuance of licenses to honorably discharged soldiers, sailors and marines of the military and naval service of the United States, in the late war of the rebellion, who desire to carry on the business of peddler.

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

SECTION 1. Every honorably discharged soldier, sailor or marine of the military or naval service of the United States, who is a resident of this state and a veteran of the late rebellion, shall have the right to peddle, hawk, vend and sell goods, other than his own manufacture and production, without paying for the license as now provided by law, by those who engage in such business; but any such soldier, sailor or marine may engage in such business by procuring a license for that purpose as provided in section 2 of this act.

Right to ped-
dle without
license.

SEC. 2. On presentation to the county auditor of the county in which any such soldier, sailor or marine may reside, of a certificate of honorable discharge from the army or naval service of the United States, in the war of the late

rebellion, such county auditor shall issue without cost to such soldier, sailor or marine, a license authorizing him to carry on the business of peddler, as provided in section 1 of this act. ^{Issuance of license.}

Passed the House February 24, 1903.

Passed the Senate March 5, 1903.

Approved by the Governor March 12, 1903.

CHAPTER 70.

[H. B. No. 126.]

MAKING APPROPRIATIONS FOR CERTAIN DEFICIENCIES FOR THE FISCAL PERIODS PRIOR TO MARCH 31, 1903, AND FOR OTHER PURPOSES.

AN ACT making appropriations for certain deficiencies for fiscal periods prior to March 31, 1903, and for other purposes.

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

SECTION 1. The following sums, or so much thereof as may be necessary, are hereby appropriated out of the general fund for the purposes hereinafter designated, in payment of deficiencies of the present and past fiscal periods, not hitherto provided for, and the State Auditor is directed to draw his warrants in payment of the same, on presentation to him of properly certified vouchers, to-wit:

1. Transportation of insane	\$2,500 00
2. Transportation of convicts	3,000 00
3. Cost bills (criminal)	4,000 00
4. Traveling expenses, Superior Judges	1,200 00
5. Salaries, Superior Judges pro tem.	500 00
6. F. S. Harmon & Co. for furniture furnished State Board of Control.....	346 40
7. C. Will. Shaffer, expenses paid on Wenatchee-Twisp State road; principal, \$140.00; interest, \$28.00..	168 00

For unpaid services during last session of Legislature:

	<i>Principal.</i>	<i>Interest.</i>	<i>Amount.</i>
8. R. B. Albertson.....	\$64 00	\$7 34	\$71 34
9. E. D. Cowan.....	60 00	6 90	66 90
10. T. G. Hastie.....	40 00	4 60	44 60
11. Bertha P. Venan.....	20 00	2 30	22 30
12. Harry Swafford.....	20 00	2 30	22 30
13. M. A. Balderson.....	20 00	2 30	22 30
14. Harry Carroll.....	10 00	1 15	11 15
15. J. R. Lytle.....	50 00	5 75	55 75
16. Dudley Eshelman.....	71 00	8 16	79 16
17. E. O. Free.....	50 00	5 75	55 75
18. E. R. Knight.....	24 50	2 81	27 31
19. J. L. Forrester.....	28 00	3 22	31 22
20. F. W. Clarke.....	24 50	2 81	27 31
21. Bancroft-Whitney Co.....	10 50	1 20	11 70
22. Denny-Coryell Co.....	12 50	1 43	13 93
23. J. A. Gable, incidental expenses paid for State Library, there being no appropriation for same.....		.....	60 70
24. For maintenance of State Capitol during remaining portion of the fiscal year, the sum of.....			\$2,000 00
33. Big Bend Engine.....			19 60
34. W. A. Lewis, judgments.....			55 50

Passed the House February 24, 1903.

Passed the Senate March 7, 1903.

Approved by the Governor March 12, 1903.

CHAPTER 71.

[H. B. No. 136.]

FOR THE PROTECTION OF GAME ANIMALS AND BIRDS.

AN ACT for the protection of game animals and birds of the State of Washington, defining violations thereof and providing punishment for the same and providing a game fund of all fines collected under this act and repealing all acts and parts of acts in conflict with the provisions of this act.

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

SECTION 1. Every person who shall within the State of Washington, at any time between the fifteenth day of December and the fifteenth day of September of the fol-

lowing year, hunt, pursue, take, kill, injure, destroy or possess any deer or caribou shall be guilty of a misdemeanor and upon conviction thereof shall be punished as hereinafter provided. And every person who shall within the State of Washington during the season when it is lawful to kill the same take or kill more than four deer or who shall kill any spotted fawn shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided. Spotted fawn.

SEC. 2. Every person who shall at any time within the State of Washington, hunt, pursue, take, injure or kill any female of the elk, moose, antelope, mountain sheep or mountain goat species, or any person who shall between the first day of November of any year and the fifteenth day of September of the following year hunt, pursue, take, injure or kill any male of the moose, elk, caribou, antelope, mountain sheep or mountain goat species shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided. Every person who shall within the State of Washington during the season when it is lawful to kill the same kill more than one male of the elk, moose, antelope or caribou species, or more than two males of the mountain sheep or mountain goat species shall be guilty of a misdemeanor and upon conviction thereof shall be punished as hereinafter provided. Elk, moose, antelope, etc.
Number to be killed.

SEC. 3. Every person who shall, within the State of Washington, hunt, pursue, take, kill, injure, destroy or possess any grouse, partridge, prairie chicken, sage hen, native pheasant or ptarmigan between the first day of January any [and] the first day of September of any year shall be guilty of a misdemeanor and upon conviction thereof shall be punished as hereinafter provided: *Provided*, That in the county of Kittitas it shall be unlawful to hunt, pursue, take, kill, injure, destroy or possess any prairie chicken between the first day of October of any year and the 10th day of September of the following year: *Also provided*, That in all the counties of the State of Washington lying east of the western boundary of the counties of Okanogan, Chelan, Kittitas, Yakima and Klickitat, it shall be unlawful to hunt, pursue, take, kill, injure, destroy or possess any of the game birds mentioned in this section between the 15th day of November and the fifteenth day of August of the following year. Game birds. Close season.
Proviso, as to Kittitas County.
Proviso as to certain other counties.

Limiting
number to be
killed.

SEC. 4. Every person who shall, during the season when it is lawful to hunt the same, kill more than ten prairie chickens, or ten grouse, partridge, sage hen, native pheasant or ptarmigan, Chinese or Mongolian pheasant, or more than fifteen quail of any kind in one day, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as hereinafter provided: *Provided*, That in the county of Kittitas, during the season when it is lawful to hunt the same, no person shall in one day kill more than five (5) prairie chickens.

Proviso as to
Kittitas
county.

Ducks, geese,
etc—close
season for.

SEC. 5. Every person who shall hunt, pursue, take, kill, injure, destroy or possess any swan, goose, brant, sand-hill crane, snipe, mallard duck, canvasback back [duck], widgeon, teal [teal], wood-duck, spoon-bill, gray or black duck, sprig-tail, or other game duck, whether named or mentioned herein or not, between the first day of March and the first day of September of any year shall be guilty of a misdemeanor and upon conviction thereof shall be punished as hereinafter provided.

Number to be
killed
limited.

SEC. 6. Every person who shall, within the State of Washington, during the season when it is lawful to hunt the same, kill more than twenty-five snipe, ducks, geese or brant in one day, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as hereinafter provided: *Provided*, That the above mentioned birds shall not be fired at from any gasoline or naphtha [naphtha] launch, steam launch, or other boat propelled otherwise than by hand.

Quail—close
season for.

SEC. 7. Every person who shall hunt, pursue, take, kill, injure, destroy or possess any California, Valley or Mountain quail, Bob-White quail or other kind of quail, between the first day of January and the first day of October of any year shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided: *Provided*, That it shall be unlawful to hunt, pursue, take, kill, injure, destroy or possess any of the birds named in this section in any of the counties lying east of the western boundary of the counties of Okanogan, Chelan, Kittitas, Yakima and Klickitat from and after the passage of this act and before the fifteenth day of September, 1908.

Proviso, as to
certain
counties.

Imported
pheasants
protected
until 1906.

SEC. 8. Every person who shall hunt, pursue, take, kill, injure, destroy or possess any imported or Oriental pheasant, golden, silver, ring-necked, copper bronze, Chinese or

Mongolian pheasant, or Chinese or Mongolian quail, from and after the passage of this act and before the fifteenth day of October, 1906, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as hereinafter provided: *Provided*, That it shall [be] unlawful to hunt, pursue, take, kill, injure, destroy or possess any of the birds named in this section in any of the counties lying east of the western boundary of the counties of Okanogan, Chelan, Kittitas, Yakima and Klickitat, from and after the passage of this act and before the fifteenth day of September, 1908.

Proviso as to certain counties.

SEC. 9. Any person who shall, within the State of Washington, at any time offer for sale or for market, or sell, or barter for, or exchange, any deer, moose, elk, caribou, mountain sheep or mountain goat species, or any kind of the various kinds of quail, Chinese or Mongolian pheasant, grouse, native pheasant, ptarmigan, prairie chicken, partridge, sage hen, or any wild duck, goose, swan, brant, sand-hill crane, snipe, rail or plover, or any other game bird shall be guilty of a misdemeanor and upon conviction thereof shall be punished as hereinafter provided: *Provided*, That during the month of November, in any year, wild ducks, geese, brant and snipe may be sold to the number permitted to be killed in any one day, as provided for in section 6 of this act.

Penalty for sale of game.

Proviso, as to ducks, etc.

SEC. 10. Every person, company, partnership, firm or corporation, boarding house keeper, hotel keeper, restaurant keeper, market keeper or cold storage plant, their owners, proprietors, officers, managers, agents or servants, who shall offer for sale or keep, or have in their possession at any time of the year any deer, moose, caribou, antelope, mountain sheep or mountain goat species, or any kind of the various kinds of quail, Chinese or Mongolian pheasant, grouse, native pheasant, ptarmigan, partridge, prairie chicken, sage hen or any kind of wild duck, goose, swan, brant, sand-hill crane, snipe, rail or plover or any portion of the meat of said animals or birds except ducks, geese, brant or snipe, during the month of November of each year shall be guilty of a misdemeanor. Possession of any of the animals or game birds mentioned or named herein, or any of the meat of the same, except the number of ducks, geese, brant or snipe permitted to be taken during the month of November of any year, shall be presumptive

Possession prohibited.

Possession of, evidence of guilt.

evidence that said animals, birds, or the meat of the same was unlawfully taken by the person having possession of the same, and upon conviction thereof shall be punished as hereinafter provided: *Provided, however,* That any person may have in his possession the number and kinds of animals and birds permitted to be taken by this act during the time the same may be taken, provided the same were taken by the person, so having them in his possession, or otherwise taken, as provided for in section 9 of this act.

Proviso as to
number
taken.

Penalty.

SEC. 11. Every person convicted of any of the misdemeanors defined in the foregoing sections of this act, except as otherwise provided for, shall be punished by a fine of not less than ten dollars (\$10) nor more than five hundred dollars (\$500), together with the costs of the prosecution of such action, and in default of the payment of such fine shall be imprisoned in the county jail one day for each two dollars (\$2) of such fine.

Game protec-
tion fund—
how derived.

SEC. 12. All moneys received and all fines collected under this act shall be paid to the treasurer of the county in which the suit, action or proceeding shall have been commenced and placed by him in the game protection fund to be used for the protection or propagation of game in said county, and the prosecuting attorney, justice of the peace or judge of any county, upon the payment of any fine or judgment, may satisfy the same of record for the State.

Repealing
Clause.

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

Passed the House February 26, 1903.

Passed the Senate March 4, 1903.

Approved by the Governor March 12, 1903.

CHAPTER 72.

[H. B. No. 4.]

CREATING A STATE BOARD OF ACCOUNTANCY.

AN ACT to create a "State Board of Accountancy," and prescribe its duties and powers; to provide for the examination of, and issuance of certificates to, qualified applicants, with the designation of "Certified Public Accountant," and to provide the penalty for violations of the provisions thereof.

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

SECTION 1. Within thirty days after this act shall take effect, the Washington Association of Public Accountants shall nominate fifteen reputable and skilled accountants, who shall have been in practice as such not less than three consecutive years, from which the Governor shall appoint five. The said five skilled accountants duly elected and appointed shall constitute the Board of Accountancy of the State of Washington, and shall hold office, as respectively designated in their appointments, for the term of one, two, three, four and five years, as hereinafter provided, and until their successors have been duly elected and appointed. The members of such board shall, within thirty days after their appointment, take and subscribe to the oath of office as prescribed by the statutes of the State of Washington, and file the same with the Secretary of State. The Certified Public Accountants of the State of Washington, as hereinafter provided, shall annually nominate five of their number, one of whom the Governor of the State of Washington shall appoint to fill the vacancy annually occurring in said board, such appointment to be for the term of five years. In case of a vacancy occurring from any cause, the Governor shall fill the vacancy by appointing a Certified Public Accountant from the names last submitted, to serve as a member of the board for the remainder of the term.

SEC. 2. The State Board of Accountancy shall have its office at such place in the State of Washington as shall be designated by the board, and its powers and duties shall be as follows:

First. To formulate rules for the Government of the board and for the examination of, and granting of certificates of qualification to, persons applying therefor.

Second. To hold written examination of applicants for such certificates, at least semi-annually, at such places as circumstances and applications may warrant.

Third. To grant certificates of qualifications to such applicants as may, upon examination, be found qualified in "theory of accounts," "practical accounting," "auditing" and "commercial law," to practice as certified public accountants.

Fourth. To charge and collect from all applicants such fee, not exceeding twenty-five dollars, as may be necessary to meet the expenses of examination, issuance of certificates and conducting its office: *Provided*, That all such expenses, including not exceeding five dollars per day for each member while attending the session of the board or conducting the examinations, must be paid from the current receipts; and no portion thereof shall ever be paid from the State Treasury.

Fifth. To revoke for cause such certificates, after written notice to the holder, and a hearing being had thereon: *Provided*, That such revocation must receive the affirmative vote of at least four members of the board.

Sixth. To report annually to the Governor, on or before the first day of January in each year, all such certificates issued during the preceding year, together with a detailed statement of receipts and disbursements: *Provided*, That any balance remaining in excess of the expenses incurred shall be transferred to the common school fund of the State.

Seventh. The board may, in its discretion, under regulations provided by its rules, waive the examination of applicants possessing the qualifications mentioned in subsection three of this section, who shall have been for more than one year prior to the passage of this act residents of the State of Washington, and who shall, in writing, apply for such certificate within one year thereafter.

Eighth. Every Certified Public Accountant, during the time he continues the practice of his profession shall, annually, on such date as the Board of Accountancy may determine, pay to the secretary of said Board of Accountancy a fee of one dollar, in return for which payment he shall receive a renewal certificate for one year.

SEC. 3. Any citizen of the United States, or any person who has duly declared his intention of becoming such citi-

Who may
apply for
examination.

zen, residing and doing business in the State of Washington, being over the age of nineteen years and of good moral character, may apply to the State Board of Accountancy for examination under its rules, and for the issuance to him of a certificate of qualification to practice as a Certified Public Accountant; and upon the issuance and receipt of such certificate, and during the period of its existence, he shall be styled and known as a Certified Public Accountant, and no other person shall be permitted to assume and use such title, or to use any words, letters or figures, to indicate that the person using the same is a Certified Public Accountant.

SEC. 4. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine in any sum not exceeding one hundred dollars. ^{Violation and penalty.}

Passed the House February 24, 1903.

Passed the Senate March 5, 1903.

Approved by the Governor March 12, 1903.

CHAPTER 73.

[H. B. No. 295.]

PROVIDING FOR THE SETTLEMENT OF TAXES ASSESSED AGAINST MINING PROPERTY FROM 1899 TO 1902 INCLUSIVE.

AN ACT providing for the settlement of taxes assessed against mining property for the years 1899, 1900, 1901 and 1902 and authorizing a compromise of disputes of suits relating thereto, and declaring an emergency.

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

SECTION 1. The board of county commissioners of any county in the State is hereby authorized to compromise and settle on an equitable basis any unpaid taxes levied and ^{Commissioners to compromise.}

assessed against any mining property in their respective counties for the years 1899, 1900, 1901 and 1902: *Provided*, That no unpaid taxes for any of said years on said mining property shall be compromised or settled for less than thirty-five per cent. of the taxes, interest, penalties and costs charged against said property, nor shall said taxes be compromised for less than thirty-five per cent. of the taxes, interest, penalties and costs due any fund: *Provided, further*, That this act shall not apply to or affect any property upon which certificates of delinquency may be outstanding.

Not applica-
ble to delin-
quent proper-
ty where
certificates
are issued.

Filing of
statement.

SEC. 2. The board of county commissioners making such compromise and settlement herein authorized shall thereafter immediately make and file with the State Auditor a detailed statement of the same.

Deduction of
losses of
State taxes.

SEC. 3. The State Auditor shall, in certifying to the county auditors in counties where taxes shall be compromised in pursuance of this act, deduct from the amounts due to each fund and unpaid from such county for the seventh preceding year any loss sustained by such funds on account of any such settlement and compromise.

Emergency.

SEC. 4. An emergency is declared to exist and this act shall be in force from and after its approval by the Governor.

Passed the House March 3, 1903.

Passed the Senate March 6, 1903.

Approved by the Governor March 12, 1903.

CHAPTER 74.

[H. B. No. 157.]

AMENDING ACT PROVIDING FOR THE SURVEY, SELECTION, MANAGEMENT, AND DISPOSITION OF THE STATE'S GRANTED, SCHOOL, TIDE, OYSTER AND OTHER LANDS.

AN ACT to amend section 11 of an act entitled "An act to provide for the selection, survey, management, reclamation, lease and disposition of the State's granted, school, tide, oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the State by the United States; creating a Board of Appraisers and a Board of Harbor Line Commissioners as required by articles XV and XVI of the State Constitution, which shall be generally known as the Board of State Land Commissioners; defining their duties, and making an appropriation therefor, and declaring an emergency," approved March 16, 1897.

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

SECTION 1. That section 11 of an act entitled "An act to provide for the selection, survey, management, reclamation, lease and disposition of the State's granted, school, tide, oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the State by the United States; creating a Board of Appraisers and a Board of Harbor Line Commissioners, as required by articles XV and XVI of the State Constitution, which shall be generally known as the Board of State Land Commissioners, defining their duties and making an appropriation therefor, and declaring an emergency," approved March 16, 1897, be and the same is hereby amended so as to read as follows: Section 11. That any person or company may make written application to the Board of Appraisers for the appraisal and sale of any lands belonging to the State, and said board shall cause to be prepared blank applications containing such instructions as will inform and aid intending purchasers in making application for the appraisal and sale of any lands. Each application must be accompanied with certificate of deposit or certified check upon any bank of this State, made payable to the State Treasurer and equal in amount to ten cents per acre for the

Application
for appraisal
and
sale.

Proviso as to deposit. land described in such application: *Provided*, That such deposit may be made in cash or by postoffice money order, but in no case shall such deposit be less than ten dollars. In case the lands described in such application are sold at the time they are offered for sale, in accordance with such application, the amount of such deposit shall be returned to such applicant. If such lands be not sold, through fault of said applicant at such sale, such deposit shall be forfeited to the State, and shall be so declared by the said board, and the State Treasurer shall thereupon place said forfeited money to the credit of the general fund of the State. That when, in the judgment of the Board of Appraisers or the Commissioner of Public Lands, a sufficient number of applications have been received for the appraisal and sale of any lands belonging to the State, said Commissioner of Public Lands shall cause any of such lands so applied for to be personally inspected and appraised as to its character, topography, agriculture, timber, coal, mineral, stone or rock quarries, or grazing, its distance from any city, town, railroad, river, irrigation ditch or other waterways, when irrigation is required, and fully report the same to said Board or Commissioner of Public Lands, together with the Commissioner's or Appraiser's judgment as to its present prospective value, which said report shall be considered and thereupon a price per acre fixed for each quarter section and subdivision thereof, or lot or block, which shall not be less than ten dollars per acre for lands granted for educational purposes: *Provided*, That no more than one hundred and sixty acres (160) of any school or granted lands of the State shall be offered for sale in one parcel, and all lands within the limits of any incorporated city or town or within two miles of the boundary of such incorporated city or town, where the valuation of such lands shall be found by appraisal to exceed one hundred (\$100.00) dollars per acre, shall, before the same be sold, be platted into lots and blocks of not more than five acres in a block and not more than one block shall be offered for sale in one parcel, and said board is hereby authorized to plat such lands into lots and blocks, and all plats shall be filed in the office of the Commissioner of Public Lands: *Provided further*, That whenever application is made to purchase less than a section, the said Commissioner of Public Lands may order the inspection of an

Forfeiture of deposit.

Commissioner of Public Lands to order appraisal.

Acreage limit.

Plat—into lots and blocks.

entire section or sections: *Provided further*, That all school and granted lands for educational purposes may thereafter be sold at not less than the appraised value, when the purchase price realized for the timber thereon added to the appraised value of the land is \$10.00 per acre or in excess thereof.

Proviso, as to less than one section—and to school lands.

Passed the House February 13, 1903.

Passed the Senate March 7, 1903.

Approved by the Governor March 12, 1903.

CHAPTER 75.

[S. B. No. 58.]

AMENDING BALLINGER'S CODE RELATIVE TO ASSISTANCE FOR THE SECRETARY OF STATE.

AN ACT to amend section 12 of an act entitled "An act to define the duties and provide for assistance for, and fix the compensation of the Secretary of State," received by the Governor March 28, 1890, the same being section 126 of Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 12 of an act entitled "An act to define the duties and provide for assistance for, and fix the compensation of the Secretary of State," received by the Governor March 28, 1890, the same being section 126 of Ballinger's Annotated Codes and Statutes of Washington, be and the same hereby is amended to read as follows: Section 12. The Secretary of State may have one Assistant Secretary of State to be appointed by him in writing, and to continue during his pleasure. Such Assistant Secretary of State to have the power to perform any act or duty relating to the Secretary of State's office, that the Secretary of State has, and the Secretary of State shall be responsible for the acts of said Assistant.

Passed the Senate February 10, 1903.

Passed the House March 5, 1903.

Approved by the Governor March 12, 1903.

CHAPTER 76.

[H. B. No. 113.]

APPROPRIATING MONEY FOR THE PAYMENT OF CERTAIN JUDGMENTS.

AN ACT appropriating money for the payment of certain judgments against the State of Washington.

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

Payment of certain judgments.

SECTION 1. That there is hereby appropriated out of the general fund in the State Treasury, not otherwise appropriated, the following sums for the payment of judgments against the State of Washington, in favor of the following persons, for the respective amounts herein below stated:

	<i>Judgment.</i>	<i>Interest.</i>	<i>Total.</i>
J. J. and C. Breunner, judgment for costs	\$ 40 00	\$ 5 27	\$ 45 27
O. R. Holcomb, salary as Arid Land Commissioner	4,000 00	84 00	4,084 00
Henry P. Ford, reward for apprehending criminal	303 25	29 47	332 72
S. E. Barr, et al., judgment for costs	63 00	6 30	69 30
Hamilton, Stillson, et ux., judgment for costs	30 55		30 55

Satisfaction of judgment.

Each of said claimants shall satisfy this said judgment in full upon the acceptance of the amounts above specified.

- Passed the House February 3, 1903.
- Passed the Senate March 7, 1903.
- Approved by the Governor March 12, 1903.

CHAPTER 77.

[H. B. No. 119.]

PROVIDING FOR COMPULSORY ATTENDANCE OF CHILDREN AT SCHOOLS MAINTAINED AT THE EXPENSE OF THE UNITED STATES OR OF THE STATE OF WASHINGTON.

AN ACT compelling the attendance of children at schools where tuition, lodging, food and clothing are furnished at the expense of the United States or the State of Washington.

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

SECTION 1. That whenever the government of the United States or the State of Washington shall erect, or cause to be erected and maintained, a school for general educational purposes within the State of Washington, and the expense of the tuition, lodging, food and clothing of the pupils therein is borne by the United States or the State of Washington, it shall be compulsory on the part of every parent, guardian or other person in the State of Washington having control of a child or children between the ages of five and eighteen years, eligible to attend said school, to send such child or children to said school for a period of nine months each year, or during school for a period of nine months each year, or during the annual term, unless such child or children is or are excused from such attendance by the principal or superintendent of said school, upon it being shown to the satisfaction of said principal or superintendent that the bodily or mental condition of such child or children has been and is such as to prevent his, her or their attendance at school, or application at study for the period required, or that such child or children is or are taught in the public schools, private schools, or other schools, or at home in such branches as are usually taught in the public schools: *Provided*, That in case the government of the United States or the State of Washington does not make provision for the free transportation of said child or children to and from their homes to said school, then he, she or they shall not be liable to the provisions of this act, unless they reside less than ten miles from said school.

Schools maintained by the government.

Period of attendance.

Provide as to failure to provide transportation.

Duties of principals and superintendents.

SEC. 2. It shall be the duty of all principals or superintendents of the school or schools mentioned in this act, before attempting to enforce the provisions of this act hereinafter mentioned to serve, or cause to be served, a demand for the attendance of certain children, naming them, and also designating the school to which their attendance is required, upon the parent, guardian or other person having charge of said child or children as may be eligible to attend said school over which he has charge, and a copy of this act; and such parent, guardian or other person having charge of said child or children shall have ten days to either deliver said child or children at said school, or to the principal or superintendent thereof, or furnish satisfactory proof that the bodily or mental condition of said child or children does not admit of attendance.

Failure of parents, etc., to comply.

SEC. 3. If at the expiration of ten days after such notice or demand the parents, guardian or other persons having charge of said child or children shall have failed or refused to comply with this act, the principal or superintendent shall cause a demand to be made upon such parent, guardian or other person for the amount of the penalty hereinafter provided; and if such parent, guardian or person shall neglect or refuse to pay the same within five days after making said demand, the superintendent or principal shall commence proceedings in the name of the State for the recovery of the fine hereinafter provided before any court having jurisdiction: *Provided*, That nothing in this act shall apply to any child or children who is or are actually and necessarily compelled to labor for the support of such parent.

Proceedings.

Exception.

Penalty.

SEC. 4. Any parent, guardian or other person having control or charge of any child or children, failing to comply with the provisions of this act shall be liable to a fine of not less than five dollars nor more than twenty-five dollars, for the first offense, nor less than ten dollars nor more than fifty dollars for the second and each subsequent offense, besides the cost of collection.

Fines.

SEC. 5. All fines collected under the provisions of this act shall be paid into the county treasury, the same to be placed to the credit of the general school fund.

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

Passed the House February 19, 1903.

Passed the Senate March 5, 1903.

Approved by the Governor March 12, 1903.

CHAPTER 78.

[H. B. No. 93.]

AMENDING CODE OF PUBLIC INSTRUCTION AND PROVIDING FOR TRUANT SCHOOLS IN CITIES OF 50,000 OR MORE INHABITANTS.

AN ACT to enable school boards in cities having a population of 50,000 or more inhabitants to establish and maintain parental or truant schools, and amending Section 92 of the Code of Public Instruction.

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

SECTION 1. In cities having a population of 50,000 in- ^{Where to be} habitants or more, there may be established, maintained ^{located.} and conducted, one or more parental or truant schools for the purpose of affording a place of confinement, discipline, instruction and maintenance of children of compulsory school age who may be committed thereto in the manner hereinafter provided.

SEC. 2. For the purpose of establishing such school or ^{Purchase of} schools, sites may be purchased and buildings constructed ^{sites and} or premises rented in the same manner as in the case of ^{buildings.} public schools in such cities. And in addition school or schools may be established and site or sites may be purchased and buildings constructed or premises rented outside of said cities: *Provided*, No school or schools shall ^{Proviso as to} be established, or sites be purchased, any buildings con- ^{distance} ^{from city.} structed or premises rented which shall be distant more than ten miles from the city so establishing or erecting said schools or purchasing said site or sites: *And, provided further*, That no school shall be erected at or near any penal institution. And it shall be the duty of the board of direc-

Duty of school directors.

tors to furnish all such schools which are by them at any place established, with such furniture, fixtures, apparatus and provisions as may be necessary for the maintenance and operation thereof.

Employment of officers, etc.

SEC. 3. The board of directors may also employ a superintendent and all other necessary officers, agents and teachers and shall prescribe the methods of discipline and the course of instruction, and shall exercise the same powers and perform the same duties as is prescribed by law for the management of other schools.

Religious instruction.

SEC. 4. No religious instruction shall be given in such school, but the board of directors may make suitable regulations so that the inmates may receive religious training, either by allowing religious services to be established in the institution, or by arranging for attendance elsewhere.

Inquiry into cases of non-attendance.

SEC. 5. It shall be the duty of any truant officer or agent of such board of directors to petition, and any reputable citizen of the city may petition the Superior Court, to inquire into the case of any child of compulsory school age, who is not attending school, or who has been guilty of habitual truancy, or of persistent violation of the rules of the public school, and the petition shall also state the name, if known, of the father and mother of said child, or the survivor of them; and if neither father or mother of said child is living or cannot be found in the county or if their names cannot be ascertained, then the name of the guardian if there be one known, and if there be a parent living whose name can be ascertained, or guardian, the petition shall show whether or not the father or mother or guardian consents to the commitment of child to such parental or truant school. Such petition shall be verified by oath upon the belief of the petitioner and upon being filed the judge of the Superior Court for [shall have] such child named in the petition brought before him for the purpose of determining the application in said petition contained. But no child shall be committed to such school who has ever been convicted of any offense punishable by confinement in any penal institution.

To petition Superior Court.

Verification of petition.

Exception as to admission.

Clerk to issue writ.

SEC. 6. Upon the filing of such petition the clerk of the court shall issue a writ to the sheriff of the county directing him to bring such child before the court; and if the court shall find that the material facts set forth in the

petition are true, and in the opinion of the court such child is a fit person to be committed to such parental or truant school, an order shall be entered that such child be committed to such parental or truant school, to be kept there until he or she arrives at the age of fourteen years, unless sooner discharged in the manner hereinafter set forth. Before the hearing aforesaid, notice in writing shall be given to the parent or guardian of such child if known, of the proceedings about to be instituted, that he or she may appear and resist the same if they so desire.

Notice of hearing.

SEC. 7. It shall be the duty of the parent or guardian of any child committed to this school to provide suitable clothing upon his or her entry into such school and from time to time thereafter as it may be needed, upon notice in writing from the superintendent or other proper officer of the school. In case any parent or guardian shall refuse or neglect to furnish such clothing the same may be provided by the board of school directors, and such board may have an action, in the name of said directors, against such parent or guardian of said child to recover the cost of such clothing with ten (10) per cent. addition thereto.

Parents, etc., to provide clothing.

SEC. 8. The board of education of such city shall have power to establish rules and regulations under which children committed to such parental or truant schools may be allowed to return home upon parole, but to remain while upon parole in the legal custody and under control of the officers and agents of such school, and subject at any time to be taken back within the enclosure of such school by the superintendent or any authorized officer of such school except as hereinafter provided; and full power to enforce such rules and regulations to take any such child upon parole is hereby conferred upon the board of school directors. No child shall be released upon parole in less than four weeks from the time of his or her commitment nor thereafter until the superintendent of such parental or truant school shall have become satisfied from the conduct of such child that if paroled, he or she will attend regularly the public or private school to which he or she may be sent by his or her parents or guardian, and shall so certify to said board of school directors.

Rules to be established by Board of Education.

Parole.

SEC. 9. It shall be the duty of the principal or other person having charge of the school to which such child so

Principals to report—how often.

released on parole may be sent to report at least once each month to the superintendent of the parental or truant school stating whether or not such child attends school regularly, and obeys the rules and requirements of said school, and if such child so released upon parole shall be regular in his or her attendance at school and his or her conduct shall be satisfactory for a period of one year from date on which he or she was released upon parole, he or she shall then be finally discharged from the parental or truant school and shall not be committed thereto except upon petition as hereinbefore provided.

Final dis-
charge.

Violations of
parole.

SEC. 10. In case any child released from said school upon parole as hereinbefore provided shall violate the conditions of his or her parole at any time within one year thereafter, he or she shall upon the order of the board of school directors as hereinbefore provided, be taken back to such parental or truant school and shall not be again released upon parole within the period of three months from the date of such entry; and if he or she shall violate the conditions of a second parole he or she shall be re-committed to such parental or truant school, and shall not be released therefrom on parole until he or she shall remain in such school at least one year.

Incorrigi-
bility.

SEC. 11. In any case where a child is found to be incorrigible and his or her influence in such school to be detrimental to the interests of the other pupils, the board of directors may authorize the superintendent or any officer of the school to represent there [these] facts to the Superior Court by petition, and the court shall have power to commit such child to some reformatory institution.

Repeal.

SEC. 12. Any and all laws of the State of Washington in conflict with the provisions of this act are hereby repealed.

Passed the House February 20, 1903.

Passed the Senate March 5, 1903.

Approved by the Governor March 12, 1903.

CHAPTER 79.

[S. B. No. 75.]

AMENDING ACT RELATIVE TO THE STATE'S GRANTED,
SCHOOL, TIDE, OYSTER AND OTHER LANDS.

AN ACT to amend Sections 13, 15, 19, 23, 31 and 62 of an act entitled "An act to provide for the selection, survey, management, reclamation, lease and disposition of the State's granted, school, tide, oyster and other lands, harbor areas, and for the confirmation and the completion of the several grants to the State by the United States; creating a Board of Appraisers and a Board of Harbor Line Commissioners as required by Articles XV and XVI of the State Constitution, which shall be generally known as the Board of State Land Commissioners; defining their duties, and making an appropriation therefor, and declaring an emergency," approved March 16, 1897, and adding Sections 18½ and 31½ to said act, and declaring an emergency.

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

SECTION 1. That section 13 of an act entitled "An act to provide for the selection, survey, management, reclamation, lease and disposition of the State's granted, school, tide, oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the State by the United States; creating a Board of Appraisers and a Board of Harbor Line Commissioners, as required by Articles XV and XVI of the State Constitution, which shall be generally known as the Board of State Land Commissioners, defining their duties and making an appropriation therefor, and declaring an emergency," approved March 16, 1897, be and the same is hereby amended to read as follows: Section 13. That immediately upon the appraisalment and inspection provided for in this act being made of any land in any county of the State, and the Commissioner of the Public Lands shall prepare a certificate of such appraisalment showing in detail the facts reported in such appraisalment, and he shall file one copy of the same in his office and shall certify one copy and forward it to the auditor of the county in which said land is situated, and the said county auditor shall post it in a conspicuous place in his office, and the said Commissioner of Public Lands shall

Certificate of
appraisalment.

Notification
to applicant.

notify the applicant of the appraisalment and of the notice to the auditor, and that said board will allow the applicant twenty days in which to show wherein said appraisalment is defective, excessive or unjust, which protest, if any be made and filed, shall be considered by said board, and notice of their action shall be sent to the applicant.

Report of
sale.

SEC. 2. That section 15 of said act be and the same is hereby amended to read as follows: Sec. 15. That the member [s] of the said board of appraisers, or the county auditor conducting the sale, shall, upon making sale of any school land, or stone, mineral or timber thereon, report such sale to the said Board of Appraisers, as provided in this act, together with other information touching the same, as the said board shall have prescribed, and within ten days from the date of the reception of such report by the Commissioner of Public Lands, if no affidavit showing that the interests of the State in such sale were injuriously affected by fraud or collusion shall have been filed with said board, and it shall appear from such report that the sale was fairly conducted, and that the purchaser was the highest bidder at such sale, and that his bid was not less than the appraised value of the property sold, and if the said Commissioner of Public Lands shall be satisfied that the land sold would not, upon being re-advertised and sold, sell for at least twenty-five per cent. more than the price at which it shall have been sold, and that the payment required by law to be made at the time of making the sale has been made, and the best interests of the State may be thereby subserved, the secretary of the Board of State Land Commissioners shall enter upon his records a confirmation of said sale and thereupon certify the same to the Commissioner of Public Lands, who shall issue to the purchaser a contract of sale, as in this act hereinafter provided.

Confirmation
of sale and
contract.

SEC. 3. That section 18 $\frac{1}{2}$ is hereby added to said act to read as follows: Section 18 $\frac{1}{2}$. Whenever the holder of any contract of purchase or [of] any State or school land shall surrender the same to the Commissioner of Public Lands with the request to have the same divided into two or more tracts, it shall be lawful for the Commissioner to issue the same provided the proposed subdivision shall not be less than the regular government or public subdivisions, and provided that no new contract or lease shall issue while

Sub-divisions
of tracts.

there is due and unpaid any interest, rental or taxes on the land held under said contract or lease, nor in any case where the Commissioner shall be of the opinion that the State security would be impaired or endangered by the proposed division; and for all new contracts or leases a fee of \$2 for each new contract or lease so issued shall be paid by the applicant, and said fee shall be paid into the State Treasury with the other fees of the office. Any sale or lease of State lands made by mistake, or not in accordance with law, or obtained by fraud or misrepresentation shall be void, and the contract of purchase or lease issued thereon shall be of no effect, but the holder of such contract or lease shall be required to surrender the same to the Commissioner of Public Lands, who shall, except in the case of fraud on the part of the purchaser, cause the money to be refunded to the holder thereof, provided the same has not been [paid] into the State Treasury.

Fees for new contracts.

Sales or leases made in error.

Surrender and refund.

SEC. 4. That section 19 of said act be and the same is hereby amended to read as follows: Section 19. That all school and granted lands of the State of Washington may be leased for a term of six years or less to the highest bidder at public auction in the following manner: Any person or persons desiring to lease any of such lands shall make application in writing to the Commissioner of Public Lands of this State; each application shall be accompanied with a deposit of \$10.00, such deposit to be in the form of a draft on some bank, a post office or express money order, or may be paid in cash. In case the lands so applied for shall be leased at the time they are offered for lease, then such deposit shall be returned to such applicant by the Commissioner of Public Lands; but if the land shall not be leased when so publicly offered for lease, then such deposit shall be declared forfeited to [the] State, and the Commissioner of Public Lands shall pay the said deposit over to the State Treasurer, who shall place the same to the credit of the general fund of the State.

Lease of school lands.

Applications for leasing.

Deposit of \$10.

Forfeiture of deposit.

SEC. 5. That section 23 of said act be and the same is hereby amended to read as follows: Section 23. When any of such lands shall have been so leased by the county auditor, the said auditor shall at once proceed to certify a list of such lands to the Commissioner of Public Lands, giving the name of the lessee, the post office address, term of

Auditor to certify lists.

lease, lease price per annum, amount paid on lease, and any other information required by the Commissioner of Public Lands; the Auditor shall also remit all moneys so paid to him on lease to the said Commissioner, who shall issue his receipt in duplicate therefor, the original receipt to be sent to the lessee and a duplicate thereof to be kept in his office, and pay the money over to the State Treasurer and take his receipt therefor: *Provided*, That lands held under lease shall not be offered for sale, or sold, during the life of the lease, except upon application of the lessee.

Auditor to remit funds.

Proviso as to sale.

Extension of time.

Delinquent interest.

SEC. 6. That section 28 of said act be and the same is hereby amended to read as follows: Section 28. The time for making payment of principal on any such contracts where one-tenth or more of the purchase price has been paid, is hereby extended to July the 1st, 1909: *Provided*, That all delinquent interest due on such contracts in section 27 of this act and all interest falling due on such contracts thereafter is paid annually on the date stated in such contracts.

Water rights—how acquired—classified as improvements.

Improvements.

SEC. 7. That section 31 of said act be and the same is hereby amended to read as follows: Section 31. At any time during the existence of a lease the lessee may, with the consent of the Board of State Land Commissioners, first obtained, by written application, showing the cost and benefits to be derived thereby, purchase or acquire a water right in order to irrigate the land leased by him, and if such water right shall become a valuable and permanent improvement, then, in case of the sale or lease of such lands to other parties, the old lessee shall be entitled to receive the value thereof as in case of other improvements which he may place upon said land. Improvements made upon school, granted and other lands by lessees from the State in cases in which the lessee yields his lease to the State prior to any application to purchase the land so leased, such as are capable of removal without damage to the land, may be removed by the original lessee, or at his option may remain subject to purchase, by any purchaser who shall apply to purchase the land within a period of three years from the expiration of said lease.

Rights of assignee.

SEC. 8. That section 31½ is hereby added to said act to read as follows: Section 31½. Each assignee of a *bona fide* purchaser or lessee of any of the State school and granted

lands is subject to and governed by the provisions of the law applicable to the purchaser or the lessee of whom he is the assignee, and he shall have the same rights in all respect as the original purchaser or lessee of the same class of lands: *Provided*, The assignment is approved and entered of record by the Commissioner of Public Lands. No lessee or assignee of any lease of State lands leased as scab or pasture lands shall be permitted to use the same for any other purpose than that expressed in the lease: *Pro-* Provido as to cultivation of scab or pasture land. *vided*, Said lessee or his assigns may be permitted to clear, plow and cultivate all or any part thereof upon surrendering the said lease and requesting the Commissioner of Public Lands to issue an agricultural lease in lieu thereof; upon the payment of the fixed rental under the appraisement of said land the Commissioner shall issue a new lease for the unexpired term thereof.

SEC. 9. That section 62 of said act be and the same is hereby amended to read as follows: Section 62. That the Commissioner of Public Lands for services performed by him as such may charge and collect the following fees: Fees of Commissioner of Public Lands. (1) For a copy of any record, document or paper on file in this office, fifteen cents per folio; (2) for affixing a certificate and seal, \$1.00; (3) for each original contract of sale, lease, bill of sale, or deed, \$1.00; (4) issuance of harbor area lease and approval of bond, \$2.00; (5) approval of each assignment of contract, lease, or bill of sale, \$1.00; (6) for each copy of the plat of a township or any portion thereof, not less than \$2.00; (7) for subdivision and issuance of new contracts, after the original has been entered on the records, \$2.00 for each new contract.

SEC. 10. An emergency exists and this act shall take Emergency. effect immediately.

Passed the Senate February 10, 1903.

Passed the House March 4, 1903.

Approved by the Governor March 12, 1903.

CHAPTER 80.

[S. B. No. 33.]

PROVIDING FOR THE INCORPORATION OF SUBORDINATE
LODGES, ETC., OF MASONS, ODD FELLOWS, AND OTHER
FRATERNAL ORDERS.

AN ACT providing for the incorporation of subordinate lodges, chapters and encampments of Free and Accepted Masons, Independent Order of Odd Fellows, Knights of Pythias, and other fraternal societies; and for the reincorporation of lodges heretofore incorporated.

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

SECTION 1. Any lodge, encampment of [or] other subordinate lodge of Free and Accepted Masons, Independent Order of Odd Fellows, Knights of Pythias, or other fraternal society, desiring to incorporate, shall make articles of incorporation in triplicate, and file one of such articles in the office of the Secretary of State and another in the office of the county auditor of the county in which the meetings of such lodge, chapter or encampment are held; such articles shall be signed by the presiding officer and the secretary of such lodge, chapter or encampment, and attested by the seal thereof, and shall specify:

- (1) The name of such lodge or other society, and the place of holding its meetings;
- (2) The name of the grand body from which it derives its rights and powers as such lodge or society;
- (3) The names of the presiding officer and the secretary having the custody of the seal of such lodge or society.
- (4) What officers shall join in the execution of any contract by such lodge or society to give it force and effect in accordance with the usages of such lodges or society.

SEC. 2. The Secretary of State shall file such articles of incorporation in his office and issue a certificate of incorporation to any such lodge or other society upon the payment of the sum of five dollars.

SEC. 3. Such lodge or other society shall be a body politic and corporate with all the powers and incidents of a corporation upon its compliance with sections one and two of this act: *Provided, however,* That such fraternal cor-

Articles—
where to be
filed and
what to con-
tain.

Filing fee—
with Secreta-
ry of State.

Powers.

Proviso as to
license fees.

poration shall not be subject to any license fee or other corporate tax of commercial corporations.

SEC. 4. Any lodge or society, or the members thereof, having heretofore attempted to incorporate as a body under the provisions of an act entitled "An act to provide for the incorporation of associations for social, charitable and educational purposes," approved March 21st, 1895, such lodge or society may incorporate under its original corporate name by complying with the provisions of sections one and two of this act: *Provided*, That such lodge or society shall attach to and file with the articles of incorporation provided for in this act a certificate duly signed, executed and attested by the officers of the said corporation consenting to such re-incorporation and waiving all rights of the original corporation to such corporate name.

Waiver of original rights to corporate name.

Passed the Senate February 17, 1903.

Passed the House March 6, 1903.

Approved by the Governor March 12, 1903.

CHAPTER 81.

[H. B. No. 95.]

AMENDING ACT REGULATING THE PRACTICE AND PROCEEDINGS IN CIVIL ACTIONS.

AN ACT to amend Section 221 of an act entitled "An act to regulate the practice and proceedings in civil actions," approved December 1, 1881.

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

SECTION 1. That section 221 of an act entitled "An act to regulate the practice and proceedings in civil actions," approved December 1, 1881 (the same being section 4993 of Ballinger's Code and section 607 of Pierce's Code), be and the same is hereby amended so as to read as follows: Section 221. When the jury has been sworn, the trial shall proceed in the following order:

Sec. 4993 Ballinger's Code,
Sec. 607 Pierce's Code.

Procedure.

(1) The plaintiff must briefly state the cause of action and the evidence by which he expects to sustain it. The Cause of action to be stated.

defendant may in like manner state the defense and the evidence he expects to offer in support thereof, but nothing in the nature of comments or argument shall be allowed in opening the case. It shall be optional with the defendant whether he states his case before or after the close of the plaintiff's testimony.

Plaintiff to first produce evidence.

(2) The plaintiff or the party upon whom rests the burden of proof in the whole action, must first produce his evidence; the adverse party will then produce his evidence.

Rebuttal.

(3) The parties will then be confined to rebutting evidence, unless the court for good reasons, in furtherance of justice, permits them to offer evidence in the original case.

Request for charge to jury.

(4) When the evidence is concluded, either party may request the judge to charge the jury in writing, in which event no other charge or instruction shall be given, except the same be contained in the said written charge; or either party may request instructions to the jury on points of law, and if the court refuse to give the same, the party requesting may except. Either party shall also be entitled to require of the judge that all interlocutory orders, instructions or rulings upon the evidence during the progress of the trial of a cause, shall be reduced to writing, together with any exceptions that may be made thereto and the same shall be made a part of the record of the case, and any refusal on the part of the judge trying the cause or making the order to comply with all or any of the provisions of this section shall be regarded error, and entitle the party whose request shall have been refused to a reversal of the judgment on a writ of error: *Provided, always,* That the instruction or ruling so requested is pertinent and consistent with the law and evidence of the case, and that such refusal has worked an injury to the party requesting the same: *Provided, further,* That whenever in the trial of any cause, a stenographic report of the evidence and the charge and instructions of the court is taken, the taking of such charge or instructions by the stenographic reporter, shall be considered as a charge or instruction in writing within the meaning of this section.

Charge taken by stenographer—how considered.

(5) After the conclusion of the evidence and the filing of request for charge in writing or instructions, the plaintiff or party having the burden of proof may, by himself or

one counsel, address the court and jury upon the law and facts of the case, after which the adverse party may address the court and jury in like manner by himself and one counsel, or by two counsel, and be followed by the party or counsel of the party first addressing the court. No more than two speeches on behalf of the plaintiff or defendant shall be allowed.

Address to
court and
jury.

Limitation of
speeches.

(6) The court shall then charge the jury upon the law in the case. If no request has been made for said charge to be in writing, or if no instructions has been requested, said charge may be oral; but either party at any time before the jury return their verdict, may except to the same or any part thereof; but no exceptions shall be regarded by the Supreme Court, unless the same shall embody the specific parts of said charge to which exception is taken. In charging the jury the court shall state to them all matters of law necessary for the information of the jury in finding a verdict; and if it becomes necessary to allude to the evidence, it shall also inform the jury that they are the exclusive judges of all question of fact.

Charge to
jury.

Exceptions
not to be
regarded by
Supreme
Court.

Passed the House February 19, 1903.

Passed the Senate March 5, 1903.

Approved by the Governor March 12, 1903.

CHAPTER 82.

[H. B. No. 19.]

PRESCRIBING THE LIMIT OF ASSESSMENT FOR LOCAL IMPROVEMENTS IN CITIES OF THE FIRST CLASS.

AN ACT prescribing the limit upon the assessment of abutting property for local improvements in cities of the first class and providing a method of computation for improvement districts, and declaring an emergency.

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

SECTION 1. It shall be lawful for any city of the first class to order any improvement, the cost of which is to be charged to abutting property, when said cost shall not ex-

Limit of cost.

ceed fifty per cent. of the valuation of the real estate exclusive of improvements within the proposed improvement district according to the valuation last placed upon it for purposes of general taxation, when such improvement is ordered by a unanimous vote of the council of said city of the first class: *Provided*, That this limit may be exceeded when any improvement shall be petitioned for by the owners of three-fourths of the property to be assessed for said proposed improvement, and when such petition specifies not to exceed a certain higher per centage.

When limit
may be
exceeded.

Computation
of values.

SEC. 2. In computing the valuation of property within said district, any non-assessable property owned by the United States, State, county, city, and town or school district, or other public corporation, shall be valued at the same rate as property immediately opposite or adjacent thereto, and in computing the frontage to be included in said district, all such property, payment for the improvement of which is to be paid out of the general funds, shall be included.

Cities of the
first class.

SEC. 3. Any city of the first class may avail itself of this act, notwithstanding any provision in its charter inconsistent herewith, but it shall not be construed as taking away from any city of the first class any power which it possesses under its charter or any State law.

Emergency.

SEC. 4. An emergency exists and this act shall take effect immediately.

Passed the House February 6, 1903.

Passed the Senate March 3, 1903.

Approved by the Governor March 12, 1903.

CHAPTER 83.

[H. B. No. 75.]

AMENDING REVENUE AND TAXATION ACT OF 1897 RELATIVE TO ASSESSMENT OF BANK STOCK.

AN ACT amending Section 21 of Chapter LXXI of the Laws of 1897 relating to revenue and taxation, and declaring an emergency.

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

SECTION 1. That section 21 of Chapter LXXI of the laws of 1897 is hereby amended to read as follows: Section 21. All the shares of stock in banks, whether of issue or not, existing by authority of the United States, or of the State, and located within the State, shall be assessed to the owners thereof in the cities or towns where such banks are located, and not elsewhere, in the assessment of all State, county and municipal taxes imposed and levied in such place, whether such owner is a resident of said city or town or not; all such shares shall be assessed at their full and fair value in money on the first day of March in each year, *after deducting from the capital of said bank the actual portion thereof invested in real estate, which real estate shall be assessed and taxed as other real estate is assessed and taxed under this act, but such value shall not exceed the paid up capital, surplus and undivided profits as shown by the books of the banks* And the persons or corporations who appear from the records of the banks to be owners of shares at the close of the business day next preceding the first day of March in each year, shall be taken and deemed to be the owners thereof for the purposes of this section.

Shares of stock—how assessed.

Deduction of portion invested in real estate.

Who are considered to be owners of stock.

SEC. 2. An emergency exists and this act shall take effect immediately. Emergency.

Passed the House March 3, 1903.

Passed the Senate March 7, 1903.

Approved by the Governor March 12, 1903.

CHAPTER 84.

[H. B. No. 300.]

TO PREVENT THE DUPLICATION OF CORPORATE ENTITLEMENTS.

AN ACT to prevent the duplication of corporate entitlements.

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

SECTION 1. Private corporations may be formed in the manner prescribed by the laws of this State governing corporations for any purpose for which individuals may lawfully associate. No corporation shall take the name of a corporation theretofore [heretofore] organized under the laws of this State, nor of any foreign corporation having complied with the laws of this State, nor one so nearly resembling the name of such other corporation as to be misleading. The Secretary of State shall refuse to file articles of incorporation of any association or corporation violating the provisions of this act.

Names not to be duplicated.

Secretary of State may refuse to file —when.

Passed the House March 4, 1903.

Passed the Senate March 10, 1903.

Approved by the Governor March 14, 1903.

CHAPTER 85.

[H. B. No. 159.]

AMENDING ACT RELATIVE TO TRANSMISSION OF ELECTION RETURNS FROM VOTING PRECINCTS TO COUNTY AUDITORS.

AN ACT to amend Section 1406 of Ballinger's Annotated Codes and Statutes of Washington, being Section 4830 of Pierce's Code, relating to transmitting election returns from election precincts to the County Auditor and providing a penalty.

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

SECTION 1. Section 1406 of Ballinger's Annotated Codes and Statutes of Washington, being section 4830 of Pierce's Code, shall be amended so as to read as follows:

Sec. 1406 Ballinger's Code,
Sec. 4830 Pierce's Code.

Section 1406. The said package shall be delivered to the county auditor by one of the judges or clerks of the election in person, or may be sent by registered mail; and when the voting precinct is more than fifteen (15) miles from the county seat the said package shall be forthwith transmitted to the county auditor by registered mail. When sent by mail, it shall be mailed by one of the judges. The other of said certificates, with poll list and tally papers, oaths of judges, inspector and clerks shall be retained by the inspector and preserved by him at least six months. Tally papers, poll list or certificate returned from any election shall not be set aside, nor rejected for want of form, nor on account of not being strictly in accordance with the directions of this chapter, if the same be satisfactorily understood: *Provided*, That if any judge or inspector of election shall neglect or fail to seal and return the ballots, tally list and poll books in the manner provided by law, such judge or inspector shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than fifteen dollars.

Transmission
by registered
mail.

Inspector to
retain lists,
etc.

Violation and
penalty.

Passed the House February 27, 1903.

Passed the Senate March 10, 1903.

Approved by the Governor March 14, 1903.

CHAPTER 86.

[H. SUB. B. No. 191.]

FIXING THE PENALTY FOR PERSONS CONVICTED A SECOND AND THIRD TIME OF FELONY.

AN ACT fixing the penalty for persons convicted a second and third time of felony and providing a mode of procedure in such cases.

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

SECTION 1. It shall be the duty of the prosecuting attorney of any county, as soon as he has knowledge that a person indicted or informed against for felony, has been once or twice before convicted of any crime which under

Duty of Prosecuting
Attorney.

the laws of this State would amount to a felony, either within this State or elsewhere, to file and serve upon such person another information, setting fourth [forth] the fact of such former conviction or convictions, with the time and place when and where such former convictions occurred.

SEC. 2. If the defendant pleads guilty to the principal charge, or, if after trial, he shall be found guilty of such principal charge by a jury, unless the defendant admit the fact of such former conviction or convictions, the court shall immediately, if such further information was served before the trial upon the principal charge, or if served after the commencement of the trial then within five days and before sentence, impanel a jury to try the fact of such former conviction or convictions, and if such jury find, from the record thereof, or other competent evidence that such person has been once or twice before convicted of a crime, which under the laws of this State would amount to a felony, such jury shall make a return of such fact to the court. In case that such jury find that such person has been but once before convicted of a felony, the return shall show the time of his sentence under such former conviction.

Trial of fact
of former
convictions.

Findings of
jury.

SEC. 3. In every case where a person is convicted of a felony and the jury impaneled for that purpose, in the manner provided in section 2 of this act, find that the person has been once before convicted of a crime, either in this State or elsewhere, which under the laws of this State would amount to felony, or if such person admit the fact of such former conviction in open court, he shall be sentenced to a term in the penitentiary of not less than double the time of the sentence upon the former conviction; and in case that such jury find or the said person admits in open court that he has been twice before convicted of crimes, either within or without this State, which under the laws of this State would amount to felony, he shall be sentenced to the penitentiary for the term of his natural life.

Term of
sentence.

Duty of Prosecuting
Attorney in cases
of offense of
petit larceny.

SEC. 4. It shall be the duty of the prosecuting attorney of any county, as soon as he has knowledge that a person charged with the offense of petit larceny has been once or twice before convicted of the offense of petit larceny or of any crime which under the laws of this State would amount to a felony, either within this State or elsewhere, to file in the Superior Court an information charging said

person with petit larceny and another information charging said person with having been before convicted of petit larceny or a crime amounting to a felony, and serve copies of such informations upon such person, and, if such person has been charged with said offense of petit larceny before any magistrate, upon said magistrate; and thereupon such magistrate shall certify all proceedings in the case to the Superior Court; and such proceedings shall be had as provided in section 2 of this act. In case upon the trial and proceedings had in the Superior Court the defendant shall be found guilty of petit larceny and the jury impaneled for that purpose shall fail to find the fact of such former conviction the court shall sentence the defendant as in other cases of petit larceny; in case the jury impaneled for that purpose shall find the fact of such former conviction the court shall sentence the defendant to the penitentiary for any term provided by law as the punishment for the crime of grand larceny.

Information
to be filed
and served.

Sentence, if
jury fail to
find fact of
former con-
viction.

Passed the House February 27, 1903.

Passed the Senate March 10, 1903.

Approved by the Governor March 14, 1903.

CHAPTER 87.

[H. B. No. 205.]

AN ACT RELATING TO CERTAIN CORPORATIONS BECOMING SURETY UPON BONDS, STIPULATIONS, ETC., AND REPEALING CONFLICTING LAWS.

AN ACT relating to recognizances, stipulations, bonds and undertakings, and to allow certain corporations to be accepted as surety thereon, and to provide for the payment of the charges of such suretyship on the same as part of the lawful expense and costs of the principal or principals on the same; repealing an act of the Legislature of the State of Washington entitled "An act relative to recognizances, stipulations, bonds and undertakings, and to allow certain corporations to be accepted as surety thereon, and to provide for the payment of the charges of such suretyship on the same as part of the lawful expense and costs of the principal or principals on the same, and repealing an act of the Legislature of the State of Washington entitled 'An act relating to official bonds of state, county, city, town and precinct officers,' approved March 20, 1895, and all other inconsistent acts, and declaring an emergency," approved March 17, 1897; providing a penalty for its violation; repealing all other inconsistent acts and declaring an emergency.

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

SECTION 1. Whenever any bond, recognizance, obligation, stipulation, or undertaking is by law, State, municipal or otherwise, or by the rules or regulations of any board, court, judge, body or organization, or officer, State, municipal, or otherwise, required or permitted to be made, given, tendered or filed, for the security or protection of any person or persons, corporation, municipality, State, or any department thereof, or any other organization whatever, conditioned for the doing or not doing of any thing in such bond, recognizance, obligation, stipulation or undertaking, specified, any and all heads of departments, public officers, State, county, town or municipal, and any and all boards, courts, judges and municipalities, now or hereafter required or permitted to accept or approve of the sufficiency of any such bond, recognizance, obligation, stipulation or undertaking may, in the discretion of such head of department, court, judge, public officer, board or municipality, accept such

Acceptance—
by whom.

bond, recognizance, obligation, stipulation or undertaking, ing, and approve the same, whenever the same is executed, or the conditions thereof are guaranteed, solely by a corporation, with net assets or paid up unimpaired capital of not less than three hundred and fifty (\$350,000) thousand dollars, incorporated under the laws of the United States, or of any state, and authorized under its charter or articles of incorporation to guarantee the fidelity of persons holding places of public or private trust, to guarantee the performance of contracts, and to execute and guarantee bonds and undertakings required or permitted in actions or proceedings in law or equity: *Provided*, That such corporation has complied with all the provisions of this act. And whenever any such bond, recognizance, obligation, stipulation or undertaking is so required to be made, given, tendered, or filed with one surety, or with two or more sureties, the execution of the same or the guaranteeing of the performance of the conditions thereof, shall be sufficient when executed or guaranteed solely by such corporation, so authorized, and shall be in all respects a full and complete compliance with every requirement of every law, ordinance, rule or regulation, that such bond, undertaking, recognizance, obligation or stipulation shall be executed or guaranteed by one surety or by two or more sureties, or that such sureties shall be residents, householders, or freeholders, or both, and a full and complete compliance with every other requirement of every law, ordinance, rule or regulation, relating to the same, and no justification by such company shall be necessary or required, and any and all heads of departments, courts, judges, public officers, boards and municipalities whose duties it may be, or shall hereafter be, to accept or approve the sufficiency of any such bond, recognizance, obligation, stipulation or undertaking, may accept and approve the same, when executed or guaranteed solely by such corporation, and all such corporations are hereby vested with full power and authority to execute and guarantee such bonds, recognizances, stipulations, obligations and undertakings, whether given under the laws of this State or of the United States, or of any state or county.

Amount of capital required.

Right to issue bond.

Requirements of sureties.

Approval of bond.

SEC. 2. Any receiver, assignee, trustee, guardian, executor, administrator, committee or other fiduciary, required by law to give bond as such, may include as a part of his

Suretiship fee.

lawful expenses, such reasonable sum paid to such a corporation for such suretyship, not exceeding one per cent. per annum on the amount of said bond, as the head of the department, court, judge or officer by whom, or the court or body by which he was appointed, allows, and in all actions and proceedings, the party entitled to recover costs may include therein such reasonable sum as may have been paid such company for executing or guaranteeing any such bond or undertaking therein as may be allowed by the court or judge before whom the action or proceeding is pending.

Corporations
may be es-
topped—how.

SEC. 3. That any corporation which shall execute or guarantee any bond, recognizance, stipulation, obligation or undertaking under the provisions of this act, shall be estopped in any proceeding to enforce the liability which it shall have assumed to incur, to deny its corporate power to execute or guarantee such instrument, or assume such liability.

Release from
liability.

SEC. 4. Any corporation executing any bond, recognizance, obligation, stipulation or undertaking, and any such surety may be released from its liability on the same terms and conditions as are or may be by law prescribed for the release of individuals upon any such bond, recognizance, obligation, stipulation or undertaking; it being the true intent and meaning of this act to enable corporations created for the purpose to execute and become surety on bonds, recognizances, obligations, stipulations or undertakings required or permitted by law, State or municipal, or otherwise, or by the rules or regulations of any court, judge, officer, board, city charter, village, town organization or otherwise.

Duty of In-
surance Com-
missioner.

SEC. 5. The Insurance Commissioner must cause every corporation before engaging in business in this State as a surety or guaranty corporation under the provisions of this act, to file in his office as follows:

Articles of in-
corporation.

First. If incorporated under the laws of this State, a copy of the articles of incorporation, or charter of the corporation, together with any amendments or alterations made therein;

Certified
copy of char-
ter.

Second. If incorporated under the laws of any other state or country a copy of its articles of incorporation, or charter, duly certified by the officer having the custody of such articles and such certificate to show that such cor-

poration is organized under the laws of such state or country, and that it is authorized to do business therein as a surety corporation;

Third. A certificate signed by the president of such corporation showing that said corporation has net assets, or paid up unimpaired capital, of not less than three hundred and fifty thousand (\$350,000) dollars. Amount of paid-up capital.

SEC. 6. The Insurance Commissioner shall issue to any surety corporation his certificate of authority to transact business in this State under the following conditions: When said corporation has complied with all the provisions of this act, and when he is satisfied that said corporation has net assets or paid up and unimpaired capital of not less than three hundred and fifty thousand (\$350,000) dollars. Issuance of certificate of authority.

SEC. 7. It shall be unlawful for any corporation to transact business as a surety corporation in this State, unless the corporation shall have complied with all the provisions of this act, and shall have obtained a certificate of authority from the Insurance Commissioner as herein provided. Unlawful to act without certificate of authority.

SEC. 8. If any such surety corporation, its agent, or attorney shall do business as such in this State without having complied with the provisions of this act, said corporation, its agents or attorneys so doing business shall be guilty of a misdemeanor and shall be subject to a fine of not less than one hundred dollars or more than five hundred dollars. Violation and penalty..

SEC. 9. Every certificate of authority granted pursuant to the provisions of this act, to a surety corporation to do business in this State, shall expire on the 31st day of December, after date of issue. If the Insurance Commissioner is not satisfied that the net assets or paid up unimpaired capital remain not less than three hundred and fifty thousand (\$350,000) dollars, and that said corporation may be safely entrusted with the continuance of its authority to do business in this State, he shall revoke its certificate of authority. Expiration of certificate —revocation of—when.

SEC. 10. Every such corporation organized outside of this State, shall constitute and appoint an agent who shall reside in this State, 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 at- Appointment of agent by foreign companies.

tested by its corporate seal, and shall contain the name of the agent and his place of residence, in this State, 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 Insurance Commissioner 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 on such agent shall be taken and held as due service on such corporation. If any attorney of any surety corporation, appointed under the provisions of this act, shall remove from the State, or become disqualified in any manner from accepting service, valid service may be made on such corporation by service upon the Insurance Commissioner: *Provided*, That in such case the Insurance Commissioner shall immediately notify such corporation, and the principal agent for the Pacific Coast, inclosing a copy of such service by mail, post paid: *And, provided further*, That in such case no proceeding shall be had within forty days after such service on the Insurance Commissioner. Such corporation may change its agent from time to time by filing and recording with the Insurance Commissioner a new appointment, stating the change of such agent.

Filing with
Insurance
Commissioner.

Service upon
Insurance
Commissioner
deemed
valid.

Proceedings.

Change of
agents.

SEC. 11. The Insurance Commissioner of the State shall require in advance the following fees:

First. For filing articles of incorporation or certified copies of articles, by-laws or other certificates required to be filed in his office, \$25; issuing certificates of authority to do business, \$10. For each renewal certificate of authority, \$10. The said Insurance Commissioner shall also require, and it shall be the duty of all corporations herein provided for, and doing business in this State, or that may hereafter do business in this State, to file with the Insurance Commissioner annually on or before the 15th day

Fees of In-
surance Com-
missioner.

of February in each year, a statement under oath stating the amount of all premiums received by said corporations, during the year ending December 31st preceding, in this State, and the amounts actually paid under the obligations of such bonds, recognizances, stipulations, obligations and undertakings during the same time, and shall pay into the State Treasury through the Insurance Commissioner a tax of two per cent. on all such premiums collected, less the amount of losses actually paid, as hereinbefore stated. Said tax shall be due and payable on the first day of March succeeding the filing of the statement provided for herein. Any corporation failing or refusing to render such statement and to pay the required two per cent. tax on premiums for more than thirty days after the time hereinabove specified, shall be liable to a fine of \$2 for each additional day of delinquency. And the tax may be collected by distraint; and the fine recovered by an action to be instituted by the Insurance Commissioner in the name of the State in any court of competent jurisdiction; and the Insurance Commissioner shall revoke and annul the certificate of authority of said delinquent organization until such taxes and fine are fully paid, and notice thereof given to the said Insurance Commissioner. And it shall be unlawful for any such corporation to transact any business whatever in this State until such taxes are fully paid; and while such tax remains unpaid any such delinquent corporation is hereby prohibited from transacting any business whatever in this State.

SEC. 12. When the license of authority of any surety corporation doing business in this State has been revoked by the Insurance Commissioner, the same shall be published four times in some newspaper of general circulation published in this State.

SEC. 13. That if any such company shall neglect or refuse to pay any final judgment or decree rendered against it upon any such recognizance, stipulation, bond or undertaking made or guaranteed by it under the provisions of this act, from which no appeal has been taken for three months after the rendition of such judgment or decree, it shall forfeit all right to do business under this act.

SEC. 14. Every corporation doing business in this State or which shall hereafter do business in this State under the

Annual statement—what to show.

Two per cent. tax—when due.

Collection of 2 per cent. tax.

Unlawful to transact business.

Publication of revocation of license.

Forfeiture of rights.

Amenable to insurance laws.

provisions of this act shall be deemed and taken to be an insurance company and shall be subject to the insurance laws of the State so far as the same are applicable.

Repeal. SEC. 15. That an act of the legislature of the State of Washington entitled "An act relative to recognizances, stipulations, bonds and undertakings, and to allow certain corporations to be accepted as surety thereon, and to provide for the payment of the charges of such suretyship on the same as part of the lawful expense and costs of the principal or principals on the same, and repealing an act of the legislature of the State of Washington entitled 'An act relating to official bonds of State, county, city, town and precinct officers,' approved March 20, 1895, and all other inconsistent acts, and declaring an emergency," approved March 17, 1897, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed: *Provided*, That nothing in this act affects bonds heretofore given.

Emergency. SEC. 16. Whereas, existing laws of this State relating to sureties on bonds, recognizances, obligations, stipulations and undertakings are defective and insufficient, an emergency is hereby declared to exist, and therefore this act shall take effect and be in force from and after its passage and approval by the Governor.

Passed the House February 27, 1903.

Passed the Senate March 10, 1903.

Approved by the Governor March 14, 1903.

CHAPTER 88.

[H. B. No. 51.]

RELATING TO EXEMPTIONS AND PROVIDING THAT NO
PROPERTY SHALL BE EXEMPT FROM CERTAIN CLAIMS.AN ACT in relation to exemptions and providing that no prop-
erty shall be exempt from certain claims.*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That from and after the passage of this act, no property shall be exempt from execution for clerk's, la-
 borer's, or mechanic's wages earned within this State, nor for actual necessities, not exceeding fifty dollars in value or amount furnished to the defendant or his family within sixty days preceding the beginning of an action to recover therefor, nor shall any property be exempt from execution issued upon a judgment against an attorney or agent on account of any liability incurred by such attorney or agent to his client or principal on account of any moneys or other property coming into his hands from or belonging to his client or principal: *Provided*, That nothing herein shall be construed as repealing or in any wise affecting section 5412 of Ballinger's Annotated Code and Statutes of Washington, as amended by the law of 1901 relative to the exemptions in garnishment suits.

Property not
exempt from
certain liens.

Proviso as to
repealing Sec.
5412 Ballin-
ger's Code.

Passed the House February 9, 1903.

Passed the Senate March 10, 1903.

Approved by the Governor March 14, 1903.

CHAPTER 89.

[H. B. No. 238.]

AUTHORIZING COUNTY COMMISSIONERS TO DEDICATE CERTAIN LANDS FOR STREETS AND ALLEYS.

AN ACT authorizing the Board of County Commissioners of the several counties of the State of Washington to dedicate to the public, land for public streets and alleys in incorporated cities and towns through property belonging to the several counties of the State of Washington.

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

County Com-
missioners
empowered
to make dedi-
cations.

SECTION 1. That the boards of county commissioners of the several counties of this State be and they are hereby authorized and empowered to dedicate to public use land for public streets and alleys in any incorporated city or town within their respective counties through lands belonging to the several counties of this State.

Commission-
ers' order—
copy to be
recorded by
Auditor.

SEC. 2. That whenever the board of county commissioners of any county in this State shall deem it for the best interests of the public that any land belonging to the said county in any incorporated city or town thereof should be dedicated to the public use for streets or alleys, they shall make and enter an order upon their records, designating the land so dedicated, and shall cause a certified copy of such order and dedication so entered upon their records to be recorded in the auditor's office of the county in which the land is situated, and from and after the entry of such order of dedication and the recording thereof as herein provided, such lands shall be thereby dedicated to the public use.

Passed the House February 24, 1903.

Passed the Senate March 10, 1903.

Approved by the Governor March 14, 1903.

CHAPTER 90.

[H. B. No. 431.]

PROVIDING RATE OF INTEREST TO BE PAID ON CERTAIN BONDS OF STEVENS COUNTY, OWNED BY THE STATE.

AN ACT providing for the rate of interest to be paid on bonds of Stevens County and owned by the State of Washington. Whereas, the State of Washington is the owner of twenty one thousand dollar bonds of Stevens County, Washington, which is part of an issue of sixty-five thousand dollars bonds issued by said county April 2, 1894, and bearing interest at the rate of six per cent. per annum, and Whereas, these bonds being ten-twenties and the county having the option of redeeming the same on the first day of April, 1904, now therefore,

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

SECTION 1. That the Treasurer of the State of Washington be and he is hereby directed and authorized to accept the full payment of interest upon twenty thousand dollar bonds of Stevens county issued April 2, 1904, and being a part of an issue of \$65,000.00 and now owned by the State of Washington, for the ten years beginning April 1, 1904, and ending April 1, 1914, at the rate of four per cent. per annum.

Passed the House March 4, 1903.

Passed the Senate March 10, 1903.

Approved by the Governor March 14, 1903.

CHAPTER 91.

[H. B. No. 99.]

PROVIDING FOR THE SELECTION AND CONTROL OF CERTAIN GRANTED LANDS FOR THE MAINTENANCE OF THE UNIVERSITY OF WASHINGTON.

AN ACT to provide for the selection and control of lands granted and assigned for the support and maintenance of the University of Washington.

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

SECTION 1. The Commissioner of Public Lands is hereby authorized and directed to ascertain how much land granted to the State for university purposes, by section 14 of the

Duty of Commissioner of Public Lands.

Enabling Act, approved February 22, 1889, remains unsold, and to select from the lands granted to the State of Washington by section 17 of said Enabling Act, for State, charitable, educational, penal and reformatory institutions, one hundred thousand acres (100,000) thereof, assigned for the support of the University of Washington by section 9 of the act of the Legislature of the State of Washington, entitled "An act providing for the location, construction and maintenance of the University of Washington, and making an appropriation therefor, and declaring an emergency," approved March 4, 1893.

Selection—
how made—
value of.

SEC. 2. The lands to be selected from the lands granted by section 17 of the enabling act, shall be selected from such lands now remaining unsold and undisposed of, and so that the lands so selected shall, as nearly as practicable, in the judgment of the Commissioner, equal in value, the remainder of said original grant; the estimate of values to be made on the basis of the condition of the land as originally selected by the State under said grant.

Land Com-
missioner to
prepare list.

SEC. 3. When said Commissioner shall have ascertained and selected such lands as above required, he shall make a correct list by proper legal description according to the United States government surveys, of all said lands, which said list and selection shall be approved by the State Board of Land Commission, and when so approved by the certificate of said board, the same shall be entered and recorded by said State Land Commissioner, in a book kept in his office for that purpose, and the copy of said list, duly certified by said Land Commissioner, shall be filed with the board of regents of the University of Washington, and thereafter such lands shall be known as the University Lands, and shall never be sold, encumbered, or otherwise disposed of, except by and with the consent of the board of regents of the University of Washington.

Copy filed
with Board
of Regents
of University
of Washing-
ton.

Passed the House March 5, 1903.

Passed the Senate March 11, 1903.

Approved by the Governor March 14, 1903.

CHAPTER 92.

[H. B. No. 41.]

PROVIDING FOR CHANGES IN TOWNSITES, CITY PLATS;
ASSESSMENT AND COLLECTION OF DAMAGES CON-
NECTED THEREWITH.

AN ACT to provide for the alteration, replat or vacation of any townsite, city plat or plats, addition or additions, or part thereof, and the assessment, collection and payment of any damages connected therewith.

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

SECTION 1. That whenever three-fourths in number and area of the owners of any townsite, city plat or plats, addition or additions, or part thereof, shall be desirous of altering the plat or plats, replatting or vacating the same or any part thereof, they may prepare a plat or plats, showing such alterations or replat, drafted upon a copy of the existing plat or plats, or that portion desired to be altered, replatted or vacated, and file the same with the clerk of the board of county commissioners, or city council having jurisdiction of the establishment or vacation and control of the streets to be affected, accompanied with a petition for the change desired.

Procedure
for altera-
tions.

SEC. 2. That thereupon and upon the payment of the cost thereof the said clerk shall fix a time for the hearing of said petition, which time shall not be less than thirty nor more than sixty days after the filing of said petition, and shall cause a notice to be issued under his hand and the seal of said county or city, stating by whom and when said petition was filed, the object thereof and when and where the same will be heard. Said notice shall also describe the property sought to be altered, replatted or vacated.

Notice and
time of
hearing.

SEC. 3. That said clerk shall cause said notice to be served, as in the manner provided for service of summons in civil actions, upon all the owners of property not joining in said petition, as shown by the records in the auditor's office of the county wherein the townsite, plat or plats, addition or additions may be located.

Clerk to
cause service
of notice.

Jurisdiction
of Commis-
sioners or
City Council.

SEC. 4. That thereafter such board of county commissioners, or city council shall have full and complete jurisdiction to inquire into and determine the merits of the changes or relief prayed for, assess damages or benefits, award the same and make such order in the premises as justice and the public welfare may require.

Assessment
district.

SEC. 5. That the whole of the land embraced in the plat or plats proposed to be altered, replatted or vacated shall be and constitute an assessment district, and damages shall be assessed and benefits awarded as now provided by law for the establishment, alteration or vacation of streets, alleys and roads by said board of county commissioners and city council.

Filing of
plats with
County
Auditor.

SEC. 6. That any plat or replat so adjudicated, adjusted and approved showing the lines of the original and adjudicated plat shall be filed and recorded with the auditor of the county where the property is situated, and shall thereafter be the lawful plat and a substitute for all former plats.

Appeals to
Superior
Court.

SEC. 7. That any owners of any portion of the property affected by the actual award or final judgment of such board of county commissioners or city council may appeal to the Superior Court having jurisdiction of appeals from justice of the peace in the *locus in quo*.

SEC. 8. That such appeals shall be taken in the same manner and form as appeals from justices of the peace.

Not to affect
vacation of
streets and
alleys by
Commission-
ers or City
Council.

SEC. 9. That nothing in this act contained shall in any way change, limit or affect the power now vested in a board of county commissioners or city council to vacate streets and alleys and parts of streets and alleys.

Passed the House February 13, 1903.

Passed the Senate March 9, 1903.

Approved by the Governor March 14, 1903.

CHAPTER 93.

[H. B. No. 196.]

AN ACT TO PROTECT STOCKHOLDERS IN CORPORATIONS.

AN ACT to protect stockholders and persons dealing with corporations in this State.

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

SECTION 1. Any superintendent, director, secretary, manager, agent, or other officer of any corporation formed or existing under the laws of this State, or transacting business in this State, or any person pretending or holding himself out as such superintendent, director, secretary, manager, agent or other officer, who shall wilfully subscribe, sign, indorse, verify or otherwise assent to the publication, either generally or privately, to the stockholders or to other persons dealing with such corporation, or its stock, any wilfully untrue or wilfully and fraudulently exaggerated report, prospectus, account, statement of operations, values, business profits, expenditures, or prospects, or other paper or document intended to produce or give, or having a tendency to produce or give, to the shares of stock in such corporation a greater value than they really possess, or with the intention of defrauding any particular person or persons, or the public or persons generally, shall be deemed guilty of an offense against the laws of the State of Washington, and, upon conviction thereof, shall be punished by imprisonment in the penitentiary, not less than one nor more than five years, or in the county jail not more than one year, or by a fine not exceeding two thousand dollars or by both.

Willful misrepresentation, etc.

Penalty.

Passed the House March 4, 1903.

Passed the Senate March 9, 1903.

Approved by the Governor March 14, 1903.

CHAPTER 94.

[H. SUB. B. No. 359.]

REQUIRING HUNTERS TO PROCURE A LICENSE.

AN ACT establishing hunters' license, providing for the disposition of all moneys collected under the same, fixing the penalties, repealing conflicting laws, repealing Section 9, page 283, of the Session Laws of 1901, of the State of Washington.

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

SECTION 1. That section nine (9) of Chapter CXXIV of the Session Laws of 1901 of the State of Washington be and the same is hereby amended to read as follows: Section 9. It is hereby prohibited and hereafter it shall be unlawful for any resident or non-resident of the State of Washington to hunt for, pursue, take, catch or kill any of the game animals, fowls or birds protected by the laws of this State during the open season when it is lawful to kill the same, without such person having in his possession at the time of such taking, catching or killing a license therefor, duly issued to him by the auditor of one of the counties of this State. The county auditor of each and every county in the State of Washington being hereby authorized to issue such license under the provisions of this act. Such license shall be numbered and dated and shall contain name and post office address of the person to whom such license is granted. All licenses provided for in this act shall be issued as follows: Upon application therefor by any person, either a resident or non-resident of this State, an annual license shall be issued to such person by the county auditor to whom such application shall be made for the purpose of hunting for, taking, catching or killing any of the game birds, animals or fowls protected by the laws of the State of Washington, and which said license shall entitle the holder to hunt for, pursue, take, catch or kill any of the game animals or birds within the county where such license is issued, during the open season when it is lawful to kill the same, for the term of one year, in any legal manner as provided by the laws of the State of Washington. The fee for such license shall be one dollar (\$1.00). The county auditor shall pay to the county treasurer all of such fees, to be placed in the

Unlawful to hunt without license.

County Auditor to issue license.

Licenses—how issued.

License fee.

game protection fund to be used by the county commissioners for the propagation and protection of game in said county. All fines collected under the provisions of this act ^{Fines.} shall be paid to the county treasurer of the county in which said fines are collected, and placed by him in the game protection fund.

SEC. 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction therefor, for each and every offense, shall be subject to a fine of not less than ten dollars (\$10) nor more than one hundred (\$100) dollars, together with the costs of prosecution; or imprisonment in the county jail where the offense is committed, of not less than five (5) days nor more than thirty (30) days or by both such fine and imprisonment in the discretion of the court. ^{Violation and penalty.}

SEC. 3. All acts or parts of acts in conflict herewith ^{Repeal.} are hereby repealed.

Passed the House March 10, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 14, 1903.

CHAPTER 95.

[H. B. No. 33.]

AMENDING ACT RELATIVE TO STATE'S LANDS AND PROVIDING FOR INVESTMENT OF PERMANENT SCHOOL FUNDS.

AN ACT to amend Section 69 of an act entitled "An act to provide for the selection, survey, management, reclamation, lease and disposition of the State's granted, school, tide, oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the State by the United States; creating a Board of Appraisers and a Board of Harbor Line Commissioners, as required by Articles 15 and 16 of the State Constitution, which shall be generally known as the Board of State Land Commissioners; defining their duties and making an appropriation therefor, and declaring an emergency," approved March 16th, 1897.

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

SECTION 1. That section 69 of an act entitled "An act to provide for the selection, survey, management, reclamation, lease and disposition of the State's granted, school, tide,

oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the State by the United States; creating a Board of Appraisers and a Board of Harbor Line Commissioners, as required by articles 15 and 16 of the State Constitution, which shall be generally known as the Board of State Land Commissioners, defining their duties and making an appropriation therefor, and declaring an emergency," approved March 16th, 1897,

Amendment.

be and the same is hereby amended to read as follows: Section 69. Whenever there shall be in the permanent school fund of the State one thousand dollars or more, available for investment, the Board of State Land Commissioners may invest the same in national, State, county, municipal, or school district bonds, bearing not less than three and three-fourths per cent. interest per annum, paying therefor not more than the par value thereof. Upon such investment being made the State Auditor shall draw his warrant on said school fund for the amount so invested, and the bonds so purchased shall be deposited with the State Treasurer.

Board of
State Land
Commission-
ers may in-
vest fund.

Auditor to
draw war-
rant.

SEC. 2. The provisions of this act shall not be construed to repeal or modify the provisions of an act entitled "An act authorizing the issuance of State bonds and the investment of the permanent school funds therein, and declaring an emergency," approved March 8, 1899, or any act amendatory thereof.

Passed the House February 19, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 14, 1903.

CHAPTER 96.

[H. B. No. 338.]

AMENDING ACT REGULATING FRATERNAL BENEFICIARY SOCIETIES, ORDERS AND ASSOCIATIONS.

AN ACT to amend Section 1 of an act entitled "An act regulating fraternal beneficiary societies, orders or associations," approved March 18, 1901.

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

SECTION 1. That section 1 of an act entitled "An act regulating fraternal beneficiary societies, orders or associations," approved March 18, 1901," is hereby amended to read as follows: Sec. 1. A fraternal beneficiary association is hereby declared to be a corporation, society or voluntary association formed or organized and carried on for the sole benefit of its members and their beneficiaries, and not for profit. Each association shall have a lodge system and must maintain one or more lodges within the State with ritualistic form of work and representative form of government and shall make provisions for the payment of benefits in case of death, and may make provisions for the payment of benefits in case of sickness, temporary or permanent physical disability, either as the result of disease, accident or old age: *Provided*, The period in life at which payment of physical disability benefits on account of old age commences, shall not be under seventy (70) years subject to their compliance with its constitution and laws. The fund from which the payment of such benefits shall be made, and the fund from which the expenses of such association shall be defrayed, shall be derived from assessments or dues collected from its members. Payment of death benefits shall be to the families, heirs, blood relatives, affianced husband or affianced wife of, or to persons dependent upon the member. Such associations shall be governed by this act and shall be exempt from the provisions of other laws of this State and no law hereafter passed shall apply to them unless they be expressly designated therein. Any such fraternal beneficial

Definition.

Ritualistic system.

Period of disability.

Benefit fund—how derived.

Death benefits.

Emergency
fund.

association may create, maintain disperse [disburse] and apply a reserve or emergency fund in accordance with its constitution or by-laws.

Passed the House February 26, 1903.

Passed the Senate March 10, 1903.

Approved by the Governor March 14, 1903.

CHAPTER 97.

[H. SUB. B. No. 225.]

PROVIDING FOR THE INCORPORATION AND REGULATION OF MUTUAL FIRE INSURANCE COMPANIES.

AN ACT providing for the incorporation and regulation of mutual fire insurance companies and associations, repealing Chapter CXXXII of the Session Laws of 1899, and declaring an emergency.

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

SECTION 1. Any ten or more persons, residents of this State, who may desire to form a company or association for the purpose of mutual protection of the members thereof against loss by fire, shall make and subscribe written articles of incorporation in triplicate, and acknowledge the same before any officer authorized to take the acknowledgements of deeds, and file one of such articles in the office of the county auditor in which the principal place of business of the company is intended to be located, the second in the office of the Secretary of State and retain the third in the possession of the company. Said articles shall state the corporate name of the company, the objects for which the same shall be formed, the time of its existence, not to exceed fifty years, the number of trustees and their names who shall manage the affairs of the company for such length of time, not less than two nor more than six months, as may be designated in said articles, and the name of the city, the town and county in which the principal place of business of the company is to be located; and upon filing of said arti-

Articles of
incorporation
—where to
be filed and
what to con-
tain.

cles with the Insurance Commissioner of this State, together with a statement certified under the oath of its president and secretary showing the amount of insurance and the number of risks pledged upon its books, and that it has otherwise complied with the provisions of this statute, then the Insurance Commissioner shall grant such company or association a certificate of authority to do business. Amendments may be made to the articles of incorporation by supplemental articles executed and filed the same as original articles. The trustees of any such company shall adopt such by-laws as they may deem proper for the government of its officers and the conduct of its affairs, and said by-laws shall also provide for the liability of its members for the payment of losses and expenses: *Provided*, That such liability shall not be less than a sum equal to one annual premium nor more than a sum equal to five times the amount of one annual premium, and such liability when so determined by the by-laws shall be the entire liability of each member.

Statement showing number of risks, etc.

Certificate of authority.

By-laws.

Liability of members.

SEC. 2. No policy of insurance shall be issued by any such company or association until not less than two hundred thousand dollars insurance has been subscribed and entered upon its books: *Provided, however*, That when any ten persons or companies operating manufacturing plants within this State shall have organized an association or corporation hereunder, such company can begin to issue policies under such conditions as its board of directors may provide.

Issuance of policies.

SEC. 3. No such company or corporation shall expose itself to a loss on any single risk for a greater amount than one thousand dollars for each seven hundred and fifty thousand dollars, or fraction thereof, insurance in force, unless protected by re-insurance: *Provided, however*, That when persons or companies owning and operating manufacturing plants shall have organized for mutual protection, as herein provided, such company or association so organized may issue policies at such times and in such amounts as may be provided by its board of trustees.

Amount of single risk.

Proviso as to manufacturing plants.

SEC. 4. No policy of insurance shall be issued for more than three-fourths of the estimated cash value of the property insured.

Limit of risk.

SEC. 5. Any member of such company or association may withdraw and be released from all liability as a member, by surrendering his policy of insurance in such com-

Release of members from liability.

pany or association, and by giving five days notice in writing of his intention to withdraw, and paying all dues and assessments due or pending at the time of his withdrawal; but the liability of members for their *pro rata* share of the losses of such company or association shall not cease until the foregoing conditions have been complied with.

Annual meetings.

SEC. 6. Every company or association organized or operating under the provisions of this act shall hold an annual meeting of its members, at which each member shall be entitled to vote in the election of trustees, but no officer of such company or association shall be allowed to vote the proxy of any other member.

Filing of statement and fees of Insurance Commissioner.

SEC. 7. It shall be the duty of the president and secretary of such company or association doing business under the provisions of this act, on or before the fifteenth day of January of each year, to prepare and file in the office of the Insurance Commissioner of this State a statement certified under the oath of said president and secretary, exhibiting the following facts and items:

Amount of risks.

First. The amount of the property at risk on the 31st day of December next preceding the date of the report; the amount of risks added during the previous year; the amount of risks cancelled, withdrawn or terminated during the year, and the largest amount of insurance carried on any single risk.

Cash receipts for insurance.

Second. The amount of cash received with applications, whether paid to agents or officers, for insurance during the year; the amount received from assessments levied; the amount received from all other sources, and the total income.

Amount paid for losses.

Third. The amount paid for losses during the year; the amount paid officers and trustees; the amount paid office help; the amount paid agents; the amount of all other expenditures, and the total expenditures.

Amount of assets.

Fourth. The amount of cash on hand; the amount and nature of all other assets, and the total assets.

Amount of losses.

Fifth. The amount of losses reported during the year and unpaid; the amount and nature of all other liabilities, and the total liabilities; and no such company or association shall use or exhibit for advertising purposes any other financial statement than the one referred to in this section, or a copy thereof.

SEC. 8. Whenever it shall appear to the Insurance Commissioner, from its annual report, or otherwise, that the solvency of any mutual company or association doing business under this act is impaired, or that the provisions of this act are being violated, he shall immediately make examination of such company or association, and for that purpose he shall have access to all books and papers of the company or association and shall have power to administer oaths and to examine the various officers thereof as to all matters pertaining to the business of such company or association, and also such other witnesses as may be material or important. If the unpaid losses of the company amount to twenty-five cents on each one hundred (\$100.00) dollars, insurance actually in force, or if the laws of the State are being violated by the company or association the Commissioner shall order the laws complied with and require all losses to be paid within sixty days. If such company or association shall fail to comply with such requirements within sixty days the Commissioner shall revoke its license to do business until all liabilities shall have been paid in full and the laws are complied with in all respects. And whenever the Commissioner shall make an examination as provided in this section, he shall make a written report of such examination, together with a sworn statement of the expense of such examination, which amount and no more shall be collected from such examined company or association, and file the same his office. Should any company or association issue a policy of insurance without a license from the Insurance Department of this State, or after the license of such company or association has been suspended or revoked it shall be liable to a penalty of one hundred dollars for each offense: *Provided, however,* That the Insurance Commissioner shall have no power or authority to refuse a mutual fire insurance company or association a license to do business in this State if such company or association is solvent and has fully complied with the laws of this State: *And, provided further,* That such Insurance Commissioner shall have no authority to revoke or suspend the license of any association or corporation transacting the business of mutual fire insurance, if such association or corporation is solvent and complies with the provisions of this act.

Duty of Insurance Commissioner—in cases of insolvency, etc.

Revocation license.

Examination by Commissioner.

Issuance of policies without license—penalty.

Proviso as to authority of Commissioner.

Payments to Insurance Commissioner. SEC. 9. Each insurance company or association doing business under this act shall pay to the Insurance Commissioner:

- For filing articles of incorporation\$10 00
- For annual license to do business in this State 10 00
- For filing each annual statement..... 10 00
- For annual license of each agent or solicitor of such company 2 00

Rate of assessments. SEC. 10. All assessments levied shall be at the rate of fifteen per cent. of the amount of the annual premium charged by stock insurance companies, as set forth in rate book No. four of the issue of 1900, or the special rate books used by said stock companies: *Provided*, Any association or company operating under the provisions of this act may, in the discretion of its trustees, accept cash premiums for the term of the policy in lieu of assessments levied upon its members.

Proviso as to cash premiums.

Filing of certificate with Insurance Commissioner. SEC. 11. Any mutual fire insurance company or association organized and now doing business under the provisions of Chapter CXXXII of the Session Laws of 1899 is hereby authorized to transact business hereafter under the provisions of this act, by filing in the office of the Insurance Commissioner of this State a certificate of its election or intention to do so.

Exemption from other insurance laws. SEC. 12. Any company or association organized or operating under this act shall be exempt from all other insurance laws of this State.

Term "person" defined. SEC. 13. The term "persons" as used in this act, shall be held to include corporations; and any such corporation may become a member of any association or corporation organized under this act.

Repeal. SEC. 14. Chapter CXXXII of the Session Laws of 1899 is hereby repealed.

Emergency. SEC. 15. An emergency exists, and this act shall take effect immediately.

Passed the House February 26, 1903.

Passed the Senate March 6, 1903.

Approved by the Governor March 14, 1903.

CHAPTER 98.

[H. B. No. 170.]

PROHIBITING THE SALE OF INTOXICATING LIQUORS
WITHIN PRESCRIBED LIMITS OF STATE EDUCATIONAL
INSTITUTIONS.

AN ACT prohibiting the sale of intoxicating liquors within prescribed limits of any normal school, agricultural college, reform school or State school for defective youth, and prescribing penalties for its violation.

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

SECTION 1. That it shall be unlawful to sell or in any way dispose of any vinous, spiritous, malt or other intoxicating liquors, with or without a license, within two thousand (2,000) feet of any normal school, agricultural college, reform school, or State school for defective youth, now established or which may hereafter be legally established within the State of Washington: *Provided*, That nothing in this act shall be construed to affect in any way the provisions of "An act prohibiting the sale of intoxicating liquors on or near the grounds of the University of Washington," approved March 19, 1895.

SEC. 2. Any person or persons violating the provisions of this act shall be deemed to be guilty of a misdemeanor and upon conviction thereof in any court of competent jurisdiction shall be punished by a fine of not less than two hundred (200) dollars, nor more than one thousand (1,000) dollars, or by both such fine and imprisonment.

Passed the House March 4, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 14, 1903.

CHAPTER 99.

[H. B. No. 294.]

PROVIDING FOR THE IMPROVEMENT OF LAKE CHELAN.
AN ACT providing for the improvement of Lake Chelan for navigation purposes and declaring an emergency.

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

Maintenance
of break-
water.

Maximum
height of
raise.

SECTION 1. Permission is hereby granted to the town of Chelan, a municipal corporation, to place, erect, construct, operate and maintain a breakwater upon, across, through and along the waters of this State in the Chelan river, for the purpose of raising the waters of Lake Chelan: *Provided*, That the said breakwater shall be so constructed that it can be removed to the extent that it will not impede the present natural outflow of the waters of Lake Chelan: *And, provided further*, That the said breakwater cannot at any time be used for the purpose of raising the waters of Lake Chelan more than two feet above the extreme low water mark, and shall be removed to permit the present natural outflow of said waters on or before the fifteenth day of March of each year, and shall not again be used to impede the said natural outflow until after the high water period of each year and until the waters of the said Lake Chelan shall have receded to an elevation not exceeding two feet higher than the extreme low water mark.

Shall erect
water gauge.

SEC. 2. The town of Chelan shall immediately erect and maintain during the period of the maintenance of the breakwater permitted by this act, a substantial steel or iron post near the head of the Chelan river, in full view of the public, such post being plainly marked so as to correctly indicate at all times the depth of the water.

Town of Che-
lan released
from liability.

SEC. 3. The State of Washington hereby releases said town of Chelan from any and all liability to the State that shall or might accrue from such raising of water: *Provided*, That nothing in this act contained shall operate as an assumption of nor create any liability on the part of the State for any damages which may result to any person, company or corporation by reason of said improvement or the permission hereby granted.

SEC. 4. A failure to comply with the requirements of ^{Forfeitures of} this act shall result as a forfeiture of the rights herein ^{rights.} granted.

SEC. 5. An emergency is hereby declared to exist and ^{Emergency.} this act shall take effect immediately.

Passed the House March 4, 1903.

Passed the Senate March 10, 1903.

Approved by the Governor March 14, 1903.

CHAPTER 100.

[H. B. No. 426.]

PERTAINING TO ACTIONS AND CLAIMS IN FAVOR OF AND AGAINST MINORS, INSANE PERSONS, ETC.

AN ACT relating to causes of action and claims in favor of or against minors, imbeciles and insane persons, and authorizing the compromise thereof.

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

SECTION 1. Every minor, imbecile or insane person, having a cause of action against him, or in his favor, shall be bound by any compromise or settlement thereof to the same extent as a person not under legal disability would be bound; providing such compromise is made by the guardian of such minor, imbecile or insane person by and with the advice of the court, by whom such guardian was appointed. Before making a compromise, the guardian shall file in the court ^{Filing of pe-} wherein he is appointed, and to which he is accountable, a ^{tion.} petition briefly stating the nature of the claim, together with the reasons for the making of such compromise. In case the ward is a minor more than fourteen years of age, a copy of the petition with a notice of the time of hearing, shall be served upon the ward. The guardian shall call to ^{Service.} the attention of the court all facts pertaining to said matter, and if the court, after such hearing, directs a compromise to be made, the guardian is hereby authorized to make and

accept acquittances which shall be forever binding upon his ward.

Passed the House March 9, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 14, 1903.

CHAPTER 101.

[H. B. No. 299.]

REPEALING ACT SETTING ASIDE CERTAIN SCHOOL LANDS FOR THE AMERICAN PATRIOTIC MEMORIAL COLLEGE.

AN ACT to repeal an act entitled "An act providing for the setting aside of certain school lands to the use and for the benefit of the American Patriotic Memorial College," approved March 13, 1895.

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

SECTION 1. That an act entitled "An act providing for the setting aside of certain school lands to the use and for the benefit of the American Patriotic Memorial College," approved March 13, 1895, be and the same is hereby repealed.

Passed the House March 3, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 14, 1903.

CHAPTER 102.

[H. B. No. 174.]

FOR THE ESTABLISHMENT OF FISH HATCHERIES ON
CERTAIN STREAMS.

AN ACT to establish fish hatcheries on different streams in this State.

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

SECTION 1. That the Fish Commissioner is hereby authorized and empowered to establish and maintain fish hatcheries on the following streams: Big or Little Skookum bay, Mason county; Big Quilicene river, Jefferson county; Gray's river, Wahkiakum county; Dakota creek, Whatcom county: *Provided*, That the said streams are suitable for the hatching of salmon.

Passed the House March 10, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 14, 1903.

CHAPTER 103.

[H. B. No. 424.]

EMPOWERING BOARDS OF COUNTY COMMISSIONERS TO
ACCEPT RIGHTS-OF-WAY FOR CONSTRUCTION OF PUBLIC
HIGHWAYS.

AN ACT empowering Boards of County Commissioners to accept the right of way for the construction of highways over the public lands of the United States granted by Section 2477 of the Revised Statutes of the United States, defining the width of such highways; providing the manner of accepting such grant of Congress, and ratifying and confirming the acceptance of such grant by Boards of County Commissioners heretofore made.

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

SECTION 1. The boards of county commissioners in their respective counties in this State are hereby authorized and empowered to accept the grant of rights of way for the County Commissioners to accept rights-of-way.

construction of highways over public lands of the United States, not reserved for public uses, contained in section 2477 of the Revised Statutes of the United States, and said rights-of-way shall not be less than thirty feet in width nor more than sixty feet in width as said boards of county commissioners shall determine and such acceptance shall be by resolution of such county commissioners spread upon the records of their proceedings: *Provided*, That nothing herein contained shall be construed to invalidate the acceptance of such grant by general public use and enjoyment, heretofore or hereafter had.

SEC. 2. The action heretofore of boards of county commissioners in their respective counties purporting to accept the grant of such rights-of-way for the construction of highways, is hereby approved, ratified and confirmed and all such highways shall be deemed duly laid out county roads and such boards of county commissioners may at any time by recorded resolution cause any of such highways to be opened and improved for public travel.

Former action
ratified.

Passed the House March 9, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 14, 1903.

CHAPTER 104.

[H. B. No. 65.]

AMENDING THE CODE OF PUBLIC INSTRUCTION.

AN ACT to amend Sections 5, 9, 10, 11, 12, 13, 15, 17, 22, 23, 25, 27, 30, 33, 38, 39, 40, 45, 48, 52, 56, 66, 70, 71, 99, 105, 106, 107, 108, 136, 138, 139, 140, 141, 144 and 149 of an act entitled "An act to establish a general, uniform system of public schools in the State of Washington, and repealing Chapter VI of Title III, Chapter VII of Title V, all of Title X except Chapter XVII, Chapter IV of Title L, all being of Volume 1 of Hill's Annotated Statutes and Codes of Washington; also repealing all amendments thereto; also repealing an act entitled 'An act concerning the formation of new school districts, changing the boundaries and transferring territory from one district to another,' approved March 9, 1893, also repealing an act entitled 'An act to provide for the management and control of State normal schools in the State of Washington,' approved March 10, 1893, and all amendments thereto; also repealing an act entitled 'An act granting to school districts the right to purchase schoolhouse sites of school lands belonging to the State of Washington of not less than one acre and not more than five acres, and granting to school districts the preference right to purchase such sites, and declaring an emergency,' approved February 26, 1895; also repealing an act entitled 'An act relating to the indebtedness of school districts, providing means and methods for paying and funding the same, and means for validating the same or any part thereof, incurred in excess of one and one-half per centum of the taxable property of the school district without the assent of three-fifths of the voters of the school district voting at an election held for that purpose, and declaring that an emergency exists for the taking effect of this act on its passage and approval by the governor,' approved March 1, 1895; also repealing an act entitled 'An act to provide for the formation of joint school districts, and to prescribe the minimum number of school children required for the formation of new school districts, and declaring an emergency,' approved March 13, 1885;" said act of which this act is amendatory, being known and cited as the Code of Public Instruction of the State of Washington, and being Chapter CXVIII of the Session Laws of 1897, approved March 19th, 1897.

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

SECTION 1. That section 5 of the Code of Public Instruction of said State be amended to read as follows: Sec. 5 (as amended by Chapter CLXXVII, Laws of 1901). For the purpose of transferring territory from one district to

Transfer of territory.

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 in 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 in the territory to be transferred: *Provided*, That in the case of any school district which has become depopulated of children of school age, or in the case of any school district that has not maintained at least the minimum amount of school required by law during the last preceding school year, or in the case of territory which is not now a part of any school district, the county superintendent shall have power to attach the territory of such school district to some contiguous school district or school districts, without being petitioned so to do; or such territory not now a part of any school district: *Provided, further*, That if any school district so disorganized shall have any outstanding warrants or bonds, the assessable property of the district shall be holden for the payment of such indebtedness, and a special tax shall be levied against such assessable property for the payment thereof. The county superintendent shall give notice to parties interested by posting or causing to be posted notices at least twenty days prior to the time appointed by him for considering said petition or contemplated change of boundaries, one of which shall be in a public place in the territory which it is proposed to annex or transfer, 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, or if there be more than one, then in some public place in such district or districts; and at the time stated in said notices he shall proceed to make a thorough and fair investigation of all facts and conditons pertaining to the matter, and if he deem it advisable he shall make an order fixing the boundaries of the district affected by his action and shall certify his action to the board of county commissioners at their next regular meeting: *Provided*, That an appeal may be taken in the manner prescribed in section 4 of this act; and in case an appeal shall be taken to the board of county commissioners the county auditor shall within ten days after the decision of said board is rendered, certify the action of

Outstanding
warrants.

County Su-
perintendent
to give
notice.

Appeal.

the commissioners to the county superintendent: *Provided, further,* That in all cases of the formation of a new district or the alteration of school district boundaries, the county auditor shall certify the action of the county superintendent or the county commissioners to the county assessor.

County Auditor to certify action.

SEC. 2. That section 9 of said Code of Public Instruction be amended to read as follows: Sec. 9 (as amended by Chapter CLXXVII, Laws of 1901). Whenever the residents of two or more adjacent and contiguous school districts may wish to unite for the purpose of establishing a union high school, the clerks of the districts, by order of the boards of directors, shall, upon a written or printed petition of five or more heads of families of their respective districts, call a meeting of the voters of such district at some convenient place by posting written or printed notices in like manner as is provided for calling annual school district elections: *Provided,* That such election shall not be called until said clerks shall have severally submitted in writing a statement of the proposed union of such districts together with the question of the advisability of the formation of such union school district to the county superintendent of schools, who shall within fifteen days report in writing to the said clerks his approval or disapproval, his action to be based upon an investigation made by him to determine whether or not the educational and other conditions of the districts desiring to so unite are such as to insure the maintenance of a high school in fact according to the provisions of this article. If the county superintendent shall approve of the formation of the proposed union high school district, and if a majority of the voters of each district shall vote to unite for the purposes herein stated, the clerk of each district so proposing to unite shall, within ten days after the election notify the county superintendent of the holding of and the result of the election, and the county superintendent shall, immediately after the receipt of said notices, designate such union high school district as "Union High School District No. County," and shall so notify the clerks of the several districts so uniting. The boards of directors of the several districts so voting to unite shall constitute the board of directors of such union high school district, and shall within ten days after the elections at

Union school districts.

Procedure—in forming same.

Calling of election.

Procedure of Board of Directors.

which the districts voted to unite meet and organize by electing one of their number president of the board, and selecting their clerk for such union high school district, and the clerk and president chosen at such meeting shall hold their respective offices until the next annual school district election and until their successors and [are] elected and qualified; and the election of president and clerk shall occur annually thereafter, on the second Saturday next succeeding the date at which the newly elected school district officers shall enter upon the discharge of their duties: *Provided*, That in union districts consisting of three or more school districts the board of directors of said union district shall be composed of the chairman of the several boards of directors of the districts comprised in such union district. The clerk of the union high school district shall within ten days after the organization of the district, by the election of a president and clerk, notify the county superintendent of the organization of said district, and the county superintendent shall also, within ten days after receiving notice of the organization of the district, notify the county treasurer and county auditor of the fact of its organization, together with the numbers of the constituent districts and the names of the directors and clerk. In case any resident tax payer shall feel aggrieved at the formation of a union high school district, or at the refusal of the county superintendent to approve of its formation, he shall be entitled to an appeal as provided in section four of the act of which this section is amendatory. The provisions of this section shall not apply to any school district that is already maintaining a high school or that is capable of maintaining a high school without uniting with another district, or with other districts, these facts to be determined by the county superintendent, or, in case of an appeal, by the county commissioners: *Provided*, That after such union or graded district shall be formed, and the residents of said union or graded district and of any other school district or districts desire to unite for the purpose of enlarging said union or graded district the clerk of said union or graded school district and the clerk or clerks of the district or districts desiring to unite thereto, shall, upon the petition of five or more heads of families of their respective districts call an election of the voters of such districts at the school houses in their respec-

Clerk to notify County Superintendent of such organization.

County Superintendent to notify Treasurer.

Appeal.

This act not applicable in certain cases.

Elections—how called.

tive districts by posting written or printed notices in like manner, as is provided for calling annual school district elections, and if a majority of the voters voting at such election vote to unite for the purposes therein stated, then the said union or graded district shall be enlarged by the addition of such other district or districts, and the board of directors of the said union or graded district shall be enlarged by the addition of the chairman of the board of directors of such additional district or districts: *Provided, further,* That if local conditions admit of it the directors of any union district may at their discretion admit pupils residing in such union district belonging to a grade lower than the high school grades, but no pupil belonging to a lower grade than the seventh shall ever be admitted to any such high school: *Provided, further,* That the course of study for such grade or grades shall not be inconsistent with the laws of this State, and shall be such as shall be approved by the Superintendent of Public Instruction.

Lower grade pupils.

Course of study.

SEC. 3. That section 10 of said Code of Public Instruction be amended to read as follows: Sec. 10 (as amended by Chapter CLXXVIII, Laws of 1901). The board of directors and clerk provided for in the preceding section, shall, in all matters relating to the union high schools of such district, possess all the powers herein provided for other school district officers, including the power to levy special taxes for the purpose of furnishing transportation to and from school and other additional school facilities for the union district, or for the payment of teachers' wages, or for the purchase of fuel, supplies, globes, maps, charts, books of reference or other appliances for teaching, or for any or all of these purposes. They shall discharge all the duties and be governed by the laws herein provided for school district officers. Such union high school district shall be entitled to and shall receive apportionments from the State annual school fund in the manner provided by law for the apportionments from the State annual fund to other school districts: *Provided,* That the Superintendent of Public Instruction shall apportion annually to each union district the sum of one hundred (\$100) dollars for each grade above the grammar grades maintained in such schools; but no union high school district shall be entitled to any apportionment of State school funds, that has not maintained a high

Powers of directors and clerk.

Apportionment by Superintendent of Public Instruction.

High school grade—of what to consist and to what bonus entitled.

school in fact, at least six months during the last preceding school year, as shown by the last annual report of the county superintendent on file in the office of the Superintendent of Public Instruction: *Provided, further,* That a high school grade shall consist of not fewer than four pupils who have completed the work of the preceding grades to the satisfaction of the county superintendent, and no high school grade which shall have consisted of fewer than four such pupils, or which shall have had an average daily attendance during the school year, of fewer than three pupils, shall be entitled to the bonus of the one hundred dollars (\$100) mentioned in this section.

Directors to determine grades to be pursued.

Admission of pupils of lower grades.

Records and reports.

SEC. 4. That section 11 of said Code of Public Instruction be amended to read as follows: Sec. 11 (as amended by H. B. 472, Laws of 1899). The directors of such union districts shall determine what grade or grades above the grammar grade of the State common school course of study shall be pursued and maintained in such schools: *Provided,* That the course of study for all high school grades shall not be inconsistent with the laws of this State; and shall be such as the Superintendent of Public Instruction shall approve. If local conditions admit of it the directors of any union high school district may, at their discretion, admit pupils residing in such union district, belonging to a grade lower than the high school grades, but no pupil belonging to a grade lower than the seventh shall ever be admitted to any such union high school. The teacher or teachers of such union high schools shall keep such records and make such reports as are required of teachers in the districts composing such union districts, and shall make such other reports as may be required by the Superintendent of Public Instruction.

Establishment of consolidated districts.

SEC. 5. That section 12 of said Code of Public Instruction be amended to read as follows: Sec. 12. *Upon receipt of a petition signed by five heads of families of two or more adjoining districts now or hereafter organized, the county superintendent may organize and establish a consolidated district in the same manner as provided for in a change of territory to another district.* When two or more school districts are consolidated by the provisions of this act, or where two or more districts are consolidated by the uniting of two or more incorporated cities or towns, as provided by

law, all the directors of the several districts so consolidated shall constitute the board of directors of the new district so formed, and shall have all the powers and authority conferred by the laws of this State upon school district officers, until the next annual school election in said district, at which time there shall be elected three directors for said district, in the manner provided by law, who shall hold their respective offices as provided for the officers of new districts; and the county superintendent of any county in which new districts are formed by the uniting of two or more districts, or by the incorporating of any city or town lying partly in two or more school districts, shall upon being notified of such action by the board of directors of such new district, proceed to designate such new district by a number not the same as that of either component district or of any existing district, and to make a record of the boundaries thereof, and he shall certify such facts to the board of county commissioners, to the county treasurer, and to the clerk of the new district formed.

Directors of
new district.

County Su-
perintendent
to designate
new district.

SEC. 6. That section 13 of said Code of Public Instruction be amended to read as follows: Sec. 13. All school districts formed by the uniting of two or more districts, as provided for in this act, shall be entitled to the funds and other public property of the other school districts so united, and the county superintendent shall apportion all funds to the new district in accordance with this provision and shall certify such apportionment to the county treasurer: *Provided, That for the purpose of apportionment the consolidated district shall be credited with two thousand days' attendance in addition to actual attendance.*

Entitled to
funds—how
apportioned.

SEC. 7. That section 15 of said Code of Public Instruction be amended to read as follows: Sec. 15. When two or more school districts shall be united by the provisions of this act, the boards of directors of the several districts shall, within thirty days thereafter, meet and organize the new board by the election of one of their number as president of the board. They shall elect one of their number as clerk for said district and the clerks of the several districts so united shall deliver to said clerk all books, papers and records belonging to their respective offices. The clerk of the new district thus formed shall immediately notify the county superintendent of the organization of the new district.

Organization
of new Board
of Directors.

Clerk to no-
tify County
Superinten-
dent.

SEC. 8. That section 17 of said Code of Public Instruction shall be amended to read as follows: Sec. 17. For the purpose of forming such joint districts, a petition shall be presented, drawn and signed as prescribed for the formation of other school districts, *and a copy of such petition shall be presented to the county superintendent of each county affected by the formation of such proposed joint district.* The superintendents of all counties affected by the formation of the proposed joint district shall confer and shall mutually agree upon the time and place of investigating said petition, and upon such agreement each shall notify the school electors of the district or districts of his county affected by the formation of the proposed joint district, by posting notices as required in the formation of other school districts, one of which notices shall be posted upon the school house door of each district affected by the formation of the proposed joint district, and one of which shall be posted in some conspicuous place in the territory which it is proposed to include in the proposed joint district, in each county; and at the time and place mentioned in said notices the several superintendents shall meet and jointly investigate all matters pertaining to the formation of the proposed joint district; and, if upon such investigation they shall mutually agree that said district should be formed, they shall make an order forming said joint district, and they shall post or cause to be posted, notices calling a special election to be held in such joint district, at some convenient place, and shall also describe in said notices, the boundaries of the joint district so formed. Said notices shall be signed by all the county superintendents whose counties are affected by the formation of said joint school district. The notices calling such election shall be posted as in the case of other special elections, and the officers elected at such special election shall qualify within ten days after their election. The officers elected at such special elections shall serve only until the next regular annual election, when a full set of officers shall be elected as provided in the case of other new districts. Every director or clerk of the joint district shall file his certificate of election and oath of office with the county superintendent of each county in which any portion of his district lies, and he shall file his signature as required by law, in the office of the county

Petition for new joint district—how drawn, etc.

Conference of County Superintendents.

Order forming such new district.

Notices to be signed by all superintendents of counties affected.

Term of officers elected.

Certificate of election, etc., to be filed.

treasurer of each of such counties. Vacancies in the office of director or clerk of a joint district shall be filled by appointment by the county superintendent in whose county the officer vacating resided while serving, and a copy of such appointment, with the oath endorsed thereon, shall be filed in the office of each county superintendent. *After a joint school district has been formed, all transfers of territory to and from said district shall be made by mutual agreement and joint action between the county superintendents of the several counties in which the territory of said joint district shall be embraced, and all notices of such transfers shall be signed by all superintendents in whose counties the territory of the joint district shall lie. The superintendents of the several counties affected by the formation of any joint school district shall make and keep a correct transcript of the entire boundary of such district, and shall certify the same to the county treasurer and county auditor of each county and all transfers of territory to or from such joint district shall likewise be certified to such officers, said certificates being signed by all county superintendents in whose counties any part of the territory of such joint district shall be located. A map of all joint districts existing at the time this section shall take effect shall be filed with the Superintendent of Public Instruction within thirty days after this section shall take effect, and a map of all joint districts formed under the provisions of this section shall be filed with the Superintendent of Public Instruction within thirty days after the formation of such districts. Said maps shall indicate the number by which the district is designated in each county, and it shall also show the location of the school house in such district, if there be one. Said map shall be certified to by all county superintendents in whose counties any part of such joint district shall be embraced.*

SEC. 8½. That section 18 of said Code of Public Instruction be amended to read as follows: Sec. 18. All reports from joint districts shall be made in full to the county superintendent of each county affected thereby: *Provided*, That any county superintendent may order the segregation of any items of such report so as to show separately the numbers or amounts from each county affected thereby: *Provided, further*, That for the purpose of the apportionment.

Vacancies—
how filled.

Transfers of
territory.

Transcripts
of boundaries.

Map of joint
districts—to
be certified
by County
Superinten-
dent.

Reports from
joint districts.

Proviso as to
apportion-
ment.

ment of State school funds the district shall be considered as belonging to the county in which the school building is located. *And, provided further,* That the portion of a joint district lying in a county in which the school house is not located shall receive its portion of the county funds based on the number of days' attendance of such children at said joint district school.

SEC. 9. That section 22 of said Code of Public Instruction be amended to read as follows: Sec. 22 (as amended by Chapters XLI and CLXXVII, Laws of 1901). The powers and duties of the Superintendent of Public Instruction shall be :

Powers and duties of Superintendent of Public Instruction.

Supervision.

First. To have supervision over all matters pertaining to the public schools of the State.

Biennial report.

Second. To report biennially to the governor on or before the first day of November preceding the regular session of the legislature, of which report *four* thousand copies shall be printed and delivered to the Superintendent of Public Instruction, who shall furnish two copies to be deposited in the State Library, one copy to each county superintendent of schools and one copy to each district library. Said report shall contain a statement of the general condition of the public schools of the State, with full statistical tables by counties showing the number of schools and the attendance; the State and county funds apportioned, amount received from special tax and from other sources, amount expended for salaries of teachers, the salaries paid by the several counties to the county superintendent of schools and the amount paid him for incidentals and expenses; the amount paid for building and providing school houses, furniture and apparatus, the amount of bonded or other school indebtedness, with the rate of interest paid thereon, the reports of all State educational institutions, or such portions of them as he may think advisable, 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.

Blanks, etc.

Third. To prepare and have printed such blanks, forms, registers, courses of study, rules and regulations for the government of the common schools, questions prepared for the examination of teachers, and such other blanks and books as may be necessary for the discharge of the duties

of teachers and officers charged with the administration of the laws relating to the common schools, and to distribute the same to the county superintendents.

Fourth. To travel in the different counties of the State where public schools are taught, without neglecting his other official duties as superintendent of public instruction, for the purpose of visiting schools, of consulting the county superintendents, and of addressing public assemblages on subjects pertaining to public schools; also to conduct such correspondence as may enable him to obtain all necessary information relating to the system of public schools in other states. To visit various counties, etc.

Fifth. To submit to the State Auditor a monthly statement of his expenditures for traveling expenses: *Provided,* That said expenditures shall not exceed eight hundred dollars in one year. Monthly statement to State Auditor.

Sixth. To cause to be printed with an appendix of appropriate forms and instructions for carrying into execution the laws relating to public schools, and to distribute to each county superintendent a sufficient number of copies to supply each district officer, and to cause the same to be printed and distributed as often as any change in the laws make it of sufficient importance, in his opinion, to justify the same. Print school laws.

Seventh. To act as ex-officio president of the State Board of Education. President Board of Education.

Eighth. To hold, on or before the first day of October, annually, a convention of the county superintendents of the State at such time and place as he may deem convenient, for the discussion of questions pertaining to supervision and the administration of the school laws and such other subjects affecting the welfare and interests of the common schools as may be brought before it. *Said convention to continue in session not less than two days nor more than three days at the option of the Superintendent of Public Instruction. It shall be the duty of every county superintendent in this State to attend said convention during its entire session, and any county superintendent who attends less than the full time the convention shall be in session shall receive mileage as allowed by law, only in the ratio that the time he actually attends shall bear to the whole time the convention shall be in session. No mileage shall be* To hold annual teachers' convention. Mileage.

paid to any county superintendent for attendance at such convention except upon a certificate of the Superintendent of Public Instruction, stating the full time the convention was in session and the actual time said county superintendent was in attendance.

Apportionment by.

Ninth. Upon receipt from the State Auditor of a certificate, of the State school fund subject to apportionment, to apportion within ten days the said fund among the several counties of the State, in proportion to the total days attendance: *Provided*, That each school district shall be credited with at least two thousand days' attendance. The basis of said apportionment shall be the last annual reports of the several county superintendents on file in his office at the time of making the apportionment: *Provided, further*, If a pupil attends any *public* school of the State, outside of his resident district, or any private school within his resident district up to the ninth grade during the time the resident district maintains a school of the grade in which the pupil belongs, the attendance shall be credited to the district in which the pupil resides, unless mutually arranged otherwise by the directors; and the clerk of any district whose resident pupils are attending school in another district, shall notify the clerk of the district where such pupils attend when the school of said pupil's resident district will be in session, and of the grades *that will be* maintained; and without such notice all claims to attendance will be forfeited.

Basis of above apportionment.

To require annual reports—from whom.

Tenth. To require annually, on or before the 15th day of August, of the president, manager, or principal of every seminary, academy or private school, and of the president, manager or principal of every State educational institution in this State, a report of such facts arranged in such form as he may prescribe, and he shall furnish blanks for such reports; and it is *hereby* made the duty of every president, manager or principal, to fill up and return such blanks within such time as the Superintendent of Public Instruction shall direct.

Office directory of boards, etc.

Eleventh. To keep in his office a directory of all boards of regents and trustees of State educational institutions, of the faculties of said institutions, and of all teachers receiving certificates to teach in the common schools of this State.

Twelfth. To issue common school certificates as provided by law.

Thirteenth. To keep in his office, at the Capital of the State, all books and papers pertaining to the business of his office, and to 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. 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 paper.

To keep at office school papers, etc.

Filing of reports.

To certify copies of papers, etc.

Fourteenth. To decide all points of law which may be submitted to him in writing by any county superintendent, or that may be submitted to him by any other person, upon appeal from the decision of any county superintendent; and he shall publish his rulings and decisions from time to time for the information of school officers and teachers; and his decisions shall be final unless set aside by a court of competent jurisdiction.

To decide all points of law and publish rulings.

Fifteenth. To deliver over to his successor, at the expiration of his term of office, all records, books, maps, documents and papers of whatever kind belonging to his office or which may have been received by him for the use of his office.

Delivery of property to successor.

SEC. 10. That section 23 of said Code of Public Instruction be amended to read as follows: Sec. 23. The Superintendent of Public Instruction is hereby authorized to appoint a stenographer and a Deputy Superintendent of Public Instruction, and also to employ such other assistance as the needs of his office shall require from time to time, and for the payment of whose services appropriations shall have been made by the Legislature of this State.

To appoint a stenographer and deputy superintendent.

SEC. 11. That section 25 of said Code of Public Instruction be amended to read as follows: Sec. 25. The State Board of Education shall hold an annual meeting at the Capital of the State on the *third* Tuesday of June of each year, and may hold such special meetings as may be 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

Annual meeting of State Board of Education.

Compensation of members. Board of Education shall be paid for their services *five dollars per day* and the actual expenses incurred in the performance of their duties, which expenses shall be paid by the State Treasurer on warrants 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.

Limit of expenses.

Powers and duties of State Board of Education.

SEC. 12. That section 27 of said Code of Public Instruction be amended to read as follows: Sec. 27. The State Board of Education shall have power, *and it shall be its duty*;

First. To prepare and outline course or courses of study for the primary, grammar and high school departments of the common 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.

Seal of Board.

Second. To use a common seal, and to elect one of its own members as secretary, who 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.

Diplomas, etc.

Third. To sit as a board of examination at the annual or special meetings, and to grant State certificates and life diplomas, in accordance with the provisions in this act, or the act of which this act is amendatory.

Examination questions.

Fourth. To prepare a uniform series of questions to be used by the county superintendents in the examination of teachers, and to determine rules and regulations for conducting the same.

Investigate school work.

Fifth. To thoroughly investigate and ascertain the character, thoroughness and comprehensiveness of the work required to be performed as a condition of entrance to and graduation from the various courses of all schools of the character contemplated in sections one hundred and thirty-eight (138), one hundred and thirty-nine (139), and one hundred and forty-one (141), of the act of which this act is amendatory, before granting or authorizing to be granted to the holder of a diploma of any institution of learning situated outside of this State, and to make a list of such institutions of learning as they shall find to be entitled to recogni-

tion according to the letter and spirit of the aforesaid sections mentioned in this subdivision. It shall also carefully investigate and ascertain the character, thoroughness and comprehensiveness of the examinations required to be taken, in order to obtain State certificates and life diplomas contemplated in sections one hundred and thirty-eight (138) and one hundred and forty-one (141) of the act of which this act is amendatory; and said board shall make a list of the certificates and diplomas that are found to be equal in all respects to the State certificates and life diplomas authorized to be issued in this State. Such list shall be entitled "List of Accredited Schools," or "List of Accredited Certificates and Diplomas," as the case may be, and no certificate or diploma shall be granted in this State without examination, except to the holder of a certificate or diploma mentioned in one or both of the accredited lists mentioned in this subdivision.

SEC. 13. That section 30 of said Code of Public Instruction be amended to read as follows: Sec. 30 (as amended by H. B. 472, Laws of 1899). 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 first Monday in *September* next succeeding his election and continue for two years until his successor is elected and qualified. He shall take the oath of affirmation of office and shall give an official bond in a sum to be fixed by the board of county commissioners. He may appoint a deputy who shall qualify in the same manner as the county superintendent, and perform the duties of the office, subject, however, to revision by the county superintendent: *Provided, That in any county having more than one hundred school districts, the county superintendent may appoint such clerical assistance as may be necessary to perform the work of his office properly.* The county commissioners of each county shall fill any vacancy that may occur in the office of county superintendent until the next general election.

SEC. 14. That section 33 of said Code of Public Instruction be amended to read as follows: Sec. 33 (as amended by H. B. 472, Laws of 1899). Each county superintendent shall have the power and it shall be his duty,

First. To exercise a careful supervision over the common schools of his county, and to see that all the provisions

Election of
County Su-
perintendents.

Oath of of-
fice.

May appoint
deputy.

County Com-
missioners to
fill vacancies.

Powers and
duties of
County Su-
perintendents.

of the common school laws are observed and followed by the teachers and school officers.

Visit schools. *Second.* To visit each school in his county not less than once each year.

Distribute laws, etc. *Third.* To distribute promptly all reports, laws, forms, circulars, and instructions which he may receive for the use of the schools and the teachers.

Enforce course of study. *Fourth.* To enforce the *outline* course of study adopted by the State Board of Education, *or the course of study adopted by any other lawful authority*, and to enforce the rules and regulations required in the examination of teachers.

Preserve and file reports. *Fifth.* To keep on file and preserve in his office the biennial reports of the Superintendent of Public Instruction and of the county superintendent of his county.

Records of his official acts. *Sixth.* To keep in good and well bound books, to be furnished by the county commissioners, records of his official acts.

Deliver records to successor. *Seventh.* To preserve carefully all reports of school officers and teachers, and at the close of his term of office to 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.

Administer oaths. *Eighth.* To administer oaths and affirmations to school directors, teachers and other persons, on all official matters connected with or relating to schools, but he shall not make or collect any charge or fee for so doing.

Record of contracts, etc. *Ninth.* To keep in a suitable book an official record of all persons under contract to teach in the schools of his county, showing the number of the school district, the date of the contract, the names of the contracting parties, the date of the expiration of the teacher's certificate and the grade thereof, the salary paid, and the date of commencing school, with the length of the term in weeks.

Annual report. *Tenth.* To make an annual report to the Superintendent of Public Instruction on the first day of August of each year, for the school year ending June.30, 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. *And it shall be the duty of the county commissioners and county auditor in every county wherein the county superintendent*

is about to retire from office, to withhold the warrant for his salary for the month of July until they shall have received a certificate from the Superintendent of Public Instruction that the annual report of such county superintendent has been [made] in a satisfactory manner; and it shall be the duty of the Superintendent of Public Instruction to transmit such certificate to the Auditor immediately upon receiving such satisfactory report.

Eleventh. To keep in his office a full and correct transcript of the boundaries of each school district in the county, including joint districts. In case the boundaries of said districts are conflicting or incorrectly described, he shall change, harmonize and describe them, and at their next regular meeting he shall certify his action to the county commissioners of his county, and shall file with them a complete transcript of the boundaries of all school districts affected by his action, which shall be entered upon the journal of said board and become a part of their records. The county superintendent shall, on request, furnish the district clerks with descriptions of the boundaries of their respective districts.

To keep transcript of boundaries, etc.

Twelfth. To appoint school district officers to fill vacancies caused by death, resignation, failure to hold election, failure to qualify before the day for taking office, and absence from the district for a period of ninety days; to appoint *school officers* for any new districts: *Provided*, That when any new district is organized, such of the *school officers* of the old district as reside within the limits of the new one shall be such *school officers* of the new one, and the vacancies in the old district shall be filled by appointment.

To fill vacancies by appointment.

Thirteenth. To apportion within ten days after receiving the certificate of apportionment of the Superintendent of Public Instruction, the State annual school funds as are subject to apportionment to the several districts entitled to receive the same in accordance with the instructions of the Superintendent of Public Instruction. He shall certify the result of the apportionment to the county treasurer, and also notify each clerk of the amount apportioned to that district.

Make apportionments.

Certify same to County Treasurer.

Fourteenth. To grant such temporary and special certificates and to conduct such examinations of teachers and make such records thereof as may be prescribed by law:

Grant certificates.

Provided, That he shall give ten days notice of such examination by publication in some newspaper of general circulation published in his county, or if there be no newspaper, then by posting up hand bills, or otherwise.

To hold meetings and institutes.

Fifteenth. To hold teachers' institutes according to law, and to conduct such other meetings of the teachers of his county as may be for the best interests of the schools.

To suspend teachers for immorality.

Sixteenth. Any county superintendent shall have power to suspend any teacher who may be teaching in his county, whom he shall find to be immoral, and in case of such suspension he shall immediately notify the Superintendent of Public Instruction of his action, and shall clearly and fully state his reasons for said action. The Superintendent of Public Instruction shall proceed within fifteen days to investigate the charges against such teacher, and if he shall find them to be justified by the facts, he shall immediately revoke the certificate of said teacher: *Provided*, That he shall refer the question of revocation to the State Board of Education in all cases in which such teacher holds a State certificate or life diploma.

Payment for registers and clerk's record books.

Seventeenth. To collect the cost of registers and clerk's record books from all districts obtaining the same, and at the end of each quarter of the fiscal year to turn over to the treasurer of his county all monies derived from the same [sale] of such books, together with a detailed statement of the sources from which said funds were derived. He shall also at the same time send a copy of said statement to the Superintendent of Public Instruction. The county treasurer shall remit all monies derived from such sources to the State treasurer, as other monies are required to be remitted, and the State Treasurer shall place such monies to the credit of the general fund of the State.

County Treasurer to remit funds to State Treasurer.

Mileage to be allowed.

SEC. 15. That section 38 of said Code of Public Instruction be amended to read as follows: Sec. 38 (as amended by Chapter CLXXVII, Laws of 1901). For each mile actually and necessarily traveled in the performance of their official duties and in attendance on the convention of county superintendents, called by the Superintendent of Public Instruction, county superintendents shall be allowed ten (10) cents per mile: *Provided*, That no county superintendent shall be allowed to charge or collect any fee for the per-

formance of any other duties therein made: *Provided, further,* That no constructive mileage shall be charged.

SEC. 16. That section 39 of said Code of Public Instruction be amended to read as follows: Sec. 39 (as amended by Chapter XLI, Laws of 1901). Directors of school districts shall be elected at the regular annual school election. At the first annual school election in all new districts, three directors shall be elected for one, two and three years respectively. No person shall be eligible to the office of school director who is not able to read and write the English language. The ballot 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 vacancies are to be filled, a sufficient number to fill them for the unexpired term or terms; and the ballot shall specify the respective term for which each director is to be elected. Directors elect shall take office on the fourth Monday next succeeding their election, and they shall meet within ten days thereafter and shall organize by electing one of their number as chairman and another as clerk. The chairman of the board shall enter upon the discharge of his duties as chairman immediately after his election as such chairman; and the clerk shall enter upon the discharge of his duties as clerk on the first Monday in August each year, and shall serve as such clerk for a period of one year: *Provided,* That if any school district clerk elected in the manner provided for in this act shall fail to discharge his duties in accordance with law, the board of directors may at any time remove such clerk and elect another of their number as clerk to fill the unexpired term of the clerk so removed. The school district clerk shall within ten days after the election of the chairman and clerk, or within ten days after any change in the office of chairman or clerk inform the county superintendent of such change. In case of a vacancy in the board of directors from any cause, the county superintendent shall fill such vacancy by appointment until the next annual election.

SEC. 17. That section 40 of said code of public instruction be amended to read as follows: Sec. 40 (as amended by Laws of 1901). Every board of directors, unless otherwise specially provided by law, shall have power and it shall be their duty:

Election of
Directors.

Ballot to
specify term.

When to take
office.

Election of
chairman and
clerk.

When to take
office.

Proviso for
failure to
perform
duties.

To notify
County
Superintendent.

County Superintendent
to fill
vacancies.

Duties of
Board of
Directors.

Employment
of teachers.

First. To employ, and for sufficient cause, to discharge teachers, mechanics or laborers, and to fix, alter, allow and order paid their salaries and compensation. The directors shall make with each teacher employed by them a written or printed contract, which shall be in conformity with the laws of this State. Every such contract shall be made in duplicate, one copy of which shall be retained by the school district clerk and the other shall be delivered to the teacher after having been approved and registered by the county superintendent as by law required: *Provided,* That no board of directors shall employ any teacher or teachers whose term or terms of service begin after the first Monday in August, until after the directors elected at the annual school election in said year shall have entered upon the discharge of their duties: *Provided, further,* That this subsection shall not apply to school districts having a population of ten thousand (10,000) or more inhabitants.

Enforcement
of rules.

Second. To enforce the rules and regulations prescribed by the Superintendent of Public Instruction and the State Board of Education for the government of schools, pupils and teachers and to enforce the course of study lawfully prescribed for the schools of their district.

To provide
supplies.

Third. To provide and pay for such materials, supplies and libraries, as may be necessary for the schools, and to purchase such maps, charts and other apparatus as may have the written approval of the county school superintendent.

Fourth. To rent, repair, furnish and insure school houses.

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 to do so: *Provided,* That a school house already built shall not be removed, nor a new site for a school house be designated except when directed by a two-thirds vote of the electors of such district at an election to be held for that purpose, which election may be a special or general school election.

Two-thirds
vote of
electors.

Personal
property.

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.

Suspend or
expel pupils.

Seventh. To suspend or expel pupils from school who

refuse to obey the rules thereof, and they shall exclude from school all children under six years of age.

Eighth. To provide free text books and supplies to be loaned to the pupils of the schools, when in their judgment the best interest of their district will be subserved thereby, and to prescribe such rules and regulations as they shall deem necessary to preserve such books and supplies from unnecessary damage. Provide free text-books.

Ninth. To require all pupils to be furnished with such books as may have been adopted by the State Board of Education or by any other lawful authority of this State, as a condition to membership in the schools. Regularly adopted books to be furnished.

Tenth. To exclude from schools and school libraries all books, tracts, papers and other publications of an immoral or pernicious tendency or of a sectarian or partisan character. Exclude improper literature.

Eleventh. To authorize the school room to be used for summer or night schools, literary, scientific, religious, political, mechanical or agricultural societies, under such regulations as the board of directors may adopt. Use of school room—for other purposes.

Twelfth. To provide and pay for transportation of children to and from school when in their judgment the best interests of their district will be subserved thereby. Transportation of children.

SEC. 18. That section 45 of said Code of Public Instruction be amended to read as follows: Sec. 45. 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 to be in any manner connected with the furnishing of supplies for the maintenance of schools, or to receive or accept any compensation or reward for services rendered as director: *Provided*, That nothing in this section shall be construed to prevent the director elected as clerk from acting as purchasing agent for his district, or from receiving such compensation for performing the duties of school district clerk as are now or as may hereafter be provided by law. Unlawful for directors to have pecuniary interest in contracts.

SEC. 19. That section 48 of said Code of Public Instruction be amended to read as follows: Sec. 48 (as amended by House Bill 472, Laws of 1899). *Immediately upon assembling on the fourth Monday next succeeding their election the directors shall elect one of their number as clerk* Election of clerk of board.

who shall serve one year and until his successor is elected, or until he shall be removed for cause by the board of directors. Said clerk shall enter upon the duties of his office on the first Monday in August each year: Provided, That any clerk elected to fill a vacancy caused by the removal of his predecessor or otherwise, shall enter upon the discharge of his duties immediately after his election. Every school district clerk shall within ten days after any change in the office of chairman or clerk, notify the county superintendent of such change in the organization of the board.

Change in board—
County Superintendent to be notified.

SEC. 20. That section 52 of said Code of Public Instruction be amended to read as follows: Sec. 52. Every teacher *who shall be teaching at the close of the school year, or who shall teach the last term of any school year, in any school district, shall make a report to the county superintendent immediately upon the close of such school year or term for the entire time taught in said school district since the beginning of the 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 [or her] 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 reports, and that when there is no city superintendent, the report of the principal shall be accepted in lieu of the teacher's report.*

Reports of teachers.

Holidays.

SEC. 21. That section 56 of said Code of Public Instruction be amended to read as follows: Sec. 56 (as amended by H. B. 472, Laws of 1899). No teacher shall be required to teach school on Saturdays, or on Thanksgiving day, Christmas, New Year's, or Fourth of July: *Provided, That 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.*

School days—
number of hours in.

SEC. 22. That section 66 of said Code of Public Instruction be amended to read as follows: Sec. 66. *A school day shall consist of six hours for all pupils above the primary grades, exclusive of an intermission at noon; but any board*

of directors may fix as a school day for their district a less number of hours than six: Provided, That for pupils belonging to the primary grades the school day shall not be less than four hours, exclusive of an intermission at noon, and for pupils belonging to grades above the primary grade the minimum school day shall not be less than five hours, exclusive of an intermission at noon. In the absence of any by-law or order of the board of directors defining the school day for their district, any teacher may dismiss all pupils belonging to the primary grades after an attendance of four hours, exclusive of said intermission. The school month shall consist of twenty days, or four weeks of five days each, and the term "school year," for all matters pertaining to experience in teaching and for all matters pertaining to the granting of or the renewing of certificates, shall consist of not fewer than nine school months.

SEC. 23. That section 70 of said Code of Public Instruction be amended to read as follows: Sec. 70. All school districts in this State shall maintain school during at least five months each year. All graded school districts in incorporated cities and towns shall maintain school during at least six months each year.

Maintenance of school for how long.

SEC. 24. That section 71 of said Code of Public Instruction be amended to read as follows: Sec. 71. 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 four months each year: *Provided*, That in graded school districts in incorporated cities and towns such children shall be sent to school at least six months in each year.

Compulsory attendance.

SEC. 25. That section 99 of said Code of Public Instruction be amended to read as follows: Sec. 99 (as amended by H. B. 472, Laws of 1899). Whenever the number of school districts in any county is twenty-five, or more, the county superintendent must hold a teachers' institute each school year, and every teacher holding a valid certificate, employed in a common school in the county, must attend such institute during its whole time. County superintendents of contiguous counties may by mutual arrangements hold a joint institute, the expenses to be shared in proportion to the departments (rooms) maintained in the counties

Teachers' institutes, in counties of 25 districts or more.

Joint institutes.

as shown by the county superintendent's last annual reports. The work of the institute shall be in conformity to a syllabus prepared by the *Superintendent of Public Instruction*, and a committee of three county superintendents appointed by him, for at least one-half of the program, the remaining part to be supplied by the county superintendent, or *county superintendents of the county or counties holding the institute.*

State Board
to recom-
mend list of
books.

SEC. 26. That section 105 of said Code of Public Instruction be amended to read as follows: Sec. 105 (as amended by Chapter CLXXVII, Laws of 1901). *That it shall be the duty of the State Board of Education, at its annual meeting each year, to recommend a list of books suitable for a pupils' circulating library, from which county superintendents and county boards of education may select books for use in their respective counties, for school library purposes, and it shall also be their duty to adopt books for pupils' and teachers' reading circle work, and no pupil shall receive a certificate of graduation from the Eighth grade unless he [or she] has read in good faith at least one of the reading circle books so adopted.*

County Su-
perintendents
may estab-
lish libraries.

SEC. 27. That section 106 of said Code of Public Instruction be amended to read as follows: Sec. 106 (as amended by Chapter CLXXVII, Laws of 1901). *The county superintendent of each county of this State may establish a circulating library for the use and benefit of the pupils of the common schools of such county.*

Tax levy by
County Com-
missioners,
for circulat-
ing libraries.

SEC. 28. That section 107 of said Code of Public Instruction be amended to read as follows: Sec. 107 (as amended by Chapter CLXXVII, Laws of 1901). *At the time fixed for the levy of the county tax, the county commissioners of each county may levy a tax sufficient to carry into effect the provisions of section 106 of this act: Provided, That said tax shall not exceed one-tenth of one mill on each dollar of the assessed valuation of the [said] county. The proceeds of said tax shall, when collected, constitute a circulating school library fund for the payment of all bills created by the purchase of such books as are indicated in sections one hundred and five (105) and one hundred and six (106) of this act, or shall have received the endorsement of the Superintendent of Public Instruction or the county board of education: Provided, That the county su-*

perintendent shall purchase no books for such circulating library until there shall be to the credit of the circulating school library fund sufficient money to pay the purchase price thereof: *Provided, further,* That the county commissioners shall allow no bill or bills against said fund until it shall have been certified to be correct by the county superintendent.

Proviso as to purchase of books.

Allowance of expense bills.

SEC. 29. That section 108 of said Code of Public Instruction be amended to read as follows: Sec. 108 (as amended by Chapter CLXXVII, Laws of 1901). *It shall be the duty of the county superintendent to purchase the books and to enforce such rules and regulations for their distribution, use, care and preservation as shall have been adopted by the county board of education, or as he may deem necessary in case no such rules have been adopted by the county board of education.*

County Superintendent to purchase books and enforce rules.

SEC. 30. That section 136 of said Code of Public Instruction be amended to read as follows: Sec. 136. Nothing in this act shall be construed to invalidate the life diplomas granted under the laws of the Territory of Washington, or to invalidate any certificate or diploma heretofore granted in accordance with the laws of the State of Washington, but the same shall continue in effect in accordance with the provisions of the laws under which they were granted.

Life diplomas —validity of.

SEC. 31. That section 138 of said Code of Public Instruction be amended to read as follows: Sec. 138. State certificates shall be granted to such applicants only as shall file with the board satisfactory evidence of having taught successfully twenty-seven months, at least nine of which shall have been in the public schools of this State. The applicant must pass a satisfactory examination in all the branches required for first grade common school certificates, also plain geometry, geology, botany, zoology, civil government, psychology, history of education, book-keeping, composition and general history or *shall* file with the board a certified copy of a diploma from some state normal school or of a state or territorial certificate from a state or territory, the requirements to obtain which shall not have been less than those required by this act. Life diplomas shall be granted to such applicants only as shall file with the board satisfactory evidence that they have taught successfully for ninety months, not less than fifteen of which

Granting of state certificates.

Examination —what branches.

Granting of life diplomas.

shall have been in the public schools of this State. In other respects the requirements shall be the same as those for State certificates; *but no State certificate or life diploma shall ever be granted without examination to the holder of a diploma from any state normal school unless said school shall first have been placed on the accredited list by the State Board of Education as provided in section 27 of the Code of Public Instruction of this State, nor shall a State certificate or a life diploma be granted without examination to the holder of a State certificate or life diploma unless the name of said state shall be found on the accredited list provided for in the fifth subdivision of section 27 of said Code of Public Instruction.* 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 *finally* considered by the Board. Said fee shall be paid into the State Treasury.

Fee for state certificates.

SEC. 32. That section 139 of said Code of Public Instruction be amended to read as follows: Sec. 139. The State Board shall also have power to grant State certificates without examination to all applicants who are graduates of a regular four-year collegiate course of the University of Washington, the Agricultural College and School of Science, or of other reputable institutions of learning whose requirements of graduation are equal to the requirements of the University of Washington: *Provided*, That the applicant shall file with the board a certified copy of his diploma and a copy of the course of study for the year in which he graduated: *Provided, further*, That the applicant shall pass a satisfactory examination before the State Board of Education in theory and practice of teaching, psychology and history of education and shall file with the Board satisfactory evidence of having taught successfully for twenty-seven months, at least nine of which shall have been in the public schools of this State; unless the name of the institution by which it was granted shall appear upon the accredited list provided for in the fifth subdivision of section 27 of the Code of Public Instruction of this State.

Power of State Board to grant certificates.

Examination.

SEC. 33. That section 140 of said Code of Public Instruction be amended to read as follows: Sec. 140. There shall be held at the county seat of each county on the

Examinations—when and where held.

second Thursday of the months of May, August and November of each year, an examination of applicants for teachers' certificates, which examination shall be conducted by the county superintendent according to the rules and regulations of the State Board of education: *Provided*, That in case of sickness or disability of the superintendent he may appoint a suitable teacher or teachers to assist or conduct the same, subject to the same laws, rules and regulations as himself, and the county superintendent shall in reporting the examination to the Superintendent of Public Instruction, as hereinafter provided, forward such appointment [appointment] in writing.

SEC. 34. That section 141 of said Code of Public Instruction be amended to read as follows: Sec. 141 (as amended by H. B. 472, Laws of 1899). All applicants at the examinations mentioned in the preceding section shall be at least seventeen years of age, and shall be examined according to the rules and regulations of the State Board of Education, in reading, penmanship, orthography, written and mental arithmetic, geography, English grammar, physiology and hygiene, history and Constitution of the United States, school law and the 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 physics, English literature and algebra, and who does not present satisfactory written evidence of having taught successfully one school year of nine months: *Provided*, That the State Board of Education may adopt two subjects in lieu of algebra and physics for teachers who have taught exclusively in primary schools for not less than fifty months, and the certificates granted to such primary teachers shall be known as first grade primray certificates, and shall entitle the holders to teach only in the primary grades of city and village schools. The State Superintendent shall also have power to grant common school certificates without examination to all applicants who are graduates of a regular four-year collegiate course of the University of Washington, the Agricultural College and School of Science, state normal schools equal in requirements to the State normal schools of Washington, or of other reputable institutions of learning whose requirements for graduation are

Require-
ments of ap-
plicants—for
examination.

Common
school
certificates.

equal to the requirements of the University of Washington; also to all applicants who hold State certificates or diplomas equal in requirements to the requirements of the State of Washington: *Provided*, That an applicant shall pass an examination in State school law and Constitution with a standing required for a first grade certificate: *Provided, further*, That the provisions of this section shall not apply to the holders of diplomas from institutions of learning unless the name of the institution granting said diploma shall be found upon the accredited list provided for in the fifth subdivision of section 27 of the Code of Public Instruction of this State, nor shall they apply to the holders of State certificates or life diplomas from states whose names are not found upon the accredited list provided for in the section above mentioned.

Renewal of first grade certificates.

SEC. 35. That section 144 of said Code of Public Instruction be amended to read as follows: Sec. 144 (as amended by H. B. 472, Laws of 1899). The holder of a first grade certificate who shall present to the Superintendent of Public Instruction evidence of having taught successfully twenty-four school months during the time said certificate has been in force, may have his certificate renewed without further examination, upon its presentation, for a like term of five years, and such renewal *and succeeding renewals* shall be for like terms of five years: *Provided*, That such renewal certificates shall lapse upon the failure of its holder to teach for a period of two consecutive school years: *Provided, further*, That a teacher holding a second grade certificate, who has taught in the primary grades of the public schools of the State for not less than thirty-six months immediately preceding the expiration of said certificate, and who has taken at least one subject of the teacher's reading circle *work* each year, under the regulations prescribed by the State Board of Education, may have said certificate renewed for two years as a primary teacher only, *but such certificate shall be entitled to but a single renewal*.

Lapse of renewed certificates.

Renewal of second grade certificates.

Directors, election of.

SEC. 36. That section 149 of said Code of Public Instruction be amended to read as follows: Sec. 149 (as amended by Chapter XLI, Laws of 1901). The election of school district directors shall, except as otherwise provided by law, be held on the *first Saturday in March* of each year, at the district school house, if there be one, or if

there be none, or more than one, then at a place to be designated by the board of directors. Special school elections shall be called and conducted in the manner provided for calling and conducting annual elections. <sup>Special elec-
tions.</sup>

Passed the House February 27, 1903.

Passed the Senate March 11, 1903.

Approved by the Governor March 14, 1903.

CHAPTER 105.

[H. B. No. 360.]

FOR THE RELIEF OF O. A. BOWEN.

AN ACT for the relief of O. A. Bowen.

WHEREAS, O. A. Bowen was State Treasurer from January—, 1893, to January—, 1897; and,

WHEREAS, During those critical years he was the faithful custodian of sums of public funds running from two hundred thousand to four hundred thousand dollars; and,

WHEREAS, During that era of failing banks and great depression the total sum of State funds involved in suspended banks was only thirteen thousand dollars; and,

WHEREAS, Said O. A. Bowen at great personal sacrifice of property and securities advanced the total sum so involved, and in full settlement has not been able to realize more than eight thousand dollars; now, therefore,

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

SECTION 1. That the sum of five thousand dollars (\$5,000.00) be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the relief and payment of O. A. Bowen.

SEC. 2. That the State Auditor is hereby authorized and directed to draw his warrant on the State treasurer for said sum in favor of O. A. Bowen, and the State Treasurer is hereby authorized and directed to pay the same out of any funds in the State Treasury not otherwise appropriated, in

full settlement of all claims against the State of Washington.

Passed the House March 9, 1903.

Passed the Senate March 11, 1903.

Approved by the Governor March 14, 1903.

CHAPTER 106.

[H. B. No. 364.]

FOR RELIEF OF P. J. MCGOWAN & SONS, INC., AND THE TOWN OF ILWACO.

AN ACT for the relief of P. J. McGowan & Sons, incorporated, and granting to them the right and privilege to use and enjoy a strip or location of tide lands eighty (80) feet wide and four hundred (400) feet long, within the east half of the Holman waterway, according to the official plat of the tide lands and harbor lines, in front of the town of Ilwaco, on file in Pacific County; to use the land and location by constructing and maintaining wharves and buildings thereon and conducting any or all parts of the business of catching, canning, packing or otherwise preserving salmon or other fish or food products, and disposing of the same; and for the relief of the said P. J. McGowan & Sons, and the town of Ilwaco, in the rights and privileges, to occupy and use a strip or location of the said tide lands within the Holman waterway twenty (20) feet wide and extending eighteen hundred (1800) feet to the shore or meander line for the purpose of constructing and maintaining a wharf and road wagon [roadway] on the east of said waterway for the free use and benefit of the public, said rights and privileges to be for a period of thirty (30) years, and declaring an emergency.

WHEREAS, P. J. McGowan & Sons is a corporation organized and existing as such under the laws of the State of Washington, desires to construct and maintain wharves and buildings upon the tide lands and waterway in front of the town of Ilwaco, Pacific county, for the purpose of conducting the business of taking, catching, canning, packing or otherwise preserving salmon and other fish and food products; and desires to secure as a location for the same a portion of the Holman waterway and extending laterally

along said waterway in a southerly direction toward the inner harbor line, described as follows, to-wit: A strip eighty (80) feet wide and four hundred (400) feet long; beginning at a point fourteen hundred (1400) feet beyond the meander line of said waterway; and,

WHEREAS, The said enterprise proposed to be conducted by the said P. J. McGowan & Sons will be a matter of business and commercial benefit to the said town and locality, and there is no public wharf in said town whereby the inhabitants or the general public has connection with the navigable interest of the harbor; therefore,

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

SECTION 1. That there is hereby granted to P. J. McGowan & Sons, a corporation, its successors and assigns, the right and privilege, for a period of thirty (30) years, to construct and maintain wharves and buildings upon a strip or portion of the east half of the Holman waterway, eighty (80) feet wide and four hundred (400) feet long, beginning at a point on the east half of said waterway fourteen hundred (1400) feet southerly from the point of the intersection of the United States government meander line and the east line of said waterway and extending toward the inner harbor line, according to the official plat of the tide lands and inner harbor lines in front of the town of Ilwaco, on file in the county of Pacific, State of Washington, and to conduct on the said described premises all of the operations necessary in the catching, canning, packing and preserving salmon and other fish and food products.

SEC. 2. That there is hereby granted to P. J. McGowan & Sons, aforesaid, and the town of Ilwaco, a municipal corporation of the fourth class, organized and existing as such under the laws of the State of Washington, or its inhabitants, or any of them, the right and privilege, for a period of thirty (30) years, to construct and maintain a wharf roadway twenty (20) feet in width, from the south end of the above described premises along and upon the east half of the said waterway, mentioned in the foregoing section to and connecting with the shore; said wharf roadway to be at all times free to the public travel: *Provided*, That if the said grantees, their successors or assigns, shall cease to maintain its wharves, buildings, or cease to conduct or main-

Right to occupy waterway.

Right to construct wharf, etc.

Rights to revert to state —when.

tain the business aforesaid, or cease to permit the public use of said wharf roadway free, then in that event the rights and privileges granted under this act shall cease.

Emergency.

SEC. 3. An emergency is declared to exist and this act shall take effect and be in force immediately.

Passed the House March 5, 1903.

Passed the Senate March 11, 1903.

Approved by the Governor March 14, 1903.

CHAPTER 107.

[H. B. No. 317.]

DEFINING DUTIES OF SECRETARY OF STATE AND REPEALING SECTION 15 OF THE ACT RELATIVE TO STATE LIBRARY.

AN ACT amending Section 1 of an act entitled "An act to define the duties and provide for the assistance for, and fix the compensation of, the Secretary of State," the same being Section 115 of Ballinger's Code and Section 8456 of Pierce's Code of the State of Washington, and repealing Section 15 of an act entitled "An act relating to the State Library and declaring an emergency," approved March 8, 1893, the same being Section 2614 of Ballinger's Code and Section 8359 of Pierce's Code of Washington, and all other acts in conflict with the same.

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

SECTION 1. That section 1 of an act entitled, "An act to define the duties, and provide for assistance for, and fix the compensation of, the Secretary of State," the same being section 115 of Ballinger's Code and section 8456 of Pierce's Code of Washington, be and the same is hereby amended to read as follows: Section 1. The Secretary of State is charged with the custody:

Custodian of records.

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 shall be superintendent and shall have charge of and shall manage the State Capitol building from and after the completion of same by the Capitol Commission, and shall have charge of and shall manage all other property located at the State Capital belonging to the State and not exclusively under the control of some other officer; and must keep the said Capitol building and other property together with all furniture and appurtenances therein or thereto in proper order and repair.

Shall have charge of capitol building and other state property.

Must keep in repair.

Seventh. He shall provide fuel, lights and stationery for the Senate and House of Representatives, State Library, Supreme Court, Supreme Court Libray, and for all State officers having their offices or chambers at the State Capital.

Fuel, lights and stationery.

SEC. 2. That section 15 of an act entitled "An act relating to the State Library and declaring an emergency," approved March 8, 1893, the same being section 2614 of Ballinger's Code and section 8359 of Pierce's Code of Washington, is hereby repealed, and all other acts in conflict with the same.

Repeal.

Passed the House March 3, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 14, 1903.

CHAPTER 108.

[H. B. No. 63.]

FOR THE PROTECTION OF TROUT AND OTHER GAME FISH.

AN ACT to provide for the protection of trout and other game fish in the State of Washington, and providing a punishment and declaring an emergency.

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

SECTION 1. Until after the first day of August, 1908, it shall be unlawful for any person to take from the streams or lakes of the State of Washington any trout or other game

Close season.

fish for the purpose of selling, salting or otherwise preserving the same: *Provided*, This section shall not apply to salmon trout in streams west of the Cascade range.

Penalty.

SEC. 2. Any person violating the provisions of the first section of this act shall be guilty of a misdemeanor and subject to a fine of not less than fifty dollars (\$50), or imprisonment of not less than thirty days, or both.

Unlawful to have in possession for transportation or market.

SEC. 3. It shall be unlawful for any person, firm, company, partnership or corporation to transport or have in their possession for the purpose of transportation or for the market any trout or game fish within the State of Washington. Possession of any of said fish by any of said persons herein named shall be presumptive evidence that said fish are possessed for the purpose of sale in market: *Provided*, That nothing in this act shall be construed to be in conflict with the provisions of an act passed March 18, 1901, relating to the establishment and maintenance of private fish hatcheries, known as Chapter 153, Laws of 1901.

Proviso as to private hatcheries.

Penalty.

SEC. 4. Any steamboat or other transportation company violating section three of this act shall be guilty of a misdemeanor and shall be subject to a fine or imprisonment as provided in section two of this act.

Emergency.

SEC. 5. An emergency is hereby declared to exist and this act shall take effect immediately.

Passed the House March 3, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 14, 1903.

CHAPTER 109.

[H. B. No. 395.]

AMENDING BALLINGER'S CODE AND CODE OF PUBLIC INSTRUCTION RELATIVE TO AMOUNT OF TAX FOR SCHOOL PURPOSES.

AN ACT to amend Section 2368 of Ballinger's Annotated Codes and Statutes of Washington, being Section 98 of an act entitled "An act to establish a general uniform system of public schools in the State of Washington, and repealing Chapter VI of Title III, Chapter VII of Title V, all of Title X except Chapter XVII, Chapter IV of Title L, all being of Volume 1 of Hill's Annotated Statutes and Codes of Washington; also repealing all amendments thereto; also repealing an act entitled 'An act concerning the formation of new school districts, changing the boundaries and transferring territory from one district to another,' approved March 9, 1893; also repealing an act entitled 'An act to provide for the management and control of State normal schools in the State of Washington,' approved March 10, 1893, and all amendments thereto; also repealing an act entitled 'An act granting to school districts the right to purchase school house sites of school lands belonging to the State of Washington of not less than one acre and not more than five acres, and granting to school districts the preference right to purchase such sites, and declaring an emergency,' approved February 26, 1895; also repealing an act entitled 'An act relating to the indebtedness of school districts, providing means and methods for paying and funding the same, and means for validating the same or any part thereof incurred in excess of one and one-half per centum of the taxable property of the school district without the assent of three-fifths of the voters of the school districts voting at an election held for that purpose, and declaring that an emergency exists for the taking effect of this act on its passage and approval by the governor,' approved March 1, 1895; also repealing an act entitled 'An act to provide for the formation of joint school districts and prescribe the minimum number of school children required for the formation of new school districts, and declaring an emergency,' approved March 13, 1895;" *said act of which this act is amendatory, being known and cited as the Code of Public Instruction of the State of Washington, and being Chapter CXVIII of the Session Laws of 1897, approved March 19th, 1897.*

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

SECTION 1. That section 98 of the Code of Public Instruction of said State, being section 2368 of Ballinger's

Limit of
taxation.

Annotated Codes and Statutes of Washington, be amended to read as follows: Section 98. The aggregate tax for school purposes in cities of ten thousand or more inhabitants shall in no one year exceed one per cent. upon all the taxable property in the district: *Provided*, The board of directors by unanimous vote of all the members thereof, may determine upon a greater tax, not, however, exceeding two per cent. upon all the taxable property of the district.

Passed the House March 9, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 110.

[H. B. No. 284.]

PROVIDING FOR ACCEPTANCE OF DONATIONS OF MONEY TO HOSPITALS FOR THE INSANE, FOR THE BENEFIT THEREOF.

AN ACT to provide for the acceptance and receipt by the superintendents of the different insane asylums of the State, of money donated or given to or for the benefit of such asylums and for the payment of any money so received into the State Treasury.

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

Acceptance
of donations,
etc.

SECTION 1. That the superintendent of either of the asylums for the insane of this State is authorized to accept and receive from any person or association desiring to make a payment or contribution of money for the assistance or support of such asylum any sum so offered to said superintendent and to issue to such person under his hand and seal a receipt for any amount so paid or contributed.

Superintend-
ent to report
to State
Treasurer.

SEC. 2. On the first day of January of each year and every three months thereafter, the superintendent of each of the asylums for the insane shall report to the State Treasurer the names and addresses of all persons that have during the preceding three months paid any money to such superintendent as contemplated in Section 1 of this act,

and said superintendent shall with such report, remit to the State Treasurer all moneys theretofore received.

SEC. 3. The State Treasurer shall credit all moneys received under the provisions of this act to a fund which shall be known as the "Fund of special contributions for the insane," and shall also keep a book alphabetically arranged in which shall be entered the name and address of all persons contributing to said fund and the date and amount of any such payments, as reported by the superintendents of the hospitals for the insane.

SEC. 4. It is hereby declared to be the policy, and to be understood, that all moneys accumulating in the said "Fund of special contributions for the insane" shall only be appropriated or used for the benefit and maintenance of the hospitals for the insane of the State of Washington.

Passed the House February 23, 1903.

Passed the Senate March 10, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 111.

[H. B. No. 34.]

AUTHORIZING THE TAKING OF PRIVATE PROPERTY FOR SCHOOL HOUSE SITES.

AN ACT authorizing the taking of private property for the use of public school districts for school house sites, upon making just compensation therefor, and providing the manner of determining the same.

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

SECTION 1. Whenever any school district shall select any real estate as a site for a school house, or as additional grounds to an existing school house site, within the district, and the board of school directors of such district and the owner or owners of the site or any part thereof, or addition thereto so selected, shall be unable to agree upon the compensation to be paid by such school district to the owner or owners thereof, such school district shall have the right

Duty of State Treasurer.

Use of such funds.

School districts may take and acquire title.

to take and acquire title to such real estate for use as a school house site or additional site, upon first paying to the owner or owners thereof therefor the value thereof, to be ascertained in the manner hereinafter provided.

Petition to
Supreme
Court.

SEC. 2. The board of directors of the school district shall present to the Superior Court of the State of Washington in and for the county wherein is situated the real estate desired to be acquired for school house site purposes, a petition, reciting that the board of directors of such school district have selected certain real estate, describing it, as a school house site, or as additional grounds to an existing site, for such school district; that the site so selected, or some part thereof, describing it, belongs to a person or persons, naming him or them, that such school district has offered to give the owner or owners thereof therefor * * dollars, and that the owner of such real estate has refused to accept the same therefor; that the board of school directors of such school district and the said owner or owners of such real estate are unable to agree upon the compensation to be paid by such school district to the owner or owners of such real estate therefor, and praying that a jury be impaneled to ascertain and determine the compensation to be made in money by such school district to such owner or owners for the taking of such real estate for the use as a school house site for such school district; or in case a jury be waived in the manner provided by law in other civil actions in courts of record, then that the compensation to be made as aforesaid, be ascertained and determined by the court, or judge thereof.

Notice of
Petition.

SEC. 3. A notice, stating the time and place when and where such petition will be presented to the court, or the judge thereof, together with a copy of such petition, shall be served on each and every person named therein as owner, or otherwise interested therein, at last ten days previous to the time designated in such notice for the presentation of such petition. Such notice shall be signed by the prosecuting attorney of the county wherein the real estate sought to be taken is situated, and may be served in the same manner as summons in a civil action in such Superior Court is authorized by law to be served.

Adjournment
of pro-
ceedings.

SEC. 4. The court may, upon application of the petitioner or of any owner of said real estate, or any person

interested therein, for reasonable cause, adjourn the proceedings from time to time, and may order new or further notice to be given to any party whose interests may be affected by such proceedings.

SEC. 5. At the time and place appointed for the hearing of such petition, or to which the same may have been adjourned, if the court shall find that all parties interested in such real estate sought to be taken have been duly served with notice and a copy of the petition as above prescribed, and shall further find that such real estate sought to be taken is required and necessary for the purposes of a school house site, or as a part of or as an addition to a school house site, for such school district, the court shall make an order reciting such findings, and shall thereupon set the hearing of such petition down for trial by a jury, as other civil actions are tried, unless a jury is waived in the manner provided by law in other civil actions.

SEC. 6. The jury impaneled to hear the evidence and determine the compensation to be paid to the owner or owners of such real estate desired for such school house site purpose shall consist of twelve persons unless a less number be agreed upon, and shall be selected, impaneled and sworn in the same manner that juries in other civil actions are selected, impaneled and sworn, provided a juror may be challenged for cause on the ground that he is a tax payer of the district seeking the condemnation of any real estate.

SEC. 7. A judge of the Superior Court shall preside at the trial and witnesses may be examined in behalf of either party to the proceedings, as in other civil actions, and upon the request of all the parties interested in such proceedings the court shall cause the jury impaneled to hear the same, to view the premises sought to be taken, and upon the request of any less number of the persons interested in the proceedings, the court may cause the jury to view the premises, pending the hearing of the same.

SEC. 8. Upon the close of the evidence, and the argument of counsel, the court shall instruct the jury as to the matters submitted to them, and the law pertaining thereto, whereupon the jury shall retire and deliberate and determine upon the amount of compensation in money that shall be paid to the owner or owners of the real estate sought to be taken for such school house site purposes therefor,

which shall be the amount found by the jury to be the fair and full value of such premises; and when the jury shall have determined upon their verdict, they shall return the same to the court as in other civil actions.

Verdict.

SEC. 9. When ten of the jurors agree upon a verdict, the verdict so agreed upon shall be signed by the foreman, and the verdict so agreed upon shall be and stand as the verdict of the jury.

Compensation, when jury is waived.

SEC. 10. In case a jury is waived, the compensation that shall be paid for the premises taken shall be determined by the court and the proceedings shall be the same as in the trial of issues of fact by the court in other civil actions.

Entry of judgment.

SEC. 11. Upon the verdict of the jury, or upon the determination by the court of the compensation to be paid for the property sought to be taken as herein provided, judgment shall be entered against such school district in favor of the owner or owners of the real estate sought to be taken, for the amount found as compensation therefor, and upon the payment of such amount by such school district to the clerk of such court for the use of the owner or owners of, and the persons interested in the premises sought to be taken, the court shall enter a decree of appropriation of the real estate sought to be taken, thereby vesting the title to the same in such school district; and a certified copy of such decree of appropriation may be filed in the office of the county auditor of the county wherein the real estate taken is situated, and shall be recorded by such auditor like a deed of real estate, and with like effect. The money so paid to the clerk of the court shall be by him paid to the person or persons entitled thereto, upon the order of the court.

Vesting of title in school district.

Money paid upon order of Court.

Costs.

SEC. 12. All the costs of such proceedings in the Superior Court shall be paid by the school district initiating such proceedings.

Appeals.

SEC. 13. Either party may appeal from the judgment for compensation awarded for the property taken, entered in the Superior Court, to the Supreme Court of the State within sixty days after the entry of the judgment, and such appeal shall bring before the Supreme Court the justness of the compensation awarded for the property taken, and any error occurring on the hearing of such matter, prejudi-

cial to the party appealing, and no bond shall be required of either party appealing from such judgment: *Provided, however,* That if the owner or owners of the land taken accepts the sum awarded by the jury or court, he or they shall be deemed thereby to have waived their right of appeal to the Supreme Court. Waiver of right to appeal.

SEC. 14. An appeal from such judgment by the owner or owners of the land sought to be taken, shall not have the effect to preclude the school district from taking possession of the premises sought, pending the appeal, provided the amount of the judgment against the school district shall have been paid into the clerk of the court, as hereinbefore provided. Possession of premises.

SEC. 15. In all proceedings under this act the school district seeking to acquire title to real estate for a school house site, shall be denominated plaintiff, and all other persons interested therein shall be denominated defendants; and in all such proceedings the clerk of the Superior Court wherein any such proceedings is brought shall charge nothing for his services, except in taking an appeal from the judgment entered in the Superior Court. Plaintiff and defendants.

Passed the House March 3, 1903.

Passed the Senate March 10, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 112.

[H. B. No. 344].

AMENDING ACT RELATING TO INJURY TO OR DESTRUCTION OF ELECTRICAL LINES OR WIRES, ETC.

AN ACT to amend an act entitled "An act making it unlawful to injure, obstruct or destroy any line erected or constructed for the transmission of electrical current, or appurtenances or appliances connected therewith; or to remove, injure or destroy any house, shop, building or other structure or machinery connected therewith, or to set any fire that shall result in such injury or destruction; or to prevent the removal of any obstruction to such lines, and prescribing the punishment therefor," approved March 13, 1899.

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

Amendment.

SECTION 1. That section 1 of an act entitled "An act making it unlawful to injure, obstruct or destroy any line erected or constructed for the transmission of electrical current, or appurtenances or appliances connected therewith; or to remove, injure or destroy any house, shop, building or other structure or machinery connected therewith; or to set any fire that shall result in such injury or destruction, or to prevent the removal of any obstruction to such lines, and prescribing the punishment therefor," approved March 13, 1899, be and the same is hereby amended to read as follows:

Unlawful injury by removal, etc.

Section 1. It shall be unlawful for anyone within the State of Washington to wilfully or *wantonly* and without the consent of the owner, take down, remove, injure, obstruct, displace or destroy any line erected or constructed for the transmission of electrical current, or any poles, wires, conduits, cables, insulators, or any support upon which wires or cables may be suspended, or any part of any such line or appurtenances or apparatus connected therewith; or to sever any wire or cable thereof, or in any manner to interrupt the transmission of the electrical current over and along any such line; or to take down, remove, injure or destroy any house, shop, building or other structure or machinery connected with or necessary to the use of any line erected, or constructed for the transmission of electrical current.

SEC. 2. That section 2 of said act approved March 13, 1899, be and the same is hereby amended to read as follows: Section 2. It shall be unlawful for any person within the State of Washington to wilfully or *wantonly* set any fire that shall result in the destruction or injury of any line erected or constructed for the transmission of electrical current or any poles, conduits, wires, cables, insulators, or any support upon which wires or cables may be suspended, or any part of any such line, or appurtenances or apparatus connected therewith, or any house, shop, building or other structure or machinery connected with or necessary to the use of any line erected or constructed for the transmission of electrical current, or to set any fire that shall in any manner interrupt the transmission of electrical current over and along any such line. ^{Injury by fire.}

SEC. 3. That section 3 of said act approved March 13, 1899, be and the same is hereby amended to read as follows: Section 3. Any person or persons violating any of the provisions of sections one and two of this act, shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment in the discretion of the court. ^{violation and penalty.}

Passed the House March 7, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 113.

[H. B. No. 286.]

AMENDING ACT RELATIVE TO ORGANIZATION, CLASSIFICATION, ETC., OF MUNICIPAL CORPORATIONS; ELECTION AND APPOINTMENT OF MUNICIPAL OFFICERS, AND REPEALING CONFLICTING LAWS.

AN ACT to amend Section 1 of an act entitled "An act to amend an act entitled 'An act to amend Sections 105, 106, 114 and 117 of an act entitled 'An act providing for the organization, classification, incorporation and government of municipal corporations and declaring an emergency,' and approved March 27, 1890," approved March 9, 1891, and declaring an emergency, approved March 8, 1893; and repealing an act entitled "An act providing for the election of city marshal in cities of the third and fourth classes and other cities of equal population, approved March 20, 1895; and amending sections 108, 143, 144 and 146 of an act entitled 'An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency, approved March 27, 1890; and amending Section 2 of an act entitled "An act to amend sections 105, 106, 114 and 117 of an act entitled 'An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency,' and approved March 27, 1890," approved March 9, 1891, and amending Section 4 of an act entitled "An act to amend Sections 107, 109, 113, 116, 124, 125, 126, 132, 133, 134, 135 and 136 of an act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency, approved March 27, 1890," approved March 9, 1893; and providing for the confirmation of appointments of municipal officers and employes made by the mayor.

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

SECTION 1. That section 1 of an act entitled "An act to amend an act entitled 'An act to amend sections 105, 106, 114 and 117 of an act entitled 'An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency,' and approved March 27, 1890," approved March 8, 1893, be amended to read as follows: Sec. 1. The mayor, members of the city council, treasurer, health officer, clerk and city attorney shall be elected by the qualified electors of said city at a general municipal election to be held therein,

Mayor, etc.,
how elected
and when.

on the first Tuesday after the first Monday in December in each year. The mayor, councilman-at-large, treasurer, health officer, clerk and city attorney shall hold office for the period of one year from and after the first Tuesday in January next succeeding the day of such election, and until their successors are elected and qualified. Members of the city council, other than councilman-at-large, shall hold office for the period of two years from and after the first 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. *A marshal and police justice and such number of policemen as the council may provide by ordinance, shall be appointed by the mayor, and they shall hold office for the period of one year from and after the first Tuesday in January next succeeding the general municipal election and until their successors are appointed and qualified, unless sooner removed by the mayor by and with the consent of not less than four councilmen. The city council may, by ordinance, provide for the appointment by the mayor, of a pound-master, and a city engineer who shall hold office during the pleasure of the mayor, and the city council may also by ordinance provide for the appointment by the mayor of the following employes: Street superintendent, water superintendent and auditor, whose employment shall continue during the pleasure of the mayor.*

Term of office.

Classification of councilmen.

Marshal, police justice, etc.

City engineer and pound master.

Street superintendent, etc.

SEC. 2. That an act entitled "An act providing for the election of city marshal in cities of the third and fourth classes, and other cities of equal population," approved March 20, 1895, be and the same is hereby repealed.

Act of 1895 repealed.

SEC. 3. That section 108 of an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," approved March 27, 1890, be amended to read as follows: Sec. 108. Any vacancy occurring in any of the offices provided for in this act shall be filled by *appointment by the mayor*, 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 re-

Vacancies—how filled.

Office of
councilman
declared va-
cant—when
—and how
filled.

mainder 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 be declared vacant by the city council and all vacancies in the city council shall be filled by a majority vote of such city council.

Government
—in whom
vested.

SEC. 4. That section 143 of said last named act be amended to read as follows: Sec. 143. The government of such town shall be vested in a mayor and council, to consist of five members, a clerk, a treasurer, a marshal who shall be ex-officio tax and license collector, a police justice who may be one of the justices of the peace of the *precinct* in which said town is situated; and such subordinate officers as are hereinafter provided for.

Election of
mayor,
councilmen
and treasurer.

SEC. 5. That section 144 of said last named act be amended to read as follows: 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 first 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 members 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 mayor shall appoint a marshal and clerk. The city council may provide by ordinance for the appointment by the mayor of an attorney, pound-master, a superintendent of streets and civil engineer, and such police and other subordinate officers as in the judgment of the city council may be deemed necessary, and may by ordinance fix their compensation, which said officers shall hold office during the pleasure of the mayor.*

Term of
office.

Proviso as
to classifica-
tion of coun-
cilmen, and
appointment
of other
officers.

Vacancies
and absence
—how filled.

SEC. 6. That section 146 of said last named act be amended to read as follows: Sec. 146. Any vacancy occurring in any of the offices provided for in this act shall be

filled by *appointment by the mayor*; 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 said unexpired term. In case a member of the council is absent from town for three consecutive meetings, unless by permission of the council, his office shall by the council be declared vacant, and all vacancies in the council shall be filled by a majority vote of said council.

SEC. 7. That section 2 of an act entitled "An act to amend sections 105, 106, 114 and 117 of an act entitled 'An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency, and approved March 27, 1890,'" approved March 9, 1891, the same being section 3485 of Pierce's Code, be amended to read as follows: Sec. 2. 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 as clerk *pro tem.*, but the appointment of a councilman as mayor *pro tem.*, or as clerk *pro tem.*, shall not in any way abridge his right to vote upon all questions coming before such council. Every ordinance which shall have passed the city council shall be, before it becomes valid, presented to the mayor; if he approves he shall sign it, but if not he shall return it, with his written objections to the city council and the council shall cause such written objections to be entered at large upon the journal of its proceedings. Upon receipt of the mayor's objections the council shall proceed to reconsider the vote by which the ordinance was passed. After such reconsideration, *five* members of the city council present and voting may, by an affirmative vote, pass the ordinance over the mayor's vote; such vote shall be taken by a call of the yeas and nays. If the mayor shall fail, for the period of ten days, to approve or veto an ordinance, it shall become valid without his approval.

Quorum in council.

Mayor to preside.

Mayor to approve ordinances.

Reconsideration and passage over veto.

Failure to approve or veto.

Confirmation
of appoint-
ments.

SEC. 8. *All appointments of officers and employes made by virtue of this act, shall be subject to confirmation by the city council. Final action on any appointment shall be taken by the city council not later than the second regular meeting after the submission of the same by the mayor to the city council: Provided, however, That failure by the city council to take such action on any appointment made by the mayor, within the time aforesaid, shall be deemed a confirmation. If the city council shall refuse to confirm any appointment of the mayor, then he shall at or before the next meeting of the council thereafter, appoint another person to fill the office or position, and he may continue to appoint until his appointment is confirmed. In case the mayor fails to make another appointment within one week from the rejection of the appointment for the same office or position, then the city council may elect a suitable person to fill the office or position during the term.*

Proviso for
failure or
refusal to
confirm.

City council
to make ap-
pointments
—when.

SEC. 9. That section 4 of an act entitled “An act to amend sections 107, 109, 113, 116, 124, 125, 126, 132, 133, 135 and 136 of an act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency, approved March 27, 1890,” approved March 9, 1893, the same being section 3487 of Pierce’s Code, be amended to read as follows: Sec. 4.

Franchises.

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 first submitted to the city attorney. All ordinances shall be pub-

Publication
of ordinances.

lished in a newspaper printed within said city, said publication shall be made by the newspaper designated as the official newspaper of said city, if there be one. If there be no official newspaper nor other newspaper published in said city, then publication shall be made in such manner as the city council may direct. *No franchise or valuable privilege shall be granted unless by the vote of at least five members of the city council. No ordinance and no resolution or order shall have any validity or effect, unless passed by the votes of at least four councilmen.* No ordinance shall take effect

Validity.

When to take
effect.

until five days from and after the date of *its publication.* No ordinance shall contain more than one subject, which shall be clearly expressed in its title. No ordinance or any

section thereof shall be revised or amended unless the new ^{Revision and amendment.} ordinance contain the entire ordinance or section revised or amended, and the ordinance or section so amended shall be repealed.

SEC. 10. All acts and parts of acts in conflict with this ^{Repeal.} act are hereby repealed.

Passed the House March 4, 1903.

Passed the Senate March 10, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 114.

[H. B. No. 82.]

TO PROTECT FORESTS FROM FIRE.

AN ACT to protect from fire forests and other property, within the State of Washington, and creating forest fire wardens, deputies, patrolmen, and defining duties and providing penalties and declaring an emergency.

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

SECTION 1. That the State Land Commissioner shall be ^{State Fire Warden.} ex-officio State Forest Fire Warden.

SEC. 2. That the county commissioners of the various ^{County Boards of Fire Wardens.} counties shall constitute a county board of deputy forest fire wardens, and may appoint such deputy fire wardens as they may deem necessary and prescribe the territory to be patrolled by them, and fix their compensation, and may remove them at pleasure.

SEC. 3. That all State Land Cruisers shall be ^{State Land Cruisers. Forest patrolmen.} ex-officio Forest Patrolmen at Large.

SEC. 4. That timber cruisers and others in the employ ^{Timber cruisers, etc. Special patrolmen.} of corporations or individuals may, at the discretion of the State Forest Fire Warden, be vested with the duties and powers of special forest patrolmen at large, without compensation, or at the discretion of any county board of deputy forest fire wardens be vested with such powers within the limits of the county wherein such deputy forest fire

Powers of wardens, patrolmen, etc.

wardens reside. Patrolmen, special patrolmen, fire wardens, deputy fire wardens, and all police officers are hereby empowered to make arrests, without warrant, of persons violating this act.

Enforcement of laws.

SEC. 5. The State Forest Fire Warden shall enforce all laws for the preservation of forests within the State, investigate the origin of all forest fires, cause to be posted not later than the month of May each year, in all forest counties, copies of all laws and regulations for the protection of such forests. The expenses incurred in carrying out these provisions shall be met as are other expenses of cruising or caring for the State lands.

Expenses incurred.

Close season for burning slashings, etc.

SEC. 6. It shall be the duty of all boards of deputy forest fire wardens to fix each year in timber counties, for their respective counties, a close season during which no person shall burn any slashing or chopping without first obtaining permission in writing from the county board or its duly appointed representative. Such permission shall be given only upon compliance with such regulations as the board may prescribe, one of which regulations shall be notice to all owners or tenants of adjoining lands residing thereon giving the time and place of the proposed burning.

Suppression of fires during close season.

SEC. 7. During the close season when timber lands are in danger from fire the deputy fire warden [s] shall put out, or endeavor to put out, or stop the spreading of any forest fires in their respective districts. When any person shall have obtained permission from the county board of forest fire wardens to burn a clearing or slashings made for the purpose of clearing land, he may apply to the deputy fire warden or person acting as such, who shall furnish him with a sufficient number of men to aid him in keeping the fire from spreading. Said men shall be detailed only till such time as the party burning may be able to keep the fire in control himself.

Posting of notices.

SEC. 8. In addition to the regular publication of the county commissioners' proceedings, the county commissioners, acting as such board, shall cause to be posted in all forest areas notices of warning, giving the date of the close season and all rules made by such board for the preservation of forests. All expenses incurred by counties in carrying out these provisions shall be paid as other county current expenses are paid.

SEC. 9. It shall be the duty of duly appointed deputies to patrol their districts, visit all parts of all roads and trails and frequented places and camps as often as possible; post all notices furnished by the State Forest Fire Warden or by the county board, posting such notices on all roads, trails, frequented places and camps; warn campers or other users of fire; see that all locomotives and engines are provided with spark arresters in accordance with the law; extinguish small or smouldering fires; impress help to stop conflagrations; see that all laws for the protection of forests are enforced; and arrest and cause to be prosecuted all malicious offenders. Any person refusing to render needed assistance when called upon for such assistance by any patrolman or deputy forest fire warden shall be punished by a fine of not less than five nor more than twenty dollars, and stand committed until the fine imposed is paid. Any person who shall wilfully or heedlessly deface, destroy or remove any warning placard or notice posted under the requirements of this act shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not exceeding one hundred dollars for each such offense, or by imprisonment in the county jail not exceeding three months.

Duty of deputies.

Impress assistance.

Refusal to render assistance punishable by fine.

Penalty for defacing notices.

SEC. 10. Any person who shall on any land within this State set and leave any fire that shall spread and damage or destroy property of any kind not his own shall be punished by a fine of not less than ten nor more than five hundred dollars. If such fire be set or left maliciously, whether on his own or other lands, with intent to destroy property not his own, he shall be punished by a fine of not less than twenty nor more than one thousand dollars, or imprisonment of not less than one month nor more than one year, or by both such fine and imprisonment, and shall be liable for damages in civil suit. All fines collected under this act shall be paid into the county treasury. This section shall not apply to back fires reasonably set for the saving of life and property. During the close season, any person who shall kindle a fire on land not his own, in or dangerously near any forest, and leave same unquenched, or who shall be party thereto or who shall by throwing away any lighted cigars, matches, or by the use of fire arms, or in any other manner, start a fire upon forest lands not his own

Penalty for violations.

Fines paid into county treasury.

Starting fires during close season—penalty therefor.

and leave same unquenched, shall upon conviction, be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not exceeding two months.

Locomotives to be provided with spark arresters.

SEC. 11. It shall be unlawful for any person or corporation to operate any spark emitting logging locomotive, logging or farm engine in this State at any time during the months of June to October inclusive, or for any person to operate any logging or other engine in the immediate vicinity of any forest slashing or chopping during the close season, without such locomotive or engine is provided with and uses a safe and suitable device for arresting sparks. Any person, company or corporation who shall fail to provide and use such spark arrester during the periods herein mentioned shall upon conviction pay a fine for each engine or locomotive for each day operated without such arrester, of not less than ten nor more than fifty dollars, and shall be prohibited from further use of such locomotive or engines in such months or season until such arrester is provided and used therewith. Fines from this source shall be paid into the current expense fund of the county treasury. Patrolmen and wardens shall report any lack of sufficient arresters to the prosecuting attorney of their county, and the Superior Court of that county where suit is first instituted shall have jurisdiction of the offense.

Failure to so provide.

Fines.

Reports of negligence.

Not to prevent burning of isolated fires—proper safeguards.

SEC. 12. Nothing in this act shall be construed to prevent any person owning land, or person or persons employed by him, from burning stumps, logs, drift or brush heaps when such are burned in small quantities, isolated from other inflammable material, under personal supervision, and such other safeguards as shall prevent said fire from spreading.

Emergency.

SEC. 13. An emergency exists and this act shall take effect immediately.

Passed the House February 26, 1903.

Passed the Senate March 11, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 115.

[H. B. No. 244.]

RELATING TO THE CONSTRUCTION OF ARMORIES IN CERTAIN CITIES AND MAKING AN APPROPRIATION TO ASSIST THEREIN.

AN ACT relating to the construction of armories for the use of the National Guard of Washington, appropriating money from the military fund to assist therein, authorizing certain counties and cities of the first class to furnish sites and participate in such construction, empowering them to incur indebtedness and to issue bonds therefor, and imposing penalties and providing a punishment for its violation.

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

SECTION 1. That for the purpose of assisting in the construction of an armory for the use of such organizations of the National Guard of Washington as may be stationed there, the sum of \$30,000 is hereby appropriated from the military fund for the construction of an armory in the city of Seattle: *Provided*, That a suitable site for such armory be furnished without cost to the State of Washington therefor, and that such site and all buildings, improvements and structures thereon shall forever belong to the State of Washington.

Appropriation for Seattle.

SEC. 2. That for the purpose of assisting in the construction of an armory for the use of such organizations of the National Guard of Washington as may be stationed there, the sum of \$20,000 is hereby appropriated from the military fund for the construction of an armory in the city of Tacoma: *Provided*, That a suitable site for such armory be furnished without cost to the State of Washington therefor, and that such site and all buildings, improvements and structures thereon shall forever belong to the State of Washington.

Appropriation for Tacoma.

SEC. 3. That for the purpose of assisting in the construction of an armory for the use of such organizations of the National Guard of Washington as may be stationed there, the sum of \$20,000 is hereby appropriated from the military fund for the construction of an armory in the city of Spokane: *Provided*, That a suitable site for such armory be furnished without cost to the State of Washing-

Appropriation for Spokane.

ton therefor, and that such site and all buildings, improvements and structures thereon shall forever belong to the State of Washington.

Authority to contract bonded indebtedness.

SEC. 4. That the counties of King, Pierce and Spokane, each of them by and through its board of county commissioners, and the cities of Seattle, Tacoma and Spokane, each of them by and through its council, are hereby severally authorized and empowered to contract indebtedness for the purposes of purchasing such armory sites and assisting in the construction of such armories, and to issue negotiable bonds therefor whenever the board of county commissioners of the respective county, or the council of the respective city shall deem it advisable, to an amount which together with the existing indebtedness of such county or city, shall not exceed one and one-half per centum of the taxable property of such county or city, to be ascertained by the last assessment for county or city purposes.

May increase limit of indebtedness by three-fifths vote in county.

SEC. 5. That each and every county and city mentioned in Section 4 of this act may contract indebtedness for the purposes herein specified and issue bonds therefor in excess of the amount named in said section 4 of this act, but not exceeding in amount, together with the existing indebtedness five per centum of the taxable property, to be ascertained as provided in said section 4, whenever three-fifths of the voters of such county or city voting on said question assent thereto at an election to be held for that purpose, consistent with the general election laws, which election may be either a general or special election.

Bonds—denominations and rates of interest.

SEC. 6. Said bonds shall be in denominations of not less than one hundred (100) nor more than one thousand (1000) dollars. They shall bear the date of issue, shall be made payable to the bearer in not more than twenty years from the date of issue, and bear interest at a rate not exceeding six (6) per cent. per annum, payable annually, with coupons attached, for each interest payment. The bonds and each coupon in the case of a county shall be signed by the chairman of the board of county commissioners, and attested by the clerk of said board, and the seal of such board shall be affixed to each bond, but not to the coupon. In the case of a city, the bonds and each coupon shall be signed by the mayor and attested by the clerk under the seal of the city. Said bonds shall be printed, engraved or lithographed

Bonds by whom signed and how issued

on good bond paper, and each 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 relating to the construction of armories for the use of the National Guard of Washington, appropriating money from the military fund to assist therein, authorizing certain counties and cities of the first class to furnish sites and participate in such construction, empowering them to incur indebtedness and to issue bonds therefor, and imposing penalties and providing punishment for its violation," approved on the—day of—19— (inserting the date of the approval of this act). Said bonds shall be payable in any city containing a bank of the United States.

Bonds—where payable.

SEC. 7. Bonds issued by counties in accordance with this act shall be sold by the county commissioners at not less than their par value, and the proceeds shall be applied only for the purposes for which said bonds were issued. Bonds issued by cities in accordance with this act shall be sold in such manner as the corporate authorities shall deem for the best interest of the city. Treasuries of counties and cities issuing bonds in accordance with this act shall register the same in the manner provided by law for bonds issued for county and municipal purposes.

Bonds, how sold.

Registration of bonds.

SEC. 8. Ten years before said bonds shall become due, there shall be levied by each county and city issuing the same, 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 next following section.

Tax levy to cover bonds.

SEC. 9. It shall be the duty of the treasurer of any county or city 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 or city business 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 numbers, said

Payment of bonds by County Treasurer.

Interest to cease—when.

bonds shall cease to bear interest, which shall be stated in the notice.

Indorsement
of coupons by
Treasurer;
considered
same as
warrants.

SEC. 10. The coupons herein before mentioned for the payment of interest on said bonds shall be considered for all purposes as warrants drawn upon the special fund provided in section 8 of this act, and when presented to the treasurer of the county or city issuing such bonds, and no funds are in the treasury to pay said coupons, it shall be the duty of the treasurer to indorse said coupons as presented for payment, in the same manner as warrants are indorsed, and thereafter said coupons shall bear interest at the same rate as warrants so presented and unpaid.

Armory
Commissions,
of whom
comprised.

SEC. 11. That for the purpose of erecting and completing the armories provided for in this act, there are hereby created three boards, to be known as the Seattle Armory Commission, the Tacoma Armory Commission, and the Spokane Armory Commission, respectively, each of these boards shall consist of five members comprised as follows: The adjutant general, the chairman of the board of county commissioners of the respective county, the president of the council of the respective city, the city engineer, and the ranking officer of the active list of the National Guard of Washington stationed at the respective city. The adjutant general shall be chairman of the three boards, and each shall elect a secretary from among its members. The members of these boards shall act as such until the completion of the armory under their charge and the acceptance thereof by the State, and shall give bond with at least two sureties to the State of Washington, in the sum of five thousand dollars, conditioned for the faithful performance of the duties imposed by this act, to be approved by the Governor and filed with the Secretary of State, said sureties qualifying in double the penal obligation of said bond. In each a majority shall constitute a quorum.

Chairman
and secre-
tary.

Shall give
bond with
sureties—
where filed.

Quorum.

Members not
to be inter-
ested in
contracts.

SEC. 12. It shall be unlawful for any of the members of the said boards to be connected, either directly or indirectly, in any manner whatsoever, with any contract or part thereof for the erection of said armories, or for any work connected therewith, or for the furnishing of any supplies or material therefor, or to receive any benefit therefrom, either by way of commission, rebate, bonus, division of profits or otherwise; and any one of said members who shall violate

this provision of this act shall be guilty of a felony, and upon conviction thereof shall be subject to a fine not to exceed \$1,000, and imprisonment in the penitentiary not to exceed five years, and shall forfeit his right to and be removed from his place on the board by the court in which he shall have been convicted. It shall be unlawful for any of said boards to employ any person in the supervision or superintendence of the building of said armories, or in any work connected therewith, who may or shall become in any manner connected, directly or indirectly, with any contract for the erection of said armories, or for the furnishing of any supplies or material therefor; and the said boards are hereby charged with the rigid enforcement of this provision of this act.

SEC. 13. It shall be the duty of each of said boards to locate its armory upon the most sightly and suitable site which shall become available therefor within its respective city; to secure the submission of plans and designs appropriate to an armory to cost not more than the amount specified in this act and such additional sum as may be donated by the county or city, to select the most desirable site, plan and design, and to obtain proper architectural designs, plans and specifications and details, in conformity with such plan and design; to secure the erection and completion of such armory building, conforming faithfully to such plan and design.

SEC. 14. No construction or material exceeding \$500 in amount shall be furnished except pursuant to bids advertised for in one daily newspaper for a period of ten days in each of the cities of Seattle, Tacoma and Spokane. The bid of the lowest and best responsible bidder shall be accepted, saving that the boards shall have the right to reject any and all bids. The performance of every contract shall be secured by a surety company bond to the State of Washington, in a sum not less than one quarter of the contract price, said bond to be conditioned for the faithful performance of said contract and to be approved by the respective commissions. Each bid shall be accompanied by a certified check in the sum of \$1,000, payable to the chairman of the respective commission, which shall be forfeited to the State for the use of the military fund upon failure of the party, for a period of ten days after any contract is awarded him

Penalty.

Site of armories.

Bids for material and construction.

Certified check to accompany bid.

to enter into a proper contract and furnish satisfactory bonds as required by law. All contracts shall reserve the right of the board for good cause shown to annul the contract, without allowance for damages, and allowing only expenses incurred and labor performed, not exceeding the contract price of the proportion that the work done or material furnished thereunder bears to the total amount contracted for. Such a per centum not less than twenty per centum, as the board shall deem proper, shall be reserved from payment on monthly estimates of work done, until such work shall have been completed, inspected and accepted. All material contracted for shall be of the best quality and to the satisfaction of the board, and the directions, plans and specifications of the work executed and carried out by skilled and reputable architects, contractors, artists, mechanics and laborers, likewise to the satisfaction of the board.

Right to annul contracts reserved.

Quality of material.

Compensation and duties of architect.

SEC. 15. The architect chosen by each of these boards shall receive such compensation for his plan and design as the board shall deem reasonable. He shall be supervising architect of said building, and for all contracts for construction or material therefor. He shall see that all material furnished and work done shall be of the best quality, and all contracts with said board are faithfully performed by the parties so contracting with said board. He shall perform all other duties devolving upon him as such architect, and the supervising architect of said building, and may be removed at the pleasure of said board. Neither said architect nor any of his subordinates or assistants shall be in any way connected with any work done or material furnished for said building, or any contract therefor, or shall have any interest therein, directly or indirectly. He shall furnish a surety company bond to the State of Washington in the sum of \$10,000, conditioned for the faithful performance by said architect, his assistants and subordinates, of his or their duties as herein prescribed.

Bond of architect.

Disbursements—how made.

SEC. 16. All disbursements on account of the construction of any of the armories provided for in this act shall be made pursuant to certificates issued by the board having charge. All claims, bills and demands for labor performed, work done or material furnished shall be presented to the board in duplicate, and shall be passed upon by said

board after a careful examination of every item named. If ^{Auditing of bills.} found correct they shall audit the same, preserving one duplicate and transmitting the other as audited and allowed to the State Auditor, and shall issue a certificate to the effect that the services have been rendered or material furnished, and the person therein named is entitled to a warrant on the treasury for the amount therein named. Upon a presentation of said certificate and a duplicate of the vouchers therefor as audited and approved by the board as herein provided, to the State Auditor, he shall draw his warrant on the State Treasury upon the fund appropriated for the particular armory in the construction of which the claim was incurred, for the amount stated, and to the order of the person named in said certificate: *Provided*, That no certificate shall be issued in excess of the amount remaining to the credit of that particular fund. All certificates issued shall be recorded in a book for that purpose.

SEC. 17. In order to carry out the provisions of this act ^{Creation of armory funds.} there are hereby created three funds, to be known as the Seattle armory fund, the Tacoma armory fund, and the Spokane armory fund, respectively, under which names the amounts appropriated in sections 1, 2 and 3 of this act shall be carried respectively. Whenever any county, city or individual shall donate money to assist in the construction of any one of these armories, the same shall be paid into the State Treasury to the credit of the particular fund for the armory in question, and shall be available in like manner as the money appropriated by the State, for the expenses incurred in the construction of that particular armory.

SEC. 18. The attorney general shall be the legal adviser ^{Attorney General legal adviser.} of the boards herein constituted.

SEC. 19. That the armories herein provided for the National Guard of Washington shall not be used for any purpose whatever other than the legitimate uses of the commands occupying them, and no commander of any regiment, battalion or company shall allow the armory or armories of his command to be let for other than a proper military purpose, unless by the approval of the commander-in-chief or intermediate commanders. ^{Use of armories.}

SEC. 20. The commander-in-chief is hereby authorized ^{Rules and regulations.} to make such rules and regulations as he may deem expedient to govern these armories, but such rules and regulations

shall conform to this act. When promulgated they shall have the same force and effect as this act.

Passed the House March 10, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 116.

[H. B. No. 71.]

AMENDING ACT RELATIVE TO BUILDING, LOAN AND SAVINGS ASSOCIATIONS.

AN ACT to amend Sections 1, 4, 6, 25, 31 and 39 of an act entitled "An act relating to building, loan and savings associations doing a general business," received by the governor March 28, 1890, and became a law without approval, being Sections 4395, 4398, 4399 [4419], 4425, 4433 of Ballinger's Annotated Codes and Statutes of Washington, and Sections 7128, 7131, 7133, 7152, 7158, 7166 of Pierce's Washington Code, and repealing Section 34 of said act, known as Section 4428 of Ballinger's Annotated Codes and Statutes of Washington, and Section 7161 of Pierce's Washington Code.

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

SECTION 1. That sections 1, 4, 6, 25, 31 and 39 of an act entitled "An act relating to building, loan and savings associations, doing a general business," received by the Governor March 28, 1890, and which became a law without approval, being sections 4395, 4398, 4399, 4419, 4425 and 4433 of Ballinger's Annotated Codes and Statutes of Washington and sections 7128, 7131, 7133, 7152, 7158 and 7166 of Pierce's Washington Code, be amended to read as follows: Sec. 1. That section 1 of the above described act be amended to read as follows: Section 1. Whenever any number of persons not less than ten desire to be incorporated as a building and loan association, for the purpose of accumulating the savings and funds of its members and lending its shareholders or others 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

Amendment.

Manner of
Incorporation.

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 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 such 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 requirements, 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.

Declaration
—what to
contain.

Filed with
Secretary of
State—copy
to be
issued.

To be re-
corded and
published in
county.

Proof to be
filed with
Secretary of
State.

SEC. 2. That section 4 of the above described act be amended to read as follows: Section 4. For every loan made a note or 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 where the borrowers are shareholders of the association, the loan shall also be secured by a pledge of their shares as collateral security: *Provided*, That the directors in their discretion may loan upon the security of the association stock to the amount of its withdrawal value, and may also loan upon or invest in approved federal, state, county and municipal bonds and warrants.

Loans—
amount of
security.

SEC. 3. That section 6 of the above described act be amended to read as follows: Section 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 mortgages 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 securi-

Securities—
where de-
posited.

ties, 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 mortgages 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, except such associations as confine their business operations wholly to the county in which such associations are incorporated, and the counties adjacent thereto 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: *Provided*, That whenever required by the 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 de-

Securities—
what to
consist of.

Proviso for
deposit of
securities in
other states.

posited there, then the same shall be deposited here, as required by this act.

SEC. 4. That section 25 of the above act be amended Amendment as to usury. to read as follows: "Section 25: No premium taken for loans, nor amounts charged for expenses, as allowed in this act nor any payments on account of installments of stock made by a borrowing member shall be considered as a repayment on his loan, or shall render such association amenable to the laws relating to usury."

SEC. 5. That section 31 of the above act be amended to read as follows: Section 31. That no association governed by this act shall set apart as an expense fund, exclusive of admission fees, to exceed one dollar per year upon Amount of expense fund. each share of its stock, or assess any fines for non-payment of monthly installments, or otherwise, in excess of ten cents per share for the first month that the same shall be in arrears, and fifteen cents per share per month for every month thereafter: *Provided*, That where loans are made to non-members of the association as provided in this act, the association may set apart as an expense fund not to exceed one per cent. per annum of the principal of said loans.

SEC. 6. That section 39 of the aforesaid act shall be amended to read as follows: Section 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 meeting shall be deposited in the post office at the headquarters of such association, directed to each member at his address Notice of annual or special meetings. 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 and a statement of any officers to be elected at such meeting; any members of such association entitled to vote in person or by proxy."

SEC. 7. That section 34, known as sec. 4428 Ballinger's Annotated Codes and Statutes of Washington and sec. 7161 of Pierce's Washington Code, be and the same is hereby Sec. 4428 Ballinger's Code, Sec. 7161 Pierce's Code repealed. repealed.

Passed the House February 27, 1903.

Passed the Senate March 10, 1903.

(Note by the Secretary of State).—The foregoing act was filed in the office of the Secretary of State, without the approval of the Governor thereof.

SAM H. NICHOLS,
Secretary of State.

CHAPTER 117.

[H. B. No. 161.]

AMENDING BALLINGER'S CODE RELATIVE TO SCHOOL DISTRICT ELECTIONS.

AN ACT relating to the election of school directors in cities of ten thousand inhabitants and over, and amending Sections 2346 and 2347 in Article III of Chapter III, of Title XV, of Ballinger's Annotated Codes and Statutes of Washington.

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

Sec. 2346 Bal-
linger's Code
amended.

Election and
term of
Board of
Directors.

SECTION 1. Section 2346, in Article III, of Chapter III, of Title XV, of Ballinger's Annotated Codes and Statutes of Washington, is hereby amended so that the same shall read as follows: Section 2346. The said board of directors shall consist of five members, who shall be elected by ballot by the qualified electors of the district and shall hold their offices for a term of three years, and until their successors are elected and qualified: *Provided*, that the terms of members of the board of directors in any city, to which the provisions of this title apply, shall serve the time for which they were elected, and if such time would otherwise elapse prior to the first Monday of January, then they shall respectively serve until the said first Monday of January next following the day when their terms would otherwise respectively expire.

Amending
Sec. 2347 Bal-
linger's Code.

Regular dis-
trict elec-
tions.

SEC. 2. Section 2347 in Article III, Chapter III of Title XV of Ballinger's Annotated Codes and Statutes of Washington is hereby amended so that the same shall read as follows: Section 2347. The regular district election in each district contemplated by this chapter shall be held upon the first Saturday of December in each year, beginning with the year 1903. The board of directors shall cause written or printed notices to be posted, specifying the day and place

of such election, and the time during which the ballot box will be kept open; not less, however, than six hours. Said notices shall be posted in at least one place in each ward in the district at least twenty days previous to the time of election. Said notices shall also be published three times 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 regular issues next preceding the day of such election. If the board of directors fail to give notice at such time, as herein provided, then any five 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 title for such election. All elections shall be by ballot and in the absence of any notice specifying the hour, the ballot box shall be open at one o'clock p. m., and be closed at eight o'clock p. m.

Passed the House February 26, 1903.

Passed the Senate March 10, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 118.

[H. B. No. 223.]

FOR THE PROTECTION OF SHADE TREES AND HEDGES ON PUBLIC HIGHWAYS.

AN ACT for the protection of shade trees and hedges on public highways.

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

SECTION 1. Any person or company wishing to plant and cultivate shade or ornamental trees on the public highways of the State of Washington may lawfully do so by planting the same in the said highways at a distance not greater than ten (10) feet from the lines dividing the land owned by them from the said highways when the said roads have a legal width of sixty (60) feet or more and at a distance not greater than eight (8) feet from said dividing lines when said roads have a legal width of less than sixty

Lawful to
plant—at
certain dis-
tances, etc.

(60) feet: *Provided*, That such trees shall not be lawfully planted where the entire width of the road is required for public use by reason of heavy cuts, fills, slopes or grades.

Hedge fences. SEC. 2. It shall be lawful for any person or company to plant hedge fences on the line dividing their property from public highways and to use temporarily a strip of said highway not exceeding eight (8) feet in width for the protection and cultivation of such hedges and to maintain temporary fences within said strip for a period not exceeding four (4) years after the said hedges have been planted.

Duty of
road super-
visors.

SEC. 3. It is hereby directed to be the duty of road supervisors and overseers to protect trees and hedges now growing or which may be hereafter planted in the public highways of the State when such trees and hedges are located in conformity with the provisions of this act.

Injury or
destruction.
Penalty.

SEC. 4. Willful injury to or destruction of shade or ornamental trees or hedges in or along the line of any public highway in the State of Washington is hereby declared to be a misdemeanor and the perpetrators of such injury shall be liable for each tree so injured or destroyed, to a fine not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) or to imprisonment in the county jail for not more than sixty (60) days or to both such fine and imprisonment.

Repeal.

SEC. 5. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Passed the House February 26, 1903.

Passed the Senate March 11, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 119.

[H. AMEND. B. No. 105.]

PROVIDING FOR LEVY, COLLECTION AND MANNER OF PAYMENT OF ROAD, BRIDGE, POLL AND PROPERTY TAXES, ROAD AND BRIDGE IMPROVEMENTS, ETC.

AN ACT providing for the levy, collection and manner of payment of road, bridge, poll and property taxes, and the manner of the expenditure thereof, and providing for the division of counties into road districts, and the appointment of supervisors thereof, and repealing all acts and parts of acts in conflict herewith.

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

SECTION 1. All male persons of this State over twenty-one years of age and under fifty years of age, outside the limits of an incorporated city or town, unless by the law exempt, shall annually pay a road poll tax of two dollars, which shall be due and payable in money without exemption whatsoever on the first day of March in each year. All poll taxes shall be paid into the district road and bridge fund of the district in which the same shall be collected.

Who are liable for poll tax.

SEC. 2. The county commissioners or any poll tax collector they may authorize shall annually, commencing on the first day of March in each year, demand a poll tax from each person liable therefor.

County Commissioners to demand same.

SEC. 3. Any person, firm, corporation or company, or agent thereof, having persons in his or their employ liable to pay a poll tax as hereinbefore provided, shall upon demand duly made by such collector, furnish a list showing the names of all persons so employed, and the wages due and owing to each of such employes, and if the amount of said poll tax be then due it shall be paid at once to the collector by said employer. Any such employer refusing to furnish such list upon demand shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding one hundred dollars, and may also be imprisoned in the county jail not exceeding one month. And any payment made by said employer as herein provided shall be a complete defense in any suit or action brought by the employe for such sum or sums.

Companies to furnish lists of those liable.

Penalty for refusal.

Collection—
how made.

SEC. 4. The county commissioners or any poll tax collector may in the name of the county where any poll tax is sought to be collected, invoke in the collection of such tax any process of civil procedure authorized by law. Public officers of this State shall render any service demanded by the commissioners or any collector duly authorized by them, without charge or fee of any kind: *Provided*, That the county commissioners may allow in the case of public officers who receive their compensation by fees such allowance chargeable against the taxes collected as they may deem just.

Delinquent
—a lien on
real or
personal
property.

SEC. 5. Any poll taxes due or delinquent shall be chargeable to and shall be a lien from the time such taxes are due and payable on any real or personal property of the person owing the tax. The county commissioners may certify a list of persons from whom poll taxes are due or delinquent to the county auditor who shall extend such list or lists on the tax rolls against the real or personal property of such tax debtor.

Actions may
be concur-
rent.

SEC. 6. The means or methods provided in this act for the collection of poll taxes, shall be held to be concurrent and any two or more may be presented at the same time.

Division of
counties into
road
districts.

SEC. 7. The board of commissioners of the several counties of this State shall at their regular session next preceding the date of the levy of taxes for the year 1903 divide their respective counties, exclusive of incorporated cities and towns, into not to exceed four road districts for the purpose of this act and shall cause a description thereof to be entered in their records.

Levy and
certification
of tax
Levy of tax
for road
repair.

SEC. 8. The boards of county commissioners shall annually, at the time of making their levy for county purposes, levy and certify to the county auditor a tax of not more than four mills on the dollar on all the taxable property in the county, which shall be payable in money, for the general road and bridge fund, from which they shall order paid such sums as may be found necessary for the construction, repair and improvement of roads and bridges, in which all the inhabitants of the county are interested.

SEC. 9. The boards of county commissioners shall annually, at the time of making the tax levy for general road and bridge purposes provided for in section 8, levy and cer-

tify to the county auditor a tax of not more than ten mills on the dollar of all the taxable property in the road districts previously defined by them, which tax shall be payable in money for a district road and bridge fund, and from which fund they shall order paid such sums as may be found necessary for the construction and repair of the roads and bridges in the several districts where the tax is levied.

SEC. 10. When taxes shall have been levied and certified for the general and district funds as provided for in the last two preceding sections, the county auditor shall extend such taxes on the tax roll of their respective counties, against all the property subject to such levies, in the same manner as other taxes are extended. Extension by Auditor on tax rolls.

SEC. 11. The county treasurer shall [collect] all the taxes on the rolls, whether poll or property taxes, in money, as other taxes are collected, and credit the proper funds with the amounts collected. County Treasurer to collect.

SEC. 12. The boards of county commissioners may appoint from among the qualified electors in each district, for such time as they may determine, with compensation not to exceed \$4 per day, a road supervisor who shall enter into a bond satisfactory to the commissioners. The commissioners shall have power to remove any supervisor at will. Road supervisors—how appointed.

SEC. 13. It shall be the duty of the road supervisor, under the direction of the county commissioners, to keep the roads and bridges in his district in as good repair as the funds available will allow, and keep all roads open for travel at all times, and make a detailed monthly report of all work performed in his district during the previous month to the board of county commissioners; examine and certify all bills for labor and material in his district; and perform such other duties as may be required by the commissioners for the proper maintenance of the highways. Duties of road supervisors.

SEC. 14. The county surveyor and the supervisors of the several road districts shall meet with the county commissioners on the first Tuesday of the board's regular session in April, to outline the road improvements to be made. Surveyor and Board to outline improvements.

SEC. 15. All the funds in the county treasury raised by the taxation herein provided shall be expended by the county commissioners and all road and bridge construction, im- Expenditure of funds.

provements or repairs shall be made by the county commissioners in the following manner:

First. All road and bridge construction, improvements or repairs of which the estimated cost shall be under one hundred and fifty dollars may be done by the road supervisor of the proper district under the direction of the county surveyor.

Second. Road and bridge construction, improvement or repair of which the estimated cost shall be more than one hundred and fifty dollars, except in case of emergency, shall be let by contract by the county commissioners, on plans and specifications previously prepared by the county surveyor, under the direction of the board of county commissioners, to the lowest and best bidder; calls for said bids to be made by publication in the official county paper for not less than three consecutive weeks prior to the time set by the commissioners for the opening of bids, provided that in any county having no official county paper, such notice shall be given by posting for ten days a notice in three of the most public places in such counties. The county commissioners shall require a bond of the successful bidder in the full amount of the contract price of construction, improvement or repair of roads or bridges, conditioned for the faithful performance of the contract according to law and any requirements the commissioners may impose at the time advertising for bids.

Third. Each bidder shall deposit with his bid a certified check in an amount equal to five per cent. of his bid. Should the bidder to whom the contract is awarded fail to enter into a contract with the commissioners and furnish the bond herein before provided within five days after the notice of such award, the amount of said check shall be forfeited to the general road and bridge fund of the county.

Fourth. The county surveyor shall have full supervision of the construction and repairs of all public roads and bridges within his county, under the direction of the county commissioners.

SEC. 16. No money shall be paid by the county commissioners to exceed seventy-five per cent. of the value of any work done at any time until the entire work is completed by the contractor approved by the county surveyor and accepted by the commissioners.

Work to be let by contract.

Calls for bids.

Bond of successful bidder.

Deposit of certified check with bid.

Supervision of surveyor.

Payments limited to 75 per cent. until acceptance of work.

SEC. 17. After the establishment of the districts as herein provided, the county treasurer shall transfer all funds to the credit of the several road districts now existing to the road and bridge fund of the respective district in which the present road districts are situated, and such newly created districts shall assume all liabilities and indebtedness of the present road districts situated within their respective limits.

SEC. 18. This act shall not take effect until the first Monday in January, 1904, except that the county commissioners shall, at the time of making the general tax levy in 1903, make the levy for the road and bridge tax provided for in section 8, and for the district road and bridge tax provided in section 9.

SEC. 19. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Passed the House March 6, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 120.

[H. B. No. 328.]

AUTHORIZING TOWNS OF THE FOURTH CLASS TO DESIGNATE AN OFFICIAL NEWSPAPER.

AN ACT authorizing towns of the fourth class to select and designate an official newspaper, and declaring the publication of all notices in such paper for the period and in the manner provided by law or the ordinances of said town to be due and legal notice.

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

SECTION 1. That any town of the fourth class in the State of Washington may select or designate any daily or weekly newspaper published or of general circulation in such town as the official paper of said town, and all notices published in said paper for the period and in the manner

provided by law or the ordinances of said town shall be due and legal notice.

Passed the House February 27, 1903.

Passed the Senate March 11, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 121.

[H. B. No. 302.]

AMENDING ACT PROVIDING FOR ANNEXATION OF CONTIGUOUS TERRITORY BY COUNTIES.

AN ACT to amend Section 1 (Pierce's Code, Sec. 3921) of an act entitled "An act to provide for annexing certain county territory to a neighboring county to which it is contiguous," and to repeal Section 10 of said act, approved March 9, 1891.

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

Sec. 3921
Pierce's Code.

Petition.

SECTION 1. That section 1 of an act entitled "An act to provide for annexing certain county territory to a neighboring county to which it is contiguous," approved March 9, 1891, be amended to read as follows: Section 1. That when four-fifths (4-5) of the qualified electors living upon any territory not less than one section in area shall desire to have such territory stricken from the county of which it shall then be a part and added to and made a party of the county contiguous thereto, they may present a petition describing with proper certainty the bounds and area of such territory, with the reasons for making such application, to the board of county commissioners of the county in which such territory shall be, who shall proceed to ascertain if such petition contains the requisite number of petitioners, who shall be *bona fide* residents of the territory sought to be stricken off and transferred to the contiguous county, and if satisfied that the petition is signed by four-fifths (4-5) of the *bona fide* residents of such territory and there will remain in the county from which such territory is taken more than four thousand inhabitants, the said board

shall make an order that a special election shall be held ^{Special election.} within the limits of the territory described in the petition upon a date to be named in said order. Notices of election shall contain a description of the territory proposed to be transferred, the names of the counties from and to which such transfer is intended to be made, and shall be posted and published as required for general elections.

SEC. 2. That section ten of said act be and the same is ^{Repeal.} hereby repealed.

Passed the House March 6, 1903.

Passed the Senate March 11, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 122.

[H. B. No. 172.]

DEFICIENCY APPROPRIATION FOR SALARIES OF DEPUTY FISH COMMISSIONERS.

AN ACT making a deficiency appropriation for salaries for
Deputy Fish Commissioners.

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

SECTION 1. There is hereby appropriated out of the Fish Hatchery Fund the sum of four hundred dollars for Deputy Fish Commissioner's salaries for the remainder of the fiscal year ending March 31st, 1903.

Passed the House February 9, 1903.

Passed the Senate March 11, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 123.

[H. B. No. 309.]

MAKING IT A FELONY FOR A HUSBAND TO CONNIVE AT THE PROSTITUTION OF HIS WIFE AND PROVIDING PUNISHMENT THEREFOR.

AN ACT relating to husbands who connive at the prostitution of their wives and to persons who live off or accept the earnings of prostitutes, or solicit persons to go to houses of ill-fame for immoral purposes, or who permit or solicit females under eighteen years of age to enter any house of ill-fame, or other houses for immoral purposes, declaring the violation hereof a felony and fixing a punishment.

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

SECTION 1. Every man who by force, intimidation, threats, persuasion, promises, or any other means, places or leaves, or procures any other person or persons, to place or leave, his wife in a house of prostitution, or connives at, or consents or permits, the placing or leaving of his wife in a house of prostitution, or allows or permits her to remain therein, is guilty of a felony, and shall be punished, upon conviction thereof, by imprisonment in the penitentiary for not less than one year or more than ten years; and in all prosecutions under this section the wife shall be a competent witness against her husband.

Penalty.

SEC. 2. Any male person who lives with, or who lives off of, in whole or in part, or accepts any of the earnings of a prostitute, or connives in or solicits or attempts to solicit any male person or persons to have sexual intercourse, or cohabit with a prostitute, or who shall invite, direct or solicit any person to go to a house of ill-fame for any immoral purpose; or any person who shall entice, decoy, place, take or receive any female child or person under the age of eighteen years, into any house of ill-fame or disorderly house, or any house, for the purpose of prostitution; or any person who, having in his or her custody or control such child, shall dispose of it to be so received, or to be received in or for any obscene, indecent or immoral purpose, exhibition or practice, shall be deemed guilty of a felony and upon

conviction thereof shall be imprisoned in the penitentiary ^{Penalty.} not less than one year nor more than five years, and fined in any sum not less than one thousand dollars nor more than five thousand dollars.

Passed the House March 9, 1903.

Passed the Senate March 11, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 124.

[H. B. No. 140.]

AMENDING BALLINGER'S CODE RELATIVE TO ASSESSMENTS FOR LOCAL IMPROVEMENTS IN CITIES.

AN ACT to amend Section 1 of an act entitled "An act amending Section 943 of Ballinger's Code and Statutes of Washington, relating to assessments to local improvements," approved March 16, 1901.

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

SECTION 1. That section 1 of an act entitled "An act amending section 943 of Ballinger's Codes and Statutes of Washington, relating to local improvements," approved March 16, 1901, be amended to read as follows: Section 1. That [section] 943 of Ballinger's Annotated Codes and Statutes of Washington, relating to assessments for local improvements be amended to read as follows: Section 943. The city council are hereby authorized and empowered to order any work authorized by this chapter to be done upon the streets, alleys, avenues, highways and public places of such city. The expense or cost of improving and repairing streets, side walks, alleys, squares or other public highways and places within the city, removing obstructions therefrom, grading, planking, paving, macademizing, graveling and curbing the same and planting, setting out and cultivating of shade trees therein, and constructing gutters, culverts and sidewalks therein, shall be assessed as follows: The city council shall before grading, paving or other improvement of any street or alley, the cost of which is to be levied and assessed upon the property benefited, first pass

Sec. 943 Ballinger's Code.

City council to order work done.

Assessment—how made.

Ordinance
or resolution.

a resolution or ordinance declaring its intention to make such improvement and stating in such resolution or ordinance the name of the street or alley to be improved, the points between which the said improvement is made, and the estimate of the cost of the same, and the cost of the same is to be assessed against the property abutting (and included in the assessment district herein provided) on such street proposed to be improved, and shall fix a time not less than ten days in which protests against such proposed improvement may be filed in the office of the city clerk. It shall

Duty of
clerk.

be the duty of such clerk to cause such resolution to be published in the official newspaper of the city in at least two consecutive issues before the time fixed in such resolution for filing such protest, and affidavit of such publication shall be filed on or before the time fixed for such filing. If

Protests.

protest against the proposed improvement by the owners of more than two-thirds of the front feet of lots and lands abutting on such proposed improvement and included in the assessment district therein proposed, be fixed [filed] on or before the date fixed for such filing, the council shall not proceed further with the work unless six members of said council shall vote to proceed with such work. If no such protest is filed, or if such protest is filed and six councilmen shall vote to proceed with such work, the council shall at its next regular meeting, proceed to consider the same, and shall then or at a subsequent time proceed to enact an ordinance for such improvement. By the provisions of such ordinance

Local im-
provement
districts.

a local improvement district shall be established to be called "Local Improvement District No. ——" which shall include all the property fronting on the street to be improved between the points named in such resolution, to the distance back from such street, if platted in blocks and lots, 120 feet provided the block is 240 feet or more in length and if less than 240 feet in length then to the center of the block; if platted only in blocks to the center of each block; and if not platted, to the distance of one hundred and twenty feet. Such ordinance shall provide that such im-

Provisions
of ordinance.

provement shall be made, and that the cost and expense thereof shall be taxed and assessed upon all the property in such local improvement district, which cost shall be assessed in proportion to the number of feet of such land and lots fronting thereon, and included in said improvement dis-

trict, and in proportion to the benefits derived by said improvement: *Provided*, That the city council may expend from the general fund for such 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 the 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 crossing or crossings at corners or intersections of streets, and the expenses of establishing, building and repairing bridges in such city shall be paid by such city, the expenses incurred in making and repairing sewers in any street shall be paid by special assessment levied against the property benefited thereby. 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 such streets, avenues or public ways, the lot or portion 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 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, except general tax 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. And in any such proceedings where the court trying the same shall be satisfied that the work has been done or material furnished, which according to the true intent of the act would be properly chargeable upon a lot or land through or by which the street, alley or highway improved or repaired may pass, a recovery shall be permitted or charge enforced to the extent of the proper proportion of the value of the work or material which would be chargeable on such lot or

Expense to
become a
lien.

Suit.

land notwithstanding any informalities, irregularities or defects in any of the proceedings of such municipal corporation or its officers.

Passed the House February 26, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 125.

[H. B. No. 168.]

PROHIBITING IMPORTATION OF HORSES, CATTLE AND SWINE UNLESS ACCOMPANIED BY PERMIT AND CERTIFICATE OF HEALTH.

AN ACT prohibiting the importation of horses, cattle and swine, unless accompanied by a certificate of health and permit from some official veterinarian, excepting animals intended for exhibiting, providing for its enforcement, and fixing a penalty for its violation.

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

SECTION 1. That it shall be unlawful to bring into the State of Washington any horses, cattle or swine for work, feeding, breeding or dairy purposes: *Provided, however,* That shipments of horses, cattle and swine may be brought into the State of Washington after said horses, cattle and swine have been examined and found free from the following contagious diseases: Glanders, farcy, tuberculosis, actinomycis, rinderpest, foot and mouth diseases, contagious abortion, contagious keratitis, scabies, maladie du coit, swine plague and hog cholera, and a bill of health and a permit given by a State Veterinarian, and Assistant State Veterinarian, a Veterinarian of the United States Bureau of Animal Industry, or by a veterinary acting under the order or direction of the livestock sanitary board of any State: *Provided,* That in the case of cattle over six months of age to be used for breeding or dairy purposes, the non-existence of tuberculosis shall have been determined by the tuberculin test and certified to by the veterinary issuing the

Diseases
named—
must be free
from.

above mentioned certificate of health and permit; the certificate of health and permit given by the above mentioned veterinarian shall be given in duplicate, the original of which shall be forwarded to the State Veterinarian of Washington, and the duplicate given to the railroad or transportation company to be attached to the bill of lading for said animals; and no railroad or transportation company—which is meant to include boats, ferries and bridges—shall accept any such animals for shipment into the State of Washington for work, feeding, breeding or dairy purposes without the bill of health and permit therein provided for, and no railroad or transportation company shall accept from its connecting lines any animals shipped in violation of this act.

Certificate of health—in duplicate.

SEC. 2. Animals brought into the State for the purpose of exhibition at town, county, district or State fairs shall not be subject to above regulations: *Provided, however,* That in event of sale being made from such exhibition, the animal sold shall be submitted to examination by the State Veterinarian or his authorized deputy and thereby be subject to the rules and regulations governing native Washington cattle.

Exempt, for purpose of exhibition only.

SEC. 3. All railroad, livestock, transportation and stock-yard companies and their employes and all other persons are hereby forbidden to bring horses, cattle and swine into the State except in compliance with the foregoing regulations, and any violation of the same will constitute a misdemeanor and be punished accordingly.

Violation.

Passed the House March 4, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 126.

[SUB. H. B. NO. 88.]

AMENDING ACT RELATIVE TO PROTECTION AND PROPAGATION OF FOOD FISHES.

AN ACT to amend Section 8 (Pierce's Code, Section 5281) of an act entitled "An act providing for the protection and propagation of the food fishes in the waters of the State of Washington, regulating the catch and sale thereof, establishing licenses, fixing penalties, repealing conflicting laws, and declaring an emergency," approved March 13, 1899, as amended by an act approved March 1, 1901.

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

SECTION 1. That section 8 of an act entitled "An act providing for the protection and propagation of the food fishes in the waters of the State of Washington, regulating the catching and sale thereof, establishing licenses, fixing penalties, repealing conflicting laws and declaring an emergency," approved March 13, 1899, as amended by an act approved March 1, 1901; be amended to read as follows: Section 8. And it shall be unlawful to take or fish for salmon in any of the tributaries of Puget Sound during the month of April and from the fifteenth of October to the fifteenth of November in each year. It shall also be unlawful to take or fish for salmon at all times and by any means whatsoever in any of the following named rivers or their tributaries, above tide water in said rivers: Nooksack river, Samish river, Skagit river above the town of Hamilton, Stillaguamish river, Snohomish river, White river, Puyallup river, Nisqually river and Skokomish river. And it shall be unlawful to take or fish for salmon in the waters of Grays harbor or its tributaries from the fifteenth day of March to the fifteenth day of April and from the fifteenth day of November to the fifteenth day of December in each year. And also it shall hereafter be unlawful to take or fish for salmon in any of the following named tributaries of Grays Harbor from the fifteenth day of August to the fifteenth day of November in each year above the points hereinafter described, to-wit: It shall be unlawful to take or fish for salmon in the Chehalis river above a point one half mile below the mouth

Sec. 5281
Pierce's Code.

Close season
in Puget
Sound.

Forbidden, in
rivers
named.

Close season
in Grays
Harbor.

Forbidden in
certain
rivers.

of the Wynooche river; it shall be unlawful to take or fish for salmon above a point one half mile above the mouth of the Humptulips river; it shall be unlawful to take or fish for salmon above a point one half mile above the mouth of the Elk river; it shall be unlawful to take or fish for salmon above a point one half mile above the mouth of the Johns river. The Fish Commissioner is hereby empowered to indicate the points above which fishing may not be done as provided hereinbefore by driving piles at the points in said streams above designated, which shall mark the points above which said fishing shall not be done. It shall be unlawful to take or fish for salmon in the waters of Willapa harbor or its tributaries from the fifteenth day of March to the fifteenth day of April, and from the fifteenth day of November to the fifteenth day of December in each year. And also it shall be unlawful to take or fish for salmon in any of the following tributaries of Willapa harbor above tide water in said rivers: North river, Willapa river and Nasel river. Nothing in this act shall be construed to prevent fishing with hook and line, commonly termed angling, in any of the above named rivers. It shall be unlawful to take or fish for salmon in the Columbia river or its tributaries, or within three miles outside of the mouth of said Columbia river, by any means whatever in any year, between 12 m. the first day of March and 12 m. the fifteenth day of April, or between 12 p. m. the fifteenth day of August and 12 m. the tenth day of September, *except Snake river, and it shall be unlawful to take or fish for salmon in said Snake river or any of its tributaries by any means whatever, in any year, between 12 m. the first day of March and 12 m. the fifteenth day of April, or between 12 m. the first day of August and 12 m. the first day of September.* And it shall be unlawful to take or fish for any salmon, by any means whatever, except with hook and line, commonly termed angling, in the Kalama river, Wind river, Little White Salmon river, Wenatchee river, Methow river, Little Spokane river and Colville river, and in the Columbia river within one mile of the mouth of the above named rivers. It shall be unlawful at any time to take any fish with a net, trap or other device than hook and line in Chambers Creek, in Pierce County, or within two hundred and fifty yards of the mouth of said creek, and the mouth of said creek

Duty of Fish
Commis-
sioner.

Close season
in Willapa
Harbor.

Close season
in Columbia
river.

Snake river.

Chambers
creek, Pierce
County.

shall be construed to mean the junction where the fresh and salt waters meet at low tide.

Passed the House March 5, 1903.

Passed the Senate March 11, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 127.

[H. B. No. 281.]

AUTHORIZING THE BOARD OF STATE LAND COMMISSIONERS TO VACATE CERTAIN PLATS COVERING STATE'S GRANTED, TIDE, SCHOOL AND SHORE LANDS, SREETS, ALLEYS, ETC.

AN ACT authorizing and empowering the Board of State Land Commissioners to vacate plats covering State granted, school, tide or shore lands, and streets, alleys and other public places therein situated, and to plat, replat, appraise and dispose of the same; and giving to the owners of lands abutting on any of the parcels into which such streets, alleys or other public places so vacated shall be platted a preference right to purchase such parcel or parcels.

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

SECTION 1. When in the judgment of the State Board of Land Commissioners the best interest of the State will be thereby promoted, the said board is hereby authorized and empowered to vacate any plat or plats covering school and granted lands and vacate any streets, alleys and other public places therein situated. Any such lands within the limits of any incorporated city or town or within two miles of the boundary of any incorporated city where the valuation of such land shall be found by appraisement to exceed \$100.00 per acre shall be replatted by said board into lots and blocks of not more than five acres in a block and disposed of in the manner provided in section 11, Chapter LXXXIX, Session Laws of 1897: *Provided*, That the vacation of any such plat shall not affect the vested rights of any person or persons heretofore acquired therein.

Vacation of
plats.

Replat into
lots and
blocks.

SEC. 2. That said board in the exercise of the power^{Entry of order.} and authority herein conferred shall cause the order made by said board to vacate any plat or plats to be entered in the minutes of said board, and at once forward a certified copy thereof to the County Auditor of the county wherein said platted lands are located, and said Auditor upon the receipt thereof shall cause the same to be recorded in the miscellaneous deed records of his said county. ^{Auditor to record.}

SEC. 3. Whenever all the owners and other persons who have a vested interest in the lands abutting on any street, alley or other public place, or any portion thereof, in any of the state granted, tide or shore lands lying outside of the limits of any incorporated city or town, which have been platted, or which hereafter shall be platted, shall petition the Board of State Land Commissioners, by filing a petition therefor with the Commissioner of Public Lands, the Board of State Land Commissioners is authorized and empowered to vacate any such street, alley or public place, or part thereof, and all such streets, alleys and other public places and portions thereof which shall be so vacated shall be platted and appraised in the manner provided for the platting and appraising of similar lands: *Provided*, That where the area of such streets, alleys or other public places so vacated may be determined from the plat already filed as provided by law it shall not be necessary to survey said street, alley or other public place so vacated, but the area thereof may be determined from such plat already filed. ^{Petition for replat.} ^{Replat unnecessary.}

SEC. 4. All plats provided for in this act shall be in duplicate, and within thirty days after the adoption of any such plat by the Board of State Land Commissioners, one copy thereof shall be filed in the office of the Commissioner of Public Lands, and one copy thereof shall be filed in the office of the Auditor of the county in which such land shall be situated and the same shall be entered of record, notwithstanding the said maps or plats may not strictly conform to the city ordinances pertaining to the platting of lands adjoining said incorporated city or town. ^{Plats in duplicate—filing and recording.}

SEC. 5. From and after the filing of such plats, as hereinbefore provided, the lots, blocks, and other parcels into which such streets, alleys, or other public places, or parts

Preference
rights.

thereof so vacated shall be so platted may be disposed of as provided by law in the case of similar lands: *Provided*, That the owner or owners and other persons who have a vested interest in the lands abutting on any of said lots, blocks or other parcels shall have a preference right for the period of sixty days from the final date of the filing of such plats and of the appraising of such lots, blocks or other parcels to purchase such lot, block or other parcel from the State of Washington at the appraised value thereof.

Passed the House March 6, 1903.

Passed the Senate March 12 1903.

Approved by the Governor March 16, 1903.

CHAPTER 128.

[H. B. No. 279.]

DEFINING MURDER IN SECOND DEGREE, PROVIDING PUNISHMENT THEREFOR, AND AMENDING FORMER ACT RELATIVE THERETO.

AN ACT amending section 7038 of Ballinger's Code of the State of Washington, and being Section 1557 of Pierce's Code of Washington, defining murder in the second degree and fixing the penalty therefor.

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

Sec. 7038 Bal-
linger's Code
amended.

SECTION 1. That section 7038 of Ballinger's Code of the State of Washington, and being section 1557 of Pierce's Code of Washington, defining murder in the second degree, and fixing the penalty therefor, be amended to read as follows: Section 7038. Every person who shall purposely and maliciously, but without deliberation and premeditation, kill another, shall be deemed guilty of murder in the second degree, and upon conviction thereof shall be imprisoned in the penitentiary for a term of not less than ten years, *or during life, in the discretion of the trial court, and kept at hard labor.*

Penalty.

Passed the House March 3, 1903.

Passed the Senate March 10, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 129.

[H. B. No. 188.]

AMENDING ACT RELATIVE TO RIGHT OF CITIES OF FIRST CLASS TO EXERCISE THE RIGHT OF EMINENT DOMAIN.

AN ACT to amend certain sections of an act entitled "An act to enable cities of the first class to exercise the right of eminent domain for the taking and damaging of land and property for public purposes, providing a method of making compensation therefor, and providing for special assessments in certain cases upon property benefited, and declaring an emergency," approved March 9, 1893, and declaring an emergency.

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

SECTION 1. That section 19 of said act, being the same as section 793 of Ballinger's annotated Codes and Statutes of Washington, and section 5068 of Pierce's Code, be amended so as to read as follows: Section 19. When such ordinance under which said improvement shall be ordered shall provide that such improvement shall be paid for in whole or in part by special assessment or special taxation of property benefited thereby, the damage and costs awarded, or such part thereof as is to be paid from special taxation or special assessment, shall be levied, assessed and collected in the manner hereinafter provided.

Sec. 793 Ballinger's Code,
Sec. 5068
Pierce's Code
amended.

Payment for,
by ordinance.

SEC. 2. That section 28 of said act, being the same as section 802 of Ballinger's annotated Codes and Statutes of Washington and section 5077 of Pierce's Code, be amended so as to read as follows: Section 28. On the hearing the report of such Commissioners shall be competent evidence, and either party may introduce such other evidence as may tend to establish the right of the matter. The hearing shall be conducted as in other cases at law, tried by the court without a jury, and if it shall appear that the premises of the objector are assessed more or less than they will be benefited, or more or less than their proportionate share of the costs of the improvement, the court shall so find, and also find the amount in which said premises ought to be assessed, and the judgment shall be entered accordingly.

Sec. 802 Ballinger's Code,
Sec. 5077
Pierce's Code.

Hearing.

Emergency. SEC. 3. An emergency exists and this act shall take effect immediately.

Passed the House February 9, 1903.

Passed the Senate March 12, 1903.

(Note by the Secretary of State).—The above act was filed in this office on the 16th day of March, 1903, without the approval or disapproval of the Governor thereof.

SAM H. NICHOLS,
Secretary of State.

CHAPTER 130.

[S. B. No. 188.]

PROVIDING FOR NOTICE OF APPLICATION FOR APPOINTMENT OF GUARDIANS FOR MINORS, INSANE, AND MENTALLY INCOMPETENT PERSONS.

AN ACT providing for the giving of notice of applications for the appointment of guardians of minors under the age of fourteen years, insane persons and persons mentally incompetent to manage their property.

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

Application
for appoint-
ment of
guardian—
hearing.

SECTION 1. When it is represented to the superior court upon verified petition of any relative or friend that any person, resident of the county, is a minor or is insane or is mentally incompetent to manage his property, and that such person has property needing care and attention, coupled with an application for appointment of a guardian for such person, such court must cause a notice to be given to such minor, insane or mentally incompetent person, of the time and place of hearing the application for the appointment of a guardian to manage the estate of such person, not less than ten days before the time so appointed.

Service of
notice on
custodian.

SEC. 2. If such minor, insane or mentally incompetent person is in the care, custody or control of any person, officer, or body, then notice must be served also on such person, officer or body in charge of such person; and such

person for whom a guardian is sought, if able to attend, must be produced on the hearing.

SEC. 3. Personal service must be made on such minor, ^{Personal service.} insane or mentally incompetent person, if possible, and the laws of the State of Washington relating to the manner of service of summons shall apply to the service of the notice provided herein, as nearly as said statutes can apply.

SEC. 4. It shall be the duty of any person, officer or ^{Serving of notice reported to court.} body in the custody, charge or control of any minor under the age of fourteen years, insane person or mentally incompetent person, when so served with notice of such application, to forthwith report the service of said notice to the court of the county in which said application is to be heard. It shall be the duty of the prosecuting attorney of said ^{Duty of Prosecuting Attorney.} county in all cases to appear for such minor, insane or mentally incompetent person at the hearing of said application, and in case of the disability of the prosecuting attorney the court shall appoint a suitable person to represent the said minor, insane or mentally incompetent person at said hearing: *Provided*, Nothing herein shall prevent said ^{Proviso as to attorney.} minor, insane, or mentally incompetent person, or the person, officer, or body having such person in custody, charge and control, from appearing by attorney of his own, and in such event it is not the duty of the prosecuting attorney to appear for such person.

SEC. 5. When a minor under the age of fourteen years, ^{Service on non-residents.} insane person or mentally incompetent person having property in the State of Washington for whom a guardian is sought to be appointed resides out of the State of Washington, then the service of the notice aforesaid shall be had against said minor, insane person or mentally incompetent person by publishing said notice for the period of six weeks in some suitable newspaper of general circulation published in the county in which the application is to be heard and service shall be deemed to be had at the expiration of ten days from the completion [completion] of such publication of notice, whereupon such proceedings shall take place as hereinbefore provided herein.

Passed the Senate March 6, 1903.

Passed the House March 12, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 131.

[S. B. No. 211.]

FOR THE PROTECTION OF HOTELS, RESTAURANTS,
LODGING HOUSES, ETC., AGAINST FRAUD.AN ACT for the protection of hotel, boarding house, restaurant,
and lodging house keepers, and providing a penalty.*Be it enacted by the Legislature of the State of Washington:*Failure to
pay—penal-
ty therefor.

SECTION 1. A person who obtains any food, lodging or accommodation at a hotel, boarding house, restaurant, or lodging house, without paying therefor, with intent to defraud the proprietor or manager thereof, or who obtains credit at a hotel, boarding house, or lodging house by the use of false pretense, or who after obtaining board, lodging or accommodations at a hotel, boarding house, restaurant, or lodging house, absconds or surreptitiously removes his baggage therefrom without paying for his food, lodging or accommodation, is guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than ten dollars nor more than fifty dollars, or imprisonment in the county jail not less than ten nor more than thirty days.

Proof of
fraudulent
intent.

SEC. 2. Proof that lodging, food or other accommodation was obtained by false pretense or by false or fictitious sham or pretense of any baggage or other property, or that the person refused or neglected to pay for such food, lodging or other accommodation on demand, or that he gave in payment for such food, lodging or other accommodation bank check or draft on which payment was refused, or that he absconded without paying or offering to pay for such food, lodging or other accommodation, or that he surreptitiously removed or attempted to remove his baggage shall be prima facie proof of the fraudulent intent mentioned in section 1.

Passed the Senate March 6, 1903.

Passed the House March 11, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 133.

[S. B. No. 90.]

FOR THE PROMOTION OF FRUIT GROWING AND HORTICULTURE.

AN ACT to promote the fruit growing and horticultural interests of the State of Washington, to provide for the appointment of a Commissioner of Horticulture; to repeal certain laws in conflict therewith, and to provide penalties and punishment for its violation, and declaring an emergency.

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

Governor to
appoint.

SECTION 1. That a Commissioner of Horticulture shall be appointed by the Governor, for the State of Washington. It is hereby provided, prior to the appointment, the applicant must furnish a certificate from the faculty of the College of Agriculture that he is a skilled horticulturist; on such certificate the Governor may make the appointment. Before entering upon the discharge of his duties the said commissioner shall take and subscribe an oath to support the constitution of the United States, and the constitution and laws of the State of Washington, and to faithfully discharge the duties of his office, which said oath, together with the aforesaid certificate, shall be filed with the Secretary of State. The said commissioner shall keep his office at Tacoma, which office shall be open to the public during normal office hours, every day excepting Sunday and legal holidays and days when he may be necessarily absent attending to official duties in other parts of his district.

Qualification
necessary.

Oath of
office.

Office—
where lo-
cated—and
hours.

Duties of
com-
missioner.

Official term.

SEC. 2. The objects for which said commissioner is appointed are to maintain and exercise a supervisory directory over the horticultural industries of the state, to enforce the laws, relative to the importation, transfer and sale of fruit, fruit trees, plants or nursery stock within the State, and to give such instructions to fruit culturists regarding cultivation, and extermination of fruit pests, as the nature of the case may demand. The official term of the said commissioner of horticulture shall begin on the first day of April, 1905, and continue for four years and

until his successor is appointed and qualified. Such commissioner shall receive annually in full payment of his official services, the sum of two thousand dollars, to be paid ^{Compensation.} monthly as other State officers, and for incidental expenses of his office, such as necessary traveling fare, stationery and postage, the sum of one thousand dollars annually, and for office rent and bulletins one thousand dollars annually. Said sums shall be paid on warrants drawn by the State Auditor on the presentation of proper vouchers therefor. The term of the present commissioner of horticulture shall expire April 1st, 1905. When from illness or other cause the commissioner of horticulture is temporarily unable to perform his duties, he may appoint some qualified person ^{Appointment of deputy—when.} to discharge the duties of such office until such disability is removed. Said appointment shall be in writing, signed by the commissioner of horticulture and filed in his office. The appointment of such deputy may be revoked by the commissioner of horticulture at will. The commissioner of horticulture shall be responsible for the acts of his deputy: *Provided,* That no charge or claim shall ever be made against the State or any of its funds for compensation to such deputy.

SEC. 3. Said commissioner may be removed from office ^{May be removed—how.} at any time for cause, such as inefficiency, neglect of duty or immoral conduct, but no removal from the office of commissioner of horticulture shall be made for political reasons. Vacancies occurring in the office of commissioner during ^{Vacancies—how filled.} a term shall be filled by the Governor making an appointment for the unexpired term, under the rules and regulations as prescribed in section 1 of this act, for full term appointment.

SEC. 4. Fruit culturists in any county in this state are hereby authorized and empowered to organize into a county horticultural society, and the better to promote and protect the horticultural interests of the county the society will ^{County horticultural societies.} nominate a qualified person for county inspector of fruits, trees and plants, boxes, barrels and other packages in which fruits or trees have been shipped. The nomination shall ^{Appointment of county inspectors.} be made to the board of commissioners (of the county wherein said society is organized), who are hereby authorized and required to appoint such person as county fruit inspector for a term of two years, deliver to him a certifi-

cate of appointment, and mail a duplicate copy of said certificate to the commissioner of horticulture: *Provided, however,* That county inspectors shall be required to pass a satisfactory examination before the state horticultural commissioner before they are authorized to perform the duties of their office. Said county inspectors shall be entitled to a per diem of \$4.00 per day and actual expenses for each day's actual service, to be paid by the county in which said inspector is appointed. Any county inspector shall be removed by the commissioner of horticulture for incompetency or neglect of duty, or other sufficient cause, upon complaint filed with him, signed by the proper officers of the horticultural society in the county in which such inspector is sought to be removed: *Provided,* That no such removal shall be made without giving such inspector a hearing and ten day's notice of the time and place thereof. In order to furnish to the office of commissioner of horticulture information regarding the condition of orchards throughout the State, and to determine the compensation of such county inspectors, they shall make monthly reports to the commissioner of horticulture under oath upon blanks furnished by said commissioner and said commissioner of horticulture shall issue a certificate showing the number of days' work performed in each month, upon which the said county inspector shall receive payment from the county in which inspection has been made: *Provided,* That such monthly report shall not be conclusive evidence of the number of days' work any county inspector has performed in any month. Any county inspector who shall in said report under oath falsely state the number of days' work he has actually performed in any month shall be deemed guilty of perjury and upon conviction thereof shall be liable to the penalty provided by law therefor.

County inspectors to pass examination.

Per diem and expenses.

Removed from office—when.

Reports of inspectors.

False statement—perjury.

Shall procure license.

License and bond.

SEC. 5. No person, firm or corporation shall engage or continue in the business of selling as agent, solicitor or otherwise within the State, or importing fruit trees, plants or nursery stock into the State without first having obtained a license to carry on such business in the State, as in this act provided.

SEC. 6. Any person, firm or corporation, agent or solicitor may obtain a license to engage or continue in the busi-

ness of selling and importing fruit trees, plants or nursery stock into this State by submitting his application therefor to the commissioner of horticulture, together with a satisfactory bond of \$2,000, made in conformity with the laws of the State of Washington, such bond to be approved by and filed with the said commissioner, conditioned that the principal and his or their agents will faithfully obey the provisions of this act, the laws of the State of Washington, and that the said principal pays the costs of inspection and destruction of all infected nursery stock, or other material or goods imported into and sold within such district of this State by the said principal, his or their agent. Any person or persons shall have legal recourse against the bond for any damages accruing from the sale of or delivery of infected nursery stock. Licenses granted under this act shall be for two years or less, at the discretion of the commissioner. Any license granted to any person, firm or corporation shall be suspended in its operation by the commissioner of horticulture upon the report of any inspector that said person, firm or corporation has introduced infected stock into the State of Washington, and if upon examination by the commissioner such report of the inspector is found to be supported by facts, such license shall be at once revoked. The license fee for nurserymen and tree dealers shall be five dollars and for their agents or salesmen who shall be furnished an authentic copy, two dollars and fifty cents. Said moneys shall be collected by the State horticultural commissioner and paid to the general fund of the State treasury. All licenses shall expire on the first day of April, 1903, and on the first day of April every second year thereafter.

Term of license.

License suspended.

License fee.

License expires.

SEC. 7. It shall be the duty of every person, firm or corporation licensed to do business under this act, to notify the horticultural commissioner of his intention to ship an invoice of fruit trees, plants or nursery stock from one point to another within the state, or to import an invoice of similar goods from without to any point within the State, whether for the purpose of sale or for personal use. Such notice shall contain the name and address of both the consignor and consignee, and a descriptive invoice of the goods to be shipped, the freight or express office at which

Shippers to notify commissioner.

Notice—what to contain.

the goods are to be delivered, and the name or title of the transportation company from which the consignees receive such goods. Such notice shall be mailed at least two days prior to the date of such shipment.

Penalty for violation.

SEC. 8. Any person, firm or corporation who shall sell within this State, or import into this State, any fruit trees, plants or nursery stock in violation of the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined for each offense in any sum not less than fifty or more than one hundred dollars.

Fines.

SEC. 9. Any person who shall offer for sale or solicit persons within this State to purchase from him any fruit trees, plants or nursery stock belonging to any person or firm not licensed under the provisions of this act, shall be deemed guilty of a misdemeanor, and fined in any sum not less than fifty dollars nor exceeding one hundred dollars. All fines imposed for the violation of the provisions of this act shall be paid to the treasurer of the county wherein the violation was committed, and be placed to the credit of the general fund of such county.

Prevention of spread of fruit pests, etc.

SEC. 10. For the purpose of preventing the introduction and spread of contagious diseases, fruit pests, spores and fungus growth among fruit trees and plants and other nursery stock, and for the disinfecting and cure of fruit diseases, pests, spores and fungus growth, the commissioner of horticulture shall prescribe such remedies as he shall deem best, describe and formulate such remedies with their proper mode of application, with such additional instruction as he may deem necessary, into a circular or bulletin, which he shall have printed and distributed to the several county horticultural societies and inspectors of the State; and he shall include also in said bulletins the rules and regulations under which a person, firm or corporation may lawfully sell, import into this State, and sell or authorize to be sold, fruit trees, plants or nursery stock, and the penalty to be incurred for the violation of these rules. He shall prepare also a poster which shall contain said rules, regulations and penalties, which shall be distributed with said bulletin. County inspectors are directed to put up said posters in not less than three conspicuous places in their county, one of which places must be in front of the county

Bulletins and posters.

court house. The commissioner of horticulture shall hear and promptly decide all appeals from the county inspectors, and his decision shall have full force and effect until set aside by the courts of the State. In all cases of appeal he shall disregard technicalities, and decide each and every case on its merits. All appeals from county inspectors to commissioners shall be under forms and regulations prescribed by the commissioner. The commissioner shall approve or reject all bonds required by law to be submitted to him, and he shall file and safely keep all bonds and other papers by law required to be filed with him, and shall, upon the expiration of his term of office turn over the same to his successor. He shall examine all fruit, specimens of fruit trees, shrubbery or plants submitted to him for examination, enter the name of the person presenting such specimens of fruit trees, shrubs or plants for examination, and the result of his examination in a register to be kept by him for that purpose, and send a copy of such result to the person asking for the examination. He shall, from time to time, as he may deem for best interests of the horticultural industries of the State, publish bulletins which shall be sent free to the various county horticultural societies of the State; such bulletins to contain a brief resume of the discoveries of science of interest to horticulture, or any other matter which the commission shall deem of importance to such interest. And unless there be urgent or special need therefor, no bulletin shall contain any matter that has appeared in any previous bulletin.

Hearing of
appeals.

Approval or
rejection of
bonds.

Examination
of fruit,
etc.

Publication
of bulletins.

SEC. 11. County fruit inspectors who shall be appointed under and by authority of this act are hereby authorized, directed and empowered to enforce the provisions of this act to prevent the introduction and spread of fruit tree and plant diseases, insect pests, fungi spores, eggs or larvae of insects injurious to the fruit industries of his county or of this State.

Powers of
county in-
spector.

SEC. 12. Whenever from any cause there shall be an absence of an inspector in any county, the commissioner of horticulture shall have power to order an inspector from any adjoining county in his district to perform the duties required by this act in the county needing the services of such inspector, and the expense of such inspection shall be chargeable to and paid for by the county in which the said

Duty of com-
missioner
in absence of
county in-
spector.

services are rendered in the manner hereinbefore provided. The commissioner of horticulture shall have authority and he is hereby authorized, whenever in his judgment it is necessary, to appoint in writing one or more assistant county inspectors, who shall have the same powers and perform the same duties as county inspectors, such assistant inspectors shall be entitled to the same compensation to be paid in the same manner as county inspectors. The commissioner of horticulture shall have the power to revoke the appointment of such assistants at will.

Duty of
county in-
spector.

SEC. 13. It is hereby made the duty of the county fruit inspector, if from his personal observation, complaint or other credible information, he has reason to suspect that any person, company or corporation, has an orchard, tree or nursery of trees, vines or garden, fruit packing house, store room, or that any other place or material in his county is infected with or is a repository for, eggs larvae or any noxious insects injurious to fruit and plants or that any trees, fruit or plants, are in transit to his county from outside of this State, or are about to be disseminated or distributed within his county, which are known to be, or are suspected to be from localities that are infested with any disease or pest injurious, or that may become injurious to the fruit interests of his county or state, he shall without delay inspect the premises, property or material so suspected, and if the same is found to be infected as aforesaid, he shall notify the owner, his agents or the person in charge of the same, not to remove or allow the removal of such property until the same has been disinfected, prescribing the manner of disinfection; and shall direct the owner, agent or such person having such property in his charge to treat and disinfect the said premises and property within five days. If any person so notified shall permit the removal of, or fail to disinfect such property or premises in the manner and in the time prescribed in said notice, the person so notified and failing to disinfect the infected property or premises, or who shall permit the removal of the same prior to disinfection, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$50 nor more than \$100, and the cost of action in court, which fine and costs shall be a judgment lien upon said premises or property. After the expiration of ten days and a failure

Disinfection.

Failure to
disinfect—
penalty.

on the part of the owner or person in charge to disinfect the said premises or property as aforesaid, then, to prevent the spread of insect pests or disease, it will be the duty of the county inspector to enter on such premises or property and disinfect the same. The cost of such disinfection shall be a lien against said property or premises, the payment of which shall be collectable with other costs in any court of this State.

SEC. 14. Any person or persons who shall bring into the state, to sell, offer for sale, distribute or give away fruit trees, shrubs, fruit or other material infested with any kind of insect pest injurious to fruit, fruit trees or plants, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than sixty days, nor more than one year: *Provided*, That for each repeated offense the person or persons convicted may be punished by a fine of not less than two hundred dollars or more than eight hundred dollars, or by imprisonment not to exceed two years. Any person or persons who shall sell, offer for sale, distribute or give away any tree or trees, root or roots, grass, cuttings, or scions infected with insect pests, spores or fungus growth, 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 two hundred dollars, or by imprisonment in the county jail not less than fifteen days, nor more than thirty days. A repetition of the offense shall subject the offender to increased penalty not over the maximum above stated. Any nursery trees, shrubs or plants which have been shipped from and to any place within the State for distribution or for planting, and which are infested with any injurious insect, larvae or fungus growth, shall be disinfected under the direction of the inspector of the county where to such trees and plants are taken, and the cost of such disinfection shall be charged to the owner of said articles, and shall be a lien on such trees, shrubs or plants until paid, and the person in possession of said articles being held subject to lien shall have a legitimate claim against the party from whom he received the articles for reimbursement of costs, including cost of collection, and shall have recourse against the bond of the person furnish-

Cost of disinfection a lien.

Sale of infested fruit, trees, etc.

Penalty.

Disinfection of imported trees, etc.

Party selling liable.

ing the articles, and such claim may be enforced in any court of the State.

Access to orchards, etc., by inspector.

SEC. 15. The county fruit inspector shall, in the performance of his duties as such inspector, have on any day except Sunday free access to orchards, nurseries, gardens, hop fields, packing houses, fruit stands, and store rooms where fruit may be kept; fruit boxes, full or empty, or any other material or place suspected of being infested with insect pests or disease injurious to the fruit interests of the State. If he find any nursery, orchard, garden or other place or material infested with insect or fungus growth, larvae or spores injurious to the fruit interests, he shall forthwith notify in writing, the owners, occupants or persons in possession thereof that the same is infested, prohibit their removal, and direct the manner in which the same shall be disinfected. If the owner, occupant or person in possession of said orchard, garden, store room, fruit stand or other place or infested material shall not within ten days disinfect the same in the manner by the county inspector required, or shall not have appealed to the decision of the county inspector through the commissioner of horticulture, if the premises infested be an orchard or nursery of fruit trees, a garden, fruit stand or store room, and the person or persons in charge thereof having neglected or refused to disinfect the said premises within the time specified in said notice, nor have appealed as aforesaid; then the county inspector shall enter on and disinfect any part or all of said premises so neglected, and the cost thereof shall be a legitimate charge and lien with interest until paid upon the real property of the owner of such premises so disinfected; such lien shall be collectable with costs in suit in any of the courts of the State as other lawful claims are collectable. If the infested property be transportable material, the county inspector shall notify the person in charge thereof not to remove the same and to disinfect the same within 24 hours, and describe the manner of disinfection. If the person in charge of said infested material neglect or refuse to disinfect the same as notified, or fail to appeal, then the inspector shall destroy such infested material as fruits, fruit boxes, baskets, wrappings, portable fruit stands, by burning the same. If an appeal be taken the inspector shall after 24 hours notice take immediate possession of such moveable

Notice to owners of infested stock.

Destruction of infested property.

Appeal—possession.

property, and safely keep them until the appeal is decided. If the decision of the commissioner be in favor of the appellant, the property shall be returned to him; on an adverse decision the property must be destroyed by the inspector. All appeals from the action or demand of the county inspector shall be taken to the state commissioner of horticulture.

SEC. 16. The said commissioner of horticulture shall be allowed seven hundred dollars (\$700) per annum for the employment of one office clerk who shall be continually in the office of the commissioner during normal office hours, and whose salary shall be paid monthly.

SEC. 17. There shall be kept and maintained in the office of the commissioner in the City of Tacoma an exhibit of the fruits of the State of Washington and for the maintenance of such exhibit an annual appropriation of three hundred dollars (\$300) is hereby made, to be paid out upon warrants drawn by the State Auditor upon presentation of proper vouchers.

SEC. 18. An annual "Inspector's" institute shall be held during the month of January at the Agricultural College in Pullman. The commissioner of horticulture shall fix the date of convening of such institute and by written notices direct the attendance of all county inspectors. The commissioner shall preside over and formulate the proceedings of the institute, which shall continue for four days. As the purpose of these institutes is improvement and conference, and study of subjects of experimentation, by the scientist of the college along entomologist and horticultural lines it is required that all county inspectors shall attend such institute meetings unless prevented by illness. Failure to attend on the part of any inspector shall work a forfeiture of his office and it shall be the duty of the commissioner to inform county commissioners of the absence of their inspectors. Inspectors attending institutes shall be allowed their actual traveling expenses and hotel bills on vouchers endorsed by the commissioner or chairman of institute, said expenses to be paid by the respective counties.

SEC. 19. Any person offering any hindrance to the carrying out of this act or in any manner preventing or hindering any inspection herein provided for shall upon con-

viction be fined not less than twenty-five dollars nor more than two hundred dollars, together with costs.

SEC. 20. A certain act approved March 17th, 1897, and entitled "An act to promote and protect the fruit growing and horticultural interests of the State of Washington, to provide for the appointment of commissioner of horticulture, and to repeal certain laws in conflict therewith," and all other laws or parts of laws inconsistent with or in conflict with the provisions of this act, are hereby repealed.

Repeal.

SEC. 21. An emergency exists and this act shall take effect immediately.

Emergency.

Passed the Senate February 24, 1903.

Passed the House March 10, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 134.

[S. B. No. 40.]

FOR THE PROTECTION OF BIRDS AND THEIR NESTS.

AN ACT for the protection of birds and their nests and eggs, and to define and punish as misdemeanors all violations thereof, establishing certificates and providing for the disposition of any moneys collected under the same.

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

Possession unlawful.

SECTION 1. No person shall, within the State of Washington, kill or catch or have in his or her possession, living or dead, any wild bird other than a game bird, or purchase, offer or expose for sale, transport or ship within or without the State, any such wild bird after it has been killed or caught, except as permitted by this act. No part of the skin, plumage or body of any wild bird protected by this section shall be sold or had in possession for sale. For the purposes of this act the following only shall be considered game birds:

Game birds defined.

The anatridae, commonly known as swans, geese, brant, and river and sea ducks; the rallidae, commonly known as rails, coots, mud hens and gallinules; the limicolae, commonly known as shore birds, plovers, surf

birds, snipe, sand-pipers, tatlors and curlews; the gallinae, commonly known as grouse, prairie chickens, pheasants, partridges and quail.

SEC. 2. No person shall, within the State of Washing-
ton, take or needlessly destroy the nest or the eggs of any
wild bird other than a game bird, or have such nest or eggs
in his or her possession, except as permitted by this act.

Destruction
of nests
and eggs.

SEC. 3. Any person who violates any of the provisions
of this act shall be guilty of a misdemeanor, and shall be
liable to a fine of not less than ten nor more than one hun-
dred dollars for each offense and an additional fine of one
dollar for each bird, living or dead, or part of bird or nest,
or set of eggs, or part thereof, possessed in violation of this
act, together with the costs of prosecution in such action, or
to imprisonment for thirty days in the county jail, or
both, at the discretion of the court. All fines collected un-
der the provisions of this act shall be turned over to the
treasurer of the county in which such action is brought, and
by him placed in the game protection fund.

Violations—
penalties.

SEC. 4. Sections 1, 2 and 3 of this act shall not apply to
any person holding a certificate giving the right to take
birds, their nests or eggs for scientific purposes, as provided
for in section 5 of this act.

Exception as
to scientific
purposes.

SEC. 5. Certificates shall be granted by the State Game
Warden, or by any incorporated society of natural history
in the State, through such persons or officers as said society
may designate, to any properly accredited person of the
age of fifteen years or upward, permitting the holders there-
of to collect birds, their nests or eggs, for strictly scientific
purposes only. In order to obtain such certificate the ap-
plicant for the same must present to the person or persons
having the power to grant said certificate, written testimony
from two well known scientific men, certifying to the good
character and fitness of said applicant to be entrusted with
such privilege, must pay to said persons or officers, one dol-
lar, to defray the necessary expenses attending the granting
of such certificates, and must file with said person or officers
a properly executed bond, in the sum of two hundred dol-
lars, signed by two responsible citizens of the State as
sureties. On proof that the holder of such a certificate has
killed any bird, or taken the nest or eggs of any bird, for

Certificates—
for scientific
purposes—
how obtained.

Bond and
forfeiture of.

other than scientific purposes, this bond shall be forfeited to the State, and the certificate becomes void, and he shall be further subject for each such offense to the penalties provided therefor in section 3 of this act.

Term of certificates.

SEC. 6. The certificates authorized by this act shall be in force one year only from the date of issue, and shall not be transferrable.

Exception as to birds destroying fruit or grain.

SEC. 7. The English or European house sparrow, jays, magpies and chicken hawks, are not included among the birds protected by this act, and the provisions of this act shall not apply to any person who shall kill any bird on his own enclosed premises while such bird is destroying fruit or grain.

Repeal.

SEC. 8. All acts or parts of acts heretofore passed inconsistent with or contrary to the provisions of this act, are hereby repealed.

Passed the Senate February 6, 1903.

Passed the House March 7, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 135.

[S. B. No. 111.]

PROVIDING FOR THE REGULATION AND CONDUCT OF BAKERIES.

AN ACT providing for the regulation and conduct of bake shops and bakeries and prescribing the punishment for the violation thereof.

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

Drainage, plumbing and ventilation.

SECTION 1. All buildings or rooms occupied as biscuit, bread or cake bakeries shall be drained or plumbed in a manner conducive to the proper healthful and sanitary condition thereof, and constructed with air shafts and windows or ventilating pipes sufficient to insure ventilation as the Commissioner of Labor shall direct, and no cellar or basement, not now used as a bakery, shall hereafter be used and occupied as a bakery and a cellar or basement heretofore oc-

Prohibited in cellars or basements.

cupied as a bakery shall, when once closed, not be re-opened for use as a bakery.

SEC. 2. Every such bakery shall be provided with a Sanitary provisions. proper wash room and water closet, or closets, apart from the bake room or rooms where the manufacturing of such products is conducted; and no water closet, earth closet, privy or ash pit shall be within or communicate directly with a bake shop.

SEC. 3. Every room used for the manufacture of flour Size of rooms for baking—how constructed. or meal food shall be at least eight feet in height, the side walls of such room shall be plastered or wainscoted, the ceiling plastered or ceiled with lumber or metal, and if required by the Commissioner of Labor, shall be whitewashed at least once in three months; the furniture and utensils of such room shall be so arranged as to be easily moved in order that the furniture and floor may at all times be kept in proper healthful sanitary condition.

SEC. 4. The manufactured flour or meal food products Finished products—how kept. shall be kept in perfectly dry and airy rooms, so arranged that the floors, shelves and all other facilities for storing the same can be easily and perfectly cleaned.

SEC. 5. The sleeping places for persons employed in a Separate sleeping rooms. bakery shall be kept separate from the room or rooms where flour or meal food products are manufactured or stored.

SEC. 6. After an inspection of a bakery has been made Commissioner of Labor to inspect and issue certificate. by the Commissioner of Labor and it is found to conform to the provisions of this act, said commissioner shall issue a certificate to the owner or operator of such bakery, that it is conducted in compliance with all the provisions of this act, but where orders are issued by said commissioner to improve the condition of a bakery, no such certificate shall be issued until such order and the provisions of this act have been complied with.

SEC. 7. The owner, agent or lessee of any property affected by the provisions of this act, shall, within thirty days Notice to owners—by Commissioner of Labor. after the service of notice upon him, of an order issued by the Commissioner of Labor requiring any alterations to be made in or upon such premises, comply therewith, or cease to use or allow the use of such premises as a bake shop; such notice shall be in writing and may be served upon such owner, agent, or lessee, either personally or by mail, and a

notice by registered letter, postage prepaid, mailed to the last known address of such owner, agent, or lessee shall be deemed sufficient for the purposes of this act.

Cleanliness
of em-
ployees.

SEC. 8. No employer shall require, permit or suffer any person to work in his bake shop who is affected with tuberculosis, or with scrofulous diseases, or with any venereal disease, or with any communicable skin affection or contagious disease and no person so affected shall work or remain in a bake shop. Every employer is hereby required to maintain himself and his employees in a clean and sanitary condition while engaged in the manufacture, handling or sale of such food products.

Persons un-
der 16—
work hours
for.

SEC. 9. No employer shall require, permit or suffer any person under sixteen years of age to work in his bake shop between the hours of eight o'clock in the evening and five o'clock in the morning.

Penalty for
violation.

SEC. 10. Any person who violates the provisions of this act or refuses to comply with the requirements of the Commissioner of Labor, as provided herein, shall be guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction, shall be fined not less than twenty-five nor more than fifty dollars or imprisoned not more than ten days for the first offense; and shall be fined not less than fifty nor more than one hundred dollars and imprisoned not less than ten nor more than thirty days for each offense after the first.

Passed the Senate February 16, 1903.

Passed the House March 12, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 136.

[S. SUB. B. No. 18.]

REGULATING THE EMPLOYMENT OF CHILD LABOR, AND
PROHIBITING SAME IN CERTAIN CASES.

AN ACT to regulate the employment of child labor and to prohibit the employment of females under the age of eighteen years as public messengers and fixing a penalty for the violation thereof.

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

SECTION 1. No female person under eighteen years of age shall be employed as public messenger by any person, telegraph company, telephone company, or messenger company in this state, nor shall any child of either sex under the age of fourteen years be hired out to labor in any factory, mill, workshop or store at any time, provided that any superior court judge, living within the residence district of any such child, may issue a permit for the employment of any child between the ages of twelve and fourteen years at any occupation, not in his judgment, dangerous or injurious to the health or morals of such child, upon evidence, satisfactory to him, that the labor of such child is necessary for its support or for the assistance of any invalid parent. Such permits shall be issued for a definite time but shall be revocable at the discretion of the judge by whom they are issued.

Unlawful to employ females under 18 as messengers.

Unlawful to hire any child under 14.

Exceptional cases.

SEC. 2. Any employer, overseer, superintendent, or agent of such employer, who shall violate any of the provisions of this act shall, upon conviction thereof, be fined for each offense not less than \$50 nor more than \$100, or be imprisoned in the county jail not exceeding one month.

Penalty.

Passed the Senate February 24, 1903.

Passed the House March 12, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 137.

[S. B. No. 55.]

FOR THE PROTECTION OF OCCUPANTS OF LAND WHO HAVE IN GOOD FAITH MADE IMPROVEMENTS AND PAID TAXES THEREON.

AN ACT for the protection of occupants of land who have in good faith made permanent improvements or paid taxes or assessments thereon.

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

Value of taxes or improvements a counter-claim.

SECTION 1. In an action for the recovery of real property upon which permanent improvements have been made or general or special taxes or local assessments have been paid by a defendant, or those under whom he claims, holding in good faith under color or claim of title adversely to the claim of plaintiff, the value of such improvements and the amount of such taxes or assessments with interest thereon from date of payment must be allowed as a counter claim to the defendant.

Setting forth of claim.

SEC. 2. The counter claim shall set forth the value of the land apart from the improvements, and the nature and value of the improvements apart from the land and the amount of said taxes and assessments so paid, and the date of payment. Issues shall be joined and tried as in other actions, and the value of the land and the amount of said taxes and assessments apart from the improvements, and the value of the improvements apart from the land must be specifically found by the verdict of the jury, report of the referee, or findings of the court as the case may be.

Joining of issues for trial.

Plaintiff entitled to recover—how and when.

SEC. 3. If the judgment be in favor of the plaintiff for the recovery of the realty, and of the defendant upon the counter claim, the plaintiff shall be entitled to recover such damages as he may be found to have suffered through the withholding of the premises and waste committed thereupon by the defendant or those under whom he claims, but against this recovery shall be offset protanto the value of the permanent improvements and the amount of said taxes and assessments with interest found as above provided. Should the value

of improvements or taxes or assessments with interest exceed the recovery for damages, the plaintiff, shall, within two months, pay to the defendant the difference between the two sums and upon proof, after notice, to the defendant, that this has been done, the court shall make an order declaring that fact, and that title to the improvements is vested in him. Should the plaintiff fail to make such payment, the defendant may at any time within two months after the time limited for such payment to be made, pay to the plaintiff the value of the land apart from the improvements, and the amount of the damages awarded against him, and he thereupon shall be vested with title to the land, and, after notice to the plaintiff, the court shall make an order reciting the fact and adjudging title to be in him. Should neither party make the payment above provided, within the specified time, they shall be deemed to be tenants in common of the premises, including the improvements, each holding an interest proportionate to the value of his property determined in the manner specified in section two hereof: *Provided*, That the interest of the owner of the improvements shall be the difference between the value of the improvements and the amount of damages recovered against him by the plaintiff.

Procedure, when value exceeds amount recovered.

Failure of plaintiff to make payment.

Tenants in common upon failure to pay.

SEC. 4. All acts and parts of acts in conflict with this act are hereby repealed.

Passed the Senate February 19, 1903.

Passed the House March 9, 1903.

Approved by the Governor March 16, 1903.

Repeal.

CHAPTER 138.

[S. B. No. 202.]

FOR THE EMPLOYMENT OF THE CONVICTS AT THE STATE PENITENTIARY.

AN ACT relating to the employment of convicts.

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

Convict labor may be employed.

SECTION 1. All convicts confined in the State Penitentiary at Walla Walla may be employed under authority of the State Board of Control, under charge of the Superintendent of the penitentiary, or of such other persons in the employ of the State as the State Board of Control shall direct, in the crushing, preparation or handling of rock or other materials for roads or streets. Such labor shall be performed at such place or places in this State as the said State Board of Control shall direct.

Materials—how procured.

SEC. 2. Said State Board of Control shall have power and authority to purchase out of the revolving fund of the State penitentiary all necessary materials, tools and implements and to do all things necessary to carry out the spirit and intent of this act.

Sale of crushed rock.

SEC. 3. Said State Board of Control shall have authority to sell and dispose of such crushed rock or other materials for roads and streets in such manner and for such price as they shall deem most advantageous for the State.

Paid into Penitentiary Revolving Fund.

SEC. 4. All moneys derived from the sale of such crushed rock or other road materials shall be paid into the revolving fund of the State penitentiary.

Passed the Senate February 25, 1903.

Passed the House March 9, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 139.

[S. B. No. 133.]

GRANTING THE RIGHT TO THE ILWACO RAILWAY AND NAVIGATION COMPANY TO MAINTAIN BOOMS, ETC.

AN ACT granting to the Ilwaco Railway and Navigation Company the right to construct and maintain a log boom and storage boom for logs on, and the right to occupy, use and enjoy all of the tide lands fronting and for the uniform width of tracts fourteen and fifteen of plat three according to the official plat or map of said tide lands on file in the office of the auditor of and for Pacific County, Washington, out and over the submerged tide lands of the State of Washington to the inner harbor line in front of the town of Ilwaco, and declaring an emergency.

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

SECTION 1. That there be and is hereby granted to the Ilwaco Railway & Navigation Company, and its successors and assigns, the right to construct, maintain and operate a log boom and storage boom for logs on and over all that portion of the submerged tide lands of the State of Washington lying immediately in front of tracts fourteen and fifteen of plat three of the tide flats of Pacific county, Washington, as surveyed by the Board of Tide Land Appraisers of Pacific county, Washington, and in accordance with the maps on file in the office of the Commissioner of Public Lands, and for the whole and uniform width of said tracts out to the inner harbor line as established in front of the town of Ilwaco.

SEC. 2. That the Ilwaco Railway and Navigation Company, its successors and assigns, shall for so long a time as it maintains and operates its railroad and maintains its wharf and boom, have the right and privilege to use, occupy, possess and enjoy all of the submerged tide lands described in the foregoing section, at such annual rental as may be determined by the Board of State Land Commissioners.

SEC. 3. That if at any time hereafter said land shall be platted and appraised and the Ilwaco Railway and Navigation Company, or its successors or assigns, shall have constructed its said log boom and storage boom for logs on and

Preference right to purchase.

over the said land herein granted, then it or they shall have the preference right of purchase of the whole of said tide lands at the appraised value thereof for the period of sixty days next after the date of filing of said appraisalment with the Commissioner of Public Lands, and in case said preference right shall not be exercised within the time limited, said lands may be sold to any other applicant therefor.

Board of Land Commissioners to regulate use.

SEC. 4. That the Board of State Land Commissioners are authorized and empowered to regulate pursuant to legislative enactment, or under reasonable rules or regulations to be adopted by them, or by both methods, the manner of use and occupation of said tide lands and the maintenance of said boom and storage boom for logs thereon.

Emergency.

SEC. 5. An emergency exists, and this act shall take effect immediately.

Passed the Senate February 26, 1903.

Passed the House March 9, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 140.

[S. B. No. 170.]

AMENDING ACT RELATIVE TO SCHOOL FOR DEFECTIVE YOUTH.

AN ACT to amend Section 2563 and Section 2580 of Ballinger's Annotated Codes and Statutes of Washington, the same being Sections 7473 and 7475 of Pierce's Washington Code, relating to the establishing and maintenance at Vancouver, Clarke County, of an institution to be known as the Washington School for Defective Youth, and providing for the caring for and educating therein of the deaf, blind and feeble minded youth of the State of Washington.

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

Sec. 2563 Bal-
linger's Code,
Sec. 7475
Pierce's Code
amended.

SECTION. 1. That section 2563 of Ballinger's Annotated Codes and Statutes of Washington, the same being section 7473 of Pierce's Washington Code, relating to the establishment and maintenance at Vancouver, Clarke County, of

an institution to be known as the Washington School for Defective Youth, and providing for the caring for and educating therein of the deaf, blind and feeble minded youth of the State of Washington, be amended to read as follows: Section 2563. Said school shall be free to all resident youth ^{Who may be admitted.} in the State of Washington who are idiotic, feeble minded, deaf or blind: *Provided*, That they are free from loathsome or contagious diseases.

SEC. 2. That section 2580 of Ballinger's Annotated ^{Sec. 2580 Ballinger's Code.} Codes and Statutes of Washington, the same being section 7475 of Pierce's Washington Code, relating to the establishment and maintenance at Vancouver, Clarke County, of an institution to be known as the Washington School for Defective Youth, and providing for the caring for and educating therein of the deaf, blind and feeble minded youth of the State of Washington, be amended to read as follows: Section ^{Term of school.} 2580. The regular term of school shall begin on the last Wednesday in August in each year and end on the last Wednesday in May following: *Provided*, That the department for the idiotic and feeble minded shall be in continuous operation throughout the entire year.

Passed the Senate February 3, 1903.

Passed the House March 7, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 141.

[S. B. No. 214.]

AUTHORIZING CITIES OF THE FIRST CLASS TO BE REDISTRICTED INTO WARDS.

AN ACT authorizing the Common Council of cities of the first class to re-district such cities into wards.

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

SECTION 1. That whenever, by the charter of any city of the first class, within the State of Washington, the common council of such city shall be forbidden from re-districting

and redividing such city into wards except at stated intervals or periods, and such city shall have neglected or failed to redistrict or redivide such city into wards at any such interval or period, it shall be lawful for the common council of such city, by ordinance, to redistrict or redivide such city into wards at any time thereafter: *Provided*, That there shall be not more than one redistricting or redivision into wards within the period specified in such charter provision.

Passed the Senate March 6, 1903.

Passed the House March 12, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 142.

[S. B. No. 247.]

REPEALING FORMER ACTS AND PARTS OF ACTS RELATIVE TO PUBLIC PRINTING AND BINDING.

AN ACT relating to public printing and binding and repealing an act entitled "An act to provide for the State printing and binding, fixing the methods and rules to govern the same; creating Commissioners of Public Printing and a State Printing Expert; also repealing the following acts: An act entitled 'An act to provide for the State printing and binding, fixing the compensation of the State Printer, etc.,' approved February 19, 1890; also an act entitled 'An act to create the office of State Printer, to provide for the election, etc.,' approved February 19, 1890; also an act entitled 'An act to amend Sections 1 and 5 of an act to provide for the state printing and binding, etc.,' approved March 9, 1893; also Sections 3, 4 and 5 of an act entitled 'An act providing for uniform systems of public blanks for use in the counties of the State of Washington, and regulating the manufacture and sale thereof by the State,' approved March 6, 1897," approved March 13, 1899, and repealing an act entitled "An act to amend Sections 4 and 9 of Chapter CXVIII, Session Laws of 1899, relating to public printing and binding, approved March 13, 1899," passed by the Senate March 6, 1901, passed by the House March 13, 1901; vetoed by the Governor March 18, 1901, passed by the Senate notwithstanding the Governor's veto June 12, 1901, and passed by the House notwithstanding the Governor's veto June 12, 1901.

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

SECTION 1. That an act entitled "An act to provide for

the State printing and binding, fixing the methods and rules to govern the same; creating commissioners of public printing and a State printing expert; also repealing the following acts: An act entitled 'An act to provide for the State printing and binding, fixing the compensation of the State printer, etc.,' approved February 19, 1890; also an act entitled 'An act to create the office of State printer, to provide for the election, etc.,' approved February 19, 1890; also an act entitled 'An act to amend sections 1 and 5 of an act to provide for the State printing and binding, etc.,' approved March 9, 1893; also sections 3, 4 and 5 of an act entitled 'An act providing for uniform systems of public blanks for the use of the counties of the State of Washington, and regulating the manufacture and sale thereof by the State,' approved March 6, 1897," approved March 13, 1899; and also an act entitled "An act to amend sections 4 and 9 of Chapter 118 Session Laws of 1899, relating to public printing and binding, approved March 13, 1899," passed the Senate March 6, 1901; passed by the House March 13, 1901; vetoed by the Governor March 18, 1901; passed by the Senate notwithstanding the Governor's veto June 12, 1901, and passed by the House notwithstanding the Governor's veto June 12, 1901, be and the same are hereby ^{Repeal.} repealed: *Provided*, That this act shall not be construed to affect any contract for printing or binding heretofore entered into by the commissioners of public printing as provided by law. ^{Proviso as to existing contracts.}

Passed the Senate March 7, 1903.

Passed the House March 11, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 143.

[S. B. No. 172.]

PROVIDING FOR RIVER IMPROVEMENT DISTRICTS.

AN ACT providing for the organization and government of river improvement districts, the levying of a tax and the sale of bonds arising therefrom and declaring an emergency.

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

River im-
provement
districts—
organization.

SECTION 1. Whenever fifty electors and resident taxpayers desire to provide for the deepening, widening, or otherwise improving the channel of any navigable river in this State or on the border thereof they may by petition propose the organization of a river improvement district under the provisions of this act; and when so organized such district shall have the powers conferred, or that may thereafter be conferred by law upon such river improvement district.

Petition—
what to
contain.

SEC. 2. Such petition shall first be presented to the Board of County Commissioners in the county in which the improvements are proposed to be made, which petition shall set forth and particularly describe the proposed boundaries of such district, and the nature, character and extent of the proposed improvements, 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 commissioners, in double the amount of the probable cost of organizing such district, conditioned that the bondsmen will pay all of the costs in case such organization shall not be effected. Such petition shall be presented at a regular meeting of the said board of commissioners 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 meeting at which the same will be presented. When such petition is presented the said board of commissioners shall hear the same, and may adjourn such hearing from time to time, not exceeding four weeks in

Bond.

Hearing.

all; and on the final hearing may make such changes in the proposed boundaries as they may find proper, and shall establish and define such boundaries. Said board of commissioners shall then order 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, and for the election of a board of directors consisting of five members. Said board of commissioners shall cause notice to be given of such election. The notice shall describe the boundaries so established, the character, nature and extent of the proposed improvements, and the election of five directors to serve until their successors are elected and qualified, and shall designate a name for such proposed district, and the notice shall be published for at least three weeks prior to such election in a newspaper published in said county and having a general circulation in the proposed district. Such notice shall require the electors to cast ballots which shall contain the words "RIVER IMPROVEMENT DISTRICT— YES," and "RIVER IMPROVEMENT DISTRICT— NO," or words equivalent thereto; and to vote for five persons to constitute the board of directors.

Notice of election—
what to show.

SEC. 3. Such election shall be conducted in accordance with the general election laws of the State, except that no particular form of ballot shall be required. The voting precincts shall be the same unless changed by the commissioners.

Election—
how conducted.

SEC. 4. No person shall be entitled to vote at any election held under the provisions of this act, unless he is a qualified elector of the district and possesses all the qualifications required of electors under the laws of the State.

Qualified electors only can vote.

SEC. 5. The board of county commissioners shall meet on the first Monday next succeeding such election and proceed to canvass the votes cast thereat; and if upon such canvass it appear that at least a majority of all votes cast are "River Improvement District—Yes," the said board shall, by an order entered in their minutes, declare such territory duly organized as a "River Improvement District" under the name and style theretofore designated, and shall declare the five persons receiving respectively the highest number of votes for directors, to be duly elected direc-

Canvass, by Board of County Commissioners.

Oath of directors.

tors. From the making of such order the organization of such district shall be complete, and the board of directors elected at such election shall be entitled to enter upon the duties of their office upon their taking and subscribing to an oath that they will faithfully and impartially and to the best of their ability perform the duties of directors of said district.

Term of office of directors.

SEC. 6. The board of directors elected at the first election held under the provisions of this act, shall hold office until the second Monday in January the year succeeding the January next succeeding their election, and until their successors are elected and qualified.

Bi-ennial elections.

SEC. 7. Bi-ennial elections for the election of a board of directors shall be held on the second Tuesday of December. The board of directors shall prescribe voting precincts for such elections. The general law governing the election of officers of cities of the third class as far as applicable shall be followed in the election of directors. The polls shall be opened at one o'clock p. m. and closed at six o'clock p. m. The form of ballot prescribed by the general law need not be adopted. The returns of the election shall be delivered to the secretary of the board. The board of directors shall meet on the first Monday following the election and canvass the returns, and declare the result of the election.

Voting precincts—polls.

Election returns.

Term of office of directors.

SEC. 8. The board of directors elected at the bi-ennial election shall hold office for two years from the second Monday in January next succeeding their election and until the election and qualification of their successors. Before entering upon the duties of their office the directors shall take and subscribe to an oath that they will faithfully and impartially and to the best of their ability perform the duties of directors of said district.

Oath of office.

Eligibility of directors.

SEC. 9. None but qualified electors residing within the said district shall be eligible to hold the office of director. In case of a vacancy in the membership of the board of directors, such vacancy shall be filled by appointment by the remaining members of the board, and such appointee shall hold the office until the next general election for the election of directors and until his successor is elected and qualified.

Vacancies, how filled.

SEC. 10. The board of directors elected at the first election held under the provisions of this act shall meet on the second Monday following the election and organize the said board, elect a president from their number, and appoint a secretary who shall hold his respective office during the pleasure of the board of directors. Organization of first board.

SEC. 11. The board of directors shall consist of five members, and they shall have 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 such agents, officers and employees as may be required, and make and adopt such rules and by-laws as may be deemed necessary for carrying into effect the provisions of this act. Duties and powers of directors.

SEC. 12. Regular meetings of the board shall be held at such times as the board may designate. Special meetings may be held whenever a majority of the board deems it advisable, but no special meeting shall be held unless personal notice is given to all the members of the board of the time and place of meeting. All 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. Regular and special meetings. Quorum.

SEC. 13. For the purpose of carrying into effect the provisions of this act, the board of directors are empowered to levy a tax upon the taxable property within the district, in the manner hereinafter provided, and they are authorized when directed by a vote of the people of the district in the manner hereinafter specified to sell the bonds of the district to raise funds to carry on the work. The money derived from the sale of bonds shall be used exclusively in making public improvements for the benefit of the people of the district, said improvements to consist of deepening, widening or otherwise improving the channel of any navigable river within or adjacent to any district organized under the provisions of this act and to be for the purpose of extending and aiding navigation and commerce on such river in the interest and for the benefit of the people in such district. Levy of tax and sale of bonds.

SEC. 14. Whenever the board of directors deem it necessary or expedient to raise money for the purposes specified in section 13 of this act, they shall call a special election to raise money. Special election to raise money.

Notice—
when given
and what to
contain.

determine whether the district shall issue bonds. At such election there shall be submitted to the electors of said district possessing the qualifications prescribed in this act the question whether or not the bonds of said district in the amount so determined shall be issued. Notice of such election must be given by posting notices in three public places in each 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 district is situated and having a general circulation therein, for at least three successive weeks. Such notice must specify the time of holding the election and the amount of bonds proposed to be issued. 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 applicable to the holding of elections for the election of directors. *Provided,* That no informality in conducting such election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds, Yes" and "Bonds, No," or words equivalent thereto. If a majority of the votes cast are "Bonds, Yes," the board may then issue bonds in the amount authorized. If the majority of the votes cast are "Bonds, No," the result shall be entered in the records of the board, but no bonds shall be issued unless a majority vote is cast in favor of such issuance. Whenever thereafter said board, in its judgment, deems it for the best interests of the district that the question of the issuance of bonds for said amount or any amounts shall be submitted to said electors, it shall so declare said record in its minutes and may thereupon submit such questions to said electors in the same manner and with like effect as at such previous election. Said bonds shall be payable in gold coin of the United States and 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 redeemable at any time after the expiration of ten years; shall bear interest not exceeding six per cent. per annum, payable semi-annually, with interest coupons attached, and the principal and interest

Ballots—
what to
contain.

Issuance of
bonds.

shall be payable at such place as may be designated in such bonds. The bonds and each coupon shall be signed by the president of the board and attested by the secretary of the board. Said bonds shall express upon their face that they were issued by authority of this act, stating its title and date of approval, and shall also state the number of the issue of which such bonds are a part. 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. Record of bonds sold.

SEC. 15. The board may sell the bonds authorized to be issued, from time to time, in such quantities as may be necessary and most advantageous to raise money for the purpose mentioned in section 13 of this act. The board shall at a meeting, by resolution, declare its intention to sell a specified amount of bonds and the day and hour and place of sale, and shall cause publication thereof at least twenty days in such newspapers as they may 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. *Provided, however,* That the board shall have the right to sell such bonds, or any of them, at private sale whenever they deem it for the best interest of the district so to do. *Provided, further,* That such bonds shall not be sold for less than their face value. Sale of bonds. Proposals for purchase of bonds. May be sold at private sale.

SEC. 16. Said bonds and interest thereon shall be paid by revenue derived from any annual assessment upon all the taxable property of the district, and all taxable property within the district shall be and remain liable to be assessed for such payments as hereinafter provided. Payment of bonds.

SEC. 17. The total indebtedness authorized to be incurred under the provisions of this act shall never exceed two and one half per cent. of the taxable property within the district as ascertained by the last assessment for State and county purposes, and any debts contracted in excess of such limitation shall be invalid and void. Limit of indebtedness.

SEC. 18. Five years before said bonds shall become due the directors of the district are authorized and required annually to levy an assessment sufficient to liquidate said Assessment to cover bonds at maturity.

bonds at maturity, such assessment shall be levied and collected as other taxes authorized by this act are collected, but the money arising therefrom shall be retained by the county treasurer until the maturity of bonds. Whenever the treasurer has upon hand two thousand dollars of the special fund for the payment of said bonds, he shall notify the holders of such bonds for the presentation to him 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 number one, until all of said bonds are paid: *Provided*, That thirty days after the giving of such notice if said bonds are not presented the interest thereon shall cease.

County
Treasurer to
pay same.

Interest to
cease.

Levy for in-
terest on
bonds.

SEC. 19. It shall be the duty of the directors annually to levy an assessment sufficient for the payment of interest coupons hereinbefore mentioned as they fall due.

Sinking
Fund.

Taxes—
limit of, and
collection.

SEC. 20. The board of directors shall determine the amount to be raised to pay the interest on the bonds outstanding, and whatever sum the board deems advisable to raise for the purpose mentioned in section 13 of this act, and when necessary to provide for a sinking fund and shall determine the rate necessary to raise such sums based upon the totals of the taxable property within the district as equalized and determined by the county board of equalization. The rate so determined shall be certified to the County Auditor of the county in which the district is located, and by him extended upon the tax rolls of the county, in a separate column. The rate so determined shall in no event exceed two and one half mills on the dollar on the taxable property within the district for any one year. The Auditor shall certify the same to the County Treasurer as other taxes are certified; and the Treasurer shall collect the taxes, keeping them separate from other taxes, and shall pay therefrom said interest coupons as they mature and said bonds as they may be called.

What laws
to apply.

SEC. 21. All of the laws governing the assessment and collection of taxes for general State and county purposes shall apply to the assessment and collection of taxes levied under the provisions of this act, except that the taxes collected under the provisions of this act shall be kept separate, and separate certificates of delinquency issued. The cer-

tificate of delinquency issued for delinquent taxes levied under this act may be foreclosed as other certificates, and the general law applicable thereto shall govern the certificates issued for taxes delinquent under this act. Foreclosure of certificate of delinquency.

SEC. 22. The board of directors shall receive no salary for services performed under the provisions of this act, nor shall they 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 officers 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 such fine and imprisonment, and the said contract in which said director was interested shall be void. Directors not to receive salary or have interest in contracts. Penalty.

SEC. 23. An emergency exists and this act shall take effect immediately. Emergency.

Passed the Senate February 25, 1903.

Passed the House March 9, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 144.

[S. B. No. 98.]

MAKING UNKNOWN HEIRS PARTIES DEFENDANT IN CERTAIN ACTIONS.

AN ACT authorizing the making, of unknown heirs of deceased persons, and unknown persons, parties defendant in actions pertaining to real estate, and providing for service on such unknown defendant.

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

SECTION 1. That when the heirs of any deceased person are proper parties defendant to any action relating to real property in this State, and when the names and residences of such heirs are unknown, such heirs may be proceeded Procedure against unknown heirs, etc.

against under the name and title of "The unknown heirs" of the deceased.

Court to grant order of service.

SEC. 2. Upon presenting an affidavit to the court or judge, showing to his satisfaction that the heirs of such deceased person are proper parties to the action, and that their names and residences cannot with use of reasonable diligence be ascertained, such court or judge may grant an order that service of the summons in such action be made on such "Unknown heirs" by publication thereof in the same manner as in actions against non-resident defendants.

What plaintiff may include in title of cause.

SEC. 3. That, in any action brought to determine any adverse claim, estate, lien, or interest in real property, or to quiet title to real property, the plaintiff may include as a defendant in such action, and insert in the title thereof, in addition to the names of such persons or parties as appear of record to have, and other persons or parties who are known to have, some title, claim, estate, lien, or interest in the lands in controversy, the following, viz.: "Also all other persons or parties unknown claiming any right, title, estate, lien, or interest in the real estate described in the complaint herein." And service of summons may be had upon all such unknown persons or parties defendant by publication as provided by law in case of non-resident defendants.

Service of summons.

Rights of unknown heirs.

SEC. 4. All such unknown heirs of deceased persons, and all such unknown persons or parties, so served by publication as in the preceding section of this act, provided, shall have the same rights as are provided by law in case of all other defendants upon whom service is made by publication, and the action shall proceed against such unknown heirs, or unknown persons or parties, in the same manner as against defendants, who are named, upon whom service is made by publication, and with like effect; and any such unknown heirs or unknown persons or parties who have or claim any right, estate, lien, or interest in the said real property in controversy, at the time of the commencement of the action, duly served as aforesaid, shall be bound and concluded by the judgment in such action, if the same is in favor of the plaintiff therein as effectually as if the action was brought against such defendant by his or her name and constructive service of summons obtained: *Provided, however,* That such judg-

ment shall not bind such unknown heirs, or unknown persons or parties, defendant, unless the plaintiff shall file a notice of *lis pendens* in the office of the auditor of each county in which said real estate is located, in the manner provided by law, before commencing the publication of said summons. Judgment
not binding.

Passed the Senate February 16, 1903.

Passed the House March 9, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 145

[S. B. No. 109.]

AMENDING AN ACT PROVIDING FOR THE ORGANIZATION AND GOVERNMENT OF MUNICIPAL CORPORATIONS.

AN ACT amending Section 10 of an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations and declaring an emergency," approved March 27, 1890.

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

SECTION 1. That section 10 of an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations and declaring an emergency," approved March 27, 1890, be amended to read as follows: Section 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 consoli- Consolidation.
Special election.

Notice of election—
what to set forth.

Ballots.

Canvass of votes.

Abstract of votes.

Copy of abstract filed with Secretary of State.

tion 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 names [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 submitted, the name of the corporation 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 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 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 corporation 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 ——— (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 elections 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 corporations and to the officers thereof: *Provided*, That in all cases wherein cities and towns of the third and fourth class desire annexation to cities of the first class no election shall be required to be held in such cities of the first class. When any city or town of the third or fourth class shall vote in favor of annexation to any city of the first class, the legislative body of such city or town so voting shall canvass such votes, and if in favor of annexation, shall forthwith file a petition together with an abstract of the votes so taken and canvassed with the city council of such city of the first class, praying for annexation under the name of such city of the first class. At the next regular meeting of the city council of said city of the first class following the filing of such petition and abstract, or as soon thereafter as practicable, said city council shall proceed to hear such petition with abstract attached, for annexation, and if said council so deem it wise and expedient to take or annex such city or town of the third or fourth class, then

Special election to be called.

When deemed consolidated.

Officers to enter upon duties.

Cities of third and fourth class.

Petition.

Hearing of petition.

the city council of said city of the first class shall pass a resolution requiring its corporation counsel to prepare an ordinance as required by law and the charter of said city covering the annexation of said cities or town, and present the same to the city council. Upon the taking effect of said ordinance of such city of the first class, such city or town so desiring to be annexed shall thereupon become a part of such city of the first class under the name of such city of the first class and subject to all its laws and ordinances then and there in force and simultaneously the terms of office of the officials of the city or town so annexed shall terminate. And it shall be the duty of the clerk of said city of the first class to forthwith transmit to the Secretary of State a certified copy of the proceedings so had before said city of the first class relating to said matters of annexation. And *further 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.

Ordinance.

Duty of city clerk.

Proviso as to former taxes and indebtedness.

Passed the Senate February 19, 1903.

Passed the House March 9, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 146.

[S. B. No. 99.]

AMENDING ACT RELATING TO GARNISHMENTS.

AN ACT to amend an act entitled "An act in relation to garnishments," approved March 8th, 1893.

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

SECTION 1. That an act entitled "An act in relation to garnishments," approved March 8th, 1893, be amended by adding thereto a new section immediately following section 9, said new section to be numbered section 9½, and to read as follows, to-wit: Section 9½. If the defendant in the prin-

cipal action, cause a bond to be executed to the plaintiff with sufficient sureties, to be approved by the officer having the writ or garnishment, or after the return of said writ, by the clerk of the court out of which said writ was issued, to the effect that he will perform the judgment of the court: The writ of garnishment shall, upon the filing of said bond with the clerk, be immediately discharged, and all proceedings had thereunder shall be vacated: *Provided*, That the garnishee shall not be thereby deprived from recovering any costs in said proceeding, to which he would otherwise be entitled under this act. ^{Discharge of writ.}

Passed the Senate February 23, 1903.

Passed the House March 11, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 147.

[S. B. No. 142.]

TO AMENDING THE STATE CONSTITUTION RELATIVE TO POWER OF LEGISLATURE TO EMPLOY CHAPLAINS FOR STATE PENAL AND REFORMATORY INSTITUTIONS.

AN ACT providing for the amendment of Section eleven (11), Article one (1) of the Constitution of the State of Washington, giving to the Legislature of the State of [Washington] the power to employ chaplains for State penal and reformatory institutions.

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

SECTION 1. That it is proposed to amend section eleven (11), of article one (1), of the constitution to read as follows: Section 11. Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the State. No public money or property shall be appropriated for or ^{Freedom of belief, etc.}

Proviso as
to chaplain
for State
Penitentiary.

applied to any religious worship, exercise or instruction, or the support of any religious establishment. *Provided, however,* That this article shall not be so construed as to forbid the employment by the State of a chaplain for the State penitentiary, and for such of the State reformatories as in the discretion of the Legislature may seem justified. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony.

Publication
of amend-
ment, by
Secretary of
State.

SEC. 2. The Secretary of State shall cause the foregoing amendment to be published for three months next preceding the next general election to be held in this State, in some weekly newspaper in each county in this State wherein a newspaper is published.

Ballots—
what to
contain.

SEC. 3. That there shall be printed on all ballots supplied for said election, the words: "For the proposed amendment to section eleven (11), of article one (1), of the constitution giving to the Legislature of the State of Washington the power of supplying chaplains for State penal and reformatory institutions!" and "Against the proposed amendment to section eleven (11), of article one (1), of the constitution, giving to the Legislature of the State of Washington the power of employing chaplains for State penal and reformatory institutions."

Passed the Senate February 23, 1903.

Passed the House March 10, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 148.

[S. B. No. 97.]

AMENDING ACT AMENDATORY OF THE CODE OF 1881
RELATIVE TO THE TAKING AND ENTRY OF JUDG-
MENTS.

AN ACT to amend Section 1 and to repeal Section 2 of "An act relating to the taking and entry of judgments, and amending Sections 301 and 302 of the Code of Washington of 1881," approved February 25th, 1891, the same being Sections 5115 and 5116, respectively, of Ballinger's Annotated Codes and Statutes of Washington, and being Sections 762 and 763 respectively of Pierce's Code.

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

SECTION 1. That section 1 of "An act relating to the taking and entry of judgments, and amending sections 301 and 302 of the Code of Washington of 1881," approved February 25, 1891, being section 5115 of Ballinger's An-
notated Codes and Statutes of Washington, and section 762
of Pierce's Code, be amended to read as follows: Section 1.
When a trial by jury has been had, judgment shall be en-
tered by the clerk immediately in conformity to the verdict
and a transcript of said judgment may be immediately filed
in the office of the clerk of the superior court of any other
county in the State in the manner provided by law: *Pro-
vided, however,* That if a motion for a new trial shall be
filed, execution shall not be issued upon said judgment until
said motion shall be determined: *And provided, further,*
That the granting of a motion for a new trial shall immedi-
ately operate as the vacation and setting aside of said judg-
ment.

Sec. 5115 Bal-
linger's Code,
Sec. 762
Pierce's Code
amended.

Entry of
judgment.

Proviso.

SEC. 2. That section 2 of "An act relating to the taking
and entry of judgments and amending sections 301 and 302
of the Code of Washington of 1881," approved February
25, 1891, being section 5116 of Ballinger's Annotated Codes
and Statutes of Washington, and section 763 of Pierce's
Code, be and the same is hereby repealed.

Sec. 5116 Bal-
linger's Code,
Sec. 763
Pierce's Code
repealed.

Passed the Senate February 10, 1903.

Passed the House March 9, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 149.

[S. B. No. 138.]

PROVIDING FOR CERTAIN LIENS UPON STEAMSHIPS, VESSELS AND BOATS, BY TUGBOAT COMPANIES, STEVEDORES AND OTHERS.

AN ACT creating a lien upon steamships, vessels and boats in favor of tugboat companies, stevedores and others, and providing for the enforcement thereof.

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

SECTION 1. Whenever the owner, charterer, or any person or corporation operating, managing or controlling any steamship, vessel or boat shall wilfully fail, neglect or refuse to carry out or perform any express contract or portion thereof for the towing, loading, unloading, dunnaging or stevedoring of such steamship, vessel or boat, any person or persons, firm or corporation sustaining thereby any loss or damage which is capable of definite ascertainment shall have a lien upon such steamship, vessel or boat for said loss or damage. The rank and priority of the lien hereby created and the manner of its enforcement shall be fixed, controlled and regulated by the provisions of the existing law pertaining to liens for similar services already performed.

Passed the Senate February 13, 1903.

Passed the House March 10, 1903.

(Note by the Secretary of State).—The above act was filed in this office on the 16th day of March, 1903, without the approval or disapproval of the Governor thereof.

SAM H. NICHOLS,
Secretary of State.

CHAPTER 150.

[S. B. No. 180.]

PROVIDING FOR THE ORGANIZATION AND REGULATION OF MUTUAL MARINE AND FIRE INSURANCE COMPANIES.

AN ACT providing for the organization of mutual marine and fire insurance companies and regulating their management.

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

SECTION 1. A mutual marine and fire insurance company organized under the provisions of this chapter shall have an agreement under the seal of each subscriber thereto, substantially as follows: The subscribers severally agree to pay to the insurance company on demand the whole or such part of the amounts set against our names as may be called from time to time for the use of said company, in the payment of its losses and expenses not otherwise provided for.

Agreement of subscribers.

SEC. 2. Such companies shall not issue policies until the amount of three hundred thousand dollars, which shall be the total of such subscriptions, shall have been so subscribed, and a certificate signed by the president and a majority of the trustees certifying that the subscribers are known to them and that they believe them to be solvent and able to pay the full amount of their subscriptions has been deposited with the Insurance Commissioner and twenty-five per cent. of the full amount of such subscriptions shall have been paid in cash, and a certificate filed with the Insurance Commissioner showing said payment of said part of said subscription. If a subscriber dies or becomes insolvent or fails to pay the assessment made upon his subscription within thirty days after date of notice his subscription shall be cancelled and if the amount of the subscription fund is thereby or otherwise reduced the deficiency shall be made good by new subscriptions certified and paid in the same manner as the original. Subscribers shall be entitled to annual dividends of two per cent. upon the amount of their subscriptions from the profits of the company and not otherwise: *Provided*, That the liability of each subscriber shall continue until his subscription shall have been fully paid, notwith-

Amount of insurance necessary to be subscribed.

Certificate filed with Insurance Commissioner—what to contain.

Impairment of subscriptions.

Dividends.

Liability of subscribers.

standing, a sale, transfer or assignment of his said subscription or any interest therein, and the assignee shall be jointly and severally liable upon such subscription so assigned.

Division of
net profits.

SEC. 3. The net profits or divisible surplus of such companies shall be annually divided among the insured whose policies terminated within the year in proportion to the contribution of each to such profits or surplus, and such dividends shall be made only in script certificates payable only out of the accumulation of net profits or surplus which accumulation shall constitute and be kept invested by the company as a separate fund in trust for the redemption of such script certificates and the contingent payment of losses and expenses as herein provided. Such certificates until redeemed shall be subject to future losses and expenses of the company and to be reduced if the redemption fund is drawn upon for the payment of such losses and expenses. But no

Redemption
fund.

part of the redemption fund shall be used for the payment of losses or expenses unless the cash assets of the company are insufficient therefor and except to the extent of the deficiency; and if any portion thereof shall be used for such payment the outstanding certificates shall be reduced in proportion so that the redemption fund shall at all times equal the amount of the unredeemed certificates. The net income of the redemption fund shall be divided annually among the holders of its certificates; or the company may make such certificates with a specific rate of interest payable from the income of its invested funds. The maximum of such accumulation of profits shall be three hundred thousand dollars, and all excess of profit above said amount shall be applied annually to the payment of the certificates in the order of their issue. The certificates shall be forthwith payable when the company shall cease to issue policies and the fund is no longer liable to be drawn upon for the payment of losses.

Division of
redemption
fund.

Insured per-
son entitled
to member-
ship.

SEC. 4. Every person insured by a mutual marine and fire insurance company shall be a member while his policy is in force, entitled to one vote for every five thousand dollars of the total amount of policies held by him, and shall be notified of the time and place of holding its annual meetings by a written notice to his last known address. A corporation which becomes a member of such company may au-

thorize any person to represent it in such company, and such representative shall have all the rights of an individual member. Each subscriber to the subscription fund of such company shall be a member of such company and entitled to one vote for every one thousand dollars of his subscrip-^{Votes en-}tion, unless he be in arrears in the payment of an assess-^{titled to.}ment.

SEC. 5. Every such company shall annually elect by bal-^{Trustees.}lot a board of not less than seven trustees, who shall with the officers elected by such trustees manage and conduct its business and who shall hold office for one year or for such term as the by-laws may provide, and until their successors are qualified. Two-thirds at least of the trustees shall be^{Eligibility.} citizens of this state and members only shall be eligible as trustees or officers of the company.

Passed the Senate March 6, 1903.

Passed the House March 12, 1903.

(Note by the Secretary of State).—The above act was filed in the office of the Secretary of State at 11 o'clock a. m., on the 16th day of March, 1903, without the approval or disapproval of the Governor thereof.

SAM H. NICHOLS,
Secretary of State.

CHAPTER 151.

[H. B. No. 58.]

RELATIVE TO FEES OF STATE AND COUNTY OFFICERS, WITNESSES AND JURORS.

AN ACT in relation to the fees of State and County officers, witnesses and jurors, and repealing an act entitled "An act in relation to the fees of State and County officers, witnesses and jurors and amending Section 2086 of the Code of Washington of 1881," the same being approved March 15, 1893.

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

SECTION 1. The several officers herein named shall collect the fees herein prescribed for their official services:

Supreme Court.

CLERK OF THE SUPREME COURT.

- Upon filing his first paper or record and making an appearance in the supreme court the appellant shall pay to the clerk of said court a docket fee of\$ 5.00
- Upon making his appearance in the supreme court, the respondent in any appealed case, shall pay to the clerk a fee of 2.00
- The applicant or petitioner in any special proceeding in the supreme court, upon making his appearance, shall pay to the clerk thereof a fee of..... 3.00
- The respondent in a special proceeding, and each respondent appearing separately therein, at the time of his appearance, shall pay to the clerk a fee of 1.00
- The foregoing fees shall be all the fees connected with the appeal or special proceeding: *Provided*, That no fees shall be required to be advanced by the State, or any municipal corporation, or any public officer prosecuting or defending on behalf of such State or municipal corporation.
- For filing application, entering admission and issuing certificate to an attorney upon admission to practice 20.00
- For all services for which no fee is hereinbefore prescribed

the clerk of the supreme court shall receive the same fees as are prescribed for clerks of the superior courts for like services.

CLERKS OF THE SUPERIOR COURTS.

Superior
Courts.

The plaintiff, or other party instituting any civil action or proceeding, shall pay, when the case is entered in the court or when the first paper on his part is filed therein, a fee of	\$ 4.00
The defendant or other adverse party or any one or more of several defendants or other adverse parties, or intervenors, appearing separately from the others, shall pay when his or their appearance is entered in the case, or when his or their first appearance is filed therein, a fee of.....	2.00
When no issue of fact is joined in the case and no judgment other than a dismissal or discontinuance, without trial of an issue of fact is rendered, no further fee need be paid.	
Where, after an issue of fact has been joined, the cause is dismissed or discontinued without trial of such issue, the party causing such dismissal or discontinuance to be entered shall pay, at the time of the entry thereof, a further fee of.....	1.00
If a judgment other than a dismissal or discontinuance is rendered, the party obtaining the same shall pay, at the time of the entry thereof, a further fee as follows:	
1. Where the judgment is rendered without the taking proof of any fact pleaded—	
1. Where the judgment is rendered without the taking of proof of any fact pleaded—	
(a) If no adverse party has appeared in the case.	\$ 2.00
(b) Or if an adverse party has appeared.....	3.00
2. Where the judgment is rendered upon proof taken, but without the assessment of damages by a jury, and in a case other than the foreclosure of a lien or mortgage or partition of real estate—	
(a) If no adverse party has appeared in the case	3.00
(b) If an adverse party has appeared.....	5.00
3. Where the judgment is rendered upon an assessment of damages by a jury, no adverse party having appeared in the case	5.00

4. Where the judgment is rendered after an appearance by an adverse party, and a trial by jury, or by the court or a judge, referee or commissioner, in a cause other than the foreclosure of a lien or mortgage, or partition of real estate.....	6.00
5. Where the judgment is rendered in an action for the foreclosure of a lien or mortgage or partition of real estate—	
(a) If no adverse party has appeared in the case	6.00
(b) If an adverse party has appeared.....	8.00
6. For making a transcript on appeal to the supreme court, or for transcribing the records in any action for any other purpose, 10 cents per folio.	
7. For comparing a transcript on appeal, or transcript of the record in any action where the party has prepared it himself, 5 cents per folio.	
The appellant in appeals from judgments of a justice of the peace, shall at the time of docketing his appeal, pay a docket fee of	4.00
The adverse party in appeals from judgment of a justice of the peace at the time of his appearance in the superior court shall pay a fee of.....	2.00
Other fees shall be charged as are charged in actions originally begun in the superior court.	
For filing an abstract of a judgment entered in the supreme court or of any other superior court of the State or of any United States court held in this State, or a transcript of a judgment of a justice court a fee of.....	1.00
For taking an affidavit with or without seal.....	50
For certificate with or without seal.....	50
For entering a declaration to become a citizen of the United States	1.50
For entering the final admission of an alien to citizenship and for a certified copy thereof under seal	3.00
For filing all instruments required by law to be filed in his office, where no other fee is provided.....	.10
For filing and recording marriage certificates, the same to be collected as provided by law	1.00

For approving bond, including justification thereon, in other than civil actions and probate proceed- ings .....	.50
In probate proceedings the party instituting such proceedings shall pay, at the time of the filing of the first paper therein, a fee of.....	5.00
If the amount of the estate as shown by the ap- praisement thereof returned in the court, is less than the sum of one thousand dollars, no further fee need be paid. If the amount of the estate as shown by such appraisement is one thousand dol- lars or more and less than two thousand dollars, an additional fee shall be paid when the appraise- ment is filed of	2.50
If the amount of the estate as shown by such ap- praisement is two thousand dollars or more and less than three thousand dollars, there shall be paid at the time of filing appraisement an ad- ditional fee of.....	5.00
If the amount of the estate as shown by such ap- praisement is three thousand dollars or more and less than ten thousand dollars, there shall be paid at the time of filing appraisement an additional fee of.....	10.00
If the amount of the estate as shown by such ap- praisement is five thousand dollars or more and less than ten thousand dolars, there shall be paid at the time of filing the appraisement an addi- tional fee of	20.00
If the amount of the estate as shown by such ap- praisement is ten thousand dollars or more and less than twenty thousand dollars, there shall be paid at the time of the filing of the appraisement an additional fee of.....	75.00
If the amount of the estate as shown by such ap- praisement is twenty thousand dollars or more and less than fifty thousand dollars, there shall be paid at the time of filing the appraisement an ad- ditional fee of	75.00

If the amount of the estate, as shown by such appraisal, is fifty thousand dollars or more and less than one hundred thousand dollars, there shall be paid at the time of the filing of the appraisal an additional fee of..... 125.00

If the value of the estate exceeds one hundred thousand dollars as determined by such appraisal, there shall be paid at the time of filing such appraisal, in addition to the one hundred and twenty-five dollars just provided for, fifty dollars for each additional twenty thousand dollars valuation thereof above one hundred thousand dollars.

Should the clerk or prosecuting attorney believe that an estate has been appraised at too low a valuation, it shall be the duty of the prosecuting attorney to apply to the court for an ascertainment of the valuation of the estate and a taxation of fees to correspond thereto. Should the court find the valuation of the estate at the time of the appraisal was greater by ten per centum than the appraisal returned, the costs of the reappraisal shall be paid by the executor or administrator from the funds of the estate; otherwise no costs shall be taxed.

For filing any petition to contest a will admitted to probate, or to prove a will which has been rejected and for all other services in connection with such petition, subsequent to its filing and up to final settlement of the issues raised by such petition, to be paid at the time of filing such petition a fee of 25.00

SHERIFF'S FEES.

Sheriff.

For service of each summons and complaint, and return thereon, on each defendant, besides mileage	.60
For making a return of not found in the county upon a summons, besides mileage actually traveled	.30
For levying each writ of attachment or writ of execution upon real or personal property, besides mileage	.60
For serving writ of possession or restitution without aid of the county, besides mileage	1.50

For serving writ of possession or restitution, with aid of the county, besides mileage.....	2.00
For service and return of subpoena, upon each person served, besides mileage.....	.25
For summoning each juror, in a justice of the peace court, besides mileage.....	.25
For serving an arrest warrant in a civil action or proceeding, besides mileage.....	.80
For serving or executing any other writ or process in a civil action or proceeding, besides mileage..	.60
For taking and approving any bond, in a civil action or proceeding, required by law to be taken or approved by him, except indemnity bonds.....	.50
For posting each notice, besides mileage.....	.25
For each mile actually and necessarily traveled by him in going to or returning from any place of service .....	.10
For making a deed to land sold upon execution or order of sale, or other decree of court, to be paid by the purchaser.....	3.00
For making copy of any complaint, notice, writ or process, necessary to complete service, per folio ten cents: <i>Provided</i> , That he shall not be required to make any certified copies for a fee of less than	1.00

CONSTABLE'S FEES.

Constables.

For serving an arrest warrant in a criminal action, or making an arrest in cases where an arrest may be lawfully made without a warrant, besides mileage	2.00
For other services he shall receive the same fees and mileage as is paid to a sheriff for like services.	

COUNTY AUDITORS.

County Auditors.

For filing each instrument, other than chattel mortgages and conditional sale contracts.....	.10
For filing each chattel mortgage and conditional sale contract and entering the same as required by law	.25
For indexing each instrument, except chattel mortgages and conditional sale contracts, for the first two names .....	.05

For each additional name .....	.05
For a marginal release of mortgage.....	.25
For release of chattle mortgage or conditional sale contract .....	.25
Making certified copy of instrument besides certificate and seal, per folio .....	.10
For comparing instrument prepared by another, besides certificate and seal, per folio .....	.05
For certificate and seal .....	.50
For recording each instrument, per folio.....	.15
For administering an oath or taking an affidavit, with or without seal.....	.50
For issuing miscellaneous license and entering of record	1.00
For issuing marriage licenses , including fee of \$1.00 for county clerk	5.00
For recording plats, 25 cents for each lot and one dollar for each acknowledgment, dedication or description, with a minimum fee of one dollar for each plat.	
For searching records, per hour	1.00
For filing, recording and indexing cattle brands and marks, for each mark and brand described.....	1.00
For filing, recording and indexing brands of loggers, for each brand described	1.00
For filing and recording statement and oath in regard to sires under section 3442 of Ballinger's Codes and Statutes of the State of Washington, the same fees per folio as are paid for other instruments.	
For each certificate issued under the provisions of section 3443 of said Ballinger's Codes and Statutes of the State of Washington, in regard to sires .....	.50
For sealing weights and measures, for each weight and measure sealed.....	.10

CORONERS.

Coroners.

For each inquest held, besides mileage	10.00
For issuing a venire	1.00
For drawing all necessary writings, per folio ....	.10

For mileage each way, per mile.10
 For performing the duties of a sheriff he shall receive the same fees as a sheriff would receive for the same service.

JURORS.

Jurors.

Each grand and petit juror shall receive for each day's attendance upon the superior court, besides mileage 3.00
 Each talesman serving in the superior court, per day 2.00
 For each day's attendance upon a justice of the peace court 1.00
 For serving on a coroner's jury, per day. 2.00
 Mileage, each way, per mile10

WITNESSES.

Witnesses.

Witnesses shall receive for each day's attendance in all courts of this State, besides mileage at ten cents per mile each way. 2.00

FEES OF SECRETARY OF STATE.

Secretary of State.

1. For a copy of any law, resolution, record or other document or paper on file in his office, fifteen cents per folio; provided, no copy shall be furnished by the Secretary of State unless under the seal of the State.
2. For any certificate under seal of State, two dollars.
3. For recording articles of incorporation, fifteen cents per folio.
4. For filing and recording trade mark, five dollars.
5. For each deed or patent of land issued by the Governor, if for one hundred and sixty acres of land, or less, one dollar, and for each additional one hundred and sixty acres, or fraction thereof, one dollar.
6. For recording miscellaneous records, papers or other documents, ten cents per folio, and five dollars for filing in each case. But no member of the Legislature, State officer, judge of the supreme or superior courts, shall be charged for any search relative to matters pertaining to the duties of their offices; nor must they be charged for a certified copy of any law or resolution passed by the Legisla-

ture relative to their official duties; *provided*, such law has not been published as a State law. All fees herein enumerated must be collected in advance.

Notaries Public.

NOTARIES PUBLIC.

- 1. Protest of a bill of exchange of (or) promissory note\$ 1.00
- 2. Attesting any instrument of writing with or without seal50
- 3. Taking acknowledgment, two persons, with seal .50
- 4. Taking acknowledgment, each person over two .25
- 5. Certifying affidavit, with or without seal.50
- 6. Registering protest of bill of exchange or promissory note for non-acceptance or non-payment.. .50
- 7. Being present at demand, tender or deposit, and noting the same, besides mileage at the rate of ten cents per mile50
- 8. Noting a bill of exchange or promissory note, for non-acceptance or non-payment..... .50
- 9. For copying any instrument or record, besides certificate and seal, per folio15

Salaried officers.

All officers enumerated in this section, who are paid a salary in lieu of fees, shall collect the fees herein prescribed for the use of the State or county, as the case may be, and shall pay the same into the State or county treasury, as the case may be, on the first Monday of each month: *Provided*, The fees of the clerk of the superior court prescribed for probate proceedings shall not apply to probate proceedings begun prior to the taking effect of this act but such proceedings shall be governed by the schedule of fees now in force.

Repeal.

SEC. 2. An act of the Legislature of the State of Washington entitled "An act in relation to the fees of State and county officers, witnesses and jurors, and amending section 2086 of the Code of Washington of 1881," approved March 15, 1893, and all other acts and parts of acts in conflict herewith are hereby repealed.

Passed the House March 7, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 152.

[S. B. No. 136.]

PROVIDING FOR ACCEPTANCE BY THE STATE OF CERTAIN ARID LANDS FROM THE UNITED STATES.

AN ACT to provide for the acceptance by the State of Washington from the United States of certain desert lands and providing for the reclamation, occupation and disposal of the same and declaring an emergency.

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

SECTION 1. That the State of Washington hereby ac-^{Acceptance of condition.}cepts the condition of section four (4) of an act of Congress, entitled: "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30th, 1895, and for other purposes," approved August 18th, A. D., 1894, and all acts subsequent and relating thereto together with all the grants of land to the State under the provisions of the aforesaid acts.

SEC. 2. The selection, management and disposal of said lands shall be vested in the Commissioner of Public Lands of the State of Washington. He shall receive and file all proposals for the construction of irrigation works to reclaim lands selected under the provisions of this act; prepare and keep for public inspection, maps or plats, on a scale of two inches to the mile, of all lands selected, receive entries of settlers on these lands, and hear or receive the final proof of their reclamation; and do any and all work required to be done in carrying out the provisions of this act. ^{Commissioner of Public Lands vested with power.}

SEC. 3. Any person, company or association of persons, or incorporated company, constructing, having constructed or desiring to construct ditches, canals or other navigation works, to reclaim land under the provisions of said act, shall file with the Commissioner of Public Lands a request for the selection on behalf of the State by the Commissioner of Public Lands of the land to be reclaimed, designating said land by legal subdivision. This request shall be accompanied by a proposal to construct the ditch, canal or other irrigation works necessary for the complete reclamation of the lands to be selected. ^{Filing of request and proposal.} The proposal shall be pre-

pared in accordance with the rules of the Commissioner of Public Lands and with the regulations of the Department of the Interior. It shall state the source of water supply, the location and dimensions of the proposed works, the price and terms per acre at which perpetual water rights will be sold to settlers on the land to be reclaimed. In the case of incorporated companies it shall state the name of the company, the purpose of its incorporation, the names and places of residence of its trustees and officers, the amount of its authorized and of its paid up capital. If the applicant is not an incorporated company the proposal shall set forth the name or names of the party or parties, and such other facts as will enable the Commissioner of Public Lands to determine his or their financial ability to carry out the proposed undertaking.

Incorporated
companies.

Private
parties.

Certified
check to
accompany.

SEC. 4. A certified check for a sum not less than two hundred and fifty dollars (\$250) nor more than two thousand and five hundred dollars (\$2,500) as may be determined by the rules of the Commissioner of Public Lands shall accompany each such request and proposal, the same to be held as a guarantee of the execution of the contract with the State, in accordance with its terms, by the party submitting such proposal; in case of the approval of the same and the selection of the land by the Commissioner of Public Lands, and to be forfeited to the State in case of the failure of said party to enter into a contract with the State in accordance with the provisions of this act.

Duty of Com-
missioner of
Public
Lands.

SEC. 5. Immediately upon the receipt of any request and proposal as designated in section 3, it shall be the duty of the Commissioner of Public Lands to examine the same and ascertain if it complies in form with the rules of his office and the regulations of the Department of the Interior. If it does not it is to be returned for correction, and, if not corrected within sixty days, it may be rejected by the Commissioner. The Commissioner of Public Lands shall determine whether or not the proposed works are feasible and the water appropriated and provided for is adequate and whether the maps filed in his office comply with the requirements of his office and the regulations of the Department of the Interior; also whether the lands proposed to be irrigated are desert in character, and such as may be prop-

erly set apart under the provisions of the aforesaid acts of Congress and the rules and regulations of the Department of the Interior thereunder. When a request or proposal as to substance is not approved by the Commissioner he shall notify the party making such request or proposal of his disapproval thereof and the reason therefor, and the party so notified shall have sixty days in which to make a satisfactory proposal but the Commissioner may, at his discretion, extend the time to six months.

When request is not approved—procedure.

SEC. 6. On receipt of the request and proposal, and the approval of the same by the Commissioner of Public Lands, he shall file in the local United States Land Office a list in triplicate, describing the land embraced in said proposal with a request for the withdrawal of the land described in said list.

Commissioner of Public Lands to file triplicate list in United States Land Office.

SEC. 7. Upon the withdrawal of the land by the Department of the Interior, it shall be the duty of the Commissioner of Public Lands to enter into a contract with the party submitting the proposal, which contract shall contain complete specifications of the location, dimensions and character of the proposed ditch, canal and other irrigation works; the price and terms per acre at which perpetual water rights shall be sold to the settler; the amount of water to be supplied; the price of an annual maintenance fee per acre, and the price and terms upon which the State is to dispose of the land to settlers: *Provided*, That such price and terms for irrigation works, water rights, maintenance fee and for lands to be disposed of by the State to settlers, shall in all cases be reasonable and just. This contract shall not be entered into on the part of the State until withdrawal of these lands by the Department of the Interior and the filing of a satisfactory bond on the part of the proposed contractor for irrigation works, which bond shall be in penal sum equal to five per cent. of the estimated cost of the works, and to be conditioned for the faithful performance of the provisions of the contract with the State: *Provided*, That no contract under the provisions of this act shall be entered into by the Commissioner of Public Lands until the same shall have been approved by the Attorney General and the Governor.

Withdrawal by Department of Interior. Duty of Commissioner.

Bond.

Contracts—approved by Governor and Attorney General.

Limit of
contract
time.

SEC. 8. No contract shall be made by the Commissioner of Public Lands which requires a greater time than ten (10) years for the construction of the works and such additional time as may be granted by the Interior Department as provided by the aforesaid acts of Congress and amendments thereto, and all contracts shall state that the work shall begin within six months from the date of the contract; at least one-tenth of the construction work shall be completed within two years from the date of said contract; and the construction of said works shall be prosecuted with reasonable diligence to completion.

Upon fail-
ure to begin
work—duty
of Com-
missioner.

SEC. 9. Upon the failure of any party having a contract with the State for the construction of irrigation works, to begin the same within the time specified by the contract, or to complete the same within the time or in accordance with the specifications of the contract with the State, it shall be the duty of the Commissioner of Public Lands to give such party written notice of such failure and if, after a period of sixty days from the giving of such notice such party shall have failed to proceed with the work or to conform to the specifications of his contract with the State the bond and contract of such party and all work constructed under such contract shall be at once and thereby forfeited to the State, and it shall be the duty of the Commissioner of Public Lands at once so to declare and to give notice once each week for a period of four weeks in some newspaper of general circulation in the county in which the work is situated, and in one newspaper at the State capitol in like manner and for a like period, that upon a day fixed, proposals will be received at the office of the Commissioner of Public Lands at Olympia, Washington, for the purchase of the incompletd works and for the completion of said contract, the time for receiving said bids to be at least sixty days subsequent to the issuing of the last notice of forfeiture. The money received from the sale of partially completed works, under the provisions of this section shall first be applied to the expenses incurred by the State in their forfeiture and disposal, to satisfy the bond, and the surplus, if any exists, shall be paid to the original contractor with the State. Whenever after the completion of said irrigation works any contractor or his successors or assigns shall fail to furnish an adequate amount

Moneys re-
ceived—
how applied.

of water to irrigate the lands of water right owners or there shall exist other cause as provided by law for the appointment of a receiver, the Attorney General may apply for the appointment of a receiver to take possession of the irrigation works and canal and other property of such party, and manage, operate, sell or dispose of the same. Such application shall be made to the superior court of the county in which the whole or some portion of the irrigation works or canal of such party is situated; and the court or its receiver by order of the court shall have and may exercise such powers as to the possession, management, operation, sale or disposition of the property and works of such party as is provided by law relating to receivers: *Provided*, That nothing herein contained shall be taken or construed as limiting the right of any party to have a receiver appointed as is in other cases provided by law.

Appointment
of receiver.

SEC. 10. Nothing in this act shall be construed as authorizing the Commissioner of Public Lands to obligate the State to pay for any work constructed under any contract or to hold the State in any way responsible to settlers for the failure of contractors to complete the work according to the terms of their contracts with the State.

State not
obligated to
pay for
work.

SEC. 11. Immediately upon the withdrawal of any land for the State by the Department of the Interior and the inauguration of work by the contractor, it shall be the duty of the Commissioner of Public Lands, by publication once a week in one newspaper of the county or counties in which said land is situated, and such further notice as he may deem necessary, for a period of four weeks, that said land is open for settlement; the price for which said land will be sold to settlers by the State, the contract price at which settlers can purchase a perpetual water right, and the cost of an annual maintenance fee.

Commis-
sioner to
publish lands
open for set-
tlement.

SEC. 12. Any citizen of the United States, or any person having declared his intention to become a citizen of the United States (excepting married women not the heads of families) over the age of twenty-one years, may make application under oath, to the Commissioner of Public Lands, to enter any of said lands in any amount not to exceed one hundred and sixty acres for any one person; such application shall set forth that the person desiring to make such

Who may ap-
ply to enter
upon such
lands.

Certified
copy of
contract.

Filing of
above appli-
cation.

Fee of \$1.00
per acre.

Disposal of
lands.

Deposit of
funds re-
ceived.

entry does so for the purpose of actual reclamation, cultivation and settlement in accordance with the act of Congress and the laws of this State relating thereto, and the applicant has never received the benefit of the provisions of this act, to an amount greater than one hundred and sixty acres, including the number of acres specified in the application under consideration. Such application must be accompanied by a certified copy of a contract for a perpetual water right, made and entered into by the party making application with the person, company or association of persons, or incorporated company who have been authorized by the Commissioner of Public Lands to furnish water for the reclamation of said land; and if said applicant has at any previous time entered land under the provisions of this act, he shall so state in his application, together with the description, date of entry and location of said lands. The Commissioner of Public Lands shall thereupon file in his office the application and papers relating thereto, and, if allowed, issue a certificate of location to the applicant. All applications for entry shall be accompanied by a payment of one dollar per acre, which shall be paid as a partial payment on the land if the application is allowed, and all certificates when issued shall be recorded in a book to be kept for that purpose. If the application is not allowed, or the contractor fails to complete the work according to contract the one dollar per acre accompanying the application shall be returned to the applicant. The Commissioner of Public Lands shall dispose of all lands accepted by the State under the provisions of this act at a uniform price of not less than ten dollars per acre, one-tenth to be paid at the time of entry and the remainder in nine equal annual installments, with interest at six per cent. per annum payable annually, provided a settler may make payment in full at any time upon or after making final proof.

SEC. 13. All moneys received by the Commissioner of Public Lands from the sale of lands selected under the provisions of this act shall be deposited with the State Treasurer and shall constitute a trust fund in the hands of said treasurer to be used in the reclamation of other arid lands.

SEC. 14. Within one year after any person, company or association of persons or incorporated company authorized to construct irrigation works under the provisions of this act, shall have notified the settlers under such works that they are prepared to furnish water under the terms of their contract with the State, each settler shall enter into a contract with the State for the purchase of the land described in his certificate of location, complete the first annual payment thereon, and shall cultivate and reclaim not less than one-sixteenth part of the land filed upon by him, and within two years after the said notice, the settler shall have actually irrigated and cultivated not less than one-eighth of the land filed upon, and within ten years from the date of said notice the settler shall appear before the Commissioner of Public Lands or the clerk of the superior court, within the county wherein said land is situated and make final proof of reclamation, settlement and occupation, which proof shall embrace evidence that he has a perpetual water right for his entire tract of land sufficient in volume for the complete irrigation and reclamation thereof; that he is an actual settler thereon and has cultivated and irrigated not less than one-eighth of said tract, and such further proof, if any, as may be required by the regulations of the Department of the Interior, and the Commissioner of Public Lands. The officer taking this proof shall be entitled to receive a fee of two dollars (\$2.00), which fee shall be paid by the settler and shall be in addition to the price paid for the land. All proofs so received shall be submitted to the Commissioner of Public Lands and shall be accompanied by the last and final payment for said land, and approved by the Commissioner of Public Lands, and such proceedings had that a patent of said land shall be issued: *Provided*, That when the Commissioner of Public Lands shall take such final proof all fees received by him shall be turned in to the State Treasurer.

SEC. 15. After the issuance of a patent to any land by the United States to the State, notice thereof shall be forwarded to the party, if any entitled to said land, and, upon full payment having been made, it shall be the duty of the Commissioner of Public Lands to certify such fact to the Governor, whereupon he shall cause a patent to be issued

Settlers to
contract to.

Final proof—
what to
show.

Fee for and
submission
of proofs.

Patents—
signed by
Governor—
where re-
corded.

to the purchaser, the patent to be signed by the Governor and attested by the Secretary of State with the seal of the State thereto attached, and shall be recorded in the office of the Commissioner of Public Lands, and no fee shall be required other than the fee provided for in this act.

Water rights
to attach.

SEC. 16. The water right to all land acquired under the provisions of this act shall attach to and become appurtenant to the land as soon as title passes from the United States to the State. Any person, company or association of persons, or incorporated company furnishing water for any tract of land shall have a prior lien on said water right and land upon which said water is used for all deferred payments for said water right and for any maintenance fee due, said lien to be in all respects prior to any other lien or liens created or attempted to be created by the owner or possessor of said land; said lien to remain in full force and effect until the last deferred payment for the water right is fully paid and satisfied according to the terms of the contract under which said water right was acquired and until all delinquent maintenance fees are fully paid. The contract for the water right upon which the aforesaid lien

Prior liens.

Recording of
water right
contracts.

is founded shall be recorded in the office of the County Auditor of the county where the land is situated. Upon default of any of the deferred payments secured by any lien under the provisions of this act and any maintenance fee, the person, company, or association of persons, or incorporated company holding or owning said lien, may foreclose the same according to the conditions and terms of the contract granting and selling to the settler the water right and providing for a maintenance fee. All sales shall be advertised in a newspaper of general circulation, published in the county where said land and water right is situated, once a week, for four consecutive weeks, and shall be sold to the highest bidder at the front door of the court house of the county, or such place as may be agreed upon by the terms of the contract. And the sheriff of said county shall in all such cases give notice of sale and shall sell such land and water right and shall make and deliver a certificate of sale to the purchaser, and at such sale no person, company, or association or persons, or incorporated company, owning or holding any lien shall bid in or purchase any land or water right

Sales to be
advertised.

Sheriff to
give notice
of sale.

at a greater price than the amount due on deferred payment or payments for said water right and land and maintenance fee due and the costs incurred in making the sale of the land and water right. At any time within nine months after the foreclosure sale by the sheriff of the land and water right as aforesaid, the original owner against whom the lien has been foreclosed, or any other party entitled to redeem land sold under execution may redeem land and water right so sold in the same manner and order and under the same procedure as is or may be provided by law for the redemption of land sold under execution. The party reclaiming said land and water right shall pay to the sheriff the amount for which said land and water right was sold and costs and increased costs, together with interest thereon at the legal rate, and all taxes and payments maturing subsequent to such foreclosure as well as all maintenance fees due at the time of redemption with interest at like rate. If there be more than one redemption each successive redemption shall be made within six (6) weeks after the last preceding redemption. And where the lien holder becomes the purchaser at such foreclosure sale, and in no other case, if such land and water right be not redeemed by the original owner or other person entitled to redeem as above provided within nine (9) months then at any time within three (3) months after the expiration of such nine (9) months any person desiring to settle upon and use such land and water right may redeem the said land and water right in the manner hereinbefore provided for redemption by the owner or other redemptioners. Where such land and water right are not purchased by the lien holder at such foreclosure sale the sheriff shall pay out the proceeds of such sale as follows:

First. He shall retain all charges, costs and fees for his services and account for the same as in civil cases.

Second. To the lienholder or his assigns the amount of the lien together with all interest, costs and fixed charges thereon.

Third. The balance of any remaining, to the person against whom such lien was foreclosed or his assigns. When the period of redemption shall have expired the sheriff or his successor in office shall execute a proper conveyance of the

Redemption.

Succeeding redemptions.

Sheriff to pay proceeds.

land and water right sold, to the party entitled thereto. The foreclosure herein provided for may be transferred to the superior court of the proper county in the same manner and with like effect as foreclosure of chattel mortgages on notice may be transferred.

Maps—
what to
show.

SEC. 17. The maps in the office of the Commissioner of Public Lands, of the land selected under the provisions of this act, shall show the location of the canals or other irrigation works approved in the contract with the Commissioner of Public Lands, and all land filed upon shall be subject to the right of way of such canals, distribution system and irrigation works. Such right of way to embrace the entire width of the canal, distribution and irrigation works and such additional width as may be required for their proper operation and maintenance.

Width of
right-of-
way.

Rules for
filing.

SEC. 18. The Commissioner of Public Lands shall provide suitable rules for the filing of proposals for constructing irrigation works, and for the forfeiture of entry by settlers, upon failure to comply with the provisions of this act. There shall be kept in the office of the Commissioner of Public Lands for public inspection, copies of all maps, plats, contracts for the construction of irrigation works, and of the entries of the land by settlers. He shall require from each person, company or association of persons, or incorporated company engaged in the construction of irrigation works under the provisions of this act, an annual report, to be submitted to him on or before November 1st of each year. This report shall show the number of water rights sold, the number of users of water under said irrigation works, the legal subdivisions of land for which water is to be furnished, the names of the officers of the company, the acreage of land which the said irrigation works are prepared to supply with water, and such other data as the Commissioner of Public Lands may see fit to require. The rules required by this section may be waived in the case of irrigation works being constructed by any person, colony or association of persons to furnish water for land settled upon and being reclaimed by themselves.

Annual re-
ports to Com-
missioner.

Waiver of
rules.

Fees of Com-
missioner of
Public
Lands.

SEC. 19. The Commissioner of Public Lands shall collect the following fees: For filing each application one (1) dollar; for filing each final proof one (1) dollar; for issuing

each patent two (2) dollars; for making certified copies of papers or records, the same fee as is provided for to be charged by the Secretary of State for like services. All moneys collected and fees received under this act shall be paid by the Commissioner of Public Lands to the State Treasurer and credited by him to the trust fund created by said act of Congress.

SEC. 20. The Commissioner of Public Lands shall issue on or before November 30th of each year a report setting forth in detail the names, location and character of the irrigation works in process of construction, the acreage and legal subdivision of land intended to be reclaimed, and the terms of payment for both water rights and land. Not less than one thousand copies of such report shall be printed for gratuitous distribution. Commissioner's annual report.

SEC. 21. Any contract for the reclamation of arid land under this act shall provide that a water right be extended to all state, school and granted lands owned by the State of Washington, under the canal and irrigation works to be constructed under such contract at the same rates and upon the same terms and conditions as apply to the lands granted under said act of Congress. Contracts for reclamation.

SEC. 22. The State of Washington shall, out of the money arising from its disposal of any lands selected under this act, first reimburse itself for any and all costs and expenditures incurred, and heretofore incurred, by it in selecting, irrigating and reclaiming said land. State to first reimburse itself.

SEC. 23. All suits or actions brought by the Commissioner of Public Lands, under the provisions of this act, shall be instituted by him in the name of the State of Washington. Commissioner of Public Lands to institute suits.

SEC. 24. That section 2 of an act entitled "An act accepting the terms of the act of Congress, approved August 18th, 1894, providing for the reclamation, settlement and disposition of the one million acres of said land granted therein, making appropriation therefor and declaring an emergency, approved March 22nd, 1895," creating the office of commissioner of arid lands, be and the same is hereby repealed. Repeal.

Emergency.

SEC. 25. An emergency exists and this act shall take effect immediately.

Passed the Senate February 26, 1903.

Passed the House March 11, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 153.

[H. B. No. 396.]

AMENDING CODE OF PUBLIC INSTRUCTION.

AN ACT to amend Section 117 of an act entitled "An act to establish a general, uniform system of public schools in the State of Washington, and repealing Chapter VI of Title III, Chapter VII of Title V, all of Title X except Chapter XVII, Chapter IV of Title L, all being of Volume 1 of Hill's Annotated Statutes and Codes of Washington; also repealing all amendments thereto; also repealing an act entitled 'An act concerning the formation of new school districts, changing the boundaries and transferring territory from one district to another,' approved March 9, 1893; also repealing an act entitled 'An act to provide for the management and control of State normal schools in the State of Washington,' approved March 10, 1893, and all amendments thereto; also repealing an act entitled 'An act granting to school districts the right to purchase school house sites of school lands belonging to the State of Washington, of not less than one acre, and not more five acres, and granting to school districts the preference right to purchase such sites, and declaring an emergency,' approved February 26, 1895; also repealing an act entitled 'An act relating to the indebtedness of school districts, providing means and methods for paying and funding the same, and means for validating the same or any part thereof incurred in excess of one and one-half per centum of the taxable property of the school district without the assent of three-fifths of the voters of the school district voting at an election held for that purpose, and declaring that an emergency exists for the taking effect of this act on its passage and approval by the governor,' approved March 1, 1895; also repealing an act entitled 'An act to provide for the formation of joint school districts, and to prescribe the minimum number of school children required for the formation of new school districts and declaring an emergency,' approved March 13, 1885;" *said act of which this act is amendatory, being known and cited as the Code of Public Instruction of the State of Washington, and being Chapter CXVIII of the Session Laws of 1897, approved March 19th, 1897.*

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

SECTION 1. That section 117 of the Code of Public In-

struction of said State of Washington be 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 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 assessment 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 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 a vote of the district so to do, as provided in section 118 of this act: *Provided, further*, That the bonds so issued shall bear a rate of interest not to exceed six 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 date of issue: *Provided, further*, When the indebtedness of such district exceeds five per cent. of its taxable property warrants issued for those necessary expenses made mandatory in the constitution and provided for by the Legislature of the State, which expenses are hereby declared to include teachers, janitors, and officers, salaries, expenses of construction, maintenance and rent of school buildings, including sites, may be funded under the provisions of this act.

Amendment.
Directors to
borrow mon-
ey upon
bonds.

Rate of in-
terest on
bonds.

Expenses,
what to in-
clude.

Passed the House March 9, 1903.

Passed the Senate March 12, 1903.

(Note by the Secretary of State).—The above act was filed in the office of the Secretary of State at 12 o'clock, noon, on March 16, 1903, without the approval or disapproval of the Governor thereof.

SAM H. NICHOLS,
Secretary of State.

CHAPTER 154.

[S. B. No. 144.]

PROVIDING FOR SYSTEM OF GRAMMAR SCHOOL EXAMINATIONS.

AN ACT providing for a system of grammar school examination, prescribing the duties of the Superintendent of Public Instruction and of County Superintendents relative thereto, providing for County Boards of Grammar School Examiners and Assistant Examiners, and prescribing their duties and compensation, and repealing Chapter XLIX of the Session Laws of 1901, entitled "An act providing for County Boards of Grammar School Examiners, prescribing manner of appointment, term of office, duties and compensation of such boards."

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

Duties of Superintendent of Public Instruction.

SECTION 1. It shall be the duty of the Superintendent of Public Instruction at such times as he may deem advisable, but not oftener than three times each year, to prepare questions for use in the examination of the pupils of the schools of this State completing the grammar school course of study; to prescribe uniform rules and regulations for the conduct of such examinations, and to grant certificates of graduation to pupils successfully passing such examinations according to the standard prescribed by the State Board of Education: *Provided*, That such certificate shall entitle the holder thereof to entrance into any high school of the State without further examination: *Provided, further*, That nothing in this act shall be construed as compelling boards of directors or boards of education to admit non-resident pupils without tuition charge.

County Superintendent may appoint board of examiners.

SEC. 2. For the purpose of examining and grading the manuscripts of pupils taking the examinations mentioned in section one (1) of this act, the county superintendent of common schools may, when in his judgment the interest of the schools of the county demands it, appoint for one year, four persons, who, with the county superintendent, shall constitute a county board of examiners for the examination of pupils of the common schools of the county desiring grammar school certificates of gradua-

tion: *Provided*, That no person shall be eligible for appointment as a member of said board who does not at the time of his appointment hold a valid teacher's certificate in full force and effect under the laws of the State of Washington: *Provided, further*, That the County Superintendent may appoint assistant examiners who shall conduct such examinations of pupils according to the rules and regulations of the Superintendent of Public Instruction, and, within three days, transmit the manuscripts to the County Superintendent: *Provided, further*, That assistant examiners shall receive for their services only such compensation as the Board of County Commissioners shall deem proper.

SEC. 3. It shall be the duty of the said board of grammar school examiners to meet at the county seat at the call of the County Superintendent for the purpose of examining and grading the manuscripts of pupils taking such examinations under the direction of any assistant examiner or of the County Superintendent. No questions shall be used in such examination except those prepared by the Superintendent of Public Instruction as provided in section one (1) of this act: *Provided*, That the State Board of Education may prescribe a special course of reading to be done by pupils in the last year of the grammar school course, as a requisite to their receiving certificates of graduation.

SEC. 4. It shall be the duty of the County Superintendent to report to the Superintendent of Public Instruction, within ten days after any meeting of the County Board of Education, the names of all pupils successfully passing any examination, as herein provided, together with their respective standings or grades in the several prescribed subjects and such other facts relating to said pupils or said examination as the Superintendent of Public Instruction may require.

SEC. 5. County examiners appointed by the County Superintendent shall receive three dollars per day for the time actually employed in the examinations herein provided for; such compensation shall be paid out of the current expense fund of the county: *Provided*, That no examiners shall receive pay for attendance upon more than three meetings of said board in any one year, nor for more than four days at any one of such meetings.

Eligibility
for examiner.

Duty of ex-
amining
board.

County Su-
perintendent
to report
successful
pupils on
examination.

Compensation
of examiners.

Chapter 49,
Laws 1901,
repealed.

SEC. 6. That Chapter XLIX of the Session Laws of 1901, entitled "An act providing for county boards of grammar school examiners, prescribing manner of appointment, term of office, duty and compensation of such boards," approved March 6th, 1901, be and the same is hereby repealed.

Passed the Senate March 11, 1903.

Passed the House March 12, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 155.

[H. B. No. 251.]

RELATING TO NATIONAL GUARD OF WASHINGTON, AND AMENDING FORMER ACTS RELATIVE THERETO.

AN ACT to provide for the enrollment of the Militia, for the regulation, maintenance and discipline of the National Guard of the State of Washington and for the public defense, and to amend Sections 1932, 1933, 1934, 1939, 1955, 1964, 1975, 1991, 2000, 2010 and 2068 and to repeal Section 1957 of Ballinger's Annotated Codes and Statutes of the State of Washington, and to amend Sections 6, 7, 8 and 11 of an act entitled "An act to amend Sections 1926, 1929, 1930, 1950, 1953, 1954, 1963, 1981, 1990, 1992, 1993, 2025, 2028, 2046 and 2061 of Ballinger's Annotated Codes and Statutes of the State of Washington, relating to the Military Code of the State of Washington, providing for courts of inquiry, and declaring an emergency," approved March 16, 1901, and declaring an emergency.

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

Sec. 1932 Bal-
linger's Code.

SECTION 1. That section 1932 of said Ballinger's Code be amended to read as follows: "Section 1932. The number of officers and non-commissioned officers in any company, troop or battery, shall be prescribed from time to time by the commander-in-chief to correspond to similar organization in the regular army."

Number of
officers.

Sec. 1933 Bal-
linger's Code.

SEC. 2. That section 1933 of said Code be amended to read as follows: Section 1933. The commanding officer of

a regiment may enlist a band of not less than sixteen nor more than thirty-six musicians, who shall be entitled to the clothing and allowances prescribed for other enlisted men of the same rank. The distribution of non-commissioned officers and privates in said band, and the organization thereof, shall be that now or hereafter provided for similar organizations in the regular army. Said band shall be subject to the orders of the regimental commander, who may discharge and recruit said band at his discretion. The duty of said band shall be to furnish music for the troops and perform such other duty as may be ordered by proper military authority. Members of bands shall be subject to all laws and regulations for the government of the national guard.

Enlistment of
regimental
band.

SEC. 3. That section 1934 of said Code be amended to read as follows: Section 1934. A signal corps company shall be organized as provided for the organization of a similar corps in the regular army. The number of officers and men composing such company may be increased or decreased from time to time in the discretion of the commander-in-chief. At no time shall the number exceed the authorized strength of one company.

Sec. 1934 Bal-
linger's Code.
Signal corps.

SEC. 4. That section 1939 of said Code be amended to read as follows: Section 1939. The medical department of the National Guard of Washington shall consist of one surgeon-general with the rank of colonel, one surgeon with rank of major for each regiment, with such assistant surgeons of such rank as may now or hereafter be provided for service with similar organizations in the regular army. As many acting assistant surgeons shall be appointed as may be necessary in the discretion of the commander-in-chief, and said acting assistant surgeons shall occupy the same relative positions as contract surgeons in the regular army.

Sec. 1939 Bal-
linger's Code.
Medical de-
partment.

SEC. 5. That section 6 of said act to amend certain sections of Ballinger's Code, approved March 16, 1901, be amended to read as follows: Sec. 6. The military officers of the State shall be chosen as follows: The adjutant general shall be appointed by the commander-in-chief with the advice and consent of the Senate. No person shall be eligible as adjutant general who has not served as an officer

Military of-
ficers—how
chosen.

at least three years in the aggregate in either the National Guard of this State or the regular army of the United States, and who is not at the time of his appointment a field, line or regimental staff officer not below the rank of captain in the National Guard of this State: *Provided*, That any adjutant general may be re-appointed from time to time at the expiration of his term in the discretion of the commander-in-chief. Any vacancy in said office from any cause may be filled by the commander-in-chief in accordance with the preceding provisions, subject to confirmation or rejection by the Senate at the next meeting of the Legislature thereafter. Whenever in this act service in the volunteer or regular army of the United States, or the National Guard of this or any other state is named as a qualification for any commissioned office, service with the First Washington Volunteer Infantry until muster out of that organization shall be considered to equal three years' service in the National Guard of this State. Field officers of regiments shall be appointed by the commander-in-chief, and no person shall be eligible as field officer who has not served as an officer at least three years in the aggregate in either the National Guard of this State or the army of the United States, and who is not at the time of his appointment of the rank of captain in the National Guard of this State. Whenever a vacancy occurs in a commissioned office of the National Guard of Washington below the rank of major, except among officers on duty as a regimental staff, the officer next in rank in the company shall be ordered before an examining board, and upon passing a satisfactory examination shall be commissioned to fill the vacancy existing in said company. Vacancies among the officers on duty as regimental staff shall be filled by appointment of an officer from the next lower grade of such staff upon proper examination. Vacancies among second lieutenants of such staff shall be filled by appointment from regimental non-commissioned staff upon proper examination. Vacancies in the office of second lieutenant of a company shall be filled in the following manner: All the sergeants of the company shall be eligible for appointment, and the examining board shall order them to appear before it for a competitive examination for the office: *Provided*, That any sergeant of said company

Field officers.

Vacancies—
how filled.

who may have been appointed a non-commissioned staff officer shall also be eligible for examination and appointment to fill a vacancy in the company of which he was originally a sergeant. The sergeant whom the board considers to be the best qualified for the position after the examination shall be appointed to fill the vacancy. This examination shall be both practical and written. The warrant of any sergeant competing in the examination shall not be affected by his failure to secure promotion. No commissioned officer shall be recommended for promotion who fails to make a record of at least seventy-five per cent. on examination, and where said failure has occurred the officer failing shall be recommended for honorable discharge by the examining board, and the officer next in rank shall be ordered before a board for examination for promotion: Whenever a vacancy shall exist in any field office in any regiment or battalion not part of a regiment, the vacancy shall be filled in the manner herein provided: *Provided*, Whenever a vacancy occurs in any office by reason of the expiration of the term of office, such officer may, if found qualified upon examination, be re-appointed to fill the vacancy. No person shall be eligible as captain of a company, unless he shall have served at least one year as an officer, and three years in the aggregate in the National Guard of this State or some other state of the Union, or in the volunteer or regular army of the United States, or is a graduate of a military college requiring at least three years military service. Service in two or more of these branches may be added together to secure this qualification. For the purposes of this act the word company or companies shall apply to and include the cavalry, infantry and artillery forces. Company commanders shall give bond in the sum of \$2,000, in form to be prescribed by the adjutant general, conditioned for the faithful discharge of the duties of their respective offices, and the proper care and preservation of the State funds and property in their charge. The commander-in-chief shall appoint his staff, and with the exception of the adjutant general, they shall hold office at his pleasure and their commissions shall expire with the term of the Governor appointing them. The adjutant general shall be appointed as hereinbefore provided, and shall hold office for four years and until his successor is

Examination.

Eligibility as captain.

Word "company"—what to include.

Bonds of company officers.

Staff.

appointed and qualified. In the absence of specific orders of the commander-in-chief to the contrary, the adjutant general shall perform all departmental duties designated for members of the Governor's staff. No person shall be appointed a member of the Governor's staff except as judge advocate or military secretary, unless he shall have served three years in the National Guard of this or some other state or in the army of the United States.

Sec. 1955 Bal-
linger's Code.

SEC. 6. That section 1955 of said Code be amended to read as follows: Section 1955. Commanding officers of regiments and separate battalions, not parts of regiments, shall appoint and warrant the non-commissioned staff officers of their respective regiments and battalions, and they shall appoint and warrant the non-commissioned officers of the companies of their respective regiments and battalions from the members thereof upon the nomination of the company commanders. All non-commissioned officers shall be appointed for length of service and military qualifications. They may be selected by competitive examination at the discretion of the company commander.

Regimental
commanders
to appoint
staff and
officers.

Sec. 1957 Bal-
linger's Code
repealed.

SEC. 7. That section 1957 of said Code be repealed.

SEC. 8. That section 7 of said act be amended to read as follows: Section 7. No company other than those now organized and in the service as part of the National Guard shall be admitted into the National Guard of Washington, except upon recommendation of the military board approved by the commander-in-chief, and in the following manner: Upon application of a citizen of the State of Washington from an approved locality, said applicant having served one year as a commissioned officer, and three years in the aggregate in the National Guard of Washington, or three years as a commissioned officer in the National Guard of another state, or three years in the volunteer or regular army of the United States, he shall be required to appear before an examining board for examination as to his physical and mental qualifications to become captain of a company; said examination to be that provided in the Military Code of the State, and before an examining board appointed in accordance with the same. If such applicant shall attain a record of seventy-five per cent. or better in such examination he shall be appointed and commissioned

Admission of
companies
into National
Guard.

Appointment
of captains.

captain in the National Guard of Washington, and authorized to enlist a company. If there be more than one of said applicants from the same point, all whose applications are received before an examination is ordered, shall appear for examination, and the one who in the judgment of the examining board is the best qualified, shall be selected and authorized to enlist a company as herein provided. Upon notification from him of the enlistment of not less than forty able-bodied men, and upon approval of such enlistments by the adjutant general, the company shall be mustered into the National Guard of Washington. Thirty days after the date of the muster in, all of such enlisted men may appear before an examining board for the purpose of engaging in a competitive examination to determine and select a first lieutenant and a second lieutenant for said company. All members of the company who are regularly enlisted at the date of said examination shall be eligible for appointment and commission. None shall be compelled to take said examination, but not less than six must take it, or no appointment can take place. Such company commander may not nominate for appointment non-commissioned officers for such company until after said examination shall have taken place, but may designate by company order such men of the company as acting non-commissioned officers as he may see fit. Upon conclusion of the competitive examination, the candidate who in the judgment of the board is best qualified shall be appointed and commissioned first lieutenant of the National Guard of Washington and assigned to duty with the company of which he was originally a member. The candidate, who in the judgment of the board, is best qualified for second lieutenant shall be appointed and commissioned to such grade in the National Guard of Washington, and assigned to duty with such company. Until the first and second lieutenants of such newly organized company shall have been appointed and commissioned, the company shall be attached directly to general headquarters. Immediately upon appointment of the first and second lieutenants, the company commander may nominate and secure the appointment of non-commissioned officers for the company in the way prescribed by law and the regulations: *Provided,*

Muster of
companies.

Examination
for lieuten-
ants.

That when in the judgment of the commander-in-chief an emergency exists, the examination for first and second lieutenants make [may] take place immediately upon muster in of the company. The military board shall consist of the commander-in-chief, the adjutant general and the senior field officer.

Military Board.

Sec. 1964 Bal-linger's Code.

Enlistments and re-enlistments.

Applicants.

Physical examination.

Recruiting of officers.

Sec. 1975 Bal-linger's Code.

Discharge of members for cause.

SEC. 9. That section 1964 of said Code be amended to read as follows Section 1964. All enlistments and re-enlistments in the National Guard of Washington shall be for the term of three years, and at the expiration of their terms, men, if discharged with good character, may re-enlist, either immediately, or at any time thereafter. The qualifications for enlistment and re-enlistment shall correspond as nearly as possible to those fixed for similar service in the regular army. Applicants for enlistment must be citizens of the United States and of the State of Washington, and of good moral character. Before any applicant shall be enlisted or re-enlisted, he shall be subjected to a strict physical examination by a medical officer or by an acting assistant surgeon, and the certificate of such medical officer or acting assistant surgeon shall accompany his enlistment papers. Any enlisted man may at any time be ordered by his commanding officer to appear for physical examination, and if not up to requirements he shall be discharged from the service. Every enlisted man shall continue to be held to duty, and shall retain rank and be eligible to promotion, after the expiration of his term of enlistment or re-enlistment, until he is actually discharged. When an organization is consolidated or disbanded, the enlisted men thereof discharged for such reason, who shall thereafter re-enter the service within 30 days shall have allowed as part of their terms of service, the time already served. Company commanders and such other officers as may be designated by the commander-in-chief, shall act as recruiting officers. Applications for enlistment shall be in writing upon forms to be prescribed by the adjutant general.

SEC. 10. That section 1975 of said Code be amended to read as follows: Section 1975. The company commander may recommend the discharge for the good of the service of any enlisted member of his command, and must

state the reason for such recommendation and give notice thereof to such member in the manner of giving warning for duty. Any member so recommended for discharge, may appeal from such recommendation to the adjutant general through the regimental and battalion commanders. Non-commissioned staff officers may be discharged at any time by the officer appointing them. Non-commissioned officers may be reduced to the ranks by the commanding officer of the regiment, or in the case of a separate battalion, not part of a regiment, by the commanding officer of that battalion, or by sentence of court martial. Reduced to ranks.

SEC. 11. That section 8 of said act be amended to read as follows: Section 8. The arms, uniforms and equipment of the National Guard of Washington shall be prescribed by the adjutant general. They shall as nearly as possible conform to the arms, uniforms and equipment now or hereafter in use by the regular army of the United States for similar service, except that the full dress uniform shall not be worn. Every commissioned officer shall provide himself with the arms, uniforms and equipment prescribed within thirty days from the receipt of his commission, or he will be considered to have resigned same. All officers now commissioned or who shall hereafter be commissioned, shall receive from the State annually the sum of thirty dollars, mounted officers the sum of forty dollars, to assist in uniforming and equipping themselves, but not until they have served as such as [a] calendar year, and shall have furnished satisfactory evidence to the adjutant general that they are properly armed, uniformed and equipped. The first annual payment on this account shall be for the year 1903. All non-commissioned officers, musicians and privates shall be uniformed, armed and equipped at the expense of the State. Whoever shall secrete, sell, dispose of, offer for sale, purchase, retain after proper demand made, or in any manner pawn or pledge any military property which shall have been issued under the provisions of this act, and any person not a member of the National Guard, except organizations especially authorized to do so, who shall wear any uniform or designation of grade similar to those in use by the National Guard, issued or authorized under the provisions of this act, shall forfeit to the people of this State \$100, and any member of the National Guard who shall, when not on Uniforms, etc. Allowance for uniforms, etc. Unlawful to sell military property. Unlawful to wear uniforms when not on duty.

duty, wear any such uniform or equipments without permission of the commanding officer, shall be subject to a fine of not more than \$10, which fine shall forthwith be paid over to the State Treasurer.

Sec. 1991 Bal-
lenger's Code.

Quarterly al-
lowance for
rent, etc.

SEC. 12. That section 1991 of said Code be amended to read as follows: Section 1991. There must be audited and allowed by the board of military auditors, to be paid quarterly out of the special military fund to the commanding officer of each infantry, cavalry and artillery company of the National Guard of Washington, performing the duty required by law, for armory rent and other incidental expenses, the sum of forty dollars per month, or so much thereof as may be necessary, and to each band and each signal corps company twenty-five dollars per month, or so much thereof as may be necessary: *Provided*, That in cities where are located armories owner by the State such allowances shall be paid to the officer or officers selected by the commander-in-chief to have charge of such armories, under such regulations for the government of the same as may hereafter be adopted. The officers to whom such allowances are paid shall render to the adjutant general quarterly reports showing expenditures for preceding quarter before said allowance is paid.

Transporta-
tion.

Pay and al-
lowance.

SEC. 13. That section 11 of said act be amended to read as follows: Section 11. There shall be provided by the State transportation for all officers, and transportation and subsistence for all enlisted men, who shall be ordered out for encampment and field duty, or assembled for duty in case of riot, tumult or breach of the peace, war, insurrection, invasion or imminent danger thereof and in addition thereto officers and men upon such duty shall receive pay from the State according to the following schedule: To all commissioned officers, the same pay and allowances as for commissioned officers of the regular army of corresponding grade, branch and term of service. Chief musicians, each \$5 per day. Regimental and battalion non-commissioned staff officers, hospital stewards, first class sergeants of the signal corps, first sergeants, company quartermaster sergeants, musicians who are members of enlisted bands, and company cooks, each \$3.00 per day; sergeants of infantry, cavalry and artillery, second class sergeants of the signal

corps, each \$2.00 per day; corporals of infantry, cavalry and artillery, acting hospital stewards and first class privates of the signal corps, each \$1.75 per day. Musicians and privates of infantry, cavalry, artillery, hospital corps and signal corps, each \$1.50 per day. For each re-enlistment after serving a full term of three years there shall be added ten per cent., and service for a full term of enlistment with the regular or volunteer army of the United States, or with the First Washington Volunteer Infantry shall be considered equivalent to a full term of enlistment in the National Guard, and recruits proving such service shall be allowed ten per cent. additional on their pay: *Provided*, That this schedule of pay shall apply only to the first thirty days of any particular tour of duty, and after the thirtieth day of such tour officers and men alike shall receive the pay allowed officers and men in the regular army of corresponding grade and term of service. Necessary transportation, quartermaster's stores and subsistence for troops when ordered on duty, shall be contracted for by proper officers and paid for as other military bills. Enlisted men mounted and equipped shall be allowed \$1.50 per day, or as much thereof as may be necessary for each horse actually used by them. Commissioned officers will provide their own subsistence and horses. Extra duty pay to men detailed as clerks and on similar duty may be allowed by the commanding officer of troops on duty, but in no case shall such pay and extra duty pay exceed \$3.00 per day, and such extra pay shall not be allowed after thirty days of continuous service.

Contracts for necessary transportation.

Subsistence and extra duty.

SEC. 14. That section 2000 of said Code be amended to read as follows: Section 2000. Each and every company organized under the provisions of this act shall meet at least twice in each month for drill and inspection. In addition to such drills the commanding officer of any organization may require the officers and enlisted men of his organization to meet for drills and instruction at such times and places as he may appoint.

Sec. 2000 Ballinger's Code.

Drills and inspection.

SEC. 15. That section 2010 of said Code be amended to read as follows: Section 2010. The commander-in-chief shall have power in cases of insurrection, invasion, tumult, riot or breach of the peace, or imminent danger thereof, resistance to process, or in aid of the civil authorities, to order

Sec. 2010 Ballinger's Code.

Power of Commander-in-Chief in riots, etc.

into the actual service of the State, the National Guard, or any part thereof, or the reserve militia, or any part thereof, that he may deem proper; and all members thereof who shall be ordered out by any proper authority for such service shall not be subject to arrest, nor liable civilly or criminally for any act or acts done by them in pursuance of orders from their commanding officers. The commander-in-chief shall have power in case of war or imminent danger thereof, when called upon by the President of the United States for volunteers, to order out the National Guard of Washington for service of the United States, and in the event of such call the organized National Guard shall have precedence of all other volunteers, and shall be first taken.

Target prac-
tice.

SEC. 16. For the purpose of encouraging target practice the following schedule of payment is adopted for officers and men engaged in such work: For every shot fired upon a State range under direction of a commissioned officer, proper record of which is furnished to the adjutant general, to each officer and man firing same, three cents: *Provided*, No payment shall be made for less than fifty shots or more than two hundred and fifty shots in any one year.

Money de-
rived from
sales.

SEC. 17. That money derived from the sale of unserviceable or otherwise unavailable military stores belonging to the State of Washington, or directly or indirectly coming from any appropriation from the military fund, shall be deposited with the State Treasurer to the credit of the military fund.

Sec. 2068 Bal-
linger's Code.

SEC. 18. That section 2068 of said Code be amended to read as follows: Section 2068. For the purpose of raising revenue for the National Guard, there is hereby levied, and the proper officers shall collect, a tax of one-tenth of one mill upon all the property of the State subject to taxation for the present fiscal year and each fiscal year hereafter.

Levy for
revenue.

Emergency.

SEC. 19. An emergency exists and this act shall take effect immediately.

Passed the House February 26, 1903.

Passed the Senate March 11, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 156.

[S. B. No. 73.]

RELATING TO PUBLIC SCHOOLS, DEFINING OFFENCES;
PRESCRIBING PENALTIES, AND REFERRING TO CODE
OF PUBLIC INSTRUCTION.

AN ACT relating to the public schools of the State of Washington; defining certain offences; providing penalties therefor; repealing Sections 159 to 175, both inclusive, approved March 19, 1897; and declaring that this chapter shall constitute Chapter 11 of said Code of Public Instruction and declaring an emergency.

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

SECTION 1. Any member of the State Board of Education, any employe of the State of Washington, any county superintendent or any employe of his office, who shall directly or indirectly disclose any question or questions prepared for the examination of teachers or of eighth grade pupils, or any teacher or other person connected with the instruction of or the examination of eighth grade pupils, who shall, before the time appointed for the use of the questions in the examination of such pupils, disclose the questions, or make known their character, or who shall directly or indirectly assist any such eighth grade pupil to answer any question submitted, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred nor more than five hundred dollars. Said fine shall be turned over to the County Treasurer of the county in which it [is] collected, and shall be by him transmitted to the State Treasurer, who shall place the same to the credit of the current school fund of the State.

Eighth grade
—examina-
tions.
Penalty for
disclosure of
questions.

SEC. 2. If any county superintendent fails to make a full and correct report to the Superintendent of Public Instruction of all statements required by him, or if he shall fail to file with the Superintendent of Public Instruction a full and correct annual report within ten days after the time prescribed by law for filing said report 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 the information from the

Failure of
County Su-
perintendents
to report.

Superintendent of Public Instruction that such reports have not been made.

Refusal to
turn over
school
moneys.

SEC. 3. Any officer or person collecting or receiving any fines, forfeitures or other moneys belonging to the schools of the State of Washington, or belonging to the school fund of any county or school district in this State, 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 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. Such fines and penalties, when collected, shall be turned over to the County Treasurer and by him transmitted to the State Treasurer, who shall place the same to the credit of the current school fund of the State.

Complaints
on failure to
teach hygiene,
etc.

SEC. 4. Upon complaint in writing being made to any county superintendent by any district clerk, or by any head of a 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 provisions for the teaching of hygiene or have failed to require it to be taught, with special reference to the effects of alcoholic drink, stimulants and narcotics upon the human system, as provided by law, in the common schools of such districts, it shall be the duty of such County Superintendent to investigate at once 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 law in this matter, and are causing physiology and hygiene to be taught in the public schools of such district as hereinbefore provided, he shall notify

Duties of
County Su-
perintendent
and Treas-
urer.

said County Treasurer, and said Treasurer shall thereupon honor the warrants of said board of directors.

SEC. 5. 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 State current school fund; 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 of County Superintendent to comply with Sec. 4.

SEC. 6. In case the district clerk fails to make the reports as by law provided, at the proper time and in the proper manner, 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. Each and all of said forfeitures shall be recovered in a suit brought by the County Superintendent or by any citizen of such district, in the name of and for the benefit of such district, and all moneys so collected shall be paid over to the County Treasurer and shall be by him placed to the credit of the general fund of the district to which it belongs.

Failure of District Clerks to report.

SEC. 7. Any school officer who shall refuse or fail to deliver to his qualified successor all books, papers, records and moneys pertaining to his office, or who shall wilfully mutilate or destroy any such property, or any part thereof, or who shall misappropriate moneys entrusted to him by virtue of his office, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not to exceed one hundred dollars; said fine, when collected to be turned over to the County Treasurer and by him transmitted to the State Treasurer, who shall place the same to the credit of the current school fund of the State.

Failure of school officers to deliver records, etc., to successors.

SEC. 8. Any teacher who wilfully refuses or neglects to enforce the course of study or the rules and regulations required by the State Board of Education, or by any other lawful authority, shall not be allowed by the directors any warrant for salary due until said teacher shall have complied with said requirements.

Failure to enforce course of study.

Abuse of
pupils.

SEC. 9. Any teacher who shall maltreat or abuse any pupil by administering any undue punishment, or who shall inflict punishment on the head or face of a pupil, 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. Said fine, when collected, shall be turned over to the County Treasurer and by him transmitted to the State Treasurer, who shall place the same to the credit of the current school fund of the State.

Failure to
attend
teachers'
institute.

SEC. 10. In addition to other causes for the revocation of teachers' certificates as provided by law, any teacher failing to attend the annual institute held in the county in which he is employed, or the annual joint institute held by the county in which he is employed and another county or other counties, as provided in section 99 of the Code of Public Instruction of the State of Washington, unless on account of sickness, or for other good and sufficient reasons satisfactory to the Superintendent of Public Instruction, may upon complaint of the Superintendent of the county in which he is employed to teach have any certificate he may hold forfeited by order of the Superintendent of Public Instruction: *Provided*, That said forfeiture shall be duly published after the said teacher shall have been given opportunity to present his reasons for such non-attendance, and after final action thereon.

Insult to or
abuse of
teachers.

SEC. 11. Any parent, guardian or other person, who shall insult or abuse a teacher in the presence of his school, or anywhere on the school grounds or premises, shall be deemed guilty of a misdemeanor and be liable to a fine of not less than ten dollars nor more than one hundred dollars, and said fine shall be turned over to the County Treasurer, and by him remitted to the State Treasurer, who shall place the same to the credit of the current school fund of the State.

Penalty for
disturbing
a school.

SEC. 12. Any person who shall wilfully disturb any school or school meeting shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not more than fifty dollars. Said fine, when collected, shall be turned over to the County Treasurer and by him transmitted to the State Treasurer, who shall place the same to the credit of the current school fund of the State.

SEC. 13. Any teacher, principal or superintendent who shall knowingly report, cause to be reported, or permit to be reported, the presence of any pupil or pupils at school, when such pupil or pupils were absent, or when school is not in session, shall forfeit his certificate or subject it to revocation by the Superintendent of Public Instruction, and the same shall not be restored or a new one granted within one year after such forfeiture or revocation: *Provided*, That if the teacher, principal or superintendent shall be the holder of a State certificate, life diploma or normal school diploma, it shall be the duty of the State Board of Education to declare such forfeiture or revocation.

False reports
—forfeits cer-
tificate.

SEC. 14. Any pupil who shall cut, deface or otherwise injure any school house, furniture, fence or outbuilding thereof, or any book or 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 damages, on complaint of the teacher or of any director or other person residing in the district; and when such damages shall have been collected they shall be turned over to the County Treasurer and by him placed to the credit of the school district sustaining such damages.

Punishment
for defacing
school
property.

SEC. 15. Any person violating the provisions of Chapter XVI., Laws of 1897, entitled "An act to prevent vivisection and regulate dissection in the schools of the State of Washington, except medical and dental schools, or the medical department of any school, and providing a penalty therefor," approved February 17, 1897, shall upon conviction thereof, be deemed guilty of a misdemeanor, and be fined in any sum of not less than fifty nor more than one hundred dollars. Said fine, when collected, shall be turned over to the County Treasurer, and by him transmitted to the State Treasurer, who shall place the same to the credit of the current school fund of the State.

Vivisection,
etc., pro-
hibited.

SEC. 16. Any district using text books other than those prescribed by the State Board of Education or by other lawful authority, or any district failing to comply with the course of study prescribed by the State Board of Education or by other lawful authority, or any district in which warrants are issued to a teacher not legally qualified to teach in the common school of the said district, shall forfeit twenty-

Forfeiture
by district
for not com-
plying with
rules.

five per cent. of their school fund for that or the subsequent 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 all of the above requirements, and the amounts thus deducted shall revert to the general school funds of the State, and the County Treasurer shall return the same to the State Treasurer for reapportionment.

Apportionments.

SEC. 17. No school district shall be entitled to receive any apportionment of school moneys which shall not have maintained school for the minimum time required by law during the preceding school year: *Provided*, That any new district formed by the division of an old one and which new district shall have maintained at least one month's school during the preceding school year, as shown by the last annual report of the County Superintendent on file in the office of the Superintendent of Public Instruction, 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 the minimum time required by law in the old district: *Provided, further*, That if any school district has heretofore failed to receive apportionment of State school funds because of a failure to hold school the time required by law, and there are unpaid warrants drawn on the general funds of said district for maintenance of school prior to the said failure, a special tax shall be levied on the property of the district, the proceeds of which tax shall be applied to the payment of its indebtedness.

Substitution of sections. School Code.

SEC. 18. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 of this act shall be known and cited as chapter eleven (11), of the Code of Public Instruction of the State of Washington, said Code of Public Instruction being Chapter CXVIII. of the Session Laws of 1897, approved March 19th, 1897, and the sections above named shall be substituted for and shall supersede sections 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174 and 175 of the said Code of Public Instruction.

Repeal.

SEC. 19. Sections 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174 and 175 of the Code of Public Instruction, said Code being Chapter CXVIII. of

the Laws of 1897, approved March 9th, 1897, and all other laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 20. An emergency exists and this act shall take Emergency. effect immediately.

Passed the Senate February 26, 1903.

Passed the House March 10, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 157.

[H. B. No. 178.]

AMENDING ACT RELATIVE TO GEOLOGICAL SURVEY.

AN ACT to amend Section 6 of an act entitled "An act establishing a State Geological Survey, defining his [its] duties, and repealing an act to create a Mining Bureau and to define its powers and duties, and declaring an emergency, being Sections 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, and 183, of Ballinger's Annotated Codes and Statutes of Washington," approved February 25, 1890; also repealing '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,' being Sections 3145, 3146, 3147, 3148, 3149 and 3150 of Ballinger's Annotated Codes and Statutes of Washington, approved February 28th, 1890," approved March 18, 1901.

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

SECTION 1. That section 6 of an act entitled "An act establishing a State Geological Survey, defining his [its] duties, and repealing 'An act to create a mining bureau, and to define its powers and duties, and declaring an emergency,' being sections 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182 and 183 of Ballinger's Annotated Codes and Statutes of Washington, approved February 25, 1890; also repealing 'An act to create the office of State Geologist, prescribing his duties and compensation, making an appropriation for the same, and declaring an emergency,' being sections 3145, 3146, 3147, 3148, 3149 and 3150 of Ballinger's Annotated Codes and Statutes of Washington,' approved February 28,

Sec. 3145-50
Ballinger's
Code, Sec.
8147 Pierce's
Code.

Organization
and meet-
ings.

1890," approved March 18, 1901 (being section 8147 of Pierce's Code), be amended to read as follows: Sec. 6. The board of geological survey shall meet for organization within thirty days after the passage of this act. The regular meetings of the board shall be on the first Wednesday in April and the first Wednesday in November of each year. *The said board of geological survey is hereby authorized to make provisions for topographic, geologic and hydrographic surveys of the State of Washington in co-operation with the United States geological survey in such manner as in the opinion of the said board will be of the greatest benefit to the agricultural, industrial and geological requirements of the State of Washington: Provided, That the Director of the United States Geological Survey shall agree to expend on the part of the United States upon said surveys a sum equal to that expended by the said board.*

Passed the House February 26, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 158.

[H. B. No. 180.]

COMPELLING RAILWAY COMPANIES TO FENCE RIGHTS-OF WAY AND PROTECTING OWNERS OF STOCK INJURED OR KILLED THROUGH FAILURE TO COMPLY THEREWITH.

AN ACT compelling railroads to fence their rights-of-way and to protect the owners of stock injured by moving railway trains, declaring a law of negligence with regard to stock injured by railway trains.

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

Track to be
fenced.

SECTION 1. Every person, company or corporation having the control or management of any railroad shall, within six months after the passage of this act, outside of any corporate city or town, and outside of the limits of any side-track or switch, cause to be constructed and maintained in good repair on each side of said railroad, along the line of

said rights-of-way of such person, company or corporation operating the same, a substantial fence, and at every point where any roadway or other public highway shall cross said railroad, a safe and sufficient crossing must be built and maintained, and on each side of such crossing and at each end of such side track or switch, outside of any incorporated city or town, a standard cattle guard: *Provided*, That any person holding land on both sides of said right-of-way shall have the right to put in gates for his own use at such places as may be convenient.

SEC. 2. Every such person, company or corporation owning or operating such railroad shall be liable for all damages sustained in the injury or killing of stock in any manner by reason of the failure of such person, company or corporation, to construct and maintain such fence or such crossing or cattle guard; but when such fences, crossings and guards have been duly made, and shall be kept in good repair, such person, company or corporation shall not be liable for any such damages, unless negligently or unlawfully done.

SEC. 3. That [in] all actions against persons, companies or corporations, operating steam railroads in the State of Washington, for injury to stock by collision with moving trains, it is prima facie evidence of negligence on the part of such person, company or corporation, to show that the railroad track was not fenced with a substantial fence or protected by a suitable cattle guard at the place where the stock was injured or killed.

Passed the House February 13, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 159.

[S. B. No. 226.]

SPECIAL APPROPRIATION FOR COMPLETION OF CHEMISTRY BUILDING AT STATE AGRICULTURAL COLLEGE.

AN ACT making an appropriation for the purpose of completing the chemistry building of the Washington Agricultural College and Experiment Station and School of Science, and for equipping and furnishing the same.

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

Completion
of chemistry
building.

SECTION 1. That there is hereby appropriated from the general funds of the State of Washington, not otherwise appropriated, the sum of \$10,000 for the purpose of completing and equipping the chemistry building of the Washington Agricultural College and Experiment Station and School of Science, which building is now in the course of construction and not completed.

Apparatus for
chemistry
building.

SEC. 2. That there is hereby appropriated from the general funds of the State of Washington, not otherwise appropriated, the further sum of \$3,000 for the furnishing of apparatus for the State chemistry building.

SEC. 3. That the appropriations hereby made are for the fiscal term beginning April 1st, 1903, and shall be available between the 1st day of April, 1903, and the 1st day of March, 1905.

Passed the Senate March 7, 1903.

Passed the House March 11, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 160.

[H. B. No. 91.]

FOR THE RELIEF OF H. A. PERCIVAL.

AN ACT making an appropriation for the relief of H. A. Percival, for indexing the Session Laws of the Seventh Session of 1901.

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, out of any moneys in the

State treasury not otherwise appropriated, for the relief and payment of H. A. Percival for indexing said laws.

SEC. 2. The State Auditor is hereby directed to draw a warrant in favor of H. A. Percival in the sum of two hundred dollars, in full for services rendered the State in indexing said laws.

Passed the House February 9, 1903.

Passed the Senate March 11, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 161.

[H. B. No. 408.]

FOR THE RELIEF OF SUNDRY PERSONS IN CONNECTION WITH THE EQUIPMENT OF THE TEMPORARY QUARTERS FOR THE LEGISLATURE OF 1903.

AN ACT for the relief of various persons furnishing material for the equipment of the temporary capitol building and supplies for the eighth legislature, and making an appropriation therefor.

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

SECTION 1. That the following several sums be paid and there is hereby appropriated out of the general fund, for the payment in full of the claims of various persons as follows:

	<i>Original Bill.</i>	<i>Amount Allowed.</i>
Olympia Hardware Company.....	\$206 95	\$206 95
W. B. Coffee Plumbing Company.....	485 05	485 05
Thacker Wood Company.....	11 25	11 25
S. S. Churchill.....	2 40	2 40
P. J. O'Brien.....	14 95	14 95
Charles Storrs.....	8 75	8 75
Mark W. Jones.....	62 80	62 80
F. D. Heustis (rent of building).....	200 00	200 00
I. Harris & Sons.....	236 20	236 20
Olympia Door Company.....	580 54	580 54
Olympia Light & Power Company.....	711 45	711 45
Mottman Mercantile Company.....	239 88	239 88
Weller & Matheson (draying).....	47 60	47 60
J. C. Percival's City Dock.....	4 65	4 65
Lowman & Hanford.....	1,543 39	1,543 39
Capital National Bank of Olympia.....		1,119 35

\$5,475 21

SEC. 2. The Auditor is hereby authorized to draw his warrant for the several amounts upon the presentation of proper vouchers and the Treasurer is directed to pay the same.

Passed the House March 4, 1903.

Passed the Senate March 11, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 162.

[H. SUB. B. No. 453.]

DEFICIENCY APPROPRIATION FOR PRINTING.

AN ACT making a deficiency appropriation for sundry civil expenses of the department of public printing for the fiscal year ending March 31, 1903.

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 treasury, not otherwise appropriated, the following sums for payment of printing contracts:

State Printing Company.....	\$11,979 80
H. N. Richmond Paper Company.....	2,223 46
Gane Brothers & Company.....	207 55
American Paper Company.....	2,095 25
Pioneer Binding and Printing Company.....	3,525 69
Metropolitan Press.....	8,060 72
Geo. E. Blankenship.....	249 82
Washington Recorder Publishing Company.....	78 64

Total\$28,420 93

SEC. 2. And the State Auditor is hereby authorized to draw warrants for the same on presentation of the proper vouchers, all of said sums to be in full payment of all claims made under this act.

Passed the House March 10, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 163.

[H. B. No. 327.]

APPROPRIATION FOR ADDITIONAL LOTS AND FOR CARE
AND IMPROVEMENT OF GROUND AROUND MONUMENT
TO DEAD SOLDIERS OF WASHINGTON VOLUNTEERS.

AN ACT providing for the purchase of additional lots, and for the care and improvement of the ground around the monument erected by the State to the dead soldiers of the Washington Volunteers, and appropriating money therefor.

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

SECTION 1. That the Governor, the adjutant general and the colonel commanding the first regiment, National Guard of Washington, are hereby authorized and directed to purchase eight lots heretofore reserved in the immediate vicinity of the soldier's monument erected in the Masonic cemetery, at Olympia, Washington, for \$200, and to cause suitable and proper improvement of the grounds around said monument, and to provide for the care and preservation thereof for the succeeding two years at a cost not to exceed \$1,000.

SEC. 2. For the purpose of carrying out the provisions of this act there is hereby appropriated out of the general fund of the State treasury of money not otherwise appropriated, the sum of \$1,200 or so much thereof as may be necessary.

Passed the House March 10, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 164.

[H. B. No. 369.]

AMENDING ACT RELATIVE TO THE ASSESSMENT AND
COLLECTION OF TAXES.

AN ACT to amend Section 97½ (Pierce's Code, Section 8693) of an act entitled "An act to provide for the assessment and collection of taxes in the State of Washington," approved March 15, 1897, as the same was added to said act by an act approved March 6, 1899.

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

SECTION 1. That section 97½ of an act entitled "An act to provide for assessment and collection of taxes in the State of Washington," approved March 15, 1897, as the same was added to said act by an act approved March 6, 1899, be amended to read as follows: Section 97½. The County Prosecuting Attorney shall furnish to holders of certificates of delinquency, at the expense of the county, forms of applications for judgment, forms of summons and form of publication notices when the same are required, and shall prosecute to final judgment all actions brought by holders of certificates under the provisions of this act for the foreclosure of tax liens, when requested so to do by the holder of any certificate of delinquency: *Provided*, Said holder has duly paid to the clerk of the court the sum of two dollars for each action brought as per section 119: *Provided, further*, That nothing herein shall be construed to prevent said holder from employing other and additional counsel, or prosecuting said action independent of and without assistance from the Prosecuting Attorney, if he so desires, *but in such cases, no other and further costs or charge whatever shall be allowed than the costs provided in this section and section 119 of this act*: And *Provided, also*, That in no event shall the County Prosecuting Attorney collect any fee for the services herein enumerated.

County Attor-
ney to
furnish
forms.

May prose-
cute action
independent
of County
Attorney.

No fee to be
paid County
Attorney.

Passed the House March 10, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 165.

[H. B. No. 397.]

AMENDING ACT RELATIVE TO ASSESSMENT AND COLLECTION OF TAXES.

AN ACT to amend Section 63 of an act entitled "An act to provide for the assessment and collection of taxes in the State of Washington," approved March 15, 1897, being Section 1719 of Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 63 of an act entitled "An act to provide for the assessment and collection of taxes in the State of Washington," approved March 15, 1897, and being section 1719 of Ballinger's Annotated Codes and Statutes of Washington, be and the same is hereby amended to read as follows: For the purpose of raising a revenue for the State, county indebtedness, county current expense, school, road and other purposes, the board shall, at said October session, levy a tax on all taxable property in the county, as shown by the assessment roll, sufficient for such purposes: *Provided*, That state tax shall not exceed the amount levied by the State Board of Equalization; the tax for payment of county indebtedness shall not exceed five mills; the tax for payment of county current expense shall not exceed eight mills; the school tax shall not exceed eight mills, except for districts in cities of 10,000 or more inhabitants, where it shall not exceed ten mills, unless the board of directors thereof shall by unanimous consent of all its members determine upon a greater levy, not exceeding two per cent.; the road tax shall not exceed five mills; the bridge tax shall not exceed three mills, and all other taxes shall be in accordance with the laws of the State.

SEC. 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Passed the House March 9, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 166.

[H. SUB. B. No. 271.]

CREATING A STATE OYSTER COMMISSION; A STATE OYSTER FUND, AND MAKING AN APPROPRIATION THEREFOR.

AN ACT to create a State Oyster Commission, to define its duties and powers, to provide for the protection and management of the State oyster land reserves, to create a fund to be known as the Oyster Fund, providing for the issue of license to take oysters from the State oyster land reserves, providing for a penalty for violation of the provisions of this act, making an appropriation and declaring an emergency.

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

Commission. SECTION 1. There is hereby created a State oyster commission to consist of the Governor, Commissioner of Public Lands and the Fish Commissioner.

Records. SEC. 2. The Commissioner of Public Lands shall be the secretary of said commission, which secretary shall keep a true, full and correct record of all meetings of said commission. Said records shall be kept in the office of the Commissioner of Public Lands and shall be public records open for inspection of the public during office hours.

Meetings. SEC. 3. The said commission shall regularly meet on the first Tuesday in January, April and October, of each year, at the office of said commission, and at such other times as the chairman of said commission may call and direct.

Quorum. SEC. 4. A majority of said commission shall constitute a quorum to do business on all questions arising or coming before said commission. A decision of a majority of the members of said commission shall be valid as the act, ruling, judgment or decision of said commission.

Duties and powers. SEC. 5. It shall be the duty of the State oyster commission, and they shall have power to:

1. Examine all existing oyster reserves and to do or cause to be done such things as may be deemed advisable, to conserve, protect and develop said reserves as now established and that may be hereafter established, and to make such rules and regulations as may be found neces-

sary or desirable to carry into effect the provisions of this act.

2. To immediately examine all tide or oyster lands belonging to the State (except tide lands of the first class and lands hereinabove provided for) and to survey, plat and establish thereon what shall be and constitute oyster reserves for the future. Examination.

3. To cause a survey or re-survey of all the State oyster land reserves now existing or to be established by the said commission, to be made before the first day of October, 1903, or as soon thereafter as possible, and shall have each angle of the boundary line indicated by a stone of not less than one hundred pounds in weight and marked with the letters S. R. cut thereon in letters not less than three inches long and one-half inch deep, and to cause all oyster reserves to be platted, said plats to be filed in the office of the Commissioner of Public Lands and in the office of the Auditor of the county wherein said reserves are located; and in cases where the adjoining lands are used in whole or in part by private individuals for the production of oysters, stakes shall be kept standing on all of the angles of the boundary, the tops of which shall be at least four feet above high tide. Survey.

4. Said commission may, when it seems to them advisable, close any portion of any of the reserves against the removal of oysters for any period of time, not longer than two years at one time: *Provided*, That such closed periods may be thereafter renewed, from time to time, not exceeding in all four years, by the commission. May close reserves.

5. To care for and protect all reserves and to reseed and replant such as are in need of seed. Protection of reserves.

6. To employ such patrolmen and deputies as may be necessary for the protection of oyster reserves and collect licenses and payment for seed oysters and to define their duties. Patrolmen.

SEC. 6. The tide land within all oyster reserves established and surveyed and platted by said State oyster commission shall be forever reserved from sale or lease. Not to be sold or leased.

SEC. 7. Any person, persons or corporation may secure a license from the State oyster commission to take from the oyster land reserves oysters to be used for seed purposes. License to take oysters.

only, and upon the terms and conditions hereinafter provided for.

License to specify time for taking seed.

SEC. 8. No license shall be granted to take seed from any oyster land reserve except between the first day of April and the fifteenth day of June of each year, and at no time before five o'clock in the morning, or after eight o'clock in the evening; and no person, persons or corporation shall take from the State oyster land reserves an amount of oysters to exceed five hundred sacks to each acre prepared for seeding, and all seed taken from the State's oyster land reserves under the provisions of this act must be used upon lands situated in the State of Washington and described in the application for license. Any person, company or corporation desiring to take oysters from the State's oyster land reserves for the purpose of seeding his, her or their oyster beds, may make application to the State oyster commission for a license so to do, said application to be made upon forms to be provided by said State oyster commission in substance as follows: It shall show the date when made; the name of the person, company or corporation making the same; a description of the land upon which the oysters are to be placed, said description of land to show county, township, name of bay or inlet where land is located; state the amount of land prepared for seeding, and how prepared; whether the same is diked or not; whether it is hard ground or mud, and if mud ground, whether any crust or shell, sand or other substance, has been formed to protect the seed oysters. The applicant must state in application the number of sacks of oysters desired to be taken under the license, which amount must not exceed five hundred sacks per acre for all ground properly prepared to receive them. Where the applicant desires the license to be made in the name of any other person than himself or themselves or his or their agent, he shall so state. And no person, firm or corporation shall take oysters from any of the reserves in this State, without first having procured a license so to do. The applicant must agree to pay to the State oyster commission, under such rules as they may prescribe, the sum of twenty-five cents per sack on Puget Sound and ten cents per sack in all other places for all oysters taken under the

Application for seed oysters—what to show.

Applicant to pay for seed.

license and in all other things to comply with the rules and regulations governing the taking of oysters from the oyster land reserves as set forth in the license; and that all oysters taken in pursuance of the license shall be put on the ground described in the application. Every applicant shall declare upon oath or affirmation that the application is made in good faith, and that all things stated therein are true.

SEC. 9. When application is made to the State oyster commission for permission to take oysters from the State oyster land reserves, and such application is made according to the provisions of this act, the said commission shall grant such applicant a license to go upon any of the State's oyster land reserves that are not closed to operation, and take therefrom oysters for the use set forth in the application and for no other. Said license shall contain the privileges and prohibitions provided for in this act, and such rules and regulations as may have been adopted by the commission for the regulation of the business of taking oysters from the oyster land reserves. ^{Granting of license.}

SEC. 10. Whenever the word sack is used in this act it shall be considered to mean a quantity equal in weight to one hundred and twenty pounds. ^{Definition of word "sack."}

SEC. 11. Every person applying for a license under the provisions of this act shall pay to the State oyster commission five dollars before the license shall be issued. ^{License fee.}

SEC. 12. There hereby is created a fund to be known as the oyster fund, and all moneys received from the disposal of seed oysters on the reserves or any part thereof or any of the products thereof, or for license to operate thereon and appropriation herein made shall go into this fund, and all expense incurred on account of the State oyster land reserves shall be paid from this fund, by warrants drawn upon the funds in the same manner as is pursued in other State funds. ^{Oyster fund.}

SEC. 13. If any person or persons shall take oysters from any of the State oyster land reserves contrary to the provisions of this act, or shall go upon said reserves and rake up, or otherwise prepare oysters to facilitate the taking of same, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than one ^{Penalty for violations.}

hundred dollars, and imprisonment for a term of not more than one year, and forfeit any license he or she may then hold.

Appropriation.

SEC. 14. For the purpose of carrying out the provisions of this act, the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the general fund of the State into the oyster fund: *Provided, however,* That within two years from the date of the passage of this act, the amount hereby appropriated shall be reimbursed by the oyster fund to the general fund and thereafter fifty per cent. of the amount received for licenses and receipts for seed shall be paid into the State general fund.

Emergency.

SEC. 15. An emergency exists and this act shall take effect immediately.

Passed the House March 3, 1903.

Passed the Senate March 10, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 167.

[H. B. No. 138.]

PROVIDING A BOUNTY FOR KILLING OF SEALS AND SEA LIONS.

AN ACT providing for the payment of a bounty for the killing of the common seal (*phoca vitulina*) and sea lions, and making an appropriation therefor.

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

Rate of bounty.

SECTION 1. There shall be paid a bounty in the sum of one dollar for the killing of each common seal (*phoca vitulina*) and the sum of two dollars and fifty cents for the killing of each sea lion, when killed within the waters of the State of Washington, or within the waters of the Pacific ocean within one marine league of the Washington shore: *Provided, however,* That no more than twenty-five hundred dollars shall be paid in any year as a bounty under the provisions of this act.

SEC. 4. A scalp, referred to in this act, shall consist of both ears, of the seal or sea lion, connected by a strip of skin that grew between them, at least two inches wide, intact. ^{Scalp—what to consist of.}

SEC. 5. For the purpose of paying the bounties provided in this act, there is hereby appropriated the sum of five thousand dollars for the period of two years from this date, that is to say: twenty-five hundred dollars for the payment of the bounties for the year 1903 and twenty-five hundred dollars for the payment of bounties for the year 1904 out of any moneys in the fish hatchery fund in the State treasury not otherwise appropriated. ^{Appropriation.}

Passed the House February 24, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 168.

[H. B. No. 450.]

FOR THE RELIEF OF E. H. HOOVER & CO.

AN ACT appropriating money for the relief of E. H. Hoover & Co.

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

SECTION 1. That there is hereby appropriated out of the general fund in the State treasury not otherwise appropriated, the sum of \$158.25 for the relief of E. H. Hoover & Co. for furnishing office furniture to the State printing board for the use of the State expert printer.

Passed the House March 11, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 169.

[H. B. No. 150.]

FOR THE RELIEF OF DORA L. TIBBITS.

AN ACT for the relief of Dora L. Tibbits and making an appropriation therefor.

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

SECTION 1. The sum of nine hundred and seventy dollars (\$970) is hereby appropriated to reimburse Dora L. Tibbits for such sum paid by her to clear the title to the north half of the north east quarter, the north east quarter of the north west quarter, and lots 3 and 4 of section 36, township twenty-four north, range eighteen east, W. M., Chelan county, Washington.

SEC. 2. The State Auditor is hereby authorized and instructed to draw a warrant for the sum of nine hundred and seventy dollars (\$970) in favor of said Dora L. Tibbits, and the State Treasurer is hereby directed to pay said warrant out of any funds in the treasury not otherwise appropriated.

Passed the House February 18, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 170.

[S. B. No. 184.]

APPROPRIATION FOR COMPLETION AND FURNISHING OF
STATE CAPITOL BUILDING.

AN ACT appropriating money for the erection, completion, finishing and furnishing of the State Capitol building and grounds, and for the payment of extra claims of the contractors, and guaranteeing the payment of interest on warrants drawn on the Capitol Building Fund.

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

SECTION 1. That there be and is hereby appropriated out of the State capitol commission fund the sum of \$97,067.46, or so much thereof as may be in said treasury un-

expended of the appropriation of \$350,000 from the capitol building fund, made March 2, 1901, for which warrants were sold and the proceeds credited to the State capitol commission fund, said sum or sums to be paid upon the presentation of vouchers approved by the State capitol commission.

SEC. 2. That there be and is hereby appropriated out of the State capitol building fund the sum of \$101,500, \$25,000 of which said sum or so much thereof as may be necessary shall be used for the payment of any sum or sums, if any, that may be found to be due to contractors on account of extras, if any, under contracts with the State capitol commission for the erection and completion of the State capitol annex: *Provided*, That no part of said sum hereby appropriated shall be paid except on judgment obtained; \$35,000 of which said sum shall be used for furnishing said capitol building and grounds in the following particulars: For cement floors and wood finish for basement, cement walks around capitol, for grading and filling and for stay wall with coping on south side, for revarnishing old building, formerly Thurston county court house and papering new building, for electric fixtures, dynamo and electric light plant, tanks and engine for running elevator and elevator for the annex; \$25,000 of said sum to be used for vault furniture and fixtures for said building; \$15,000 for modern ventilating and heating apparatus; \$1,500 for the payment of the costs and expenses incurred in the defense of the State against the F. H. Goss Construction Company. All said money to be paid out on vouchers approved by the State capitol commission.

SEC. 3. In order to facilitate the sale of warrants and prevent the sacrifice of the State lands donated by the general government for the purpose of erecting public buildings at the State capitol, the State of Washington hereby guarantees the payment of the interest on warrants issued upon the State capitol building fund for the purposes mentioned in section 2 of this act: *Provided, however*, That said interest upon said warrants shall not exceed four per cent. per annum and the same shall be due and payable annually on the first day of April of each year upon the presentation of the warrants at the office of the State Treasurer.

Warrants for
"extras."

SEC. 4. In case any sum or sums shall be found to be due to any contractor on account of extras under contracts with the State capitol commission for the erection and completion of the State capitol annex in whole or in part as provided in section 2 of this act the State capitol commission shall sell at not less than par and cause to be issued warrants upon the State capitol building fund for the amount or amounts so found to be due and the proceeds thereof shall be placed to the credit of the State capitol commission fund and paid out on vouchers approved by the State capitol commission.

Duty of
Commission.

SEC. 5. Before the State capitol commission shall proceed with the completion, finishing and furnishing of the State capitol building and grounds or incur any liability exceeding the said sums appropriated for that purpose in section 2 of this act, the said commission shall ascertain as near as practicable the total amount necessary in addition to appropriations heretofore made to complete, finish and furnish said State capitol buildings and grounds not exceeding the said sums appropriated for that purpose in section 2 of this act and shall sell at not less than par warrants upon the State capitol building fund in an amount sufficient to fully complete, finish and furnish said capitol buildings and grounds not exceeding said sum so appropriated in section 2 of this act, the proceeds to be placed with the State Treasurer to the credit of the State capitol commission fund and paid out on vouchers approved by the State capitol commission.

Commission
authorized
to complete
building.

SEC. 6. The State capitol commission is fully authorized and directed to complete, finish and furnish said capitol buildings and grounds and for that purpose to expend the said sums appropriated in section 2 of this act or so much thereof as may be necessary in addition to all sums heretofore appropriated: *Provided*, That no deficiency, actual or constructive, shall be incurred for the completion of said building.

Passed the Senate March 6, 1903.

Passed the House March 12, 1903.

Approved by the Governor March 17, 1903.

CHAPTER 171.

[S. SUB. B. No. 156.]

CREATING STATE LIBRARY COMMISSION, AND RELATING
TO MANAGEMENT OF STATE LIBRARY, CUSTODY AND
DISTRIBUTION OF PUBLIC DOCUMENTS, ETC.

AN ACT creating a State Library Commission, prescribing its duties, providing for the appointment of a State Librarian and assistants, prescribing their duties and repealing an act entitled "An act to promote and establish the efficiency of free public libraries and for the purpose of establishing a State Library Commission and appropriating two thousand dollars for Traveling Library Fund," approved March 2, 1901; repealing an act entitled "An act providing for the distribution of the public documents of the State of Washington," approved March 6, 1901; repealing an act entitled "An act relating to the State Library, and declaring an emergency," approved March 8, 1893; repealing an act entitled "An act to provide for the publication, distribution and sale of the Supreme Court Reports of the State of Washington, and declaring an emergency," approved February 25, 1891; and amending Section 1 and repealing Sections 3, 4, 5 and 6 of an act entitled "An act to define the duties, and provide for assistance for, and fix the compensation of, the Secretary of State," received by the Governor March 28, 1890; and repealing all other acts or parts of acts in conflict herewith, and declaring an emergency.

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

SECTION 1. A State library commission is hereby created, which shall consist of the Governor, the judges of the Supreme Court and the Attorney General. In addition thereto an advisory board is likewise created which shall consist of the Superintendent of Public Instruction, of two persons appointed by the Governor upon his own initiative, and of two other persons to be appointed by the Governor, one of whom shall be a person recommended by the Washington State Historical Society, and one of whom shall be a person recommended by the State Federation of Women's Clubs. This advisory board shall give advice and counsel to the state library commission and to its librarian with regard to the management and conduct of the historical branch of the State library, and of the free public and traveling departments thereof. The term of office of each

Commission
and Advisory
Board.

member of the advisory board shall be four years. No member thereof shall receive any salary, but actual traveling expenses while engaged in the discharge of their duties shall be paid to them as are other expenses incurred by the State library commission.

Powers and duties of Commission.

SEC. 2. The State library commission shall have full charge and control of the State library and of all its departments. It shall appoint a State librarian, who shall hold office at the pleasure of the commission. The State librarian shall take an oath to be filed in the office of the Secretary of State that he will support the constitution of the United States, the constitution of the State of Washington, and will faithfully discharge his duties, and shall give bond in the sum of two thousand dollars payable to the State, with two or more sureties to be approved by the State library commission, that he will perform his duties as required by law. The State librarian shall appoint two assistant librarians, by and with the advice and consent of the State library commission, who shall qualify in like manner as the librarian, and under his direction and control discharge any and all duties required by him to be discharged. The State library commission shall adopt such rules for the convenient and economical management of the State library in all its departments as they deem fit.

Assistant librarians.

Salary of librarian and assistants.

SEC. 3. The State librarian shall receive an annual salary of fifteen hundred dollars, to be paid monthly, and the State Auditor shall draw warrants on the State Treasurer therefor. The assistant librarians shall each be paid an annual salary of such an amount as shall be fixed by the State library commission, not to exceed the sum of one thousand dollars per annum for each assistant. The State library commission may assign the assistants to different departments of the State library and graduate the salary of each as they shall deem just. The assistants' salary shall be paid at the same time and in the same manner as the salary of the State librarian.

Duties of librarian.

SEC. 4. The State librarian, under the direction and control of the State library commission, shall:

1. Assume charge of the State library and all its branches, provide rooms therefor and adjust and arrange it in such rooms, and also provide such fixtures and fittings as shall be necessary.

2. Purchase all books, reports and maps deemed necessary or proper for the use of the library.

3. Receive and take charge of all books, reports, maps or other documents which may be donated to said library.

4. Provide for the care and repair of the rooms, furniture, fixtures, books, reports and documents of the library.

5. Receive and distribute all public documents which he is required by law to receive and distribute.

6. Act as secretary of the State library commission and advisory board, and under the direction thereof assist in the organization or improvement of the State library or any department thereof.

7. Bi-ennially, not more than thirty days before the meeting of the Legislature, make a report to the State library commission, showing the work which has been done in all the departments of the State library and such other matters as are of interest in connection with the library work. He shall be authorized to make requisitions upon the State printing board for printing said report, and also for such other printing as may be necessary or proper in the discharge of his duties. ^{Bi-ennial report.}

8. Discharge such other duties as he shall by law or the direction of the State library commission be required to discharge. All expenses incurred by him in the discharge of these duties shall be audited and allowed by the State library commission, and when ordered paid by them the State Auditor shall draw his warrant upon the State Treasurer for the amount thereof. ^{Expenses.}

SEC. 5. The State library commission shall have the absolute direction and control of the law department of the State library, the arrangement thereof, and the purchases to be made in connection therewith. The State library commission with the advice and assistance of the advisory board hereinbefore created, shall also have control of the miscellaneous department of the State library, the system of traveling libraries and the State historical department (all of which are declared to be a part of the system of the State library) and shall direct such purchases, receive such donations as may be made, and direct its policy in all particulars. The advisory board shall give particular attention to the building up of a State historical department and a system of traveling libraries, and shall give advice and ^{Control and management.}

counsel to all free libraries in the State, and to all communities which may propose to establish them, as to the best means of establishing and administering such libraries, the selection of good books, cataloguing, and other details of library management.

Office of Com-
mission and
Board.

SEC. 6. The State library commission and the advisory board shall have their office at the office of the State librarian. The State librarian shall act as secretary to the commission and to the advisory board, and as such secretary shall keep a record of the proceedings of the commission and advisory board, accounts of the financial transactions of the commission, and under its direction, and with the advice and assistance of the advisory board, act in organizing or improving free public libraries and in the management of the State library or any department thereof. His expenses as such secretary shall be paid as are other expenses incurred by him.

Duty of
Printing
Board—
executive
documents.

SEC. 7. It shall be the duty of the printing board, or whoever shall have charge of the printing of the public documents of the State of Washington, to deliver such documents, when printed, immediately to the State librarian, who is declared to be the custodian thereof, except that the State printing board shall reserve one hundred copies of the reports of each State officer, which reports said printing board shall arrange in sets and suitably bind such sets in volumes and label the same "WASHINGTON EXECUTIVE DOCUMENTS," and shall further designate on the backs of such volumes the date of the series, the volume number, the reports contained in each volume, followed by dates showing the period covered by each report, and shall then deliver such bound sets to the State librarian. The State librarian shall be charged with all deliveries made to him, and he shall receipt therefor and immediately distribute the same as hereinafter provided, surplus copies to be classified and stored by him in some room assigned for that purpose. Surplus copies of public documents in the custody of any State officer at the time when this act shall take effect shall be delivered by him to the State librarian, who shall receipt therefor.

Surplus
copies.

"Public
Documents"
defined.

SEC. 8. The term "Public Documents" as used in this act, shall include the Supreme Court reports, the Session

Laws, the legislative journals, the reports of the State officers or of any commission or commissions, board or boards of the State, or of any person or persons authorized by law to make such reports.

SEC. 9. The State librarian shall keep a record of all public documents received by him, showing number of each received, the number distributed and to whom, and the number yet on hand, which record shall at all times be open to inspection. On or before the first day of January of each year he shall make a report to the State printing board showing the matters disclosed by such record since the time of making his last report, and shall bi-ennially, in his report as State librarian, report to the Governor in detail the number of volumes and pamphlets received, the number distributed and the number yet on hand, and shall call attention to any shortage or wasteful surplus, and shall make recommendations with relation thereto. The Washington State Library Commission, created by the act approved March 2, 1901, shall surrender to the librarian all books or documents in its possession when this act shall take effect, and the librarian shall receipt therefor and account for the same in the manner hereinbefore provided. He shall be liable on his official bond for all books and documents so received by him.

Librarian's record of public documents.

Bi-ennial report to Governor and Printing Board.

Liability on official bond.

SEC. 9. [10] Upon receipt of the public documents the State librarian shall deposit six copies of each publication in the State library, and shall place forty copies in reserve for the future needs of the library and to replace loss by fire or otherwise sustained by any office or institution named in this section, and shall then distribute as follows:

Six copies of each document to be deposited in library.

1. Of the unbound volumes of reports of the State officers he shall deliver to the officer making the report as many volumes thereof as said officer may require upon the officer making a written requisition therefor showing the names and addresses of persons for whom such reports are intended.

Distribution of reports.

2. Of the bound volumes of the executive documents referred to in section 2 hereof he shall deliver to the Governor's office and to the Governor one copy each; to the Congressional Library, to the University of Washington and to the Agricultural College and School of Science two copies each; to the normal schools of this State, and to the

Distribution of executive documents.

State, territorial, or district library of each state, territory or district one copy each; and one copy each to any foreign state or territory to which the State library commission shall require one to be sent.

Distribution
of Session
Laws.

3. Of the Session Laws he shall deliver to each executive State officer, and to each department presided over by such officer, to each department of the United States government, to each of the senators and representatives in Congress of this State, to each judge of the Supreme Court and to the office of each judge, to each Superior judge of the State, to each United States district judge and each United States circuit judge within this circuit, to each United States district attorney and to each United States marshal, and to each registrar and receiver of the United States land offices within this State, to each prosecuting attorney, to each assistant attorney general, to each normal school of the State, to the Agricultural College and School of Science, to the University of Washington, to the law department of each state, territorial or district library in the United States, to each of the district courts of Alaska, to each province of the Dominion of Canada, to the clerk of the Supreme Court, to the Supreme Court reporter, to each member of the Legislature during the session at which such laws were adopted, one copy. To the clerk of each United States district court within the State, for the use of such court, five copies. To the clerk of each of the other United States district courts, and of each circuit court, within this circuit, for the use of their respective courts, three copies. To the clerk of the Supreme Court of the United States, for the use of such court, ten copies. To the congressional library, and to the law department of the University of Washington, six copies each. To each bar association or public library within the State, three copies. To each county auditor, a sufficient number to supply each county officer and justice of the peace within his respective county with one copy for the official use of such officers, and not otherwise. Such further distribution may be made as the State library commission shall order. The surplus copies thereof shall be sold at the actual cost price with ten per cent. added and the proceeds of such sales shall be paid into the State treasury for the use of the State library fund.

Surplus
copies.

4. Of the Senate and House journals he shall deliver one set to each member of the Legislature during the session of which it is a journal, and to each executive State officer, to each free public library in the State, to each newspaper and magazine furnished free to the State library, to each State, territorial or district library in the United States, and to each province of the Dominion of Canada, one set; three sets shall be delivered to each of the normal schools, to the Agricultural College and School of Science, to the University of Washington, and to the law department of the University of Washington; any sets remaining undisposed of shall be disposed of in the same manner as the surplus copies of the Session Laws.

Distribution
of House and
Senate
Journals.

5. Of the Supreme Court reports, of each volume issued one volume shall be delivered to the law department of each state, territorial or district library, and to the Supreme Court of each state, territory or district of the United States, to each province of the Dominion of Canada sending similar publications to the library of this State, to the clerk and each judge of the Supreme Court of this State, to each of the Superior Court judges, to the Attorney General of the United States, to each United States district attorney within this State, to the Attorney General and to each prosecuting attorney, to each United States district judge and each United States circuit judge within this circuit, to the general library of the University of Washington, to the Agricultural College and School of Science and to each of the normal schools. To the Supreme Court reporter two volumes shall be delivered; to the congressional library and to the Supreme Court of the United States, three volumes each; to the law department of the University of Washington, six volumes; to each bar association or public library within this State, two volumes; to the clerk of the Supreme Court of the State and to each judge thereof (the same to remain the property of said court) one volume. The State library commission may order such further distribution as it shall deem advisable. The State library commission shall order such distribution of bulletins and documents issued by the United States or any department thereof and forward to the State library as it shall deem advisable.

Distribution
of Supreme
Court
Reports.

Amendment.

SEC. 10. [11] Section 1 of an act entitled "An act to define the duties and provide for assistance for, and fix the compensation of, the Secretary of State," received by the Governor March 28, 1890, is hereby amended to read as follows: Section 1. The Secretary of State is charged with the custody:

Duties of Secretary of State.

First. Of the seal of the State.

Custodian of State property.

Second. Of all books, records, deeds, parchments, maps and papers required to be kept on deposit in his office pursuant of law:

Third. Of the enrolled copy of the constitution;

Fourth. 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;

Fifth. 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.

SEC. 11. [12] Sections 3, 4, 5 and 6 of the act referred to in the preceding section are hereby repealed.

SEC. 12. [13] An act entitled "An act to promote and establish the efficiency of free public libraries and for the purpose of establishing a State library commission and appropriating two thousand dollars for traveling library fund," approved March 2, 1901; and an act entitled "An act providing for the distribution of the public documents of the State of Washington," approved March 6, 1901, an act entitled "An act relating to the State library, and declaring an emergency," approved March 8, 1893, an act entitled "An act to provide for the publication, distribution and sale of the Supreme Court reports of the State of Washington, and declaring an emergency," approved February 25, 1891, and all other acts and parts of acts in conflict herewith are hereby repealed.

Repeal.

Emergency.

SEC. 13. [14] An emergency exists and this act shall take effect immediately.

Passed the Senate March 5, 1903.

Passed the House March 9, 1903.

Approved by the Governor March 17, 1903.

Note.

(Note by the Secretary of State).—There are fourteen (14) sections in the original enrolled bill, in numbering the sections

in the enrolled bill the number 9 was repeated, hence the following sections read 10, 11, 12 and 13, whereas they should read 10, 11, 12, 13 and 14.

SAM H. NICHOLS,
Secretary of State.

CHAPTER 172.

[H. B. No. 42.]

AMENDING BALLINGER'S CODE RELATIVE TO MANNER OF SELECTING JURORS IN THE SUPERIOR COURTS.

AN ACT amending Section 3 of an act entitled "An act providing for and regulating the selection of jurors in the Superior Courts of the State; and providing for the appointment of Jury Commissioners, prescribing their duties, qualifications and compensation, and providing for their removal from office; declaring certain violations of this act to be contempt of court and providing for the punishment thereof as such, and repealing all laws and parts of laws in conflict therewith," approved March 16, 1901.

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

SECTION 1. That section 3 of an act entitled "An act providing for and regulating the selection of jurors in the superior courts of the State; and providing for the appointment of jury commissioners, prescribing their duties, qualifications and compensation, and providing for their removal from office; declaring certain violations of this act to be contempt of court and providing for the punishment thereof as such; and repealing all laws and parts of laws in conflict therewith," approved March 16, 1901, being section 5945 of Pierce's Code, be and the same is hereby amended to read as follows: Section 3. In open court within *twenty days in counties of the first class, and within ten days in counties of the second, third, fourth, fifth, sixth, seventh, eighth and ninth classes*, the commissioners shall select the names of all the qualified jurors in the county as far as the commissioners may be able to ascertain the same from the latest tax rolls and poll books of the county and deposit the same written on separate slips of paper of uni-

Sec. 5945
Pierce's
Code.

Commis-
sioners to
select jurors.

form size, shape and color in a box to be furnished by the clerk of the court for that purpose. In selecting and depositing such names the said commissioners shall in all things observe their oath and they shall not select the names of any person who is to them known to be interested in any cause pending in the court by which such commissioners were appointed. When such names have been selected and deposited in such box the jury commissioners shall deliver the box, locked, and the key thereof, to the clerk of the court by which the commissioners were appointed; and such clerk shall at all times keep such locked box and said key separately in some safe and convenient place in his office. A list of the names so chosen shall be spread at large upon the journal of the court and all names subsequently drawn from the box shall at the time of the drawing be compared and checked in open court with the list as so recorded.

County Clerk
custodian of
list.

Passed the House February 16, 1903.

Passed the Senate March 12, 1903.

(Note by the Secretary of State).—The above act was filed in this office on the 17th day of March, 1903, without the approval or disapproval of the Governor thereof.

SAM H. NICHOLS,
Secretary of State.

CHAPTER 173.

[H. SUB. B. TO S. B. No. 86.]

RELATING TO PLANTS FOR MANUFACTURING, TRANSMITTING AND SELLING ELECTRIC POWER.

AN ACT relating to plants for manufacturing, transmitting and selling electric power, and corporations incorporated for the construction, ownership or operation thereof, the right of eminent domain therefor, the use of streets and roads thereby and leases and sales thereof heretofore or hereafter made.

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

SECTION 1. The legislative authority of the city or town having control of any public street or road, or, where such street or road is not within the limits of any incorporated city or town, then the board of county commissioners of the

Authority to
construct—
how and by
whom
granted.

county wherein such road or street is situated, may grant authority for the construction, maintenance and operation of transmission lines for transmitting electric power, together with poles, wires and other appurtenances, upon, over, along and across any such public street or road, and in granting such authority the legislative authority of such city or town, or the board of county commissioners, as the case may be, may prescribe the terms and conditions on which such transmission line and its appurtenances, shall be constructed, maintained and operated upon, over, along and across such road or street, and the grade or elevation at which the same shall be constructed, maintained and operated: *Provided*, That hereafter on application being made to the board of county commissioners for such authority, the board shall fix a time and place for hearing the same, and shall cause the County Auditor to give public notice thereof at the expense of the applicant, by posting written or printed notices in three public places in the county seat of the county, and in at least one conspicuous place on the road or street or part thereof, for which application is made, at least fifteen days before the day fixed for such hearing, and by publishing a like notice three times in some daily newspaper published in the county, or if no daily newspaper is published in the county, then the newspaper doing the county printing, the last publication to be at least five days before the day fixed for such hearing, which notice shall state the name or names of the applicant or applicants, a description of the roads or streets or parts thereof for which the application is made, and the time and place fixed for the hearing. Such hearing may be adjourned from time to time by order of the board. If after such hearing the board shall deem it to be for the public interest to grant such authority in whole or in part, the board may make and enter the proper order granting the authority applied for or such part thereof as the board deems to be for the public interest, and shall require such transmission line and its appurtenances to be placed in such location on or along the road or street as the board finds will cause the least interference with other uses of the road or street. In case any such transmission line is or shall be located in part on private right-of-way, the owner thereof shall have the right to construct and operate the same

Application
for authority.

Notice of
hearing.

Liability to
county.

across any county road or county street which intersects such private right-of-way, if such crossing is so constructed and maintained as to do no unnecessary damage: *Provided*, That any person or corporation constructing such crossing or operating such transmission line on or along such county road or county street shall be liable to the county for all necessary expense incurred in restoring such county road or county street to a suitable condition for travel.

May appropriate lands
for right-of-
way.

SEC. 2. Every corporation, incorporated or that may hereafter be incorporated under the laws of this State, or of any other state or territory of the United States, and doing business in this State, for the purpose of manufacturing or transmitting electric power, shall have the right to appropriate real estate and other property for right-of-way or for any corporate purpose, in the same manner and under the same procedure as now is or may hereafter be provided by law in the case of ordinary railroad corporations authorized by the laws of this State to exercise the right of eminent domain: *Provided*, That such right of eminent domain shall not be exercised with respect to any public road or street until the location of the transmission line thereon has been authorized in accordance with section one (1) of this act.

Proviso as to
eminent
domain.

Lease or
purchase.

SEC. 3. Any corporation incorporated or that may hereafter be incorporated under the laws of this State or any state or territory of the United States, for the purpose of manufacturing, transmitting or selling electric power, may lease or purchase and operate (except in cases where such lease or purchase is prohibited by the constitution of this State) the whole or any part of the plant for manufacturing or distributing electric power or energy of any other corporation, heretofore or hereafter constructed, together with the franchises, powers, immunities and all other property or appurtenances appertaining thereto: *Provided*, That such lease or purchase has been or shall be consented to by stockholders of record holding at least two-thirds in amount of the capital stock of the lessor or grantor corporation; and all such leases and purchases heretofore made or entered into by consent of stockholders as aforesaid are for all intents and purposes hereby ratified and confirmed, saving, however, any vested rights of private parties.

Repeal.

SEC. 4. All acts and parts of acts in conflict with this

act are hereby repealed: *Provided*, That this repeal shall not affect any proceeding now pending in any court, and any proceeding now pending may be prosecuted to completion under the acts heretofore in force.

Passed the House March 10, 1903.

Passed the Senate March 12, 1903.

(Note by the Secretary of State).—The above act was filed in the office of the Secretary of State on the 17th day of March, 1903, at 3:30 p. m., without the approval or disapproval of the Governor thereof.

SAM H. NICHOLS,
Secretary of State.

CHAPTER 174.

[S. B. No. 83.]

FOR THE ENCOURAGEMENT OF COUNTY AGRICULTURAL FAIRS AND TO PROVIDE FUNDS THEREFOR.

AN ACT to encourage County agricultural associations and fairs, and to provide funds therefor.

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

SECTION 1. That any agricultural fair association which has a corporate existence for the purpose and object of holding a fair and agricultural exhibition of stock, ceareals and agricultural produce of all kinds, including dairy produce as well as arts and manufactures in any county, may apply to the board of county commissioners of such county for a grant to pay expenses and premiums awarded.

SEC. 2. To enable the said board of county commissioners to give said grant, they may, in their discretion, at the time of making the regular annual tax levy, levy a tax not to exceed one-half of one mill on the dollar of all the taxable property in the county, which shall be collected as other taxes: *Provided*, That in counties of the third and fourth classes such tax shall not exceed one-fourth of one mill on the dollar and in counties of the first and second classes such tax shall not exceed one-eighth of one mill on the dollar of all the taxable property in such counties: *And provided, further*, That the board of county commissioners

May apply
for grant to
pay expenses.

Levy of tax
for expenses.

shall be ex-officio members of the county agricultural fair association in all counties where tax levies are made under the provisions of this act.

Payment of
tax to fair
directors.

SEC. 3. The said board of county commissioners shall, not later than July 31st, annually, cause to be paid to the said county fair directors or their duly authorized secretary and treasurer, the amount of the tax collected: *Provided, however,* That no more than one county agricultural fair shall be held in each county in any one year; and said county fair association so applying for the benefit of the aforesaid grant, must have had a corporate existence and must have held at least two successive annual fairs and exhibitions immediately preceding the application for the grant, and must own buildings and other necessary improvements for said annual exhibition to the value of four thousand dollars.

Passed the Senate February 16, 1903.

Passed the House March 11, 1903.

Approved by the Governor March 17, 1903.

CHAPTER 175.

[S. B. No. 86.]

RELATING TO ELECTRIC RAILROADS AND RAILWAYS.

AN ACT relating to electric railroads, street and other electric railways, and corporations incorporated for the construction, ownership or operation thereof, the right of eminent domain therefor, the use of streets and roads thereby and leases and sales thereof heretofore or hereafter made.

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

Authority to
construct—
how and by
whom
granted.

SECTION 1. The legislative authority of the city or town having control of any public street or road, or, where such street or road is not within the limits of any incorporated city or town, then the board of county commissioners of the county wherein such road or street is situated, may grant authority for the construction, maintenance and operation of electric railroads or railways, together with such

poles, wires and other appurtenances, upon, over, along and across any such public street or road, and in granting such authority the legislative authority of such city or town, or the board of county commissioners, as the case may be, may prescribe the terms and conditions on which such electric railroad or railway, and its appurtenances shall be constructed, maintained and operated upon, over, along and across such road or street, and the grade or elevation at which the same shall be constructed, maintained and operated: *Provided*, That hereafter on application being made to the board of county commissioners for such authority, the board shall fix a time and place for hearing the same, and shall cause the County Auditor to give public notice thereof at the expense of the applicant, by posting written or printed notices in three public places in the county seat of the county, and in at least one conspicuous place on the road or street or part thereof, for which application is made, at least thirty days before the day fixed for such hearing, and by publishing a like notice three times in some daily newspaper published in the county, or if no daily newspaper is published in the county, then the newspaper doing the county printing, the last publication to be at least five days before the day fixed for such hearing, which notice shall state the name or names of the applicant or applicants, a description of the roads or streets or parts thereof for which the application is made, and the time and place fixed for the hearing. Such hearing may be adjourned from time to time by order of the board. If after such hearing the board shall deem it to be for the public interest to grant such authority in whole or in part, the board may make and enter the proper order granting the authority applied for or such part thereof as the board deems to be for the public interest, and shall require such railroad or railway and its appurtenances to be placed in such location on or along the road or street as the board finds will cause the least interference with other uses of the road or street. In case any such railroad or railway, is or shall be located in part on private right-of-way, the owner thereof shall have the right to construct and operate the same across any county road or county street which intersects such private right-of-way, if such crossing is so constructed and maintained as to do no unnecessary dam-

Application
for au-
thority.

Notice of
hearing.

age: *Provided*, That any person or corporation constructing such crossing or operating such railroad or railway on or along such county road or county street shall be liable to the county for all necessary expense incurred in restoring such county road or county street to a suitable condition for travel.

Liability to county.

SEC. 2. Every corporation incorporated or that may hereafter be incorporated under the laws of this State, or of any other state or territory of the United States and doing business in this State for the purpose of operating railroads or railways by electric power, shall have the right to appropriate real estate and other property for right-of-way or for any corporate purpose, in the same manner and under the same procedure as now is or may hereafter be provided by law in the case of ordinary railroad corporations authorized by the laws of this State to exercise the right of eminent domain: *Provided*, That such right of eminent domain shall not be exercised with respect to any public road or street until the location of the electric railroad or railway thereon has been authorized in accordance with section one of this act.

May appropriate land for rights-of-way.

Proviso as to eminent domain.

SEC. 3. Any corporation incorporated or that may hereafter be incorporated under the laws of this State or any state or territory of the United States, for the purpose of constructing, owning or operating railroads or railways by electric power, may lease or purchase and operate (except in cases where such lease or purchase is prohibited by the constitution of this State) the whole or any part of the electric railroad or electric railway, of any other corporation heretofore or hereafter constructed, together with the franchises, powers, immunities and all other property or appurtenances appertaining thereto: *Provided*, That such lease or purchase has been or shall be consented to by stockholders of record holding at least two-thirds in amount of the capital stock of the lessor or grantor corporation; and all such leases and purchases heretofore made or entered into by consent of stockholders as aforesaid are for all intents and purposes hereby ratified and confirmed, saving, however, any vested rights of private parties.

Lease or purchase.

SEC. 4. All acts and parts of acts in conflict with this act are hereby repealed: *Provided*, That this repeal shall

Repeal.

not affect any proceeding now pending in any court, and any proceeding now pending may be prosecuted to completion under the acts heretofore in force.

Passed the Senate February 18, 1903.

Passed the House March 10, 1903.

(Note by the Secretary of State).—The above act was filed in the office of the Secretary of State on the 17th day of March, 1903, without the approval or disapproval of the Governor thereof.

SAM H. NICHOLS,
Secretary of State.

CHAPTER 176.

[S. B. No. 4.]

PROVIDING FOR INCORPORATION OF TRUST COMPANIES AND DEFINING THEIR POWERS AND DUTIES.

AN ACT providing for the incorporation of trust companies, and defining their powers and duties.

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

SECTION 1. Seven or more persons of full age may become a trust company on the terms and conditions and subject to the liabilities prescribed in this act; the name of every company formed under this act shall contain the word "trust," but shall not be that of any other existing corporation of this State; the capital stock of such trust company hereafter organized shall not be less than one hundred thousand dollars: "Provided, That in cities having less than 25,000 inhabitants such companies may be organized with \$50,000 capital, and in cities having less than 10,000 inhabitants such companies may be organized with \$25,000 capital, and shall be divided into shares of one hundred dollars each, all of which shall be paid in cash before any trust company shall be authorized to transact any business, and such payment shall be certified to the Secretary of State under oath by the president and treasurer or secretary of the trust company; hereafter no cor-

How or-
ganized.

Amount of
capital.

poration shall be organized for the purpose of carrying on a trust company business in the State of Washington except under this act, and no company hereafter organized under any other act shall use the word "trust" as a part of its name.

Certificate of organization—what to show.

SEC. 2. Such persons shall under their hands and seals execute and acknowledge an organization certificate in triplicate, which shall specifically state:

- (1) The name by which the corporation shall be known.
- (2) The place where its business is to be transacted.
- (3) The amount of its capital stock, and the number of shares into which the same is to be divided.
- (4) The name, residence and post office address of each member of the corporation.
- (5) The term of its existence, not exceeding fifty years.

How acknowledged—where filed.

SEC. 3. The certificate of incorporation shall be acknowledged as required for deeds of real estate, and shall be recorded in a book kept for that purpose in the office of the County Auditor where the principal place of business of such trust company in this State is to be established, and with the Secretary of State: *Provided, however,* That before the corporation shall be authorized to transact business in this State other than such as relates to its formation and organization, the Secretary of State shall examine or cause to be examined, in order to ascertain whether the requisite capital of such corporation has been fully paid in cash, and if it appears from such examination that such capital stock has not been fully paid in cash, a certificate of authorization shall not be granted and no such corporation shall commence business until such certificate of authorization has been granted; but when it shall appear to the Secretary of State that the entire capital stock has been paid in, and that such trust company is lawfully entitled to commence business he shall give to such company

Secretary of State to examine.

Certificate of authority.

a certificate under his hand and seal that such company is duly and legally organized under this act as a trust company, and authorized to transact business as such trust company in this state; the trust company shall cause such certificate of authority of the Secretary of State, issued in pursuance of this act, to be published once a week for at least four successive weeks next after the issuance thereof,

Publication.

in a newspaper of general circulation in the place where said trust company is established, and shall file proof of such publication with the Secretary of State.

SEC. 4. As soon as the certificate of authority is issued ^{Powers of such companies.} by the Secretary of State as provided in the preceding section, the persons named in the articles of incorporation, and their successors, shall thereupon and thereby become a corporation, and shall have power:

(1) To act as the fiscal or transfer agent of any state, ^{Fiscal agent.} municipality, body politic or corporation, and in such capacity to receive and disburse money.

(2) To transfer, register and countersign certificates of ^{Transfer bonds.} stock, bonds, or other evidence of indebtedness, and to act as agent of any corporation, foreign or domestic, for any purpose now or hereafter required by statute or otherwise.

(3) To receive deposits of trust moneys, securities and ^{Deposits, etc.} other personal property from any person or corporation, and to loan money on real or personal securities, and to discount and negotiate promissory notes, drafts, bills of exchange and other evidences of debt; and to buy, sell and exchange coin and bullion.

(4) To lease, hold, purchase and convey any and all real ^{Real property, etc.} property necessary for and convenient in the transaction of its business, or which the purposes of the corporation may require, or which it shall acquire in satisfaction or partial satisfaction of debts due the corporation under sales, judgments or mortgages, or in settlement or partial settlement of debts due the corporation from any of its debtors.

(5) To act as trustee under any mortgage or bond issued by any municipality, body politic or corporation, and to accept and execute any other municipality or corporate trust not inconsistent with the laws of this State.

(6) To accept trusts from, and execute trusts for, married women, in respect to their separate property, and to be their agent in the management of such property, or to transact any business in relation thereto.

(7) To act, under the order or appointment of any court of record, as guardian, receiver or trustee of the estate of any minor, and as depository of any moneys paid into court, whether for the benefit of any such minor or other person, corporation or party.

(8) To take, accept and execute any and all such legal trusts, duties and powers in regard to the holding, management and disposition of any estate, real or personal, and the rents and profits thereof, or the sale thereof, as may be granted or confided to it by any court of record, or by any person, corporation, municipal or other authority, and it shall be accountable to all parties in interest for the faithful discharge of every such trust, duty or power which it may so accept.

(9) To take, accept and execute any and all such trusts and powers of whatever nature or description as may be conferred upon or intrusted or committed to it by any person or persons, or any body politic, corporation or other authority, by grant, assignment, transfer, devise, bequest or otherwise, or which may be intrusted or committed or transferred to it or vested in it by order of any court of record, and to receive and take and hold any property or estate, real or personal, which may be the subject of any such trust.

(10) To purchase, invest in and sell stocks, promissory notes, bills of exchange, bonds, debentures and mortgages and other securities; and when moneys or securities for moneys are borrowed or received on deposit, or for investment, the bonds or obligations of the company may be given therefor, but it shall have no right to issue bills to circulate as money.

(11) To be appointed and accept the appointment of assignee or trustee, under any assignment for the benefit of creditors of any debtor, made pursuant to any statute or otherwise.

(12) To act under the order or appointment of any court of record or otherwise as receiver or trustee of the estate or property of any person, firm, association or corporation.

(13) To be appointed and to accept the appointment of executor of, or trustee under, the last will and testament, or administrator with or without the will annexed, of the estate of any deceased person, and to be appointed and to act as the guardian of the estate of lunatics, idiots, persons of unsound mind and habitual drunkards: *Provided, however,* The power hereby granted to trust companies to act as:

guardian or administrator with or without the will annexed shall not be construed to deprive parties of the prior right to have issued to them letters of guardianship, or of administration as such right now exists under the laws of this State.

(14) To exercise the powers conferred on and to carry on the business of a safe deposit company.

(15) To collect coupons on, or interest upon, all manner of securities when authorized so to do by the parties depositing the same.

(16) To receive and manage any sinking fund of any corporation, upon such terms as may be agreed upon between said corporation and those dealing with it.

(17) Generally to execute trusts of every description not inconsistent with the laws of this state or of the United States.

(18) To receive money on deposit to be subject to check or to be repaid in such manner and on such terms, and with or without interest, as may be agreed upon by the depositor and the said trust company.

SEC. 5. The affairs of every such corporation shall be managed and its corporate powers exercised by a board of directors of such number, not less than seven nor more than thirty, as from time to time may be prescribed in its by-laws. No person can be a director who is not the holder of at least ten shares of the capital stock of the corporation. The persons named in the articles of incorporation shall constitute the first board of directors, and may add to their number not exceeding the limit of thirty, and shall severally continue until others are elected to fill their respective places. Within six months from the time when such corporation shall commence business, the first board of directors shall classify themselves by lot into three equal classes, as nearly as may be. The term of office of the first class shall expire on the third Wednesday of January next following such classification; the term of office of the second class shall expire one year thereafter; and the term of office of the third class shall expire two years thereafter. At or before the expiration of the term of the first class, and annually thereafter, a number of directors shall be elected equal to the number of directors whose term will

Directors—
how class-
ified and term
of office.

then expire, who shall hold office for three years, or until their successors are elected and qualified. Such elections shall be held at the office of the corporation and at such time and upon such public notice, not less than ten days, by advertisement in at least one newspaper as shall be prescribed in the by-laws. In case of failure to elect any director on the day named, the directors whose term of office does not that year expire may proceed to elect a number of directors equal to the number in the class whose term that year expires, or such number as may have failed of re-election. The persons so elected, together with the directors, whose term of office shall not that year expire, shall constitute the board of directors until another election shall be held according to law. Vacancies occurring in the intervals of election shall be filled by the board. Each director when appointed or elected shall take an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of such corporation, and will not knowingly violate, or willingly permit to be violated, any of the provisions of law applicable to such corporation, and that he is the owner in good faith and in his own right of the number of shares of stock required by this section, subscribed by him or standing in his name on the books of the corporation, and that the same is fully paid, is not hypothecated or in any way pledged as security for any loan or debt. Such oath shall be subscribed by the director making it, and certified by the officer before whom it is taken and shall be immediately transmitted to the Secretary of State, and filed and preserved in his office.

Not to make loans to its officers.

SEC. 6. No trust company now in existence or hereafter organized shall make any loan to any officer, stockholder or employee from its trust funds and such trust company shall not permit any officer, stockholder or employee to become indebted to it in any way out of its trust funds; any president, vice-president, director, secretary, treasurer, cashier, teller, clerk or agent of any such corporation who knowingly violates this section, or who aids or abets any officer, clerk or agent in any such violation, shall be guilty of a felony and punished accordingly.

Reports—
to Secretary
of State.

SEC. 7. Every such company shall make to the Secretary of State not less than two reports during each year, according to the forms which may be prescribed by him, verified by

Elections.

Failure to
elect—
procedure.

Vacancies.

the oaths or affirmations of the president or vice-president and treasurer or secretary of such corporation, and attested by the signatures of at least three directors; every such report shall exhibit in detail and under appropriate heads the resources and liabilities of the corporation at the close of business at any day past specified by the secretary, and shall be transmitted to him within twenty days after the receipt of a request or requisition therefor by him, and an abstract or summary of every such report in such form as shall be prescribed by the Secretary of State shall be published by the trust company once in a newspaper published in the place where such trust company is established, and such proof of publication shall be furnished as may be required by the secretary; such publication shall be made within two weeks after the filing of such report, the expense thereof to be borne by such trust company; the secretary shall also have the power to call for special reports from any trust company whenever in his judgment the same are necessary to a full and complete knowledge of its condition; every trust company which fails to make and transmit any report required under this section shall be subject to a penalty of one hundred dollars for each day after the period herein specified that it delays to make and transmit its report, to be sued for and collected by the Secretary of State in the name and for the benefit of the State.

SEC. 8. Every director, officer, agent or clerk of any trust company who wilfully and knowingly subscribes or makes any false statement of facts, or false entries in the books of such trust company, or knowingly subscribes or exhibits any false paper, with intent to deceive any person authorized to examine as to the condition of such trust company, or wilfully or knowingly subscribes to or makes any false reports, shall be deemed guilty of a misdemeanor and punished accordingly.

SEC. 9. No trust company shall make any loan on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; and stock so purchased or acquired shall within one year from the time of its purchase be sold or disposed of at public or private sale:

Provided, That nothing in this section contained shall apply to any loan made before the passage of this act.

Deposits for minors.

SEC. 10. When any deposit shall be made by or in the name of any minor, the same shall be held for the exclusive right and benefit of such depositor, and free from the control and lien of all other persons, except creditors of such minor, and shall be paid, together with the dividends and interest thereon, to the person in whose name the deposit shall have been made, and the receipt of acquittance of such minor shall be a valid and sufficient release and discharge for such deposit, or any part thereof, to the trust company.

Secretary of State to have supervision over and inspect same.

SEC. 11. Every trust company shall be subject to the inspection and supervision of the Secretary of State, and it shall be the duty of said secretary, either personally or by some person or persons to be appointed by him, whenever he shall deem it expedient, or at the request of any such trust company, to examine any such trust company, and it shall be the duty of the officers and employees of such trust company to exhibit its books, securities, records and accounts to the person or persons authorized by said secretary to conduct the examination, and otherwise to facilitate the same so far as it may be in their power; the said secretary, or any examiner appointed by him, shall have power to examine under oath or affirmation the directors, officers and employees of any such trust company relative to its business and affairs, and for that purpose any such examiner shall have power to administer oaths and affirmations.

Duty of Attorney General on notice from Secretary of State.

SEC. 12. Whenever it shall appear to the Secretary of State from any report submitted for examination made under the provisions of this act that the affairs of any trust company are in an unsound condition because of illegal or unsafe investments, or that its liabilities exceed its assets, or that it is transacting business without authority or in violation of law, or that it is unsafe or inexpedient for such trust company to continue business, it shall be the duty of the Attorney General, on notice by the Secretary of State, to institute such proceedings against the trust company as the nature of the case may require; if from any such examination the Secretary of State shall have reason to conclude that any such trust company is in an unsafe or unsound condition, he may forthwith take possession of such

Secretary of State to take possession.

trust company's property and business and retain such possession until the termination of the action or proceeding instituted by the Attorney General, or until the appointment of a receiver; and pending such possession by the Secretary of State, or such proceedings by the Attorney General, all the remedies at law or in equity of any creditor or stockholder against the said trust company shall be suspended.

SEC. 13. If any trust company shall refuse to submit its books, papers and concerns to the inspection of the Secretary of State, or any examiner appointed by him, or if any director or officer thereof shall refuse to submit to be examined upon oath touching the concerns of such trust company, the Secretary of State may report the fact to the Attorney General, who may proceed against said trust company as the nature of the case may require; if it shall appear to the Secretary of State that any trust company has violated its charter or any law of this State binding upon it, or is conducting business in an unsafe or unauthorized manner, he shall by an order under his hand and official seal, addressed to such trust company, direct a discontinuance of such illegal and unsafe practices, and conformity with the requirements of its charter and safety and security in its transactions; in case such trust company shall refuse or neglect to comply with such order, the secretary may report the fact to the Attorney General, who may proceed against the trust company as an insolvent corporation.

Refusal to submit to Secretary's examination.

SEC. 14. In all cases where any corporation in this State authorized by its charter to act as trustees, executors, administrators or guardians, shall be appointed executor, administrator or trustee of any estate or guardian of any infant, it shall and may be lawful for the president, cashier, or treasurer of such corporation to take and subscribe for such corporation any and all oaths or affirmations required to be taken or subscribed by such executor, administrator, trustee or guardian.

Trustees, etc.

SEC. 15. If default shall be made in the payment of any debt or liability contracted by such corporation, the stockholders thereof shall be individually responsible, equally and rateably, for the then existing debts of the corporation, but no stockholder shall be liable for the debts of the corporation to an amount exceeding the par value of the respec-

Liability of stockholders.

tive shares of stock by him held in such corporation at the time of such default.

Amendments,
etc.—how
made.

SEC. 16. Every trust company hereafter organized under this act may extend its corporate existence, change its name, increase its capital stock, make such other and further amendment, change or alteration as may be desired, or amend its charter or certificate of incorporation in manner following: The board of directors shall pass a resolution declaring that such amendment, change or alteration is advisable and calling a meeting of the stockholders to take action thereon; the meeting shall be held upon such notice as the by-laws provide, and in the absence of such provisions, upon ten days' notice in writing, given personally, or by mail; if two-thirds in interest of the stockholders shall vote in favor of such amendment, change or alteration, a certificate thereof shall be signed by the president and secretary under the corporate seal, acknowledged or proved as in the case of deeds of real estate, and such certificate, together with the written assent, in person or by proxy, of two-thirds in interest of such stockholders, shall be filed in the department of the Secretary of State, and upon the filing of the same, the charter or certificate of incorporation shall be, and be deemed to be amended accordingly: *Provided*, That the certificate to be made and filed in pursuance to this section shall contain only such provisions as it would be lawful and proper to insert in an original certificate of incorporation made at the time of making such amendment, change or alteration; no change shall be made in the charter or certificate of incorporation of such trust company whereby the rights, remedies or security of existing creditors shall be in any manner impaired; said certificate or a copy thereof, duly certified by the Secretary of State, shall be evidence in all courts and places.

Fees of Sec-
retary of
State.

SEC. 17. The Secretary of State shall require in advance the following fees:

- For filing articles of incorporation or certified copies of articles, or other certificates required to be filed in his office\$10.00
- Issuing certificate of authority..... 10.00
- For each renewal certificate of authority..... 10.00
- For filing each semi-annual statement of condition.. 10.00

For making any examination required by this act. . . . 25.00
 For furnishing copies of papers filed in his office, 20 cents
 per folio: *Provided*, That all fees so collected shall be paid
 to the State Treasurer.

Passed the Senate February 24, 1903.

Passed the House March 10, 1903.

Approved by the Governor March 17, 1903.

CHAPTER 177.

[S. B. No. 125.]

CREATING THE WASHINGTON STATE HISTORICAL SOCIETY A TRUSTEE OF THE STATE FOR CERTAIN PURPOSES.

AN ACT relating to the Washington State Historical Society;
 creating it the trustee of the State for certain purposes.

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

SECTION 1. That the Washington State Historical Society, a corporation existing under the laws of the State of Washington, be and the same is hereby created the trustee of the State for the intent and purposes hereinafter mentioned, viz.:

1. That it shall be the duty of the said society to collect books, maps, charts, papers and materials illustrative of the history of this State, and of its progress and development. Duties of the society.
2. To procure from pioneers authentic narrative of their experiences and of incidents relating to the early settlement of this State.
3. To gather data and information concerning the origin, history, language and customs of our Indian tribes.
4. To procure and purchase books, papers and pamphlets for the several departments of its collections; climatic, health and mortuary statistics, and such other books, maps, charts, papers and materials as will facilitate the investigation of the historical, scientific and literary subjects.

5. To bind, shelf, store and safely keep the unbound books, documents, manuscripts, pamphlets and newspaper files now or hereafter to come into its possession.

6. To catalogue the collections of said society for the convenient reference of persons having occasion to consult same.

7. To prepare bi-ennially for publication a report of its collections and such other matters relating to the work of the society as may be useful to the State and the people thereof.

8. To keep its rooms open at all reasonable hours of business days for the reception of citizens and visitors without charge.

Books, relics,
etc.

SEC. 2. That the books, maps, charts, relics, memorials, collections and all other property of the society now owned or hereafter acquired, shall be held by the said society perpetually in trust for the use and benefit of the people of the State of Washington.

Board of
Curators.

SEC. 3. That the Governor, Secretary of State and State Treasurer shall be ex-officio members of the board of curators of the said Washington State Historical Society, authorized and empowered to vote upon all questions coming before the said board for its action.

No salaries,
etc., to be
paid.

SEC. 4. That no part of the moneys hereinafter appropriated shall be paid to any officer of the said Historical Society or to any employee thereof, as salary or compensation for services.

Passed the Senate February 26, 1903.

Passed the House March 7, 1903.

(Note by the Secretary of State).—The above act was filed in this office on the 17th day of March, 1903, without the approval or disapproval of the Governor thereof.

SAM H. NICHOLS,
Secretary of State.

CHAPTER 178.

[H. B. No. 194.]

AMENDING ACT RELATIVE TO REVENUE AND TAXATION.

AN ACT relating to revenue and taxation and amending Section (1) of an act entitled "An act relating to revenue and taxation and amending an act entitled 'An act to provide for the assessment and collection of taxes in the State of Washington,' approved March 15, 1897, by amending Sections 3, 5, 21, 43, 60, 61, 68, 71, 72, 76, 77, 82, 84, 96, 98, 102, 103, 107, 111, 116, 119, and repealing Sections 100, 101, 105, 106, 110, 113, 115, 117, 118, and 121 thereof, and by adding Sections 97½, 119¼, 119½, 119¾, 120¼, 120½, 120¾ to said act, and declaring an emergency, approved the 15th day of March, 1899," which passed the House of Representatives February 28, 1901, and the Senate March 13, 1901, and declaring an emergency.

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

SECTION 1. That section one (1) of said act be and the same is hereby amended so as to read as follows: Section 5. All property described in this section, to the extent herein limited, shall be exempt from taxation, that is to say:

First. All lands used exclusively for public burying grounds or cemeteries, all churches built and supported by donations whose seats are free to all, and the grounds whereon such churches are built, not exceeding one hundred and twenty feet by two hundred feet in quantity, *together with the parsonage thereon*: *Provided*, That such grounds are used wholly for church purposes and not otherwise. Also, all property of Young Men's Christian Associations, which shall be wholly used, or to the extent solely used, for the religious purpose of such association.

Second. All property, whether real or personal, belonging exclusively to any school district, county, municipal corporation, the State or to the United States.

Third. All fire engines and other implements used for the extinguishment of fires, with the building used exclusively for the safe keeping thereof, and for the meetings of fire companies, providing that such belongs to any town or fire company organized therein.

Free libra-
ries, etc.

Fourth. All free public libraries, orphanages, orphan asylums, institutions for the reformation of fallen women, homes for the aged and infirm, and hospitals for the care of the sick, when such institutions are supported in whole or in part by public donations or private charity, and all of the income and profits of such institutions are devoted, after paying the expenses thereof, to the purposes of such institutions, and the grounds, whenever such libraries, orphanages, institutions, homes and hospitals are built and when used exclusively and not otherwise for the purposes in this subdivision enumerated. In order to determine whether such libraries, orphanages, institutions, homes and hospitals are exempt from taxes, within the true intent of this act, the State Board of Health, the county and city authorities of the county and city wherein such institutions are respectively situated, shall have access to the books of such institutions, and the institution claiming exemption shall provide by its articles of incorporation that the Mayor of the city and the chairman of the board of county commissioners wherein such institution is located shall be ex-officio trustees thereof, and shall be notified of each and every meeting thereof, and shall have the same powers as a trustee of such institution. And the superintendent or manager of the library, orphanage, institution, home or hospital claiming exemption from taxation under this act shall make oath before the assessor that all the income and the receipts thereof, including donations to it, have been applied to the actual expenses of maintaining it, and to no other purpose. He shall also, under oath, make annual report to the State Board of Health of its receipts and disbursements, specifying in detail the courses [sources] from which the receipts have been derived, and the object to which disbursements have been applied, and shall further furnish in the said report, full and complete vital statistics for the use and information of the State Board of Health, who may publish the same in its annual report.

Annual
report.

Fruit trees,
etc.

Fifth. All fruit trees, except nursery stock and forest trees artificially grown.

Ships and
vessels.

Sixth. All ships, vessels and boats in actual construction and all materials especially designed and set apart for the construction of any such ship, vessel or boat in process of building within this State, shall be exempt from taxation.

Seventh. The personal property of each head of a family ^{\$300 to head} of each family. liable to assessment and taxation of which such individual is the actual and bona fide owner to an amount of three hundred dollars: *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 the assessment and assess the remainder.

SEC. 2. An emergency exists and this act shall take ^{Emergency.} effect and be in force from and after its approval by the Governor.

Passed the House March 4, 1903.

Passed the Senate March 11, 1903.

(Note by the Secretary of State).—The above act was filed in the office of the Secretary of State on March 18th, 1903, at 10:30 a. m., without the approval or disapproval of the Governor thereof.

SAM H. NICHOLS,
Secretary of State.

CHAPTER 179.

[H. B. No. 354.]

AMENDING ACT RELATING TO SALES OF PROPERTY UNDER EXECUTION.

AN ACT to amend Section 3 (Pierce's Code, Section 876) of an act entitled "An act relating to the sales of property under execution, decrees, and orders of sale, and the confirmation of sheriff sales, and redemption therefrom," approved March 8, 1899.

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

SECTION 1. That section 3 of an act entitled "An act relating to the sales under execution, decrees, and orders of sale, and the confirmation of sheriff sales, and redemption therefrom," approved March 8, 1899, be amended to read as follows: Section 3. Before the sale of property under execution, order of sale or decree, notice thereof shall ^{Notice to be given.} be given as follows:

Personal
property.

1. In case of personal property, by posting written or printed notice of the time and place of sale in three (3) public places in the county where the sale is to take place, for a period of not less than ten (10) days prior to the day of sale.

Real prop-
erty.

2. In case of real property, by posting a similar notice, particularly describing the property for a period of not less than four (4) weeks prior to the day of sale, in three (3) public places in the county, one of which shall be at the court house door, where the property is to be sold, and publishing a copy thereof once a week, consecutively, for the same period, in a newspaper of general circulation published in the county.

Publication
of notice.

3. All notices of sales of property on execution or order of sale required by law to be published in any newspaper shall be so published in a newspaper of the county which shall be selected by the sheriff, and if there is no newspaper published, in the county, then such notice shall be published in the newspaper published in this State nearest to the place of sale: *Provided*, That if the person at whose instance the execution or order of sale is issued, or his attorney, shall present to the sheriff a receipt of the publisher of any newspaper, showing full payment for the publication, then the notice shall be published in that newspaper: *And provided, further*, That the charge for any such publication shall not exceed seventy-five cents per square for first insertion, and thirty-seven and one-half cents per square for each subsequent insertion.

Printer's
charge.

Passed the House March 9, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 17, 1903.

CHAPTER 180.

[H. B. No. 368.]

AMENDING BALLINGER'S CODE RELATIVE TO APPROPRIATION OF LANDS FOR CORPORATE PURPOSES.

AN ACT to amend Section 4334 of Ballinger's Annotated Codes and Statutes of Washington, relating to the appropriation of lands and highways for corporate purposes.

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

SECTION 1. That section 4334 of Ballinger's Annotated Codes and Statutes of Washington, relating to the appropriation of lands and highways for corporate purposes, be, and the same hereby is, amended to read as follows: Section 4334. Every corporation organized for the construction of any railway, macadamized road, plank road, clay road, canal or bridge, is hereby authorized and empowered to appropriate, by condemnation, land and any interest in land or contract right relating thereto, including any leasehold interest therein and any rights-of-way for tunnels beneath the surface of the land, and any elevated rights-of-way above the surface thereof, including lands granted to the State for university, school or other purposes, and also tide and shore lands belonging to the State (but not including harbor areas), which may be necessary for the line of such road, railway or canal, or the site of such bridge, not exceeding two hundred feet in width, besides a sufficient quantity thereof for toll houses, workshops, materials for construction, and a right-of-way over adjacent lands or property, to enable such corporation to construct and prepare its road, railway, canal or bridge, and to make proper drains; and in case of a canal, whenever the court shall deem it necessary, to appropriate a sufficient quantity of land, including lands granted to the State [for] university, school or other purposes, in addition to that before specified in this section, for the construction and excavation of such canal and of the slopes and bermes thereof, not exceeding one thousand feet in total width; and in case of a railway to appropriate a sufficient quantity of any such land, including lands granted to the State for university, school and other

Sec. 4334 Ballinger's Code.

Authority to have condemnation for rights-of-way.

Canals.

Harbor areas
excepted.

purposes and also tide and shore lands belonging to the State (but not including harbor areas), in addition to that before specified in this section, for the necessary side tracks, depots and water stations, and the right to conduct water thereto by aqueduct; compensation therefor to be made to the owner thereof irrespective of any benefit from any improvement proposed by such corporation, in the manner provided by law: *And Provided, further,* That if such corporation locate the bed of such railway or canal upon any part of the track now occupied by any established State or county road, said corporation shall be responsible to the county commissioners of said county or counties in which such State or county road so appropriated is located, for all expenses incurred by such county or counties in re-locating and opening the part of such road so appropriated. The term land as herein used includes tide and shore lands but not harbor areas; it also includes any interest in land or contract right relating thereto, including any leasehold interest therein.

Responsibility of corporation for expenses incurred.

Passed the House March 5, 1903.

Passed the Senate March 12, 1903.

(Note by the Secretary of State).—The above act was filed in this office on the 18th day of March, 1903, without the approval or disapproval of the Governor thereof.

SAM H. NICHOLS,
Secretary of State.

CHAPTER 181.

[H. B. No. 53.]

AMENDING ACT PROVIDING FOR ASSESSMENT AND COLLECTION OF TAXES RELATIVE TO DELINQUENCY CERTIFICATES.

AN ACT amending an act to provide for the assessment and collection of taxes in the State of Washington, approved March 15th, 1897, by amending Section 94 of Chapter LXXI, Session Laws of 1897, and declaring an emergency.

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

SECTION 1. That section 94 of an act entitled "An act to provide for the assessment and collection of taxes in the State of Washington," is hereby amended to read as fol-

laws: Section 94. Any day, *after the expiration of six months* after the taxes charged against real property are delinquent, the treasurer shall have the right, and it shall be his duty, upon demand and payment of the taxes and interest, to make out and issue a certificate or certificates of delinquency against such property, and such certificate or certificates shall be numbered and have a stub, which shall be a summary of the certificate and shall contain a statement:

1. Description of the property assessed.
2. Year or years for which assessed.
3. Amount of tax and interest due.
4. Name of owner, or reputed owner, if known.
5. The rate of interest the certificate shall bear.
6. The time when a deed may be had, if not sooner redeemed.

7. When a certificate of any preceding year is outstanding and unredeemed, it shall be stated in subsequent certificates issued, and the principal sum due, with date of issue.

8. A guaranty of the county or municipality to which the tax is due that if for any irregularity of the taxing officers this certificate be void then such county or municipality will repay the holder the sum paid thereon with interest at the rate of six per cent. per annum from the date of its issuance: *Provided, That nothing herein contained shall prevent the running of interest during the said period of six months from the date of delinquency, at the rate of interest provided by law on delinquent taxes.*

SEC. 2. An emergency exists, and this bill shall take effect immediately.

Passed the House March 10, 1903.

Passed the Senate March 10, 1903.

Approved by the Governor March 19, 1903.

CHAPTER 182.

[S. B. No. 160.]

PROVIDING FOR A STATE EXHIBIT AT THE ST. LOUIS
WORLD'S FAIR IN 1904, AND MAKING AN APPROPRIA-
TION THEREFOR.

AN ACT to provide for the collection, installation, and maintenance of an exhibit of the development, resources, products and advantages of the State of Washington, and the erection of a State building at the Louisiana Purchase Exposition, to be held at St. Louis, Missouri, in 1904; making an appropriation therefor and declaring an emergency.

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

SECTION 1. That for the purpose of exhibiting the general developments, resources, products and advantages of the State of Washington, and the erection of a state building at the world's fair to be held at St. Louis, Missouri, in 1904, celebrating the centennial of the purchase of the Louisiana Territory, there is hereby created a commission to be known as the Louisiana Purchase Exposition Commission of the State of Washington. Such commission shall consist of not more than nine members, who shall be appointed by the Governor, and be residents of the State of Washington. Said commissioners shall hold office from the date of appointment to March 1, 1905, unless sooner removed for cause by the Governor. In the event of vacancies occurring in said commission by reason of death, inability or refusal to act, or removal for cause, appointments shall be made by the Governor to fill such vacancies.

Governor to
appoint Com-
mission.

SEC. 2. Each of said commissioners so appointed shall serve without salary, but shall be allowed actual necessary expenses incurred in attending meetings of said commission in discharge of the duties of the office, to be paid out of the fund hereinafter appropriated, upon vouchers approved by the commissioners.

Expenses al-
lowed Com-
missioners.

SEC. 3. The said Louisiana Purchase Exposition Commission shall meet at the call of the Governor within ten days after this act becomes a law, and organize by the selection of one the [of their] members as president of said commission, and the employment of a secretary who shall keep

Organization.

full records of the proceedings, and the accounts of the commission. They shall open at some point in the State a St. Louis world's fair headquarters and there hold such regular or stated meetings as may be necessary in carrying out the purposes of this act. They shall fix the salaries of all persons employed by them in collecting, installing and displaying the exhibit herein provided for, such salaries to be paid out of the fund hereinafter appropriated. They shall cause to be kept double entry accounts together with complete vouchers covering every financial transaction involving the disbursement of the fund hereinafter appropriated, and at the close of the exposition period shall report to the Governor of the State of Washington a complete summary of their administration, and detailed statement of disbursements made. They shall appoint an executive commissioner who shall be a citizen of the State of Washington. The said executive commissioner shall be and is hereby authorized and empowered to assume and exercise all powers and functions necessary to secure, install and maintain a complete and creditable display of the resources, products and interests of the State of Washington at the said exposition. The said executive commissioner shall have direct charge of the solicitation, collection, transportation, installation, and exhibition of all materials sent under authority of the State to said exposition, and during the term of his office shall have authority over the employes and assistants engaged in assembling, installing, and displaying the said exhibit. He shall make report to the commission as often as required, and shall hold office at the pleasure of the said commission. The said executive commissioner shall be required to furnish a surety company bond in favor of the Treasurer of the State of Washington, to be approved by the said commission, in the sum of ten thousand dollars (\$10,000), or such greater sum as the commission may require.

Headquarters and duties of Commission.

Executive Commissioner—duties of.

Surety bond of Commissioner.

SEC. 4. All State bureaus, departments and institutions, are hereby authorized and directed to co-operate with said Louisiana Purchase Exposition Commission in furthering the purposes of this act, and to loan to the said commission such materials, cabinets and specimen collections, in their possession, as the said commission may desire for exhibition purposes; said material to be removed and returned free of cost to said institutions and departments.

Co-operation of State departments.

Appropriation.

SEC. 5. To carry out the purposes and provisions of this act, and to pay for preliminary work done and expenses already incurred amounting to \$1,805.15, the sum of seventy-five thousand (75,000) dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated, to be known as the Louisiana purchase exposition fund. The State Treasurer is hereby authorized and directed to honor and pay requisitions made by the said executive commissioner on the said Louisiana purchase exposition fund hereby appropriated; such requisitions shall be executed by said executive commissioner, approved by the president of the commission, and attested by its secretary and shall not in any single instance exceed an amount equal to seventy-five per cent. of the executive commissioner's bond.

Passed the Senate March 5, 1903.

Passed the House March 10, 1903.

(Note by the Secretary of State).—The above act was filed with the Secretary of State without the approval or disapproval of the Governor thereof.

SAM H. NICHOLS,
Secretary of State.

CHAPTER 183.

[S. B. No. 120.]

EXEMPTING CERTAIN PROPERTY OF SCHOOLS AND COLLEGES FROM TAXATION.

AN ACT to exempt certain property of schools and colleges from taxation.

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

Property exempt.

SECTION 1. There shall be exempted from taxation in the State of Washington all property, real and personal, owned by any school or college in this State, supported in whole or in part by gifts, endowments or charity, the entire income or revenue of which said school or college, after paying the expenses thereof, is devoted to the purposes of such institution, and which is open to all persons upon equal terms:

Provided, That said property be used solely for educational purposes (or the revenue therefrom be devoted exclusively to the support and maintenance of such institution): And Acreage limit. *provided, further*, That the real estate so exempted shall not exceed ten acres in extent and shall be used exclusively for college or campus purposes: And *provided further*, That real estate owned or controlled by such institutions and leased and rented by them for the purpose of deriving revenue therefrom shall not be exempted from taxation under the provisions of this act: *Provided further*, That the annual income from such endowments is equal to or exceeds all incomes from tuitions received by such institution.

SEC. 2. Before any exemption provided for by this act shall be allowed for any year, the institution claiming such exemption shall file with the County Assessor of the county Filing of verified statement with Assessor. wherein such property is situated and subject to taxation, on or before the first day of March in each year, a statement verified by the oath of the president, treasurer, or other proper officer of such institution, containing a list of all property claimed to be exempt, the purpose for which the same is used, the revenue derived from the same for the preceding year, the use to which such revenue was applied, the number of students in attendance at such school or college, and the total revenues of the same with the source from which the same was derived, and the purposes to which such revenues were applied, giving the items of such revenues and expenditures in detail. The County Assessor of the county wherein such property is subject to taxation and Assessor to have access to books and records. such exemption is claimed, shall at all times have access to the books and records of such institution in order to determine whether any property claimed to be exempt from taxation should be exempted under the provisions of this act.

Passed the Senate February 23, 1903.

Passed the House March 11, 1903.

(Note by the Secretary of State)—The above act was filed in the office of the Secretary of State on the 20th day of March, 1903, without the approval or disapproval of the Governor thereof.

SAM H. NICHOLS,
Secretary of State.

CHAPTER 184.

[H. B. No. 382.]

PROVIDING FOR THE MANNER OF PAYING WARRANTS
ISSUED FOR DRAINS AND DITCHES, ETC., IN DRAINAGE
DISTRICTS.

AN ACT providing for the manner of paying warrants issued under an act of the Legislature of the State of Washington entitled "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," approved March 19, 1890, and amending Section 7 of an act of the Legislature of the State of Washington entitled "An act providing for the payment of expenses incurred in compliance with an act entitled '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,' approved March 19, 1890, and declaring an emergency," approved March 19, 1895, and declaring an emergency.

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

SECTION 1. That all warrants drawn and issued by order of the county commissioners of any county in this State, under an act entitled "An act providing 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," approved March 19, 1890, shall be paid in the manner specified and directed in sections 2 and 3 of this act.

Warrants—
how paid.

SEC. 2. Whenever assessments have been made or shall hereafter be made, under the provisions of an act of the Legislature of this State entitled "An act providing for the payment of expenses incurred in compliance with an act entitled '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,' approved March 19, 1890, and declaring an emergency," approved March 19, 1895, and the assessments realized are inadequate

and insufficient, after deducting therefrom the amount of bonds issued for damages for rights-of-way to pay said warrants heretofore issued under the act of March 19, 1890, hereinbefore mentioned, the same shall be paid in the proportion which the whole number of warrants issued under said act of March 19, 1890, bears to the assessment realized and available for the payment of said warrants, regardless of the number, or order of issue.

SEC. 3. Vetoed.

Sec. 3
vetoed.

SEC. 4. Whereas, much uncertainty exists as to the order of payment of said bonds and warrants issued under the provisions of the said act of March 19, 1895, and warrants issued under the void act of March 19, 1890, an emergency is hereby declared, and this act shall be in force from and after its passage and approval. Emergency.

Passed the House March 9, 1903.

Emergency clause passed March 10, 1903.

Passed the Senate March 12, 1903.

(Note by the Governor).—Section 3 for reasons hereto appended is this 20th day of March, 1903, disapproved. All other sections are approved.

HENRY McBRIDE,

Governor.

CHAPTER 185.

[H. B. No. 421.]

AMENDING ACT RELATIVE TO ATTORNEYS AT LAW.

AN ACT to amend Sections 2 and 5 of an act entitled "An act in relation to attorneys and counsellors at law, providing for admission to the bar," approved March 19, 1895, and to amend an act entitled "An act amending Section 4 of an act entitled 'An act in relation to attorneys and counsellors at law and providing for admission to the bar,' passed by the Legislature of the State of Washington and approved March 19, 1895," approved Febr. 16, 1897, and declaring an emergency.

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

SECTION 1. That section 2 of an act entitled "An act in relation to attorneys and counsellors at law and providing for admission to the bar," approved March 19, 1895, the same being section 4759 of Ballinger's Code and section 3181

of Pierce's Code be and the same is hereby amended so as to read as follows: Section 2. No person shall be permitted to practice as an attorney or counsellor at law, or to commence, conduct or defend any action or proceeding in which he is not a party concerned, either by using or subscribing his own name, or the name of any other person, unless he has been previously admitted to the bar by order of the Supreme Court or of two judges thereof; and the court shall fix the times when examinations shall take place, which may be either in term or vacation, and shall prescribe and publish rules to govern such examinations; *and the court may appoint three attorneys at law, members of the bar of said court of not less than five years standing, as a board of examiners to conduct written examinations of applicants for admission to the bar, under the direction of said court, the members of which said board shall hold office for one year from and after their appointment, unless sooner removed by the court. The members of said board of examiners shall be allowed and paid a per diem not to exceed ten dollars per day during their attendance upon said court in the conduct of said examinations, and mileage at the rate of five cents per mile for every mile actually traveled going to and returning from attendance upon the court at such examination; but this section shall not be applied to persons admitted under pre-existing laws: Provided, That graduates of the law department of the University of Washington after a full course of two years study shall be admitted without examination upon the production of their diplomas of graduation and evidence to the satisfaction of the court that they are citizens of the United States, are of full legal age, and are of good moral character.*

Who may practice.

Board of Examiners.

Per diem and mileage for examiners.

University graduates admitted without examination.

Sec. 2 vetoed.

SEC. 2. Vetoed.

SEC. 3. That section 5 of an act entitled "An act in relation to attorneys and counsellors at law and providing for admission to the bar," approved March 19, 1895, being section 4762 of Ballinger's Code and section 3184 of Pierce's Code, be and the same is hereby amended so as to read as follows: Section 5. All persons making application for admission to the bar as herein provided, shall file a notice of such application with the clerk of the Supreme Court at least one week before the date of such examination, as

Duties of applicants—fee, etc.

shall be fixed by rule of the Supreme Court, and shall pay to such clerk the sum of \$20, in full for all fees, for filing his application, entering his admission and the issuing of a certificate therefor, and the fees so paid to the clerk shall be accounted for by the clerk of said court as other fees: *Provided, That no fees shall be required to be paid by graduates of the law department of the State University of Washington.*

SEC. 4. An emergency exists, and this act shall take ^{Emergency.} effect immediately.

Passed the House March 5, 1903.

Passed the Senate March 10, 1903.

(Note by the Governor).—For reasons hereto appended Section 2 disapproved March 20, 1903. All other Sections approved.

HENRY McBRIDE,
Governor.

CHAPTER 186.

[H. B. No. 422.]

PROVIDING FOR DIRECT AMENDMENTS OF CITY CHARTERS.

AN ACT to provide for the direct amendment of city charters in respect to local affairs.

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

SECTION 1. On petition of a number (equal to fifteen per cent. of the total number of votes cast at the last preceding municipal election) of qualified voters of any municipality having adopted a charter under the laws of this State, asking the adoption of a specified charter amendment, providing for any matter within the realm of local affairs, or municipal business, the said amendment shall be submitted to the voters at the next regular municipal election, occurring thirty days or more after said petition is filed, and if approved by a majority of the local electors of the municipality voting upon it, such amendment shall become a part of the charter organic law governing such municipality. ^{Submission of amend-ments.}

Signing and
filing of
petition.

SEC. 2. The petition containing the demand for the submission of the proposed charter amendment shall be filed with the city clerk, and each signer shall write his occupation and residence after his signature, and the genuineness of the signatures on such paper must be attested by the affidavit of a qualified voter.

City councils
not deprived.

SEC. 3. This act shall not be construed to deprive city councils from submitting proposed charter amendments to the voters as is now provided, but shall be held to afford a concurrent and additional method for proposing and submitting amendments to the charter of any municipality having a charter.

Passed the House March 7, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 21, 1903.

CHAPTER 187.

[S. SUB. B. No. 89.]

PROVIDING FOR THE MARKING, LABELING AND INSPECTION OF BARRELS, TANKS, CANS, VESSELS OR PACKAGES CONTAINING PETROLEUM OILS.

AN ACT to provide for marking and labeling and inspecting all barrels, tanks, cans, vessels or packages containing petroleum oils offered or exposed for sale within this State and providing a penalty for the violation thereof, and making an appropriation therefor.

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

SECTION 1. All mineral or petroleum or any oil, fluid or substance which is a product of petroleum or into which petroleum or any product of petroleum enters or is found as a constituent element, whether manufactured within this State or not, before being offered or exposed for sale for consumption for illuminating purposes within this State shall have plainly impressed or otherwise plainly marked upon each barrel, tank, can, vessel or package in which the same is sold, offered or exposed for sale, the words "Illuminating

How marked
and tested.

oil" and all oils shall be rejected for illuminating purposes which emit a combustible vapor at a temperature less than one hundred and twenty degrees Fahrenheit's thermometer: *Provided*, The quantity of oil used in the flash test shall not be less than one half a pint. The oil tester adopted shall be the Foster automatic tester cup with lighted wick inside the tube and under the thimble which shall be used by the commissioner and his deputies.

SEC. 2. All mineral and petroleum oils, such as benzoine, benzine, gasoline, naphtha and distilates shall not be sold, offered or exposed for sale within this State whether manufactured within this State or not, unless the barrel, tank, cans, vessel or package containing the same shall be conspicuously, securely and plainly marked or labeled with the name of its contents.

SEC. 3. Any person for himself or as an agent of another who sells or attempts to sell for himself or any other person in this State any such oils as mentioned in sections 1 and 2 of this act, for consumption within this State, whether manufactured within this State or not, without having the same marked and labeled as set forth in said sections 1 and 2 hereof shall be guilty of a misdemeanor and on conviction thereof shall be fined in any sum not less than one hundred dollars, and not exceeding three hundred dollars and any person who falsely brands, marks or labels any package, cask, tank, can or barrel as provided in sections 1 and 2 hereof or refills and uses any package, cask, can or barrel without the same being re-marked or labeled as required in said sections 1 and 2, or falsely marks the test on such package, cask, can or barrel higher in degree than said article will stand under the test hereinbefore specified, shall be guilty of a misdemeanor and on conviction thereof shall be fined in any sum not exceeding five hundred dollars nor less than one hundred dollars or by imprisonment in the county jail not exceeding six months or by both such fine and imprisonment at the discretion of the court.

SEC. 4. The State Dairy and Food Commissioner shall also be oil commissioner and shall be known as the State Dairy, Food and Oil Commissioner, and he shall receive in addition to his salary as dairy and food commissioner three hundred dollars per year as extra compensation for en-

forcing the provisions of this act. He shall also have power to appoint such deputies as may be necessary and pay therefor three dollars per day: But *provided, however,* That the aggregate services of all deputies employed by him shall not exceed the sum of fifteen hundred dollars per annum.

Duties of
commis-
sioner.

SEC. 5. It shall be the duty of the State Dairy, Food and Oil Commissioner upon complaint being made to him by any person, firm or corporation, of the violation of any of the provisions of this act, for him or his deputies to make the test in the manner provided in section 1 of this act, of any petroleum oil contained in any package, cask, tank, can or barrel above mentioned, as he may deem necessary. It is further provided that said commissioner may call upon the chemist of the State university, or the chemist of the State Agricultural College and School of Science to assist in making said test, and it shall be the duty of the said chemist to give such assistance when so requested.

Duty of State
Chemist.

Expenses—
how adjusted.

SEC. 6. All expenses incurred under the provisions of this act shall be paid out of the general fund and shall be audited by the State Auditor upon bills being presented appropriately certified by such commissioner and the State Auditor shall from time to time draw warrants upon the State Treasurer for the amounts thus audited. All fines collected under the provisions of this act shall be paid into the common school fund of the State.

Fines.

Appropriation.

SEC. 7. For the carrying out of the provisions of this act there is hereby appropriated the sum of eighteen hundred dollars out of the moneys in the general fund not otherwise appropriated.

Passed the Senate February 26, 1903.

Passed the House March 9, 1903.

Approved by the Governor March 21, 1903.

CHAPTER 188.

[S. B. No. 155.]

PROVIDING FOR EXHIBIT AT LEWIS AND CLARK FAIR AT
PORTLAND, OREGON, IN 1905.

AN ACT to provide for the collection, exhibition and maintenance of the products of the State of Washington at the Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair, 1905, at Portland, Oregon, and making an appropriation therefor.

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

SECTION 1. That for the purpose of exhibiting the resources, products and general developments of the State of Washington at the Lewis and Clark Exposition at Portland, Oregon, in 1905, there is hereby created a commission known as the Lewis and Clark Exposition Commission of the State of Washington. Such board shall be non-partisan and shall contain not more than seven (7) members, who shall be appointed by the Governor, and all shall be residents of this State. They shall hold their office from the date of appointment to January 1, 1906, unless sooner removed for cause, by the Governor, and in case of such removal or their death or inability or refusal to act, their successors shall be appointed by the Governor.

Governor to
appoint
Commission.

SEC. 2. Each of said commissioners hereby appointed shall serve without salary but shall be allowed his actual necessary expenses incurred in attending meetings of said board in the discharge of his duties to be paid out of the money hereby appropriated, upon vouchers approved by the commissioners.

Expenses al-
lowed.

SEC. 3. The members of said board of commissioners shall meet subject to the call of the Governor within three months after this act becomes a law, at such time and place as he may designate and shall select from its members a president and secretary who shall keep a record of their proceedings. They shall appoint an executive commissioner who shall be a citizen of the State of Washington, and fix his salary not to exceed the sum of one hundred and fifty dollars (\$150) per month, for the time he shall be actually engaged in the business of the exposition, which salary and

Governor to
call meeting.

Executive
Commission-
er—powers
and duties of.

his necessary expenses shall be paid out of the money appropriated. The said executive commissioner shall be and is hereby authorized and empowered to assume and exercise all powers and functions necessary to secure a complete and creditable display of the products and interests of the State at the Lewis and Clark Exposition of 1905. He shall have personal charge of the solicitation, collection, transportation, arrangement and exhibition of the objects sent under the authority of the State to the Lewis and Clark Exposition of 1905, and of such objects sent by individual citizens of the State of Washington as may be by them placed in his charge. He shall make a report to the commissioners monthly, or as often as by them required and shall hold office at the pleasure of such commissioners.

Co-operation
of State
departments.

SEC. 4. All State bureaus, including the bureau of mining, horticulture, agriculture, fisheries and others, are authorized to co-operate with said' Washington Lewis and Clark Committee and to forward to the Lewis and Clark Exposition all the collections and cabinets belonging to the State.

Sec. 5 vetoed.

SEC. 5. Vetoed.

Duties of
Commis-
sioner after
close of fair.

SEC. 6. After the close of said exposition, the said executive commissioner, or in case the term of office of the members of the State commission has expired, then the Governor shall have the power to sell such exhibits as the State may have interest in, and which is proper to dispose of to the best advantage of the State, and shall deposit the proceeds in the general fund of the State treasury; and shall also return to the owners such exhibits as may be loaned for exhibition purposes, free of cost to said owners.

Materials for
exhibition—
shipping of,
etc.

SEC. 7. All counties, districts or individuals, desiring to send articles to said exposition, may do so by having the same delivered in good order for shipment at a place to be designated by the executive commissioner, where they shall be received by him and carefully stored until the proper time for shipment to such exposition, and such executive commissioner shall forward all such articles as shall be deemed worthy of exhibition to Portland, Oregon; the freight or expense charge to and from Portland shall be paid out of the fund hereinafter appropriated.

Vetoed.

SEC. 8. Vetoed.

SEC. 9. The commissioners that may be appointed to make an exhibit of the resources of the State of Washington at the Louisiana Purchase Exhibition at St. Louis, in 1904, are hereby authorized and directed to save all suitable exhibits from the State of Washington at the close of said fair, and to turn the same over to the commission herein created for the purpose of having the same used as a part of the exhibit by this State at said Lewis and Clark Exposition.

Exhibits at
St. Louis in
1904 to be
used.

SEC. 10. Vetoed.

Vetoed.

SEC. 11. The Governor of the State shall issue a commission as provided for in section 15, article 111, of the State Constitution, to the person selected for executive commissioner of the Lewis and Clark Exposition.

Governor to
issue com-
mission to
Executive
Commis-
sioner.

Passed the Senate March 5, 1903.

Passed the House March 10, 1903.

(Note by the Governor).—For reasons hereto appended Sections 5, 8 and 10 are disapproved this 21st day of March, 1903. All the other Sections are approved. HENRY McBRIDE,

Governor.

CHAPTER 189.

[H. OMNIBUS B. No. 454.]

MAKING APPROPRIATIONS FOR STATE INSTITUTIONS, SALARIES OF OFFICIALS, EMPLOYES, ETC.

AN ACT making appropriations for the maintenance of and construction of buildings and other improvements at, and other sundry expenses for the various State institutions and offices, and for the sundry civil expenses of the State government for the fiscal term beginning April 1, 1903, and ending March 31, 1905.

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

SECTION 1. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any money in the several funds of the State treasury hereinafter named, in payment of the salaries of certain officers and employees of the State, and for the mainten-

General ap-
propriation.

ance and construction of buildings at, and other expenses for the various State institutions and offices hereinbelow designated and mentioned and for other and divers purposes hereinafter expressed for the fiscal term beginning April 1, 1903, and ending March 31, 1905, and as hereinafter otherwise particularly specified.

Fiscal term ending March 31, 1905.

From General Fund.

FROM THE GENERAL FUND.

FOR GOVERNOR'S OFFICE.

Salary of Governor at \$4,000 per year.....	\$8,000.00	
Salary of Governor's private secretary at \$2,000 per year	4,000.00	
Salary of stenographer at \$900 per year.....	1,800.00	
Postage, traveling expenses and incidentals....	2,500.00	
Publishing Governor's proclamation	100.00	
Extradition expenses	3,500.00	
Rewards authorized by the Governor.....	4,000.00	
Examination into alleged infractions of the law..	1,000.00	
Suppression of riots, etc.....	10,000.00	
Survey of public lands reserved on application by the Governor	5,400.00	
Health emergency fund for the prevention of the spread of the bubonic plague, yellow fever and cholera, to be expended only on vouchers approved by the State Board of Health and the Governor, jointly.....	10,000.00	
Total		\$50,300.00

FOR LIEUTENANT-GOVERNOR'S OFFICE.

Salary of Lieutenant-Governor from January 15, 1905, to March 31, 1905.....	\$208.35
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FOR ATTORNEY GENERAL'S OFFICE.

Salary of Attorney General at \$2,000 per year..	\$4,000.00	
Salary of Assistant Attorney General at \$1,800 per year	3,600.00	
Salary of clerk at \$900 per year.....	1,800.00	
Stationery, postage and incidentals.....	600.00	
Traveling expenses of Attorney General.....	1,500.00	
Traveling expenses in attending the Supreme Court of the United States.....	600.00	
Assistant Attorney General's assistance in land offices and otherwise.....	3,600.00	
Court expenses, advanced per diem and mileage for witnesses	300.00	
Rent, fuel and light for Attorney General's office at Seattle	800.00	
Total		\$16,800.00
Deficiency for year ending March 31, 1903, for traveling and incidental expenses in Attorney General's office....		\$150.00

FOR SECRETARY OF STATE'S OFFICE.

Salary of Secretary of State at \$2,500 per year..	\$5,000.00
Salary of Assistant Secretary of State at \$1,800 per year	3,600.00
Salary of auditor and cashier at \$1,800 per year	3,600.00

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First recording secretary at \$900 per year.....	1,800.00	
Second recording secretary at \$900 per year....	1,800.00	
Third recording secretary and stenographer at \$900 per year	1,800.00	
Stenographer at \$720 per year.....	1,440.00	
Postage and incidentals.....	2,000.00	
Salary of commissioner of statistics at \$1,800 per year	3,600.00	
Postage and incidentals in connection with the office of commissioner of statistics.....	1,200.00	
Salary of deputy insurance commissioner at \$1,800 per year	3,600.00	
Salary of clerk and stenographer at \$900 per year	1,800.00	
Traveling and incidentals in connection with the insurance commissioner's office at \$500 per year	1,000.00	
Total		\$32,240.00

FOR TREASURER'S OFFICE.

Salary of Treasurer at \$2,000 per year.....	\$4,000.00	
Salary of deputy at \$1,800 per year.....	3,600.00	
Extra clerk hire	1,200.00	
Postage and incidental expenses	600.00	
For steel bank safe	650.00	
Total		\$10,050.00

FOR STATE AUDITOR'S OFFICE.

Salary of Auditor at \$2,000 per year.....	\$4,000.00	
Salary of deputy at \$1,800 per year.....	3,600.00	
Salary of bookkeeper at \$1,400 per year.....	2,800.00	
Salary of warrant clerk and stenographer at \$720 per year	1,440.00	
Postage, expressage, telegraphing, extra clerk hire, incidentals, etc.....	2,200.00	
Traveling expenses	500.00	
Total		\$14,540.00

FOR SUPERINTENDENT OF PUBLIC INSTRUCTION'S OFFICE.

Salary of Superintendent at \$2,500 per year....	\$5,000.00	
Salary of deputy superintendent at \$1,500 per year	3,000.00	
For clerk hire and incidental expenses for two years	2,500.00	
For payment of examiners of teacher's manu- scripts	2,500.00	
For traveling expenses of Superintendent and deputy	1,000.00	
For postage, expressage, telegraphing, telephone, etc	1,000.00	
Expense of state board of education for two years	1,000.00	
Total		\$16,000.00

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FOR LAND COMMISSIONER'S OFFICE.

Salary of Land Commissioner at \$2,000 per year	\$4,000.00	
Salary of assistant commissioner and chief clerk at \$1,800 per year	3,600.00	
Salary of bookkeeper at \$1,400 per year.....	2,800.00	
Salary of assistant bookkeeper at \$1,000 per year	2,000.00	
Salary of state engineer at \$1,800 per year....	3,600.00	
Salary of draughtsman, engineer's office, at \$1,200 per year	2,400.00	
Extra help, engineer's office, at \$1,000 per year	2,000.00	
Salary of stenographer and clerk at \$1,000 per year	2,000.00	
Salary of clerk of board of land commissioners at \$1,000 per year.....	2,000.00	
Salaries of three general clerks at \$1,000 per year each	6,000.00	
Salary and expenses of agents selecting lands, and United States land office fees.....	12,000.00	
Appraisalment, sale and lease of state lands....	20,000.00	
Advertisement of sale of state lands.....	5,000.00	
Postage and incidental expenses.....	3,500.00	
Expenses defending state's title to state, school and granted lands before the courts and United States land offices and secretary of the interior, and prosecuting trespass upon state lands (not including attorney's fees)..	5,000.00	
	<hr/>	
Total		\$75,900.00

FOR STATE GRAIN INSPECTOR'S OFFICE.

Salary of State Grain Inspector at \$1,800 per year	\$3,600.00	
Salary of chief inspector's clerk at \$1,000 per year	2,000.00	
	<hr/>	
Total		\$5,600.00

FOR LABOR COMMISSIONER'S OFFICE.

Salary of Labor Commissioner at \$1,800 per year	\$3,600.00	
Clerk hire, incidental and traveling expenses...	2,900.00	
	<hr/>	
Total		\$6,500.00

FOR COAL MINE INSPECTOR'S OFFICE.

Salary of Inspector at \$1,500 per year.....	\$3,000.00	
Traveling expenses and incidentals.....	1,250.00	
	<hr/>	
Total		\$4,250.00

FOR STATE FAIR AT YAKIMA.

Maintenance at \$7,500 per year.....		\$15,000.00
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FOR STATE BOARD OF HEALTH.

Salary of secretary at \$1,000 per year.....	\$2,000.00	
Maintenance and incidental expenses, etc.....	3,000.00	
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Total		\$5,000.00

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FOR STATE FISH COMMISSIONER'S OFFICE.

Salary of Commissioner at \$2,000 per year....	\$4,000.00	
Traveling expenses of Commissioner at \$1,000 per year	2,000.00	
Salary, three deputies, at \$1,200 per year.....	7,200.00	
Traveling expenses of deputies at \$600 per year	3,600.00	
Stenographer and bookkeeper at \$1,000 per year	2,000.00	
Office rent at \$600 per year	1,200.00	
Incidental expenses at \$500 per year.....	1,000.00	
		<hr/>
Total		\$21,000.00

FOR STATE LIBRARIAN'S OFFICE.

Salary of Librarian at \$1,500 per year.....	\$3,000.00
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FOR STATE DAIRY AND FOOD COMMISSIONER'S OFFICE.

Salary of Commissioner at \$1,800 per year...	\$3,600.00	
Salary of deputies	2,500.00	
Expenses of Commissioner and deputies at \$1,250 per year	2,500.00	
		<hr/>
Total		\$8,600.00

FOR STATE BOARD OF EQUALIZATION.

Expenses of board	\$400.00
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FOR SUPREME COURT.

Salary of judges	\$40,000.00	
Salary of clerk at \$2,000 per year.....	4,000.00	
Salary of reporter at \$2,000 per year.....	4,000.00	
Clerk hire and incidentals for reporter.....	600.00	
Contingent expenses	8,000.00	
		<hr/>
Total		\$56,600.00

FOR SUPERIOR COURT.

Salaries of superior judges.....	\$75,000.00	
Traveling expenses of superior judges whose jurisdiction contains more than one county	3,000.00	
For salary of R. B. Albertson, as superior judge of King county, from February 15, 1903, to March 31, 1903.....	187.50	
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Total		\$78,187.50

For publishing Washington Reports.....	\$6,000.00
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For traveling expenses for state veterinarian, and salary and expenses of assistants and incidentals.....	\$4,500.00
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FOR FARMERS' INSTITUTE.

For maintenance and conducting farmers' institute under the direction of the regents of the Washington Agricultural College and School of Science at \$2,500 per year; pro- vided that at least one institute shall be held in each county of the State in each year.....	\$5,000.00
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FOR COST BILLS, DESK SUPPLIES, ETC.

Cost bills on conviction of felony.....	\$30,000.00
For dest supply fund.....	\$2,000.00
For transportation of convicts to penitentiary.....	\$20,000.00
For transportation of insane to hospitals.....	\$18,000.00
For transportation of incorrigibles.....	\$4,000.00
For expenses of heat, light, water and maintenance of capitol building and grounds and for rent of rooms for board of control and other State offices, until the completion of the capitol building.....	\$10,000.00
For repair of shed over and preservation of capitol foundation upon present capitol grounds.....	\$1,000.00
Indexing House Journal.....	\$300.00
Indexing Senate Journal.....	\$250.00
For indexing Session Laws.....	\$200.00

FOR CHENEY NORMAL SCHOOL.

For finishing building	\$8,000.00
For fitting and furnishing same.....	2,000.00
Total	\$10,000.00

FOR WHATCOM NORMAL SCHOOL.

For finishing and furnishing rooms in annex.....	\$9,000.00
For the relief of W. W. McCredie for prosecuting suits in the U. S. land office in accordance with contract with State Land Commissioner's office	\$100.00
For the purpose of paying interest on warrants on the State capitol building fund (to be returned to the State general fund) or so much thereof as may be necessary....	\$40,000.00
S. H. Wiesedeppé, in payment of judgment of the State of Washington	\$152.00
H. O. Hollenbeck, for printing briefs.....	\$82.00
For the relief of C. S. Reinhart.....	\$67.50
For costs to witness for the State in case No. 5870, State of Washington and Patrick Molohon vs. John Beason et al.:	
Earl Richards	\$14.60
Patrick Connelly	8.60
Edgar Lindsey	8.60
Martin Gallaher	8.60
A. Rankin	8.60
George A. Kellogg	28.00
Pettibone Bros	10.00
Total	\$87.00
For relief of W. H. Burden, and estate of Wm. Munks.....	\$392.00
For relief of H. C. Anderson.....	\$300.00
For establishment and maintenance of trout hatchery on Lake Chelan, three thousand dollars.....	\$3,000.00

FOR HORTICULTURAL COMMISSIONER'S OFFICE.

Salary of the Commissioner at \$2,000 per year	\$4,000.00
Incidental expenses at \$1,000.....	2,000.00
For office rent and printing of bulletins, \$1,000 per year	2,000.00
For clerk hire at \$700 per year	1,400.00
For renovation of the exhibit at \$300 per year..	600.00
Total	\$10,000.00

Expenses of arid land commissioner.....	\$135.00
For payment of interest to November 1, 1903, on money borrowed from the permanent school fund.....	\$129,816.38
Salary of State printing expert from January 1, 1902, to March 31, 1903.....	\$1,400.00
Salary of State printing expert for five month to continuation checking up of contracts.....	\$500.00
For public printing to complete contracts up to August 1, 1903.....	\$12,000.00
For printing ordered by present Legislature, including House and Senate Journals and Session Laws, printing supplies and stationery, or so much thereof as may be necessary.....	\$20,000.00
For printing for State offices to cover work done between August 1, 1903, and March 31, 1905, to be paid out on vouchers duly approved by the respective State officers named, for the purposes specified and for no other purposes, as follows:	
Governor	\$ 300.00
Secretary of State	11,000.00
State Auditor	8,000.00
State Land Commissioner.....	2,500.00
Superintendent of Public Instruction.....	9,500.00
State Treasurer	500.00
Attorney General	1,500.00
State Board of Control	1,500.00
Supreme Court	800.00
Bureau of Labor	1,200.00
State Board of Health	700.00
State Board of Equalization	400.00
State Veterinarian	100.00
Total	\$88,000.00

FROM HARBOR AREA FUND.

From Harbor Area Fund.

FOR LAND COMMISSIONER'S OFFICE.

Surveying oyster lands, advertising harbor areas, and traveling expenses, commissioner and board	\$3,000.00
Establishing harbor lines and survey of tide lands at Everett, Port Orchard, Bremerton and Aberdeen	8,000.00
Surveying and platting tide and shore lands at Ilwaco, establishing harbor lines and survey of shore lands at Kalama.....	1,500.00
Surveying and platting shore lands of Lakes Washington, Union and Chelan, and other shore lands	7,000.00
Total	\$19,500.00

FROM FISH HATCHERY FUND.

From Fish Hatchery Fund.

FOR FISH COMMISSIONER'S OFFICE.

For maintenance of State fish hatcheries.....	\$87,500.00
For construction of and improvements, State fish hatcheries	21,665.00
Engineer's salary for Puget Sound launch at \$900 per year	1,800.00
Fuel and other expenses for launch at \$1,000 per year	2,000.00

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For purchasing launch on the Columbia river..	2,500.00	
Operating expense of launch at \$1,000 per year	2,000.00	
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Total		\$117,465.00

FROM GRAIN INSPECTION FUND.

From Grain Inspection Fund.	Postage, expenses, salaries and incidentals connected with the office of State grain inspector.....	\$30,000.00
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FROM CAPITOL BUILDING FUND.

From Capitol Building Fund.	Frederick & Nelson, for furniture.....	\$3,433.50
	Standard Furniture Co., for furniture.....	6,690.00
	Chapman Bros. & Co., for furniture.....	2,646.96
	<hr/>	
Total		\$12,770.46

FROM MILITARY FUND.

FOR ADJUTANT GENERAL'S OFFICE.

From Military Fund.	Salary of Adjutant General at \$2,000 per year..	\$4,000.00
	Salary of chief clerk at \$1,000 per year.....	2,000.00
	Salary of armorer at \$900 per year.....	1,800.00
	For maintenances, all expenses except salaries of the Adjutant General and assistants... ..	66,640.00
	For the purchase of 220 acres of land, more or less, at not to exceed \$30 per acre, for the State encampment grounds at American Lake, in Pierce county, and described as follows, to-wit: Lots 6, 7 and 8, and the S. E. ¼ of the S. E. ¼ of section 20, and lot 3 and the N ½ of the S. W. ¼ of section 21, all in twp. 19, N. R. 2 E., W. M., in Pierce county, Washington; saving and except therefrom the right of way of the Northern Pacific Railway Company (designated as the Tacoma, Olympia and Grays Harbor Railroad Company); said purchase to be made by the Adjutant General upon abstracts approved by the Attorney General, and the purchase money to be paid out on vouchers approved by the Adjutant General	6,600.00
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Total		\$81,040.00

FROM SPECIAL LIBRARY FUND.

From Special Library Fund.	For Purchase of law books for library.....	\$10,000.00
	For purchase of miscellaneous books.....	2,000.00
	For incidental expenses, exchange and distribution of State documents	2,000.00
	Cataloguing	1,000.00
	For care of historical articles.....	1,000.00
	Salary of assistant librarian at \$1,000 per year	2,000.00
	Salary of second assistant librarian at \$800 per year	1,600.00
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Total		\$19,600.00

Passed the House March 11, 1903.

Passed the Senate March 12, 1903.

(Note by the Governor).—Except as to the items enumerated

in the statement hereto appended, this bill is approved this 21st day of March, 1903. The items hereto appended are disapproved.

HENRY McBRIDE,
Governor.

(Note by Secretary of State).—The items referred to in the above note by the Governor as disapproved are eliminated and only those items that were approved by the Governor are printed in the foregoing bill.

SAM H. NICHOLS,
Secretary of State.

MEMORIALS AND RESOLUTIONS.

SENATE MEMORIAL NO 1.

To His Excellency, the President of the United States:

We, your memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, most respectfully represent as follows:

That whereas, by order of the Department of the Interior dated December the 18th, 1902, there was temporarily withdrawn from settlement, entry, sale or other disposal, all the vacant unappropriated public lands within the following described boundaries, to-wit:

All of townships 39, N. R. 6 E.; all of township 38, N. R. 6 E.; and twelve sections of township 37, N. R. 6 E.; four sections of township 39, N. R. 5 E.; three sections of township 38, N. R. 5 E.; making in all 91 square miles of land in Whatcom county, pending determination as to the advisability of including said land within the Washington forest reserve, and

WHEREAS, There is [are] already thirteen hundred square miles of Whatcom and Skagit counties' valuable lands included within this reserve, and the withdrawal of this additional tract will reduce the area of valuable land within Whatcom county to 700 square miles and bring the boundary of the reservation within fifteen miles of the city of Whatcom, which would be most damaging to the future growth of the county and city of Whatcom; and

WHEREAS, The forest to be included in this reserve is of old growth and the accumulation of fallen trees and dense undergrowth renders it impracticable to remove the timber under the provision of the management of the forest reserve, thereby depriving Whatcom county of a great part of here [her] natural resources, and in a great measure retarding the industrial progress of our State; and

WHEREAS, The great Mt. Baker and Methow Valley Mining Districts are yet in their infancy, and for the speedy

development of these mineral resources it is necessary for railroads to penetrate these districts. Creating more reserve which railroads are compelled to cross to reach these mines is not only a hindrance but almost a prohibition to the completion of those already building through the northern part of our State, thereby delaying its development and depriving our State and Whatcom and Skagit counties in particular of large revenues in the way of taxation which would be derived from a speedy development of these resources: Therefore, be it

Resolved, by the Legislature of the State of Washington, That the State of Washington respectfully asks the President of the United States not to include the above described tract of land in the forest reserve as is contemplated by the order of the Hon. the Secretary of the Interior in his letter dated Dec. 18, 1902, and Be it further resolved, That the Secretary of State is hereby instructed to immediately transmit a copy of this memorial to the President of the United States and to each member of the United States Senate and House of Representatives; and that our delegates in Congress be, and are hereby especially requested to exert their influence and use all honorable means to prevent this temporary withdrawal from being placed in the forest reserve.

Passed the Senate January 14, 1903.

Passed the House January 24, 1903.

SENATE MEMORIAL NO. 6.

To the Congress of the United States:

We, your memorialists, the Legislature of the State of Washington, calling to the attention of your honorable body the importance from a commercial as well as military standpoint of the proposed Puget Sound and Grays Harbor Canal, would urge your honorable body to provide at an early date for a survey of the proposed route of such canal by the U. S. Engineers, and a report thereon, for the pur-

pose of ascertaining officially the approximate cost, feasibility and importance thereof.

In support of this memorial we respectfully call to your attention the following facts: The proposed canal has been the subject of an urgent memorial heretofore to the Congress by the Legislature of the State of Washington. It has been endorsed and urged in the platform of the Republican party in this State, and, through that platform, was endorsed by popular vote of the people of the State. It has been very urgently endorsed by the Chambers of Commerce of the leading cities on Puget Sound. The construction of said canal is entirely feasible as to any engineering difficulties, and within a reasonable limit of expense compared with the enormous benefits to be derived. As a commercial proposition it will shorten the distance for water transportation between Puget Sound ports and other Pacific Coast ports by from one to four days' time, and also materially facilitate commerce with the Orient by shortening the distance and creating an alternative and at times a much safer route. As a military safeguard, it will be of immense benefit to the United States in time of war for military and naval purposes by affording an entrance to Puget Sound from the ocean entirely through American territory. The construction of this canal would be of inestimable value to the wheat growers, the lumbermen, the coal miners, and the commercial interests generally of the entire Pacific Northwest. The cost of a survey from the head of Puget Sound to the ocean at the mouth of Chehalis river at Grays Harbor would be slight. A resolution authorizing such survey has heretofore passed the United States Senate. In view of the growing importance of the proposed canal, as population and commerce increase in the Northwest, we earnestly urge the passage at an early day of legislation that will result in an investigation of the whole question.

And your memorialists will ever pray.

Passed the Senate February 13, 1903.

Passed the House February 23, 1903.

Approved by the Governor February 27, 1903.

SENATE MEMORIAL NO. 7.

*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 the Duwamish river flowing into Puget Sound, and its two confluents, the White river and the Black river, are navigable streams, and since the first settlement of the Puget Sound country the use and navigation of these rivers by steamboat and other water craft have been important aids to transportation, the Duwamish and Black rivers being navigable throughout their entire length and the White river being navigable from the Duwamish river to and above the town of Kent. That these rivers are proper subjects for governmental control and improvement, but for many years the government has done nothing towards dredging them or otherwise improving the natural conditions, and as a result sand and debris have been deposited at points in the Duwamish river so that in time of flood the waters of the three rivers are retarded in reaching Puget Sound, to the detriment of navigation and to the great damage of the surrounding country. That the Duwamish, White and Black rivers should be dredged and otherwise improved in the interest of the commerce of the important agricultural and manufacturing district lying between the cities of Seattle and Tacoma, and said improvement should be so made that the surplus waters in time of flood will find easy escape to Puget Sound and so that, during the partial drought prevailing in the dry or summer months, the best possible flow of water affording the deepest channel will be maintained. That a comparatively small expenditure of money in these improvements would be of great public benefit in the way of commerce and navigation, and the subject deserves the early consideration of the general government.

Therefore, your memorialists pray that the Congress of the United States take such action as will insure the early improvement of the Duwamish, White and Black rivers so as

to increase the navigable capacities thereof to such extent as the needs of commerce require.

And your memorialists will ever pray.

Passed the Senate February 13, 1903.

Passed the House February 28, 1903.

Approved by the Governor March 6, 1903.

SENATE MEMORIAL NO. 8.

To the Honorable, the Senate of the United States:

Your memorialists, the Senate and House of Representatives of the State of Washington hereby respectfully represent that it is to the interests of the United States to have large shipyards upon the Pacific Coast; and

WHEREAS, The House of Representatives of the United States is reported to have stricken from the General Appropriation Bill the bonus of four per cent. heretofore granted to Pacific Coast naval contracts, making it impossible for Pacific Coast shipbuilders to take future contracts;

Therefore, your memorialists do pray that your honorable body take such steps as are necessary to have the four per cent. bonus proviso reinstated in such Appropriation Bill, and your memorialists will ever pray.

Passed the Senate February 17, 1903.

Passed the House February 17, 1903.

Approved by the Governor February 25, 1903.

SENATE MEMORIAL NO. 9.

WHEREAS, Under an act of Congress to provide aid to state and territorial homes for the support of disabled soldiers of the United States, approved August 27, 1888 and June 6, 1900, there "shall be paid for each such disabled

soldier and sailor who may be admitted and cared for in such home at the rate of one hundred dollars per annum," and

WHEREAS, In the State of Washington approximately fifty members of the Washington State Soldiers' Home have their quarters immediately outside of said home at Orting in said State; and

WHEREAS, No aid is received by said act of Congress for any of the members who are not admitted and cared for in such home: Now, therefore, be it

Resolved by the Senate [and] the House of Representatives, That the Legislature of the State of Washington hereby respectfully memorializes the Congress of the United States to alter said act of Congress so that aid thereunder may be received for members of said home who do not reside in but who reside outside of the same;

And your petitioners will ever pray.

Passed the Senate March 6, 1903.

Passed the House March 7, 1903.

Approved by the Governor March 16, 1903.

SENATE JOINT MEMORIAL NO. 2.

To the Senate and House of Representatives in Congress Assembled:

Your memorialists, the Senate and House of Representatives of the State of Washington, in legislature assembled, most respectfully represent, that,

WHEREAS, There has been introduced in Congress by Representative W. L. Jones of the State of Washington, a bill providing for the opening of the south half of the Colville Indian reservation in this state, to homestead entries; and

WHEREAS, The opening of said reservation is desired by the people of this State and would provide homes for a large number of families and would also be a positive benefit to the Indians residing thereon.

Your memorialists do most respectfully request that im-

mediate action be taken in opening to settlement this area of land.

Passed the Senate January 29, 1903.

Passed the House February 10, 1903.

Approved by the Governor February 17, 1903.

HOUSE MEMORIAL NO. 11.

*To the Honorable, the Senate and House of Representatives
in Congress assembled:*

WHEREAS, The Pacific Coast from the entrance to Grays Harbor north to Cape Flattery is rock-bound and in stormy and foggy weather extremely dangerous to vessels bound to and from Grays Harbor and Puget Sound; and,

WHEREAS, In view of the numerous shipwrecks and attending loss of life and property and the narrow escape from marine disaster occurring along this part of the coast, and particularly between the entrance to Grays Harbor and the Straits of Fuca, and the present inadequate protection there afforded to vessels and mariners, and of the large and increasing number of vessels bound to and from Grays Harbor and Puget Sound and other ports in the State of Washington, and obliged to pass by or in the vicinity of this part of the coast, and also because attention to the safety of life and property at sea should be and is among the first concerns of a civilized country; and,

WHEREAS, It is the policy of the United States government to establish a lighthouse and fog signal station or other adequate aid and protection to navigation every thirty miles along the coast and in some instances even at a less distance; and,

WHEREAS, There is no lighthouse or fog signal station or other aid or protection to navigation between Destruction Island and Westport Beach on the south side of Grays Harbor, a distance of fifty miles or more; and

WHEREAS, Point Granville is a rocky point about two hundred and fifty feet above sea level projecting into the ocean farther than any point southward, and is situate in

the present Quinault Indian reservation, approximately twenty-four miles south of Destruction Island lighthouse and twenty-six miles north of the Westport Beach lighthouse, thus leaving a section of about twenty miles or more in the vicinity of Point Granville not covered by the arcs of visibility of said two lights; and,

WHEREAS, Vessels bound to Grays Harbor in thick weather go up toward Point Granville so as to obtain their bearings and sail back with a northwest wind, the Grays Harbor bar being smoothest with that wind; and,

WHEREAS, The currents are strong as well as irregular during the winter months, especially in the vicinity of Point Granville, and are frequently seen setting in opposite directions within a short distance of each other; and,

WHEREAS, In the vicinity of Point Granville and the Copalis Rocks near thereto the following named vessels and others not herein mentioned have been wrecked or escaped from wreck with large loss of life and property, within comparatively recent years, namely: Port Gordon, Sir Litja James De Leonbly, Combridge, St. George, Abercorn, Ferndale, Lilly Grace, The Diana, wrecked; and The Zanita, The Pinmore and The Ernest Rayner, afterwards rescued; and,

WHEREAS, The Quinalt Indian Reservation is about to be allotted to the Indians in severalty, and the time is opportune for the government to reserve Point Granville for public governmental purposes; and,

WHEREAS, Former objections to the construction and maintenance of a lighthouse and fog signal station at Point Granville were largely based on cost and difficulty of taking materials and supplies thereto, and which objections are now obviated by the extensions of the Northern Pacific Railway northwesterly from Hoquiam to the Quinault Indian Reservation at Point Granville: Therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Legislature of the State of Washington hereby respectfully memorializes the Congress of the United States to authorize the speedy construction of a lighthouse and fog signal station upon said Point Granville. And your memorialists will ever pray.

Passed the House March 7, 1903.

Passed the Senate March 12, 1903.

Approved by the Governor March 16, 1903.

HOUSE JOINT MEMORIAL NO. 1.

*To the Honorable, Senate and House of Representatives of
the United States in Congress assembled:*

Your memorialists, the Eighth Legislative Assembly of the State of Washington, hereby respectfully represent:

WHEREAS, Theodore Roosevelt, President of the United States, has recommended the enactment of a law restricting the operations of such trusts as are oppressive upon the people of the nation: Therefore, be it

Resolved, That the Representatives of the State of Washington in both branches of Congress are hereby urged to support the President, and to exert every energy in carrying out the policy that the citizens of this State regard as just.

Passed the House February 13, 1903.

Passed the Senate February 20, 1903.

Approved by the Governor March 4, 1903.

HOUSE JOINT MEMORIAL NO. 3.

State of Washington, Eighth Regular Session.

*To the Honorable, the Senate and House of Representatives
of the United States in Congress assembled:*

Your memorialists, the Eight [Eighth] Legislative Assembly of the State of Washington, hereby respectfully represent; that

WHEREAS, The State of Minnesota has memorialized Congress to remove all duty on lumber; and

WHEREAS, The duty on coal has been removed; and

WHEREAS, Lumber and coal are among the chief products of the State of Washington; and

WHEREAS, To remove the duty on lumber would place the manufacturers of lumber of the State of Washington in

competition with the cheap Asiatic labor used in British Columbia in the manufacture of lumber, and also open to such manufacturers the markets in this country now in part controlled by ourselves; and

WHEREAS, The removal of the duty on coal was a severe blow to one of our great industries; and

WHEREAS, The threatened removal of the duty on lumber would cripple and impair this great industry, your memorialists do most respectfully request that the Representatives in both branches of Congress, and they are hereby respectfully instructed to oppose any measure having for its object the removal of the duty on lumber.

Passed the House February 13, 1903.

Passed the Senate February 18, 1903.

HOUSE JOINT MEMORIAL NO. 4.

To the Honorable, Senate and House of Representatives, in Congress assembled:

We, your memorialists, the Legislature of the State of Washington, most respectfully represent:

That in the county of San Juan, in the State of Washington, there are about four thousand acres of the public lands of the United States, reserved from sale and settlement as military reserves.

That these military reserves contain some of the most valuable agricultural lands of said county; and that it is not at all probable that the government of the United States will ever use any considerable portion of this land for the use for which they were reserved, or for any other purpose.

Therefore your memorialists would most respectfully petition your honorable bodies that such action be taken as will restore to the public domain for settlement, all of such lands not required for military purposes, with the exception of the site of the old government fortifications.

And your memorialists will ever pray.

Passed the House February 23, 1903.

Passed the Senate February 26, 1903.

HOUSE JOINT MEMORIAL NO 5.

State of Washington, Eighth Regular Session.

To the Honorable Senate and House of Representatives in Congress assembled:

Your memorialists, the Senate and House of Representatives of the State of Washington, respectfully pray, that

WHEREAS, One Oliver P. M. Hazzard, enlisted in Company "M," 1st Washington U. S. V., and served with that organization until discharged August 10th, 1899, and was thereafter commissioned 1st lieutenant in the 11th Cavalry U. S. V. August 11th, 1899, and was mustered out June 12th, 1901, and was thereafter commissioned 2d lieutenant 3rd U. S. Cavalry June 13th, 1901, to rank from February 2nd, 1901; and

WHEREAS, While with the 1st Washingtons he served as a scout and in command of Company "M" scouts; received special mention for meritorious service, and while in the 11th Cavalry U. S. V. commanded the scouts detailed from that regiment and the 4th U. S. Cavalry and led the advance of that cavalry column under the command of Lieutenant Colonel E. M. Hays; and that he received special mention for meritorious services on many other occasions; and

WHEREAS, He participated in about fifty regular reported engagements and was under fire in addition to this in fully one hundred other encounters of lesser importance; and

WHEREAS, He has been in command of a troop almost continuously since first commissioned and was frequently in command of important posts and expeditions; and he was recommended by Colonel Lockett, 11th U. S. Cavalry, for brevet captaincy; and

WHEREAS, He assisted in the organization of a company of Macabebes, and was in the expedition with this company that resulted in the capture of Aguinaldo, and later on with this same company participated in the campaign against the insurgents in Laguna Province and was personally instrumental in causing the surrender of General Cailles with his entire forces. And while with the same company of Macabebes in the expedition to the Island of Mindoro he

assisted in securing information that led to the capture of Arturo Howard, the deserter; and

WHEREAS, He passed among the highest, of those in the Philippines, who took the examination for a commission in the regular service; and

WHEREAS, There are fifty-three first lieutenants of cavalry that have been appointed to that rank from Feb. 2nd, 1901, and who were formerly junior to the said Oliver P. M. Hazzard, and who had had less commissioned service; and

WHEREAS, We feel that a great injustice has been done to the said Oliver P. M. Hazzard:

Therefore we pray that he may be commissioned 1st lieutenant to rank from the 2nd day of February, 1901, and that you will do all in your power to see that he is given justice for the great services he has rendered to this country.

Passed the House February 10, 1903.

Passed the Senate February 17, 1903.

HOUSE JOINT MEMORIAL NO 7.

State of Washington, Eighth Regular Session.

To His Excellency, Theodore Roosevelt, President of the United States:

Your memorialists, the Eighth Legislative Assembly of the State of Washington, hereby respectfully represent:

WHEREAS, It is represented to this Legislature that there are confined within the limits of the Olympia Forest Reserve certain lands within the Quinault Valley that are strictly agricultural and have been settled up for a period of more than twelve years, which was some years before the establishment of said reserve; and

WHEREAS, A request has been made by the residents of said Quinault Valley, in said Olympia Forest Reserve, asking this Legislature to co-operate with them in an effort to secure the elimination of all agricultural lands within said valley together with a small strip of land between their locality and the southern limit of the reserve, to the end that

they may enjoy the educational and social advantages desired by a progressive people, and that they may be able to maintain a road over which to market their products and get their supplies.

And in our opinion this request should be granted them at as early a date as possible for the following reasons:

First. For the reason that they are bona fide settlers, and have spent all their means, and a good part of their lives in hewing themselves a home out of the woods, and in opening up what was formerly an unbroken wilderness.

Second. For the reason that the lands that they are asking to have eliminated are strictly agricultural lands and are supporting the present population and would support and provide homes for a great many additional people, and for the further reason that they are of no particular benefit to the reserve as a forest reserve.

Third. For the reason that this is a very expensive country in which to build and maintain a highway, and unless there [is] some taxable land between them and civilization, which will produce some revenue to help in maintaining a road, it will be impossible for them, in their limited means to construct and keep in repair a suitable road that will answer their purpose for marketing their products and getting supplies.

Believing that it is not the desire of the Interior Department to work any hardships to settlers, settling upon lands prior to the establishment of the Forest Reserves, and that it is not the intention to withhold agricultural lands from settlement, and that the arguments that forests are necessary to produce a uniform temperature, thus furnishing moisture for irrigation or decrease freshets do not apply in this case as the greater part is strictly agricultural lands and only enough that may be considered timber in any respect to assist in maintaining and building a public road to civilization.

Therefore we ask that you use your efforts with the Secretary of the Interior to whom their petition has been sent, to have said petition granted, as it is manifestly an injustice to said people to allow conditions to remain as they are at this time.

Passed the House February 13, 1903.

Passed the Senate February 20, 1903.

HOUSE JOINT MEMORIAL NO. 9.

Protest against the proposed forest reserve in Skagit county, Washington.

WHEREAS, By a recent order of Secretary of the Interior, certain timber lands in the State of Washington have been temporarily withdrawn from settlement and placed in forest reserve; and

WHEREAS, This order includes three separate tracts, containing over three hundred thousand acres of the best timber in Skagit county; and

WHEREAS, A great part of this land has been settled upon by homesteaders and squatters who have located upon the same in good faith and have fully complied with the law, intending to build up homes for themselves and families; and

WHEREAS, If the aforesaid tracts be withdrawn from further entry these homebuilders will, in many cases, be deprived of the benefits of schools; they will be shut off from a chance of social advantages and otherwise permanently banished to solitude or else compelled to give up their hard earnings and lose all the labor already done; and

WHEREAS, Thousands of acres in the proposed reserve are susceptible of being reduced to a rich state of cultivation, thus providing future homes for hundreds of people; and

WHEREAS, The timber in the aforesaid tracts has nearly all attained a large size, which retards the growth of the young trees; the big trees are affected by worms and are beginning to decay, for which reason it would be of more benefit to the people in general to allow the manufacture of lumber to continue than to let the overgrown trees stand, subject to slow decay and exposed to the ravages of fire; and

WHEREAS, The tracts proposed to be reserved in Skagit county lie contiguous to a region long settled by thrifty citizens, the towns of Mansford and Marblemount being even included within one of the areas so set off and another reaching to within about three miles of the corporate limits of the town of Hamilton; and

WHEREAS, The forming of these new reserves will not only stop the further development of this rich country, but will,

in numerous instances, practically ruin villages already established, together with their environments; and

WHEREAS, Lumbering having assumed great proportions in Washington, the withdrawal of such large bodies of marketable timber will deal a serious blow to the State by crippling one of its chief industries; and

WHEREAS, There are no streams of importance heading on the proposed reserves in Skagit county, the water supply will receive no beneficial results, and it furthermore appearing that no good can arise from such reservation, but many evils: Therefore, be it

Resolved, That we do most earnestly and emphatically protest against the setting aside of the aforesaid tracts in Skagit county, as forest reserve, and we do most respectfully petition the Honorable the Secretary of the Interior to take such action as will speedily and permanently restore the aforesaid lands to entry by bona fide settlers; be it further

Resolved, That a copy of these resolutions be sent to the President of the United States, one to the Secretary of the Interior, and one to each of our Senators and Representatives in Congress.

The following is a description of the proposed forest reserve in Skagit county:

Beginning at the northwest corner of Township 36 north, range 7 east, Willamette Meridian, Washington; thence easterly along the ninth standard parallel north to the point for the northeast corner of section 5, township 36 north, range 8 east; thence southerly to the southeast corner of section 20, said township; thence westerly along the section lines to the southwest corner of section 19, township 36 north, range 7 east; thence northerly to the northwest corner of said township, the place of beginning.

Beginning at the northwest corner of township 36 north, range 9 east, Willamette Meridian, Washington; thence easterly along the surveyed and unsurveyed ninth standard parallel north to the northeast corner of township 36 north, range 11 east; thence southerly along the surveyed and unsurveyed range line to the point for the intersection of the eighth standard parallel north; thence westerly to the southeast corner of township 33 north, range 10 east; thence northerly along the surveyed and unsurveyed range line to the northwest corner of township 35 north, range 11 east;

thence westerly along the surveyed and unsurveyed township line to the south west corner of township 36 north, range 9 east; thence northerly to the northwest corner of said township the place of beginning.

Beginning at the north east corner of section 4, township 34 north, range 5 east, Willamette Meridian, Washington; thence easterly to the southeast corner of township 35 north, range 6 east; thence northerly to the southwest corner of section 19, township 35 north, range 7 east; thence easterly along the section lines to the southeast corner of section 24, township 35 north, range 8 east; thence southerly to the point for the southeast corner of section 18, township 34 north, range 9 east; thence easterly to the northeast corner of section 23, said township; thence southerly to the southeast corner of section 35, said township; thence easterly to the southeast corner of said township; thence southerly to the southeast corner of township 33 north, range 10 east; thence westerly along the eighth standard parallel north, to the southeast corner of township 33 north, range 7 east; thence northerly to the northeast corner of said township; thence westerly to the southeast corner of section 33, township 34 north, range 5 east; thence northerly to the northeast corner of section 4, said township, to the place of beginning.

Passed the House February 6, 1903.

Passed the Senate February 11, 1903.

Approved by the Governor March 4, 1903.

HOUSE JOINT MEMORIAL NO. 10.

*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 Grays river in Wahkiakum county, in the State of Washington, which flows into the Columbia river, is navigable and now used as a channel of commerce and ways of transportation but by reasons of bars and snags in said

stream 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 said stream now has considerable population and is rapidly filling up with industrious and enterprising people, but the settlement thereof is greatly retarded by 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 stream for navigation as could be made at small expense, said district would be capable of supporting a 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 inconvenient except by the means of the navigation of said stream.

Your memorialists, therefore, pray that said stream be placed upon the list of streams to be surveyed and examined with reference to improvements to be made for its navigation, to the end that suitable appropriations may be made; and your memorialists will ever pray.

Passed the House February 23, 1903.

Passed the Senate February 26, 1903.

Approved by the Governor March 4, 1903.

HOUSE JOINT RESOLUTION NO. 2.

WHEREAS, The All Wise Ruler of our being has since the last session of the Legislature of the State of Washington seen fit to remove from our midst our beloved President William McKinley, and

WHEREAS, Our nation recognizing in William McKinley the qualities ideal to the American mind, expressed its appreciation of the same by twice bestowing upon him the highest honor at its command; and

WHEREAS, His readiness to lay aside self; his desire to serve his country as soldier, statesman or citizen; his effort to better the condition of its people shall ever beckon us and ours to strive for a greater country and a better life. Realiz-

ing the great loss our people have sustained by his untimely death, in behalf of the State of Washington: Therefore be it

Resolved by the House, the Senate concurring, That in the death of William McKinley, humanity has lost a friend ever ready to serve; the nation a guide sincere and loyal; his wife a tender and loving husband; and be it further

Resolved, That we, deploring the sad circumstances of his death and honoring his memory, direct the clerk of each House to spread these resolutions upon the minutes as an expression of respect and tribute and to transmit an enrolled copy to the family of our late President.

Passed the House February 10, 1903.

Passed the Senate February 13, 1903.

HOUSE JOINT RESOLUTION NO. 5.

WHEREAS, The dredging of the mouth of the Skagit river, one of the tributaries of Puget Sound, is of vital importance to navigation and the commerce of the State: Therefore be it

Resolved by the House of Representatives of the State of Washington, the Senate concurring, That the Congress of the United States be urged to take immediate action relative thereto, and the United States Senators from the State of Washington be instructed, and the members of the House of Representatives of the United States from the State of Washington, be requested to use their utmost endeavors to secure prompt and favorable action thereon to the end that an appropriation of not less than fifty thousand dollars be made for the clearing and dredging of the said Skagit river.

Passed the House February 10, 1903.

Passed the Senate February 13, 1903.

Approved by the Governor March 4, 1903.

HOUSE JOINT RESOLUTION NO. 10.

WHEREAS, Almighty God, in His Infinite Wisdom, has removed by death the Honorable John Beard Allen; and

WHEREAS, In his death the State has lost its foremost citizen and public servant; be it

Resolved by the House of Representatives, the Senate concurring, That in recognition of the long and distinguished services rendered to this State by Senator Allen, appropriate service be held in the Hall of the House of Representatives on Thursday the 12th day of February, 1903, at 2:30 p. m., and that opportunity be then given for tributes to his memory.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House and Senate at the conclusion of said services do stand adjourned.

Resolved, That the clerk of the House be instructed to transmit a copy of these resolutions suitably engrossed to the family of said deceased.

Passed the House February 6, 1903.

Passed the Senate February 11, 1903.

HOUSE JOINT RESOLUTION NO. 11.

Resolved by the House of Representatives, the Senate concurring, That the Eighth Legislature of the State of Washington, now in session, does hereby extend to our honored President Theodore Roosevelt, an earnest invitation to visit the State of Washington on his proposed western trip to the Pacific Coast, and to accept the hospitality of our State during his sojourn with us, and

Resolved further, That the clerk of this House be instructed to communicate this resolution to His Excellency the President of the United States.

Passed the House February 9, 1903.

Passed the Senate February 13, 1903.

AUTHENTICATION.

STATE OF WASHINGTON,
OFFICE OF THE SECRETARY OF STATE.

I, Sam H. Nichols, Secretary of State of the State of Washington, and custodian of the seal of said State, do hereby certify that I have carefully compared the foregoing published laws, memorials and resolutions, passed by the Legislature of the State of Washington at its eighth session, from January 12th to March 12th, inclusive, in 1903, with the original enrolled laws, memorials and resolutions on file in my office, and find the same to be full, true and correct copies of said originals, with the exception of such corrections in orthography and use of words, as indicated by the use of brackets, thus [], in each case, as provided by law.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at the Capitol, at Olympia, this thirty-first day of March, A. D., 1903.

SAM H. NICHOLS,
Secretary of State.

LIST OF ACTS

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2..	AN ACT for the relief of the widow of the late Governor of the State of Washington, His Excellency, Governor John R. Rogers.—Approved January 20, 1903.....	3
3..	AN ACT for the appropriation of money to defray the expenses of the Grain Inspection Department and declaring an emergency therefor.—Approved February 4, 1903.....	4
4..	AN ACT making a deficiency appropriation for the State Agricultural College and School of Science for the fiscal period ending March 31st, 1903.—Approved February 4, 1903.....	5
5..	AN ACT to amend section 66 of an act entitled "An act relative to crimes and punishments and proceedings in criminal cases," approved December 1st, 1881, "and defining robbery and fixing the punishment therefor."—Approved February 5, 1903.....	5
6..	AN ACT to amend sections 1 and 2 of an act entitled "An act in relation to conditional sales and leases of personal property," approved March 10, 1893.—Approved February 10, 1903.....	6
7..	AN ACT in relation to prosecuting attorneys and amending section 6 of an act entitled "An act in relation to attorneys," approved February 26, 1891, (the same being section 4756 of Ballinger's Code and section 4185 of Pierce's Code), and declaring an emergency.—Approved February 10, 1903.....	7
8..	AN ACT providing for the appointment of one additional judge of the Superior Court of the State of Washington in and for King county, fixing the term of office of the judge appointed, and providing for the election of five judges of said Superior Court at the general state election in November, 1904, and every four years thereafter, and declaring an emergency.—Approved February 13, 1903.....	8

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9..	AN ACT for the relief of the Olympia Light and Power Company, of Olympia, Washington, for the lighting of the state offices during the months of April, May, June and July, 1897, and making an appropriation therefor.—Approved February 17, 1903	9
10..	AN ACT to amend an act entitled "An act relating to the payment of witness fees to public officers," approved March 16th, 1901.—Approved February 17, 1903.....	10
11..	AN ACT appropriating money to cover deficiency for future appraisement, cruising and advertising the sale of land and timber on state land, and filing fees in the United States land offices, and future contingent expenses in the office of the Commissioner of Public Lands.—Approved February 18, 1903..	11
12..	AN ACT making appropriation for the State Penitentiary.—Approved February 18, 1903.....	11
13..	AN ACT defining larceny of fixtures attached to real estate, or possessory claim of another person and providing a penalty.—Approved February 21, 1903.....	12
14..	AN ACT to punish unlawful or malicious injury to or destruction of personal property and providing a penalty therefor.—Approved February 21, 1903.....	13
15..	AN ACT relating to the matter of official seals for county treasurers and to cure defects arising from a failure to heretofore provide for such official seals, and declaring an emergency.—Approved February 21, 1903.....	13
16..	AN ACT making appropriations for the maintenance and sundry expenses for the various state educational institutions for the fiscal term beginning April 1, 1903, and ending March 31, 1905.—Approved February 24, 1903.....	14
17..	AN ACT making appropriations for the salaries and expenses of the State Board of Control and for the maintenance and sundry expenses of the various State penal, reformatory and charitable institutions for the fiscal term beginning April 1, 1903, and ending March 31, 1905.—Approved February 24, 1903.	16
18..	AN ACT making an appropriation for defraying the expenses of the celebration of the 50th anniversary of the formation of the Territory of Washington.—Approved February 25, 1903.....	18
19..	AN ACT relating to the practice in justice courts and amending section[s] 6546, 6547 and 6548 of Ballinger's Annotated Codes and Statutes of Washington.—Approved February 26, 1903....	18

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20..	AN ACT authorizing county commissioners of each county in the State to build and maintain wharves and landings, on the shores of any navigable waters or water courses within or bordering upon their respective counties, and for that purpose to institute and prosecute proceedings to acquire right-of-way therefor under the statutes of eminent domain in this State and declaring an emergency.—Approved February 26, 1903...	20
21..	AN ACT changing the corporate name of the town of "Sidney," in Kitsap County, State of Washington, a municipal corporation of the fourth class, to "Port Orchard."—Approved February 26, 1903.....	21
22..	AN ACT changing the corporate name of the town of "Port Orchard," in Kitsap County, Washington, a municipal corporation of the fourth class, to "Charleston."—Approved February 26, 1903	22
23..	AN ACT relating to the tide lands of Aberdeen, and providing for the platting, appraisalment and sale thereof, and declaring void the Harbor Line Commissioner's map of Aberdeen heretofore filed, and providing for the establishment and leasing of harbor areas therein, and making an appropriation for such purposes, and declaring an emergency.—Approved February 26, 1903	22
24..	AN ACT relating to the defence of the statute of limitations in actions brought by or for the benefit of the State or any of its municipalities, amending section 35 of the Code of Civil Procedure of Washington, of 1881, the same being section 4807 of Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency.—Approved February 27, 1903.....	26
25..	AN ACT providing for the rate of interest to be paid on bonds of Jefferson county and owned by the State of Washington, and declaring an emergency.—Approved February 27, 1903.....	27
26..	AN ACT to amend section 1 of and adding section 2½ and section 4½ to an act entitled "An act providing for the creation of the office of State Veterinary Surgeon and defining his duties," approved March 22, 1895.—Approved February 27, 1903..	28
27..	AN ACT to amend section two (2), of an act entitled "An act authorizing cities and towns, other than cities of the first class, to construct sewers and drains within assessment districts, and to levy and collect special assessments and taxes to pay therefor, and declaring an emergency," approved March 14, 1899.—Approved March 4, 1903.....	30

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29..	AN ACT to amend section 130 of an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations and declaring an emergency," approved March 27th, 1890.—Approved March 4, 1903	33
30..	AN ACT amending sections 3 and 6 of an act entitled "An act relating to justices of the peace and constables in cities of the first class and fixing their number and salaries and providing for making one of the justices elected in such cities a police justice, and defining his duties, jurisdiction and powers," approved March 13, 1899, being Chapter LXXXV of Session Laws of 1899, and declaring an emergency.—Approved March 4, 1903.	34
31..	AN ACT to amend section 166 of an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations and declaring an emergency," approved March 27th, 1890.—Approved March 4, 1903.	35
32..	AN ACT to provide for the purchase of additional land adjoining the grounds upon which is located the main building of the School for Defective Youth and making an appropriation therefor.—Approved March 5, 1903.....	36
33..	AN ACT providing for the appointment and qualification of an Assistant Commissioner of Public Lands, and declaring an emergency.—Approved March 5, 1903.....	37
34..	AN ACT relating to the sale of certain articles of merchandise, providing for licensing the same, and prescribing a penalty for the violation thereof.—Approved March 5, 1903.....	38
35..	AN ACT fixing the time from which the term of the sentence of persons convicted of felony shall commence to run, and repealing all acts and parts of acts in conflict herewith.—Approved March 5, 1903.....	39
36..	AN ACT for the relief of the Washington State Sugar Company.—Approved March 6, 1903.....	40

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38..	AN ACT to amend section 3753 of Ballinger's Annotated Codes and Statutes of Washington, relating to drainage districts.—Approved March 6, 1903.....	42
39..	AN ACT relating to the tide lands of the City of Hoquiam and providing for the platting, appraisement and sale thereof, and declaring void the Harbor Line Commissioner's maps of Hoquiam heretofore filed, and providing for the establishment and leasing of harbor areas therein, and making an appropriation for such purposes, and declaring an emergency.—Approved March 6, 1903.....	43
40..	AN ACT providing for a Superior Judge for the Counties of Chelan, Douglas, Okanogan and Ferry, in the State of Washington, and declaring an emergency.—Approved March 6, 1903...	46
41..	AN ACT to amend section 6 of an act entitled "An act in relation to attachments and garnishments," approved February 3rd, 1886, the same being section 515 of Pierce's Washington Code, section 5355 of Ballinger's Annotated Statutes and Codes of Washington, and section 293 of volume two of Hill's Annotated Statutes and Codes of Washington.—Approved March 6, 1903.....	47
42..	AN ACT to create and establish a standard size of certain fruit boxes for the State of Washington.—Approved March 6, 1903..	49
43..	AN ACT relating to jury trials in the Superior Court, providing for the payment by litigants of certain jury fees and repealing section 5028 of Ballinger's Annotated Codes and Statutes of the State of Washington.—Approved March 6, 1903.....	50
44..	AN ACT declaring it to be a part of the public policy of the State of Washington that all public work for it, or any political subdivision created by its laws, shall be performed in work days of not more than eight hours each, except in cases of extraordinary emergency, with provision for carrying out such policy.—Approved March 7, 1903.....	51
45..	AN ACT defining criminal anarchy, and prescribing penalties for those who advocate, advise or teach criminal anarchy, or cause or permit the publication of the doctrines thereof, or who participate in an assemblage of anarchists.—Approved March 7, 1903.....	52

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47..	AN ACT to provide for the close season for trout fishing in the streams and lakes within the County of Chelan, and declaring an emergency.—Approved March 7, 1903.....	54
48..	AN ACT providing for the compulsory attendance in school of children between the ages of eight and fifteen years and prescribing penalties and repealing all acts and parts of acts in conflict herewith.—Approved March 7, 1903.....	55
49..	AN ACT providing for the protection of orphan, homeless, neglected or abused children and conferring powers upon Judges of the Superior Court, the County Commissioners and charitable societies to receive, control and dispose of the same, and repealing an act entitled, "An act for the protection of orphan, homeless, neglected or abused children, and conferring powers upon Judges of the Superior Court, the County Commissioners and charitable societies to receive, control and dispose of the same and declaring an emergency," approved February 14, 1899.—Approved March 7, 1903.....	58
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58..	AN ACT to provide for the arbitration and settlement of differences between employers and employes, making an appropriation therefor and declaring an emergency.—Approved March 9, 1903	71
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EXPLANATORY NOTE.

All acts of the Legislature contained in this volume take effect ninety days after the adjournment of the Legislature, except those having an emergency clause, or otherwise specially provided for. The Legislature convened January 12th, 1903, and adjourned sine die March 12th, 1903. All laws passed at said session, except as above stated, take effect at twelve o'clock, midnight, June 11th, 1903.

SAM H. NICHOLS,
Secretary of State.

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VETOED BILLS.

(Note by Indexer).—The following bills were introduced during the eighth session and vetoed in whole by the Governor and therefore do not appear in the printed laws :

- H. B. No. 372—Relative to procedure in manner of appropriation of private property by corporations. Passed both House and Senate.
- H. B. No. 305—Relative to commitment and working of persons for non-payment of fines and costs. Passed both branches.
- H. B. No. 353—To amend Code of Public Instruction relative to expense of indigent pupils. Passed both branches.
- H. B. No. 313—Providing for raming pictures of the several legislative groups and constitutional convention for preservation in new Capitol building, and making appropriation therefor. Passed both branches.
- H. B. No. 122—To provide for the extermination of coyotes and wolves, payment of bounties on, and making appropriation. Passed by both branches.
- H. B. No. 380—To encourage the production and manufacture of sugar in State of Washington. Passed by both branches.
- S. B. No. 85—For relief of the Puget Saw Mill and Shingle Company. Passed by both branches.
- H. B. No. 192—To provide for establishment and maintenance of branch of State Soldiers' Home, etc. Passed by both branches.
- S. B. No. 169—For relief of E. G. Bickerton for services as licensed auctioneer in sale of certain school lands, etc. Passed by both branches.
- H. Sub. B. No. 30—Providing for survey, establishment and repair of certain State highways. Passed by both branches.
- H. Sub. B. No. 145—Providing for an election on the liquor question. Passed by both branches.
- H. B. No. 43—Providing for assessment and taxation of mining claims. Passed by both branches.